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Interinstitutional Files:

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'I/A' ITEM NOTE

From: General Secretariat of the Council

To: Permanent Representatives Committee (Part 1)/Council

No. Cion doc.: ST 9668/17
ST 9670/17
ST 9671/17

Subject: Mobility Package I:
Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 1071/2009 and Regulation (EC) No 1072/2009 with a view to adapting them to developments in the sector
Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 561/2006 as regards on minimum requirements on maximum daily and weekly driving times, minimum breaks and daily and weekly rest periods and Regulation (EU) 165/2014 as regards positioning by means of tachographs
Proposal for a Directive of the European Parliament and of the Council amending Directive 2006/22/EC as regards enforcement requirements and laying down specific rules with respect to Directive 96/71/EC and Directive 2014/67/EU for posting drivers in the road transport sector
– Political agreement

I. INTRODUCTION

1. On 31 May 2017, the Commission submitted three legislative proposals as part of the Mobility Package I: on the access to the occupation of road transport operator and to the road haulage market, on drivers' rest periods and on tachograph rules, as well as on enforcement provisions for social legislation and posting of drivers. The general objectives of these proposals is to further harmonise and simplify the rules for the European road transport sector, which will result in more consistent enforcement across all Member States, support social fairness and fair competition, and make businesses more efficient.
2. The European Economic and Social Committee adopted two opinions on the three proposals on 18 January 2018, and the European Committee of the Regions one opinion covering those proposals on 1 February 2018.

II. WORK WITHIN THE EUROPEAN PARLIAMENT AND COUNCIL

3. On 3 December 2018, the Council adopted its general approach¹ on all three files under the Austrian Presidency.
4. On 4 April 2019, the European Parliament adopted its first reading positions during the eighth term.
5. After the start of the ninth parliamentary term, Ms Henna Virkkunen (FI-PPE) was appointed rapporteur for the proposal on drivers' rest periods and on tachograph rules, and Ms Kateřina Konečná (CZ-GUE/GNL) became rapporteur for the proposal on enforcement provisions for social legislation and posting of drivers. As regards the proposal on access to the occupation of road transport operator and to the road haulage market, Mr Ismail Ertug (DE-S&E) maintained his responsibility as rapporteur which he had assumed during the eighth term. The Committee for Transport and Tourism of the European Parliament (TRAN) agreed to open interinstitutional negotiations on 24 September 2019.

¹ document ST 15084/18.

6. Starting in September 2019, the Council's Working Party on Land Transport examined the amendments contained in the European Parliament's legislative report to prepare for negotiations, and on 25 October² and 20 November 2019³ the Permanent Representatives Committee (COREPER) established mandates for negotiations.
7. After informal trilogues held on 3 October, 4, 5 and 25 November, on 11 December 2019 the negotiators provisionally agreed on compromise texts for the three proposals.
8. On 20 December 2019, COREPER endorsed these texts under the Finnish Presidency. A sufficient majority of delegations supported the compromise, underlining the pressing need to reform the legislative acts in force, with a focus on harmonising and clarifying rules, fighting unfair competition, improving working conditions and social rights of drivers, establishing sector-specific rules on the posting of workers with a lower administrative burden, and improving compliance through clearer rules, better cooperation among control authorities and modernised control instruments.
9. At that meeting, the Bulgarian, Cyprus, Hungarian, Latvian, Lithuanian, Maltese, Polish and Romanian delegations presented a joint statement, explaining their dissatisfaction with the final compromise which they considered protectionist and too restrictive to support efficient transport services in the internal market and to avoid redundancies in transport, also in view of environmental and climate goals. Like these delegations, the Estonian delegation could not support the compromise either, and issued a statement. Also the Belgian delegation issued a statement, explaining why it would abstain, mainly due to the compromise on cabotage restrictions. The UK delegation could not support the compromise either and would, in case of a forthcoming vote, abstain as well. While welcoming positive elements of the compromise, that delegation considered disproportionate the extension of rules towards light commercial vehicles, and, like others, the compulsory regular return of the vehicles to the Member State of establishment.

² documents ST 13164/19 + ADD 1, ADD 2 REV 1 and ADD 3 REV 1.

³ documents ST 14049/19 + ADD 1 to ADD 3.

10. Like the majority of delegations, the Commission was able to accept the compromise and underlined the improvement of social conditions, fairer competition including across vehicle categories, fight against the use of letterbox companies, reduction of the administrative burden in posting situations, and modernisation of control instruments. However, the Commission regretted the compulsory return of the vehicle and possible restrictions for road legs of combined transport operations. The Commission announced in a statement that it will carry out an assessment of these aspects before the two provisions enter into force.
11. On 23 January 2020, the TRAN Committee approved the provisional agreement on the three proposals. By letter of the same date, the Chair of the TRAN Committee informed the President of COREPER (part 1) that, should the Council transmit formally to the European Parliament its first reading position reflecting the provisional agreement, subject to legal-linguistic review, she would recommend to the members of the TRAN Committee and subsequently to the Plenary that the Council's position be accepted without amendments at the European Parliament's second reading.
12. Following a political agreement in Council, the texts will be revised by the jurist-linguists with a view to Council adopting a first reading position.

III. CONCLUSION

13. In view of this, the Permanent Representatives Committee is invited to recommend that the Council confirms, at a forthcoming meeting, the political agreement as set out in
 - addendum 1 (market access proposal),
 - addendum 2 (proposal on driving times, rest periods and tachographs) and
 - addendum 3 (proposal on specific rules for posting drivers and on enforcement requirements)

to this note.