

Proposal COM(2023) 702 of 7 November 2023 for a **Directive** of the European Parliament and of the Council **amending Council Directive 92/106/EEC as regards a support framework for intermodal transport of goods and Regulation (EU) 2020/1056** of the European Parliament and the Council as regards **calculation of external cost savings and generation of aggregated data**

COMBINED FREIGHT TRANSPORT

cepPolicyBrief No. 5/2024

LONG VERSION

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A. Key elements of the EU proposal

1 Context

- ▶ By shifting freight transport off the roads and onto rail, inland waterways or the sea (“modal shift”), the negative effects of freight transport – CO₂ and air pollutant emissions, accidents, noise and congestion (“external costs”) – shall be reduced [Recitals 1, 2 and 7].
- ▶ The average external transport costs of rail and inland waterways per tonne-km (tkm) are almost three times lower (0.013 euros/tkm and 0.019 euros/tkm respectively) than those of truck transport (0.042 euros/tkm).
- ▶ Transporting goods by rail, inland waterways or sea invariably involves various modes of transport (“intermodal”), including road legs.
- ▶ One form of “intermodal” transport is “combined transport” (CT) which is currently defined as a freight transport operation consisting of [CT Directive 92/106/EEC, Art. 1 (2)]
 - a “main leg” carried out by rail, inland waterways or sea, and
 - a shorter “initial” and/or “final” leg carried out by road.
- ▶ The CT Directive governs
 - permissible CT support measures by Member States –e.g. motor vehicle tax reductions [Art. 6 (1)] –and
 - the conditions for recognising freight transport operations as eligible CT operations.
- ▶ Both the Commission [SWD(2016) 140] and the European Court of Auditors¹ criticise the fact that, despite the support measures under the CT Directive, there is still no level playing field between intermodal freight transport and road-only freight transport [p. 3].
- ▶ The Commission has published a proposal to amend Directive 96/53/EC on the dimensions and weights of commercial vehicles [COM(2023) 445; see [cepPolicyBrief 16/2023](#)], the content of which is closely linked to the present proposal to amend the CT Directive.

2 Targets

- ▶ According to the milestones to be achieved by 2050 under the “Sustainable and Smart Mobility Strategy” [COM(2020) 789; see [cepPolicyBrief 9/2021](#)]
 - rail freight transport shall be doubled;
 - transport by inland waterways and short sea shipping shall increase by 50%.
- ▶ A substantial amount of inland freight – i.e. not using air or sea transport – that is currently transported by road shall be moved onto rail and inland waterways [p. 1].
- ▶ The aim of the Commission proposal is to “refocus” [p. 2] the rules laid down in the CT Directive on supporting intermodal transport (“support framework”) in order to
 - increase the competitiveness of intermodal transport compared to long-distance road transport;
 - promote the shift from road freight to other modes of transport;
 - reduce the external costs of freight transport as a whole.

3 Scope: “Intermodal transport” and “combined transport” (CT)

The Directive governs [new Art. 1a]

- ▶ support measures by the Member States for intermodal transport operations carried out fully or partly within the EU;
- ▶ transparency requirements for intermodal transshipment terminals.

3.1 Intermodal transport

- ▶ An “intermodal transport operation” means the transport of one intermodal loading unit – such as a container, swap body, semi-trailer, lorry or vehicle combination – between its point of loading and unloading over two or more transport legs – without transshipment of the goods themselves during transshipment of the loading unit between the transport legs – whereby [new Art. 1b No. 1 and 3]
 - at least one transport leg takes place by rail, inland waterways or short sea shipping and
 - the initial and/or final transport leg takes place by road.

¹ European Court of Auditors (2023), [Special report Intermodal freight transport 08/2023](#).

3.2 Combined transport (CT)

3.2.1 Existing definition of CT

- ▶ Until now, eligible “combined transport” (CT transport) has been defined as intermodal transport between Member States in which the load unit [CT Directive, old Art. 1 (2)]
 - travels by road for the initial and final legs of the journey;
 - the remaining part of the journey is made by rail, inland waterways or sea, provided that the distance is more than 100 kilometres as the crow flies.
- ▶ The initial or final leg of the journey must take place [CT Directive, old Art. 1 (2)]
 - either between the point of loading and the “nearest suitable rail loading station” or between the “nearest suitable rail unloading station” and the point of unloading, or
 - within a maximum radius of 150 kilometres as the crow flies from the inland port or seaport of loading or unloading.

3.2.2 New definition of CT

- ▶ In future, an intermodal transport operation that fulfils the following conditions within the EU will be considered as an eligible CT operation:
 - the operation causes at least 40% less external costs than the alternative unimodal road transport operation (“40% external cost threshold”) [new Art. 1c (2) (a)];
 - in the case of connections between an island and the mainland without a road alternative, the transport causes at least 40% less external costs than the alternative intermodal transport by sea (“40% external cost threshold in sea transport”) [new Art. 1c (2) (b)];
 - the intermodal loading unit in unaccompanied transport has a unique reference in accordance with the international identification and marking system [ISO6346 standard for containers or EN13044 standard for swap bodies and semi-trailers] [new Art. 1c (2) (c)].
- ▶ In future, the road transport of an empty container will also be considered an integral part of the CT transport operation if [new Art. 1c (3)]
 - it is used for a specific transport operation between a container depot and the point of loading or unloading, and
 - this transport is subject to the same transport contract.
- ▶ When calculating external costs, all parts of the operation which take place in the EU must be taken into account [new Art. 1c (4)], including
 - terminal operations and
 - transport of the empty container [new Art. 1c (3)].

4 Proof of eligible CT operation

- ▶ In order to prove that the transport operation is an eligible CT operation, the CT organiser must record the following information covering all parts of the transport operation (“transport information”) before the operation begins [amended Art. 3 (2)]:
 - name, address and contact details of
 - the CT organiser;
 - the company that receives the loading unit at the end point of the CT operation;
 - the intermodal transshipment terminal(s) for this CT operation;
 - type of intermodal loading unit transported and its reference [new Art. 1c (2) (c)];
 - if applicable, the location of pickup or delivery of the empty container [new Art. 1c (3)];
 - for each leg of the CT journey within the EU:
 - starting and end point,
 - expected start date and end date,
 - the mode of transport used;
 - additional transport information required for calculating the external costs of a CT operation in accordance with the relevant implementing act [new Art. 1c (6)].
- ▶ The CT organiser must record and make available the necessary transport information on a platform for electronic freight transport information (“eFTI platform”) [eFTI Regulation (EU) 2020/1056] [amended Art. 3 (1)].
- ▶ To calculate the savings in external costs [Art. 1c (2) (a)], the transport information is analysed by special functions of the eFTI platforms [amended Art. 3 (3) lit. a].

- ▶ Proof that the transport is a CT operation [Art. 1c (2)] (“proof of CT”) consists of the transport information and the results from the calculation of external cost savings [amended Art. 3 (4)].
- ▶ Proof of CT must be accessible to both the authorities and the parties involved in this CT operation on the same eFTI platform where the transport information and calculation results have been recorded [amended Art. 3 (4)].
- ▶ No additional information may be requested for checking compliance with this Directive [amended Art. 3 (4)].

