

Minutes: EU-UK Trade and Cooperation Agreement (TCA)
Fourth Meeting of the Specialised Committee on Road Transport
14. November 2024, 10:00 GMT / 11:00 CET (Online, UK host).

1. Opening Statements

The UK Co-Chair, Duncan Price, opened the meeting by welcoming representatives from the Commission, EU Member States and the UK devolved Governments to the meeting. The meeting was being held online hosted by the UK.

The UK Co-Chair stated that he was pleased with the ongoing, positive working relationship that he had with the EU Co-Chair, Jean-Louis Colson, and his colleagues in DG Move. He continued to say that he saw this positive relationship as essential to enable the two sides to work through the complex issues associated with the TCA.

He continued noting the shared challenges and opportunities faced by the UK and EU, including in relation to decarbonisation and labour shortages of both goods and passenger transport vehicle drivers. Other challenges include the development of better facilities to support those working in the Heavy Goods Vehicle (HGV) industry. To address this issue, the Department for Transport (DfT) and industry are jointly investing up to £43.5 million to upgrade truck stops in England. This is on top of up to £26 million joint investment by National Highways and industry in lorry parking facilities along the strategic roads network.

The delay to the EU Entry / Exit System (EES) which will automate the current manual border checks on non-EU nationals, including UK citizens, was raised by the UK in the context of its potential effect on people working as HGV or Passenger Service (PSV) drivers. The UK side understands the rationale of introducing this system, but said, it should be introduced in such a way to avoid disrupting trade flows. The UK asked for an update on the expected implementation date.

The remarks then turned to the conflict in Ukraine, and its effect on key supply chains. Like the EU, the UK remains firmly in support of Ukraine in its current conflict with Russia. The UK side stated that in 2024 no bilateral permits were exchanged with either Russia or Belarus under their respective agreements with the UK, replicating the approach taken in 2023. The UK is also restricting permits issued under the European Conference Ministers of Transport (ECMT) agreement which are valid in Russia or Belarus for our essential diplomatic vehicles only. More widely, the bilateral agreements that the UK has with both Moldova and Ukraine have been largely liberalised, including for their triangular transports into and out of the UK. The UK Co-Chair reiterated that he considered that it was essential that the UK and EU continued to be united in our support of Ukraine.

The UK Co-Chair concluded his remarks, stating that he was looking forward to a productive discussion during this meeting of the Specialised Committee on Road Transport, and that he hoped the current positive working relationship could continue to grow and develop into 2025 and future years.

The EU Co-Chair responded, confirming that he and the EU delegation found the cooperation in relation to road transport was working well, with no major difficulties over the last year of cooperation. He said that the EU delegation was looking forward to a productive discussion in the meeting and thanked the UK side for hosting virtually.

The EU Co-Chair continued, stating that the EU faced similar challenges to the UK in relation to decarbonization, driver shortages, and a lack of safe and secure parking for HGVs. He also highlighted a recent visit to DG Move by haulier representatives from the USA, where they highlighted that shortages of drivers and safe and secure parking were two of the key issues in America. On EES, the EU requested this was discussed between the UK and EU separately.

In relation to Ukraine, the EU Co-Chair highlighted that the current agreements had been extended to 31 December 2025, with a small number of modifications to ensure that the application and implementation of the agreements could be better monitored. He closed his remarks in this segment of the meeting by thanking the UK for the recent support in relation to AETR at the meeting in Geneva.

2. Adoption of the Agenda

The two sides agreed to the adoption of the agenda which was published online on 12 November 2024.

3. Update on legislation since the 2023 Specialised Committee and a forward look to the legislative programme for next year.

a. European Register of Road Undertakings (ERRU) System

The UK outlined the progress that had been made in relation to the UK's reconnection to ERRU since the 2023 meeting. This includes the investment in a new digital system which will facilitate exchanges of information between the UK and EU via the ERRU platform, enabling data to be shared on infringements, criminal convictions, and penalties committed by UK hauliers in the EU and vice versa. The principles of an exchange of information were agreed under agenda item 7 at the third meeting of the Trade and Cooperation Agreement Partnership Council which took place on 16 May 2024.

Reconnecting the UK to ERRU will mutually benefit both the UK and EU by helping regulators and enforcement agencies to identify and weed out those who should not be working in the industry, preventing them from swapping jurisdictions in order to continue working. The UK side is envisaging a scope of information exchange, at a level close to that shared prior to 31 December 2020, when the UK was an EU Member State.

