



EUROPEAN COMMISSION

*Brussels, 30.1.2018
C(2018) 517 final*

Dear President,

The Commission would like to thank the Senát for its opinions on the Mobility Package adopted by the Commission on 31 May 2017.

This package of ambitious measures is designed to improve the conditions of competition as well as working conditions of drivers in the road transport sector, as well as to make road transport more environmentally sustainable and digitalised.

The proposal to revise the Eurovignette Directive aims at reducing CO₂ emissions, congestion and other negative externalities of road transport, and make road charging fairer for the users. The proposal to recast the Interoperability Directive specifically aims at facilitating the establishment of cross-border interoperability of electronic tolling systems and allowing easier identification by the toll chargers of offenders who are driving vehicles registered in another Member State.

The proposal for a Regulation on monitoring and reporting CO₂ emissions and fuel consumption of new heavy-duty vehicles is the first ever legislation addressing CO₂ emissions from these vehicles, and aims at increasing transparency and stimulating uptake of the most fuel-efficient ones.

The proposals on the social and posting rules intend among other things to improve enforcement of the social rules and the working conditions of drivers, and to ensure fairer competition. Furthermore, it aims at clarifying certain elements of the current legislation and, by way of simplified administrative requirements in the field of posting of workers, to reduce administrative cost.

The proposal on access to the international road haulage market is intended to make the cabotage rules easier to enforce, without opening or closing the market compared to the current status. On access to the profession, the Commission's main intentions are to fight letterbox companies and to further harmonise conditions of competition for all operators.

*Mr Milan ŠTĚCH
President of the Senát
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The Commission welcomes the Senát's general support to the package. In response to the questions and comments raised by the Senát on various proposals in the package, the Commission would like to refer to the clarifications provided in the annex.

These clarifications are based on the initial proposals presented by the Commission, which are currently in the legislative process involving both the European Parliament and the Council.

Discussions have started in the Council Working Group under the Estonian Presidency, and the Commission is working closely with the Presidency to identify the main issues where Member States' opinions are divided and to facilitate discussions.

On the side of the European Parliament, the rapporteurs and shadow rapporteurs have been nominated. Discussions have started. The Commission remains hopeful that an agreement will be reached in the near future.

The Commission hopes that these clarifications address the issues raised by the Senát and looks forward to continuing the political dialogue in the future.

Yours faithfully,

*Frans Timmermans
First Vice-President*

*Violeta Bulc
Member of the Commission*

ANNEX

The Commission has carefully considered each of the issues raised by the Senát and is pleased to offer the following clarifications:

As regards the proposal amending the Eurovignette Directive on road charging {COM (2017) 275 final}, the Commission welcomes the support expressed by the Senát related to the promotion of distance-based charging as a fair and effective way for the application of the 'polluter pays' and 'user pays' principles. The Commission takes note of the concerns of the Senát and of the Government of the Czech Republic regarding the possible impact of an early implementation of the proposed changes could have on contracts already in force.

Regarding the proposal to recast the Interoperability Directive {COM (2017) 280 final}, the Commission welcomes the Senate's support for the interoperability of electronic road toll systems and for the use of European technologies Galileo and EGNOS.

The Commission notes the Senát's opposition to the provision which authorises the Commission to adopt by delegated acts changes to the list of technologies which can be used for carrying out electronic toll transactions; it also notes the Senát's opinion that the cross-border exchange of vehicle registration data between the Member States for the purpose of enforcement of unpaid toll should be regulated in a separate legal act.

The Commission would like to inform the Senát in this regard that both topics have been discussed in the Council Land Transport Working Group. The Commission proposed to make the list of technologies amendable through delegated acts to allow the European Union to rapidly adapt the legislative requirements to an evolving technological framework, so that the electronic tolling market does not become locked in obsolete solutions. A vast majority of Member States seem to consider it especially urgent to introduce the provisions on the cross-border exchange of information. Introducing these provisions in a different legal act would considerably delay the process of implementation.

Regarding the proposals on social and internal market issues {COM (2017) 277 final, COM (2017) 278 final and COM (2017) 281 final}, the Commission takes seriously the Senát's concerns and recommendations on the different proposals.

On the proposal on the social rules {COM (2017) 277 final}, the Commission takes note of the concerns of the Senát as regards forbidding taking the regular weekly rest in the vehicle.

On the proposal amending Directive 2006/22/EC as regards enforcement requirements and to lay down specific rules for posting of drivers in the road transport sector {COM (2017) 278 final} the Commission takes note of the Sénat's concerns. The Commission recalls that the Posting of Workers Directive¹ applies to all sectors, including road transport. The highly mobile nature of road transport is not a reason to deprive workers from social protection. The Commission considers that the proposal represents a balanced approach of drivers' rights to adequate pay and the costs for operators.

On the issue of cabotage {COM(2017) 281 final}, the Commission welcomes the support expressed by the Sénat for the removal of the maximum number of operations and takes due note of the Sénat's opinion that the maximum period for hauliers to carry out cabotage should remain at seven days. In the Commission's view, the new rule proposed by the Commission is balanced and would not lead to an opening or closing of the market compared to the current status whereas a seven day threshold would, in the absence of the additional limitations contained in the rules applicable today, alter the existing equilibrium.

The Commission notes the Sénat's reservations concerning the minimum mandatory checks of cabotage operations. It considers that these checks are necessary to tackle illegal cabotage and do not entail a significant administrative burden for Member States, as they can be combined with other types of road side checks.

The requirement for operators to hold assets and employ staff in the Member State of establishment which are proportional to the activity of the operator is intended to ensure a real activity of the operator in that Member State and thereby to prevent the creation of letterbox companies. This requirement is to be applied taking into account the reality of each case. The Commission takes note of the Sénat's request for the deletion of this requirement, but considers it necessary that the activity of operators in the Member State of establishment be underpinned by the adequate means in that State, corresponding to a genuine establishment for the purposes of that activity.

The Commission takes due note of the Sénat's opinion that in order to increase the level of professionalization of operators using light commercial vehicles, the focus should be put on their professional competence, rather than on their financial standing. The Commission's objective is to ensure equal conditions of competition between all operators, notably those involved in international transport, independently from the type of vehicle which they use. At the same time, no excessive administrative burden should be put on these operators. As described in the impact assessment accompanying this initiative, extending the professional competence criterion to operators using light commercial vehicles would trigger a significant compliance cost.

¹ Directive 96/71/EC

The Commission would like to provide some clarifications with regard to the Sénat's concerns on the efficacy and benefits of the initiative on monitoring and reporting CO₂ emissions and fuel consumption of new heavy-duty vehicles {COM(2017) 279 final}.

Monitoring and reporting CO₂ emissions and fuel consumption of new heavy-duty vehicles will increase transparency in that market and close the current knowledge gap on the performance of the vehicles. It will enable transport operators to make well-informed purchase decisions and stimulate competitiveness for manufacturers. Clear benefits will be linked to this development: more efficient vehicles will be on the road and transport operators will be able to save on their fuel bills.

The Commission also takes due note of the Sénat's opinion on including sanctions in this proposal if manufacturers would not monitor and report data. There is little risk of an enforcement gap as regards the monitoring and reporting of that data. First of all, part of the relevant data is foreseen to be provided by Member States. In addition, the production of this data results from the type-approval process which every manufacturer must successfully complete in order to place new vehicles on the market. To the extent that there are still concerns about lack of compliance by manufacturers, the Commission reckons that this issue will be taken into consideration in the discussions on the legislative proposal in the Council and the European Parliament.