



EUROPEAN TRANSPORT POLICY

# Europe on the Move

VOLUME 2



*European Economic and Social Committee*





# CONTENTS

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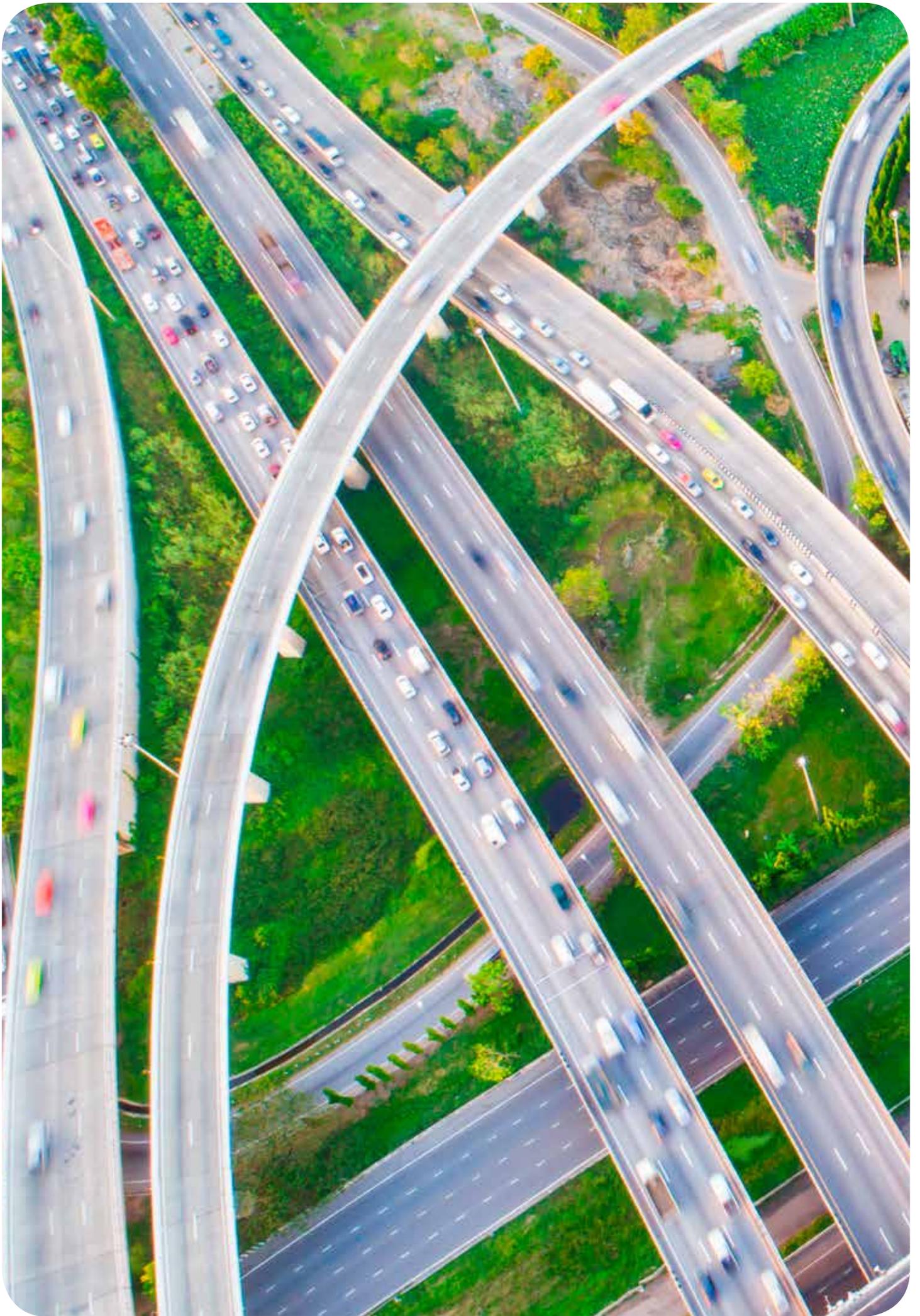
Preface by **Pierre Jean Coulon**, President of the Section  
for Transport, Energy, Infrastructure and the Information Society 5

## **Mobility package III**

*Proposals published by the European Commission  
on 17 May 2018*

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EESC opinion on <b>Sustainable mobility for Europe</b>	7
EESC opinion on <b>Road infrastructure safety management</b>	19
EESC opinion on the <b>European Maritime Single Window environment + Electronic freight transport information</b>	26
EESC opinion on <b>Implementation of the TEN-T projects</b>	34
EESC opinion on <b>CO2 standards for lorries + Weights and dimensions of road vehicles</b>	42
EESC opinion on <b>Connected and automated mobility</b>	52
EESC opinion on <b>Tyre labelling</b>	61





## PREFACE

### **Pierre Jean Coulon, President of the Section for Transport, Energy, Infrastructure and the Information Society**

Responding to substantial changes in the transport sector, between May 2017 and May 2018 the European Commission (EC) published three 'mobility packages' falling under the major political initiative *Europe on the Move*.

While the first package focused on maintaining the competitiveness of the European transport sector in a socially fair transition towards clean energy and digitalisation, in its second batch of proposals the EC took action to reinforce the EU's global leadership in clean vehicles initiatives. The third and last mobility package under *Europe on the Move* aimed at ensuring a smooth transition to a mobility system that would be not only clean, connected and automated, but also safe.

The European Economic and Social Committee (EESC) has carefully followed all these developments in order to give an exhaustive response from Civil Society to this far-reaching initiative. The EESC's Section for Transport, Energy, Infrastructure and the Information Society (TEN), and in particular 14 rapporteurs and co-rapporteurs, were actively involved in drafting almost 20 opinions on *Europe on the Move*, considering all the different aspects of the European Commission's proposals.

The TEN Section also developed close cooperation with other EU institutions on this initiative, in particular with the European Commissioner for Mobility and Transport, Violeta Bulc, who took part in the EESC Plenary Session in September 2018 dedicated to this topic, as well as with the European Parliament's Committee on Transport and Tourism (TRAN).

While the first volume of the EESC's "Europe on the Move" brochure, published in autumn 2018, covers the EESC opinions on the first and second mobility packages, this second volume presents the EESC opinions adopted in response to the EC's third mobility package.

These two publications are complemented by a third brochure introducing some additional opinions and thus giving an overview of the positions and views of Civil Society on major, closely-related topics and developments, such as investments under the Connecting Europe Facility, digitalisation, decarbonisation, and gender equality, as well as on specific issues concerning individual modes of transport.

In conclusion, I wish to express my sincere gratitude and appreciation to all those who were involved in carrying out this extensive work, and to you, the readers. I wish you an interesting read.





**European Economic and Social Committee**

**TEN/666**  
**Sustainable mobility for Europe**

## **OPINION**

European Economic and Social Committee

**Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions**  
**Europe on the move**  
**Sustainable mobility for Europe: safe, connected and clean**  
[COM(2018) 293 final]

Rapporteur: **Giulia BARBUCCI**

Referral	European Commission, 18/06/2018
Legal basis	Article 304 of the Treaty on the Functioning of the European Union
Section responsible	Transport, Energy, Infrastructure and the Information Society
Adopted in section	04/10/2018
Adopted at plenary	17/10/2018
Plenary session No	538
Outcome of vote (for/against/abstentions)	201/3/7

## 1. Conclusions and recommendations

- 1.1 The European Economic and Social Committee welcomes the **Third Mobility Package**, viewing it as a further step towards sustainable mobility for Europe. The EESC notes, however, that the Commission's proposal is limited almost exclusively to road transport. In order to develop effectively sustainable and safe mobility, a more ambitious project needs to be developed, taking all available forms of transport into consideration, with a particular focus on intermodality in freight and passenger transport.
- 1.2 The EESC considers that the Commission's proposals for safe, connected and clean mobility will require a huge economic effort, primarily on the part of the Member States, to make the necessary adjustments to physical and digital infrastructure (5G). It is therefore important that these initiatives be supported with sufficient funds for a prolonged period, setting realistic and achievable objectives.
- 1.3 The EESC welcomes the Strategic Action Plan on Road Safety and agrees with the Vision Zero target of zero deaths or serious injuries in road accidents by 2050. The Safe System method promoted by the World Health Organization (WHO) will certainly contribute to this aim by reducing the number of accidents and minimising injury to passengers and pedestrians. Furthermore, there is an urgent need for national laws on traffic rules and the corresponding sanctions to be harmonised and, at the same time, for the mandatory nature of motor vehicle safety devices to be extended to all public and private road vehicles for freight and passenger transport. Lastly, it is recommended that new, "safe" cars be affordable for consumers and businesses.
- 1.4 Digitisation, connectivity and automation are the main tool for developing the Safe System method and moving towards the Vision Zero target. The EESC supports the project to build an automated, connected and safe road network. The Committee recommends that the Commission take account of the varying state of road and motorway infrastructure across the Member States and, in particular, envisage extending the project to urban centres, where most of the serious non-fatal accidents occur.
- 1.5 The Commission's proposal emphasises the importance of developing driverless vehicles and their role in increasing safety. However, it does not map out a detailed strategy towards autonomous transport; this approach is likely to aid progress in the field but might be problematic for Member States in terms of adapting their transport policies to new technologies and making use of these technologies. The EESC would also point to problems concerning the technological feasibility of ensuring maximum safety in a "mixed traffic" system (human, assisted and automated driving).
- 1.6 Full vehicle automation raises numerous questions of ethics, economics, employment, social acceptance and legal liability. The EESC upholds the principle that only humans can, by definition, make "ethical" choices and that machines, however sophisticated, must operate alongside humans and not replace them. It is important for organised civil society to be fully involved in the governance of this process and that social dialogue and collective bargaining be applied to avoid possible negative effects on employment and workers.

- 1.7 The EESC supports the proposals for more sustainable transport and the Strategic Action Plan for Batteries which aims to narrow the European energy gap and create a value chain for batteries. However, the Committee stresses that there is a range of factors inhibiting the plan's full fruition: reliance on third countries for raw materials; absence of alternative fuels; delays in managing, processing and disposing of used batteries; and the lack of a skilled workforce.
- 1.8 These factors mean that substantial investment in research and innovation is essential in order to identify new, fully renewable, zero-impact alternative fuels. It will be similarly important to invest in education and training, involving universities and research centres, if there is to be a skilled workforce.
- 1.9 The transition towards electric vehicles will also mean that a large part of the European vehicle fleet will be replaced in just over a decade. Cleaner and safer vehicles should be affordable for everyone, individuals and businesses, and the Member States should facilitate the transition by means of appropriate tax incentives.
- 1.10 This replacement of the vehicle fleet will also give rise to the problem of disposing of and recycling a large part of the current vehicle fleet. This issue must be central to the Commission's circular economy strategies. Organised civil society should be involved at all stages of the transition process and is called on to inform and raise awareness among the public as part of the drive to achieve sustainable mobility.

## 2. Introduction

- 2.1 The transport sector has undergone numerous developments and transformations over many years, becoming one of the key drivers of development. Innovation, technology, digitalisation and interconnectivity are bringing about a new transport revolution, geared to greater safety, accessibility, sustainability and competitiveness and jobs.
- 2.2 In the wake of the European Strategy for Low-Emission Mobility<sup>1</sup>, the European Union has built an ad hoc agenda for the sector split into three "mobility packages"<sup>2</sup>, published in May 2017, November 2017 and May 2018. This opinion refers to the last of these legislative initiatives, entitled "Europe on the Move".
- 2.3 The Commission communication and the package's proposals refer primarily to road transport, with a particular focus on motor vehicle transport, giving no consideration to any other form of transport.

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<sup>1</sup> COM(2016) 501 final.

<sup>2</sup> COM(2017) 283 final; COM(2017) 675 final; COM(2018) 675 final.

### 3. Gist of the proposal

3.1 Commission communication **COM(2018) 293 final – Europe on the move. Sustainable Mobility for Europe: safe, connected and clean** is the key document in the third mobility package, establishing as it does the reference framework. It has three chapters: safety; connectivity and automation; and sustainability. There are also the two annexes to the communication containing key initiatives relating to the **Strategic Action Plan on Road Safety** and the **Strategic Action Plan on Batteries**.

#### 3.2 *Safe mobility*

3.2.1 Despite progress in recent years, the number of serious or fatal accidents on roads is still too high. In 2017, 25 300 deaths and 135 000 serious injuries due to accidents were recorded, generating huge economic and social costs. Since 90% of accidents are caused by human error, the Commission thinks that automation, connectivity and new design standards could be very helpful in keeping this dramatic state of affairs in check<sup>3</sup>, the aim being to have no recorded fatalities and serious accidents on the roads by 2050 (Vision Zero). There is also an interim target of a 50% reduction in fatalities and the seriously injured by 2030.

3.2.2 In order to help achieve these goals, the EU intends to deploy new technological and regulatory tools based on the WHO's Safe System. The principle behind this is that, while accidents cannot be entirely eliminated, action can nevertheless be taken to reduce the number of fatalities and serious casualties.

3.2.3 The European Union intends to take a comprehensive approach to tackling the causes of accidents, building protection levels that ensure the various components compensate for one another where one falls short. This involves putting technologies into vehicles and road infrastructure, with more information passing between them. Each measure is embodied in an ad hoc legislative initiative:

a) **Strategic Action Plan on Road Safety**<sup>4</sup>. The Action Plan lays down the goal of zero casualties, together with criteria for bolstering European governance, increased funding for upgrading the road network through the Connecting Europe Facility (EUR 200 million), rolling-out of the Safe System approach, new requirements to increase vehicle safety, goals for vehicle-to-vehicle and vehicle-to-infrastructure connectivity and automation, and a proposal for European safety standards to be exported to third countries (with the Western Balkans a priority).

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<sup>3</sup> COM(2016) 686 final.

<sup>4</sup> COM(2018) 293 final, Annex I.

- b) **Regulation on the protection of vehicle occupants and vulnerable road users**<sup>5</sup>. Among other things, this provides for the introduction of advanced emergency braking systems, lane departure warning and the different design of heavy duty vehicle cabins to facilitate visibility of cyclists and pedestrians, as well as sensors to detect them.
- c) **Road Infrastructure Safety Management Directive**<sup>6</sup>. The aim is to map the risks in the entire European network: not just TEN-T motorways, but all other motorways and trunk roads. Urban roads are not included. The directive also lays down improved quality standards for road infrastructure (clear road markings and road signs and the introduction of new technologies such as lane departure avoidance).

