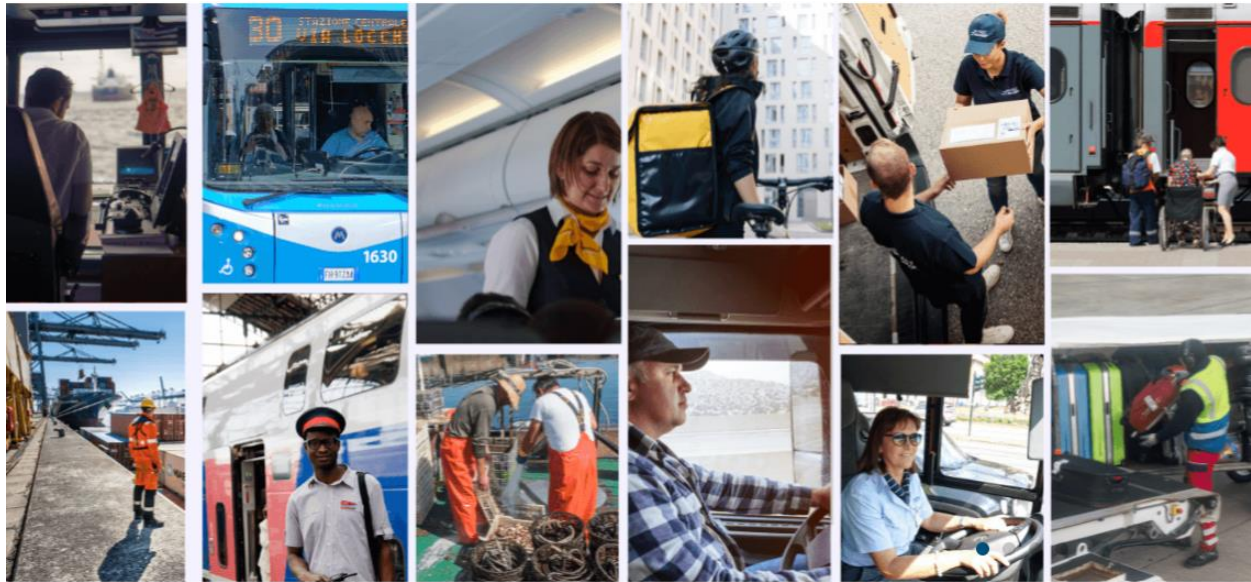




# ACTION PLAN FOR THE IMPLEMENTATION OF THE EU ACQUIS IN THE AREA OF SOCIAL ISSUES AND PASSENGER RIGHTS IN TRANSPORT



(Photo: European Transport Workers' Federation)

**Transport Community Permanent Secretariat**

**February 2023**



## List of Abbreviations

<b>TCT ANNEX I</b>	<b>Transport Community Treaty ANNEX I</b>
<b>ERA</b>	<b>European Union Agency for Railways</b>
<b>EU</b>	<b>European Union</b>
<b>EU Member State(s)</b>	<b>European Union Member State(s)</b>
<b>ILO</b>	<b>International Labour Organisation</b>
<b>TAIEX assistance</b>	<b>Technical Assistance and Information Exchange instrument of the European Commission</b>
<b>TCT Secretariat</b>	<b>Transport Community Permanent Secretariat</b>
<b>RPs</b>	<b>Regional Partners (Albania, Bosnia and Herzegovina, Kosovo*, Montenegro, North Macedonia and Serbia)</b>
<b>Observing participants</b>	<b>Georgia, Republic of Moldova and Ukraine</b>

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\*This designation is without prejudice to positions on status, and is in line with UNSC 1244 and the ICJ Opinion on the Kosovo Declaration of Independence



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## 1. INTRODUCTION

The transport sector represented over five percent of the Western Balkans' workforce in 2018 (ILO, 2018). Transport workers in the region need better and improved social standards, job security, as well as attractive and fair working conditions.

