

## eFTI Regulation: intermodal business use cases to be defined

UIRR welcomes the opportunity offered by the eFTI Regulation to accelerate the digitalisation of business-to-authority information exchange. By digitising this type of communication, the regulation supports the efforts of freight transport operators investing in digital information exchange, allowing end-to-end digital transport document use.

Since the connection to eFTI platforms is not mandatory for economic operators, the regulation must fulfil its promise of “reducing administrative costs and improving enforcement capabilities of competent authorities”<sup>1</sup> to convince businesses to become a user. In this spirit, the proper identification of “authorities”, as well as the costs incurred by the implementation must be carefully investigated. Additionally, eFTI should not increase the legal reporting obligations of intermodal transport stakeholders<sup>2</sup>, and the current B2B digital communication processes must be acknowledged to be harnessed within the framework of eFTI.

The purpose of this position paper is to assist the implementation of the eFTI Regulation for Combined Transport, by discussing the main shortcomings that need to be addressed.

### Summary of intermodal needs and considerations

The UIRR Combined Transport Community wishes to bring the following points to the attention of everyone involved in implementing the eFTI Regulation:

1. The Combined Transport Directive 92/106 (CTD) in its current form is **unsuited** for the implementation of the eFTI Regulation
  - a. It is unclear which **actor of the combined transport chain** should be in charge of providing which component of the eFTI data-record.
  - b. It is ambiguous which entity should provide the required “**stamps**” (proof of completion).
  - c. The eFTI implementation of the current CTD does not address the **lack of evidence** provided for the destination or origin terminal being the “nearest suitable transhipment facility”.
2. For the **Commission’s proposed 2023 revision of the CTD**, the eFTI implementation should have offered a tool for calculating and simulating the required 40% external cost savings of Combined Transport in comparison to its unimodal road alternative.
3. The optional use of eFTI means that **thoroughly tested eFTI business use cases** must be presented to convince Combined Transport stakeholders to use the new eFTI solution.

<sup>1</sup> Recital 2 of the [eFTI regulation 2020/1056](#).

<sup>2</sup> Recital 7 of the [eFTI regulation 2020/1056](#).

## Loopholes in the Combined Transport Directive 92/106

The eFTI Regulation specifically covers Article 3<sup>3</sup> of the Combined Transport Directive 92/106 (CTD), its objective being to define the conditions for an intermodal transport to be recognised as Combined Transport. However, the “digital transformation” of a definition dating from 1992 will come as a challenge as it has become subject to several interpretations:

- The article mentions “rail or port authorities in the railway station or inland waterway ports”, which cannot be clearly identified using current terminology. Ever since the liberalisation of rail freight transport, former monopolies that could have been understood as “rail authorities” may now either be railway undertakings, infrastructure managers, or perhaps even terminal managers.
- As proof of compliance before the operation takes place, the article mentions an undefined “transport document” providing the information laid down in Article 6 of Council Regulation No 11 of 27 June 1960, as well as information on “the loading and unloading of units at non-road mode stations”. Because it was left undefined, the choice of transport documents to be used has been left to the Combined Transport Operator (CTO). However, they must sometimes abide by specific document formats requested by certain Member States, thus creating a disharmonised administrative environment. In addition, the information requested in the article does not effectively prove that a transport operation is eligible under the definition.<sup>4</sup>

The legal uncertainty described above has not yet been addressed by the European legislator, meaning that intermodal operators have had to self-check their conditions for proof of eligibility. According to the impact assessment of the CTD amendment proposal of November 2023, this legal uncertainty led many Member States to apply fiscal incentive schemes as laid down in Article 6 of the CTD without notification. This limits the opportunities for Member States to coordinate their efforts for greater impact.

## Identification of messages, sender and receiver

As a remedy, eFTI should identify the senders, the recipients, and the messages conveying evidence that a transport operation complies with the CTD definition. In detail, this involves recording and making available a “transport document specifying the rail loading and unloading stations”, as well as proof of handover.

### Designating the entity in charge of information provision

Combined Transport involves the coordination of parties who are not necessarily bonded by direct contractual arrangements. This is why some actors act as the main contact point to notify the active parties and inform other parties involved in the chain.

