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23.4.2024

Opinion of the European Economic and Social Committee on ‘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’

(COM(2023) 702 final — 2023/0396 (COD))

(C/2024/2488)

Rapporteur: **Pierre Jean COULON**

Referral	European Parliament, 14.12.2023 Council, 16.2.2024
Legal basis	Article 91(1)(c) and (d) of the Treaty on the Functioning of the European Union
Section responsible	Section for Transport, Energy, Infrastructure and the Information Society
Adopted in section	26.1.2024
Adopted at plenary	14.2.2024
Plenary session No	585
Outcome of vote (for/against/abstentions)	171/0/1

1. Conclusions and recommendations

1.1. The European Economic and Social Committee (EESC) broadly supports the revision of Council Directive 92/106/EEC of 7 December 1992 on intermodal transport, as it broadly supports the ‘Greening Freight Transport’ package which was the subject of the opinions adopted in July 2023 ⁽¹⁾ and October 2023 ⁽²⁾.

1.2. Its success depends on the involvement of civil society and the involvement of the EESC.

1.3. The EESC reiterates the imperative of an economic, social and environmental balance to ensure a just transition.

1.4. The EESC affirms the need for intermodality in all freight transport, while always bearing in mind the obligation to coordinate and optimise each mode of transport at European level.

1.5. The success of this policy calls for full compliance with social rules as well as a specific and systematic training policy for company staff and managers, and regrets that this is not mentioned in the text of the Directive.

2. General comments

2.1. As the proposal for a Directive presented by the European Commission points out, it is becoming increasingly clear that the transport modes currently used for freight transport in the European Union (EU) have significant weaknesses and are not conducive to sustainable development.

2.2. The EESC recognises the central role that transport plays in economic growth and the demand for mobility exacerbated by the pressures resulting from the necessary greening of transport, the competitiveness of intermodal freight in comparison with road-only transport, and the delivery of the Green Deal.

⁽¹⁾ OJ C 349, 29.9.2023, p. 12.

⁽²⁾ OJ C, C/2024/890, 6.2.2024, ELI: <http://data.europa.eu/eli/C/2024/890/oj>; OJ C, C/2024/891, 6.2.2024, ELI: <http://data.europa.eu/eli/C/2024/891/oj>.

2.3. Social awareness influences transport policy, because environmental concerns and the social costs of existing transport systems are evident everywhere. Transport is therefore viewed not only from a narrow and conventional economic perspective, but also from the perspective of its impact on environmental and ecological systems as well as on society as a whole, and in particular on poor populations in rural areas.

2.4. The proposed Directive aims to make freight transport more sustainable by improving the competitiveness of intermodal freight transport, i.e. that which uses at least two modes, compared to road-only transport.

2.5. It updates Council Directive 92/106/EEC ⁽³⁾ on combined transport, which is currently in force, and belatedly complements the 'Greening Freight Transport' package adopted in July 2023, on which the EESC has already had the opportunity to state its position.

2.6. It notes that road transport is responsible for the majority of the negative externalities of transport in the EU, both because it is by far the most common mode of transport (in 2020 it accounted for 74,4 % of intra-EU land transport and 53,3 % of all intra-EU transport) ⁽⁴⁾ and because it currently generates more externalities per tonne-kilometre of freight than rail, inland waterways or short sea shipping.

2.7. It therefore concludes that shifting from road to intermodal transport would help to reduce the negative externalities of transport, while ensuring the necessary flexibility for freight services to cover every point in the EU thanks to road feeder legs between the terminal and place of loading/unloading.

2.8. However, it recognises that intermodal transport is unable to compete with road-only transport over medium and short distances due to administrative hurdles, transshipment costs and incomplete internalisation of external costs. The proposed Combined Transport Directive therefore aims to address this by creating a support framework to increase the competitiveness of intermodal and combined transport, thereby promoting a shift away from road-only transport.

2.9. The proposal contains two components, one of a general nature and the other specifically relating to combined transport. The general component aligns intermodal transport with unimodal transport by freeing it from quotas and authorisations.

It requires Member States to adopt a national policy framework for facilitating the uptake of intermodal transport, and establishes a transparency requirement for intermodal transshipment terminals to ensure that potential customers can easily find out which services and facilities are available.

