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From:	General Secretariat of the Council
To:	Delegations
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Subject:	<p>Mobility Package I:</p> <p>Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 1071/2009 and Regulation (EC) No 1072/2009 with a view to adapting them to developments in the sector</p> <p>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</p> <p>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</p> <p>– Statements</p>

Delegations find attached statements made by delegations at the occasion of the Council's general approach on the above proposals.

Poland, Bulgaria, Lithuania, Malta, Hungary

Poland, Bulgaria, Lithuania, Malta, Hungary regretfully note that efforts to divide the market and protect the internal markets of some Member States have overshadowed the initial goal of the Mobility Package I to simplify and clarify the rules for the transport sector, and to improve drivers' social and working conditions.

The general approach on the Mobility Package I does not take into account the geographical specificities of Member States located at EU external borders. The proposed package also fails to take into account the specific problems of island states. In addition, not only does it create an uneven playing field for the operators within the EU, but it also endangers the international competitiveness of the EU road haulage sector.

Instead of balanced provisions and a genuine compromise contributing to well-functioning Single Market, the proposed general approach imposes restrictive, disproportionate and protectionist measures that go against basic Treaty principles and fundamental EU freedoms. Forcing a particular place of return of the driver is an example of such provision.

Poland, Bulgaria, Lithuania, Malta, Hungary strongly object to:

- The split model, which foresees application of posting regime for drivers performing cross-trade and cabotage operations. The proposal will lead to fragmentation of the EU market, discriminating some Member States and drivers from these countries. It will impede on the proper functioning of the internal market for road transport, will create disproportionate administrative burden for operators, especially small and medium-sized enterprises and in addition, will deepen the unfair competition between EU and non-EU operators to the detriment of the former. Last but not least, it will also increase barriers to EU trade.
- Full ban on taking regular weekly rest in the cabin. This is a restrictive solution that does not take into account the lack of suitable rest areas with proper accommodation in Europe. In such a situation the drivers' working conditions will not improve, as drivers will not benefit from the infrastructure which does not exist and will take time to be constructed.

- Imposition of additional restrictions on cabotage in the form of a cooling-off period of a number of days. This is another restrictive, disproportionate and protectionist measure imposing an arbitrary administrative barrier to market access.

As a consequence, instead of boost to the EU transport sector's competitiveness and prosperity, the implementation of the Mobility Package I in its current form will result in bankruptcies of small and medium-sized hauliers, increase in EU unemployment rates, steep price rise for many goods and services affecting negatively the consumers and slowdown of economic growth. The effects will be much tougher in Member States located not in the centre of the EU and where transport constitutes an important sector of the economy.

Consequently, in view of the obvious lack of fairness and balance in the proposed general approach of the Council on Mobility Package Poland, Bulgaria, Lithuania, Malta, Hungary vote against it.

Belgium

La Belgique confirme le vote négatif de la Belgique sur le Mobility Package I lors du Conseil Transport du 03/12/2018.

La Belgique ne peut pas soutenir le nouveau régime de cabotage proposé dans le cadre du Règlement 1072/2009, dont les 5 jours de période de carence introduits menacent la pérennité de l'activité économique de son secteur.

Sweden

Statement by Sweden regarding the proposal for a Directive on Directive 2006/22/EC 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 and amending Regulation (EU) No 1024/2012 on administrative cooperation through the Internal Market Information System (IMI) (Brussels, 28 November 2018, 14802/18 ADD 4)

Sweden can support the general approach of this proposal, but would like the following remark on article 2(4)(a) to be added to the protocol and to be considered in the forthcoming process.

Sweden considers that it would be beneficial if article 2.4 (a) clearly expresses respect for national labour law models and recognizes the role of the social partners with respect to the Treaties. The social partners have a role in monitoring working conditions, and terms and conditions of employment in some Member States. This is safeguarded in the general directives on posting from which the proposed directive is meant to be a *lex specialis*. In order for the *lex specialis* to function in the same way as the general directives in this respect, a clarification is desirable. Thus it is important that Article 2.4 (a) states that the national competent authority may make the information in the posting declaration available, for example via a register, to other authorities or the social partners in accordance with national law and practices.

Sweden would also like to recall that the Interinstitutional Proclamation on the European Pillar of Social Rights respects the role of the social partners.