5 Requirements applicable to eFTI platforms for CT

- ▶ eFTI platforms must ensure that the transport information makes it possible [eFTI Regulation ((EU) 2020/1056, new Art. 9 (1) (l) and (m))]
 - to calculate the external cost savings [Art. 1c (2) (a)] – in accordance with the relevant implementing act [amended Art. 3 (6)] – [amended Art. 3 (3) (a)];
 - to generate annual aggregated data on CT operations – in accordance with the relevant implementing act [amended Art. 3 (7)] – [amended Art. 3 (3) (b)] for Commission reports on
 - the volume of intermodal transport operations – broken down by modal combination, market segment, transshipment technology, type of loading unit and geographical coverage – national versus international [amended Art. 5 (4) (a)];
 - the main transport corridors where intermodal transport is used and the main areas in the EU where it is not used, as well as the reasons for both [amended Art. 5 (4) (b)];
 - the number, location density and type of transshipment terminals in CT [amended Art. 5 (4) (c)].
- ▶ In order to fulfil the reporting obligations, the eFTI service providers, or the companies that own or manage eFTI platforms for their own activities, must provide the Commission with the required aggregated data [amended Art. 3 (3) (b)] by 28 February of each year [amended Art. 3 (5)].

6 EU requirements for support measures

6.1 Generally: Support for intermodal transport

- ▶ In future, “quotas and authorisation systems” will be prohibited for all intermodal transport operations – as is already the case for CT [amended Art. 2].
- ▶ All operators of intermodal transshipment terminals must provide information free of charge on their website about the services and facilities available in the terminal [new Art. 9b].
- ▶ Each Member State must adopt a national support strategy, no later than 24 months after the entry into force of the amended CT Directive, in order to facilitate the use of intermodal transport and in particular CT forwarding [new Art. 3a].

6.2 Specifically: Support for combined transport

- ▶ All hauliers established in a Member State who meet the conditions of access to the market for transport of goods between Member States may carry out national or international initial and/or final legs by road in CT operations between Member States (“freedom of cabotage”) [Art. 4].
- ▶ Vehicle taxes for lorries, tractors, trailers and semi-trailers may still be reduced or reimbursed by the Member States in which they are registered, when these vehicles are used in CT, either on a standard basis or proportionately – taking into account the distances travelled by rail – if these measures comply with EU state aid law [amended Art. 6 (1)].
- ▶ Vehicles used in CT exclusively for the initial and/or final transport leg by road can continue to be exempt from vehicle tax, provided they are taxed separately, and these measures comply with EU state aid law [amended Art. 6 (2)].
- ▶ As currently, the initial and final transport legs by road in CT are exempt from the obligation to comply with nationally defined transport tariffs (“compulsory tariffs”) [Art. 8].
- ▶ A carriage authorisation [Regulation (EC) No. 1072/2009, Art. 1 (5) (d)] is still not required if a semi-trailer or trailer used in CT [amended Art. 9]
 - is owned by the dispatching or receiving company and
 - is transported on a road leg by a tractor which is (1) owned by the other company concerned, or (2) bought on deferred terms or (3) hired without a driver [Directive 2006/1/EC].
- ▶ Vehicles that cover CT road legs are exempt from the weekend, night and holiday driving bans applicable only to heavy goods vehicles [new Art. 9a].

- ▶ CT support measures [Art. 2, 3a, 4, 6, 8, 9 and 9a] must be applied in a non-discriminatory manner to all CT operations that are carried out fully or in part within the EU territory regardless of the origin of the company organising the CT operation (“CT organiser”) or carrying out all or part thereof [new Art. 1c (5)].

7 National support strategy and CT cost reduction obligation

7.1 Necessary elements and objectives

- ▶ The national support strategy must contain at least the following elements:
 - an overview of existing relevant regulatory and non-regulatory measures impacting the competitiveness of transport operations of different modes of transport [new Art. 3a (1) (a)];
 - an assessment of the impact of these measures on intermodal transport [new Art. 3a (1) (a)];
 - a list of measures “necessary” to reduce the competitiveness gap between intermodal transport operations and unimodal road transport [new Art. 3a (1) (b)].
- ▶ The national support strategy must pursue the following objectives [new Art. 3a (2)]:
 - reduction of at least 10% of the total door-to-door cost of CT operations borne by CT organisers [Recital 19] in their area (“10% CT cost reduction obligation”) –by no later than 90 months after entry into force of the amended CT Directive;
 - increased upgrade or uptake of efficiency-enhancing technologies in intermodal transport;
 - where relevant, the establishment of new connections by rail, inland waterways or short sea shipping between previously unconnected intermodal transshipment terminals.

7.2 Possible CT support measures

- ▶ In order to improve the competitiveness of CT operations with unimodal road transport, Member States can select the following measures, for example, for their national support strategy [Art. 3a (2) (a) in conjunction with Annex Part I]:
 - measures that improve the organisation of CT operations, such as
 - the attribution of infrastructure and terminal capacity,
 - priority for intermodal transport,
 - better management of disruptions during infrastructure construction works, also in co-operation between Member States,
 - simplification of national and local administrative procedures that apply both in the preparation phase and during a transport operation;
 - measures that ensure cost competitiveness of intermodal transport, such as
 - road charges,
 - other charges, levies, taxes or fees in relation to the use of transport and intermodal infrastructure,
 - congestion charges;
 - the reduction of external cost charges when using low-emission or zero-emission commercial vehicles in intermodal transport;
 - measures to improve planning and leasing conditions for land suitable for the development of intermodal transshipment terminals;
 - facilitating the entry of “small and medium-sized enterprises” (SMEs) into the intermodal market, such as by
 - facilitating the rent or lease of intermodal loading units, including through guarantees,
 - facilitating the use of intermodal planning platforms or freight consolidation platforms including through training and awareness campaigns.
- ▶ In order to promote the upgrade or uptake of efficiency-enhancing technologies, Member States may take measures as part of their national support strategy [Art. 3a (2) (b) in conjunction with Annex Part II] to “facilitate or support” e.g. the following areas:
 - identification of the semi-trailers used in CT in accordance with ISO6346 or EN13044;
 - reinforcing the non-craneable semi-trailers or aid for acquiring craneable semi-trailers;
 - waiving vehicle registration fees and taxes for craneable standard-size semi-trailers;
 - integration of connected systems and automation of CT operations;
 - digital logistics, “information and communication technologies” (ICT) and “intelligent transport systems” (ITS), that are necessary for the smooth functioning of intermodal transport, such as
 - access gates with automatic identification (“photogates”) for intermodal transshipment terminals,
 - automatic check-in/check-out;

- introduction of an intermodal waybill in their territory;
- use of low-emission and zero-emission vehicles, ships or transshipment equipment in CT;
- accessories for existing container handling technology to enable the transshipment of semi-trailers, such as gantry crane grapple arms for “vertical transshipment”.

8 Implementing acts

- ▶ The Commission will adopt implementing acts establishing
 - detailed rules for the calculation of external costs [new Art. 1c (6) in conjunction with (2) (a)];
 - the list of predefined maritime legs of “alternative maritime intermodal transport” [new Art. 1c (7) in conjunction with (2) (b)];
 - a detailed list of the information to be published by transshipment terminals regarding available services and facilities [new Art. 9b (1)].
- ▶ The Commission may adopt implementing acts to establish criteria for “intermodal transshipment terminal categories” with the aim of creating a “framework for identifying a service level of intermodal transshipment terminals” in the EU [new Art. 9b (2)].

