

# Amendment of the Combined Transport Directive

Fields marked with \* are mandatory.

## Introduction

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This consultation questionnaire aims at providing the general public a possibility to express their views on the policy options available for the amendment of the Combined Transport Directive and on their potential impacts. It builds on the results of the public consultation carried out in 2014 which addressed the issues of need for amendment, problem identification and the EU dimension of this policy.

The consultation questionnaire is divided into 5 sections. Section 1 relates to identification of the respondent and is obligatory to all respondents. Sections 2-4 relate each to one of the main problem areas (scope, support, implementation) identified in the previous public consultation and the subsequent REFIT ex-post evaluation. Section 5 allows to provide additional comments and upload supporting documents such as position papers. Please note that some questions are only visible for specific type of respondents.

The [inception impact assessment](#) identified 5 policy options, from which the policy options 3-5 are combinations of the different possibilities (measures) to address the identified problems. The questions in this questionnaire aim to establish which measures and combinations thereof are supported most by the general public and how the impacts of these policy options/measures are perceived.

A short summary of the problems identified and the results of the previous public consultation is given in the beginning of each section.

## Section 1. About you

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\* 1 You are replying

- as an individual in your personal capacity
- in your professional capacity or on behalf of an organisation

\* 2 First name

Samuel

\* 3 Last name

Kenny

\* 4 Name of the organisation

Transport & Environment

\* 5 Email address

If you do not have an email address, please write "Not available".

samuel.kenny@transportenvironment.org

\* 6 For individuals, country of residence. For professionals, main country of operations/headquarters

Belgium

\* 8 Type of organisation

Please select the answer option that fits best.

- Private enterprise
- Professional consultancy, law firm, self-employed consultant
- Trade, business or professional association
- Non-governmental organisation, platform or network
- Research and academia
- Social partners
- National, regional or local authority (public or mixed)
- Other

\* 9 If "other", please specify:

NGO

\* 12 Is your organisation included in the Transparency Register?

If your organisation is not registered, we invite you to register [here](#), although it is not compulsory to be registered to reply to this consultation. [Why a transparency register?](#)

- Yes
- No
- Not applicable

\* 13 If so, please indicate your Register ID number.

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\* 14 Your contribution,

Note that, whatever option chosen, your answers may be subject to a request for public access to documents under [Regulation \(EC\) N° 1049/2001](#)

- can be published with your personal information** (I consent the publication of all information in my contribution in whole or in part including my name or my organisation's name, and I declare that nothing within my response is unlawful or would infringe the rights of any third party in a manner that would prevent publication)
- can be published provided that you remain anonymous** (I consent to the publication of any information in my contribution in whole or in part (which may include quotes or opinions I express) provided that it is done anonymously. I declare that nothing within my response is unlawful or would infringe the rights of any third party in a manner that would prevent the publication.

## Section 2: What kind of transport operations are eligible for support?

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The support foreseen by the Combined Transport Directive (elaborated in section 3) is only available to those transport operations that fulfil the eligibility criteria set in the definition. However, the REFIT evaluation established that the current definition of combined transport creates practical problems for operators and authorities alike as it is complex and open to interpretation. The majority of stakeholders who participated in the previous public consultation supported a change of the definition one way or another, with most highlighting the need to review the way the road legs of combined transport operations are limited, i.e. whether and how to establish limits (percentage share or kilometres or other) on the road leg in an overall combined transport journey. Several other elements were also pointed out as needing a review.

The below questions propose several options for possible review of the definition based on the problems identified in REFIT evaluation and on ideas suggested by stakeholders during the previous consultation.

