

POSITION PAPER

Public Consultation on the European Union E-freight Initiative

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COMMUNITY OF EUROPEAN RAILWAY AND INFRASTRUCTURE COMPANIES - COMMUNAUTÉ EUROPÉENNE DU RAIL ET DES COMPAGNIES D'INFRASTRUCTURE - GEMEINSCHAFT DER EUROPÄISCHEN BAHNEN UND INFRASTRUKTURGESELLSCHAFTEN



CER considers that the two most important elements in the Commission consultation on e-freight are the idea of a single transport document and the issue of tracking and tracing applications. In both cases, the rail sector already has useful tools and processes in place, which can already be used across modes (the CIM consignment note and processes resulting from the implementation of TAF TSI). These processes and tools are often embodied in existing legislation applied to rail, and already widely used. Any multi-modal solution should take into account this international *rail acquis* and existing best practices. This is an essential pre-requisite to stimulate the development of multi-modal solutions and the emergence of rail as the backbone of a sustainable transport system in Europe.

CER, the Community of European Railways and Infrastructure Companies, welcomes the opportunity to contribute to the public consultation on the European Union e-Freight initiative. In addition to our response to the online questionnaire, we would like to bring a number of points to the Commission's attention. We welcome the intermodal aspect of this consultation, and believe that the rail sector has some useful tools and processes in place, which could form the basis of intermodal solutions. In our view, the two most important elements touched upon in the Commission consultation are the idea of a single transport document and the issue of tracking and tracing applications.

1. CIM CONSIGNMENT NOTE: A BLUEPRINT FOR A MULTI-MODAL TRANSPORT DOCUMENT

The 1980 international Convention concerning International Carriage by Rail (COTIF), revised in 1999¹, provided for a uniform system and legal rules applying to the international carriage of passengers and freight by rail: CIV, for passenger traffic, and CIM, for freight. 49 Member States in Europe, North Africa and the Middle East are applying the uniform legal system of COTIF 1999; most EU Member States and the EU itself as an entity with legal personality are signatories of the revised COTIF.

The COTIF/CIM (article 1, paragraph 3 & 4) provides for a Eurasia-wide liability regime and transport document, not only for rail, but also for transport combining rail and national road transport, rail and inland waterways or rail and short-sea shipping. The CIM consignment note therefore provides a secure and pragmatic legal solution, which is already in use and could be the blueprint for a multi-modal single transport document in Europe and beyond.

The CIM consignment note is already in use in an electronic format, and could therefore also be used as a basis for a multi-modal **e-consignment note**. The electronic consignment note and accompanying electronic documents should have precedence over paper documents for the two principle functions of the CIM consignment note (proof of the contract of carriage and proof that the goods have been delivered). The e-consignment note will have precedence over paper documents for uses in a multi-modal context. In the future, the paper consignment note will be used in cases when no alternative is accepted.

¹ The revised COTIF was put in place in July 2006

Freight traffic between Europe, Russia and Asia has significant potential and is likely to continue to grow in the coming years. Russia and a large number of countries in Asia use an alternative transport document: the SMGS consignment note. The creation of a common CIM/SMGS consignment note and of related formal claims procedure represents a significant milestone in facilitating international freight traffic by rail between the COTIF/CIM and SMGS areas. The implementation of the common CIM SMGS Consignment note also includes an electronic format. The common consignment note is now used by more than 50% of CIM/SMGS traffic - more than 70% of container movements and over 18% for single wagonload movements -, and the next step will be the extension of its area of application up to China. **Developing a brand new transport document would hinder this progress.**

We therefore consider that the CIM consignment note could and should be used as a blue-print for the development of a single multi-modal transport document, and that the development of an alternative document would be counterproductive.

2. TRACING AND TRACKING APPLICATIONS: THE IMPORTANCE OF TAF TSI FOR THE RAIL SECTOR

Regarding the issue of tracing and tracking applications, we wish to underline that the CIM electronic consignment note contains all the information needed to allow the tracking and tracing of consignments to take place.

The electronic flow of information of freight traffic is regulated by TAF TSI in the rail sector and will be achieved after full implementation of the TAF TSI provisions in 2018. TAF TSI is a legal acquis, and any multi-modal developments going counter to this acquis would be counterproductive and costly for the railways. It is also worth noting that TAF TSI already provides an intermodal approach, and could therefore be used as a blueprint for other modes. While TAF TSI sets the standards for interoperability for telematics applications, it does not impose specific technological options for tracking and tracing. Funding to support research into tracking and tracing technologies would therefore be useful. Nonetheless, the choice of specific technologies in market settings should be up to operators, and not imposed by law.

3. OTHER LEGISLATIVE INITIATIVES COULD BE COUNTERPRODUCTIVE AND SHOULD BE AVOIDED

CER is not in favour of legislative actions to stimulate the development of single windows, multi-modal freight journey planners and booking tools or intelligent cargo applications, as stated in the questionnaire. Legislative action in these fields would hamper the competitiveness of rail freight, and is therefore not desirable in our view. With regard to single windows, information and data regarding freight customers are commercially sensitive; for data privacy reasons, access to this information should remain subject to agreement by individual customers. Journey planners and booking tools are not provided by all railway undertakings, in particular for specific services such as single wagonload. Existing business models are based on the competence to schedule shipments (customer requirements) dealing with restricted

resources. This procedure does not generate free capacities that can be booked. CER members would have to change their business processes in order to use a journey planner and booking tool in a more systematic way, let alone a multi-modal tool. The change of processes, the need of additional resources and the risk of non-used capacities would lead to tremendous additional costs for a sector that operates in a difficult market due to small profit margins. Finally, we consider that it is far too early to set standards or adopt legislation related to intelligent cargo applications. However, funding and R&D, for instance for interfaces between modes, could be beneficial as long as the choice of specific technologies remains up to individual companies.

4. MULTI-MODAL SOLUTIONS SHOULD BE BASED ON EXISTING AND PROVEN TOOLS

Rail is already at the forefront of e-freight solutions, and most existing rail solutions can already be used across modes. These tools have been tested and their success is in itself a sign of their efficiency; they should therefore be used as blueprints for the development of multi-modal solutions. This is essential if rail is to become the backbone of a sustainable European transport area.

Disclaimer

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