



Brussels, 3 April 2020  
(OR. en)

7139/20  
CRS CRP 15

## **SUMMARY RECORD**

### **PERMANENT REPRESENTATIVES COMMITTEE**

16, 18, 19 and 20 March 2020

#### **I. Adoption of the agenda**

6843/3/20 REV 3 OJ CRP2 11 + CM 1885/20 + 1895/1/20 REV 1  
6713/20 + COR 1 OJ CRP1 11

The Committee adopted the agenda.

#### **II. Approval of the "I" items**

The Committee approved the "I" items as set out in the Annex.

#### **III. Discussion items**

### **COREPER (PART 2)**

### **MONDAY 16 MARCH 2020**

#### **General Affairs**

#### **2. transferred from Wednesday's meeting**

Coordinated economic response to the Covid-19 Outbreak

6818/20 + ADD 1

*Presentation by the Commission*

*Exchange of views*

The Committee took note of the presentation by the Commission and held an exchange of views.

## **Justice and Home Affairs**

3. Guidelines for border management measures 6842/20  
COVID-19 - Temporary restriction on Non-essential travel to  
the EU

*Presentation by the Commission*

*Exchange of views*

The Committee took note of the presentation by the Commission and held an exchange of views.

## **WEDNESDAY 18 MARCH 2020**

### **General Affairs**

30. Exceptional measures on the handling of Council meetings 6873/20  
*Approval*  
*Decision to use the written procedure for the adoption*

The Committee held an exchange of views and agreed to revert to this issue at the continuation of its session.

4. Meeting of the Council (General Affairs) on 24 March 2020:  
Preparation

- a) Enlargement and Stabilisation and Association Process  
- Albania and the Republic of North Macedonia  
*Exchange of views*  
Conclusions 6604/20  
*Adoption*

The Committee held an exchange of views and agreed to revert to this issue at the continuation of its session.

### **Foreign Affairs**

5. Meeting of the Council (Foreign Affairs) on 23 March 2020:  
Preparation

- a) Current Affairs

The Committee prepared this item for the Council.

- b) Ukraine  
*Exchange of views*

The Committee agreed to withdraw this item from the Council agenda.

- c) Middle East Peace Process  
*Exchange of views*

The Committee agreed to withdraw this item from the Council agenda.

- d) China  
*Exchange of views*

The Committee agreed to withdraw this item from the Council agenda.

- e) Other items in connection with the Council meeting

The EEAS provided further information regarding the Council meeting.

6. Draft Council Decision amending Decision (CFSP) 2015/1333 concerning restrictive measures in view of the situation in Libya  
*Guidance for further work*

The Committee provided guidance for further work.

7. New CSDP operation in the Mediterranean 6516/20  
a) Council Decision on a EU military operation in the 6738/20  
Mediterranean (Irene)  
b) Council Decision on a EU military operation in the 6737/20  
Southern Central Mediterranean (Sophia) - closing of the  
operation  
*Preparation for the adoption*  
c) OPLAN  
d) Rules of Engagement  
*Approval*

The Committee held an exchange of views and agreed to revert to this issue at the continuation of its session.

### **General Affairs**

4. Meeting of the Council (General Affairs) on 24 March 2020:  
Preparation  
  
b) Preparation of the European Council on 26-27 March 5810/20  
2020:  
Conclusions  
*Exchange of views*

The Committee agreed to withdraw this item from the Council agenda.

- c) European Council follow-up  
*State of play*

The Committee agreed to withdraw this item from the Council agenda.

### **Foreign Affairs**

8. EU-G5 Sahel meeting (Brussels, 26 March 2020)  
*Exchange of views*

The Committee took note of the information provided.

9. 27th EU-Japan Summit (Tokyo, date tbc) 6624/20 **R-UE**  
*Orientation debate*

The Committee took note of the information provided.

10. 10th EU-Republic of Korea Summit (Seoul, date tbc) 6625/20 **R-UE**  
*Orientation debate*

The Committee took note of the information provided.

### **General Affairs**

4. Meeting of the Council (General Affairs) on 24 March 2020:  
Preparation

- d) European Semester  
i) Synthesis report on Council contributions on the 2020 European semester 6555/20  
*Exchange of views*  
ii) Draft Recommendation on the economic policy of the euro area 6717/20  
*Transmission to the European Council*

The Committee prepared this item for the Council.

- e) Legislative programming - Joint Declaration on legislative priorities 6772/20  
*Approval*

The Committee prepared this item for the Council.

- f) Other items in connection with the Council meeting

The Presidency provided further information regarding the Council meeting.