- \* 15 **In your mind, which eligibility criteria/definition as regards the road transport share in the combined transport operation is most appropriate for the future support of combined transport taking into account that the aim of the Directive is to support modal shift.**

*Please note the questions 16-20 refer to the options in this question.*

- A. The limitations on road legs should not be changed (in case of connections with rail the road leg is limited to a trip to nearest suitable loading station; in case of connections to ship and barge, the road leg is limited to 150 km per road leg )
- B. The limitations on road legs should not be changed, but guidelines on understanding should be issued to ensure harmonised interpretation by different Member States authorities
- C. The share of road transport in a combined transport operation needs to be limited in a way as to ensure that it is never longer than the transport by more sustainable modes of transport to ensure that major part of the operation is shifted away from road
- D. The road transport in a combined transport operation should be limited as share of the transport operation, combined with an absolute maximum distance, whichever is shorter to ensure that minimum road transport is used even in case of long transport chains
- E. The road transport share in a combined transport operation should be limited the same way as the waterborne intermodal transport in the Weights and Dimensions Directive (150 km in the territory of EU, or longer up to nearest suitable transport terminal if relevant Member State or Member States allow it) to ensure consistent terminology in EU law while taking into account that each Member States is allowed to choose between two definitions
- F. There is no need to limit the road transport share in a combined transport operation by law as it is economically not viable, due to transshipment and transactions costs, to carry out combined transport operations where the road leg is the major part.
- G. The share of road transport in a combined transport operation should not be limited as any shift away from road, even short, helps to reduce the negative externalities

**16 If you wish, you can comment in more detail on your answer to the previous question:**

*1500 character(s) maximum*

The limitations on the road leg of a combined transport operation are key to maintaining the core purpose of the Directive, which is to promote the use of other 'non-road' modes as a means of transporting freight. The definition of "nearest suitable terminal" needs to make sure though that the terminal that is nearest has the infrastructure necessary for combined transport to be possible. This is what should define 'suitable'. Therefore, the definition should be extended to account for the fact that 'suitable' is relative based on the specific intermodal load unit used. Although outside the scope of the Directive, IT solutions (and the required data sharing) will allow for freight companies and law enforcement to ensure that the terminal used was the "nearest suitable terminal".

17 Please give an indication on the impact you assume the implementation of each of the options in question 15 would have on society and environment (via reduction or increase of negative externalities):

	Large negative impact	Small negative impact	No impact	Small positive impact	Large positive impact	Do not know
*15.A	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
*15.B	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
*15.C	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
*15.D	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
*15.E	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
*15.F, G	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

19 Please give an indication on the impact you assume the implementation of each of the options in question 15 would have on prevailing working conditions in the transport sector:

	Large negative impact	Small negative impact	No impact	Small positive impact	Large positive impact	Do not know
*15.A	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
*15.B	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
*15.C	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
*15.D	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
*15.E	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
*15.F, G	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

**20 Please share with us if you have any other suggestions as to what kind of limitations should be applied to the share of road transport in a combined transport operation and how this would influence the society, the environment and the business.**

*3000 character(s) maximum*

It is of fundamental importance that the Directive promotes the use of cleaner modes. Road transport is getting cheaper due to a variety of reasons (for example, due to employment conditions and low wages). Meanwhile, rail transport tends to respect labour conditions due to the (formerly) public nature of many companies, as well as the strength of unions within the mode. This is one reason why road freight transport is artificially cheap. It also means that it's unlikely for a shipper or freight forwarder to use rail unless it's for the majority of a journey. However, the law should always limit the road leg of a journey to ensure that combined transport is promoting sustainable transport operations. Therefore, the road leg should always be limited to nearest suitable terminal where capacity is available. Distance could be extended for road legs on the condition that cleaner trucks are used for that road leg (i.e. EURO VI trucks) - this could be further based on the fuel efficiency of trucks once VECTO is in operation and CO2 standards for HGVs have been adopted in Europe - both of these promotional measures could encourage the uptake of cleaner vehicles for the road leg of combined transport operations.