B. Legal and political context

1 Legislative Procedure

07 November 2023 Adoption by the Commission

Open Adoption by the European Parliament and the Council, publication in the Official Journal of the European Union, entry into force

2 Options for Influencing the Political Process

Directorates General: GD Mobility and Transport

Committees of the European Parliament: Transport and Tourism (leading), Rapporteur: Massimiliano Salini (EPP-Group, IT)

Federal Ministries: Digital and Transport (leading)

Committees of the German Bundestag: Economy (leading)

Decision-making mode in the Council: Qualified majority (acceptance by 55% of Member States which make up 65% of the EU population)

3 Formalities

Legal competence: Art. 91 (1) TFEU (Transport Policy)

Form of legislative competence: Shared competence (Art. 4 (2) TFEU)

Procedure: Art. 294 TFEU (ordinary legislative procedure)

C. Assessment

1 Economic Impact Assessment

1.1 Opportunities and challenges of combined transport

1.1.1 CT expansion: Reduction of external costs of freight transport

Moving a part of freight transport off the road and onto rail, inland waterways and the sea (“modal shift”) will reduce external effects such as CO₂ and air pollutant emissions, as well as accident and congestion costs, and curb land sprawl caused by the expansion or construction of new major roads. It will also ease the shortage of lorry drivers, as fewer long-distance drivers will be needed to transport the same volume of goods. “Combined transport” (CT) has a high potential for modal shift. In contrast to single wagonload transport by rail, the sending or receiving company does not require a siding as the initial and final legs of the journey are carried out by road. This is why CT has had the highest growth rates in rail freight transport for many years, and combined road/waterway transport has also increased.² Nevertheless, the targets for increasing the modal share of freight transport by rail or waterways have not been achieved. On the contrary, despite the support measures in favour of CT under the CT Directive and the lower external effects and higher energy efficiency of CT, unimodal road freight transport has still seen a continuous increase in its modal share.

One reason for this is that the costs arising from the external effects (“external costs”) of road freight transport are not fully reflected in the transport costs as long as they do not have to be borne in full by the polluters (“internalisation of external costs”). In addition to this environment-related competitive disadvantage of CT, there are also “system-related” competitive disadvantages due to longer transport times, especially in cross-border transport, and less flexibility as compared with pure road freight transport. A serious competitive disadvantage of CT arises from the additional time and costs involved in the need for multiple transshipments of the loading units.³ However, some of these “system-related” competitive disadvantages are probably due to operational inefficiencies, which could possibly be alleviated by system improvements – such as optimisation of road-rail or road-waterway transshipment processes, digitalisation, investment in more efficient transshipment technologies [see below 1.1.3] or increases in the efficiency of rail transport.

1.1.2 Approaches to promoting CT: Subsidisation versus pricing

The EU's targets for the modal shift of road freight transport are ambitious but, according to the sector, feasible if the competitive conditions are right.⁴ In order to compensate for the competitive disadvantages of CT compared to other transport options, the Commission continues to rely on the promotion of CT through regulatory measures, such as the exemption from cabotage for the initial and final legs of a journey, and most notably on financial support in the form of subsidies from the Member States for infrastructure investment and transport services or the vehicles required for this purpose. However, this subsidisation approach poses problems. Although the desired result of a modal shift can be achieved with an appropriate level of subsidisation, we do not know what the optimum CT share of freight transport actually is or where and how much funding is required. Consequently, this approach invariably results in the subsidisation of inefficiencies and a lack of incentive to increase efficiency in the CT system. In addition, the subsidisation of CT depends on the respective budgetary situation of the Member States. On the one hand, this may mean that financially weaker Member States fail to provide sufficient funding and CT in and with these Member States ceases to be worthwhile for the customers of transport services (“forwarders”). On the other hand, even in financially stronger Member States, the threat of a reduction or cancellation of subsidies during an economic downturn or financial crisis does not provide a solid business perspective for CT operators – i.e. transshipment terminals, rail and shipping companies as well as freight forwarders participating in CT on the initial and final legs of a journey. Finally, there is also the risk of deadweight effects if subsidies are given unnecessarily to CT operations that are already profitable without or with lower subsidies – such as, international transport operations on very long routes, or where the additional costs are borne by forwarders for ecological reasons.

A market-based approach, on the other hand, in addition to charging the respective pro rata infrastructure costs as accurately as possible, would involve pricing the CO₂ emissions and other negative external effects of all modes

² UIC/UIRR (2023), [2022 Report on Combined Transport in Europe](#).

³ European Commission, Impact Assessment [SWD\(2017\) 362](#) of 8 November 2017, p. 15.

⁴ DVZ, 4 October 2023, [Schienengüterverkehr: Europa muss die Weichen richtig stellen](#).

of transport. With this in mind, the Commission's "Sustainable and Smart Mobility Strategy"⁵ aims to ensure that the external environmental and health costs of transport are fully allocated ("internalised") by 2050.⁶ Thus, as regards "the share of internalised external costs", intermodal rail and waterborne transport should be able to "compete on an equal footing with road-only transport in the EU by 2030".⁷ In the case of CO₂ emissions, this will be achieved in an adequate manner as part of EU emissions trading for buildings and road transport (EU ETS 2)⁸ from 2027 or 2028 at the latest. However, appropriate EU-wide pricing of other external effects is not foreseeable in the near future because, firstly, all Member States would then have to make full use of the scope for pricing external effects opened up by the amended Infrastructure Charging Directive [(EU) 2022/362] – as is already done in Germany. This is, however, within the discretionary powers of the Member States. Secondly, accident costs and land use are not usually included in existing pricing systems.

However, even if their calculation can only be roughly approximated, internalising external costs in freight transport would eliminate the disadvantage borne by the more environmentally friendly modes of transport in competition with road-only transport. This would give logistics companies an incentive to avoid road transport whenever the freight costs – including transshipment costs and internalised external costs – are lower for transport by ship or rail than for transport by road. Checks on lorry drivers in CT and other bureaucratic procedures or subsidies would be superfluous. This would make it necessary to ensure that the standardised pricing of CO₂ emissions in the transport sector introduced by the EU ETS 2 is not limited by price caps. Pricing the other external effects such as noise, congestion, accidents and land use could be achieved by adjusting the usage charges for road, rail and waterways to ensure a level playing field for all modes of transport.

1.1.3 Increase in efficiency of CT: Overall system and innovative technologies

Meanwhile, until there will be comprehensive internalisation of external costs in freight transport, which at least ensures balanced environmental competitive conditions, special CT support measures make sense. This is particularly true where these can achieve a reduction in operating costs by increasing the efficiency of CT and thus strengthen the competitiveness of the CT system in the long term. However, these CT support measures should not only be aimed at increasing the efficiency of existing transshipment terminals but also that of the overall system because without a comprehensive increase in the efficiency of CT as a whole, it will remain unattractive on medium distances in spite of the subsidies.

One starting point for this would be so-called fast transshipment facilities ("mega-hubs")⁹, which, as through stations, can re-sort loads between lorries and trains or between two trains without having to change locomotives. In contrast to traditional terminals – designed as terminus stations – this can save several hours when stacking a train with loading units from different starting terminals. On the other hand, decentralised "horizontal" transshipment systems also have potential. Here the loading units are not lifted onto the rail wagons by crane or forklift but can be pushed or driven directly onto the wagons. This enables faster – and, depending on the system, simultaneous ("parallel") – loading or unloading of the rail wagons. These systems involve, for example, shunting devices installed on rail vehicles that are moved into position in a railway station, on a track next to the incoming train. They can then quickly load and unload containers and transfer them from feeder trains¹⁰. Or they may involve shunting devices installed in a row next to the track, which can simultaneously push several loading units – especially semi-trailers – horizontally onto special wagons¹¹. There are also horizontal systems which allow lorries to use special ramps to position their semi-trailers in swivel pocket wagons to facilitate parallel loading¹².