The EU side agreed that the UK's reconnection to ERRU is a priority to ensure the type of information exchanged envisaged in the TCA can be delivered in a cost-effective manner. The EU is working with the UK to produce the two joint decisions necessary for the reconnection. The first is due to be finalised and shared with the UK before the end of the year, and the second in early 2025. The intention is that both joint decisions should be adopted before the end of March 2025.

The UK thanked the EU Co-Chair for this confirmation, noting that whilst the digital system should be ready before the end of 2024, the UK needs to make legislative changes in order to have a legal basis for the exchange of information.

The UK Co-Chair moved onto talk about other legislative changes in the UK associated with Driver Certificate of Professional Competence (DCPC), Posting of Transport Workers (Postings), and Drivers' Hours and Tachographs.

b. DCPC

The UK has recently passed a Statutory Instrument (SI) *The Vehicle Drivers (Certificates of Professional Competence (Amendment) Regulations 2024* which makes changes to how people can regain or renew their DCPC. The recent changes introduce a new national qualification for driving within the UK that drivers can opt to gain as opposed to the current single qualification approach covering drivers working either domestically or internationally. Changes include allowing the required 35 hours of training over 5 years to be done in shorter course modules and an accelerated pathway back to driving for some lapsed drivers.

Drivers wishing to undertake international work will still need the qualification which is recognised in the EU and will continue to be recognised in the UK. The national qualification will only be available at renewal, with all initial DCPCs remaining internationally recognised.

The changes introducing the new DCPC will come into effect in early December 2024. Other changes associated with the new national return to driving course will come into force on 1 February 2025. Drivers who wish to undertake international work, will still need to undertake the form of qualification which is recognised in the EU. However, the UK would like to explore the development of Annex 31 to the TCA to see if these reforms to the DCPC can be recognised in future for drivers undertaking international transport into the EU and looks forward to agreeing and signing a decision on this matter within the next twelve months.

The EU side noted the changes to the UK's national DCPC, and that the rules for the international DCPC are unchanged. Some of the changes made, (for example e-learning) should already be possible under the TCA, however others are not. It may be preferable to make the changes following the finalisation and adoption of the new Driving Licence Directive, which is expected in mid-2025.

c. Postings

The UK has now passed the second of the two instruments required to enable the full reciprocal enforcement of the requirements associated with the posting of transport workers. The first of these instruments was passed last year, *The Goods Vehicles (Licensing of Operators) (Exemptions and Modifications) (Amendment) Regulations 2023*, which came into effect on 1 October 2023, and was noted at the 2023 meeting of this committee.

The second of these instruments, *The Goods Vehicles (International Road Transport Permits and Haulage Within the EU) Regulations 2024* completed its parliamentary process in late spring and came into force on 11 June 2024. These regulations were amended following the UK general election to make changes in relation to the amended

UK - Norway bilateral agreement, and to make other minor corrections. The amending regulations are *The Goods Vehicles (Licensing of Operators and International Road Transport Permits) (Amendment) Regulations 2024* which came into force on 19 August 2024.

d. Drivers' Hours and Tachographs

The UK notes the implementation and legislation relating to drivers' hours and tachographs in the EU through changes to *Regulation (EC) 561/2006* and *Regulation (EU) 165/2014* by *Regulation (EU) 2024/1258*. The UK understands these changes affect the derogation given to occasional passenger transport (the 12-day rule), by extending it to domestic occasional passenger transport, and makes changes in relation to break requirements for the drivers undertaking this work, allowing them to split their 45-minute break into two breaks of at least 15 minutes each. The UK is considering making these changes to our own law, but the most recent *Regulation (EU) 2024/1258* is not applicable to EU/UK transport whether undertaken by EU or UK operators.

The UK is potentially interested in the changes made in the EU regarding the possibility of issuing a penalty for historical tachograph offences, detected in their territory, but which occurred in another state. It is noted that this would require agreement via this Committee. The UK is interested in working with the EU on this in 2025.

Other areas the UK sees as areas of possible development in 2025 include the changes contained in *Regulation (EU) 2024/1886* which implemented the measures referred to in *Article 39(3) of Regulation (EU) 165/2014*, laying down detailed rules as regards the content of the initial and continuing training of control officers for the analysis of the data recorded and the checking of tachographs.