### 3.3 *Connected and automated mobility*

- 3.3.1 The Commission's strategy for "**connected and automated mobility**"<sup>7</sup> is based on a course already charted at EU level, and in particular in the **Artificial intelligence for Europe** communication<sup>8</sup> and the **Declaration of Amsterdam**, in which the Member States asked the Commission to frame a European strategy on automated and connected driving, to adapt the regulatory framework, to support research and innovation and to disseminate Cooperative Intelligent Transport Systems (C-ITS).
- 3.3.2 The Commission has gathered in a single document a number of long-term goals (reduction of emissions, traffic and accidents): to afford tangible support to the automotive industry in connection with research and innovation; to quickly tackle the questions of an ethical or social character, such as the new relationship between man and machine, cybersecurity and the impact of these technologies on jobs before fully automated vehicles are placed on the market.
- 3.3.3 One of the main pluses of automation is access to mobility for all those (primarily people with disabilities and the elderly) who are currently excluded. To make the most of what automation has to offer, it is essential that vehicles and road infrastructure exchange information constantly, the prospect being that a "mixed system" could emerge in the coming years in which vehicles with different technologies (human, assisted and automated driving) come into contact. To complete this framework, and with a view to developing intermodality, ad hoc requirements are also laid down for a European Maritime Single Window<sup>9</sup> and electronic information on freight transport<sup>10</sup>.

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5 COM(2018) 286 final.

6 COM(2018) 274 final.

7 COM(2018) 283 final.

8 COM(2018) 237 final.

9 COM(2018) 278 final.

10 COM(2018) 279 final.

### 3.4 *Clean mobility*

3.4.1 The decarbonisation of transport and the transition to clean energy are among the core elements of the third mobility package. This initiative is part of the wider ambit of the Circular Economy Action Plan. In order to attain higher levels of sustainability and competitiveness, the EU is launching a series of initiatives:

- a) The **Strategic Action Plan on Batteries**<sup>11</sup>: this stems from the need to raise Europe's energy self-sufficiency, following on from the creation of the European Battery Alliance involving industrial players, Member States and the EIB. The plan's goal is the production of batteries that are sustainable throughout the value chain, starting with the mining of raw materials (primary and secondary), the design and production of battery cells and battery packs, and their use, re-use, recycling and disposal;
- b) **Regulation on emissions of new HDVs**<sup>12</sup>, which aims to specify a set of CO<sub>2</sub> emission performance indicators for trucks and buses, complementing and supplementing the existing legislation. The initiative also provides for measures to encourage companies to purchase more energy-efficient and less polluting vehicles. This measure ties in with a proposal to rapidly bring into force new design standards for aerodynamics and the weight of heavy duty vehicles, with a view to reducing CO<sub>2</sub> emissions<sup>13</sup>;
- c) **Regulation to facilitate comparison of different fuels**, using a single unit of measurement to boost the purchase of new vehicles with low environmental impact<sup>14</sup>;
- d) **Regulation on the labelling of tyres**<sup>15</sup> highlighting their standards of safety, energy efficiency and noise;
- e) **Revision of the taxation framework for energy products**, promoting electro-mobility;
- f) **Regulation to streamline measures for implementing the core Trans-European Transport network (TEN-T)**<sup>16</sup>, to speed up project authorisation procedures.

3.5 This set of initiatives comes with a total investment of EUR 450 million under the **Connecting Europe Facility** and funds projects that improve road safety, digitalisation and multimodality. A further EUR 4 million will also be earmarked under the same programme for cybersecurity and cooperative, connected and automated mobility systems.

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11 COM(2018) 293 final, Annex 2.

12 COM(2018) 284 final.

13 COM(2018) 275 final.

14 Implementing Regulation (EU) 2018/732.

15 COM(2018) 296 final.

16 COM(2018) 277 final.

#### 4. General comments

- 4.1 The European Economic and Social Committee welcomes the Third Mobility Package, viewing it as a further step towards safer, more accessible and more sustainable mobility for Europe. The EESC notes, however, that the Commission's proposal is limited almost exclusively to a single part of the road transport sector. To develop sustainable, safe mobility all available forms of transport need to be considered, planning ever-closer, effective and efficient connectivity between public and private transport, cutting travel times and traffic volumes.
- 4.2 The package comprises a set of interrelated legislative initiatives that the EESC thinks deserve to be dealt with in particular depth in separate opinions. For this reason, this opinion focuses on an analysis of the reference communication and must be read and understood in connection with the EESC's previous opinions on the first and second mobility packages, as well as with those opinions drafted in alignment with it and which scrutinise specific aspects of it<sup>17</sup>.
- 4.3 The EESC thinks the Commission's communication and accompanying proposals are in keeping with previous Committee opinions on this matter and that it may be helpful in raising safety standards, as well as the competitiveness of the European automotive industry as a whole.
- 4.4 The EESC points out that the Commission's communication is not supported by a sufficient assessment of the impact of the measures it proposes. More specifically, the effects on the ownership and use of vehicles and on the consequent development of traffic volumes are not clear. Given promotion of transport, these volumes could rise rather than fall, increasing the time people spend on the move and with it, the risk of accidents. It is crucial that the Commission convey a comprehensive, ambitious vision for transport, encompassing intermodality between public and private transport as a factor for efficiency, quality of life and safety. The EESC stresses the importance of producing proper impact assessments for all of the proposals containing specific measures. When preparing for new modes of transport, there must be no let-up in the large-scale implementation of smart technological solutions (e.g. lighting) which increase the efficiency of (particularly public) transport and reduce the likelihood of accidents.
- 4.5 The Committee endorses the Vision Zero goal, to be achieved through the Safe System method. This will require the involvement of all sectors and of all road users to achieve a strengthened governance. It is important that the indicators set for meeting these goals are clear, realistic and can be monitored. The EESC would particularly like to see civil society organisations actively involved in all stages of the shaping, implementation, monitoring and evaluation of the strategy.

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TEN/668, European Maritime Single Window environment and Electronic freight transport information (See page XX in the OJ); TEN/669, Implementation of the TEN-T projects (See page XX in the OJ); TEN/675, CO<sub>2</sub> standards for lorries and Weights and dimensions of road vehicles (See page XX in the OJ); TEN/672, Connecting Europe Facility (CEF) (not yet published in the OJ); TEN/673, Connected and automated mobility (See page XX in the OJ); TEN/674, Tyre labelling, 2018 (See page XX in the OJ); TEN/667, Road infrastructure safety management (See page XX in the OJ); INT/863, Vehicle safety /protection of vulnerable road users (not yet published in the OJ).

- 4.6 The EESC welcomes the decision to allocate EUR 450 million (in the period 2018-2020) to digitalisation and road safety through the Connecting Europe Facility. However, the Committee reiterates that the next multiannual financial framework (the 2021-2027 MFF) must significantly increase the financial envelope available to ensure continuity in the long term, so that the ambitious targets the EU has set itself can be met.
- 4.7 The Committee believes that mapping risk across the European TEN-T network and all motorways and trunk roads is a crucial step in planning the scale and type of infrastructure measures to be taken on the European road network. It is important that physical and digital infrastructure are developed in parallel. It is also important to complete 5G coverage on all of Europe's motorway and trunk road networks as soon as possible to enable effective connectivity between roads and vehicles and between vehicles and vehicles. The EESC however notes that conditions on the road and motorway networks in the various European countries differ greatly. It is consequently important to support individual Member States in this fundamental process of modernisation by means of appropriate funds and by setting realistic and achievable objectives.
- 4.8 The EESC welcomes the Commission's proposal to make mandatory some important vehicle safety features of either a technological character (intelligent speed adaptation, autonomous emergency braking, etc.) or a design character (improving direct vision in heavy goods vehicles). The Committee however calls for all of the new safety devices to be extended to all forms of road transport in order to produce a complete, clear and homogeneous legislative framework.
- 4.9 The proposed new tyre labelling scheme, containing specifics on safety standards (but also environmental and noise standards), could be a key factor in reducing accidents by promoting proactive and informed consumer choice. It is important for the information included on labels to be immediately clear and understandable for consumers.
- 4.10 It is also important, on the road safety front, for the European Union to set about an incremental unification of existing national regulations and corresponding sanctions (road signs, speed, use of belts and helmets, bans on driving under the influence of alcohol or drugs, etc.). Alongside these measures, individual human testing will have to be used in developing appropriate technologies (alcohol ignition interlock devices, driver drowsiness detection, etc.) in order to detect situations of risk or danger. It is also important that no form of technology unduly raises the price of vehicles. Safer vehicles must be available to all<sup>18</sup>.
- 4.11 The Vision Zero goal sets great store by the development of connected and automated mobility. The EESC considers that automation could play a key role in reducing accidents. Nevertheless, it thinks it crucial to raise some concerns and doubts about the development trajectory envisaged by the Commission. For this reason, the existing technologies must be improved, with test procedures rolled out simultaneously for existing and new technologies, which ensure that proper safety standards are reached. The lack of a detailed strategy towards autonomous transport undoubtedly aids progress in this field but might be problematic for Member States in

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18 [OJ C 157, 28.6.2005, p. 34.](#)

terms of adapting their transport policies to new technologies and making use of these technologies.

- 4.11.1 The way to develop the strategy should be to maximise the role of automation and connectivity in supporting humans. The Committee is particularly concerned that the Commission sees the levels of assisted driving and full automation (with humans exclusively as passengers) as being close to one another. Full automation entails both a problem of socio-economic acceptance and one of technological feasibility and infrastructure, since maximum security will have to be guaranteed in a mixed system (vehicles with and without assisted driving and completely automated vehicles). Before fully automated vehicles come to market, then, there should be a test phase that ensures efficiency and safety levels similar to those of aircraft or trains.
- 4.11.2 The EESC welcomes the proposals for an exchange of digital information in maritime transport (Maritime Single Window and recognition of freight documents), but considers that these proposals could be further developed.
- 4.12 The EESC welcomes the Strategic Action Plan on Batteries, which puts the European Battery Alliance at the heart of the process and highlights the problem of the EU's serious energy dependency on third countries.
  - 4.12.1 The choice of creating a value chain for batteries based on the circular economy model is certainly to be welcomed. However, the Committee stresses that there are currently a range of factors inhibiting the plan's full fruition: reliance on third countries for raw materials (lithium, for instance); a barely beginning search for alternative raw materials viable for the circular economy; the inability to completely manage the processing of used batteries (secondary raw materials) and their disposal, and the lack of a skilled workforce.
  - 4.12.2 More specifically, the EESC thinks huge funds must be put into research and innovation if these issues are to be overcome. The funds allocated for 2018-2020 are certainly considerable, but they must be continued in the subsequent 2021-2027 MFF. In particular, it is crucial to continue searching for alternative, fully renewable, clean, zero environmental-impact sources of energy, overcoming the obvious limits in terms of availability of raw materials and environmental impact that are currently features of batteries for electric motors. It is also essential to build up a skilled workforce, drawing on Erasmus+ programme funds and bringing in universities and research centres.
  - 4.12.3 The Committee points out that the Commission's initiative will entail the almost complete replacement of the entire European vehicle fleet over a decade, giving rise to a new problem relating to the disposal and recycling of millions of vehicles. This issue must be central to the Commission's circular economy strategies. Organised civil society must be involved at all stages of the transition process and is called on to inform and raise awareness as part of the drive to achieve sustainable mobility.

- 4.13 The EESC supports the initiative of setting CO<sub>2</sub> emission limits for HDVs, as is already the case for other categories of vehicles. Since SMEs in the transport sector could come up against difficulties when replacing their fleets, Member States are recommended to use specific tax incentives to ease the transition towards a low CO<sub>2</sub> emission economy.
- 4.14 The EESC believes that the streamlining proposal to advance the construction of the TEN-T network should take due account of legal proceedings in order to be fully effective<sup>19</sup>.

## 5. **Specific comments**

- 5.1 The risk classification carried out on European motorways and trunk roads does not cover the development of appropriate and coordinated technology in cities, where the majority of serious, non-fatal accidents occur. Furthermore, it is important to also start the process in the six Western Balkan countries that have already launched their EU accession negotiations.
- 5.2 The eCall system in cars, with automatic calling to road and healthcare authorities in the event of accident, is undoubtedly another element that could mitigate the consequences of accidents on the road. The EESC hopes that such equipment is made mandatory on all the most common vehicles at risk of accident (heavy duty vehicles, buses and motorcycles) and that the EU supports greater integration of emergency road safety and emergency medical services.
- 5.3 Ethical aspects are a crucial part of the development of automation. Particularly at issue are situations where machines could be called upon to make "ethical" choices. The Committee reaffirms the principle that only humans can, by definition, make ethical choices and that machines, however sophisticated, must operate alongside humans and not replace them.
- 5.4 Regarding the development and marketing of completely automated vehicles, the EESC calls on the Commission to examine more rigorously the employment and social aspects this entails. Specifically, the Committee is fearful that, in a relatively short period, entire sectors (such as haulage) could be wiped out, with jobs lost not being offset by new trades. Furthermore, with such a scenario on its hands, the EU would be faced with a huge number of unemployed people whose skills and knowledge it would be difficult to reconfigure in the new automated transport system. This is why social dialogue and collective bargaining must be enlisted in managing change and launching training courses to give all workers in a given sector the skills needed.
- 5.5 The Committee believes that insurance companies should cut premiums as a way of giving people an incentive to buy safer vehicles. More broadly, the Committee considers it vital to launch a serious debate on the legal aspects of introducing fully automated vehicles, first of all clarifying who bears civil or criminal liability in a road accident.

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<sup>19</sup> TEN/669, Implementation of the TEN-T projects (See page XX in the OJ).

5.6 The Committee has its misgivings about the system the Commission has adopted for comparing different fuels<sup>20</sup>. Based on the cost per 100 km travelled by passenger car, this system neglects numerous parameters needed to quantify the true cost of fuel and this could lead to confusion among consumers. Moreover, the consumer consultation mechanism put in place by the Commission has in fact marginalised the EESC's role and that of consumer associations active in this field, while also focusing on a statistically insignificant sample (3 000 respondents in three EU countries) and using overly similar alternatives.

Brussels, 17 October 2018.

Luca Jahier

The president of the European Economic and Social Committee

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<sup>20</sup> Commission Implementing Regulation (EU) 2018/732 of 17 May 2018.