These technologies could also make it possible to load or unload loading units at intermediate stops on long CT routes ("connections") without any major delay¹³, which would considerably reduce the length of the initial and final legs by road and also make shorter CT operations more profitable. The Metrocargo system would make it possible, for example, to switch from a "point-to-point" approach for all CT loading units to a "stop-and-go"

⁵ European Commission (2020), Communication COM(2020) 789 of 9 December 2020, Sustainable and Smart Mobility Strategy; see Menner, M. / Reichert, G. (2021), Sustainable Mobility, [cepPolicyBrief 9/2021](#).

⁶ Ibid., Milestones p. 13

⁷ Ibid., Milestones p. 13.

⁸ See on this Menner, M. / Reichert, G. (2022), Fit for 55: Climate and Road Transport, [cepPolicyBrief 6/2022](#).

⁹ See, for example, Deutsche Bahn's semi-automated [Lehrte Mega-hub](#) in Lower Saxony, Germany.

¹⁰ [Metrocargo](#) of Metrocargo Automazioni s.r.l., Italy.

¹¹ [CargoBeamer](#) from CargoBeamer AG, Germany.

¹² [Modalohr](#) from Lohr Industrie S.A., France.

¹³ DIHK (2024), [Feedback](#), Footnote 3.

approach¹⁴, as is common in passenger transport. This could create a CT network offering fast “transfer” of loads and allowing regular CT transport from one start terminal to a wide variety of destinations, including those that do not have a large transport volume and to which there is no direct connection, because no special railway wagons are required. In other decentralised horizontal transshipment systems, a hydraulic lifting device on the truck enables quick and uncomplicated transshipment of containers and swap bodies onto rail wagons.¹⁵ And others allow loading and unloading to take place using a special trailer wagon that swings out into a road running parallel to the track from where a lorry can bring the semi-trailer into position¹⁶.

All of these technologies offer uncomplicated access points for the transshipment of non-craneable semi-trailers – without requiring large amounts of space or investment. They expand the existing terminal network without competing directly with vertical transshipment terminals, which tend to specialise in containers. Without opening up the CT eligibility criteria to include horizontal transshipment, however, there is a risk that CT will continue to focus solely on long main legs between large – vertical – transshipment terminals, which require special containers for non-craneable semi-trailers, with correspondingly long transshipment times and long initial and final transport legs.

1.2 Extension of the scope of application

1.2.1 Inclusion of intermodal transport

It makes sense to extend the scope of the CT Directive to cover intermodal transport. Firstly, intermodal transport is also relevant for many projects that are important for CT, e.g. when it comes to planning and supporting transshipment terminals or upgrading rail or waterways. Secondly, with the proposed redefinition of CT, transport companies would only be able to determine whether the planned intermodal transport constitutes eligible CT, after they have calculated the reduction in external effects. The Commission's proposal to incorporate the specific provisions on CT in standardised rules for intermodal transport is therefore appropriate. This also includes the transparency obligations for terminal operators, which benefit intermodal transport as a whole.

1.2.2 Inclusion of national transport operations in CT

The new CT definition treats CT as a complete system in which international transport in the internal market also benefits from the demand for national transport operations, especially in the larger states, if more terminals are created, modernised or enlarged and more CT routes can be offered. This is because every sensible investment in terminals or new connections improves the efficiency and resilience of the CT system as a whole, due to network effects. As well as a reduction in CO₂ emissions, this serves to get traffic off the roads and leads to a reduction, not only in local external effects, but also in traffic congestion, which sometimes has a negative impact on other Member States [COM(2023) 702, Recital 5]. The equal treatment of national and international CT also avoids distortions of competition, especially in border regions.

1.2.3 Inclusion of the transport of empty containers

The fact that empty containers, transported under the same contract of carriage for a CT operation, are also considered part of the CT operation is appropriate from a systemic view of CT because they are an integral part of the same transport operation. However, it is not clear why this should not also apply to empty semi-trailers and swap bodies.¹⁷ Where empty intermodal loading units are included, however, it should in any case be ensured that this does not make it more difficult for the entire transport operation to be designated as CT. This can be achieved either by including empty lorry journeys in the calculation of external costs for the purpose of the Proof of CT, or by allowing the transport of empty containers or swap bodies to be classified as a CT operation in its own right.¹⁸

¹⁴ See [Info Flyer](#) about the Metrocargo system.

¹⁵ [Container Mover](#) from InnovaTrain AG, Switzerland; [Mobile](#) from ÖBB's Rail Cargo Group, Austria.

¹⁶ [Helrom Trailer Wagon](#) from Helrom GmbH, Germany.

¹⁷ DVF (2024), [Feedback](#), p. 3.

¹⁸ CER (2024), [Orientation Paper on Combined Transport Directive](#), No. B.6.

1.3 New CT definition

1.3.1 Explanatory Memorandum of the Commission

The Commission principally bases the need for a new CT definition on the fact that the current definition of CT does not sufficiently support the objective of reducing external effects.¹⁹ However, this focus ignores the fact that, in addition to the reduction in external effects, CT also has other advantages – such as greater energy efficiency, additional transport capacity for transport companies in the face of driver shortages and congestion, and more resilient transport chains for the shipping industry – such as during the restrictions on border crossings by long-distance drivers during the Covid-19 crisis. As the initial and final legs of a CT journey usually cover shorter distances, the working conditions of drivers are also improved. The driving profession will become more attractive because lorry drivers in CT will not have to be away from home for long periods, as is otherwise usual for long-distance transport. A CT definition that refers solely to savings in external costs fails to reflect all these advantages.

As a secondary argument, the Commission points out that the current CT definition fails to objectively reflect the “conditions and circumstances in different regions” and “disregards the characteristics of the environmental performance of the actual operation” – such as vehicle type or fuel used. This is also too narrow a focus on the environmental aspects. It is also doubtful whether the new CT definition is any better at reflecting the conditions in different regions. For example, longer CT operations by lorry from Spain to terminals on the French-Spanish border or Barcelona, and then by rail through other Member States, have so far been considered eligible CT because the different track gauge in Spain meant that through traffic could not get to a closer terminal. Thus, the terminals near the border in the Basque Country and Catalonia are considered to be the nearest suitable terminals for traffic from the rest of Spain. Such transport operations will possibly fall outside the new CT definition even though long journeys through other EU Member States would be made by rail. The same applies to the Baltic states, which also have their own track gauge. A special provision should therefore apply to such cases [see below Section 1.3.6]. Similarly, the “rolling highway”, where entire lorries or articulated lorries are conveyed across the Alps by rail, accompanied by the driver, will in many cases no longer be defined as CT, in future, because the initial and final legs by road are too long and would exceed the required 40% external cost threshold for external cost savings.²⁰ Thus, standard values for external costs should, at the very least, be based on national average values, in order to reflect, for example, the particular burden of mountainous regions. However, a “special provision for Alpine transit by rail” is essential so that it can continue to be considered as CT. Yet, the new CT definition is not able to adequately reflect regional conditions, as intended by the Commission.

Finally, the Commission justifies its proposed redefinition of CT by stating that the “language used in the definition has resulted in different transposition and application in Member States”.²¹ In particular, the previous CT definition allowed the national authorities and courts too much scope for interpretation of the criterion “nearest suitable transshipment terminal”, which often led to disputes during roadside inspections. This resulted in delays due to road checks as well as “fines, court proceedings and infringements”²² which has led to great uncertainty in the sector and undermined the reputation of CT among some shippers and authorities.²³ It is therefore appropriate to look for a solution in this regard. Below we examine whether the proposed redefinition achieves its objectives.

