



EUROPEAN COMMISSION

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Dear Speaker,

The Commission would like to thank the Riksdag for its Reasoned Opinion on the proposal amending Directive 92/106/EEC on the establishment of common rules for certain types of combined transport of goods between Member States {COM(2017) 648 final}.

As the Riksdag notes in its Opinion, the aim of this proposal is to support multimodality and an efficient combination of different modes of transport to achieve lowering of atmospheric emissions as well other negative externalities caused by transport in the European Union. The Clean Mobility Package of 2017 is a mix of tools that aim to achieve this effect. The negative externalities are not constrained to national borders and reaching a European solution would considerably help reducing these negative effects for all citizens of the European Union.

In proposing the amendments to the Combined Transport Directive, the Commission wishes to achieve two sets of goals: to improve the clarity and enforceability of the Directive and hence to limit the potential abuse of the benefits provided by the Directive by those not eligible; and to provide additional motivation for operators to shift from long distance road transport to intermodal transport and hence to reduce the externalities of transport and contribute to achieving the wider climate and environmental targets set by the European Union and its Member States.

The first of these goals relates to the concern raised by the Riksdag as regards the relation between the Combined Transport Directive and the road transport legislation of the European Union. The amendments proposed by the Commission in the road sector (in particular the amendment to Regulation No 1072/2009 and the "Lex specialis" on posting of workers in road transport) and in the combined transport sector have been closely coordinated to ensure, on the one hand, that a clear distinction is made between road only transport and combined transport, and to provide, on the other hand, clarity

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on the applicable set of rules for the respective door-to-door transport operation. As the Court of Justice of the European Union has repeatedly ruled that road legs of combined transport have to be treated as integral part of the combined transport operation and cannot be viewed as separate operations, the rules applicable to combined transport (including its road legs) depend on whether the whole operation is international or national. In this regard, the Commission can reassure the Riksdag that this separation remains valid under the new proposal, while the actual rules for national and international transport for different modes of transport are set in respective modal legislation.

The second goal, i.e. to provide further incentives for modal shift, relates to the outcome of analysis carried out by the Commission in preparation of the Mobility Package establishing that even though the use of combined transport has grown by 3.5% a year, there is still a large imbalance in the use of the different transport modes in the European Union with road transport still highly predominant in the freight transport market. Measures are needed to support a higher uptake of combined transport that would replace the long distance road only transport bringing along considerable benefits for society. However, intermodal transport is only possible if suitable transshipment terminals exist to tranship goods between the modes of transport. To make combined transport possible with road legs having limited length (as defined in Article 1 of the Directive) the transshipment facilities have to be at a distance from the delivery or reception location of goods that would fit the road length specified in this definition, hence the target of 150 km from any point as laid down in Article 6(4) of the proposal.

In relation to the assessment by the Riksdag that a proposed maximum distance between transshipment terminals conflicts with the principle of subsidiarity, it should first be noted that while the proposed Article 6(4) requires that Member States take measures to support investment in transshipment terminals, the proposal also makes it clear that these measures have to be taken "where necessary for the achievement of the aim referred to in paragraph 8 ..." which is " ...aim at reducing the road freight and encourage the use of other modes of transport such as rail, inland waterways and maritime transport...". Second, the related recital 13 also explains that these measures should allow that there would be "on average at least one suitable transshipment terminal for combined transport located no further than 150 km from any shipment location". This means that the proposal would not impose an absolute obligation as to the maximum distance between transshipment terminals nor as to the building of terminals in areas where there is no need for transport or where there are no shipment locations. Third, Member States continue to have the flexibility to choose the measures appropriate in specific national conditions, while these measures can take various forms such as for example priority given in national infrastructure planning, land planning reviews, expedited authorisation procedures, tax measures, public private partnerships or if deemed necessary - state aid.

Taking into consideration these elements, the Commission therefore considers that the proposal does not conflict with the principle of subsidiarity.

The Commission hopes that the clarifications provided in this reply address the issues raised by the Riksdag and looks forward to continuing the political dialogue in the future.

Yours faithfully,

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First Vice-President*

*Violeta Bulc
Member of the Commission*