**European Economic and Social Committee**

**TEN/667**  
**Road infrastructure**  
**safety management**

## **OPINION**

European Economic and Social Committee

**Proposal for a Directive of the European Parliament and of the Council amending Directive  
2008/96/EC on road infrastructure safety management**  
[COM(2018) 274 final – COD 2018/0129]

Rapporteur: **Brian CURTIS**

Referral	European Parliament, 31/05/2018 Council of the European Union, 08/06/2018
Legal basis	Article 91 (1)(c) of the Treaty on the Functioning of the European Union
Section responsible	Transport, Energy, Infrastructure and the Information Society
Adopted in section	4/10/2018
Adopted at plenary	17/10/2018
Plenary session No	538
Outcome of vote (for/against/abstentions)	204/2/6

## 1. Conclusions and recommendations

- 1.1 The European Economic and Social Committee (EESC) welcomes the proposal to amend Directive 2008/96/EC on Road Infrastructure Safety Management (RISM). In particular, the Committee believes that the measures put forward by the Commission should overcome the shortcomings of the current directive (harmonisation, information sharing and limited scope) and should play a key role for the implementation of the Strategic Action Plan on Road Safety.
- 1.2 The Committee endorses the initiative "Vision Zero", which aims to record no fatalities and serious accidents on the roads by 2050, to be achieved adopting the "Safe System" approach, promoted by the World Health Organisation. The implementation of this strategy will require the involvement of all sectors and of all road users to achieve strengthened governance. It is important that the indicators are clear and can be monitored. Civil society organisations should be actively involved in all stages of shaping, implementing, monitoring and evaluating the strategy.
- 1.3 The Committee believes that a systematic and proactive risk mapping procedure across the TEN-T network and on all motorways, as well as all primary roads, is a crucial step in planning new infrastructure measures. Nevertheless, due to the different states of implementation of the current RISM directive, it is important to establish realistic targets and deadlines for all Member States and to provide financial support for the most backward regions, included Six Western Balkans Countries. Furthermore, the Committee argues that the scope of the RISM should be extended to all main rural and urban streets, in order to achieve an effective drastic reduction in fatal and serious accidents by 2030.
- 1.4 The EESC considers the achievement of high road safety performances to be strategic, but an increased budget is needed in the next Multiannual Financial Framework 2021-2027, in order to ensure continuity in the long term, so that the ambitious targets the EU has set itself can be met. In particular, the Committee points out that the EU strategy is mainly focused on financing the building of new infrastructure, but adequate funds should also be allocated to the maintenance and upgrading of existing roads. Moreover, the EESC believes that a stronger budget for transport will have an additional positive impact for Europe's growth and jobs.
- 1.5 The Committee supports the proposal on new performance requirements for road markings and signs, to develop cooperative, connected and automated mobility systems (C-ITS). The EESC recommends extending such an approach to all available transport (intermodality), in order to maximise the impact of such a strategy. Also, the EESC considers that any strategy on road safety should start from proper education and training for private and professional drivers, because human error is still the main cause of accidents.
- 1.6 The EESC supports the proposal to take vulnerable road users into account systematically in all road safety management procedures. In particular, the Committee recommends parallel development with other specific safety provisions for vehicles to close the loop.

## 2. Introduction

- 2.1 Road safety in the EU has greatly improved over the past few decades. Between 2001 and 2010, the number of road deaths in the EU fell by 43%, and by another 19% between 2010 and 2016. Nevertheless, the number of road fatalities remains high (25 620 people lost their lives on EU roads in 2016<sup>1</sup>) and the statistics show a progressive stagnation in the EU process towards safe mobility.
- 2.2 For this reason, the Valletta Declaration encouraged the European Commission to launch a new initiative to adapt **Directive 2008/96/EC on Road Infrastructure Safety Management (RISM)** to the changes in mobility resulting from societal trends and technological developments. This initiative, focused on road safety, has a crucial role in the **Strategic Action Plan on Road Safety**<sup>2</sup>, published in May 2018, in the framework of the **3<sup>rd</sup> Mobility Package**<sup>3</sup>.

## 3. Gist of the proposal

- 3.1 Despite progress in recent years, the number of serious or fatal accidents on roads is still too high. Since 90% of accidents are caused by human error, the Commission thinks that automation, connectivity, new design standards for roads and vehicles could reduce the number of the accidents and their consequences on drivers, passengers and vulnerable road users (e.g. cyclists).
- 3.2 In particular, the Commission has established the goal "**Vision Zero**", which aims to record no fatalities and serious accidents on the roads by 2050. The proposal also introduces *an interim* target of a 50% reduction in fatalities and serious injuries by 2030.
- 3.3 In order to achieve these goals, the EU intends to adopt new technological and regulatory tools based on the World Health Organisation's "**Safe System**"<sup>4</sup>. The principle behind this approach is that, while accidents cannot be entirely eliminated, action can nevertheless be taken to reduce the number of fatalities and serious injuries.
- 3.4 The current RISM Directive was adopted in 2008 to ensure that road safety considerations are at the forefront of all phases of the planning, design and operation of road infrastructure. Nevertheless, there are many differences in the state of implementation of this Directive at national level. These differences often correspond to a higher level of fatal and serious accidents<sup>5</sup>. For this reason, it is crucial to harmonise safety regulations and to improve the safety performance of road infrastructure. Member States should receive specific financial support through the Connecting Europe Facility (EUR 200 million) for the period 2018-2020.

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1 EU road accident database, 2016.

2 COM(2018) 293 annex 1.

3 COM(2018) 293 final.

4 World Health Organization "Save LIVES - A road safety technical package", 2017.

5 Care - EU Road accident database.

3.5 The revised Directive aims to achieve the above-mentioned objectives by introducing the following measures:

- mandating transparency and follow-up of infrastructure safety management procedures;
- a network-wide road assessment and a systematic and proactive risk mapping procedure to assess the "in-built", or inherent, safety on roads across the EU;
- extending the scope of the Directive beyond the trans-European transport network (TEN-T) to cover motorways and primary roads outside the network, as well as all roads outside urban areas that are built using EU funds in whole or in part (The TEN-T network is characterised by significant traffic volumes but, thanks to the high safety standards, fatal accidents are not particularly frequent (8%). The primary EU road network represents 39% of all road fatalities in the EU. Coordinated EU action on the primary road network (including the non-TEN-T part) should help to achieve the "Vision Zero" targets.);
- setting general performance requirements for road markings and road signs to make it easier to roll out cooperative, connected and automated mobility systems;
- making it mandatory to take vulnerable road users into account systematically in all road safety management procedures.

#### 4. General comments

4.1 The EESC welcomes the Commission proposal aimed at amending Directive 2008/96/EC on Road Infrastructure Safety Management. In particular, the Committee endorses the Valletta Declaration and believes that an enhanced European approach is needed to achieve better road safety performances.

4.2 The 3rd Mobility Package consists of a set of interrelated legislative initiatives. The Committee decided to deal with each legislative proposal in a separate opinion. For this reason, this opinion should be read and understood in connection with the EESC's previous opinions, but also with those opinions drafted in alignment with it and which scrutinise specific aspects of the 3rd Mobility Package<sup>6</sup>.

4.3 The Committee endorses the "Vision Zero" goal to be achieved using the "Safe System" approach. This will require the involvement of all sectors and of all road users to achieve strengthened governance. It is important that the indicators set for meeting these goals are clear and can be monitored. Civil society organisations should be actively involved in all stages of the shaping, implementation, monitoring and evaluation of the strategy.

4.4 The EESC welcomes the decision to allocate EUR 200 million (period 2018-2020) to road safety. However, the Committee considers it necessary to increase the financial envelope

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TEN/666, Sustainable Mobility for Europe, Barbucci, 2018, (See page XX in the OJ); TEN/668, European Maritime Single Window environment + Electronic freight transport information, Back, 2018, (See page XX in the OJ); TEN/669, Implementation of the TEN-T projects, Dumitru Fornea, 2018, (See page XX in the OJ); TEN/675, Weights and dimensions of road vehicles, Back, 2018, (See page XX in the OJ); TEN/672, Connecting Europe Facility (CEF), Plosceanu and Watson, 2018, (Not yet published in OJ); TEN/673, Connected and automated mobility, Samm, 2018, (See page XX in the OJ); TEN/674, Tyre labelling, 2018, (See page XX in the OJ); TEN/667, (See page XX in the OJ); INT/863, Security of vehicles/protecting vulnerable road users, Hencks, 2018, (Not yet published in OJ).

available in the next Multiannual Financial Framework (MFF) 2021-2027, in order to ensure continuity in the long term, so that the ambitious targets the EU has set itself can be met<sup>7</sup>. (The European Commission has estimated that the investments needed to deliver the core TEN-T network will amount to around EUR 500 billion for the period 2021 to 2030, while the finalisation of the comprehensive network will cost around EUR 1 500 billion.)

- 4.5 The EESC believes that a stronger budget for transport will have an additional positive impact for Europe's growth and jobs. The funds invested will have a leverage effect, helping to create 13 million jobs a year up to 2030 and to generate additional revenue of up to EUR 4500 billion (1.8% of the EU GDP). This means that every billion euro invested in the TEN-T network should create up to 20 000 jobs<sup>8</sup>.
- 4.6 The Committee believes that the initiative for a systematic and proactive risk mapping procedure across the European TEN-T network and on all motorways (outside of the TEN-T network), as well as all primary roads, is a crucial step in planning the scale and type of infrastructure measures to be taken on the European road network. Nevertheless, due to the different states of implementation of the current RISM Directive, it is important to establish realistic targets and deadlines for all Member States, and to provide adequate financial measures to support the most backward regions and countries<sup>9</sup>.
- 4.7 The Committee points out that the EU strategy is mainly focused on financing the building of new infrastructure. Nevertheless, the maintenance and upgrading of existing roads should also receive adequate funds, because these factors are equally crucial for keeping a high standard of road safety.
- 4.8 New performance requirements for road markings and signs are crucial to developing cooperative, connected and automated mobility systems (C-ITS). The Committee considers it essential to enable vehicles and road infrastructure to exchange information constantly in order to face the "mixed traffic system", characterised by vehicles using different technologies: human, assisted and automated driving<sup>10</sup>. To complete the strategy on safe mobility it is important to extend such an approach to all available transport (intermodality), with a direct impact on the reduction and safety of traffic volumes<sup>11</sup>.
- 4.9 The EESC is convinced that new technologies can make a sensible contribution to upgrading road safety standards, taking into account their limitations and the precautions that needed when using them. Also, the EESC considers that any strategy on road safety should start from proper education and training for private and professional drivers, because human error remains one of the main causes of accidents.

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7 COM(2018) 277.

8 TEN/672, Connecting Europe Facility (CEF), Plosceanu and Watson, 2018, (Not yet published in OJ).

9 TEN/669, Implementation of the TEN-T projects, Dumitru Fornea, 2018, (See page XX in the OJ).

10 TEN/673, Connected and automated mobility, Sann, 2018, (See page XX in the OJ).

11 TEN/666, Sustainable Mobility for Europe, Barbucci, 2018, (See page XX in the OJ).

4.10 The EESC supports the proposal to take vulnerable road users into account systematically in all road safety management procedures. This approach is in line with new trends and habits of EU citizens (e.g. more cyclists). The Committee recommends parallel development with other specific safety provisions for vehicles to close the loop (e.g. advanced emergency braking systems, lane departure warning and a different design for heavy-duty vehicle cabins to facilitate visibility of cyclists and pedestrians, as well as sensors to detect them)<sup>12</sup>.

## 5. Specific comments

5.1 The EESC considers it important that physical and digital infrastructure be developed in parallel. It is also important to complete 5G coverage on all of Europe's motorway and primary road networks as soon as possible to enable effective connectivity between roads and vehicles and between vehicles and vehicles<sup>13</sup>. Here too, the EESC recommends adequate and long-term financial support in the next MFF 2021-2027.

5.2 The Committee, in line with the recommendation of the European Transport Safety Council<sup>14</sup>, argues that the scope of the RISM should be extended to all main rural and urban streets. This wider approach is necessary to achieve an effective drastic reduction in fatal and serious accidents by 2030. This proposal is based on the fact that the Commission proposal has an impact on half of the accidents that occur on EU roads, and that the great majority of the serious injuries occur on urban roads.

5.3 In 2015, the EU began a new venture to extend TEN-T strategy to the Western Balkans<sup>15</sup>. This initiative, supported through the Western Balkans Investment Framework (WBIF) and the Connecting Europe Facility (CEF), should have a crucial impact on the EU enlargement process. The EESC recommends including the implementation of the Strategic Action Plan on Road Safety in the framework of this ambitious infrastructural project. This measure should be in line with the Commission proposal to extend the scope of RISM to road infrastructure outside urban areas completed using EU funding. In particular, it should enable six Western Balkans Countries to join the EU without experiencing a safety and infrastructural gap.

Brussels, 17 October 2018

Luca JAHIER

The president of the European Economic and Social Committee

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<sup>12</sup> INT/863, Security of vehicles/protecting vulnerable road users, Hencks, 2018, (Not yet published in OJ).

<sup>13</sup> TEN/673, Connected and automated mobility, Samm, 2018 (See page XX in the OJ).

<sup>14</sup> COM(2018) 274 p.7.

<sup>15</sup> [http://europa.eu/rapid/press-release\\_STATEMENT-15-4826\\_de.htm](http://europa.eu/rapid/press-release_STATEMENT-15-4826_de.htm)



**European Economic and Social Committee**

**TEN/668**

**European Maritime Single Window environment  
+ Electronic freight transport information**

## **OPINION**

European Economic and Social Committee

**Proposal for a Regulation of the European Parliament and of the Council establishing a  
European Maritime Single Window environment and repealing Directive 2010/65/EU;  
Proposal for a Regulation of the European Parliament and of the Council on electronic freight  
transport information**

[COM(2018) 278 final – 2018/0139(COD)]

[COM(2018) 279 final – 2018/0140-(COD)]

Rapporteur: **Stefan BACK**

Referral	European Parliament, 11/06/2018 Council, 14-15/06/2018
Legal basis	Article 91, 100(2), 192 (1), 304 of the Treaty on the Functioning of the European Union
Section responsible	Section for Transport, Energy, Infrastructure and the Information Society
Adopted in section	04/10/2018
Adopted at plenary	17/10/2018
Plenary session No	538
Outcome of vote (for/against/abstentions)	210/2/2

## 1. **Conclusions and recommendations**

- 1.1 The EESC welcomes both proposals as important steps toward the digitalisation of transport, which is one of the aims of the 2011 White Paper on transport policy and a step in the implementation of the new industrial strategy presented by the Commission in October 2017, as well as the 5 December 2017 conclusions of the Council of Ministers on the digitalisation of transport and the Digital Transport Days Declaration signed in Tallinn on 10 November 2017.
- 1.2 The EESC supports the form of legislative act chosen; experience shows that clear and mandatory obligations on Member States are a necessity if an electronic information system is to work adequately across the European Union.
- 1.3 Each proposal aims at an adequate degree of harmonisation considering the tasks to be fulfilled.
- 1.4 The EESC underlines that the adequacy of the standard and certification requirements to be defined by the Commission in delegated or implementing acts will be of key importance to the correct operation of the planned concepts and to the confidence of users in digital solutions. With regard to the freight information proposal, this could be key to the possibilities of making this system mandatory, not only for authorities, but also for users.
- 1.5 The EESC believes that flawless functioning of the systems, ensuring security, integrity of communications, privacy and confidentiality of commercial and, as appropriate, other sensitive information, are key elements for creating confidence. The EESC draws attention to the ongoing work in the Economic Commission for Europe (UNECE) of the UN Economic and Social Council to ensure high and universal standards in this regard.
- 1.6 The EESC would like to see the rapid development of the Proposal for a Regulation of the European Parliament and of the Council on electronic freight transport information [COM(2018)279] (the Freight Information proposal) into a system that is also mandatory for users in order to optimise efficiency gains, cost reductions and environmental added value. A suitable occasion to do this could be the review of the Regulation provided for in Article 15 of the proposal.
- 1.7 The EESC also regrets that the scope of the Freight Information proposal appears to be limited to information requirements set out in Union acts regarding the conditions under which transport may be performed under the Chapter on transport in the TFEU. The EESC takes the view that the benefits of digitalisation should also apply to other administrative requirements regarding such transport operations. Point 3.8 below contains a drafting suggestion. It is important to send a general signal in this sense, without prejudice to existing or future dedicated provisions.
- 1.8 The EESC also draws attention to the potential added value of being able to submit electronic information to authorities worldwide in accordance with harmonised standards such as those being developed by UNECE.