31. Coronavirus Response Investment Initiative 6865/20  
*Mandate for negotiations with the European Parliament*

The Committee confirmed that should the European Parliament agree with the use of the urgent procedure and approve the Commission's proposal, the Council would approve the European Parliament's position, resulting in the adoption of the Regulation in the form of the Commission's proposal. The Committee authorised the Presidency to inform the European Parliament accordingly. The Committee authorised the Presidency to request the European Parliament to use the urgent procedure.

32. Regulation amending the EU Solidarity Fund in response to COVID-19 outbreak 6866/20  
*Mandate for negotiations with the European Parliament*

The Committee confirmed that should the European Parliament agree with the use of the urgent procedure and approve the Commission's proposal, the Council would approve the European Parliament's position, resulting in the adoption of the Regulation in the form of the Commission's proposal. The Committee authorised the Presidency to inform the European Parliament accordingly. The Committee authorised the Presidency to request the European Parliament to use the urgent procedure.

## **THURSDAY 19 MARCH 2020**

### **General Affairs**

30. Exceptional measures on the handling of Council meetings 6873/20  
*Approval*  
*Decision to use the written procedure for the adoption*

The Committee held an exchange of views and agreed to revert to this issue at the continuation of its session.

4. Meeting of the Council (General Affairs) on 24 March 2020:  
Preparation

- a) Enlargement and Stabilisation and Association Process  
- Albania and the Republic of North Macedonia  
*Exchange of views*  
Conclusions 6604/1/20 REV 1  
*Adoption*

The Committee agreed to revert to this issue at the continuation of its session.

### **Foreign Affairs**

7. New CSDP operation in the Mediterranean 6516/20  
a) Council Decision on a EU military operation in the 6738/20  
Mediterranean (Irene)  
b) Council Decision on a EU military operation in the 6737/20  
Southern Central Mediterranean (Sophia) - closing of the  
operation  
*Preparation for the adoption*  
c) OPLAN  
d) Rules of Engagement  
*Approval*

The Committee agreed to revert to this issue at the continuation of its session.

## **FRIDAY 20 MARCH 2020**

### **General Affairs**

30. Exceptional measures on the continuation of decision-making in the Council 6934/20

*Approval*

*Decision to use the written procedure for the adoption*

The Committee agreed on the exceptional measures to be taken and agreed to use the written procedure for the adoption of the respective Council Decision.

4. Meeting of the Council (General Affairs) on 24 March 2020:  
Preparation

- a) Enlargement and Stabilisation and Association Process  
- Albania and the Republic of North Macedonia

*Exchange of views*

*Conclusions*

6604/2/20 REV 2

*Adoption*

The Committee held an exchange of views and provided guidance for further work.

### **Foreign Affairs**

7. New CSDP operation in the Mediterranean 6516/20

- a) Council Decision on a EU military operation in the Mediterranean (Irene) 6738/20

- b) Council Decision on a EU military operation in the Southern Central Mediterranean (Sophia) - closing of the operation 6737/20

*Preparation for the adoption*

- c) OPLAN

- d) Rules of Engagement

*Approval*

The Committee held an exchange of views and agreed to revert to this issue at one of its forthcoming sessions.

## **COREPER (PART 1)**

**FRIDAY 20 MARCH 2020**

### **Transport**

35. Regulation for the temporary waiver from slot requirements 6840/20  
*Mandate for negotiations with the European Parliament*

The Committee confirmed that should the European Parliament agree with the use of the urgent procedure and approve the Commission's proposal with the agreed minor amendments, the Council would approve the European Parliament's position, resulting in the adoption of the Regulation in the form of the Commission's proposal with the agreed minor amendments. The Committee authorised the Presidency to inform the European Parliament accordingly. The Committee authorised the Presidency to request the European Parliament to use the urgent procedure.

#### **IV. Any other business**

##### **COREPER (PART 2)**

Debrief PEC meeting

The Committee was debriefed of the G7 teleconference

Videoconference of the members of the European Council on 17 March 2020

The Committee took note of the information provided.

Repatriation flights

The Committee took note of the information provided by Romania.

Confinement measures

The Committee took note of the information provided by Belgium.

##### **COREPER (PART 1)**

Video teleconferences and working methods

The Committee took note of information provided by the Swedish and Luxembourg delegations as well as information provided by the Presidency and the Commission.

