



**Transport, Telecommunications and Energy Council
(Transport Issues)
Brussels, 3 December 2018**

Chair: Norbert Hofer, Minister for Transport, Innovation and Technology of Austria

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

Ministers will aim for a Council position ('general approach') on key proposals relating to **market access** and **social aspects** of the **road transport** sector. These proposals include new rules for drivers' **driving and rest times**, positioning by means of **tachographs**, **posting** of drivers to other member states in which they operate, **cabotage** and **establishment** of road transport operators.

Ministers will also aim for a general approach on a draft directive to promote **combined transport**.

The Council will be invited to reach a general approach on **road infrastructure safety management** rules.

Ministers will assess progress on a proposal to stop **seasonal time changes**.

Ministers will take stock of progress on a proposal to update **rail passenger rights**.

The Council will be invited to adopt a general approach on a draft directive on the **training of seafarers**.

The Council will be invited to reach a general approach on a proposal establishing a **European maritime single window**.

The Council will be invited to agree on a partial general approach on the proposed **Connecting Europe Facility**.

Ministers will take stock of progress on a proposal to streamline measures for the realisation of the **trans-European transport network (TEN-T)**.

Ministers will assess progress on a proposal to promote **clean road transport vehicles**.

The Council will look at progress on a draft regulation on **electronic freight transport information**.

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

The Council will adopt conclusions on **inland waterway transport**.

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

Over lunch, ministers will discuss European airspace capacity.

Press conference: +/- 19.45

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Key road transport proposals on market access and social aspects

The Council will aim to agree on a **general approach on core proposals relating to market access and social aspects of the road transport sector** (presidency compromise proposals: 14802/18 + ADD 1-4). These proposals aim to ensure a balance between adequate working conditions for drivers and the freedom to provide cross-border services for operators. They include new rules on access to the occupation of haulier and access to the road haulage market (including cabotage); rest and driving times and tachographs; posting of road transport workers; and enforcement legislation.

Commission proposals

The proposals on **access to the occupation and the market** seek to tighten and harmonise establishment conditions for hauliers and to improve member states' cooperation in fighting letterbox companies. They also seek to revise and simplify cabotage rules and related control mechanisms. [Current legislation](#) allows for three cabotage operations within 7 days of the international delivery. The proposal also introduces licensing rules for light commercial vehicles.

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 Commission proposes a more flexible distribution of weekly rest that would allow drivers to build up rest time in order to spend more time at home. The overall rest time, as well as the maximum driving times, would remain unchanged.

In order to fight nomadic driving, the proposal also includes an obligation for road haulage operators to organise the drivers' work in such a way that they can return home at regular intervals.

The proposal also gives some flexibility for drivers to drive on to suitable accommodation even when their daily or weekly rest is due, unless this would jeopardise road safety.

EU rules on the **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 clarify the application of this principle in road transport.

Enforcement would be improved in particular through the use of tachograph data for the posting and cabotage rules ([current tachograph regulation](#)). The proposal also strengthens information sharing and other cooperation between member states, control methods – with specific control measures for posted drivers – and the enforcement of the working time directive.

Presidency compromise proposals

As all these proposals are so interlinked, the presidency compromise proposals form a package whose elements must be agreed in parallel.

The compromise proposals aim to strike a balance between adequate social protection and smooth functioning of the internal market, while reducing the administrative burden.

For detailed information on the compromise proposals, see the report for the Council: 14802/18.

Procedure: The proposals were presented by the Commission in June 2017 under the first mobility package, which is designed to promote clean, competitive and socially fair mobility.

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

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

Combined transport

The Council will aim for a **general approach** on a proposal to **promote the use of combined transport over long-distance road freight** (Commission proposal ([14213/1/17 REV 1](#)); presidency compromise proposal: [13871/1/18 REV 1](#)). The objective is to encourage the shift from road to lower-emission transport modes such as inland waterways, maritime transport and rail. This would improve air quality and reduce congestion on the roads.

The draft directive revises the [1992 combined transport directive](#), which is the only legal instrument at EU level to directly incentivise a modal shift in goods transport.