1.3.2 Uncertainties of the new CT definition

The CT definition must create reliable conditions for CT enabling the user to know well in advance which transport operations are eligible for CT.²⁴ However, the details for calculating, as proof of CT, the 40% threshold of external cost savings compared to unimodal road transport, still have to be determined by implementing acts, and the calculation method is still largely unclear.²⁵ It is currently difficult, therefore, to determine whether the CT conditions will actually provide the necessary reliability in the end.²⁶ It is also impossible to assess whether the 40% CT cost reduction threshold will ultimately be too high or too low for an adequate definition of CT, which

¹⁹ COM(2023) 702, Recital 7.

²⁰ CER (2024), [Orientation Paper on Combined Transport Directive](#), No. B.5.

²¹ European Commission, Impact Assessment [SWD\(2023\) 351](#) of 7 November 2023, p. 13.

²² Ibid.

²³ UIRR (2023), [Position Paper](#), p. 3.

²⁴ ERFA (2024), [Reply to public consultation](#).

²⁵ ECTA (2023), [Position Paper](#), p. 2.

²⁶ DIHK (2024), [Feedback](#), p. 3.

excludes as few previous CT operations as possible from the CT subsidy and yet provides an incentive for keeping the initial and final legs of the journey as short as possible. Probably these incentives may need to be strengthened by additional rules or financial incentives.²⁷

In particular, the new CT definition contains an unpredictably dynamic element because future decarbonisation and improvements in air pollutant emissions in road freight transport – due to better exhaust gas purification and a reduction in particulate matter emissions from brake and tyre wear, under the new EURO 7 emission limits²⁸ – will change the external costs of the unimodal road freight transport used for comparison. As a result, CT transport operations may cease to comply with the CT definition over time because they can no longer meet the 40% external cost threshold. However, customer contracts, which often run for one to three years in the case of larger shippers, require structural stability²⁹. In addition, there is also a need for longer-term planning security for CT players who want to make CT-specific investments – e.g. in special pocket wagons, craneable semi-trailers, transshipment aids for non-craneable semi-trailers or lorries equipped with horizontal transshipment technology.

One way of avoiding the uncertainties arising from this dynamic would be to base the CT definition on the reduction in the external costs of unimodal road freight transport determined in the year in which the amended CT Directive comes into force. Once recognised as CT, operations would de facto be recognised as eligible CT for an indefinite period, which would ensure regulatory stability for the resulting modal shift. This could be justified on the basis of the social benefits of CT over and above the savings in external costs.

However, this still does not solve the problem that operations previously recognised as CT may no longer correspond to the new definition of CT and would therefore no longer be eligible for funding. This is a serious problem because CT has seen high growth rates, especially in inland freight transport, but the lack of intermodal terminals and rail alternatives means that the initial or final leg of a journey can be substantial, especially if the country of destination/origin of the CT operations has a different track gauge.³⁰

Since the new definition of intermodal transport – and the CT definition derived from it – is aimed at the transport of a single intermodal loading unit [Art. 1b (1)], it is ultimately unclear whether the transport of two intermodal loading units on one lorry should be treated as two different CT operations and/or intermodal transport operations. This should be clarified.

1.3.3 Practical challenges of the new CT definition

Proof of CT must be provided before each individual transport operation by entering the transport information and calculating the savings in external costs. For road/rail CT alone, this currently amounts to 8 million transport operations per year³¹. The practicality of having to check each individual operation to see whether it qualifies as eligible CT within the meaning of the CT Directive³² is therefore called into question because the decision on categorisation as a CT would only be made at short notice. This could lead to unforeseeable rescheduling, delays and additional costs.³³ Yet regularly recurring CT operations as part of a longer-term contract need to be predictable and easy to manage. They should therefore only need to be entered into the eFTI system once. For transport operations booked at short notice on spot markets, however, the envisaged type of proof of CT would be an additional hurdle that could make CT less attractive.

As a general rule: The administrative burden can only be kept to a minimum if the provision of proof of CT is reliably automated using data already available in company systems. It is important in this regard that the additional complexity resulting from the need to provide proof of CT based on external cost savings does not become an additional obstacle to using CT. This applies in particular to small shipments. The extent to which this is provided for under the Commission's proposals cannot yet be conclusively assessed, as the details are still to be defined by delegated acts. However, there is a risk that necessary processes will be highly complex and that there will be unnecessary administrative costs, which will tend to discourage the use of CT. It also remains unclear

²⁷ CER (2024), [Orientation Paper on Combined Transport Directive](#), No. B.5.

²⁸ Menner, M. / Reichert, G. (2023), Euro 7 Emission Limits for Motor Vehicles, [cepPolicyBrief 5/2023](#).

²⁹ ECTA (2023), [Position Paper](#), p. 2.

³⁰ Lohr Industrie (2024), [Position on the revision of the Combined Transport Directive](#), p. 2.

³¹ UOTC (2024), [Feedback](#).

³² Allianz pro Schiene (2024), [KV-Richtlinie der EU-Kommission – Position](#).

³³ EVG (2024), [Feedback](#), p. 2.

whether the respective comparative route in unimodal road freight transport is calculated automatically for the proof of CT or must also be entered independently. The latter would in turn mean additional work.³⁴

When planning new CT operations, or in the event of short-term changes to the vehicle type on the initial or final leg of a journey, or when switching to an alternative terminal – e.g. due to the failure of the terminal normally used – there should at least be a check option to determine admissibility as a CT transport, in advance, without obligation.

The new CT definition requires intermodal loading units to be labelled in accordance with the ISO6346 standard for containers and the EN13044 standard for swap bodies and semi-trailers. However, this requirement is too far-reaching, as it can result in additional hurdles to transporting semi-trailers by CT. This is because the majority of semi-trailers in road haulage do not comply with the EN13044-3 standards for rail transportability as they are non-craneable trailers. Instead, loading baskets for vertical transshipment or horizontal transshipment systems were developed and established on the market, which enable the rail transport of unmarked and non-coded semi-trailers. So instead of promoting CT, this labelling requirement creates a new barrier to entry into CT. One exception is the owner identification of intermodal loading units in accordance with the EN13044-1 standard, which can be prescribed from a generously set deadline without negative consequences and then facilitates the identification of semi-trailers.³⁵

1.3.4 Data requirements

The transport information for proving CT is very extensive. It is not clear why such detailed information is required to fulfil the purpose of the proof of CT. This additional complexity compared to unimodal road haulage, and the fear of disclosing business secrets, could deter hauliers from using CT because not every CT user wants to make the “details of their routes generally accessible”.³⁶ In addition, to ensure that the system does not become vulnerable to criminal offences and cyberattacks, no customer data containing inferences about the flow of goods or detailed information about high-value goods should be shared.³⁷ Any kind of statistical interest on the part of the Commission must not play a role in the information requirements as this could easily jeopardise the CT objective of modal shift. The information required should therefore be kept to a minimum.

1.3.5 Availability of eFTI

eFTI platforms are not yet available and their introduction is now not planned until December 2026³⁸. Adding a module to their functionality, for recording transport information and calculating external costs, would cause further uncertainty about meeting the timeframe³⁹ because the calculation methodology must first be defined, then the required data must be updated and made available, and finally the new functionality must be integrated into the eFTI platforms. A “calculation element” with which transport companies can provide proof of CT at the click of a mouse is “extremely complex”.⁴⁰ Care must therefore be taken to ensure that users of CT are not burdened with additional costs.

