

Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Directive	2017/0290(COD) Procedure lapsed or withdrawn
Combined transport of goods between Member States	
Subject 3.20.07 Combined transport, multimodal transport	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	TRAN Transport and Tourism		
	Former committee responsible		
	TRAN Transport and Tourism		
	Committee for opinion	Rapporteur for opinion	Appointed
	ENVI Environment, Public Health and Food Safety		
Council of the European Union	Council configuration	Meeting	Date
	Transport, Telecommunications and Energy	3623	07/06/2018
European Commission	Commission DG	Commissioner	
	Mobility and Transport	ŠEFČOVIČ Maroš	
European Economic and Social Committee European Committee of the Regions			

Key events			
08/11/2017	Legislative proposal published	COM(2017)0648	Summary
29/11/2017	Committee referral announced in Parliament, 1st reading		
07/06/2018	Debate in Council	3623	
09/07/2018	Vote in committee, 1st reading		
16/07/2018	Committee decision to open interinstitutional negotiations with report adopted in committee		
19/07/2018	Committee report tabled for plenary, 1st reading	A8-0259/2018	
10/09/2018	Committee decision to enter into interinstitutional negotiations announced in plenary (Rule 71)		

12/09/2018	Committee decision to enter into interinstitutional negotiations confirmed by plenary (Rule 71)		
27/03/2019	Results of vote in Parliament		
27/03/2019	Decision by Parliament, 1st reading	T8-0308/2019	Summary
24/09/2019	Committee decision to open interinstitutional negotiations after 1st reading in Parliament		
09/10/2019	Committee decision to enter into interinstitutional negotiations announced in plenary (Rule 72)		
29/09/2020	Proposal withdrawn by Commission		

Technical information	
Procedure reference	2017/0290(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
Legal basis	Treaty on the Functioning of the EU TFEU 091-p1
Other legal basis	Rules of Procedure EP 159
Mandatory consultation of other institutions	European Economic and Social Committee European Committee of the Regions
Stage reached in procedure	Procedure lapsed or withdrawn
Committee dossier	TRAN/8/11629

Documentation gateway					
Legislative proposal		COM(2017)0648	08/11/2017	EC	Summary
Document attached to the procedure		SWD(2017)0362	09/11/2017	EC	
Document attached to the procedure		SWD(2017)0363	09/11/2017	EC	
Committee draft report		PE619.311	21/03/2018	EP	
Committee opinion	ENVI	PE618.208	17/05/2018	EP	
Amendments tabled in committee		PE622.152	18/05/2018	EP	
Committee of the Regions: opinion		CDR6151/2017	05/07/2018	CofR	
Committee report tabled for plenary, 1st reading/single reading		A8-0259/2018	19/07/2018	EP	
Text adopted by Parliament, 1st reading/single reading		T8-0308/2019	27/03/2019	EP	Summary
Commission response to text adopted in plenary		SP(2019)437	30/07/2019	EC	

Additional information	
Research document	Briefing

Combined transport of goods between Member States

PURPOSE: to promote the transition from road freight to more environmentally friendly modes of transport.

PROPOSED ACT: Directive of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: reducing the negative impact of transport activities remains one of the main goals of the Union's transport policy. With the Paris Agreement on Climate Change in force, the transition to a modern and low-carbon economy will need to accelerate.

[Council Directive 92/106/EEC](#) which establishes measures to encourage the development of combined transport, is the only legislative act of the Union to directly incentivise the shift from road freight to lower emission transport modes such as inland waterways, maritime and rail.

However, since the Directive was adopted in 1992, some of these conditions, e.g. the use of paper transport documents and stamps as proof of eligibility for combined transport and the freight market environment have undergone considerable changes.

While the Directive has helped shift a considerable amount of freight away from road, shortcomings in the implementation of that Directive and the limited scope of its support measures, have significantly reduced its impact.

According to estimations, the goal of reaching 30% of road freight over 300 km shifted to other modes of transport such as rail or waterborne transport by 2030, and more than 50% by 2050, in order to optimise the performance of multimodal logistic chains, including by making greater use of more energy-efficient modes, has been slower than expected and according to the current projections, will not be reached.

In order to improve the competitiveness of combined transport compared to long-distance road freight, thereby strengthening the shift to other modes for the transport of goods, the Commission considers that a revision of the Directive is necessary in order to: (i) clarifying and extending the definition of combined transport; (ii) improving the monitoring of eligibility and enforcement conditions; (iii) increasing the effectiveness of incentives; and (iv) improving the reporting and monitoring conditions of the Directive.

IMPACT ASSESSMENT: the strategic option chosen aims to simplify the eligibility criteria, better define the enforcement conditions and broaden the economic support measures.

CONTENT: this initiative aims to support multimodality and strengthen the shift from road freight by addressing the shortcomings of the existing legislation (Directive 92/106/EEC) and in particular by extending its scope using a broader set of possible support measures.