The current directive covers combined transport operations that are carried out between EU countries. The Commission has proposed to extend the scope to include national intermodal operations.

The **presidency compromise proposal** limits the scope of the directive to international combined transport operations, namely those carried out between EU countries, or between an EU country and a non-EU country. This practically maintains the scope of the current directive but clarifies the inclusion of operations that are partly carried out in third countries, under certain conditions.

The Commission proposal adds flexibility regarding the length of the road leg. The presidency proposal specifies that extension beyond the 150 km limit for each road leg will be at the discretion of each member state, according to its regional specificities.

The new rules would clarify the evidence requirements for combined transport operations. The proposal would also extend economic support measures, in particular investments, to transshipment terminals.

The main outstanding issue in forming the Council position is the link between this proposal and the ongoing negotiations on the proposed rules on the posting of drivers and on cabotage in international transport. The biggest question for the combined transport proposal seems to be possibilities to carry out cabotage during the initial and/or final road legs within a host member state. The presidency aims to reach agreement on all these issues in the Transport Council.

Procedure: The Commission presented its proposal in November 2017 under the second mobility package, designed to make European mobility cleaner.

For it to be adopted, the text will need to be approved by both the Council and the European Parliament. The Parliament has adopted its position in July 2018.

[Clean mobility package \(information on Commission proposals\)](#)

[Multimodal and combined transport \(Commission website\)](#)

Road infrastructure safety management

The Council is due to agree on a **general approach** on a proposal to **strengthen road infrastructure management to reduce road fatalities and serious injuries** ([Commission proposal](#); [presidency compromise proposal 14109/1/18 REV 1](#)).

The [current road infrastructure safety management directive](#) was adopted in 2008 to ensure that road safety considerations are at the forefront of all phases of the planning, design and operation of road infrastructure. However, the Commission's assessment indicates that the directive in force is not fully reaching its objective of halving road fatalities by 2020, and reinforced action is needed.

A large proportion of road accidents occur on a small proportion of roads where traffic volumes and speeds are high and where there is a wide range of traffic travelling at different speeds. While the current directive only covers roads that are part of the trans-European road network, the proposal extends the scope of the directive to motorways and other primary roads beyond the trans-European transport network (TEN-T). This wider scope should contribute significantly to the improvement of road infrastructure safety across the Union. Under the presidency compromise proposal, each member state will designate the primary roads on its territory, taking into account its existing classification.

The directive would also cover roads outside urban areas that are built using EU funding.

The proposal introduces a network-wide road safety assessment, which is a snapshot of the entire road network covered by the directive used to evaluate accident risk. Authorities will use the findings to carry out more targeted road safety inspections or take direct remedial action.

It would become mandatory to systematically take pedestrians, cyclists and other vulnerable road users into account in road safety management procedures. These road users accounted for 46% of road fatalities in the EU in 2016.

The Commission would have to present a report on road markings and road signs, including from the point of view of assisted driving and more automated vehicles, within three years of the directive entering into force.

Procedure: The Commission presented the proposal in May 2018 under the third 'Europe on the move' package, which is designed to make European mobility safer, cleaner, more efficient and more accessible.

For it to be adopted, the text will need to be approved by both the Council and the European Parliament.

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

[Road safety \(background information\)](#)

Seasonal time changes

The Council will **assess progress** on a proposal to **stop seasonal time changes in the EU** (Commission proposal: [12118/18](#) + [12118/18 ADD 1](#); [progress report 14838/18](#)).

The Commission has proposed putting an end to seasonal time changes in a harmonised manner in all EU countries as from 1 April 2019. The last switch to summer time would take place on 31 March 2019, after which member states would have the option of one final seasonal switch back to standard time ('winter time') on the last Sunday of October 2019. While member states have the right to decide on their own standard time, the Commission has also proposed introducing a notification system which should be used in case a member state wishes to change its standard time again in the future.

Following the discussions in the **Council** working party, the proposal was also discussed at the informal meeting of transport ministers in Graz on 29 October 2018.