In the Western Balkans, there is a lack of transposition and implementation of Annex I.2 and 3 of the Transport Community Treaty existing legislation in the field of social issues and passenger rights: working conditions, healthy and safe working environments, equal opportunities and accessibility and usability of transport services in the region for persons with disabilities and persons with reduced mobility. This is the main reason for proposing and drafting the Social Issues and Passenger Rights Action plan, which will focus on fundamental measures stated in the following documents:

- Transport Community Treaty, Article 5<sup>1</sup> that refers to implementation of the social acquis as per Annex I of the Transport Community and Article 27<sup>2</sup> that has established the Social Forum, to serve as a platform for a dialogue between key transport stakeholders of the European Union and Western Balkans regional partners;
- Transport Community Treaty; ANNEX I.2, ANNEX I.3<sup>3</sup>;
- Conclusions of the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> Social Forum<sup>4</sup>;
- Strategy<sup>5</sup> for Sustainable and Smart Mobility in the Western Balkans.

This Social Issues and Passenger Rights Action Plan is focused on rail and road sector. The initiatives that are covering these two sectors (road and rail) derive from previous events, that took place in 2021 (Year of Rail) and 2022 (Year of Smart and Sustainable Roads). Consequently, the two Social Forums were focused on the above-named events, specifically on social issues and passenger rights. Moreover, measures related to other modes of transport, such as Inland Waterways (IWW) and Maritime are already indicated within the Action Plan for Waterborne Transport and Multimodality.

In addition to the above, the Conclusions of the second and third Social Forum organised in 2021 and 2022 clearly highlighted the importance of streamlining more attention to the rail and road social issues and

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<sup>1</sup> "The South East European Parties shall implement the relevant social acquis with regard to transport as set out in Annex I. The Transport Community shall reinforce and promote the social dialogue and the social dimension through the reference to the acquis in social matters, the workers' fundamental rights and the involvement of the European Economic and Social Committee and the national and European social partners acting in the transport sector, at the appropriate level."

<sup>2</sup> "For addressing these social matters, the Contracting Parties shall agree to establish a Social Forum. Each Contracting Party, in accordance with its internal procedures, shall designate its representatives, who may take part in the relevant meetings of the Social Forum. The representation shall cover the governments, as well as the organisations of workers and employers and as any other relevant bodies, which are considered appropriate in accordance with the discussed topics. The European social dialogue committees related to the transport sector shall be present and participate in the meetings, as well as representatives of the European Economic and Social Committee. The Social Forum shall establish its rules of procedure."

<sup>3</sup> [https://www.transport-community.org/wp-content/uploads/2021/08/Annex-1\\_with-links.pdf](https://www.transport-community.org/wp-content/uploads/2021/08/Annex-1_with-links.pdf)

<sup>4</sup> <https://www.transport-community.org/social-forum/>

<sup>5</sup> <https://www.transport-community.org/strategy-for-sustainable-and-smart-mobility-in-the-western-balkans-2/>



passenger rights to improve the working conditions, make the sector more inclusive and attractive, and advance the enforcement of passenger rights and accessible travel.

The Social Issues and Passenger Rights were mentioned in declaration on Roads of the Future, signed by the Ministers of the Western Balkans in Tirana on 7 June 2022.

The 3<sup>rd</sup> social forum held on the 11 May 2022, agreed to set up a Social Acquis and Passenger Rights Action Plan and recognised that not enough progress has been made regarding the implementation of the EU road social acquis. It called for relevant authorities to make further efforts to improve the current conditions/situation to transpose and implement fully road and rail social acquis and passenger rights listed in the Annex I.2 and 3 of the Transport Community Treaty.

Mobility in the Western Balkans needs to be affordable, reliable and accessible **for all, as well as attractive for current and future transport workers. Affordable mobility means** consideration for those living on low disposable incomes. **Reliable mobility means** protection of passengers and their rights, in particular the rights of persons with disabilities and persons with reduced mobility. **Accessible mobility for all** means available to persons with disabilities and persons with reduced mobility, as well as to the regions, especially the remote ones. **Attractive mobility means that the transport** sector offers good social conditions, reskilling opportunities, and provides attractive jobs. This means improving working conditions (staff safety and healthy working environment), attracting new staff, managing the ageing work force and recruiting young people and women. Additionally, new challenges and solutions in transport and mobility will require new people with different skill sets and mind-sets as decarbonisation and digitalisation will bring opportunities and changes to the transport sector.