In concrete terms, the proposal aims to:

- review the definition of combined transport by extending its scope to national services and by further specifying the maximum distance of the road leg as 150 km or 20 % of the total distance, irrespective of the non-road leg type (rail, inland waterways or maritime), while ensuring that flexibility is allowed due to specific geographical or operational constraints in Member States;
- extend the economic support measures put in place by the Member States, i.e. investment support and operational support (e.g. vehicle tax breaks) and additional support measures that Member States may adopt to complement existing ones in order to reduce the cost of a combined transport operation and to make it more competitive compared to the equivalent road-only operation;
- specifies which documents an operator must provide to demonstrate the existence of combined transport and receive assistance from the State. Thus, the proposal: (i) defines the condition for road transport to be considered as part of a combined transport operation; (ii) lists and details the data to be provided as evidence; (iii) states that no additional document shall be required to prove the combined transport operation; (iv) provides the conditions of presentation of the evidence, including for the purposes of a roadside check. The Commission proposes to use documents in electronic format more efficiently;
- introduces the obligation for Member States to report to the Commission, 18 months after the date for transposition of the Directive, data on the conditions of the combined transport market in their territory, including on the relevant infrastructure and the adopted national support measures.

DELEGATED ACTS: the proposal contains provisions empowering the Commission to adopt delegated acts in accordance with Article 290 of the Treaty on the Functioning of the European Union.

Combined transport of goods between Member States

The Committee on Transport and Tourism adopted the report by Daniela AIUTO (EFDD, IT) on the proposal for a directive of the European Parliament and of the Council amending Directive 92/106/EEC on the establishment of common rules for certain types of combined transport of goods between Member States.

The purpose of the proposal is to revise Directive 92/106/EEC on combined transport in order to facilitate its operation, in particular by extending its scope, with a wider range of possible support measures. The objective would be to create a resource-efficient multimodal transport network and reduce the negative impacts of transport in terms of air pollution, greenhouse gas emissions, accidents, noise pollution and congestion.

Scope and definitions

Members proposed to better define the vehicles included in the scope of the Directive, making a distinction between vehicles/load units accompanied or not by their drivers. It is necessary to clarify that cranable trailers and semi-trailers are allowed to have a gross weight of 44 tonnes if the loading units are identified according to international standards ISO6346 and EN13044.

Each road leg shall not exceed 150 km in distance in the territory of the Union. Member States on whose territory the road leg takes place may allow the distance limit of the road segment to be exceeded for combined rail/road transport operations under clear conditions and according to criteria applicable to the whole Union. Such excess should be duly justified. Member States may reduce the 150 km length of the road leg by up to 50%.

Members specified that the road leg and/or non-road leg or the part thereof taking place out of the territory of the Union shall not be considered to be part of the combined transport operation.

Evidence and digital means

Member States shall ensure that road transport is considered forming part of a combined transport operation covered by this Directive only if the carrier can produce information providing clear evidence that such road transport constitutes a road leg of a combined transport operation and if that information is duly transmitted to the haulier carrying the transport operation before the start of the operation. Members specified the list of information that drivers must provide during roadside checks.

In case of road side checks, it shall be presented within the duration of such check, and within a maximum of 45 minutes.

The evidence may be provided through existing transport documents such as the consignment notes provided for under existing international or national transport conventions, until a standardised form is laid down by the Commission by way of implementing acts. Member States authorities shall be required to accept electronic information related to the evidence.

Member States shall move towards a gradual dematerialisation of documentation, and shall provide for a transitional period until the use of the paper format has been fully abandoned.

Social protection for drivers

In order to ensure the social protection of drivers performing activities in another Member State, Members considered that the provisions on the secondment of drivers laid down in Directive 96/71/EC of the European Parliament and of the Council and those on the implementation of those provisions laid down in Directive 2014/67/EU of the European Parliament and of the Council should apply to road legs in all types of operations.

Measures to support combined transport

Member States should prioritise investment in transshipment terminals to reduce bottlenecks and congestion areas, in particular near urban and sub-urban areas, in order to make it easier to cross natural barriers such as mountain areas, to improve cross-border connections, to reduce harmful airborne emissions and to improve access to and from industrial areas which lack such infrastructure.

Economic support measures may include, inter alia:

- the reduction of certain taxes or transport fees, grants for intermodal load units effectively transported in combined transport operations, or the partial reimbursement of transshipments cost;
- fostering the integration of connected systems and the automation of operations as well as investment in digital logistics, innovative freight handling systems information and communications technologies and intelligent transport systems;
- boosting the environmental performance, efficiency and sustainability of combined transport by encouraging the use of clean or low-emission vehicles and alternative fuels.

Measures to support combined transport operations could benefit from some flexibility to encourage the use of State aid.

By 31 December 2021, Member States shall take additional measures of an economic and legislative nature, to improve the competitiveness of combined transport operations as compared to equivalent alternative road transport operations, in particular with a view to reducing the time and costs involved in transshipment operations.