The main role of the CTO is to gather operational information on the non-road segments and transfer it to the Freight Forwarder / Logistics Service Provider (LSP), who in turn informs its client of the transport status. Since Article 3 describes a process that unlocks state aid and operational advantages for intermodal transport, it appears that the CTOs have the highest stakes in producing the evidence of this status. However, CTOs often lack full visibility of the entire transport chain, particularly over the first and final road segments, which they rarely control. This could make it challenging for them to provide the necessary information to authorities, as foreseen in the eFTI Regulation.

Conversely, the Freight Forwarder / LSP, or at least the entity in charge of covering the road leg(s), appears more favourably positioned to act as the main interlocutor or as a complementing party for the coverage of all information detailing the transport. Perhaps the Freight Forwarder/LSP could be required to complement the eFTI data-record with information about the road legs.

Delegating such responsibilities may incur costs and requires trust from all parties involved. This topic has been addressed in a dedicated workshop organised by the CEF-financed BRIDGE project, for which UIRR acts as a coordinator.

### Designating the entity responsible for affixing stamps

Translated into a digital format, the stamps laid down in Article 3 of the CTD can be understood as a non-forgeable digital message proving the completion of a handling operation. Designating the “rail authority” (i.e. terminal manager, railway

<sup>3</sup> Article 3 of the [Combined Transport Directive 92/106](#)

<sup>4</sup> The definition provides that the initial and final road legs should reach or depart from the “nearest suitable terminal”. The transport document provides no information that would help qualify a terminal as the nearest suitable one. This problem is important for the sector, as operators can be fined for violating road cabotage or weights and dimensions rule.

undertaking, Combined Transport Operator or infrastructure manager) has implications on the legal responsibility for generating and transmitting the stamp-equivalent digital messages.

Three entities could potentially inherit the status of "rail authority", each with distinct operational responsibilities:

- 1) The terminal managers, who are in charge of the physical transhipment of intermodal loading units from road to rail, and for managing the loading and unloading operations at intermodal transhipment facilities.
- 2) The railway undertakings, which control through their wagon inspectors the safe loading of wagons and the compliance with safety regulations prior to departure.
- 3) The infrastructure managers, as entities entrusted with the operation of the public rail infrastructure, oversee the railway traffic management and set the safety rules that must be followed, bringing them closest to the common understanding of "authority."

However, for the purposes of the eFTI Regulation, the designation should ideally be embedded in the CTD and reflect the operational practice. Examining the messages that are already exchanged between the various actors during operations and determining which actor can provide the eFTI data messages at the lowest additional costs, is key to making a pragmatic designation that supports efficient and effective implementation.

### Designating the recipient(s) of the information

The main users of eFTI information are road enforcement officers, who may stop a truck to determine whether it qualifies for the benefits provided under the Weights and Dimensions Directive or the CTD, based on compliance with the definition of a combined transport operation in the CTD. Since a road waybill (CMR) is only produced at the beginning of the intermodal transport chain, this transport document alone cannot prove that a unit transported by truck is destined to a terminal that is part of a combined transport operation. The rail consignment note (CIM) is only generated when transhipment is completed, creating an administrative gap during the road leg.

One potential solution could be the use of terminal slot bookings as proof of terminal destination. As road hauliers have no direct contractual relationship with terminals, it would be the CTO's responsibility to inform the terminal about which truck driver has been commissioned by the shipper to deliver or collect the intermodal loading unit at the terminal. A booking document would be generated by the CTO in digital or paper format and transmitted to the road haulier, authorising them to access the terminal in question. However, while a booking confirms the destination terminal, it does not necessarily indicate that the destination terminal also qualifies as the "nearest suitable terminal".

This example illustrates a key consideration: any efforts to digitalise and deploy a solution in digital format should create legal certainty for the road haulier, rather than merely being an additional digital administrative requirement.

Careful consideration should therefore be given when assessing eFTI use cases to ensure that the evidence requested in Article 3 and the efforts made to transfer the information in digital format lead to tangible added value in terms of enforcement quality and operational practicality, as well as a reduced administrative burden.