In the light of the various discussions held so far, the presidency has concluded that member states will need more time for further consultations both internally and between neighbouring member states before the Council can form its position on the proposal.

Procedure: The Commission presented the proposal in September 2018. 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.

Rail passenger rights

The Council will **take stock of progress** on a draft regulation updating **rail passengers' rights** ([Commission proposal](#); [progress report](#)).

The proposal revises the [current regulation](#) from 2007, which applies to both domestic and international journeys and services.

The revision aims to introduce the concept of force majeure in the provision of rail services, cut down exemptions to the rules and improve the rights of persons with disabilities and reduced mobility. It would also encourage the availability of 'through-tickets', which cover successive railway services possibly operated by several companies.

The current rules as interpreted by the EU Court of Justice do not allow railway companies to be exempted from compensating passengers for delays caused by force majeure. This distinguishes rail from other transport modes and is perceived by rail companies as being discriminatory. To remedy this, the proposal introduces a force majeure clause that would apply in exceptional situations caused by severe weather conditions and natural disasters.

Member states may currently exempt certain domestic services from the application of the regulation. The proposed rules would significantly curtail these possibilities.

In addition, the proposal strengthens provisions on assistance and information for people with disabilities or with reduced mobility. It also seeks to improve enforcement of the rules in general by setting out more detailed complaint-handling procedures and deadlines.

In the **Council**, the ongoing discussions in the working party have shown that the challenge of reaching a technically correct and balanced solution is considerable and that defining the most suitable policy choice will continue to require detailed and comprehensive examination.

In the progress report, the presidency underlines the importance of protecting passenger rights. It also stresses that doing so in an intelligent and balanced manner could make rail services more attractive.

Procedure: The Commission presented the proposal in September 2017. For it to be adopted, the text will need to be approved by both the Council and the European Parliament. The Parliament adopted its position on 15 November 2018.

[European Commission modernises European rail passenger rights \(Commission website\)](#)

Seafarers' training

The Council will be invited to adopt a **general approach** on a proposal to simplify and streamline the existing EU regulatory framework on **seafarers' training and certification** ([Commission proposal](#); presidency compromise proposal: [13233/1/18 REV 1](#)).

The objective of the draft amending directive is to keep the EU rules aligned with the international framework (i.e. the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers ('the STCW Convention')) and to revamp the centralised mechanism for the recognition of seafarers from third countries in order to increase its efficiency and effectiveness. It also aims to increase legal clarity regarding the mutual recognition of seafarers' certificates issued by member states.

Under the common EU mechanism for the recognition of seafarers' certificates from third countries, the Commission, assisted by the European Maritime Safety Agency (EMSA), must regularly check that EU countries and third countries comply with the requirements of the EU directive and the STCW Convention. The proposal streamlines the procedure for recognising new third countries. It also extends the timeframe for deciding on the recognition from the current 18 months, which has proven to be unrealistic, to 24 months so as to take into account all the necessary procedural steps. The presidency compromise clarifies the timelines to speed up the procedure to some extent.

The presidency compromise has not retained the proposed introduction of automatic withdrawal of recognition of a third country if that country has not provided any seafarers to the EU fleet for five years. Instead, it stipulates that the recognition should be re-examined if the third country has not provided seafarers to the EU fleet for seven years.

When it comes to the recognition of other member states' seafarers, the proposed rules clarify which certificates must be mutually recognised for the purpose of allowing seafarers' certified by one EU country to work on board vessels flying another EU country's flag.

The compromise proposal extends the deadline for the transposition of the amended directive to three years, from the one year proposed by the Commission.

Procedure: The Commission presented the proposal in May 2018. 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.

Maritime single window

The Council will be invited to reach a **general approach** on a proposal establishing a **European maritime single window** environment ([Commission proposal](#); presidency compromise proposal: 14587/1/18 REV 1).

In the current situation, each time a ship arrives in or leaves a port, it is confronted with numerous reporting obligations. These are not harmonised between or even within member states, and they result in a heavy administrative burden on ship operators. They also put shipping at a competitive disadvantage compared to other transport modes within the EU.