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**"I" items approved****COREPER (PART 2)****WEDNESDAY 18 MARCH 2020****Judicial Affairs**

13. Cases T-527/16, T-528/16 and T-529/16 (Solidarity levy applicable during the suspension of the method for updating remuneration for the years 2013 and 2014) - Summary of judgments  
*Information note for the Permanent Representatives Committee (Part 2)* 6169/20  
JUR

**Institutional Affairs****Appointments**

14. Two alternate members (NL) of the Committee of the Regions  
*Adoption* 6634/20  
6632/20  
CDR

**Economic and Financial Affairs**

15. Regulation and Directive on Crowdfunding  
*Confirmation of the final compromise text with a view to agreement* 5971/20  
+ ADD 1 - 2  
EF

**Statement by Austria**

"Österreich hat ernsthafte Bedenken, dass sich der in der Verordnung vorgesehene harmonisierte Rechtsrahmen für europäische Crowdfunding-Dienstleister insbesondere für zahlreiche der kleinen innerstaatlich tätigen Anbieter als unverhältnismäßig erweisen und deren Fortbestehen ernsthaft gefährden wird. Aus diesem Grund hat Österreich wiederholt eine Ausnahme von Crowdfunding-Dienstleistern gefordert, die keine grenzüberschreitenden Tätigkeiten erbringen, um solchen Anbietern die Fortführung ihrer Aktivitäten unter den bestehenden nationalen Rechtsordnungen zu erlauben und den Grundsätzen der Subsidiarität und Proportionalität Rechnung zu tragen. Da eine solche Ausnahme jedoch in den nun vorliegenden Kompromisstext keinen Eingang gefunden hat, muss dieser abgelehnt werden."

**Courtesy translation**

"Austria has serious concerns that the harmonised legal framework provided by the Regulation would prove excessively burdensome for many of the small national service providers and could put their viability in peril. It is for this reason that Austria has repeatedly called for an exemption of crowdfunding service providers without cross-border activities to allow those providers to continue operating under their current national regime and take into account the principles of subsidiarity and proportionality. As such an exemption has not been included, the present compromise text must be rejected."

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|-----|--------------------------------------------------------------------|---------------------------|
| 16. | European Council and Council estimates for 2021<br><i>Approval</i> | 6511/20<br>5976/20<br>FIN |
|-----|--------------------------------------------------------------------|---------------------------|

Statement by Sweden

"Sweden would like to thank the Council and the Council secretariat for presenting estimates of expenditures and revenues for the financial year 2021. However, since next year will be the first year of the new programme period, we would like to emphasise that our vote regarding the Council's estimate does not prejudice the MFF negotiation. All estimates for next year's annual budget should be seen as provisional and the final budget for 2021 will be subject to the outcome of the MFF-negotiation. With this in mind, Sweden will vote in favour of the Council's estimate."

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|-----|---------------------------------------------------------------------------------------------------------------------|------------------------|
| 17. | Transfer No DEC 01/2020 (Section III - Commission)<br><i>Decision to use the written procedure for the adoption</i> | 6756/1/20 REV 1<br>FIN |
| 18. | Transfer No DEC 02/2020 (Section III - Commission)<br><i>Decision to use the written procedure for the adoption</i> | 6757/1/20 REV 1<br>FIN |

**General Affairs**

- |     |                                                                                                                                                                                 |                                      |
|-----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|
| 19. | Council Decision appointing the replacement of the president of the panel provided for in Article 255 of the Treaty on the Functioning of the European Union<br><i>Adoption</i> | 6681/20<br>6684/20<br>6686/20<br>JUR |
|-----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|

**Justice and Home Affairs**

- |     |                                                                                                                                                                                                                                                                  |                  |
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| 33. | Regulation on the False and Authentic Documents Online (FADO) system and repealing Joint Action 98/700/JHA<br><i>Decision to use the written procedure for the adoption of the legislative act</i>                                                               | 6893/20<br>FRONT |
| 34. | Regulation amending Regulation (EC) No 862/2007 on statistics on migration and international protection<br><i>Decision to use the written procedure for the adoption of the Council's position at first reading and of the statement of the Council's reason</i> | 6894/20<br>JAI   |

**Foreign Affairs**

- |     |                                                                                                                                  |                             |
|-----|----------------------------------------------------------------------------------------------------------------------------------|-----------------------------|
| 20. | Council Decision concerning restrictive measures in view of the situation in Bosnia and Herzegovina - renewal<br><i>Adoption</i> | 6356/20<br>6355/20<br>CORLX |
|-----|----------------------------------------------------------------------------------------------------------------------------------|-----------------------------|

