



Brussels, 23.1.2018
C(2018) 284 final

Dear President,

The Commission would like to thank the Senat for its Opinion regarding the proposal for a Directive of the European Parliament and of the Council amending Directive 1999/62/EC on the charging of heavy goods vehicles for the use of certain infrastructures {COM(2017) 275 final}, the proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 561/2006 as regards on minimum requirements on maximum daily and weekly driving times, minimum breaks and daily and weekly rest periods and Regulation (EU) 165/2014 as regards positioning by means of tachographs {COM(2017) 277 final}, the proposal for a Directive of the European Parliament and of the Council amending Directive 2006/22/EC as regards enforcement requirements and laying down specific rules with respect to Directive 96/71/EC and Directive 2014/67/EU for posting drivers in the road transport sector {COM(2017) 278 final}, and the proposal for a Directive of the European Parliament and of the Council amending Directive 2006/1/EC on the use of vehicles hired without drivers for the carriage of goods by road {COM(2017) 282 final}.

These proposals form part of a broader package of ambitious measures 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 "Mobility Package"). They are intended to simplify and clarify existing rules, to make enforcement more efficient and to cut down on administrative burden.

The Commission welcomes the Senat's broad support for these proposals and takes note of its opinion that, on the whole, there are no grounds to issue a negative subsidiarity or proportionality assessment.

The proposal to amend the Eurovignette Directive on road charging {COM(2017) 275} aims at reducing CO₂ emissions, congestion and other negative externalities of road transport; it

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is equally aimed at simplifying the existing legal framework and making road charging fairer for the users. The Commission takes note of the suggestions of the Senat regarding certain clarifications that could be made to the definitions of different vehicle types. It also takes note of the suggestions related to the concerned network, to possible derogations from external cost charging and the variation of charges, to the collection of tolls and user charges, and to adjusting and completing Annex IV with regard to certain vehicle combinations. The Commission recalls that the intention of the proposal is not to prevent Member States from applying road charges on any type of road, not least in order to be able to prevent potentially unintended diversion of traffic.

On the proposal on the social rules {COM (2017) 277}, the Commission takes note of the proposal of the Senat to further clarify what constitutes an appropriate accommodation and adequate facilities. As regards the draft rule intended to ensure that drivers can regularly return home, the Commission would like to clarify that employers would be obliged to organise a driver's work in such a way that the driver has the possibility to do so if he/she so wishes.

On the proposal regarding the enforcement of social legislation and on the posting of drivers in the road transport sector {COM(2017) 278} the Commission takes note of the Senat's concern and its suggestions. 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 proposed rules represent a balanced approach to the protection of drivers' rights to adequate pay and the need to ensure a good functioning of the internal market. The same proposal also contains elements intended to improve enforcement of the existing social rules.

As regards the proposal to amend the Directive on the use of hired vehicles {COM(2017) 282}, the Commission appreciates the generally favourable position of the Senat. The Commission takes note of the points for clarification suggested by the Senat. While stressing the importance of effective control and enforcement of road transport legislation, the Commission does not share the concerns raised by the Senate regarding the impact of increased cross-border hiring of vehicles on this subject. The European Register of Road transport Undertakings can help identify vehicles hired in another Member State. Increasing its efficiency is one of the key objectives of the mobility package. The Commission does not believe that the improved possibilities to use vehicles hired and registered in another Member State, as proposed, would lead to old and less safe vehicles being rented out. It would like to stress that a number of Member States already today allow the use of vehicles hired in another Member State even for more than four months without having encountered any problem of the kind.

Following the adoption of the Commission's proposals on the road initiatives on 31 May 2017, discussions have started in the Council Working Group under the Estonian Presidency.

¹ Directive 96/71/EC

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 are starting.

The Commission remains hopeful that an agreement will be reached in the near future.

The Commission hopes that the clarifications provided in this reply address the issues raised by the Senat and looks forward to continuing the political dialogue in the future.

Yours faithfully,

*Frans Timmermans
First Vice-President*

*Violeta Bulc
Member of the Commission*