- 1.9 Specifically, regarding the Proposal for a Regulation of the European Parliament and of the Council establishing a European Maritime Single Window environment and repealing Directive 2010/65/EU [COM(2018) 279] (the Maritime Single Window proposal), the EESC is concerned that the option left open for specific national requirements could easily turn into an obstacle to the smooth functioning of the internal market. The EESC expects that the implementation of this option will be closely monitored by the Commission and that a continuous dialogue between the Commission and the Member States will help to limit specific national requirements.
- 1.10 The EESC points to the importance of addressing the social effects of digitalisation in this context too. This includes providing early information, establishing a dialogue, addressing the changing character of jobs and the need to develop new skills, and enabling the workforce to adapt to the new context. In the opinion of the EESC, digitalisation of the transport sector may make it more attractive as a workplace and therefore help to resolve current recruitment problems in the sector.

## 2. The Commission Proposals

- 2.1 The Commission has submitted two connected proposals, namely the:
- Proposal for a Regulation of the European Parliament and of the Council establishing a European Maritime Single Window environment and repealing Directive 2010/65/EU [COM(2018) 278] (the Maritime Single Window proposal); and the
  - Proposal for a Regulation of the European Parliament and of the Council on electronic freight transport information [COM(2018)279] (the Freight Information proposal).
- 2.2 Both proposals are functionally interlinked, since they both establish a system for electronic communication between companies and public authorities to facilitate control of compliance with a number of legal obligations through a system that guarantees the authentic character of the information provided as well as the integrity of the information provided and respect of privacy requirements.
- 2.3 The Maritime Single Window proposal is to replace Directive 2010/65/EU, which had a similar objective but which has proven inefficient because it gave Member States too much leeway in implementation, leading to varying standards, routines and coverage of digitised notification, and resulting in an increased administrative burden for shipping and a residue of administrative routines to be accomplished manually.
- 2.4 It appears that the Maritime Single Window system as such is open to all ships legally subject to reporting obligations when entering ports of the Member States.
- 2.5 The Freight Information proposal is aimed at establishing an obligation on Member State authorities to accept electronic documentation for the purpose of complying with the obligation on businesses to submit documents to prove compliance with requirements under a number of EU legislative acts concerning the transport of goods as well as the conditions for the shipment of waste. To this end, the Freight Information proposal creates an electronic freight transport

information (eFTI) system consisting of a service provision framework including a common data set, procedures and access rules, requirements for eFTI platforms and services and a certification system.

- 2.6 The option provided for in the Freight Information proposal is available to operators subject to the legal information or documentation obligations set out in the proposal.

### 3. **General comments**

- 3.1 The EESC welcomes both proposals, which pursue the general aim of digitising transport set out originally in the 2011 transport policy White Paper and thereafter pursued in, for instance, the Digital Single Market strategy and the new industrial strategy presented by the Commission in October 2017, as well as the 5 December 2017 conclusions of the Council of Ministers on the digitalisation of transport as a follow-up to the Digital Transport Days Declaration signed in Tallinn on 10 November 2017.
- 3.2 The EESC reiterates its support for innovative solutions and supports the form of legislative act chosen, considering that clear and mandatory obligations on Member States are a necessity if an electronic information system is to work adequately across the European Union.
- 3.3 In this context, the EESC calls to mind its warnings about problematic implementation – because its substance is predominantly non-mandatory – of the directive that the Maritime Single Windows proposal would, if adopted, repeal.
- 3.4 That said, the EESC agrees that it may be necessary to strike a balance between full harmonisation and interoperability. Clearly, there is a need for far-reaching harmonisation in the context of a system that is to facilitate clearance of ships arriving at and leaving EU ports, which will for instance require a flawlessly functioning interface between ship and shore with harmonised standards and procedures. A lesser degree of harmonisation may be accepted in a system that basically serves to ensure adequate and secure procedures for making available to public authorities the documents needed to ensure compliance with EU legislation.
- 3.5 Against this background, the EESC considers that each of the two proposals seeks the right level of harmonisation.
- 3.6 The EESC takes note of the fact that the Freight Information proposal essentially creates an option, not an obligation, to enable the submission of documents in electronic form. The EESC accepts the reasons for this choice at this point in time but would nevertheless like to see a rapid evolution towards a mandatory system, considering the facilitation of compliance monitoring at all times that this would entail, and the reduced volumes of paper it would mean, particularly for operational staff such as lorry drivers. A suitable occasion to address this issue could be the review of the Regulation provided for in Article 15 of the proposal.

- 3.7 The Freight Information proposal, according to its Article 1(2), applies to "regulatory information requirements set out in Union acts laying down the conditions for the transport of goods on the territory of the Union in accordance with Title VI of Part Three of the Treaty or laying down the conditions for the shipments of waste". The EESC wonders whether this does not excessively circumscribe the right to submit information and documents in electronic form. The Union acts enumerated in Annex I to the Freight Information proposal only appear to be those directly addressing market access conditions.
- 3.8 The EESC considers that other administrative documentation or information requirements could also benefit from the right of submission in electronic form. Examples of this are for instance posting notifications and information to be provided in the context of posting of workers, or information provided to prove compliance with the provisions on driving and resting time. In the EESC's view, the scope of the proposal could be widened by adding the words "and other provisions concerning" between the words "conditions for" and "the transport of goods" in Article 1(2). The EESC considers that it is important to send a general signal in this sense, without prejudice to existing or future dedicated provisions.
- 3.9 The EESC also points to the sustainability aspect of reducing the volumes of printed paper, as also mentioned in the Freight Information proposal.
- 3.10 The EESC takes note of the specific provisions in both proposals to ensure confidentiality of commercial and, in the case of the Maritime Single Window, other sensitive information. Furthermore, the EESC would like to draw attention to the high levels of security against tampering and the high level of protection of privacy inherent in a well-conceived and well-managed Pipeline Data Exchange Structure.
- 3.11 The EESC points out the importance of the ongoing work in UNECE on the issues set out in point 3.10 above, and in particular its White Paper on a Data Pipeline Concept for Improving Data Quality in the Supply Chain. In the opinion of the EESC, this is a further argument for making electronic documentation mandatory to the widest extent possible.
- 3.12 The EESC draws attention here to the potential added value of being able to submit electronic information to authorities worldwide in accordance with harmonised standards such as those being developed by UNECE.
- 3.13 With respect to both proposals, the Commission has a vital task in developing standards and certification criteria. The EESC underlines that a framework that inspires confidence and that works well without unnecessary complexity is essential for the proposed systems to work well and deliver the planned added value. It is also an essential element in creating confidence in digital solutions over the entire transport sector.

3.14 The EESC points to the need to address the social aspects of digitalisation in this context too. Clearly digitalisation will change the working environment, create new jobs and require new skills; it is important to address in good time the need to enable the workforce to adapt to the new context. The EESC also underlines the importance of providing early information and enabling a dialogue on changes to come. In the EESC's view, digitalisation of the transport sector may make it more attractive as a future workplace and therefore help to resolve the current recruitment problems in the sector.

#### 4. **Specific comments**

##### 4.1 **The Maritime Single Windows proposal**

4.1.1 Compared to Directive 2010/65/EU, the Maritime Single Window proposal is very complete. It appears to provide an adequate framework to facilitate arrival and departure formalities and therefore seems to have eliminated the missing elements and the lack of harmonisation that produced adverse effects for users in the implementation of Directive 2010/65/EU.

4.1.2 The EESC agrees with the choice of the Commission not to propose an EU Single Window, but rather, National Single Windows. Although there are strong reasons in favour of an EU-level Single Window, a solution built on National Single Windows will avoid sunk costs arising from national-level investments already made, and allow for such specific national administrative requirements as may be necessary.

4.1.3 The EESC underscores that harmonisation aimed at facilitating the smooth operation of the internal market is a key element in the proposal and that it is important to ensure that this is not lost.

4.1.4 The EESC therefore has some misgivings about the option left open for specific national requirements, which could easily turn into obstacles to the smooth functioning of the internal market. The EESC therefore calls on the Commission to closely monitor specific national requirements from an internal market perspective and pursue a continuous dialogue with Member States in order to limit specific national requirements as far as possible.

##### 4.2 **The Freight Information proposal**

4.2.1 The EESC takes particular note of the significant role that will be played by the implementing and delegated acts to be adopted by the Commission under this proposal and stresses the importance of those coming rapidly into effect since they are key to the proper functioning of the proposed Regulation.

4.2.2 In this regard, the EESC would draw the attention of the Commission to the above-mentioned UNECE White Paper and the elements of a Pipeline Data Exchange Structure (PDES) described therein as a useful structure for ensuring a secure and tamper-proof system for data exchange at different stages in the transport pipeline.

4.2.3 The EESC refers to the statements above about the high security of a well-conceived and well-implemented system for the exchange of electronic documents and reiterates that, in particular with respect to the compliance monitoring objective of this proposal, there is a good case for considering making electronic documentation mandatory in the context of the review of the Regulation provided for in Article 15 of the Freight Information proposal.

Brussels, 17 October 2018

Luca JAHIER

The president of the European Economic and Social Committee

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**European Economic and Social Committee**

**TEN/669**  
**Implementation of the TEN-T projects**

## **OPINION**

European Economic and Social Committee

**Proposal for a Regulation of the European Parliament and of the Council on streamlining  
measures for advancing the realisation of the trans-European transport network**  
[COM(2018) 277 final - 2018/0138 (COD)]

Rapporteur: **Dumitru FORNEA**

Referral	European Parliament, 11/06/2018 Council, 15/06/2018
Legal basis	Article 172(1) of the Treaty on the Functioning of the European Union
Plenary Assembly decision	22/05/2018
Section responsible	Transport, Energy, Infrastructure and the Information Society
Adopted in section	04/10/2018
Adopted at plenary	17/10/2018
Plenary session No	538
Outcome of vote (for/against/abstentions)	210/3/4

## 1. Conclusions and recommendations

- 1.1 The EESC believes that the initiatives grouped together in the third "Europe on the Move" package are necessary in order to provide an efficient legal framework at European level and to reaffirm the Member States' political and financial commitment to deliver the trans-European transport network (TEN-T) on time: the core network should be finalised by 2030 and the comprehensive network by 2050.
- 1.2 The EESC notes that the proposal for a regulation provides added value as on the basis of best practices identified across the EU, it regulates a number of key aspects for complying with deadlines for project delivery and for continuing to attract and interest public and private investors in submitting tenders for transport infrastructure.
- 1.3 The EESC endorses the Commission's approach, considering that it is appropriate and relevant given the key purpose of the proposal for a regulation which is to reduce delays encountered in the implementation of TEN-T infrastructure projects. In fact, these delays can be reduced significantly by recognising the priority status of projects of common interest, designating one single competent authority to be staffed with competent personnel and equipped with adequate resources. The authority should merge entities and bodies with competing roles so as to achieve real administrative simplification, integrating and coordinating procedures, and applying one single national legislation to purchases made by a joint entity.
- 1.4 The EESC welcomes the establishment by the Commission of a benchmark for the length of permit granting processes and considers that it is reasonable to limit the entire permit granting process to a maximum of three years, but would point out that it is important to take into account the views of the competent national authorities to ensure that the proposed deadlines are realistic in light of the specific situations in the Member States.
- 1.5 The EESC is of the view that in some Member States, compliance with the mandatory deadlines set by the proposal for a regulation will call for some legal and administrative reforms. These will enable the competent legal and administrative bodies to make their working methods quicker and more efficient so as to avoid legal action at national or European level for failing to comply with the deadlines.
- 1.6 The EESC endorses the technical assistance proposed under Article 9, but would point out to the Commission that further details are needed with regard to the eligibility criteria and the procedure to be followed in order to be accorded the technical assistance provided for in the proposal.
- 1.7 The EESC believes that the pace of infrastructure project implementation could be picked up if standardised terms and conditions and specific arrangements for public procurement were established at European level.
- 1.8 The EESC believes that national authorities can cut back on potential conflict in the implementation of TEN-T projects by involving the stakeholders/parties involved from the very

planning stage of transport infrastructure and by organising consultations with the public, civil society organisations and relevant local authorities in an efficient and timely manner.

- 1.9 The EESC points out that awareness raising activities and timely identification of attempts to denigrate TEN-T projects are key to a political and social climate conducive to the implementation of European transport infrastructure policies. The European authorities can neutralise the harmful effects of misinformation by staying in contact with the mass media and by further developing the institutional tools for providing accurate information and consulting the public.
- 1.10 The EESC takes note of an incoherence in the text of the proposal since in the definitions in Article 2(e) “Cross-border project of common interest” that notion is limited to projects implemented by a joint entity. However, in Article 7(2) and Article 8(1) the notion also seems to cover projects where no joint entity is in place.
- 1.11 The EESC believes that the cross-border coordination mechanisms provided for the TEN-T network can be strengthened by boosting the authority of and stepping up the tools available to European coordinators. In order to make optimal use of the experience and capacity of European coordinators, it might be necessary to revise the legislation laying down their remit, extending their responsibilities with a view to consolidating European leadership in implementing the cross-border transport infrastructure projects undertaken by the Member States.
- 1.12 The EESC notes that it is not clear which sanctions are laid down for the failure to comply with the legal provisions established by the proposal for a regulation. In view of the proposal's chief objective, specifically reducing delays, this aspect needs to be clarified so as to bolster the legally binding nature of the regulation and ensure that Europeans, civil society, public authorities and national and European-level courts and tribunals will have a transparent and predictable legal framework.

## 2. **General comments**

- 2.1 The proposal for a regulation considered in this opinion was issued by the Commission in May 2018. The Commission intended to supplement the initiatives grouped together in the third "Europe on the Move" package by focusing on the legislative and administrative measures which can speed up the implementation of investment programmes so as to deliver the trans-European transport network (TEN-T) on time: the core network should be finalised by 2030 and the comprehensive network by 2050.
- 2.2 The European Commission has estimated that the investments needed to deliver the core TEN-T network will amount to around EUR 500 billion for the period 2021 to 2030, while the finalisation of the comprehensive network will cost around EUR 1 500 billion. The funds invested in this European transport infrastructure will have a leverage effect, helping to create 13 million jobs a year up to 2030 and to generate additional revenue of up to EUR 4500 billion (1.8% of the EU GDP).