## 2. CURRENT STATE OF PLAY OF IMPLEMENTATION OF THE EU ACQUIS IN THE AREA OF SOCIAL ISSUES AND PASSENGER RIGHTS IN TRANSPORT

**On social legislation in the road sector**, regarding driving time and rest periods (Regulation 561/2006<sup>6</sup>, Regulation 581/2010<sup>7</sup>) North Macedonia and Montenegro have transposed both regulations. Albania only Regulation 561/2006 and Serbia only Regulation 581/2010. Other Regional Partners have taken concrete steps, but further work is needed to fully transpose the legislation. Tachographs, namely transposition of Regulation 2020/1054<sup>8</sup> and Regulation 165/2014<sup>9</sup> needs to start, as none of the Regional Partners has transposed this important measure. Working time, the Directive 2002/15<sup>10</sup> has been transposed only by

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<sup>6</sup> Regulation (EC) No 561/2006 of the European Parliament and of the Council of 15 March 2006 on the harmonisation of certain social legislation relating to road transport and amending Council Regulations (EEC) No 3821/85 and (EC) No 2135/98 and repealing Council Regulation (EEC) No 3820/85.

<sup>7</sup> Commission Regulation (EU) No 581/2010 of 1 July 2010 on the maximum periods for the downloading of relevant data from vehicle units and from driver cards.

<sup>8</sup> Regulation (EU) 2020/1054 of the European Parliament and of the Council of 15 July 2020 amending Regulation (EC) No 561/2006 as regards minimum requirements on maximum daily and weekly driving times, minimum breaks and daily and weekly rest periods and Regulation (EU) No 165/2014 as regards positioning by means of tachographs.

<sup>9</sup> Regulation (EU) No 165/2014 of the European Parliament and of the Council of 4 February 2014 on tachographs in road transport, repealing Council Regulation (EEC) No 3821/85 on recording equipment in road transport and amending Regulation (EC) No 561/2006 of the European Parliament and of the Council on the harmonisation of certain social legislation relating to road transport Text with EEA relevance.

<sup>10</sup> Directive 2002/15/EC of the European Parliament and of the Council of 11 March 2002 on the organisation of the working time of persons performing mobile road transport activities.



Montenegro and Serbia. Regarding enforcement of posting workers legislation (Directive 2020/1057<sup>11</sup>) Serbia, Montenegro and North Macedonia declared to have transposed this legislation, while more work needs to be done by Albania, Bosnia and Hercegovina and Kosovo. Enforcement of social rules for a fair and transparent road commercial market will continue to be a priority in the activities of TCT Permanent Secretariat. Mutual assistance between the EU Member States and Regional Partners has already been agreed with the help of Commission services view to future implementation of the latest amendments of tachograph legislation. **On social legislation in the rail sector**, Directive 2003/88<sup>12</sup> and Directive 2005/47<sup>13</sup> on working time/hours has only been fully transposed by Serbia, concrete efforts are needed from the other Regional Partners to start the transposition.

**Passenger Rights** are a horizontal topic for all transport modes. With regards to rail, all regional partners have taken concrete steps regarding specific parts of the Regulation 1371/2007<sup>14</sup>, but more work needs to be done to achieve transposition. Limited steps have been taken regarding Regulation 181/2011<sup>15</sup> on bus and coach passenger rights only by Albania. Additional efforts are needed to make the main bus and rail stations in the region accessible for everyone, meaning people with disabilities and persons with reduced mobility.

In addition to the above, the first yearly report in 2024 on implementation on measures defined within this Action Plan will also include state of play of three Observing Partners. On 14 November 2022, with the endorsement of the Joint Statement at the Ministerial Council meeting held in Brussels, three Observing Partners: Georgia, Republic of Moldova, and Ukraine, were granted the Observing status of the Transport Community. On these grounds the three Observing Participants will be invited to attend/participate and contribute on all planned events in the area of Social Acquis.

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<sup>11</sup> Directive (EU) 2020/1057 of the European Parliament and of the Council of 15 July 2020 laying down specific rules with respect to Directive 96/71/EC and Directive 2014/67/EU for posting drivers in the road transport sector and amending Directive 2006/22/EC as regards enforcement requirements and Regulation (EU) No 1024/2012.

<sup>12</sup> Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organisation of working time.

<sup>13</sup> Council Directive 2005/47/EC of 18 July 2005 on the Agreement between the Community of European Railways (CER) and the European Transport Workers' Federation (ETF) on certain aspects of the working conditions of mobile workers engaged in interoperable cross-border services in the railway sector.

<sup>14</sup> Regulation (EC) No 1371/2007 of the European Parliament and of the Council of 23 October 2007 on rail passengers' rights and obligations.

