



EUROPEAN COMMISSION

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Dear President,

The Commission would like to thank the Senát for its Opinion on the proposal for a Regulation of the European Parliament and of the Council amending Regulation 1073/2009/EC on common rules for access to the international market for coach and bus services {COM(2017) 647 final} and on the proposal for a Directive of the European Parliament and of the Council 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 noted in the Senát's opinion, the aim of these proposals part of the Clean Mobility Package of 2017 is to support multimodality and an efficient combination of different modes of transport to achieve a lowering of atmospheric emissions as well as other negative externalities caused by transport in the European Union. The negative externalities are not constrained to national borders, and reaching a European solution will considerably help to reduce these negative effects for all citizens of the European Union.

On the proposed Regulation, the Commission takes note of the concern of the Senát about what is seen as an inconsistency between the first and second mobility package as regards the different approach taken to cabotage operations in freight and passenger transport. The Commission would like to recall that the provision of cabotage operations for freight and passengers are currently subject to different legal frameworks. The first mobility package does not introduce any additional limits on freight cabotage operations. It rather clarifies and simplifies the existing rules to make them more enforceable. In the second mobility package, restrictions on cabotage operations in the form of regular services are removed in order to improve the mobility of citizens over longer distances and to increase the use of sustainable transport modes. As regards the regulatory body, the Commission would like to point out that Member States may designate an already existing body, provided it is impartial and independent as specified in the proposal.

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As regards the proposed Directive, the Commission wishes to achieve two sets of goals: first, to improve the clarity and enforceability of the Directive and hence prevent the potential abuse of the benefits provided by this Directive by those not eligible; and second, to provide additional motivation for operators to shift from long distance road transport to intermodal transport and hence reduce the externalities of transport and contribute to achieving the wider climate and environmental targets set by the European Union and the Member States. The Commission analysed in great detail the different cost factors and the externalities of combined transport pointed out in the Sénat's Opinion and proposed, as a result, to increase the support to combined transport in order to make it more competitive with road only transport. If combined transport operations were not slower, more complex and more expensive (both per ton-kilometre and due to transaction costs) than pure road freight transport, an intervention to support combined transport would not be required, as a shift from road freight to intermodal transport could take place on purely economic, operational and technical grounds on its own. However, this is not the case, and the Commission's analysis shows that under current conditions, the European Union will not be able to reach its modal shift target that contributes to achieving its environmental and climate targets. It therefore considers that supporting the combined transport sector is necessary at this stage. The Commission has however also proposed that support measures should be reviewed every four years in order to assess their efficiency, effectiveness and continued need.

As regards the transposition deadline of the proposed Directive, the Commission would like to stress that, in the spirit of the Interinstitutional Agreement on Better Law-Making of 13 April 2016, the time between the entry into force of an act and its application must be as short as possible so as to ensure an effective application of Union legislation in the Member States. In this specific case, the Commission has proposed a transposition deadline of one year, as it considers that in this case such a period is sufficient in view of the transposition measures provided for by the proposal.

The Commission hopes that these clarifications address the issues raised by the Sénat and looks forward to continuing our political dialogue in the future.

Yours faithfully,

*Frans Timmermans
First Vice-President*

*Violeta Bulc
Member of the Commission*