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|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------|
| 21. Council Decision on a European Union military mission to contribute to the training of the Malian Armed Forces (EUTM Mali) - mandate extension<br><i>Adoption</i>                                                                                                                                                          | 6441/20 + COR 1<br>6343/20<br>CORLX                                     |
| 22. Council Decision and Implementing Regulation concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Egypt - review<br><i>Decision to use the written procedure for the adoption</i>                                                                             | 6442/1/20 REV 1<br>6407/20<br>6408/20<br>CORLX                          |
| 23. Council Decision on the signing and conclusion, on behalf of the Union, of the Agreement between the European Union and the Central African Republic on the status of the European Union CSDP Advisory Mission in the Central African Republic (EUAM RCA)<br><i>Decision to use the written procedure for the adoption</i> | 6718/20<br>6636/20<br>6685/20<br>CORLX                                  |
| 24. Council Decision and Implementing Regulation concerning restrictive measures in view of the situation in Nicaragua<br><i>Adoption</i>                                                                                                                                                                                      | 6730/20<br>6670/20<br>6672/20<br>CORLX                                  |
| 29. Council Implementing Decision and Regulation concerning restrictive measures against the Democratic Republic of the Congo - UN update<br><i>Decision to use the written procedure for the adoption</i>                                                                                                                     | 6849/20<br>6352/20 + ADD 1<br>6354/20 + ADD 1<br>+ ADD 1 COR 1<br>CORLX |
| 25. Participation of Western Balkans states in the work of the Council during the enlargement process - Contribution of the Legal Service                                                                                                                                                                                      | 6566/20<br>JUR<br>ELARG                                                 |

## Delegated or Implementing Acts

### **Foreign Affairs**

- |     |                                                               |         |
|-----|---------------------------------------------------------------|---------|
| 26. | Commission Delegated Regulation (EU) .../... of 12.2.2020     | 6021/20 |
|     | amending Annexes II and IV to Regulation (EU) No 978/2012     | 6020/20 |
|     | as regards the temporary withdrawal of the arrangements       | SPG     |
|     | referred to in Article 1(2) of Regulation (EU) No 978/2012 in |         |
|     | respect of certain products originating in the Kingdom of     |         |
|     | Cambodia                                                      |         |
|     | <i>Delegated act - Intention not to raise objections</i>      |         |

### Statement by Italy

"L'Italia desidera riaffermare la necessità che principi e valori dell'UE indirizzino la nostra azione tanto interna quanto esterna. La tutela dei diritti umani e sociali, che sono alla base di quei valori, deve perciò riflettersi anche nella nostra politica commerciale. Le preferenze tariffarie del regime "Everything But Arms" (EBA) previste dal Sistema di Preferenze Generalizzate (SPG) si fondano su questo presupposto e, in tale prospettiva, violazioni degli obblighi contenuti nelle convenzioni internazionali sui diritti umani e sociali non possono essere tollerate.

Per tali motivi, l'Italia è a favore dell'atto delegato proposto dalla Commissione relativo alla revoca provvisoria delle preferenze tariffarie EBA con riferimento ad alcuni prodotti originari della Cambogia, a seguito delle violazioni in quel Paese dei diritti umani attinenti alla vita politica, alla libertà di espressione, alla libertà di associazione, al diritto di assemblea pacifica. Oltre alla necessità urgente di porre fine a tali violazioni, per quanto riguarda specificamente le implicazioni commerciali, desideriamo ricordare le nostre preoccupazioni per la difficile situazione che colpisce il settore risicolo italiano, fortemente esposto alla concorrenza dell'export cambogiano. Pur nella consapevolezza che, allo stato attuale, l'industria risicola europea beneficia di una clausola di salvaguardia, occorre infatti sottolineare che tale clausola scadrà all'inizio del 2022.

In tale contesto, ove le sistematiche violazioni dei diritti umani da parte della Cambogia dovessero perdurare al momento della scadenza della clausola di salvaguardia, a parere italiano sarà di estrema importanza prendere in considerazione l'inclusione del riso tra i prodotti interessati dalla revoca provvisoria delle preferenze tariffarie EBA. In alternativa, potrà essere valutato il ricorso ad altri strumenti, incluso il rinnovo della clausola di salvaguardia, allo scopo di proteggere il nostro settore risicolo dalle esportazioni di riso cambogiano."

### Courtesy translation

"Italy wishes to reaffirm the need that EU principles and values guide both our internal and external actions. Human and social rights, which are the pivot of those values, must therefore be reflected on our trade policy. The 'Everything But Arms' (EBA) tariff preferences under the Generalized Scheme of Preferences (GSP) are based on this assumption. As a consequence, we cannot condone the infringement of the obligations contained in international conventions on human and social rights.

For this reason, Italy supports the Delegated Act proposed by the Commission concerning the temporary withdrawal of the EBA tariff preferences with regard to certain products originating in Cambodia, due to human rights violations. More specifically, these violations refer to the rights of political participation, freedom of expression, freedom of association and peaceful assembly.

As for trade implications, beside the urgent need to stop these violations, we also wish to recall our concerns for the difficult situation affecting our rice sector, which is highly exposed to the competition of Cambodian exports.

We are fully aware that, for the time being, European rice industry benefits from a safeguard clause. Nevertheless, this clause will expire at the beginning of 2022.

