

Combined Transport should not be collateral damage

A border-crossing Combined Transport operation, carried out within the single market, shall be treated the same from end-to-end as its equivalent cross-border road transport operation: This is a founding stone of European Combined Transport, enshrined in Article 4 of the Combined Transport Directive (92/106) and valid ever since the Council Directive 75/130 as the first EU legislation on Combined Transport has come into force. The positive environmental, safety and congestion-reduction attributes of Combined Transport were recognized nearly half a century ago with this declaration of legal equivalence.

Yesterday evening, a majority of the members in the European Parliament's Transport and Tourism (TRAN) Committee agreed to accept the potential reduction of Combined Transport's 45-year-old legal status. A last-minute provision inserted into the Regulation on Access to the Road Haulage Market during the triilogue negotiations creates the possibility for a Member State to deny the equivalence between a cross-border Combined Transport operation and the border-crossing road transport that corresponds to it. This cannot be the price to be paid for a 'legislative success' of the Mobility Package 1.

Members of the very same Parliament, which just a few months ago overwhelmingly supported the European Green Deal, decided to act against the system of freight transport that is uniquely capable of efficiently inserting ecologically sustainable electric freight trains and waterborne vessels into longer distance transport chains. The new Paragraph 7 to Article 10 of Regulation 1072/2009 will allow a Member State to unilaterally revoke the equivalence enshrined in Article 4 of Directive 92/106. The sponsors of the provision were not even bothered by the legal precedents set by the European Court of Justice, which ruled similar 'legislative solutions' unlawful.

UIRR and the entire European intermodal sector will highlight the risk of the new provision, which puts intermodal transport at disadvantage compared to long-distance trucking. The potential application of the new provision not only goes against the spirit of a fair, mode-neutral regulatory framework but will also act against the decarbonization required of European transportation. The level playing field of European cross-border transport is distorted and investments might be at risk.

Fortunately, the new provision is optional, therefore it is not obligatory for any Member State to use it. UIRR is convinced that the amended rules for road transport contained in Mobility Package 1 will eliminate any alleged justification to apply it.

The revised Access to the Road Haulage Market Regulation will enter into force 18 months after its adoption, expected during the July plenary session of the European Parliament. This should grant enough time for UIRR to table both Combined Transport's legal as well as economic and environmental arguments against it.

The European Commission and the European legislators will be encouraged in parallel to enact further legislative corrections during the upcoming revision of the Combined Transport Directive – a proposal is expected from the Commission in June 2021.



Ralf-Charley Schultze

"The European Combined Transport sector has been deeply disappointed by yesterday evening's decision. The denial of equal competitive conditions between border-crossing Combined Transport and its unimodal road alternative is the wrong message at a time when more Combined Transport, not less, is demanded by the European public to deliver decarbonization and a decisive reduction in all other road transport externalities." - stated UIRR President Ralf-Charley Schultze.

Who is UIRR?

Founded in 1970, the **International Union for Road-Rail Combined Transport (UIRR)** represents the interests of European road-rail Combined Transport Operators and Transshipment Terminal Managers.

Road-Rail Combined Transport (CT) is a system of freight forwarding which is based on efficiently and economically inserting electric rail into long-distance (road) transport-chains through the use of intermodal loading units (ILU).