



Transport, Telecommunications and Energy Council
(Transport issues)
Brussels, 5 December 2017

Chair: Kadri Simson, Estonia's Minister for Economic Affairs and Infrastructure

The **meeting** will **start** at 9.30.

The Council will take stock of the progress made on the proposals relating to **market access** and **social aspects** of the road transport sector, presented by the Commission in June as part of the first mobility package. These proposals include new rules on the posting of workers in the road transport sector, cabotage restrictions, establishment rules for the road transport operators and driving and rest time rules of the drivers.

Ministers will hold a policy debate on the **road charging** proposals of the same package, including the proposal on the Eurovignette directive and on electronic tolling.

The Council will look at the progress made on the proposed regulation on **safeguarding competition in air transport**.

The Council is also due to adopt three sets of conclusions: on the progress in **trans-European transport networks** (TEN-T) and the Connecting Europe Facility (CEF) for transport; **digitalisation of transport**; and the mid-term evaluation of the **Galileo**, EGNOS and the European GNSS agency.

Other topics on the agenda include the presentation by the Commission of the **second batch of its mobility proposals**, adopted in November. These proposals relate to clean road transport vehicles, combined transport of goods, and access to the international market for coach and bus services. A related action plan aims to promote alternative fuels infrastructure.

Lastly, the incoming Bulgarian presidency will present its **work programme**.

Press conference: +/- 19.30

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[Video coverage in broadcast quality \(MPEG4\) and photo gallery](#)

¹ This note has been drawn up under the responsibility of the Press Office.

Road transport: market access and social aspects

The Council will **take stock of the progress made on the proposals relating to market access and social aspects in the first mobility package**, presented by the Commission in June. These proposals concern road transport, and among other include new rules on posting of workers in the road transport sector and cabotage.

Commission proposals

The Commission's proposals on **market access** seek to tighten and harmonise establishment conditions for hauliers and to create a more effective member state cooperation in order to fight letterbox companies. They would allow for any number of cabotage operations within 5 days of the international delivery.

EU rules on **posting of workers** aim to guarantee the same pay for the same work in the same place. The proposed sector-specific rules for road transport workers seek to ensure a balance between adequate working conditions for drivers and freedom to provide cross-border services for operators. The proposal provides some clarity in the current rules and proposes some specific rules for posting of drivers.

Under the Commission's proposal, certain rules on posting of workers – the minimum wage and annual paid holidays of the host country – would kick in after the driver has spent three days during one calendar month in the host country carrying out international haulage operations. This time threshold does not apply to cabotage, since in that case the entire transport operation takes place in the host state and all posting rules are applying from the first day.

Enforcement would be improved in particular through the use of tachograph data for the purpose of the posting and cabotage rules. The proposal also strengthens information sharing between member states to enhance enforcement.

The EU's **driving time** regulation lays down maximum daily and weekly driving times as well as minimum breaks and rest periods for lorry and bus drivers. The purpose of these rules is to ensure adequate working conditions for drivers and fair competition between operators, and improve safety for all road users.

The Commission proposal aims to create conditions for drivers to spend more time at home, if they wish. More flexible distribution of weekly rest would allow drivers to build up resting time so that, after three weeks on the road, they would be able to spend a whole week at home. The minimum resting and maximum driving times would remain unchanged.

The proposal also gives flexibility for drivers to continue driving to a suitable accommodation even when their working hours are up, unless this would jeopardise road safety.

The new rules would specify that the regular weekly rest (45 hours and more) cannot be taken in a vehicle. The employer will have to pay for suitable accommodation, unless the rest is taken at home.

A proposal on **hired vehicles** aims to soften the restrictions on using hired vehicles in international transport, as hired vehicles tend to be newer, safer and less polluting.

Work in the Council

The presidency has prepared a detailed [progress report](#) on the discussions so far, with a number of scenarios for possible compromises.

The technical work on the proposals on access to the profession (in relation to the establishment criteria and light commercial vehicles), on hired vehicles and on tachographs is well advanced.

More work is needed in relation to the proposal on rest times to find a suitable compromise for all. The interrelated proposals on posting of road transport workers and on access to the market will require most work. The proposal for a general posting of workers directive is currently being negotiated with the European Parliament.

How will these proposals become law?

The Council and the European Parliament must agree on the texts before they can enter into force. The Parliament has not adopted its position on these proposals yet.

[Europe on the move](#) (information on Commission proposals)

Road charging

Ministers will hold a **policy debate** on the **road charging** proposals of the first mobility package, including a revision of the Eurovignette directive to reinforce the 'polluter pays' and 'user pays' principles.

Road charging is a national competence in the EU, and member states are free to introduce it on their territory or not. The current **Eurovignette** directive lays down certain common rules to be followed by those member states that wish to levy such charges. These rules concern distance-based tolls and time-based user charges (vignettes) for heavy goods vehicles (above 3.5 tonnes) for the use of certain infrastructures. The idea is that the cost of constructing, operating and developing infrastructure can be leveraged through tolls and vignettes to road users.

In its proposal the Commission suggests stipulating that for those countries which decide to charge for road use, charging should be rather only based on the distance driven, in order to reflect actual usage and pollution. The scope of the directive would be wider, so as to include buses and coaches, light commercial vehicles, and passenger cars.