Moreover, as long as the use of eFTI is still voluntary – i.e. currently until at least 2028 – the requirement to provide transport information as proof of CT, via an eFTI platform, represents an unnecessary additional hurdle to CT use because companies wanting to use CT for the first time must first create the technical possibility to use an eFTI platform. Unimodal road freight transport is not subject to this requirement. There should therefore either be an immediate obligation to use eFTI as soon as it is introduced. This could possibly take place in connection with the faster introduction of the electronic consignment note (eCMR) or the creation of an EU-wide electronic consignment note for intermodal transport. Or, the EU could determine the duration of any transitional solutions for the CT definition [see section 1.3.8 below] at least until the start of the mandatory use of eFTI. For that is the only way to ensure legal certainty and practicability regarding proof of CT without giving rise to any additional hurdles to CT.

³⁴ TLP (2024), [Feedback](#).

³⁵ Lohr Industrie (2024), [Position on the revision of the Combined Transport Directive](#), p. 2.

³⁶ BGL (2024), [Feedback](#), p. 5.

³⁷ DVF (2024), [Feedback](#), p. 4.

³⁸ eFTI4EU (2023), [eFTI Implementing Act adopted by European Commission DTF Committee](#).

³⁹ BGL (2024), [Feedback](#), p. 5.

⁴⁰ Kombiverkehr (2024), [Feedback](#), p. 2.

1.3.6 Need for special provisions

As the new CT definition excludes certain transport operations that were previously recognised as CT, resulting in the risk of a reverse modal shift back onto the road, special provisions are appropriate for these cases. The new CT definition would, for example, exclude short sea shipping from southern France or northern Italy via the Ligurian Sea to Barcelona if it involves long initial legs by road from central or eastern Europe, even though the transport by ferry avoids lengthy road transport. To solve this problem, an alternative criterion could be applied to transport by sea as a “special provision for maritime transport”, whereby this would be considered to be CT provided the sea route is shorter than the lorry route saved, or if the sea route is chosen that saves the longest distance by lorry – regardless of the means of transport used on other legs of the journey.

This problem also exists for rail transport from the north to terminals on the French-Spanish border, and vice versa, where the loading units are transported through Spain by lorry due to the different track gauge. The same applies to transport operations to the Baltic states, which also have a different track gauge. In order not to exclude these CT operations from the definition of CT, a “special provision for transport operations from/to countries with a different track gauge” could be considered. In such cases, just the leg by rail from the terminal with a European track gauge and the subsequent final leg of the journey, or transport in the opposite direction, could be used as the basis for proof of CT. This special provision could also be limited in time until fast and efficient transshipment terminals for transshipment between trains with different track gauges have been built near the border.

Finally, a “special provision for Alpine transit by rail” is also required to prevent a reverse modal shift where transport operations in accompanied or unaccompanied transport, which may involve long road sections, are now excluded from the definition although they were previously covered.

1.3.7 Need for a transitional solution

If the proposed CT definition is retained, a transitional solution is urgently needed in the event that the introduction of the eFTI system is delayed. This must apply until the eFTI system is established and the calculation of external costs is fully functional – i.e. until a simple, practicable, reliable and cost-effective way of verifying CT is available for all companies involved or interested in CT.⁴¹ After all, if the previous definition ceases to apply when the amended CT Directive comes into force, it must still be possible to carry out CT operations with legal certainty, even if the new CT definition cannot yet be applied for technical reasons.

The CT sector has proposed a route-based CT definition as a transitional solution. Transport should be considered CT if at least 60% of the distance is travelled by rail/inland waterways or short sea shipping.⁴² This would roughly correspond to the savings target for external costs but would be easier to prove. In addition, this transitional CT definition would not be subject to any dynamic uncertainties [see Section 1.3.2] provided that it is clearly limited in time – but applies for long enough to allow proof of CT based on the new CT definition to be available. However, this transitional solution also excludes many operations previously classified as CT so, at the very least, the special provisions mentioned above should also apply to the transitional solution.

1.3.8 Alternative solutions

It is doubtful whether freight forwarders will be incentivised to carry out more CT operations if proof of CT is required, which is associated with uncertainties, great complexity and additional administrative work, as well as investments in the eFTI compatibility of their IT systems. In addition, it has already been pointed out that – both with the new CT definition and with a route-related transitional solution – special provisions will be necessary to ensure that certain types of existing CT operations do not fall outside the CT definition.

Furthermore, the Commission's two main justifications for its new CT definition – better reflection of environmental benefits and better consideration of regional characteristics and vehicle types⁴³ – are not sound because the former limits the meaning of CT exclusively to its environmental benefits and the latter is not applicable.⁴⁴ Only the third problem cited by the Commission – varied interpretations of the previous CT definition by authorities and courts in individual Member States⁴⁵ – justifies its modification. The question

⁴¹ Kombiverkehr (2024), [Feedback](#), p. 2.

⁴² DIHK (2024), [Feedback](#), p. 3; Kombiverkehr (2024), [Feedback](#), p. 2.

⁴³ See above Section 1.3.1.

⁴⁴ Ibid.

⁴⁵ Ibid.

therefore arises as to whether this problem can be solved in another way and whether “the current wording should rather serve as a starting point for an improved and more practical definition of CT”⁴⁶. It would be useful to examine the individual legal disputes relating to the current definition of CT in more detail and to elucidate the disputed points by expanding the definition. Binding and clear interpretative provisions⁴⁷ could also be useful to protect transport companies in CT from arbitrary actions. A modification of the previous definition in this respect could be to add the subordinate clause “which offers a regular connection to the destination area of the cargo” to the term “nearest suitable transshipment terminal”. In order to promote service competition between CT terminals, the CT definition could also be modified to the effect that it is not always the “nearest suitable terminal” that must be used, but one of the two (or three) nearest suitable terminals.

Another alternative, which is now also being propagated by the International Union for Road-Rail Combined Transport (UIRR), would be to permanently opt for a route-based definition of CT.⁴⁸ Thus, the UIRR proposes that transport operations, in which more than 50% of the distance travelled by the intermodal loading unit is covered by non-road modes of transport, should be considered as CT operations. The 50% share should be increased to 60% by 2035 to reflect the expected increase in terminal density and the development of railway infrastructure.⁴⁹ However, it is questionable whether this proposal would also be appropriate for transport on inland waterways or short sea shipping. A suitable sector-specific definition of CT should therefore be found as an addition in these sectors. Overall, however, a route-based definition should also include transports on the territory of non-EU countries so that authorities can “check at any time on the basis of the transport documents” whether a lorry is on the initial or final leg of a CT journey.⁵⁰ The special provisions [see above Section 1.3.6] should apply to this alternative in order not to exclude such operations from the definition of CT.

1.4 EU requirements for support measures

1.4.1 Generally: Support for intermodal transport

In order not to hinder intermodal transport, it is appropriate to exempt it from authorisation requirements and quota rules in the same way as CT. Transparency obligations for intermodal terminal operators regarding the services offered make it easier for potential new customers to obtain information and for transport companies to plan intermodal transport operations. Easier access to this information is also important for analysing existing and future terminal capacities.