In this context, should the Cambodian systematic violations of human rights continue, we do believe that it would be extremely important to consider the inclusion of rice among the products covered by the temporary withdrawal of the EBA tariff preferences when the safeguard clause expires. Alternatively, an assessment could be made of other appropriate instruments – included the renewal of the safeguard clause - aimed to protect our rice sector against Cambodian exports of rice."

### **EU positions for international negotiations**

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| 27. | Council Decision on the EU position in the International Grains<br>Council on the accession of Serbia to the Grains Trade<br>Convention, 1995<br><i>Adoption</i>                                                  | 6646/20<br>PROBA                     |
| 28. | Council Decision on the EU position to be adopted within the<br>Trade Committee of the FTA with Singapore on the<br>interpretation of changes to the protection of geographical<br>indications<br><i>Adoption</i> | 6482/20<br>6483/20<br>6568/20<br>WTO |

### **FRIDAY 20 MARCH 2020**

#### **Justice and Home Affairs**

- |     |                                                                                                                                      |                            |
|-----|--------------------------------------------------------------------------------------------------------------------------------------|----------------------------|
| 51. | Prüm Decisions: Automated exchange of dactyloscopic data in<br>the United Kingdom / Reply to the chairman of LIBE<br><i>Approval</i> | 6922/20<br>6923/20<br>IXIM |
|-----|--------------------------------------------------------------------------------------------------------------------------------------|----------------------------|

## **COREPER (PART 1)**

### **Institutional Affairs**

#### **Written questions**

36. Replies to questions for written answer submitted to the Council by Members of the European Parliament  
*Adoption by silence procedure* 6794/20  
PE-QE

Özlem Demirel (GUE/NGL)) 6260/20  
"Crash of a drone on an anti-smuggling mission over Libya"

#### **Appointments**

37. A member (DK) of the European Economic and Social Committee  
*Adoption by silence procedure* 6900/20  
5450/20  
CES
38. Renewal of the Committee of the Regions 2020-2025  
*Decision to use the written procedure for the adoption* 6901/20  
6097/1/20 REV 1  
CDR
39. Members of the Scientific and Technical Committee  
*Adoption* 6620/20  
6602/20  
RECH

### **EU positions for international negotiations**

40. Union position on the reply to ICAO State letter on passenger name record data  
*Approval* 6744/20 + COR 1  
AVIATION

### **Transport**

41. IMO - Union submission - MSC 102 commenting on submission from Vanuatu on containers lost at sea  
*Endorsement* 6795/20  
MAR  
OMI

#### **Statement by the Commission**

"The Commission considers that the above mentioned 'Union submission' to be submitted to the IMO is covered by EU exclusive competence. The submission of proposals to the IMO on issues of EU competence is an act of external representation and should be made by the Commission on behalf of the EU to the IMO. It should therefore also be sent to the IMO by the Commission.

In the view of the Commission, the procedural arguments against presenting submissions to the IMO by the Commission on behalf of the EU are not convincing. This is because there is no evidence to suggest that the IMO, as a specialised agency of the United Nations, would be in a position to reject such a submission.

The Commission thus maintains its position that the Treaty provisions on external representation of the Union should be applied. Consequently, the only legally correct way forward is to present the submission in question to the IMO by the European Commission on behalf of the European Union. The Commission reserves all its rights in this regard."

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|-----|-----------------------------------------------------------------------|-----------------|
| 42. | Mobility package I                                                    | 6732/20 +COR 1  |
|     | Directive on enforcing social rules and on lex specialis for          | + ADD 1 REV 1   |
|     | posting of drivers                                                    | + ADD 2         |
|     | <i>Adoption of the Council's position at first reading and of the</i> | 5112/20 + ADD 1 |
|     | <i>statement of the Council's reasons</i>                             | TRANS           |

#### Statement by Belgium

"Belgium has taken note of the results of the provisional agreement reached on December the 11<sup>th</sup> 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."

#### 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<sup>1</sup>, 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<sup>2</sup>.

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.

Thirdly, as this obligation increases the number of empty runs and additional CO<sub>2</sub> 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<sup>3</sup>.

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

<sup>2</sup> 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>

<sup>3</sup> 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>

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."

#### Statement by Hungary

"Hungary would like to reiterate deep concern on the harmful, market-distorting and negative climate effects of different components of the First Mobility Package and expresses severe dissatisfaction with the lack of proper and extensive impact assessments that run counter to the initial objectives of the First Mobility Package.

Hungary has always showed readiness towards the fight against fraud, abuses and unfair practices as well as addressing the social conditions of drivers in the road transport sector. Whilst tackling these issues, we should avoid any fragmentation, protectionism and imposing excessive administrative burden for European transport undertakings, operating fairly on the internal market of road transport. For us, preserving the effective functioning of our internal market is non-negotiable, as it will lead to more jobs and competitiveness for Europe in an era of increasing global economic tensions.