The purpose of the proposal is to address those non-harmonised reporting obligations for ships. The proposed new European maritime single window environment ('EMSWe') aims to bring together, in a coordinated and harmonised way, all reporting formalities associated with a port call. It would also improve interoperability and interconnection between various systems, making it possible to share and reuse data to a larger extent. However, the purpose is not to replace the national maritime single windows, but rather to link them together.

To achieve this, the Commission proposes, inter alia, to establish an EMSWe data set covering all reporting obligations set out in Union, international and national legislation, and to develop a harmonised reporting interface module for the national maritime single windows. The regulation would confirm the once-only principle (i.e. that reporting should be done only once per port call and that the same information should be reused for subsequent port calls within the EU).

The presidency compromise proposal for example specifies the respective responsibilities of member states and the Commission in the functioning of the EMSWe; strengthens the confidentiality and protection of sensitive personal and commercial data; and provides for additional national reporting obligations in exceptional circumstances.

Procedure: The Commission presented the proposal in May 2018.

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

Connecting Europe Facility

The Council will be invited to adopt a **partial general approach** on a proposal aiming to establish the legal basis for the **Connected Europe Facility (CEF)** beyond 2020 ([Commission proposal](#)) presidency compromise proposal: [14712/18](#)). The general approach is 'partial' as it excludes any financial and horizontal issues as well as issues related to the involvement of third countries in the CEF programme. All these are currently being discussed as part of the negotiations on the next multiannual financial framework (MFF) covering the period 2021 to 2027.

The draft regulation lays down the objectives of the programme, its budget for the period 2021-2027, the forms of EU funding and the rules for providing such funding. The Commission has proposed an overall budget of €42.265 billion for the CEF as part of its proposal for the MFF.

The CEF proposal aims to develop, modernise and complete the trans-European networks in the fields of transport, energy and digital. It seeks to speed up investment in these networks and leverage funding from both the public and private sectors.

In the field of transport, the CEF will, for example, promote safe mobility and encourage smart infrastructure. In the area of trans-European Transport networks (TEN-T), priority would be given to cross-border links and missing links. There is also a portion of the funds dedicated to the development of civilian-military dual-use transport infrastructure with a view to improving military mobility within the Union.

The proposal also aims to mainstream climate action, taking into account the EU's long-term decarbonisation commitments such as the Paris Agreement. In particular, it will facilitate cross-border cooperation in the field of renewable energy.

In the area of digital connectivity infrastructure, the scope of intervention of the programme is adjusted to reflect the increasing importance of digital connectivity for the economy and for society at large. The projects are intended to address areas where the development is not viable on market bases or where the market has failed.

The programme emphasises synergies among the transport, energy and digital sectors, to enhance the effectiveness of EU action and optimise implementing costs. To achieve this, it provides for the adoption of cross-sectoral work programmes that would allow intervention in areas such as connected and automated mobility or alternative fuels.

Procedure: The Commission presented the proposal in June 2018.

For it to be adopted, the text will need to be approved by both the Council and the European Parliament.

[Connecting Europe Facility – Commission press release](#)

[Multiannual financial framework: shaping EU expenditure](#)

Trans-European transport network - streamlining measures

The Council will **assess progress** on a proposal to **facilitate the completion of the trans-European transport network (TEN-T)** by simplifying the granting of permits and other regulatory procedures (Commission proposal [9075/18](#) + [9075/18 ADD 1](#); progress report [14226/18](#)). The draft regulation also aims to clarify the procedures which project promoters need to follow, in particular as regards permit granting and public procurement.

Under the Commission proposal, member states would need to set up a single competent authority (one-stop shop) which would be in charge of the overall process and act as the single entry point for project promoters and other investors. Integrated procedures would be established, and they would lead to one comprehensive decision. A maximum time limit of three years would be set for the entire permit granting process.

There are currently no specific provisions related to permit granting and regulatory procedures in the area of the TEN-T, and it is often difficult for promoters to anticipate when the final permit will be granted. However, similar provisions are applicable in the area of the trans-European network for energy (TEN-E).

