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From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
Subject:	Draft REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulations (EC) No 1071/2009, (EC) No 1072/2009 and (EU) No 1024/2012 with a view to adapting them to developments in the road transport sector **(first reading)** - Adoption of the Council's position at first reading and of the statement of the Council's reasons = Statements

Statement by Belgium

Belgium has taken note of the results of the provisional agreement reached on December the 11th between the European Parliament and the Council on the social and market pillar of Mobility Package I.

Belgium welcomes the substantial improvement in the working conditions of truck drivers, in particular by prohibiting weekly rest in the cabin, and by applying posting to cabotage operations. A better level playing field should be reached in the future, through the integration of light commercial vehicles within the scope of the entire Mobility package, the return of trucks every 8 weeks to the base, and the ambitious timetable for the deployment of new smart tachographs that will allow a better enforcement of the existing and new rules.

Therefore, Belgium considers it is incoherent to further restrict access to the market by imposing a cooling-off period of 4 days on cabotage, while at the same time the European Union will ensure upward social convergence.

To our understanding, the cooling-off period is a trade barrier contrary to the spirit of the internal market, and to the efficiency of the logistics chain, since cabotage operations makes it possible to avoid empty journeys.

We regret as well, the inclusion of a proposal on long-term posting, which did not appear in the Commission proposal neither in the agreements of the two co-legislators, and hasn't been carefully assessed yet.

Despite the positive social elements contained in the Package, Belgium will therefore abstain on the agreement.

Statement by Bulgaria, Cyprus, Hungary, Latvia, Lithuania, Malta, Poland and Romania

Bulgaria, Cyprus, Hungary, Latvia, Lithuania, Malta, Poland and Romania express deep concerns that the provisional agreement on Mobility Package I contradicts the basic freedom to provide services on the Single Market, the principle of free movement of workers, as well as the key EU policies and goals on climate.

In particular, the requirement to return heavy vehicles to the Member State of establishment at least once every 8 weeks contradicts the EU ambitious climate goals, set out by the European Commission in the new Green Deal on December 11, 2019. Such an obligation, if adopted, will result in a major increase in the number of empty runs of trucks on the European roads and, subsequently, in a substantial increase of CO2 emissions from the transport sector. This sector already accounts for approximately a quarter of GHG emissions in the EU.

Despite our efforts to highlight these points and regardless of scientific evidence from studies on the impact of such an obligation on the increase of empty runs and CO2 emissions, there is no sensitivity for the expected impact of this provision and rational arguments are being dismissed. At the same time, even though the better regulation agenda requires impact assessment at EU level for all such measures, no such assessment has been presented yet.

Returning vehicles to the Member State of establishment is just one example of excessively restrictive and discriminatory measures proposed in Mobility Package I. We share similar concerns about the limitations on cabotage in the form of an excessive cooling off period. This cooling off period amounts to a protectionist measure, which will have a rather negative effect on the Single Market. The obligation for a truck to return as well as the restrictions imposed on cabotage operations, according to estimates of renowned research institutes, will generate additional millions of tons of CO2 emissions per year.

Another major point of concern is that the mandatory return of the vehicle will put in a disadvantaged position Member States which due to their geographical location will have substantial difficulties in providing truck transport services on the Single Market, as their vehicles will have to cover far greater distances and to overcome significant natural barriers, especially in the case of islands.

Unfair competition from third countries' operators is also a factor that has not been properly addressed. This is especially worrisome since the solution to be enacted will have long-term effects not only on the transport sector, but also on the EU economy as a whole.

The transport sector deserves a fair and robust EU legal framework, which will further stimulate its development, while ensuring realistic and enforceable rules. Instead of balanced provisions and a genuine compromise, the provisional agreement imposes restrictive, disproportionate and protectionist measures.

Mobility Package I is a crucial dossier for the European Single Market, as well as for the road transport sector. Today, more than ever, we need to preserve the smooth functioning of the Single Market and the economies of all Member States in the EU while being consistent with other EU policies.