Therefore, with this package, we should have ensured that the future EU legal framework allows competitive advantages to be exploited at their full potential while safeguarding fair competition and an adequate level of working conditions for drivers. Rather, the final agreement does not strike this balance and favours only one approach based on national protectionism and unenforceable rules in the sector.

Namely and in particular, we are convinced that specific rules for posting drivers in the road transport sector (“lex specialis”) constitutes an unjustified restriction on the fundamental freedoms and as a result, is distorting the level-playing field within the EU. We note that the final agreement justifies our misgivings about splitting the issue of road transport from the amendment to the Directive on posting of workers [Directive (EU) 2018/957]. In particular, the introduced split model regarding the posting of drivers was not part of the Commission’s proposal, and as such was not subjected to an impact assessment.

Secondly, we also find it highly problematic that the full ban on taking weekly rest in the cabin does not take into account the shortage of suitable rest areas within the EU with proper accommodation for drivers. Thus, such a ban would constitute an EU provision, which could not be enforced, putting in question its legality.

Thirdly, as regards our climate goals, an obligation for the vehicle to return to the Member State of establishment at least once every 8 weeks contradicts the ambitious EU climate goals which were presented by the European Commission in the European Green Deal on December 11, 2019. Such measure, if adopted, will result in an increased number of empty runs of trucks on European roads and subsequently, a growth of CO<sub>2</sub> emissions originating from the road transport sector.

The risk of creating an unfair competitive advantage for third country operators is also a factor that is not taken properly into account in the final agreement. In addition, the mandatory replacement of high-cost tachographs brings with it a competitive advantage for third-country carriers, as the date of installation smart tachographs for AETR-based undertaking's vehicles is uncertain.

Modernising the European road transport sector, a crucial building block of the European economy is a necessity both from a social and competitiveness aspect. This goal cannot be achieved without full regard to preserving the achievements and the functioning of the internal market and without acting responsibly to meet ambitious climate goals."

#### Statement by the Commission

"The Commission takes note of the provisional agreement on the social and market aspects of Mobility Package I reached by the Council and European Parliament during the 4th trilogue which took place on 11-12 December 2019.

The Commission regrets that the political agreement reached by the Council and European Parliament includes elements that are not in line with the ambitions of the European Green Deal and the EUCO endorsement of the objective of achieving a climate-neutral EU by 2050. These are the compulsory return of the vehicle to the Member State of establishment every 8 weeks and the restrictions imposed on combined transport operations. These measures were not part of the Commission's proposals adopted on 31 May 2017 and have not been the subject of an impact assessment. The obligation of return of the truck will lead to inefficiencies in the transport system and an increase in unnecessary emissions, pollution and congestion, while the restrictions on combined transport diminish its effectiveness to support multimodal freight operations.

The social improvements in this proposal are significant. The Commission will now closely assess the climate, environmental, and single market functioning impact of these two aspects. The Commission will do so in view of the Green Deal and measures to decarbonise transport and protect the environment, whilst ensuring a well-functioning Single Market.

After impact assessment, the Commission, if necessary, will exercise its right to come forward with a targeted legislative proposal before the two provisions enter into force."

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|----------------------------------------------------------------------------------------------------------|-------------------------------------|
| 43. Mobility package I                                                                                   | 6733/20                             |
| Regulations on rest time periods and on tachographs                                                      | + ADD 1 REV 1                       |
| <i>Adoption of the Council's position at first reading and of the statement of the Council's reasons</i> | + ADD 2<br>5114/20 + ADD 1<br>TRANS |

#### Statement by Belgium

"Belgium has taken note of the results of the provisional agreement reached on December the 11<sup>th</sup> 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."

#### 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<sup>1</sup>, 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<sup>2</sup>.

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.

Thirdly, as this obligation increases the number of empty runs and additional CO<sub>2</sub> 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<sup>3</sup>.

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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### Statement by Hungary

"Hungary would like to reiterate deep concern on the harmful, market-distorting and negative climate effects of different components of the First Mobility Package and expresses severe dissatisfaction with the lack of proper and extensive impact assessments that run counter to the initial objectives of the First Mobility Package.

Hungary has always showed readiness towards the fight against fraud, abuses and unfair practices as well as addressing the social conditions of drivers in the road transport sector. Whilst tackling these issues, we should avoid any fragmentation, protectionism and imposing excessive administrative burden for European transport undertakings, operating fairly on the internal market of road transport. For us, preserving the effective functioning of our internal market is non-negotiable, as it will lead to more jobs and competitiveness for Europe in an era of increasing global economic tensions.