Evaluation and monitoring

The Commission shall be responsible for the proper implementation of this Directive and for achieving the objective of developing combined transport EU-wide by 2030 and 2050. To that end, it shall regularly assess progress in increasing the share of combined transport in each Member State, on the basis of the information provided by the Member States, and should, if necessary, present a proposal to amend to this Directive with a view to achieving that Union-wide objective.

Combined transport of goods between Member States

The European Parliament adopted by 497 votes to 78 with 52 abstentions, a legislative resolution on the proposal for a directive of the European Parliament and of the Council amending Directive 92/106/EEC on the establishment of common rules for certain types of combined transport of goods between Member States.

Parliaments position adopted in first reading following the ordinary legislative procedure amended the Commissions proposal as follows:

Purpose

The proposal for the revision of Directive 92/106/EEC aims to make combined transport competitive with road transport and has as its overall aim the establishment of a resource-efficient multimodal transport network and reduction of the negative impact of transport on air pollution, greenhouse gas emissions, accidents, noise and congestion.

Scope and definitions

Parliament proposed to better define the vehicles included in the scope of the Directive, making a distinction between vehicles/load units accompanied or not by their drivers.

Each road leg shall not exceed 150 km in distance in the territory of the Union. Member States on whose territory the road leg takes place may allow the distance limit of the road segment to be exceeded for combined rail/road transport operations under clear conditions and according to criteria applicable to the whole Union. Such excess should be duly justified. Member States may reduce the 150 km length of the road leg by up to 50%.

Members specified that the road leg and/or non-road leg or the part thereof taking place out of the territory of the Union should not be considered to be part of the combined transport operation.

Evidence and digital means

Road transport will be considered as forming part of a combined transport operation covered by the Directive only if the carrier can produce information providing clear evidence that such road transport constitutes a road leg of a combined transport operation and if that information is duly transmitted to the haulier carrying the transport operation before the start of the operation. Members specified the list of information that drivers must provide during roadside checks.

In case of road side checks, evidence shall be presented within the duration of such check, and within a maximum time of 45 minutes (or within 5 working days following the check to the competent authority of the Member State concerned)

The evidence may be provided through existing transport documents such as the consignment notes provided for under existing international or national transport conventions, until a standardised form is laid down by the Commission by way of implementing acts. Member States authorities shall be required to accept electronic information related to the evidence.

Member States shall move towards a gradual dematerialisation of documentation, and shall provide for a transitional period until the use of the paper format has been fully abandoned.

Social protection for drivers

In order to ensure the social protection of drivers performing activities in another Member State, Members considered that the provisions on the secondment of drivers laid down in Directive 96/71/EC of the European Parliament and of the Council and those on the implementation of those provisions laid down in Directive 2014/67/EU of the European Parliament and of the Council should apply to road legs in all types of operations.

In addition, in the event of cabotage operations, the rules on cabotage transport laid down in Regulation 1072/2009 should apply to the road legs which are part of a domestic combined transport operation.

Measures to support combined transport

Member States should prioritise investment in transshipment terminals to reduce bottlenecks and congestion areas, in particular near urban and sub-urban areas, in order to make it easier to cross natural barriers such as mountain areas, to improve cross-border connections, to reduce harmful airborne emissions and to improve access to and from industrial areas which lack such infrastructure.

Measures may relate to:

- the construction, in areas where no suitable facilities are available within the distance limit), of transport terminals or the installation of transshipment points for combined transport;

- the expansion, in areas where additional terminal capacity is needed, of existing terminals or the installation of additional transshipment points and, following an assessment of the economic impacts showing that the market would not be negatively affected and that new terminals are necessary, and provided that environmental concerns have been taken into account, the construction of new terminals for combined transport;

By 31 December 2021, Member States shall take additional measures of an economic and legislative nature , to improve the competitiveness of combined transport operations as compared to equivalent alternative road transport operations, in particular with a view to reducing the time and costs involved in transshipment operations .

Economic support measures may include, inter alia:

- the reduction of certain taxes or transport fees, grants for intermodal load units effectively transported in combined transport operations, or the partial reimbursement of transshipments cost;

- fostering the integration of connected systems and the automation of operations as well as investment in digital logistics, innovative freight handling systems information and communications technologies and intelligent transport systems;

- boosting the environmental performance, efficiency and sustainability of combined transport by encouraging the use of clean or low-emission vehicles and alternative fuels.

Measures to support combined transport operations could benefit from some flexibility to encourage the use of State aid.

Evaluation and monitoring

The Commission shall be responsible for the proper implementation of the Directive and for achieving the objective of developing combined transport EU-wide by 2030 and 2050. To that end, it shall regularly assess progress in increasing the share of combined transport in each Member State, on the basis of the information provided by the Member States, and should, if necessary, present a proposal to amend to the Directive with a view to achieving that Union-wide objective.