Finally, the UK confirmed that the requirement to increase the record keeping requirement on the tachograph card from 28 days to 56 days, from 31 December this year, will be automatically introduced in the UK for relevant vehicles on international journeys between the UK and EU, under provisions in the *European Union (Future Relationship) Act 2020*, but will require an SI to ensure clarity in the law. The UK is also considering whether to introduce this for domestic journeys in the UK. At the point a SI is made, the UK will notify the EU of this pursuant to Article 468(3) of the TCA.

The changes to EU legislation associated with the retrofit of tachographs will also apply in the UK following a change to UK legislation, and UK vehicles used in the EU, will be required to apply the retrofit. The legislation was outlined during the 2023 committee meeting. The UK remains interested in developing rules associated with whole weeks where no driving takes place and noting the legislative proposal (yet to be adopted) in the EU this year, feels that this proposal is a good candidate for being extended by this committee. Should the EU legislation not proceed, the UK may legislate in this area itself.

Finally, the UK noted that the CORTE guidelines are providing clarity to enforcement authorities in the UK and EU tasked with enforcing the complex rules that have developed in relation to drivers' hours and bus and coach journeys.

The EU notes the UK's interest in a solution to deal with the issue associated with whole weeks where no driving takes place. They also confirmed that they have no plans to

recommend leniency in regard to the 31 December 2024 deadline for the tachograph retrofit.

Turning to the EU's own legislation, this year the EU has adopted a revision to the break and rest period rules as applicable to bus and coach drivers undertaking occasional transport, Regulation (EU) 2024/1258 was adopted on 24 April 2024.

The EU listed a series of delegated and implementing acts covering a range of areas relating to road transport

- On 14 March 2024, the Commission adopted Delegated Directive 2024/846 on the classification of infringements.
- On 4 March 2024, the Commission adopted an Implementing Decision 2024/773 on data to be included in national electronic registers of road transport undertakings.
- On 10 July 2024, the Commission adopted an Implementing Regulation on the content of the initial and continuing training of control officers (EU) 2024/1886)
- On 11 July it adopted Implementing Decision (EU) 2024/2164 on the minimum requirements concerning the data of hired vehicles to be entered in national electronic registers of road transport undertakings.

In relation to road safety, the so called “cross-border enforcement directive” 2015/413 will soon be formally adopted. This will expand the range of offences (to include dangerous overtaking, overloaded vehicles, and hit and run) as well as improving cooperation between Member States.

Negotiations on the new driving licence directive have commenced. This covers the introduction of an electronic driving licence, and EU driving licences issued following an exchange of a licence from selected third countries (such licences are marked as code 70, removing the obligation for other Member States to recognise them if the holder moved there). Following the conclusion of the trilogues, it is expected the new directive will be finalised, and to enter into force in the first half of 2025. The EU side also hopes that their proposals to ensure drivers face the same penalties regardless of whether they commit offences at home or in another Member State.

There are also proposals for a new roadworthiness package, which could be adopted by the commission in its first 100 days. The focus of this proposal is digital certificates and the checking of newer vehicle systems, such as advanced driver assistance systems (ADAS). The proposals include amendments to Directive 1999/37 on registration documents, Directive 2014/45 on roadworthiness tests, and Directive 2014/47 on technical roadside inspections of commercial vehicles.

The EU concluded their summary by mentioning the recent judgement from the Court of Justice of the European Union, confirming the mobility package, but annulling with retroactive effect the clause requiring a heavy goods vehicle to return to its base. There will now be a process to consider whether replacement clauses may be proposed, however it is considered unlikely this will progress.

4. Exchange of views on the operation of the road transport titles in the UK-EU Trade and Cooperation Agreement (TCA).

The UK opened this section of the meeting stating that they continued to be pleased with the overall operation of the road transport titles in the TCA, particularly in relation to the quota free transport of goods and passenger transport.

a. Interbus – Ratification of the Regular and Special Regular (RSR) Protocol

The UK is intending to ratify the RSR protocol to the Interbus Agreement and is in process of making supporting changes to domestic legislation to facilitate this. The UK is committed to completing this ratification process, as it will ensure that international passenger transport services can run uninterrupted after the temporary provisions within the TCA have expired.

It is noted that the protocol entered into force for the EU, Moldova, and Bosnia & Herzegovina on 1 October 2024. This means that, in accordance with Article 485 of the TCA, that the temporary arrangements for RSR services within the TCA will no longer apply to both parties after 31 March 2025. However, there are four arrangements for international passenger transport services within the TCA's Road Passenger Transport Chapter that will remain in place, including in relation to cross-border services on the island of Ireland; included in Article 475 provisions (2), (5), (6) and (7).