Additionally, since the Combined Transport Directive unlocks the provision of fiscal incentives, the authorities in charge of verifying and granting these benefits to combined transport operations in compliance with the Directive should also be granted access to the eFTI gates.

### Revision of the Combined Transport Directive

As it stands, the eFTI implementation cannot accommodate the proposed revision of the Combined Transport Directive launched by the European Commission in November 2023. The proposal foresees that evidence must be provided for each intermodal transport to be qualified as a combined transport operation, demonstrating that the transport operation saves at least 40% external costs compared to the unimodal road alternative. The evidence will need to be provided through an eFTI platform, which does not currently feature such a tool.

Moreover, in order to aid the decision-making by the shippers and/or Freight Forwarders/LSPs, the same system should provide a simulation tool that can confirm in advance whether the intermodal transport in question qualifies as a combined transport operation under the CTD.

The Commission must ensure that the sector does not fall into a legal grey zone that would prevent the certification of an intermodal transport as combined transport via digital means, should the proposal be adopted as is.

## Conclusions and way forward

The eFTI digital ecosystem can be a way to alleviate the legal uncertainty and to ensure that the operational and fiscal advantages of combined transport operations can effectively be realised. To enable eFTI to convert the compliance requirements of Article 3 into a full digital format, the Commission and the Member States in charge of implementation should:

- **Identify the actor(s) that inherited from the operational responsibilities laid down in Article 3**

Such identification should consider operational procedures already in place.  
For instance, if terminal managers were designated for this task, EDIGES<sup>5</sup>, the B2B data exchange standard for intermodal actors, could provide a convenient solution to deliver a message fulfilling the stamping role. The "train closure message" could be suitable, as it details the composition of the train, marks the end of the transhipment operations and comes after the rail consignment notes (CIM) have been generated.
- **Monitor if and how Member States use the conditions of proof of eligibility to the combined transport operation definition, and which "specific document formats" are requested**

Digitalising and gaining legal certainty would allow Member States to properly apply the fiscal incentives extended under Article 6 of the CTD to cross-border combined transport operations and to avoid notifications or time-limited state aid schemes. For Combined Transport Operators, eFTI can effectively harmonise the format of documents sent to Member State oversight authorities. It can also be a way for road hauliers to prove that they are involved in a combined transport operation and therefore can benefit from operational advantages on the road legs. Member States will benefit from more efficient enforcement. A cost-benefit analysis should be performed to assess the possibility of using terminal booking documents as proof of terminal destination, while considering the limitations of such documents in proving compliance with the "nearest suitable terminal" requirement. Other potential solutions should also be discussed with the sector.
- **The main information provider must be designated**

The UIRR-BRIDGE Project workshop triggered the discussions on the designation of either (or both) CTO or LSP/Freight Forwarder as the main information provider for the business side. Dwelling on the workshop's outcomes, a mindful decision should be taken, considering the costs / benefits of connecting to an eFTI platform.
- **The entity in charge of affixing stamps must be designated, with an eye on present day practice**

An assessment of the current B2B digital information exchange standard for intermodal transport (EDIGES)<sup>6</sup> should also be performed to assess whether the train closure message (or other messages) would be suitable to fulfil the role of a stamp. Subsequently, an assessment of the compatibility between the standard and the eFTI dataset should be performed.
- **The entities in charge of receiving the information must be designated**

Entities which can qualify as authorities are already part of the B2B process and are entrusted to enforce rules on safety, for instance. Listing the authorities having an oversight in the process and that are not digitally connected to the B2B system is key to evaluating the digital information needed for a proper enforcement.
- **The revision of the Combined Transport Directive should be anticipated**

An assessment should be carried out to ensure the compatibility and easy integration of modules, enabling the implementation of a potential CTD revision within eFTI platforms and eFTI gates. The Commission must clarify the scenarios regarding an eFTI revision process.

<sup>5</sup> EDIGES is a standard communication exchange format that integrates all actors of the intermodal logistics chain and information related to each process of the CT chain (booking, first/last mile road operations, terminal activities, train running information and ETA/ETP). More information on <https://www.uirr.com/services/ediges>

<sup>6</sup> Recital 10 of the [eFTI regulation 2020/1056](#)