<sup>15</sup> Regulation (EU) No 181/2011 of the European Parliament and of the Council of 16 February 2011 concerning the rights of passengers in bus and coach transport and amending Regulation (EC) No 2006/2004 Text with EEA relevance.



### 3. SOCIAL ACQUIS AND PASSENGER RIGHTS ACTION PLAN – STRUCTURE

The **purpose** of this document is to provide a list of short and medium term (2023 -2025) measures divided into **four groups**:

- **workers' fundamental rights** which focus on improvements in the working environment concerning the health and safety of workers in the transport sector;
- **equality** to improve the gender balance and contribute to a more diverse workforce;
- **just transition for transport workers** as digitalisation and innovation bring new opportunities, solutions, but also challenges.
- **passenger rights** for reliable and accessible travels.

The implementation of identified measures will strengthen the road and rail social policy legislation and passenger rights, which is the key pillar of a fair, inclusive, and thriving transport sector. Moreover, it will impact positively on working conditions of workers/drivers, therefore, it is important that the rules are applied and enforced in a harmonized manner throughout the region partners.

### 3.1 WORKERS' FUNDAMENTAL RIGHTS

The Regional Partners are encouraged to prioritise the transposition of legislation that will provide higher social standards, aiming at providing fair, healthy, and safe working conditions. The chapter is divided in two parts, covering road and rail social issues.

No.	Rail Sector Area	Action	Regional Partners concerned	Support/ Action/ Assistance	Timeline
1.	Working time / hours	Directive 2003/88/EC concerning certain aspects of the organisation of working time	Albania, Bosna and Hercegovina, North Macedonia, Kosovo, Montenegro	TCT Secretariat/ERA /TAEIX	2025
2.	Working time / hours	Council Directive 2005/47/EC on certain aspects of the working conditions of mobile workers engaged in interoperable cross-border services in the railway sector	Albania, Bosna and Hercegovina, North Macedonia, Kosovo, Montenegro	TCT Secretariat	2025

No.	Road Sector Area	Action	Regional Partners Concerned	Support/ Action/ Assistance	Timeline
1.	Driving time/ rest periods	Regulation (EC) No 561/2006 on the harmonisation of certain social legislation relating to road transport.	Bosnia and Hercegovina, Kosovo, Serbia	TCT Permanent Secretariat/TAIEX assistance	2024
2.		Regulation (EU) No 581/2010 on the maximum periods for the downloading of relevant data from vehicle units and from driver cards.	Albania, Bosna and Hercegovina, Kosovo	TCT Permanent Secretariat/TAIEX	2024



3.		Regulation (EU) 2020/1054 amending Regulation (EC) No 561/2006 as regards minimum requirements on maximum daily and weekly driving times, minimum breaks and daily and weekly rest periods and Regulation (EU) No 165/2014 as regards positioning by means of tachographs.	All RPs	TCT Permanent Secretariat/TAIEX assistance	2024
4.	<b>Tachograph</b>	Regulation (EU) No 165/2014 on tachographs in road transport, repealing Regulation (EEC) No 3821/85 on recording equipment in road transport and amending Regulation (EC) No 561/2006 on the harmonisation of certain social legislation relating to road transport.	All RPs	TCT Permanent Secretariat/TAIEX assistance	2024
		<p>Commission Implementing Regulation (EU) 2016/68 of on common procedures and specifications necessary for the interconnection of electronic registers of driver cards.</p> <p>Commission Implementing Regulation (EU) 2016/799 of 18 March 2016 implementing Regulation (EU) No 165/2014 of laying down the requirements for the construction, testing, installation, operation and repair of tachographs and their components.</p> <p>Commission Implementing Regulation (EU) 2021/1228 amending Implementing Regulation (EU) 2016/799 as regards the requirements for the construction, testing,</p>	All RPs		2025