- 2.3 In June 2018, the Commission announced that it intended to allocate EUR 30.6 billion to the Connecting Europe Facility under the 2021-2027 Multiannual Financial Framework, a nominal increase of 47% over the 2014-2020 period. Nonetheless, the EU's strong commitment and contribution to the completion of the TEN-T network will not be enough unless the Member States really step up to the plate and identify alternative solutions for co-financing or fully financing transport infrastructure projects.
- 2.4 The implementation of the TEN-T investment programmes involves both identifying investors and making the necessary funds available, and laying the legal and administrative groundwork to ensure that the investments can be delivered on time and meet the standards set. Public consultations have shown that all stakeholders (public and private investors, businesses, civil society organisations and members of the public) want the administrative procedures involved in implementing infrastructure projects to be efficient, predictable, in line with the principles of sustainable development and with developments in digital technologies, and geared towards achieving the targets set by European and national policies on mobility in the EU.
- 2.5 Article 6 of the proposal for a regulation establishes phases and deadlines for the implementation of the permit granting process: a pre-application phase, which should not exceed two years, and a phase entailing the assessment of the application and decision making by the single competent authority, which should not exceed one year. The time limits set in the proposal are without direct prejudice to inter alia administrative appeals and judicial remedies before a court or tribunal.
- 2.6 The pre-application phase includes deadlines which the single competent authority must meet in order to finalise key stages of this phase. Therefore:
- no more than two months following receipt of the notification drawn up by a project promoter, the single competent authority must either acknowledge the launch of the permit granting process or reject the notification in writing if it considers that the project is not mature enough;
  - within three months of the start of the permit granting process, the single competent authority, in close cooperation with the project promoter and other authorities concerned, must establish and communicate a detailed application outline which must be submitted before the permits needed to go ahead with the project can be granted;
  - no more than two months from the date of submission of the complete application file, the competent authority must inform the project promoter in writing whether the file is complete.
- 2.7 Given the issues mentioned above, ***the Commission is working to achieve four main objectives with this legislative initiative:***
- I. Reducing delays encountered in the implementation of infrastructure projects to deliver the TEN-T network;

- II. Clearer procedures to be followed by those involved in promoting or implementing projects, particularly in connection with permit granting or public procurement procedures, but also regarding requests for state aid or other situations requiring public authority involvement;
- III. The systematic application of one single framework for cross-border projects implemented by a joint entity, unless the participating Member States decide otherwise;
- IV. More clarity for the public and civil society by strengthening the transparency framework and the arrangements for involving them in the planning and implementing of TEN-T projects;

### 3. Specific comments

- 3.1 The EESC feels that the completion of the TEN-T network will not be possible without firm political commitment from the Member States and strong leadership and cooperation at European level. On the basis of best practices identified across the EU, the proposal for a regulation provides added value as it regulates a number of key aspects for complying with deadlines for project delivery and for continuing to attract and interest public and private investors in submitting tenders for transport infrastructure.
- 3.2 The EESC endorses the Commission's approach, considering that it is appropriate and relevant given the key aspects regulated by the proposal. These are as follows: recognition of the priority status of TEN-T projects of common interest; the integration of permit granting processes; designation of one single authority competent for granting permits; establishment of a timeframe for granting and implementing permits; coordination of the procedure for granting cross-border permits; simpler public procurement in cross-border projects of common interest; EU technical assistance for the application of this regulation and the implementation of projects of common interest.
- 3.3 The Commission's policy option of *limited, decentralised mandatory actions implemented at national level* is understandable given the current political developments in some Member States and gives us an interesting picture of the way in which national governments position themselves with regard to EU legislative initiatives proposing European-level cooperation in areas subject to subsidiarity requirements.
- 3.4 The deadlines for permit granting processes regulated by the proposal are welcome but fairly optimistic in view of the constraints regarding compliance with national legislation in the field of investments and public procurement.
- 3.5 The EESC welcomes the establishment by the Commission of a benchmark for the length of permit granting processes, but would point out that it is important to consult the competent national authorities to ensure that the proposed deadlines are realistic in light of the specific situations in the Member States. On the basis of experience to date, it is possible that the time required to comply with each stage in the procedure – including approval of the technical documents, the technical and economic indicators and the public procurement procedures, and concluding and delivering on the relevant contracts by the deadlines set and in accordance with

national legislation – may exceed the deadlines proposed in this regulation by a considerable amount.

- 3.6 Some of the delays to date noted in the implementation of TEN-T projects are due to the unsuitable and in some cases overly politicised national institutional architecture, with public authorities unable to enact reforms and to adopt modern working methods, and which continue to use outdated administrative procedures which were dropped a long time ago by institutions which have taken up digital revolution applications on a broad scale.
- 3.7 Given this situation, the regulation will have a direct impact on the administrative structures of Member States performing below European standards. A reform of these institutions should be considered, and the technical assistance proposed under Article 9 is thus valuable for those Member States who request it with a view to the implementation of projects relevant to the delivery of the TEN-T core network. Nonetheless, further details are needed with regard to the eligibility criteria and the procedure to be followed in order to be accorded the technical assistance provided for in the proposal.
- 3.8 Many of the delays are due to legal disputes following conflicts between stakeholders or parties affected by the implementation of the projects. One facet of the delivery of justice is striking a balance between the rights of individuals and national law. The fact that the Member States have exclusive competence in the field of justice and the highly complex national and European legal framework for granting permits for infrastructure projects produce a mosaic of inevitable legal conditionalities which could substantially undercut the Commission's ambitious objectives.
- 3.9 The length of administrative appeals and court procedures and the effect of suspensive conditions, the technical challenges to the completion of infrastructure work, the lack of vital administrative documents needed to establish the legality of the procedure and the lack of the necessary funds all affect the length of the project permit granting processes. The European institutions are therefore required to take these factors into consideration when taking the final decision on the permit granting deadlines regulated at European level by the proposal for a regulation.
- 3.10 Similarly, better, more specialised training of magistrates, justice officials and lawyers in the area of public interest infrastructure projects could lead to shorter court proceedings and deliver a higher standard of justice, while complying fully with legal requirements.
- 3.11 Procurement procedures for transport infrastructure works are extremely time consuming, and a major factor in TEN-T project delays. The EESC believes that the pace of infrastructure project implementation could be picked up if standardised terms and conditions and specific arrangements for public procurement were established at European level.
- 3.12 The EESC believes that national authorities can cut back on potential conflict in the implementation of TEN-T projects by involving the stakeholders/parties involved from the very planning stage of transport infrastructure and by organising consultations with the public, civil society organisations and relevant local authorities in an efficient and timely manner. Social and

civic dialogue at national, regional and local level can make a key contribution to boosting public acceptance of transport infrastructure projects and to improving the administration's working methods by establishing and implementing integrated permit granting processes.

- 3.12.1 The EESC takes note of an incoherence in the text of the proposal since in the definitions in Article 2(e) "Cross-border project of common interest" that notion is limited to projects implemented by a joint entity. However, in Article 7(2) and Article 8(1) the notion also seems to cover projects where no joint entity is in place.
- 3.13 In some Member States, TEN-T and TEN-E infrastructure projects are subject to misinformation and denigration campaigns as they sometimes clash with the geopolitical interests of states or interest groups which want to make political capital from the progress or lack of progress made in infrastructure projects promoted by the EU. Awareness raising activities and timely identification of such threats are key to a political and social climate conducive to the implementation of European transport infrastructure policies. The European authorities can neutralise the harmful effects of misinformation by staying in contact with the mass media and by further developing the institutional tools for providing accurate information and consulting the public.
- 3.14 The EESC believes that the cross-border coordination mechanisms provided for the TEN-T network can be strengthened by boosting the authority of and stepping up the tools available to European coordinators. The proposal for a regulation considers this aspect and specifies the key role of these TEN-T coordinators who are tasked with closely monitoring the permit granting process for European projects of common interest and providing regular progress reports. In order to make optimal use of the experience and capacity of European coordinators, it might be necessary to revise the legislation laying down their remit, extending their responsibilities with a view to consolidating European leadership in implementing the cross-border transport infrastructure projects undertaken by the Member States.
- 3.15 The EESC notes that no sanctions are laid down for the failure to comply with the legal provisions established by the proposal for a regulation. Clarification regarding this point would bolster the legally binding nature of the regulation, and Europeans, civil society, public authorities and national and European-level courts and tribunals will have a transparent and predictable legal framework.

Brussels, 17 October 2018.

Luca Jahier  
The president of the European Economic and Social Committee



**European Economic and Social Committee**

**TEN/675**  
**CO<sub>2</sub> standards for lorries +**  
**Weights and dimensions of road vehicles**

## **OPINION**

European Economic and Social Committee

**Proposal for a Regulation of the European Parliament and of the Council setting CO<sub>2</sub> emission performance standards for new heavy-duty vehicles; Proposal for a Decision of the European Parliament and of the Council amending Council Directive 96/53/EC as regards the time limit for the implementation of the special rules regarding maximum length in case of cabs delivering improved aerodynamic performance, energy efficiency and safety performance**

[COM(2018) 284 final – 2018/0143(COD)]

COM(2018) 275 final – 2018/0130(COD)]

Rapporteur: **Stefan BACK**

Referral	European Parliament, 11/06/2018 and 5/07/2018 Council, 8/06/2016 and 5/7/2018
Legal basis	Art. 91(1), Art. 192(1), Art. 304 of the Treaty on the Functioning of the European Union
Section responsible	Section for Transport, Energy, Infrastructure and the Information Society
Adopted in section	04/10/2018
Adopted at plenary	17/10/2018
Plenary session No	538
Outcome of vote (for/against/abstentions)	216/2/3

## 1. Conclusions and recommendations

- 1.1 The EESC welcomes the Proposal for a Decision of the European Parliament and of the Council amending Council Directive 96/53/EC ("The Decision proposal") and notes that it only means the earlier implementation of substantive amendments to Directive 96/51/EC, already agreed. The EESC underscores the need to consider the drivers' working environment when adopting implementing rules and urges the Commission to consult with appropriate stakeholders in this context.
- 1.2 The EESC also welcomes the Proposal for a Regulation of the European Parliament and of the Council setting CO<sub>2</sub> emission performance standards for new heavy-duty vehicles<sup>1</sup> (the "Regulation proposal") as a balanced approach to addressing the need to reduce CO<sub>2</sub> emissions from HDVs as a contribution to the implementation of the undertakings made under the Paris Agreement and taking into account the specific provisions made by the October 2014 European Council regarding the transport sector.
- 1.3 The EESC also welcomes the objective of the Regulation proposal of promoting innovation and the competitiveness of the EU automotive industry in low-emission HDVs in the face of competition in this sector from China, Japan and the United States of America.
- 1.4 Still, the EESC regrets the complexity of the proposal which makes it difficult to access. The EESC also regrets that a common terminology and common criteria are not used for what the Regulation proposal calls zero and low emission vehicles, as different designations are used in other proposals in the mobility package. Common terminology and, where possible, common criteria, would have made the texts clearer.
- 1.5 The choice of a technology-neutral approach is necessary, in the opinion of the EESC, bearing in mind the dynamic developments in the field of alternative energy sources and also in view of the need to avoid national solutions that would create an obstacle to the smooth operation of the internal market.
- 1.6 The 15% reduction level regarding average specific CO<sub>2</sub> emissions 2020 – 2025 is challenging but still in line with the reduction level adopted by the October 2014 European Council as what could reasonably be demanded from the transport sector.
- 1.7 The EESC also welcomes the flexibility provided by the proposed debit/credit system.
- 1.8 The EESC underlines the importance of foreseeability regarding both the automotive and the transport industries, considering the time and investment required to develop new products and the need for foreseeability regarding the legal framework when making investments in new equipment. For that reason, the EESC would also wish to see more precise targets for the CO<sub>2</sub> trajectory after 2030.

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<sup>1</sup> [COM\(2018\) 284 – 2018/0143 \(COD\)](#)

- 1.9 The EESC draws attention to the fact that innovation often means changed working conditions and a need for training to adapt to new requirements. This calls for efforts to make transformation possible in a socially sustainable way and to facilitate a dialogue between social partners.
- 1.10 The EESC also underlines the importance of testing the actual CO<sub>2</sub> performance of vehicles in real driving conditions, bearing in mind for instance the additional effects on CO<sub>2</sub> emission levels of digitalisation and more efficient driving techniques, bringing improved efficiency, better capacity utilisation and reduced costs per unit transported.
- 1.11 The EESC therefore takes the view that the Regulation proposal would also contribute to the improved competitiveness of the European transport industry.
- 1.12 The EESC notes a problem of clarity regarding the status under the Regulation proposal of "vocational vehicles", as further developed under point 5.1. In the opinion of the EESC, the effects of the specific status of vocational vehicles should be better explained, possibly by an addition to recital 17.
- 1.13 The revenues from the penalties to be paid in case of non-compliance with the targets set by the Regulation proposal should, in the opinion of the EESC, be earmarked for financing the development of innovation and sustainable transport solutions to reduce the CO<sub>2</sub> footprint of HDVs.
- 1.14 The EESC finally remarks that the term "excess emission premium" used in Article 8 to designate what is in fact a sanction does not appear appropriate and should be changed for instance to "excess emission penalty".

## 2. **Background**

- 2.1 Under the Paris Agreement, the EU has committed to reduce greenhouse gas (GHG) emissions to forestall negative effects of climate change. The EU undertaking was made on the basis of the conclusions of the European Council of October 2014 which committed to a reduction of at least 40% by 2030, albeit with a less ambitious target – a reduction of 30% – for the non-emission trading sectors, particularly transport<sup>2</sup>.
- 2.2 The European Strategy for Low-Emission Mobility<sup>3</sup> (the Low-Emission Mobility Strategy) sets a target of at least a 60% reduction of GHG emissions by 2050 compared to 1990 levels and sets the objective of having low-emission vehicles account for a significant market share by 2030.
- 2.3 One of the main objectives of the "Europe on the Move" initiative (the Mobility Package) is to deliver on the Low-Emission Mobility Strategy and the renewed EU Industrial Policy Strategy<sup>4</sup>.

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<sup>2</sup> [European Council Conclusions, 24 October 2014.](#)

<sup>3</sup> [COM\(2016\) 501 final](#)

The Mobility Package was delivered in three instalments: on 31 May and 8 November 2017 and on 17 May 2018. The overarching communications accompanying the three parts of the package have highlighted the importance of delivering on this strategy and a number of proposals in this direction have been made, including the proposal for a Regulation on the monitoring and reporting of CO<sub>2</sub> emissions from and fuel consumption of new heavy-duty vehicles<sup>5</sup> and the proposal for a Regulation setting emission performance standards for new passenger cars and for new light commercial vehicles as part of the Union's integrated approach to reduce CO<sub>2</sub> emissions from light-duty vehicles and amending Regulation (EC) No 715/2007 (recast)<sup>6</sup>. It should be underscored that the objective of these measures is not only environmental, but also a matter of maintaining competitiveness in relation to countries such as China, Japan and the United States, where environmental standards for HDVs are already in place.