2.10. The specific component establishes an EU-wide exemption from weekend, holiday and night driving bans for the short road legs of combined transport, and sets a target for Member States to reduce the average door-to-door cost of combined transport operations by at least 10 % within seven years.

3. Specific comments

3.1. Intermodality is a necessary but insufficient condition for the greening of transport, because it is not difficult to imagine an intermodal transport system that is truly efficient and failure-proof but does not meet all the sustainability criteria.

3.2. According to the EESC, a sustainable transport system must be economically efficient, environmentally friendly, reliable, safe, and contribute to social development. Each of these imperatives has three dimensions that must be taken into account if we are to have an intermodal system in line with the aim of sustainability: technology, planning and the development of policies and social ethics.

⁽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 (OJ L 368, 17.12.1992, p. 38).

⁽⁴⁾ Questions and answers on the proposal for a Directive on intermodal transport.

3.3. Establishing an intermodal transport system requires the public to be informed of the advantageous prospects it offers: an intermodal transport system is designed to serve the public; it must influence decisions on transport projects and policies and will ultimately determine the effectiveness of a new transport system. As indicated in the impact assessment, the new common EU framework for greenhouse gas (GHG) emissions accounting in transport and logistics will allow for improved transparency and accountability on transport-related external costs.

3.4. The EESC notes that smart, distance-based road charging, with varied rates for the type of vehicle, as provided for by the revised Eurovignette Directive ⁽⁵⁾, is an effective tool to incentivise sustainable and economically efficient choices, manage traffic and reduce congestion.

3.5. As the impact assessment points out ⁽⁶⁾, the different complexities, in particular the interaction between national and European policies, are inherent to intermodal transport, as it always involves many parties, multiple contracts and different laws and rules. Logistics companies and freight forwarders must solve the cost problem for shippers.

However, given that the public must be on board with what is proposed, the EESC calls for wide-ranging civil society awareness-raising campaigns which it will be involved in, to ensure genuine public participation.

3.6. The EESC notes that dialogue between all terminals is also essential. The lack of transparency regarding terminal operations, their facilities and services is an important problem not dealt with sufficiently in the legislation. Lack of information about terminals was identified as a problem in the recent European Court of Auditors report ⁽⁷⁾. For rail, rules are set out in Commission Implementing Regulation (EU) 2017/2177 ⁽⁸⁾ on access to service facilities, but its application has only partially solved the issue. No transparency requirements for information to be made publicly available exist for inland waterways and short sea shipping terminals. This makes it impossible to carry out initial assessments without contacting all of the terminals, even if the desired intermodal operations were possible.

It therefore contends that the proposal for a Directive aims to solve this major problem.

3.7. The EESC welcomes the European Commission's recognition in the Directive of the contribution that short-sea shipping from and to islands can make to reduce road transport emissions and congestion on the mainland. It stresses that the reference in Article 1c(2)(b) 'in the case of connections between an island and the mainland without a road alternative, the operation produces at least 40 % less external costs than the alternative maritime intermodal operation', shall also mean connections between an island Member State and the EU mainland.

3.8. Article 1c paragraphs 6 and 7 of the proposed Directive require that: 'The Commission shall adopt implementing acts establishing detailed rules for the calculation of external costs referred to in paragraph 2 of this Article' and 'The Commission shall adopt implementing acts establishing the list of the predefined maritime leg of the alternative maritime intermodal operations referred to in paragraph 2, point (b), of this Article'. According to the EESC, the methodology for the calculation of external costs and the list of the predefined maritime leg of the alternative maritime intermodal operations should be established and included as an annex to this Directive. This will allow for a shorter transposition period than the 30 months foreseen in Article 3(1) in order to anticipate the benefits that could be brought about by an earlier application of this Directive.

3.9. The EESC welcomes the fact that the proposed revision is in line with the recently adopted NAIADES III Communication ⁽⁹⁾, which recommends greater integration of inland waterways into a modern trans-European intermodal transport system, which it has long called for. The EESC adds that the prerequisite for the use of intermodal and multimodal transport is the availability of appropriate infrastructure with sufficient capacity.