Therefore, with this package, we should have ensured that the future EU legal framework allows competitive advantages to be exploited at their full potential while safeguarding fair competition and an adequate level of working conditions for drivers. Rather, the final agreement does not strike this balance and favours only one approach based on national protectionism and unenforceable rules in the sector.

Namely and in particular, we are convinced that specific rules for posting drivers in the road transport sector ("lex specialis") constitutes an unjustified restriction on the fundamental freedoms and as a result, is distorting the level-playing field within the EU. We note that the final agreement justifies our misgivings about splitting the issue of road transport from the amendment to the Directive on posting of workers [Directive (EU) 2018/957]. In particular, the introduced split model regarding the posting of drivers was not part of the Commission's proposal, and as such was not subjected to an impact assessment.

Secondly, we also find it highly problematic that the full ban on taking weekly rest in the cabin does not take into account the shortage of suitable rest areas within the EU with proper accommodation for drivers. Thus, such a ban would constitute an EU provision, which could not be enforced, putting in question its legality.

Thirdly, as regards our climate goals, an obligation for the vehicle to return to the Member State of establishment at least once every 8 weeks contradicts the ambitious EU climate goals which were presented by the European Commission in the European Green Deal on December 11, 2019. Such measure, if adopted, will result in an increased number of empty runs of trucks on European roads and subsequently, a growth of CO<sub>2</sub> emissions originating from the road transport sector.

The risk of creating an unfair competitive advantage for third country operators is also a factor that is not taken properly into account in the final agreement. In addition, the mandatory replacement of high-cost tachographs brings with it a competitive advantage for third-country carriers, as the date of installation smart tachographs for AETR-based undertaking's vehicles is uncertain.

Modernising the European road transport sector, a crucial building block of the European economy is a necessity both from a social and competitiveness aspect. This goal cannot be achieved without full regard to preserving the achievements and the functioning of the internal market and without acting responsibly to meet ambitious climate goals."

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"The Commission takes note of the provisional agreement on the social and market aspects of Mobility Package I reached by the Council and European Parliament during the 4th trilogue which took place on 11-12 December 2019.

The Commission regrets that the political agreement reached by the Council and European Parliament includes elements that are not in line with the ambitions of the European Green Deal and the EUCO endorsement of the objective of achieving a climate-neutral EU by 2050. These are the compulsory return of the vehicle to the Member State of establishment every 8 weeks and the restrictions imposed on combined transport operations. These measures were not part of the Commission's proposals adopted on 31 May 2017 and have not been the subject of an impact assessment. The obligation of return of the truck will lead to inefficiencies in the transport system and an increase in unnecessary emissions, pollution and congestion, while the restrictions on combined transport diminish its effectiveness to support multimodal freight operations.

The social improvements in this proposal are significant. The Commission will now closely assess the climate, environmental, and single market functioning impact of these two aspects. The Commission will do so in view of the Green Deal and measures to decarbonise transport and protect the environment, whilst ensuring a well-functioning Single Market.

After impact assessment, the Commission, if necessary, will exercise its right to come forward with a targeted legislative proposal before the two provisions enter into force."

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|----------------------------------------------------------------------------------------------------------|--------------------------|
| 44. Mobility package I                                                                                   | 6734/20                  |
| Regulation on access to the profession and access to the haulage market                                  | + ADD 1 REV 1<br>+ ADD 2 |
| <i>Adoption of the Council's position at first reading and of the statement of the Council's reasons</i> | 5115/20 + ADD 1<br>TRANS |

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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.

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"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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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<sup>2</sup>.

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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.

Thirdly, as this obligation increases the number of empty runs and additional CO<sub>2</sub> 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 <sup>3</sup>.

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.

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In particular, the introduced split model regarding the posting of drivers was not part of the Commission's proposal, and as such was not subjected to an impact assessment.

Secondly, we also find it highly problematic that the full ban on taking weekly rest in the cabin does not take into account the shortage of suitable rest areas within the EU with proper accommodation for drivers. Thus, such a ban would constitute an EU provision, which could not be enforced, putting in question its legality.

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The risk of creating an unfair competitive advantage for third country operators is also a factor that is not taken properly into account in the final agreement. In addition, the mandatory replacement of high-cost tachographs brings with it a competitive advantage for third-country carriers, as the date of installation smart tachographs for AETR-based undertaking's vehicles is uncertain.

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#### Statement by the Commission

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The social improvements in this proposal are significant. The Commission will now closely assess the climate, environmental, and single market functioning impact of these two aspects. The Commission will do so in view of the Green Deal and measures to decarbonise transport and protect the environment, whilst ensuring a well-functioning Single Market.