- 2.4 The two proposals dealt with in this opinion are part of the third instalment in the package and concern emission performance standards for new heavy-duty vehicles, and shortening the time it takes for special rules on the dimensions of cabs delivering improved aerodynamic performance to be enacted in national law.

### 3. The proposals

#### 3.1 **Proposal for a Decision of the European Parliament and of the Council amending Council Directive 96/53/EC as regards the time limit for the implementation of the special rules regarding maximum lengths in case of cabs delivering improved aerodynamic performance, energy efficiency and safety performance<sup>7</sup> (the "Decision proposal")**

- 3.1.1 The special rules mentioned above aim to enable the use of cabs with improved aerodynamics, which would improve energy performance and reduce GHG emissions. Directive 96/53/EC as it now stands includes a three-year moratorium for the introduction of aerodynamic cabs after the end of the transposition period. This is now proposed to be reduced to four months from the entry into force of the Decision, to make it possible to use aerodynamic cabs without unnecessary delay. Implementation requires modification of rules on type approval.

- 3.1.2 The Decision proposal does not modify the substantive provisions of Directive 96/53/EC.

#### 3.2 **Proposal for a Regulation of the European Parliament and of the Council setting CO<sub>2</sub> emission performance standards for new heavy-duty vehicles<sup>8</sup> (the "Regulation proposal")**

- 3.2.1 The Regulation proposal sets targets for CO<sub>2</sub> emissions reductions from the HDVs covered by the Regulation proposal as follows: by 15% for the period 2025-2029; and, for the period from 1

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4 [COM\(2017\) 479 final](#)

5 [COM\(2017\) 279 final – 2017/0111 COD](#)

6 [COM\(2017\) 676 final – 2017/0293 \(COD\)](#)

7 [COM\(2018\) 275 final – 2018/0130 \(COD\)](#)

8 [COM\(2018\) 284 final – 2018/0143 \(COD\)](#)

January 2030 onwards, by at least 30%, the latter subject to a review to be undertaken in 2022. The reference emissions are based on 2019 data established through the monitoring foreseen in the proposal for a Regulation on the monitoring and reporting of CO<sub>2</sub> emissions from and fuel consumption of new heavy-duty vehicles (reference year emissions)<sup>9</sup>.

- 3.2.2 The Regulation proposal covers lorries with a laden weight above 16 tonnes, tractors, and also – with regard to the incentives under the special provisions that apply to zero- or low-emission vehicles – coaches, buses and lorries that otherwise fall outside the Regulation proposal. Vocational vehicles and HDVs not intended for the delivery of goods are, in principle, not covered by the CO<sub>2</sub> reduction targets under the Regulation proposal.
- 3.2.3 Starting in 2020, average specific emissions of each manufacturer as from 2019 shall be calculated for each preceding calendar year according to implementing acts, and based on information collected under the proposed monitoring regulation (see point 3.2.1 above) and on the zero- or low-emission factor to be established.
- 3.2.4 For zero- and low-emission vehicles, a zero- and low-emission factor shall be determined by the Commission from 2020 for each manufacturer as of 2019. Each zero- or low-emission vehicle shall be counted as two vehicles. The zero- and low-emission factor shall reduce the average specific emissions by a maximum of 3% or, with respect to buses, coaches and lorries normally not falling under the regulation, by a maximum of 1.5%.
- 3.2.5 Starting from 2026, manufacturers' specific emission targets for the following year shall be defined by the Commission by means of implementing acts on the basis of data for the preceding year. They shall be based on the targets set out in the regulation, the reference year emissions (2019), the manufacturers' share of vehicles in each category, and the annual mileage and payload of each category.
- 3.2.6 Credits and debts may be acquired. These are calculated on the basis of the difference between a reduction trajectory – to be set for each manufacturer based on the reference year emissions and the 2025 and 2030 targets – and the average specific emissions of a manufacturer; a positive difference produces a credit. Meanwhile, a negative difference between the average specific emissions and the specific emission target of a manufacturer gives rise to an emission debt.
- 3.2.7 Emission credits may be acquired over the period 2019-2029, but credits for the period 2019-2024 may only be used against the specific emission target for 2025. Debts for the period 2025-2029 may not exceed 5% of the manufacturer's specific emission target for 2025 multiplied by the manufacturer's number of HDVs in that year ("emission debt limit"). Debts and credits may be carried over during the period 2025-2028, but must be fully cleared in 2029.
- 3.2.8 Excess emissions by year or for the period 2025-2029 will result in the Commission imposing an excess emission premium calculated on the basis of 6 800 €/gCO<sub>2</sub>/tkm. Excess premiums shall be considered as revenue for the general budget of the Union.

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[COM\(2017\) 279 final - 2017/0111 \(COD\)](#)

3.2.9 The Regulation proposal also contains provisions on monitoring the conformity of vehicles and the publication of data and manufacturer performance.

#### 4. **General comments**

##### 4.1 **The Decision proposal**

4.1.1 The EESC supports the initiative to enable earlier implementation of the provisions on the use of a cab design that should improve energy efficiency and hence reduce emissions as well as improving the competitiveness of the EU automotive industry. The EESC underscores that the proposal does not entail any substantive changes to Directive 96/53/EC, but only adjusts the implementation timetable.

4.1.2 The EESC notes that new regulations are required prior to implementation of aerodynamic cabs that exceed current restrictions on weight/dimensions of the vehicle. As required under Article 9 of EU Directive 2015/719, these new regulations will cover four areas:

- aerodynamic performance
- safety of vulnerable road users e.g. visibility, elimination of blind spots etc.
- the reduction in damage or injury to drivers and other road users in the event of a collision
- the safety and comfort of drivers, e.g. internal dimensions of the cabin.

4.1.3 The EESC urges the Commission to consult with relevant stakeholders, e.g. trade unions representing drivers, road haulage operators etc., before finalising these proposals.

4.1.4 The EESC assumes that the amended type approval rules required will ensure a working environment for drivers that is at least equal to current standards.

##### 4.2 **The Regulation proposal**

4.2.1 The EESC welcomes the Commission's proposal, which appears to strike a reasonable balance between the aims of reducing GHG emissions in relation to mobility, encouraging innovation in the EU automotive industry, and improving its competitiveness. It is a follow-up to the proposal on the monitoring and reporting of CO<sub>2</sub> emissions from HDVs, mentioned in point 2.3 above and welcomed by the EESC.

4.2.2 The EESC takes note that the Regulation proposal is a very complex piece of legislation. The EESC regrets that it seems to have been impossible to draft a clearer and more easily accessible text. In this context the EESC also regrets that the terminology for the designation low – or zero – emission vehicles varies so much in the three proposals relating to vehicle CO<sub>2</sub> emissions that are part of the mobility package. For instance, Article 4 and Table 2 in Annex of the proposal with amendments to Directive 2009/33 on the promotion of clean and energy efficient

vehicles<sup>10</sup> and Article 3 of the proposal for a recast of Regulation 715/2007 on the CO<sub>2</sub> standards of cars and vans<sup>11</sup> each define low – or zero emission in a different way. A third terminology is used in the Regulation proposal. It is regrettable that a coherent common terminology has not been used.

- 4.2.3 As well as the environmental objectives of the proposal, the EESC also particularly welcomes the competitiveness aspect, bearing in mind that CO<sub>2</sub> standards and monitoring systems for HDVs are in place in, for instance, China, Japan and the United States. It is therefore important that the EU automotive industry is encouraged to achieve similar standards, in order to be able to compete efficiently in these and other markets.
- 4.2.4 The EESC appreciates the technology-neutral approach of the Regulation proposal, as this should create the conditions for a broad approach to developing zero- or low-emission powertrains, including further development of the combustion engine.
- 4.2.5 The EESC draws attention to the importance of developing alternative powertrains for HDVs, also bearing mind the commercial context in which those vehicles are generally used. In this context, the EESC also draws attention to the wide spectrum of currently available solutions and the dynamic evolution in this field, which means that the picture is constantly changing. The EESC therefore underlines the importance, particularly with respect to HDVs, of avoiding diverging national solutions that hamper the functioning of the internal market by impeding cross-border mobility.
- 4.2.6 The EESC takes note of the 15% target for CO<sub>2</sub> emission reduction during the period 2020-2025 and takes the view that this must be considered to be a challenging objective, bearing in mind that this kind of obligation is new for HDVs, which are also a type of vehicle that is new to the kind of requirements set out in the Regulation proposal.
- 4.2.7 Nevertheless, the EESC is satisfied that the target set is considerably below the general target for CO<sub>2</sub> reduction set for the EU, which is also in line with the view taken by the October 2014 European Council regarding the demands that could reasonably be made on the transport sector. In this context, the EESC also welcomes the debit/credit system proposed, which provides a flexibility that may be necessary, at least for a certain time.
- 4.2.8 Foreseeability is important to both the automotive industry and the transport sector. For the former, it is a question of knowing what to expect when developing new models and new technical solutions, both of which are long-term projects. For the latter, it is a question of being able to make well-informed choices, for instance when investing in a new vehicle. For that reason, it is important that more precise targets are defined for the CO<sub>2</sub> trajectory after 2030.
- 4.2.9 Innovation could also lead to changes in working conditions in the automotive industry, and a need for new competences. This could also follow from a changed working environment and

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<sup>10</sup> [COM\(2017\) 653 – 2017/0291 \(COD\)](#)

<sup>11</sup> [COM\(2017\) 676 – 2017/0293 \(COD\)](#)

new technologies which could put new demands on, for example, drivers. This social aspect of technological developments must be sufficiently dealt with in order to ensure adequate working conditions and training to acquire new skills. Dialogue between social partners is also necessary to ensure a sustainable transition.

4.2.10 The Regulation proposal deals only with the technical characteristics of the vehicle. The EESC would therefore also draw attention to the digitalisation of transport – including the development of automatic vehicles and of driving routines – which, in addition to improvements made to the CO<sub>2</sub> performance of vehicles, will also reduce HDVs' carbon footprint. Likewise, the potential improved efficiency brought by digitalisation – e.g. thanks to improved journey planning and grouping of cargoes made possible by digital platforms – could have significant effects on actual emission performance.

4.2.11 Improved efficiency and better capacity utilisation will also bring down costs per unit transported and hence improve the competitiveness of the transport industry.

4.2.12 It is therefore important that the VECTO simulation data to be used for monitoring and checking standards is complemented by real-life data. Thus, the EESC welcomes the statement made by the Commission, in the context of the adoption by the European Parliament of the legislative resolution on the Regulation on the monitoring of HDV CO<sub>2</sub> emissions, that it intends to complement current data collection methods with on-road tests, covering the on-road performance of HDVs<sup>12</sup>.

## 5. Specific comments – the Regulation proposal

5.1 According to the explanatory memorandum, exemptions from the CO<sub>2</sub> emission standards are provided for vocational vehicles. Specific exemptions are set out in Article 1, second subparagraph (calculation of reference CO<sub>2</sub> emissions), and in Article 4 (average specific emissions of a manufacturer). On the other hand, they are not mentioned in Article 2 (scope) nor in Article 6 (manufacturer specific emission targets). The situation of those vehicles under the Regulation proposal therefore does not seem entirely clear. It appears, however, that vocational vehicles are in fact covered by the CO<sub>2</sub> reduction aims set out in Article 1(a) and (b) and taken into account when establishing the manufacturer-specific emission targets and for the purpose of establishing emission debts under Article 7. In the opinion of the EESC, the effects of the specific status of vocational vehicles should be better explained, possibly by an addition to recital 17.

5.2 The term "excess emission premium" in Article 8 of the Regulation proposal implies more something that is received rather than a kind of penalty to be paid, which it in fact is. It might be useful, for the sake of clarity, to consider a change, such as "excess emission penalty", which corresponds more to the reality.

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12

[European Parliament P8\\_TA-PROV\(2018\)0246](#)

5.3 Article 8 of the Regulation proposal states that the amounts of the excess emission premium shall be considered as revenue for the general budget of the Union. The EESC takes the view that such amounts should be earmarked for the development of sustainable solutions either in the automotive sector or in the transport sector.

Brussels, 17 October 2018

Luca JAHIER

The president of the European Economic and Social Committee

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**European Economic and Social Committee**

**TEN/673**  
**Connected and automated mobility**

## **OPINION**

European Economic and Social Committee

**Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee, the Committee of the Regions - On the road to automated mobility: An EU strategy for the mobility of the future**

[COM(2018) 283 final]

Rapporteur: **Ulrich SAMM**

Referral	European Commission, 18/06/2018
Legal basis	Article 304 of the Treaty on the Functioning of the European Union
Sector responsible	Section for Transport, Energy, Infrastructure and the Information Society
Adopted in section	04/10/2018
Adopted at plenary	17/10/2018
Plenary session No	538
Outcome of vote (for/against/abstentions)	207/1/1

## 1. Conclusions and recommendations

- 1.1 The EESC welcomes the communication on connected and automated mobility that offers a wealth of new features for consumers and transport businesses. The EESC is convinced about the **benefits of automated mobility** for our society as it will provide new services for the mobility of people, with more possibilities for the shared economy, potential for optimisation of traffic with environmental advantages, and mobility for those who cannot drive themselves.
- 1.2 The EU **automotive industry**, with its expertise in developing vehicle technologies, is well-positioned to seize these opportunities, provided, however, that the EU defines standards to enable operation across borders and interoperability between different car brands.
- 1.3 A key feature of automatic or semi-automatic driving is that it could significantly improve the active **safety of ground vehicles** and might reduce fatalities significantly, or even eliminate them entirely. Fatal accidents with automated vehicles during the pioneering phase, however, could become a showstopper for this technology. The EESC recommends, therefore, that all pilot projects and test procedures with autonomous driving be performed under the **highest safety standards** possible, even when this boundary condition may slow down developments compared to competitors outside the EU. In the long run this will provide better products with higher acceptance.
- 1.4 The EESC believes that **driverless cars** (level 5) will only be accepted when they provide the same safety as other transport systems for passengers like trains or large airplanes (almost **100% safety**). This represents a big hurdle, as long as autonomous vehicles and conventional cars and other road users (cyclists, pedestrians, special-purpose vehicles) are driving on the same roads. "100% safety", however, may be key to solving specific **ethical issues** linked to autonomous vehicles.
- 1.5 The EESC acknowledges that **semi-automatic vehicles** (level 1-4) with a number of assistance systems can already reduce fatalities, and therefore supports the Commission's approach of enhancing the number of new safety features for vehicles as part of the revision of the General Safety Regulation for motor vehicles. The EESC, however, notes two problematic areas which may be a hurdle for public acceptance: a) additional **costs** and b) the growing **complexity** of driving a car.
- 1.6 The usual training for getting a driver's licence does not cover the most modern technology of assistance systems. Obviously there is a need for additional training. The EESC believes that the automotive industry, together with municipalities, must as a matter of urgency offer **training courses** and **training areas** for private and professional drivers; otherwise the introduction of the new safety-related technologies will be hampered significantly.
- 1.7 Training in semi-automatic driving requiring new skills and responsibilities will be key to the development of a modern profile for **professional drivers** and to responding to the growing demand in transport.