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Statement by Bulgaria, Cyprus, Hungary, Latvia, Lithuania, Malta, Poland and Romania

Bulgaria, Cyprus, Hungary, Latvia, Lithuania, Malta, Poland and Romania express their objection to the automatic inclusion of the subsidiarity and proportionality clause in the adopted political agreement on the three legal acts of the Mobility Package I during the technical revision of the texts by the lawyer linguists.

We acknowledge that the principles of subsidiarity and proportionality are of primary importance for the exercise of the EU`s competences. Nevertheless, addition of such a clause at this late stage of legislative process is not a good practice in general and, in case of the Mobility Package I, it is especially difficult to accept due to the political sensitivity of the whole dossier and taking into account the long-term consequences of the proposed provisions for the functioning of the European road transport sector.

Regretfully, it also demonstrates that the speedy proceedings affected negatively the quality of the adopted legislation. Moreover, we would like to underline the lack of impact assessment of some key provisions of the political agreement. This fact has also been acknowledged by the Commission in their Statement presented at the Coreper I meeting on 20 December 2019, in which the Commission confirmed that some measures had not been part of the Commission's proposals presented on 31 May 2017 and had not been the subject of an impact assessment.

The lack of thorough analysis impedes a proper evaluation of measures proposed in the three legislative acts of the Mobility Package I in terms of their compliance with proportionality rule.

Statement by Estonia

Estonia fully supports the objectives of the original proposals of the social and market pillar of Mobility Package I [1], which were intended to pave the way towards clear road transport rules. Estonia believes that the international road haulage market in the European Union must be in line with the general principles of the Single Market, open to competition, efficient and environmentally friendly. Estonia believes that additional requirements must not impose an unreasonable administrative burden on businesses or public sector authorities or conflict with the objectives of the European Union's climate policy.

During the negotiations of the Package, Estonia adopted a constructive approach by striving to take into account and support proposals that would improve the working conditions for drivers, combat illegal market practices and reduce the negative effects for the environment. However, the negotiations resulted in an agreement that puts Estonian carriers in a competitive disadvantage, notably by imposing an obligation for road transport undertakings to organise their fleet's activity in such a way as to ensure its vehicles to return to the Member State of establishment within 8 weeks after leaving it ("return of the vehicle obligation").

This obligation was not part of the original package. It has not been subject to a substantive impact assessment, which raises concerns about its relationship with the Interinstitutional Agreement of 13 April 2016 on Better Law-Making [2].

Secondly, having the vehicles returning to the Member State of establishment limits the geographical area of operations for road transport undertakings of that Member State and as such, it is not in line with the aim of Mobility Package I to ensure a level playing field.

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1 Docs 9668/17 - COM(2017) 281 final; 9670/17 - COM(2017) 277 final; 9671/17 - COM(2017) 278 final.

2 Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making; https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32016Q0512%2801%29

Thirdly, as this obligation increases the number of empty runs and additional CO_2 emissions, Estonia is of the position that this requirement contradicts the EU's climate policy objectives and the Paris Agreement goals. It is not line with the Conclusions of 12 December 2019 of the European Council [3].

Moreover, Estonia considers this requirement disproportionate as the agreement already contains measures to fight against the phenomenon of so-called "letterbox companies". The return of the vehicle obligation will potentially incentivize such practices and, in addition, encourages road transport undertakings from peripheral Member States to relocate, causing a decrease in jobs and tax revenues.

Finally, as the measure can potentially increase traffic volumes, Estonia is concerned about its impact on road safety.

Consequently, and yet again stressing its support to the objectives of the original proposals of the social and market pillar of Mobility Package I, Estonia regrets the inclusion of the return of the vehicle obligation in the agreement. In the context outlined above, Estonia will vote against said agreement.

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[3] Section 1, paragraph 5: *All relevant EU legislation and policies need to be consistent with, and contribute to, the fulfilment of the climate neutrality objective while respecting a level playing field*. /…/
https://data.consilium.europa.eu/doc/document/ST-29-2019-INIT/en/pdf