However, classification of the terminals is not necessary for this. Above all, the EU legislator should refrain from classifying terminals according to efficiency with the aim of subsequently being able to stipulate an improvement to a higher efficiency class. The latter would be an unjustifiable encroachment on the entrepreneurial freedom of terminal operators to decide for themselves whether terminal operation is efficient and economically viable for them. The obligation for Member States to draw up a national strategy to promote intermodal freight transport is rightly not limited to CT because both forms of transport are relevant when it comes to planning and supporting transshipment terminals or upgrading rail or waterways.

1.4.2 Specifically: Support for combined transport

The CT support measures, which are aimed at equal treatment of CT and international unimodal road freight transport, have proved their worth. These include the ban on quota and approval systems and the exemption from the tariff obligation, which have also applied to international road freight transport since its deregulation. The exemption from cabotage and the fact that a carriage authorisation is not required for trailers not owned by the shipper or consignee, for the initial and final legs of a journey, also puts CT on an equal competitive footing with unimodal road freight transport in this respect.

Exempting the initial and final legs of a CT operation from weekend, night and public holiday driving bans may increase the competitiveness of CT without the need to use state funds. However, there is also a risk that this will divert transport operations away from rail, particularly in seaport-hinterland transport, as the lorry journeys to or from seaport terminals would be entitled to this exemption and therefore have a competitive advantage. This possibility should be prevented. In addition, the exemption from driving bans should only apply where no

⁴⁶ BGL (2024), [Feedback](#), p. 5.

⁴⁷ EVG (2024), [Feedback](#).

⁴⁸ UIRR (2024), [Position Paper: CT Definition: good logic to be simplified](#).

⁴⁹ Ibid.

⁵⁰ EVG (2024), [Feedback](#).

more than one border is crossed on the initial or final leg, in order to avoid false incentives for Alpine-transit by lorry, for example.⁵¹

What all these measures have in common is that they will be applied throughout the EU and thus avoid a patchwork of CT support. Similar EU-wide regulatory facilitations – such as a general exemption from toll charges for initial and final legs of a journey – could similarly support CT in line with internal market requirements and should be seriously considered.⁵² The EU-wide tax exemption for vehicles used in CT does not complicate CT either as it only applies, in each case, to vehicles registered in a Member State, and there is no need to search for varying support measures in cross-border CT operations.

1.5 National support strategy and 10% CT cost reduction obligation

1.5.1 Binding elements

The obligation to have a national support strategy will force Member States to address appropriate CT support measures on their territory in order to meet the 10% CT cost reduction obligation. This will help to further develop CT throughout the EU – even in Member States where there has so far been little action – which is also important for facilitating positive network effects and longer main routes in CT. The latter applies most notably to certain larger states, where the network of CT routes is sparse and main routes often end at the national border, such as after transiting the Alps (Italy) or the Pyrenees (Spain). Planning fast transshipment terminals, for example, to transfer loading units between trains with different track gauges, would support the extension of rail transport from the north to Spain and Portugal.

This instrument of mandatory CT support strategies and the 10% CT cost reduction obligation also provides the Commission, for the first time, with a means of exerting pressure on Member States to take concrete action in favour of CT, as they risk infringement proceedings if implementation is inadequate.

However, the 10% CT cost reduction obligation is set too low. Firstly, it fails to take account of the cost savings that pure road freight transport, which competes with CT, is likely to achieve due to the authorisation of heavier and longer lorries as part of the reform of the Directive on the dimensions and weights of commercial vehicles. In order to balance out these savings in favour of CT, the CT cost reduction obligation would have to be increased by the average new competitive advantages of road freight transport. By contrast with the Commission which, in its Impact Assessment⁵³, predicts a shift back to pure road freight transport (“reverse modal shift”) of less than one percentage point, a study by d-fine⁵⁴, on behalf of several rail associations, calculates that, on average across all rail transport segments, up to 21% of the volume would be susceptible to a reverse modal shift, while in CT the average would be 16%.

Given the potential for a substantial modal shift back to road transport, it is important, on the one hand, to ensure that the amendment of the Directive on dimensions and weights is negotiated alongside the CT Directive so that close attention can be paid to its impact on CT. And, on the other hand, the new average cost advantage of road freight transport must be quantified as accurately as possible in order to adjust the CT cost reduction obligation accordingly. Only a fair reduction in transport costs over and above the new competitive disadvantage compared to road freight transport (“net cost reduction”) can improve the competitive situation of CT.

Secondly, a 10% net cost reduction does not utilise the full potential for strengthening competition even in shorter CT operations because, as the Commission shows in its Impact Assessment, starting from a cost reduction of 10%, the induced modal shift increases more strongly for each additional percentage until a cost reduction of 15% is reached [see Fig. 1, Legend: blue = rail, grey = inland waterways, red = short sea shipping].⁵⁵ At that point, the curve flattens out again.

⁵¹ AK (2024), [Positionspapier](#).

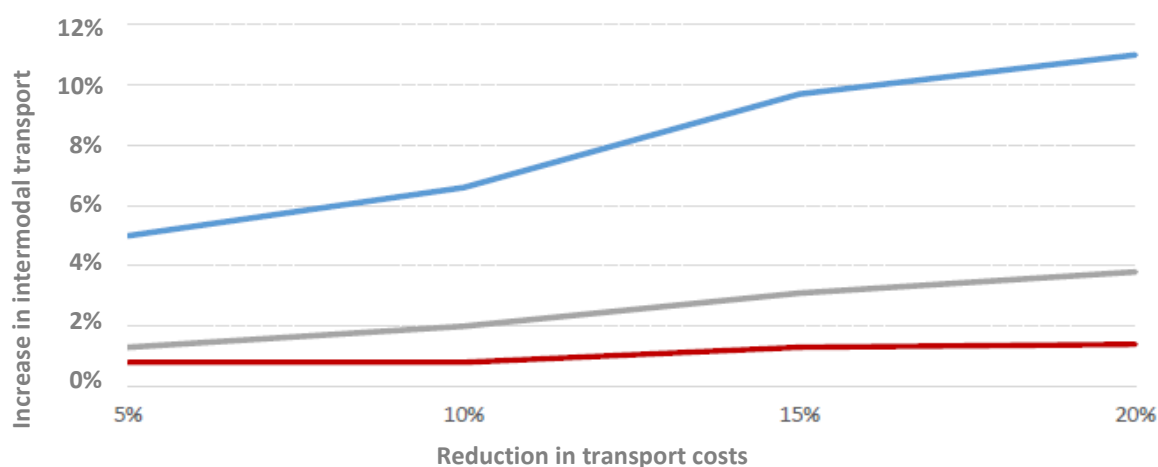
⁵² ERFA (2024), [Reply to public consultation](#), p. 1.

⁵³ Impact Assessment [SWD\(2023\) 445](#), p. 48

⁵⁴ d-fine (2024), [Study on Weights and Dimensions](#), p. 29.

⁵⁵ Impact Assessment [SWD\(2023\) 351](#), Figure 9, p. 30

Fig. 1: Percentage increase in intermodal transport with corresponding cost reduction



Source: European Commission, Impact Assessment [SWD\(2023\) 445](#)

Since CT can become competitive even on shorter routes with relatively little additional effort, the net CT cost reduction obligation should be increased to 15%. In addition, the period within which it must be achieved should not be 90 months but significantly shorter, so that competition conditions can be harmonised more quickly.