The Commission also proposes revising the directive on **European Electronic Toll Services** (EETS) to allow road users to pay electronic tolls across the EU with one on-board unit, one contract and one invoice. The new rules would also facilitate the enforcement of unsettled road fees by drivers of vehicles registered in another EU country.

In addition, the initiatives in the mobility package include a proposal very limited in scope relating to **vehicle taxation**, which is closely related to road charging. However, there are no plans to discuss that proposal in detail at this Council meeting.

Council policy debate

The presidency has prepared a [background document](#) (13772/17) for the debate in the Council. It includes the following questions for ministers:

Eurovignette:

- Is the extension of the scope of the Eurovignette directive to cover all vehicles justified in terms of policy objectives, notably on public finances, social equity, level-playing field between modes of transport and fairer allocation of costs to all road users? Should all vehicles be treated in a similar manner?
- Are the long-term objectives of sustainable infrastructure financing, reducing emissions and congestion, better achieved by shifting towards distance-based charging over time? What should be the time horizon? What are the pros and cons of distance-based charging? Should these revenues be reinvested for the benefit of road-users?

European Electronic Toll Services:

- Do ministers agree that paying road tolls abroad should be made simpler by improving interoperability of electronic tolling systems and by giving the European Electronic Toll Service providers easier access to the toll collection market? Do ministers have views on the most appropriate legislative instruments to introduce these changes?

Ministers' views will **provide guidance for future work** on the proposals in the Council working party.

How will the texts become law?

If they are to be adopted, the texts must be approved by both the Council and the European Parliament. The Parliament has not yet adopted its position.

[Europe on the move](#) (information on Commission proposals)

Safeguarding competition in air transport

The Council will look at the progress made on the proposed regulation on **safeguarding competition in air transport**. The [proposal](#), presented by the Commission in June, aims to ensure fair competition between EU airlines and third-country carriers while maintaining conditions conducive to a high level of connectivity. It is part of the aviation strategy for Europe, presented by the Commission in December 2015.

Fair competition conditions between air carriers can be addressed in the context of air transport or air services agreements. However, most such agreements with non-EU countries do not so far include fair competition rules.

The EU has a regulation (868/2004) which was intended to address these issues through unilateral EU action, but it has never been used in practice. The regulation has several shortcomings: for example, the practices covered are limited, findings are difficult to prove and the rules for opening an investigation are restrictive. It is therefore unlikely that it will ever be applied.

The Commission has proposed a new regulation to replace the existing one. The proposal lays down common rules on proceedings, including for the initiation and conduct of the investigation. It also set out two possible purposes for the investigation. These are: 1. the violation of applicable international obligations ('violation' track) or 2. practices adopted by a third country or third-country entity affecting competition and causing injury or threat of injury to EU air carriers ('injury' track).

The **Council** working party has worked intensively on this proposal, but a number of issues still need further clarification. The presidency has prepared a [progress report](#) (13848/17) outlining the discussions held so far and including comments on specific issues.

How will the text become law?

For it to be adopted, the text will need to be approved by both the Council and the European Parliament. The Parliament has not yet adopted its position.

Progress in TEN-T and CEF

The Council will adopt conclusions on the progress of the Trans-European Transport Network (TEN-T) and the Connecting Europe Facility (CEF) for transport. The conclusions take stock of the implementation of both TEN-T and CEF for transport to date, and examine the future investment needs and priorities for EU transport infrastructure.

Digitalisation of transport

The Council will adopt Conclusions on the digitalisation of transport. The conclusions will underline the importance of this issue for the European economy and competitiveness, and confirm the EU's ambition to become a global leader in this area. They propose the elimination of the obstacles to acquiring a seamless and more effective multimodal transport system in Europe. The Commission is invited to develop a comprehensive digitalisation strategy for the transport sector in the first quarter of 2019.

Mid-term evaluation of Galileo, EGNOS and the European GNSS Agency

The Council will adopt conclusions on the report by the Commission containing a mid-term evaluation of Galileo, EGNOS and the performance of the European GNSS Agency. The conclusions underline the strategic importance of Europe's satellite navigation systems and set out a number of recommendations on their implementation and evolution.

Other business

- a) Current legislative proposals
 - i) Mobility package II
 - a) Directive on the promotion of clean and energy-efficient road transport vehicles
 - b) Directive on the establishment of common rules for certain types of combined transport of goods
 - c) Regulation on common rules for access to the international market for coach and bus services
 - d) Related Commission communication: Action Plan on Alternative Fuels Infrastructure
Presentation by the Commission
 - ii) Regulation on rail passenger rights
Information from the Presidency on the state of play
 - b) High-level group on connected and automated cars
Information from the German delegation
 - c) Implementation of the Aviation Strategy
Information from the Commission
 - d) World Maritime Days (Szczecin, Poland, June 2018)
Information from the Polish delegation
 - e) Maritime declaration calling on the IMO to adopt an ambitious strategy in 2018 for reducing greenhouse gas emissions from shipping
Information from the French delegation
 - f) Work programme of the incoming Presidency
Information from the Bulgarian delegation
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