- 1.8 The EESC recognises the potential for the eventual large-scale loss of jobs (i.e. lorry and bus drivers) if full automation (level 5) does become successfully introduced in the future. The EESC asserts that the benefits of automation must be shared by society as a whole and therefore urges the **social partners** to jointly plan the future developments and eventually negotiate new collective bargaining agreements on the introduction of automation in road transport.
- 1.9 The **product liability** directive should be reformed so that it covers both movable products and services as well as products with embedded software, so that consumers do not have to search to find out who is liable. Moreover, in a more complex digital environment the **burden of proof** in case of product failures is also a matter of concern and should be regulated in a consumer-friendly way. The Committee urges the Commission in particular to anticipate the changes in the insurance directive related to driverless motor vehicles and to guarantee the compensation of accident victims.
- 1.10 With increased **connectivity** vehicle data can be accessed from every corner of the world. We know from the area of smartphones and PCs that this causes significant risks and challenges regarding safety, security and privacy. The same standards cannot be accepted for vehicles, where there is a risk of death or injury. The EESC emphasises, therefore, that any new regulation on data access for vehicles must follow the **safety first** principle.
- 1.11 The EESC welcomes the approach of the Commission in giving priority to regulating the protection of vehicles against cyber-attacks, ensuring secure and trustworthy communication between vehicles and infrastructure and providing a sound **data protection** level in compliance with the General Data Protection Regulation.
- 1.12 The EESC is ready to participate in the anticipated **assessment** by the Commission of the socio-economic and environmental impacts of driverless mobility and the **EU forum** to address specific ethical issues.

## 2. Introduction

- 2.1 The "**Europe on the Move**" initiative comprises a number of legal initiatives being delivered in three packages. The first package reflected Europe's ambition to make rapid progress towards putting in place a clean, competitive and connected mobility system by 2025, which is key to a well-functioning Single European Transport Area<sup>1</sup>. The second package focused more on instruments to reduce emissions from road transport<sup>2</sup>. The third package, which is currently being delivered and is dealt with in this opinion, focuses on safety issues with the strategy presented in the Communication "**On the road to automated mobility**"<sup>3</sup>.

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1 [OJ C 246, 28.7.2017, p. 64.](#)

2 [OJ C 262, 25.7.2018, p. 75.](#)

3 [COM\(2018\) 283 final.](#)

2.2 Ground transport technology in particular will most likely be revolutionised by **digitalisation**. This communication, therefore, has to be seen in the wider context, comprising other issues such as the future of work, research and innovation, Artificial Intelligence (AI), and the skills agenda.

### 3. **Gist of the proposal**

3.1 With this Communication, the Commission proposes a comprehensive EU approach towards connected and automated mobility, setting out an ambitious European agenda, providing a common vision and identifying supporting actions for the development and deployment of key technologies, services and infrastructure.

3.2 The Commission is pursuing the **Vision Zero by 2050** project because automatic driving has the potential to be a game-changer and may significantly reduce fatalities or even eliminate them entirely. In this way it also contributes to the achievement of the **Sustainable Development Goals** on Good Health and Well-Being as well as on Sustainable Cities and Communities.

3.3 In order to make the EU stronger in terms of technology and infrastructure for automated mobility, the Commission is funding various instruments and proposes a set of initiatives:

- the **Connecting Europe Facility** with EUR 450 million to support digitisation in transport with the aim of facilitating automation;
- large-scale testing based on **5G** cross-border corridors;
- priorities in **research and innovation funding** (Horizon 2020 and the next Framework Programme).

3.4 By 2019, the EU will offer **Galileo's** initial high-accuracy services for free, making it the first to be able to offer such a navigation service on a worldwide basis.

3.5 In order to ensure an internal market for the safe take-up of automated mobility, the Commission is proposing (mostly as part of the revision of the General Safety Regulation for motor vehicles):

- to work with Member States on guidelines to ensure a harmonised approach for national ad-hoc vehicle **safety assessments** of automated vehicles;
- to initiate work with Member States and stakeholders on a new approach for vehicle **safety certification** for automated vehicles;
- **new safety features** for automated vehicles as part of the revision of the General Safety Regulation for motor vehicles;
- to regulate **data recorders** for automated vehicles;
- to regulate **platooning** so as to ensure standardisation of data exchanges across different brands;
- to regulate the protection of vehicles against **cyber-attacks**;
- to address the need for specifications relating to **access** to vehicle data for **public authorities'** needs;

- to adopt a delegated regulation to ensure secure and **trustworthy communications** between vehicles and infrastructure and a sound **data protection** level in compliance with the General Data Protection Regulation.

3.6 Following a Council conclusion, the Commission intends to assess the **socioeconomic and environmental impact** of automation and digitalisation in the field of transport, taking into account the new skills needed in that sector. For this purpose the Commission will:

- consult interested parties on the socioeconomic and environmental impacts of driverless mobility;
- support the acquisition of new skills, retain and reskill the workforce in the sector through the **new skills agenda** for Europe;
- provide an EU forum to address specific **ethical issues** raised by driverless mobility.

#### 4. **General comments**

4.1 Digitalisation and automation based on fast and reliable internet offer a wealth of **new features** for consumers and businesses that seek better quality, convenience, flexibility, affordability and safety in road transport.

4.2 The EU automotive industry, with its expertise in developing vehicle technologies, is well-positioned to seize these opportunities. The EESC emphasises that the general aim must be to harmonise systems or find technical solutions to enable them to operate across borders, as this is vital to the smooth functioning of the **internal market**.

4.3 The **connectivity** among vehicles and between vehicles and fixed infrastructure is a key feature that will be necessary to make full use of digital technology. The EESC therefore welcomes the timetable for developing high-capacity broadband infrastructure at European level that would provide uninterrupted 5G coverage with very high-capacity internet connectivity along all major terrestrial transport paths<sup>4</sup>.

4.4 The EESC once more encourages the Commission to pursue the **Vision Zero by 2050** project further. A key feature of automatic or semi-automatic driving is that it could significantly improve the active safety of ground vehicles and might reduce fatalities significantly, or even eliminate them entirely.

#### 5. **Public acceptance and socio-economic impact**

5.1 The new technologies can only be implemented successfully when the socio-economic impact has also been addressed properly. Public acceptance is key for the introduction of automated mobility.

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<sup>4</sup> [OJ C 125, 21.4.2017, p. 51.](#)

- 5.2 The EESC is convinced about the benefits of connected and automated mobility for our society as it will provide **new services** for the mobility of people, with more possibilities for the shared economy and the environment, and mobility for those who cannot drive themselves.
- 5.3 For **safety and** liability issues one has to distinguish clearly between semi-automatic and autonomous driving. In semi-automatic vehicles (**levels 1-4**) new technologies (radar, camera, laser) assist the driver, while autonomous cars (level 5) do not require a driver at all. In the first case the driver remains responsible in all circumstances, while in the second case the liability issue needs to be clarified. The EESC is convinced that autonomous cars have to fulfil the same safety standards as other passenger transportation systems such as trains or large airplanes. When human error is eliminated then automatic transport systems must be 100% safe.
- 5.4 Our society is to a certain degree tolerant towards human error, which explains the acceptance of about 25 000 road fatalities in the EU (2016). This is quite different in other transport systems where passengers are passive. The demand for 100% safety for autonomous vehicles represents a big hurdle as long as these vehicles, conventional cars and other road users (cyclists, pedestrians, special-purpose vehicles) are driving on the same roads.
- 5.5 Fatal accidents with automated vehicles could become a showstopper for this technology, even when the rate of accidents is relatively low. The EESC recommends, therefore, that all pilot projects and test procedures with automatic driving be performed under the highest safety standards possible. This boundary condition may slow down development compared to competitors outside the EU, but on the other hand it will enhance public acceptance and in the long run provide better products. The EESC notes that 100% safety with automated vehicles might only be made possible with the significant re-designing of the road system.
- 5.6 For the development of ethical guidelines for highly automated vehicles the EESC recalls the "human in command approach" principle, as emphasised several times in other opinions. According to this principle, only humans make "responsible decisions", which has consequences for the design of autonomous vehicles and the environment in which they are allowed to operate. Nevertheless, the safety-critical actions of driverless vehicles, e.g. to avoid accidents, can raise serious "ethical issues" at programming level which must be addressed.
- 5.7 The EESC acknowledges that semi-automatic vehicles (level 1-4) can already reduce fatalities and therefore supports the Commission's approach of enhancing the number of new safety features for vehicles as part of the revision of the General Safety Regulation for motor vehicles. The EESC notes two problematic areas which may be a hurdle for public acceptance: a) additional technical features can increase the cost of a car significantly and b) a growing number of assistance systems can make driving a car much more complex.
- 5.8 The usual training for getting a driver's licence (light vehicles, lorries and buses) has not covered and does not cover the most modern technology of assistance systems. Obviously there is a need for additional training for newcomers as well as for experienced drivers. Moreover, consumers must be given clear and unambiguous information about the features of a modern vehicle at the time of purchase, rental or car-sharing. The EESC proposes that the automotive industry, together with municipalities, offer training courses and training areas for private and

professional drivers. The driving test for new drivers wishing to obtain a licence should incorporate safety training on the use of new technology/automation features. Training in semi-automatic driving will be key to the development of a modern profile for professional drivers, and may require new skills and responsibilities.

- 5.9 The EESC recognises the potential for the eventual large-scale loss of jobs (i.e. lorry and bus drivers) if full automation (level 5) does become successfully introduced in the future. We call on the Commission to acknowledge the wider concern that the introduction of new technology/digitalisation/automation across a wide range of sectors (transport, manufacturing, financial services etc.) may lead to large-scale job losses with relatively few new jobs being created to take their place. The EESC asserts that the benefits of new technology/digitalisation/automation must be shared by society as a whole, and not simply be used to benefit private businesses in the reduction of their labour costs. It is also important to notice, however, that even today professional drivers do more than simply steer a vehicle and in future, when the need for pure driving is reduced (with level 5), the tasks of professionals in the transport business can be further extended, which might largely compensate for the reduction of pure driving tasks.
- 5.10 The EESC fully recognises that the introduction of semi-automatic (levels 1-4) and fully automatic (level 5) systems to lorries and buses will have impacts on jobs and conditions of work. We therefore urge the social partners to jointly plan future developments and eventually to negotiate new collective bargaining agreements on the introduction of new technology/digitalisation/automation in road transport. It is to be welcomed that some trade unions (e.g. UNITE in the UK) have already developed model collective bargaining agreements to protect jobs, ensure retraining and up-skilling and ensure that any cost savings are fairly shared with the workforce.
- 5.11 The product liability directive should be reformed so that it covers both movable products and services as well as products with embedded software, so that consumers do not have to search to find out who is liable (see also opinion INT/857). Moreover, in a more complex digital environment the burden of proof in case of product failures is also a matter of concern and should be regulated in a consumer-friendly way.
- 5.12 The EESC welcomes the fact that EU data protection rules are increasingly recognised at international level as setting out some of the highest standards of data protection in the world and welcomes the approach of the Commission in giving priority to regulating the protection of vehicles against cyber-attacks, ensuring secure and trustworthy communication between vehicles and infrastructure and providing a sound data protection level in compliance with the General Data Protection Regulation.
- 5.13 With increased connectivity, vehicle data can be accessed from every corner of the world. This possibility opens the door to plenty of untapped potential. However, this also brings significant risks and challenges regarding safety, security and privacy. Vehicles require much higher standards in safety, security, and privacy compared with smartphones, for example. The EU is urged to develop such standards and to negotiate corresponding world-wide agreements on these standards.

- 5.14 The access to vehicle data is highly relevant for the competition in after-sales care, in particular for independent repair and maintenance providers, with possible consequences for consumer choice and costs. The EESC encourages the EC to implement the rules for data usage as soon as possible, in particular in view of the fact that EU automotive industries (for example the detailed "Nevada" concept developed by the EU automotive industries (source VDA)) have already provided detailed proposals for a fair platform for data exchange with third parties in a secure and discrimination-free manner, as well as taking into account customers' privacy rights.
- 5.15 The Commission should take into account the fact that the infrastructure needed for the operation of connected and autonomous cars differs tremendously among Member States. Also the market surveillance authorities in all Member States should have sufficient resources to be able to cope with the new technologies.

Brussels, 17 October 2018.

Luca JAHIER

The president of the European Economic and Social Committee



**European Economic and Social Committee**

**TEN/674**  
**Tyre labelling**

## **OPINION**

European Economic and Social Committee

**Proposal for a Regulation of the European Parliament and of the Council on the labelling of  
tyres with respect to fuel efficiency and other essential parameters and repealing Regulation  
(EC) No 1222/2009**

[COM(2018) 296 final – 2018/0148(COD)]

Rapporteur: **András EDELÉNYI**

Referrals	European Parliament, 11/06/2018 Council, 14/06/2018
Legal basis	Articles 194(2), 114 and 304 of the Treaty on the Functioning of the European Union
Section responsible	Transport, Energy, Infrastructure and the Information Society
Adopted in section	04/10/2018
Adopted at plenary	17/10/2018
Plenary session No	538
Outcome of vote (for/against/abstentions)	215/1/2

## 1. Conclusions and recommendations

- 1.1 The EESC welcomes this new **review**, by the European legislator, of the overall performance and quality, as well as labelling, of tyres used in the EU, in keeping with its own recommendations. Tyres, as the only point of contact between a vehicle and the road, make a substantial contribution to the **safety** of transport in general and in terms of **fuel consumption**.
  - 1.1.1 The EESC agrees that **improving the labelling** of tyres will give **consumers** more information on fuel efficiency, safety and noise, allowing them to obtain relevant and **comparable information** when purchasing new tyres, and to make informed decisions.
  - 1.1.2 A further important aspect is the fact that good labelling enables **consumers to make choices** based on a more realistic balance between deciding factors, i.e. performance data, brand image and pricing. This also assists informed buyers in making **profitable and environment-friendly** purchasing decisions that simultaneously benefit the environment and save money – a not insignificant factor.
  - 1.1.3 The EESC acknowledges that the proposal for a regulation will help improve the **effectiveness** of the tyre **labelling** scheme so as to ensure cleaner, safer and quieter vehicles and to maximise the scheme's contribution to the **modernisation and decarbonisation** of the transport sector.
  - 1.1.4 Developing, producing and re-treading high-quality tyres can indirectly make a considerable contribution to safeguarding high added-value **European manufacturing** and, consequently, **high-quality employment**. With regard to society as a whole, this could lower the **total costs for end-users** and expenditure, both in financial terms and with regard to health and accident prevention.
  - 1.1.5 The EESC backs the review of the tyre labelling scheme, as it feeds into the EU's efforts to **reduce greenhouse gas emissions and air pollution** and thereby to improve road transport safety, health protection and **economic and environmental efficiency**.
  - 1.1.6 The EESC considers that it is essential for tomorrow's **mobility system** to be safe, clean and efficient for all EU citizens. The aim is to make European mobility safer and more accessible, European **industry more competitive**, European **jobs more secure**, and for the Union to be cleaner and better adapted to the imperative of tackling climate change. This will require the **full commitment of the EU, Member States and stakeholders**.
- 1.2 The EESC welcomes the strengthening of the **requirement to display the label** in situations where consumers do not see the tyre(s) they are considering buying (because the tyres are stocked elsewhere, or with distance or internet selling).
  - 1.2.1 The Committee approves the proposal's plan to include tyres in the **product registration database** recently established under Regulation (EU) 2017/1369 in order to improve market surveillance and information for consumers.