1.5.2 Possible support measures

The two lists of possible support measures are, on the one hand, a good way of encouraging Member States to promote CT. On the other hand, this approach has some shortcomings, and the lists themselves also have some weaknesses. The most serious problem with this approach is that it can easily lead to a confusing patchwork of allowances and subsidies, making it particularly difficult to calculate costs and carry out cross-border CT operations – especially if they pass through several Member States.⁵⁶

Firstly, therefore, it would make more sense to initiate some efficiency-enhancing measures across the EU. Secondly, it would be more efficient and economical for public budgets if the measures – harmonised as far as possible – were to concentrate mainly on internalising the external effects of road freight transport and on increasing efficiency in the CT system. In terms of internalising external costs, it would be appropriate, on the one hand, to encourage Member States that do not yet include the maximum permissible level of environmental costs in their infrastructure charges, to do so, and to abolish exemptions for private operators of toll routes in this regard – with appropriate compensation.⁵⁷ On the other hand, this will also increase transport costs and reduce the competitiveness of goods destined for export. A middle way is therefore more appropriate, which relies on increased internationalisation of the external costs of road freight transport whilst indirectly rewarding, by way of subsidies, the reduction of external costs by CT. In terms of efficiency, improved EU-wide rules of priority for rail freight transport and the facilitation of border crossings for rail transport, as well as better international coordination of construction sites, should be made mandatory as a matter of priority.

Thirdly, the individual support measures should be specified in more detail and notified in advance so that the state aid issues can be clarified early.⁵⁸ The planned block exemption for transport subsidies, as part of the revision of the railway guidelines, could also create non-bureaucratic opportunities for the Member States⁵⁹, which would enable rapid CT support.⁶⁰ The more harmonised the measures, the better they will be for the internal market and the competitiveness of CT.

⁵⁶ UIRR (2023), [Position Paper](#), p. 2.

⁵⁷ AK (2024), [Position Paper](#).

⁵⁸ Kombiverkehr (2024), [Feedback](#), p. 1.

⁵⁹ European Court of Auditors (2023), [Special report Intermodal freight transport 08/23](#).

⁶⁰ Kombiverkehr (2024), [Feedback](#), p. 1.

Fourthly, the funding catalogue should also include investments in horizontal transshipment and (semi-) automatic “mega-hubs” for fast transshipment – both at terminals and by means of rail wagons or lifting equipment on lorries. Most notably, countries with different track gauges should be encouraged to invest in efficient and fast transshipment terminals at their national borders.⁶¹ According to the European Court of Auditors, the promotion of new CT terminals in Germany has proven its worth and could become a model for the EU.⁶² In Germany, up to 80% of the eligible investment costs are subsidised if the terminal operators undertake to reduce their charges for use of the infrastructure. For competition reasons, the reductions in these charges “must not exceed the maximum threshold necessary to put combined freight transport on par with road haulage”.⁶³ Terminal operators must provide the authorities with yearly information on the amount of loading units, a forecast of the expected traffic and the trend in loading fees. This information is analysed to identify potential market distortions.⁶⁴

Reduced track access charges for rail freight transport and special discounted railway electricity tariffs are also an important element of the support scheme. Since road freight transport usually only has to pay its infrastructure charges on motorways and major roads, and Member States are allowed to waive tolls on certain routes⁶⁵, whilst rail transport has to pay track access charges for every kilometre travelled, financing the reduction or abolition of track access charges out of the revenue from road-use charges is justified. Member States should be encouraged to do this.

It would also make sense to protect rail, as the more energy-efficient mode of transport, from excessively high electricity costs by subsidising electricity tariffs for rail freight transport. This is especially true as unimodal road freight transport always benefits from lower fuel prices arising from the volatility of world market prices for fossil fuels. Finally, a temporary bonus could also be paid if the non-road sections of CT operations on existing CT routes are extended when a terminal closer to the start point or to the destination becomes available. This could accelerate the expansion of the CT network because investments in new terminal locations based in regions with longer distances to the nearest terminal would be able to count on the anticipated demand upfront, thanks to the incentive of the bonus.

2 Legal Assessment

2.1 Legislative Competence

The EU may issue rules on international transport [Art. 91 (1) (a) TFEU] – in this case cross-border CT goods transport. It may also adopt “any other appropriate provisions” relating to common EU transport policy [Art. 91 (1) (d) TFEU] – e.g. for transport-related environmental protection – which should apply equally to international and national transport. Finally, the EU may also take action to protect the environment and the climate [Art. 191 TFEU].

2.2 Subsidiarity

Unproblematic. The EU is authorised to act due to the highly cross-border nature of the transport system [Art. 5 (3) TEU].

⁶¹ See [Info Flyer](#) on the Metrocargo system.

⁶² European Court of Auditors (2023), [Special report Intermodal freight transport 08/23](#) para. 59.

⁶³ Ibid.

⁶⁴ Ibid.

⁶⁵ Ibid., para. 49.

D. Conclusion

Moving a part of freight transport off the road and onto rail, inland waterways and the sea (“modal shift”) will reduce external effects such as CO₂ and air pollutant emissions, as well as accident and congestion costs, and curb further land sprawl caused by the expansion or construction of new major roads. It will also ease the shortage of lorry drivers, as fewer long-distance drivers will be needed to transport the same volume of goods.

“Combined transport” (CT) has a high potential for modal shift. In contrast to single wagonload transport by rail, the sending or receiving company does not require a siding as the initial and final legs of the journey are carried out by road. However, the new CT definition does not adequately reflect the complexity and benefits of CT beyond the reduction of external costs – such as energy efficiency, better working conditions for lorry drivers, additional capacity in the face of driver shortages. The arbitrary 40% external cost threshold excludes many existing CT operations – such as trans-Alpine journeys, as well as transport operations to the Iberian Peninsula which are only carried out by rail as far as the French-Spanish border due to a different rail gauge.

The required proof that a transport operation qualifies as eligible CT, based on a calculation of the external costs saved, is too complex and impractical. The Commission proposal requires too much sensitive data. All this will discourage potential new CT customers. Due to the dynamic development of external costs, there is a lack of planning certainty which will inhibit long-term contractual relationships. Even if, contrary to expectations, the eFTI platforms were soon to become available and equipped for the new requirements, the obligation to use them for providing transport information as proof of CT represents an unnecessary further hurdle to CT use – especially while the use of eFTI platforms remains voluntary – i.e. currently until at least 2028.

With this in mind, the CT definition should be based on the requirement that a minimum proportion of the route is not covered by road – e.g. 55%, rising to 60% with an expanded network of terminals. In addition, special provisions are needed for trans-Alpine transport, short sea shipping and transport to countries with a different rail gauge, or other provisions to ensure that transport that was previously eligible for CT funding does not fall outside the definition of CT. Alternatively, this route-based definition could serve as an interim solution until the eFTI solution is technically and organisationally fully functional and mandatory for all transport companies. In that case, however, the level of the external costs threshold must be re-evaluated.

Exempting the initial and final legs of CT operations from weekend, night and public holiday driving bans increases the competitiveness of CT without additional costs for the Member States. The mandatory CT support strategies and the 10% CT cost reduction obligation provide the Commission, for the first time, with a means of exerting pressure on Member States to take concrete action in favour of CT, as they risk infringement proceedings if implementation is inadequate. This promotes the EU-wide development of CT as well as positive network effects. However, the required cost saving of 10% is too low to compensate for competitive disadvantages. In addition, the 90-month implementation period is too long. Leaving the choice of support measures entirely up to the Member States will lead to a confusing patchwork that makes it difficult to calculate and implement cross-border CT transport operations. It is more appropriate to establish EU-wide measures on the pricing of external effects in road freight transport and efficiency improvements in the CT system. Finally, “horizontal transshipment” should also be promoted, as it is well suited to non-craneable semi-trailers.