

COUNCIL OF THE EUROPEAN COMMUNITIES  
GENERAL SECRETARIAT

PRESS RELEASE

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6880/85 (Presse 76)

1006th meeting of the Council

- Transport -

Brussels, 23 May 1985

President: Mr Claudio SIGNORILE  
Minister for Transport  
of the Italian Republic

The Governments of the Member States and the Commission of the European Communities were represented as follows:

Belgium:

Mr Herman de CROO  
Minister for Transport,  
Post and Telecommunications

Denmark:

Mr Arne MELCHIOR  
Minister for Public Works  
  
Mr J.L. HALCK  
State Secretary,  
Ministry of Public Works

Germany:

Mr Werner DOLLINGER  
Federal Minister for Transport

Greece:

Mr Ioannis PAPADONIKOLAKIS  
Minister for Transport

France:

Mr Jean AUROUX  
State Secretary attached to the  
Minister for Town Planning,  
Housing and Transport, responsible  
for Transport

Ireland:

Mr Jim Mitchell  
Minister for Communications

Italy:

Mr Claudio SIGNORILE  
Minister for Transport

Luxembourg:

Mr Marcel SCHLECHTER  
Minister for Transport, Public Works  
and Energy

Netherlands:

Mrs N. SMIT-KROES  
Minister for Transport and  
Public Works

United Kingdom:

Mr Nicholas RIDLEY  
Secretary of State for Transport

Commission:

Mr Stanley Clinton DAVIS  
Member

JUDGMENT OF THE COURT OF 22 MAY 1985

The Council took note of the Court judgment. It regarded this judgment as very important and as providing an impetus for progress in the development of the common transport policy.

Since the judgment was issued on the day before its meeting, the Council confined itself to an initial exchange of views, after which it decided to hold an additional meeting next month to take the necessary action to comply with the judgment.

This meeting will be preceded by detailed preparatory discussions by the Permanent Representatives Committee to identify the decisions to be taken and establish how far preparatory work has advanced. At this June meeting the Council will take whatever decisions it deems necessary to organize its work and ensure that the Court judgment is put into effect as swiftly as possible.

DEVELOPMENT OF THE COMMON TRANSPORT POLICY

The Council held a debate on a Community Transport Master Plan. This debate was conducted within the framework of the conclusions of the European Council meetings in 1984 with regard to the transport sector.

The Council reaffirmed its desire to develop the common transport policy further, in keeping with the obligations under the Treaty.

It considered that transport problems should be seen in an economic and social context.

In this context, it welcomed with interest, inter alia, the draft submitted to it by the Presidency concerning the preparation of a common transport policy Master Plan.

Having taken note of the judgment of the Court of Justice of 22 May 1985 on the proceedings for failure to act brought by the European Parliament, it instructed the Permanent Representatives Committee to examine the implications of that judgment in greater detail and to take them into account in examining the elaboration of the common transport policy Master Plan. It asked the Permanent Representatives Committee to submit a report to it for its next meeting on 24 June 1985.

REVISION OF SOCIAL LEGISLATION RELATING TO ROAD TRANSPORT

The Council carried out a preliminary examination of the Commission proposal revising social legislation relating to road transport. Following this examination it noted that positions had moved somewhat closer together.

The Council felt that the progress made today could serve as a basis for a final compromise. It asked the Permanent Representatives Committee to prepare such a compromise so that a decision could be taken at the next Council meeting.

MEDIUM-TERM TRANSPORT INFRASTRUCTURE POLICY

The Council noted that there were still a number of reservations regarding the proposal for a Resolution concerning further discussions on transport infrastructure policy. It therefore asked the Permanent Representatives Committee to continue work on this matter.

RELATIONS WITH AUSTRIA

Taking into account the memorandum from the Austrian Government dated 23 April 1985, the Council finalized new directives for negotiations between the EEC and the Republic of Austria in the transport sector.

MARITIME TRANSPORT

The Council took due note of the Commission communication entitled "Progress towards a common transport policy - Maritime transport" and agreed to examine it at a forthcoming meeting.

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## MISCELLANEOUS DECISIONS

### Agriculture

- \* The Council adopted in the official languages of the Communities the Regulations and Decision on the fixing of prices for certain agricultural products and certain related measures (1985-1986). See Press Release 6687/85 (Presse 63) of 13, 14, 15 and 16 May 1985.

### Relations with the Mediterranean countries

The Council adopted in the official languages of the Communities a series of Regulations concerning Community tariff quotas for products originating in certain Mediterranean countries and Spain and Portugal: Morocco (wines of designated origin), Turkey (apricot pulp), Spain (sherry, Malaga, Jumilla, Priorato, Rioja and Valdepenas wines), Portugal (vinho verde, Dão, Port, madeira and Setubal muscatel).

The Council also authorized the Commission to negotiate an agreement in the form of an exchange of letters with Portugal concerning tomato concentrates.

### ECSC

The Council gave its assent, under Article 55(2)(c) of the ECSC Treaty, concerning the implementation and execution of a coal research programme (financial year 1985).

### Appointment

On a proposal from the German Government, the Council appointed Mr Michael GEUENICH a member of the Economic and Social Committee to replace Mr Aloïs PFEIFFER, member who has resigned, for the remainder of the latter's term of office, which runs until 20 September 1986.