The UK is intending to deposit its instrument of ratification in January 2025, which will mean the RSR Protocol will come into force for the UK on 1 April 2025, which will be the first day of the third month after deposition. To support this, the UK laid legislation, *the Road Transport (International Passenger Services) (Amendment) Regulations 2024*, in Parliament on 28 October 2024, which will make amendments to UK domestic legislation that are necessary to implement the RSR Protocol. This legislation is intended to come into force on 1 April 2025 (subject to parliamentary approval).

The EU stated that they were pleased that the UK are intending to ratify the RSR Protocol to the Interbus Agreement, which will replace the temporary arrangements included in the TCA regarding regular and special regular passenger services. The RSR Protocol to the Interbus Agreement will substitute these provisions from 1 April 2025.

b. Schengen and 90/180-day rule

The UK Government continues to receive communication from the commercial driving industry about the challenges they face in relation to operating services whilst remaining compliant with the rules associated with Schengen, particularly the 90/180-day limit. The UK side noted that due to the specialised nature of this transport, there was a limited workforce available to undertake the work, which is exacerbated by the labour shortages noted by both the UK and EU earlier in the meeting.

The UK would welcome further engagement on potential further flexibility for hauliers and coach operators within Schengen and note that there are transport workers with exemptions from the Schengen Border Code, such as pilots and seafarers.

The EU Co-Chair responded, noting that this issue is not included in the TCA and is not within this committee's scope. The UK government indicated in 2020, that it had a clear preference for taking control of the UK borders, particularly with reference to rules associated with the mobility of persons. This emphasis works both ways, with the EU

having its own rules for the entry of third country citizens, including visa free travel for short visits. There are no plans to change these rules. The EU said their approach is consistent with Article 429 of the TCA and that UK haulage firms can employ drivers holding EU passports which would offer greater flexibility.

c. Gibraltar

The UK Co-Chair said that he understood that the negotiations relating to Gibraltar are progressing and hopes they can conclude soon. Feedback from stakeholders indicates that haulage firms have found mitigations to ease the difficulties associated with moving goods over the border into Gibraltar. However, the UK remains concerned about the implementation of Article 462(1)(c) of the TCA which provides a right for road haulage operators of the Parties to undertake ‘laden journeys with a vehicle to or from the territory of the Party of establishment with transit through the territory of the other Party’.

The EU Co-Chair underlined the EU’s position that the treatment of UK hauliers travelling to Gibraltar is not governed by the TCA, which does not cover nor has any effect in Gibraltar, according to Article 774(3) of the TCA. Discussions relating to Gibraltar should be covered in the negotiations on an EU-UK agreement on Gibraltar, which are still taking place.

5. Any Other Business

a. Ongoing challenges of specialist hauliers supporting cultural tours.

The ongoing challenges faced by specialist hauliers undertaking cultural and music tours continue to be a concern for the UK. The UK has tried to mitigate the challenges (which are principally associated with restrictions to cabotage and cross-trade movements) through the introduction of a ‘dual registration measure,’ which is open to hauliers based in both Great Britain, and internationally (including the EU). Furthermore, the Schengen restrictions referred to earlier in the meeting also exacerbate the difficulties.

The EU responded, stating that they had previously looked into the situation associated with event hauliers, and had concluded that there is nothing in the TCA that presents a solution to this issue. The EU is also not in favour of any amendment to the TCA at this time. The EU expressed their sympathy for the impacted sector.

The UK notes the EU position, that there are no provisions in the TCA to resolve this issue, but would still welcome dialogue on this matter, particularly in relation to own account operators.

There was no further business to be discussed. The meeting concluded with the two sides thanking one another for a positive and productive meeting, stating that they were looking forward to future discussions on matters related to road transport.

Annex 1: Participants of the Specialised Committee on Road Transport held on 14 November 2024

EU Delegation (19)

- EU Co-Chair of the Specialised Committee on Road Transport
- European Commission officials
- Delegation of the European Union to the UK
- Official Representatives of EU Member States

UK Delegation (15)

- UK Co-Chair of the Specialised Committee on Road Transport
- UK Government officials from DfT, Foreign, Commonwealth and Development Office (FCDO) and other government agencies
- Officials from the Scottish Government
- Officials from the Welsh Government
- Officials from the Northern Ireland Government