⁽⁵⁾ Directive (EU) 2022/362 of the European Parliament and of the Council of 24 February 2022 amending Directives 1999/62/EC, 1999/37/EC and (EU) 2019/520, as regards the charging of vehicles for the use of certain infrastructures (OJ L 69, 4.3.2022, p. 1).

⁽⁶⁾ SWD(2023) 351 final, Brussels, 7.11.2023, p. 9.

⁽⁷⁾ 'Intermodal Freight Transport, EU still far from getting freight off the road', European Court of Auditors Special Report 08/2023.

⁽⁸⁾ Commission Implementing Regulation (EU) 2017/2177 of 22 November 2017 on access to service facilities and rail-related services (OJ L 307, 23.11.2017, p. 1).

⁽⁹⁾ COM(2021) 324 final.

3.10. The EESC stresses that skills are therefore required to assist in the planning, management and operation of intermodal transport. However, it is widely accepted today that such skills are lacking, as the training provided in the field of transport in Europe is still largely focused on modal transport.

It regrets that the proposal for a Directive is silent on this point.

3.11. The development and use of new technologies are creating new, onerous responsibilities for education systems. Staff with new qualifications are required to design, plan, operate and maintain transport networks. As regards infrastructure, there are also important needs to be met. For intermodal freight transport to function well, it is not enough to build transit systems; there must also be appropriate information structures that allow seamless freight.

3.12. The need for training also applies to the field of technology. Various technologies have already had a considerable impact on the development of intermodal transport — such as double-decker trains, super container ships, wide-bodied aircraft and innovative logistics companies like UPS and FedEx — and it is very likely that new and emerging technologies, especially satellite communications and ICT in general, will have a similar impact in the future.

3.13. These technologies play a key role in removing the many practical hurdles that hinder the seamless flow of freight. In many areas, especially in urban zones, the construction of new roads no longer reduces traffic congestion. It is increasingly recognised that the reduction of the area available to improve this infrastructure and the phenomenon of 'induced demand' render a strategy of simply building to solve the congestion problem impracticable.

The EESC notes that the effective use of new technologies therefore requires extensive coordination and integration of resources.

3.14. Article 9a of the proposed Directive introduces a new measure: 'Vehicles carrying out road legs of combined transport operations shall be exempted from weekend, night and holiday driving bans applying to heavy goods vehicles only. That exemption shall not apply in the event of general driving bans applicable to all vehicles used for private purposes'.

3.15. According to the European Commission, such traffic bans create considerable problems for the logistics chain, given that road legs cannot be carried out directly before or after the non-road leg. This results in terminal yard congestion, larger traffic jams just before and after the driving ban times and an inability to efficiently fill the rail, inland waterways (IWW) or short sea shipping (SSS) vehicle/vessel during such driving bans limiting the time of non-road leg timetables ⁽¹⁰⁾.

3.16. The EESC calls for the application of this new measure to respect the rest and break periods of heavy goods vehicle (HGV) drivers; economic profitability must not adversely affect road safety or the working conditions of drivers in the EU.

3.17. Several studies on the relation between fatigue-causing factors show that the peak level of crash risk, at night, can be ten times higher than daytime levels ⁽¹¹⁾.

Truck drivers, in particular, who often have to spend the night at rest areas, complain that the poor design of parking spaces as well as uncomfortable environmental conditions are factors contributing to the poor quality of sleep.

Moreover, 71 % of truck drivers say that driving at night is a relevant factor contributing to fatigue ⁽¹²⁾. Night work disrupts the circadian rhythm and causes irregular sleep.

Brussels, 14 February 2024.

*The President
of the European Economic and Social Committee*
Oliver RÖPKE

⁽¹⁰⁾ SWD(2023) 351 final, Brussels, 7.11.2023, p. 128.

⁽¹¹⁾ <https://www.etf-europe.org/wp-content/uploads/2021/05/Driver-Fatigue-in-European-Road-Transport-Report.pdf>.

⁽¹²⁾ <https://www.etf-europe.org/wp-content/uploads/2021/05/Driver-Fatigue-in-European-Road-Transport-Report.pdf>.