After impact assessment, the Commission, if necessary, will exercise its right to come forward with a targeted legislative proposal before the two provisions enter into force."

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| 45. | Regulation on electronic freight transport information (eFTI)<br><i>Adoption of the Council's position at first reading and of the statement of the Council's reasons</i> | 6601/20<br>5142/20 + ADD 1<br>TRANS |
|-----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|

## **Environment**

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|-----|---------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------|
| 46. | Regulation on water reuse<br><i>Adoption of the Council's position at first reading and of the statement of the Council's reasons</i> | 6593/1/20 REV 1<br>+ REV 1 ADD 1-2<br>15301/1/19 REV 1<br>+ ADD 1 REV 1<br>ENV |
|-----|---------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------|

### Statement by Greece

"1. Greece supports the "Proposal for a Regulation of the European Parliament and of the Council on minimum requirements for water reuse". The establishment of an integrated, stable and commonly accepted regulatory framework at EU level will contribute significantly to dealing with drought and water scarcity which are likely to be more severe in the future, due to the climate change.

2. However, Greece maintains that the dilution of reclaimed water, by itself must not be considered as a water treatment option, i.e. food business operators or farmers should not be allowed to dilute reclaimed water of any quality class and subsequently use it as being of a higher (cleaner) quality class.

3. Greece is among the MS that have already in force such a regulatory framework which includes even stricter provisions. It goes without saying that health protection is fundamental to us and therefore we reserve our right to adopt additional provisions and implement further measures at a national level, in line with the precautionary principle."

### Statement by Slovakia

"The Slovak Republic is aware of the fact that some Member States have to face the problem of water scarcity and droughts as a result of climate change. However, according to the reports of the Intergovernmental Panel on Climate Change, climate change affects the spread and multiplication of various diseases, harmful substances and pathogens transmitted through water, food, eg Salmonella, which affect the health of the population. Therefore, the use of such reused water for agricultural irrigation must not endanger the health of the final consumer as a result of insufficient water quality criteria on reused water and must take into account the future development.

During the negotiations on this reused water, we have consistently called for an ambitious proposal with regard to the objective of ensuring the efficient and equal functioning of the internal market (movement of goods) by imposing uniform requirements for reused water for all Member States and with regard to the objective of protecting the environment, human and animal health. We regret that this was not reflected in the final text.

We are also disappointed that the proposal on mandatory labelling has not been incorporated, which we regard as misleading the end consumer and suppressing his right to information. This goes against the principle of transparent information to the final consumer and in particular against various vulnerable groups, eg elderly people, children, people with weak immune system.

Similarly, our proposals to tighten the quality parameters of the Regulation as regards the inclusion of several quality parameters such as Salmonella have not been accepted. We emphasized the high level of health protection, food quality and strictly set criteria in the Annex. In the current wording, we do not consider the protection of the health of the final consumer to be sufficiently addressed.

At the same time, we have reservations on the wording of Article 2.2, which does not allow a Member State to apply for a derogation on a neutral way on the basis of one or more of the criteria set out in the Regulation. The current wording gives the European Commission too much discretion to decide on a derogation on the basis of all the criteria mentioned in the Regulation.

Given our health and food concerns, we are not in a position to agree with this regulation and therefore we abstain from voting."

#### Statement by the Commission

"The Commission acknowledges that microplastics are substances of emerging concern in relation to water quality. In the light hereof, and considering that this is a general issue not limited to reclaimed water only, the Commission undertakes to pursue its efforts to further address this important issue."

#### **Research**

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| 47. Council Decision on the renewal of the cooperation agreement in science and technology between the European Community and Ukraine<br><i>Decision to use the written procedure to request the consent of the European Parliament</i> | 6902/20 + COR 1<br>6101/20<br>RECH |
| 48. Council Decision on the renewal of the cooperation agreement in science and technology between the European Community and India<br><i>Decision to use the written procedure to request the consent of the European Parliament</i>   | 6903/20 + COR 1<br>6104/20<br>RECH |

#### **Culture/Audiovisual Matters**

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| 49. Council Decision on the extension of the EU-Korea audiovisual co-production entitlement<br><i>Decision to use the written procedure for the adoption</i> | 6743/20<br>6872/20<br>AUDIO |
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## **Delegated or Implementing Acts**

### **Agriculture**

50. Commission Delegated Regulation (EU) .../... of 30.1.2020 supplementing Regulation (EU) 2016/429 of the European Parliament and of the Council as regards rules for entry into the Union, and the movement and handling after entry of consignments of certain animals, germinal products and products of animal origin  
*Delegated act - Intention not to raise objections*
- 6760/20  
+ ADD 1-3  
5715/20 + ADD 1  
AGRILEG
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