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| From: | General Secretariat of the Council |
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| Subject: | Preparation of the Council meeting (<u>Transport</u> , Telecommunications and Energy) on 5 December 2024 Proposal 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 costs savings and generation of aggregated data – Progress report |

I. INTRODUCTION

1. On 7 November 2023, the Commission submitted the above-mentioned proposal (hereinafter “Combined Transport Directive”) to the European Parliament and to the Council. The proposal was the last piece of the Greening Freight Transport¹ legislative package presented in July 2023 in the context of the Smart and Sustainable Mobility Strategy.²

¹ ST 11856/23

² [Sustainable and Smart Mobility Strategy – putting European transport on track for the future.](#)

2. The three other proposals in the package include a revision of the Directive on Weights and Dimensions for certain road vehicles, a draft Regulation on the accounting of greenhouse gas emissions of transport services ('CountEmissions EU') and a draft Regulation on the use of railway infrastructure capacity in the single European railway area.
3. The Combined Transport Directive proposes to amend the 1992 Directive currently in force³ by incentivising a greater shift of road freight to intermodal transport which combines the better environmental performance and energy efficiency of rail, inland waterways and short-sea shipping with the accessibility and flexibility of road transport. The objective is to make intermodal transport more attractive to economic operators while reducing the negative external costs, such as greenhouse gas emissions, air pollution, congestion and road traffic accidents.
4. A key element towards this objective is the proposed new definition of a 'combined transport operation' understood as an 'intermodal transport operation' complying with certain conditions and carried out within the territory of the Union. Meeting these conditions as set out in the proposal would make the operation eligible for a range of EU-wide incentives as well as national support measures.
5. In terms of digitalisation, the Combined Transport Directive proposes to amend Regulation (EU) 2020/1056 on electronic freight transport information⁴ (hereinafter "eFTI"), so that eFTI platforms can be used to calculate eligibility and collect aggregated data on the economic development of the sector. In addition, the proposal lays down rules on transparency requirements for transshipment terminals to further facilitate intermodal transport.
6. The Combined Transport Directive is the third attempt to amend the 1992 directive, which is considered outdated and limited in scope. The Commission proposals for a revision of the legal act in 1998 and in 2017 were subsequently withdrawn.

³ Council Directive 92/106/EEC of 7 December 1992 on the establishment of common rules for certain types of combined transport of goods between Member States, *OJL 368*, 17.12.1992, p. 38–42.

⁴ Regulation (EU) 2020/1056 of the European Parliament and of the Council of 15 July 2020 on electronic freight transport information, *OJL 249*, 31.7.2020, p. 33–48.

II. WORK AT OTHER INSTITUTIONS

7. The European Parliament designated the Transport and Tourism Committee (TRAN) as responsible committee. On 13 September 2024 TRAN appointed Flavio TOSI (EPP, IT) as rapporteur. He replaced the previous rapporteur Massimiliano SALINI (EPP, IT) who had published a working document⁵ with recommendations on 1 March 2024.
8. The European Economic and Social Committee adopted its opinion⁶ at its 585th plenary session on 14 February 2024. The Committee of the Regions adopted its opinion⁷ at its 159th plenary session, 31 January – 1 February 2024.

III. WORK WITHIN THE COUNCIL

9. The Commission presented the proposal and its impact assessment to the Working Party on Transport - Intermodal Questions and Networks on 17 November 2023 under the Spanish Presidency.
10. The Belgian Presidency examined the proposal in-depth at eleven Working Party meetings with seven compromise texts, presenting a progress report to the Council on 18 June 2024⁸.
11. The Hungarian Presidency continued the examination of the file in the Working Party on 10 September and 1 October 2024. The Presidency held a discussion in Coreper for further guidance on 16 October 2024.

⁵ https://www.europarl.europa.eu/doceo/document/TRAN-DT-759727_EN.pdf

⁶ ST 10705/24

⁷ ST 06311/24

⁸ ST 10275/24

IV. WORK TOWARDS A COMPROMISE

12. The Hungarian Presidency began work on the file by exploring a more flexible approach, considering the different views of the Member States. It was clear that the new definition of combined transport in the Commission proposal based on a threshold of at least 40% external costs savings would not get enough support. The last compromise under the Belgian Presidency setting out a requirement for a minimum 50% non-road transport was appreciated by some delegations, but again did not gather sufficient support. At the same time, some delegations were asking for a fixed distance limit on the road leg, with certain delegations suggesting going back to the definition in the 2018 Council general approach where that limit was set at 150 km.⁹
13. As a first step, the Presidency presented a discussion paper with two options in addition to the requirement of at least 50% non-road transport. The first option introduced a cap of 150 km on the road leg with exemptions for reaching the nearest suitable transshipment terminal. The second option suggested to keep the 150 km limit on the road leg only for road-waterborne connections, similarly to the current rules. On road-rail connections, it suggested to give Member States the flexibility to set several distance ranges for the road leg and decide accordingly which incentives to apply. The aim was to find a compromise reflecting the different geographical circumstances and logistics infrastructure in the Member States. However, many delegations found the second option too complex to implement, with a potential risk of fragmentation of rules across the Union.
14. Next, the Presidency proposed a compromise text on all the articles. Regarding the key issue of the scope of combined transport, the compromise was based on the first option from the discussion paper, i.e. a minimum 50% non-road transport and a 150 km distance limit on the road leg. A well-defined set of conditions was introduced, clarifying when the road leg cap may be exceeded.

⁹ ST 15147/18

15. In addition, the Presidency explored ways to resolve the issue of the digital platforms for verifying eligibility when planning a combined transport operation and as a proof of compliance at roadside checks. The initial suggestion for a temporary digital geocoding platform to be developed by the Commission was deemed complex and unnecessary by many delegations. Consequently, in its compromise the Presidency included a safeguard clause which ensured that the combined transport organisers will not have to use eFTI platforms until a sufficient number of eFTI platform service providers have been certified for the required new functionalities.
16. Moreover, the Presidency amended the provisions on national policy frameworks for facilitating the uptake of combined transport, clarifying, among other things, the voluntary and aspirational nature of the target to reduce the total costs of combined transport operations.
17. The Presidency also tried to find a suitable solution regarding the provision exempting vehicles carrying out road legs of combined transport operations from driving bans by proposing several derogations.
18. In the Working Party, the Presidency compromise drew mixed reactions. Consequently, the Presidency concluded that in order to unlock progress on the proposal, the definition of combined transport had to be clarified first since it determines eligibility for incentives and support measures.
19. Therefore, the Presidency decided to ask Coreper for guidance with two questions: the first on whether a combination of a minimum of 50% non-road transport and a distance limit on the road leg, such as 150 km, can form a basis for the definition; the second on whether exceptions are needed to provide for specific situations. The outcome of the Coreper discussion showed that the Member States' views on the scope of combined transport remain divergent, with some strongly in favour of a fixed road leg limit, others preferring the percentage share approach, and a third group ready to show flexibility. In addition, a number of Member States considered the use of eFTI platforms for combined transport organisers to be premature.

20. More work is needed to find a compromise on the outstanding issues. For some Member States, incentives encouraging rail freight connections are essential. In this respect, separate provisions for operations involving road-rail transshipment and for operations involving road-waterborne transshipment could be explored provided that such an approach can ensure legal certainty and would not lead to fragmentation. At the same time, island Member States emphasise the importance of keeping the proposed provisions on sustainable intermodal transport between islands and island Member States and the mainland.

V. **CONCLUSION**

21. Coreper, following its meeting on 27 November 2024, invites the Council to take note of the progress report regarding the work on the revision of the Combined Transport Directive.
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