

## **Position Paper**

Brussels, 19 September 2022

# **Combined Transport AND road vehicle Weights & Dimensions, two sides of the same coin**

## **10 GUIDING PRINCIPLES for the Revision of the Multimodal Regulatory Framework**

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In the era of Multimodality, the Revision of the **Combined Transport Directive** and the Road Vehicles **Weights & Dimensions Directive** are the **2 sides of the same medal**. In the age of energy scarcity and climate change, these 2 directives traditionally considered as “road” legislation should not be revised in a “**road-only silo approach**” – with the mere objective to optimize road transport – but as a multimodal exercise – with a view to optimising the whole transport system: “**holistic system approach**”. A simultaneous and combined intelligent revision of the two directives is the only way to unleash the potential of multimodality as a means to **reduce our dependency on imported energy sources**. One revision should therefore not be considered without the other.

As the European Commission is addressing both directives at the same time, CER proposes to apply the following **10 principles** for the combined revision of both texts.

### **1. PROMOTE ENERGY-EFFICIENT MULTIMODAL & UNIMODAL RAIL CHAINS:**

The peak of conventional oil production was reached in 2008. Energy experts (IEA) are starting to consider that the peak of overall oil production (including non conventional oil) has already been reached over 2019-2021, leading to structural long-term high energy pricing (beyond the volatility caused by current geopolitical tensions). In this context, the **promotion of energy-efficient unimodal (rail-based or water-based) transport chains** should drive the revision of the multimodal regulatory framework just as much as the promotion of multimodal (rail- or water-based) chains. Full-Train and Single-Wagonload chains can indeed be at least as CO<sub>2</sub>- and energy-efficient as multimodal chains and may therefore be entitled to at least a similar level of support.

### **2. CREATE SPECIFIC FACILITATIONS for NON-COMBINED TRANSPORT Chains :**

To avoid abuse and misuse of facilitations currently applicable to Combined Transport, facilitations may have to be adapted to specifically promote Non-Combined-Transport Multimodal Chains. For example the 44ton-truck derogation for Combined Transport should not be extended to other transport (road-only) operations (as has been the case in France since July 2021 via Decree 2021-1006): the 4-ton tolerance has been specifically created to compensate for the tare weight of Intermodal Loading Units (ILUs). Derogations to the 40t-limit should not be linked the use of ILUs in road-only transport but to the use of ILUs in rail- or inland-waterway-based transport chains.

### **3. EXTENDING FACILITATIONS BEYOND COMBINED TRANSPORT MUST GO HAND-IN-HAND with SPECIFIC CONTROL MECHANISMS to PREVENT ABUSE:**

Current facilitations applicable to Combined Transport are based on clearly identifiable and traceable Intermodal Loading Units (container, swap bodies and trailers) which are subject to a uniform and accepted codification, preventing abuse and misuse of facilitations. If facilitations are to be extended to transport chains (other than Combined Transport), great care will have to be given to **putting in place control mechanisms that are as efficient, reliable, red-tape-cutting & cost-saving** as those applying today to combined transport.

### **4. PRESERVE COMBINED TRANSPORT ELIGIBILITY for SUPPORT:**

The promotion of an environmental-performance-based approach to select transport chains eligible for support must guarantee that existing facilitations for combined transport are not jeopardized. In case the eligibility approach is completely overhauled compared to currently applicable Combined Transport Directive rules, a **transitional period may have to apply specifically for combined transport operations** (or existing eligibility criteria will have to be maintained for Combined Transport).

### **5. PROPORTIONALITY of SUPPORT to the ENVIRONMENTAL PERFORMANCE of TRANSPORT CHAINS:**

In case an environmental-performance-based approach is adopted to select transport chains eligible for support, the facilitations awarded should be proportional to the environmental benefit elicited by the transport chain considered (whether unimodal or multimodal) compared to the matching road-only chain.