Bruxelles, le 23 mai 1985

NOTE BIO (85) 179 AUX BUREAUX NATIONAUX  
c.c. AUX MEMBRES DU SERVICE DU PORTE-PAROLE

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TRANSPORT COUNCIL, MAY 23, 1985

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THE REGULATION OF DRIVERS' HOURS

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(Michael BERENDT)

The European Commission is ready to withdraw its proposals revising drivers' working hours to prevent an unsatisfactory agreement in today's Council of Transport Ministers.

The Commission has discussed the latest state of negotiations on the proposals it put forward 15 months ago to make existing regulations easier to apply.

The proposals balance the need for greater simplicity and flexibility against considerations of road safety and social progress. One of the principal elements is a longer daily and weekly rest period offset against a longer maximum driving day.

Commenting on the position taken by Member States' officials in preparatory discussions, Mr Clinton DAVIS, Commissioner for Transport, said :

"A number of points are causing serious concern to the Commission. We had proposed a 48-hours weekend rest for drivers and a minimum of 12 hours rest a day to offset an increase in the maximum period of daily driving.

The officials have accepted longer driving hours but have not lengthened the daily rest period and want to only slightly lengthen the weekend rest to 42 hours. In addition, they have introduced the possibility of splitting the daily rest into two parts on every day of the week.

A Council decision along the lines sketched out by the officials would represent an emasculation of the Commission's proposal in these important respects. It would be unacceptable to the Commission, going only part of the way to increase flexibility and losing the balance between longer rest and driving periods. The splitting of daily rest periods every day, combined with longer daily driving periods, could lead to a dangerous build up of fatigue and increase the risk of accidents

Discussions by Member States' officials in a working group of the Council of Ministers have taken a different course from those in the European Parliament and between the social partners in the Economic and Social Committee. Their opinions differ from the Commission in some respects but support it on driving and rest periods, which are the basic elements of the proposal.

The European Parliament and the Economic and Social Committee reached their conclusions after lengthy discussions with both sides of the road transport industry. Their opinions represent an important achievement in this difficult area and should not be lightly put aside."

#### COMMENTS ON EUROPEAN COURT JUDGEMENT

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Commenting on the European Court's judgement on European transport policy, Clinton DAVIS, said :

"This judgement will be a powerful weapon in creating the conditions for faster progress in the transport sector, where the Council of Ministers has quite clearly failed to meet its Treaty obligations.

"The Court has found, for example, that :

- the Council cannot invoke political or technical or economic difficulties as excuses for its inaction;

- the Council should have ended all its discrimination due to nationality and/or residence since January 1, 1970 and now has a "reasonable period" in which to implement the Court's judgement;

- the Court has left open - probably as a sword of Damocles - what conclusions it would draw if the Council remained inactive; the consequence might well be that the Court would itself strike down all nationality or residence discrimination."

Regards  
H. PAEMEN COMEUR 11.00

Bruxelles, le 24 mai 1985.  
Note Bio(85) 179 suite 1 aux Bureaux Nationaux  
cc. aux membres du Groupe du Porte-Parole

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TRANSPORT COUNCIL MAY 23 1985 (Michael BERENDT)

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The Council concluded in early evening, having decided to reconvene on June 24 in Luxembourg. The judgement of the Court of Justice against the Council cast its shadow over proceedings. The United Kingdom, Belgium and the Netherlands argued that the Council should respond quickly to the Court judgement, whereas some other ministers were more reticent. The Danish minister regarded the judgement more as a recommendation than a legal decision.

Ministers finally accepted that the implications of the judgement should be examined by COREPER for the June 24 meeting. The proposal for a MASTER PLAN was finally "welcomed with interest", but not adopted.

On DRIVERS'HOURS, the threat of Commissioner Clinton Davis to withdraw his proposals if the Council moved towards an unbalanced compromise was largely instrumental in reopening many aspects of these discussions. These will now be resumed in COREPER, where the Commission's proposals will remain on the table. Ministers may seek for a solution in the context of a four-week period of 180 working hours, with a maximum number of hours in a week coupled with minimum rest period.

Mr Clinton Davis was satisfied with the outcome, saying that the Commission would take an active part in the coming negotiations, but would still be prepared to withdraw its proposals if necessary. "The Commission is determined to secure an agreement that balances the need of greater simplicity and flexibility against considerations of road safety and social progress".

On AUSTRIA the Council did not respond to the Commission's request for a negotiating mandate that would include some financial element for Austria, but agreed a statement that the Community would be ready, in the context of the medium-term infrastructure programme, to consider infrastructure measures that would facilitate transit traffic through Austria.

The Ministers then deferred a decision on the objectives and criteria of the medium-term INFRASTRUCTURE PROGRAMME. MARITIME TRANSPORT will also be discussed at a future Council.

The Commissioner made a statement on AIR TRANSPORT, calling on the Council to give greater priority to this sector, for which the Commission submitted a memorandum 15 months ago. Mr Clinton Davis said that Commission was not prepared to sacrifice its objective of creating more competition in the air transport sector; if the negotiating process did not work, we would have no option but to proceed against member states in the Court of Justice. Proceedings have already begun against seven member states who have refused to provide information on inter-airline pooling arrangements.

Amities  
H. PAEMEN

COMEUR 10h.10////

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