21 **The Directive currently applies only to transport operations between Member States. During the previous public consultation, several respondents showed interest in extending the support to also purely national transport operations as well as to operations with non-EU/EEA countries. Please give an indication on the impact you assume the extensions suggested below would have on society and environment (via negative externalities):**

	Large negative impact	Small negative impact	No impact	Small positive impact	Large positive impact	Do not know
*Extending the support to purely national combined transport operations	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
*Extending the support to combined transport operations with non-EU/EEA countries	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

23 **The Combined Transport Directive currently only defines the combined transport itself. If you consider that other terms relating to combined transport should be defined in the amended Directive, please share it with us.**

*3000 character(s) maximum*

Regardless of countries involved, combined transport can be beneficial to reducing the negative externalities of transport. Therefore, it should be expanded to include all operations.

### Section 3: Support provided to the combined transport operations

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The Combined Transport Directive currently provides for regulatory and fiscal support measures for operations that fulfil the definition.

The regulatory support means a more beneficial legal regime for combined transport operations consisting of:

- ban for any type of numerical limitations (such as limitations on number of operations, or number of operations during a time period),
- ban on additional authorisations either for road leg only or for combined transport operation in general
- ban on regulated tariffs/prices either for road leg only or for combined transport operation in general.

The Directive also clarifies that the road legs of combined transport operations can be carried out by non-resident hauliers even if they do not cross a border, because the road legs form an integral part of an international transport operation (as reiterated by the Court of Justice of EU).

The vast majority of respondents to the previous consultation supported the regulatory support measures in place, with some interest for additional measures.

The economic/fiscal support foresees reimbursement/exemption of road vehicle tax based on distance of rail transport. The exact amounts and methodology is decided by each Member State and differs considerably. Furthermore, the application procedures depend entirely on the Member State.

As regards the fiscal support, the REFIT evaluation concluded that the current measures are not effective as the level of support is too low in most of the Member States. This was also supported by the respondents to the previous public consultation. Furthermore, the respondents in the previous public consultation saw a need to have more homogenous procedures in the Member States as well as suggested several new types of support measures that would help the modal shift.

**24 Do what extent do you agree that the combined transport is supported by the following measures in order to reduce the negative social and environmental effects of freight transport?**

	Strongly disagree	Disagree	No opinion	Agree	Strongly agree
*A more beneficial regulatory regime	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
*Direct economic support	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>



**25 Do you have any suggestions for additional EU level regulatory support measures that would support modal shift?**

*3000 character(s) maximum*

The Combined Transport Directive could be linked with the European emission standards and both the upcoming VECTO-based MRV and CO2 standards for HGVs. This could allow for the promotion of cleaner trucks for the road leg of a CT operation, which would further reduce the negative externalities of transport.

The use of megatrucks is also increasing across central and northern Europe. The CT Directive should promote the use of combined transport to be a prerequisite to such vehicles being allowed on the road. This means that megatrucks should only be allowed if they are transporting a craneable trailer.

Lastly, a portion of the post-2020 EU budget should be earmarked for investment in smart and independently managed intermodal infrastructure. The possibility to exempt trucks in combined transport operations from road tolls is not supported by T&E. Tolls are an important means to increase logistic efficiency of road freight and encourage the uptake of cleaner vehicles. There are better ways to promote combined transport than toll/vignette exclusions as such an exemption could have a negative impact on the environment.

**26 Do you have any suggestions for new/amended economic support measures that would support modal shift? Please specify, if appropriate, the type of measure as well as its intended impact?**

*3000 character(s) maximum*

N/A

**27 Do you have any other comments as regards the support provided to combined transport in EU?**

*3000 character(s) maximum*

Social and environmental effects should have been dealt with separately in this questionnaire as grouping them makes light of two distinct aspects of the transport sector that both justify the need for the sector to be regulated. The social aspect of the combined transport directive is outside the current scope of T&E's work but it is clear that enforcement is key to ensure that such exceptions to certain regulation do not open the floodgates for such practices even when it is not a combined transport operation. The regulatory support (by means of deregulation) that promotes more climate-friendly modes of transport has clearly had an impact on the use of rail to transport goods. However, this also needs to be dealt with very sensitively and requires strict and effective enforcement at national level.