- 1.2.2 The EESC agrees that suppliers should be required to enter information in the new product database. This is information that they currently have to provide to national market surveillance authorities on request. The ensuing additional burden is therefore considered minimal and **proportionate** to the benefits, particularly since it is possible in this regard to link with **existing databases**, and prevent consumers from being inundated with information.
- 1.2.3 The deadline for **implementing** the regulation should be **extended by one year** to allow for detailed preparation. Regarding the reference date, account should be taken of the **date of manufacture** indicated on the product rather than the date of placing on the market, which entails a risk of overlap or double entry.
- 1.2.4 The proposal for **compulsory inclusion** on the label of performance on **snow and the brand new ice logo (design to be introduced by ISO by December 2018)** is a positive initiative, and especially relevant for countries in northern Europe. A sure testing method for grip on ice is yet to be developed and finally adopted; a gradual introduction is therefore justified.
- 1.2.5 The EESC welcomes the increase in the number and importance of **safety-related aspects** among the parameters appearing on the label. However, this does not appear to be compatible with the proposed change to the **format of the label**, in particular its internal proportions and overall dimensions.
- 1.2.6 Arrangements for the **regular re-examination of the regulation**, facilitated by research, impact analysis and consultation, operate smoothly and, due to the considerable complexity of the subject, should continue to apply in the future, before any substantial technical amendment. The Commission's delegated powers between re-examinations are justified for minor, logical amendments on the grounds of technical progress.
- 1.2.7 The **existing classes of parameter** are appropriate for at least one additional re-examination cycle, given that an amendment to the scale is not justified in the light of the top classes which are currently practically empty.
- 1.2.8 It is up to the **Member States to encourage** manufacturers to secure stable and high-quality results in terms of emissions and technical **development**, but these must be kept within class C and above on the basis of standard principles.
- 1.2.9 The inclusion of **mileage and abrasion** information on the label, or among the technical data, could be encouraged in the future. However, until there is a standardised and **adequate testing method available**, we cannot afford to undermine the credibility of labelling by introducing uncertain and insufficiently grounded information.
- 1.2.10 The future introduction of labelling for **re-treaded C3** tyres is to be welcomed. Here again, relevant and **reliable testing methods** will need to be finalised in advance. **SMEs** carrying out re-treading must be protected from any excessive cost arising from testing methods.

1.2.11 If all the rules are to be successful, it is vital to provide appropriate **information** and ensure that consumers and users have the necessary **knowledge** and are **well prepared** by means of training, information, campaigns, purchase advice and the broad involvement of **civil society**.

## 2. **Introduction: background and key points of the proposal**

2.1 The proposal for a regulation under examination repeals and replaces **Regulation (EC) No 1222/2009**<sup>1</sup> on the labelling of tyres with respect to fuel efficiency and other essential parameters (the Tyre Labelling Regulation, **TLR**).

2.1.1 The TLR was amended twice in 2011 before it entered into force in 2012. First, to include a new testing method for **wet grip**, and subsequently to add a stricter laboratory alignment procedure for the measurement of **rolling resistance**. The proposal currently presented by the Commission incorporates these two amendments.

2.2 In 2009, the EU adopted **two sets of rules** relating to tyres, to reflect new requirements and professional advice:

- the **TLR**, which set out Union requirements **harmonising the information** on tyre parameters to be provided to end-users to enable purchasers to make an informed choice; and
- the Regulation<sup>2</sup> on **type-approval requirements** for the general safety of motor vehicles (**GSR**), which put in place harmonised technical requirements that tyres must satisfy before they can be placed on the Union market.

2.2.1 The GSR puts in place minimum requirements *inter alia* for tyres as regards: **(i) rolling resistance; (ii) wet grip performance; and (iii) external rolling noise of tyres**.

2.3 These requirements became applicable from 1 November 2012, with a second stage of more stringent requirements for rolling resistance starting to apply on 1 November 2016 (with further adjustments coming into application in 2018 and 2020).

2.3.1 The **general energy labelling framework** was updated in 2017 with the adoption of Regulation (EU) 2017/1369<sup>3</sup>. This repealed and replaced Directive 2010/30/EU and introduced a number of new elements, such as a product registration database and new rules on visual advertising and on distance and internet sales.

2.4 The Council referred the first proposal to the **EESC** on 17 December 2008, and the section responsible adopted its opinion on 12 March 2009 (**TEN/369**, rapporteur: Virgilio Ranocchiaro). The EESC then adopted its opinion on 25 March 2009 during its 452nd plenary session.

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<sup>1</sup> [OJ L 342, 22.12.2009, p. 46.](#)

<sup>2</sup> [OJ L 200, 31.7.2009, p. 1.](#)

<sup>3</sup> [OJ L 198, 28.7.2017, p. 1.](#)

2.5 The European Commission commissioned a detailed study and impact assessment [SWD(2018) 189 final] in order to assess the effectiveness of Regulation (EC) No 1222/2009. Their conclusions have served as the basis for presenting its proposal for an amendment. It adds two parameters to the GSR, i.e. the possibility of indicating: **iv. snow performance**; and **v. ice performance**. The correlation between the parameters measured and the areas concerned is set out in the following table:

Area \ Parameter	Rolling resistance	Wet grip	Noise	Snow	Ice
Environment	X		X		
Energy	X				
Safety		X		X	X

### 3. General comments

3.1 Transport accounts for more than 30% of energy consumption in the EU. Road transport in particular is responsible for about 22% of the EU's total greenhouse gas (GHG) emissions. The aim of the 2016 communication on *A European Strategy for Low-Emission Mobility* is to reduce, by 2050, GHG emissions from transport by at least 60% compared to 1990. The **third mobility package** seeks to reduce emissions from cars and lorries, improve the safety of road transport and reduce pollution. It also contributes to reducing the EU's **dependence on energy imports**. Vehicle tyres affect fuel consumption (and thus GHG emissions), noise and safety.

3.2 Stocktaking of the current Tyre Labelling Regulation has shown that **it is not sufficient to fully achieve the aim** of increasing the environmental efficiency of road transport by promoting fuel-efficient and safe tyres with low noise levels. This is **principally due to**:

- a) the low visibility, and low public awareness, of tyre labelling;
- b) compliance problems and inadequate enforcement of the rules by Member States;
- c) uncertain performance classes and inaccurate and incomplete information.

3.3 EU **regulatory action ensures**:

- a) the same, harmonised information for end-users in whichever Member State they purchase their tyres;
- b) reduced costs for suppliers, who are able to market their tyres throughout the EU with only one label.

3.4 These advantages primarily **benefit consumers, increase safety** and strengthen the competitiveness of the EU tyre industry. They facilitate the **trade of tyres** within the internal market, also benefiting consumers in terms of lower overall costs and a wider range of products. For action at EU level to be effective, the **market surveillance effort** must be consistent across the EU to support the internal market. Manufacturers should be **incentivised** to invest resources in designing, making and selling energy-efficient tyres.

3.5 The open public consultation revealed a consensus on the need to improve **awareness of the label** through awareness campaigns, mandatory online labelling and the labelling of tyres sold originally with new cars. To improve **consumer confidence**, respondents agreed on increasing

market surveillance and creating a better platform for the authorities to enforce and coordinate activities.

- 3.6 The increase in the number and importance of **safety-related** parameters among the items appearing on the label is to be welcomed. However, this does not appear to be compatible with the relative reduction of the area given over to showing these parameters, leading to an amendment to the **appearance of the label**. Neither is it clear why the **label dimensions** must be changed.
- 3.7 The in-depth impact assessment showed that **confidence in labelling systems** was a sensitive and important issue, meaning that regulation bears a heavy responsibility, since **a small number of precise and reliable information parameters** must be selected and communicated. This is a costly task for national market surveillance bodies as they must **protect** not only **consumers**, but also honest manufacturers, so that the latter are not put at a competitive disadvantage compared to businesses that are less reliable – or not reliable at all – and therefore carry lower costs and charge lower prices.
- 3.8 A combination of all the elements mentioned above can establish an appropriate **framework** to **support research, development and innovation** and properly guide the objectives and key resources allocated to them.

#### 4. **Specific comments**

- 4.1 In order to introduce new requirements and bring the annexes into line with technical progress, the European Commission will have to **consult experts**, using delegated powers. However, amendment of the regulation **using delegated powers must be restricted to measures arising from technological progress, and must not concern substantial changes such as new provisions on mileage, abrasion or re-treaded tyres**, for which regular re-examination is proposed. This enables better law-making (see [OJ L 123, 12.5.2016, p. 1](#)). In this regard, **strong representation of civil society professional organisations** must be ensured. These organisations – unlike other institutions, which have only isolated, cyclical and/or indirect data – receive direct, permanently updated information through the user community (individual consumers and vehicle fleet managers).
- 4.2 On the basis of the research report drawn up with a view to the re-examination of the regulation and market research data, the EESC considers that it is **too early to change the parameter classes**: in practice, where rolling resistance and wet grip classes are concerned, fewer than 1% of products on the market obtain an A, and so this category is practically empty. In accordance with Regulation (EU) 2017/1369, an amendment to the scale is only justified if 30% of products have reached the highest class. Moreover, a scale with six or seven steps, the top two of which are unused, provides little motivation. From the technical point of view, account should also be taken of the fact that tests carried out on a single series of tyres may sometimes give rise to a difference of two classes.
- 4.3 The EESC endorses the future aim of introducing parameters concerning **mileage and abrasion** – provided that clear and meaningful data are available. In this connection, however, it points

out that no adequate and suitable testing method (other than practical testing) has been found over the last century. These test parameters should reflect and characterise sustainable, changing and long-term use. Efficient and reasonably-priced laboratory modelling of all these parameters necessarily comprises an accelerated overload test, which will certainly not be representative of the **diversity of real requirements** and **different natural behaviours** under these conditions. These tests, carried out under variable conditions, lead to different classifications and rankings of products with regard to mileage and abrasion.

- 4.3.1 It may be concluded from this that it would be dangerous, and fatal for **label credibility**, for consumers to observe performances in practice differing from the information given on the label. No such problem arises for the other parameters, since it is isolated, one-off behaviours that are modelled and demonstrated. Including the two above-mentioned parameters on labels would be highly risky and is not recommended at present.
- 4.3.2 The identification of several negative environmental impacts **demonstrates the importance of reducing wear**: firstly, the presence of **plastic particles in water**, even if the proportion of rubber in it is relatively low, and secondly, the presence in the air, albeit at extremely low concentrations, of **benzopyrene**, most likely as a result of energy recovery, which is in turn largely responsible for the formation of **smog** and for certain respiratory disorders.
- 4.4 More broadly, the EESC shares the view that **re-treading C3 tyres** would permit **savings in raw materials and energy** to be made around the world. It should, however, be noted that only the three parameters currently appearing on the label can be applied to re-treaded tyres, and only on a limited basis. In the case of data on life expectancy and abrasion, the division of responsibility for quality between the manufacturer of the tyre carcass and the re-treader is even less clearly defined. Including these parameters on the label is therefore not recommended. In view of their negligible market share, it is unreasonable, from an economic and environmental point of view, to include **re-treaded C1 and C2** tyres within the scope of the TLR. On the other hand, consideration should be given to **voluntary** labelling by manufacturers of re-treaded C1 and C2 tyres, to meet the demand for buyers wanting minimum label performance.
- 4.4.1 The EESC warns of the exponential increase in the number of entries to the **product database** which will be caused by the inclusion of **re-treaded** tyres, in comparison with new tyres. The combination of tyre re-treader and tyre carcass manufacturer, the number of re-treadings, and the various re-treading techniques are all aspects that generate a new item number. The large number of product tests represents an excessive **financial burden** for manufacturers, the vast majority of whom are **SMEs**, and consumers cannot have a clear view of the **excessively high variety** of products.
- 4.5 The EESC considers the **deadline for preparing** for the implementation of the regulation in question is **short**, and should be extended by a year. For the products covered by these provisions, it would be far simpler and more manageable to consider the **date of manufacture** rather than the date of placing on the market. The date of manufacture is permanently visible on the tyre, and reduces the risk of being entered twice into the database.

- 4.6 In addition, the new regulation alone will still not enable consumers to compare the performances and prices of tyres according to fuel consumption. Although information on consumption is often available at sales points or in the instructions for use of the vehicle, most **consumers** still do not have **sufficient knowledge or full information** on this subject.
- 4.6.1 Since tyre **performances** are, moreover, **linked** but also **contrary** to each other, the information will thus concern the greatest possible **optimisation** of the **choice** between these parameters. This does not, however, enable consumers to make fully informed choices, because they are unaware of the **links between the parameters** provided.
- 4.6.2 The EESC recommends that national and European professional organisations, **civilian and police bodies** responsible for road and transport safety, and driving schools include knowledge about tyres, together with all the technical parameters and symbols that will be applicable under the regulation, in their **educational, communication and ongoing training** programmes and examinations.
- 4.6.3 It is also important that **manufacturers** should ensure that their commercial partners, often tyre **dealers**, should properly **inform** buyers about the vehicle sold or the tyres they wish to purchase and, insofar as is possible, offer them **alternative options** backed by advice.
- 4.6.4 In the EESC's view, the EU should press the **Member States** to develop information and awareness-raising **campaigns**, not only about the regulation, but also about other tyre-related issues such as the use of the right tyres according to season, general use of tyres, etc.
- 4.7 Remarks for future consideration
- 4.7.1 In the longer term, the Union should consider introducing advisory information concerning the **end-of-life recyclability** of tyres, not on the label but rather in the technical documentation and technical promotional material.
- 4.7.2 After the next review period of the regulation, it could be worth reconsidering whether additional **differentiation** needs to be applied concerning **snow tyres** (in tests, in the technical documentation and technical promotional material or on the label).

Brussels, 17 October 2018

Luca JAHIER

The president of the European Economic and Social Committee

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**European Economic and Social Committee**

Rue Belliard/Belliardstraat 99  
1040 Bruxelles/Brussel  
BELGIQUE/BELGIË

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