In the **Council** working party, member states have welcomed the objective of the proposal, namely to overcome delays due to permit-granting procedures and to implement the TEN-T network without unnecessary delays by 2030. However, many other aspects of the proposal have received mixed reactions and need to be addressed in order to allow further progress and an agreement on this dossier.

Procedure: The Commission presented the proposal in May 2018 under the third 'Europe on the move' package, which is designed to make European mobility safer, cleaner, more efficient and more accessible.

For the proposal 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.

[About TEN-T](#)

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

Clean vehicles

The Council will **look at progress** made on a proposal to **promote the market uptake of clean and energy-efficient vehicles** by encouraging public bodies to choose them in public procurement (Commission proposal: [14183/17](#) + [14183/17 ADD 1](#); [progress report 14779/18](#)).

An evaluation of the [current clean vehicles directive](#) from 2009 showed that the directive has not triggered sufficient market uptake of clean vehicles across the EU and that it has had only a limited impact on reducing greenhouse gas and air pollutant emissions.

The Commission therefore proposed an amending directive, which aims to increase the market uptake of low- and zero-emission vehicles in public procurement and thus contribute to the reduction of overall transport emissions, and to competitiveness and growth in the transport sector.

To achieve this, the proposal extends the scope of the existing directive to cover all relevant procurement practices, introduces a definition of a 'clean vehicle' and sets minimum procurement targets for clean vehicles for 2025 and 2030.

In the **Council**, the proposal is being discussed in the working party, where delegations have welcomed the objective of reducing emissions. The discussions have identified the definition of a 'clean vehicle' and the level and implementation of the procurement targets as key issues. Further work is needed at working party level to reach agreement on this file.

Procedure: Commission presented the proposal in November 2017 as part of its second mobility package.

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.

[Clean mobility package \(information on Commission proposals\)](#)

Electronic freight transport information

The Council will **take stock of progress** on a proposal to make the transport sector more efficient by establishing a uniform legal framework for use and transmission of **digital freight transport information** ([Commission proposal](#); [progress report 14231/18](#)).

Under the Commission proposal, all relevant public authorities would have to accept freight transport information which is transmitted in electronic form. They would also have to implement that obligation in a uniform manner.

In addition, the draft rules provide for interoperability of the different IT systems and solutions used for the exchange of freight transport information.

Currently the main barrier to wider use of digital transport documents is the authorities' varying and generally low degree of acceptance of digital documents. This situation is caused by a fragmented legal framework and an IT environment characterised by a multitude of non-interoperable systems for electronic information exchange. As a consequence, most freight transport companies and other transport business stakeholders continue to use paper documents.

In the **Council** working party the member states have had a first discussion on the proposal. While delegations expressed their overall support for the proposal and its main objective, the initial views have also included some concerns to be addressed in further discussions.

Procedure: The Commission presented the proposal in May 2018 under the third 'Europe on the move' package, which is designed to make European mobility safer, cleaner, more efficient and more accessible.

For the proposal 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.

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

Inland waterway transport

The Council will adopt [conclusions on inland waterway transport](#). The conclusions acknowledge the significant contribution that this efficient, safe and sustainable mode of transport can make towards mitigating the negative effects of the transport sector as a whole.

The conclusions stress the need for further efforts to exploit the full potential of inland waterway transport, and call on the Commission to develop a follow-up programme to NAIADES II. This should be launched by the end of 2020.

Other business

- Directive on electronic road tolling and exchange of information
Information from the presidency
 - Regulation on safeguarding competition in air transport
Information from the presidency
 - Regulation establishing the space programme of the Union
Information from the presidency on the state of play
 - Revision of regulation on wet-lease
Information from the presidency
 - Informal meeting of transport and environment ministers (Graz, 29-30 October 2018)
Information from the presidency ([14696/18](#))
 - The social agenda in aviation
Information from the Luxembourg delegation
 - ASEAN negotiations
Information from the presidency
 - Sustainable transport infrastructure charging and internalisation of transport externalities
Information from the Commission
 - Work programme of the incoming presidency
Information from the Romanian delegation
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