		<p>installation, operation and repair of smart tachographs and their components.</p> <p>Commission Implementing Regulation (EU) 2018/502 amending Implementing Regulation (EU) 2016/799 laying down the requirements for the construction, testing, installation, operation and repair of tachographs and their components.</p>			
		Regulation (EC) No 3821/85 on recording equipment in road transport.	All RPs		2024
<b>11.</b>	<b>Working time</b>	Directive 2002/15/EC on the organisation of the working time of persons performing mobile road transport activities.	Albania, Bosna and Hercegovina, North Macedonia, Kosovo	TCT Secretariat/TAIEX assistance	2024
<b>12.</b>	<b>Safe and healthy working environment</b>	Regulation (EU) 2022/1012 regard to the establishment of standards detailing the level of service and security of safe and secure parking areas and to the procedures for their certification.	All RPs	TCT Permanent Secretariat/TAIEX assistance	2025
<b>13.</b>	<b>Safe and healthy working environment</b>	Improving secure parking deployment on the indicative extensions of the TEN-T Core and Comprehensive Corridors in Western Balkans.	All RPs	TA under TCT Secretariat	2024
<b>14.</b>	<b>Enforcement of social legislation</b>	Directive 2006/22/EC on minimum conditions for the implementation of Council Regulations (EEC) No 3820/85 and (EEC) No 3821/85 concerning social legislation relating to road transport activities and repealing Council Directive 88/599/EEC (OJ L 102, 11.4.2006, p. 35) as amended by:	Albania, Bosna and Hercegovina, Kosovo	TCT Secretariat/TAIEX assistance	2025

		Directive (EU) 2020/1057 on laying down specific rules with respect to Directive 96/71/EC and Directive 2014/67/EU for posting drivers in the road transport sector and amending Directive 2006/22/EC as regards enforcement requirements and Regulation.			
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### 3.2 EQUALITY IN THE TRANSPORT SECTOR

There is a need for a strong regional cooperation when addressing the gender gap in the sector. Above all, political support is necessary both to empower women to join up and contribute to the transport sector as workers and to ensure that transport services respond to the needs of all users. Raising awareness and taking concrete measures is key in reducing the existing gender balance gap by taking various initiatives that will impact positively on accessibility and inclusion of women in the transport sector in the Western Balkans.

No.	Rail and Road sector area	Action	Regional Partners concerned	Support/ Action/ Assistance	Timeline
1.		Establishing a Platform for identifying challenges to women’s economic empowerment and nominating Diversity Ambassadors	All RPs	TCT Permanent Secretariat	2024
2.		Committing to the Declaration on equal opportunities for women in the transport sector	All RPs	TCT Permanent Secretariat	2023

### 3.3 JUST TRANSITION FOR TRANSPORT WORKERS

Regional Partners need to be prepared for the ongoing digital transformation as it presents new opportunities, such as an improved working environment and quality jobs that could become more attractive for women and young people.

No.	RAIL and ROAD sector area	Action	Regional Partners concerned	Support/ Action/ Assistance	Timeline
1.		Impact Assessment of the transition to automation and digitalisation.	All RPs	TA under TCTPS	2025

### 3.4 PASSENGER RIGHTS

The Regional Partners are encouraged to prioritise the transposition of the rail and bus and coach passenger rights legislation that will lead to availability of travel information and offer adequate assistance to persons with reduced mobility and persons with disabilities, reimbursement and possible compensation when disruptions arise. The chapter is divided in two parts, covering road and rail social issues actions.

No.	Rail and Road sector area	Action	Regional Partners concerned	Support/Action / Assistance	Timeline
1.	<b>Passenger Rights</b>	Regulation (EC) No 1371/2007 on rail passengers' rights and obligations  Regulation (EU) 2021/782 on rail passengers' rights and obligations	All RPs	TCT Permanent Secretariat/TAIEX assistance	2025
2.	<b>Passenger rights</b>	Regulation (EU) No 181/2011 on concerning the rights of passengers in bus and coach transport	All RPs	TCT Permanent Secretariat/TAIEX assistance	2025
3.	<b>Passenger Rights</b>	Implementation of the proposed short- and mid-term actions/measures of the Passenger Rights Report – Making Transport Accessible and Inclusive in the Western Balkans	All RPs	TCT Permanent Secretariat	2025



This Action Plan is a blend of the EU legislation deriving from ANNEX I of the Transport Community and non-legislative measures that are planned to be supported by TCT Secretariat, the latter meaning supporting the Regional Partners on the implementation of identified measures. This support will be envisaged through the budget dedicated to the technical assistance of the Transport Community, established structures (Social Forum, Workshops, Round Tables), TAIEX instrument, CONNECTA V2.0 and/or other financial or technical support through IPA instruments, as applicable and available.

Yearly report on the implementation of measures defined within this Action Plan will be drafted by the Transport Community Treaty Secretariat, shared for consultation and approval by the Regional Steering Committee, as done for all other TCT Action Plan Secretariat progress reports.