**6. “FULL LIFECYCLE” (including “WELL-to-WHEEL”) APPROACH must APPLY to PERFORMANCE ASSESSMENT of TRANSPORT CHAINS:** The environmental performance of transport chains should be assessed (at least in the short term) against, at least, 2 criteria: “**Energy Efficiency**” and “**CO2-Efficiency**” based on a “well-to-wheel” approach. In the medium term, this assessment should evolve towards a full lifecycle assessment, referring to the Commission’s Handbook on External Costs of Transport and taking at least the following criteria into account: 1. Energy Savings; 2. CO2 Emissions; 3. NOx; 4. Particulates; 5. Land Use; 6. Road Congestion Relief; 7. Road Accidents Prevention...

**7. EASE STATE AID RULES FOR MULTIMODAL & RAIL UNIMODAL CHAINS:** Public funding to multimodal transport (including intermodal and rail-unimodal transport) eligible for support should be made automatically compatible with EU relevant state-aid rules, hence without the need to notify the support scheme to the European Commission, if the state-aid is below 35% of the cost of the operation. This threshold is appropriate as it would compensate the current regulatory discrepancies suffered by rail freight vis-à-vis other transport modes, without a distortive effect on competition. This provision would significantly speed-up the support process and boost the market by making state aid eligible much earlier compared to the current framework

**8. ALLOW NEW ROAD UNITS COMBINATIONS & USES that OPTIMISE MULTIMODAL CHAINS :** Any increase of the weights & dimensions of road vehicles to be allowed on the European road network must only be made with the optimisation of the multimodal chains in mind. If road unit combinations lead to an overall increase of allowed road vehicle dimension, **their use should be strictly limited to the road legs** of a multimodal transport chains eligible for facilitations provided, of course, that they otherwise do not jeopardize road safety and do not increase too much road maintenance costs on the considered road stretches. Only road combinations that allow to optimize rail capacity must be considered (e.g. road vehicles combining two units of 13.6m may optimise current intermodal wagon capacity). Allowing 14.98m units would lead to a waste of capacity of 27m-wagons, as only one such unit could be loaded on them. Also, today, wagon used for combined transport only allow to carry semi-trailers of maximum 13.6m. Increase road units length beyond this would, de facto, devalue the existing wagon fleet, render most of it unusable and provoke a back shift from rail to road.

**9. PROMOTE ROAD-RAIL COMPATIBILITY - INTEROPERABILITY:** The promotion of rail-based multimodal chains requires to render trucks and trailers rail-compatible (rail-interoperable) in terms of weights, dimensions, cranability, resistance to rail air pressure, retractability & foldability of protruding devices, etc... In its roadmap, the Commission underlines the need to revise the CT Directive in an integrated approach with other regulations including the directive which governs the **use of trucks and trailers** (Weights & Dimensions Directive 96/53/EC). CER would like to recommend to extend the reflection to the **type approval** of future trucks and trailers to be put on the market according to the Masses & Dimensions Regulation 1230/2012. Indeed, all too often, trucks which technically comply with type approval requirements cannot use intermodal terminals because they do not fit on freight wagons or are incompatible with transport on rail. “**Rail compatibility of road vehicles**” has to become a “**design criteria by default**”.

**10. FACILITATE RAIL-ROAD “CONTRACTUAL” INTEROPERABILITY:** The promotion of rail-based combined transport chains can be greatly facilitated by the **systematic use** of the rail (CIM) Consignment Note as a means to prove the existence of a **single** rail-road transport contract. According to the COTIF Convention, the CIM consignment note indeed allows to cover both the rail and the road legs of combined transport operations in a single contract.

## Position Paper (19/09/2022)

on the Revision of the Multimodal Regulatory Framework

- Combined Transport Directive and
- Road Vehicle Weights & Dimensions Directive



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### About CER

The Community of European Railway and Infrastructure Companies (CER) brings together railway undertakings, their national associations as well as infrastructure managers and vehicle leasing companies. The membership is made up of long-established bodies, new entrants and both private and public enterprises, representing 73% of the rail network length, 76% of the rail freight business and about 92% of rail passenger operations in EU, EFTA and EU accession countries. CER represents the interests of its members towards EU policy makers and transport stakeholders, advocating rail as the backbone of a competitive and sustainable transport system in Europe. For more information, visit [www.cer.be](http://www.cer.be) or follow us on Twitter [@CER\\_railways](https://twitter.com/CER_railways) or [LinkedIn](https://www.linkedin.com/company/cer).

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