## Section 4: Implementation and monitoring

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The Directive foresees proof of eligibility through specific provisions on transport documents. Currently only paper documents are allowed, which in certain circumstances have to be stamped. The stakeholders participating in the previous public consultation reported serious problems with these provisions considering them outdated (allowing only paper documents) and partially impossible to fulfil (stamps not used anymore by many ports and terminals). The complications resulting from different rules for documentation for different modes of transport was also reported by many stakeholders.

In addition, the REFIT evaluation showed that there is a lack of readily available appropriate and comparable data on combined transport due to lack of data collection and reporting of measures supporting the modal shift.

**28 As regards the proof of eligibility for benefits provided by this Directive, please assess the importance of the below suggestions:**

	Not important	Somewhat important	Very important	No opinion
*Taking into account that combined transport operations are subject to beneficial regulatory regime, how important do you consider it to be that the operators are able to prove that they are engaged in combined transport operation?	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
*If you consider proof important, how important do you think it is that they are able to prove it at the road side check?	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
*How important is it in your mind that the operators retain the freedom to choose the type of transport document or documents used in a combined transport?	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
*How important is in your mind the introduction of electronic documents/provision of electronic information to authorities for eligibility check?	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
*How important is it in your mind that the operator can choose not to provide electronic information to authorities?	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
*How important is it in your mind to be able to control at a road side check the door-to-door transport itinerary of any transport operation (i.e. including all modes of transport)?	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

29 Do you consider it important that the authorities gather statistics on combined /multimodal transport and report to general public their efforts for supporting modal shift?

	Not important	Somewhat important	Very important	No opinion
*Obligation to focus the efforts to support combined transport/multimodal freight transport	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
*Report regularly on the efforts to support combined transport/multimodal freight transport	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
*Collect combined transport related data based on common EU definition	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
*Publish regularly the combined transport related data based on common EU definition	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

**30 In your opinion, who should be responsible for the obligations in previous question?**

	Member States	European Commission	Both	No opinion
*Obligation to focus the efforts to support combined transport /multimodal freight transport	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
*Report regularly on the efforts to support combined transport /multimodal freight transport	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
*Collect combined transport related data based on common EU definition	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
*Publish regularly the combined transport related data based on common EU definition	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

**Section 5. Document upload and final comments**

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**31 If you wish to add further information or comments - within the scope of this questionnaire - please feel free to do so here.**

*3000 character(s) maximum*

Transport & Environment (T&E) have been managing a rail freight platform since 2015. This has afforded us the opportunity to discuss the current limitations of rail freight with a wide variety of stakeholders; ranging from shippers and infrastructure managers to train operators and freight forwarders. A lot of the above responses are influenced by the conversations that T&E have had with such stakeholders. Regulation needs to promote rail freight as the freight market is disproportionately using road for freight transport where rail is a viable means. This is bad for CO2 emissions from the sector and partly a result of the artificially cheap operational costs of trucks. The rail sector has a lot of improvements to make regarding the services they offer and their approach to business. However, combined transport has huge growth potential as most untapped potential today for rail is not in door-to-door operations but in intermodal/CT operations with road performing the first and/or last mile. We welcome the review of this Directive as it can play a role in decarbonising transport and, therefore, in reaching our climate targets.

**32 Please feel free to upload a concise document, such as a position paper. The maximal file size is 1MB.**

*Please note that the uploaded document will be published alongside your response to the questionnaire which is the essential input to this open public consultation. The document is an optional complement and serves as additional background reading to better understand your position.*

## **Useful links**

[About this consultation \(https://ec.europa.eu/transport/node/4874\)](https://ec.europa.eu/transport/node/4874)

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## **Contact**

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