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INFORMATION NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
Subject:	Proposal for a Regulation of the European Parliament and of the Council repealing Council Regulation (EEC) No 1101/89, Regulations (EC) No 2888/2000 and (EC) No 685/2001 – Outcome of the European Parliament's first reading (Strasbourg, 11 to 14 September 2017)

I. INTRODUCTION

In accordance with the provisions of Article 294 of the TFEU and the joint declaration on practical arrangements for the codecision procedure ¹, a number of informal contacts have taken place between the Council, the European Parliament and the Commission with a view to reaching an agreement on this dossier at first reading, thereby avoiding the need for second reading and conciliation.

In this context, the rapporteur, Ms KARIMA DELLI (Greens/EFA, FR) presented one compromise amendment (amendment 3) to the proposal for Regulation, on behalf of the Committee on Transport and Tourism. This amendment had been agreed during the informal contacts referred to above.

¹ OJ C 145, 30.6.2007, p.5

II. VOTE

When it voted on 12 September 2017, the plenary adopted this compromise amendment to the proposal for a Regulation. The Commission's proposal as thus amended constitutes the Parliament's first-reading position which is contained in its legislative resolution as set out in the Annex hereto².

The Parliament's position reflects what had been previously agreed between the institutions. The Council should therefore be in a position to approve the Parliament's position.

The act would then be adopted in the wording which corresponds to the Parliament's position.

² The version of the Parliament's position in the legislative resolution has been marked up to indicate the changes made by the amendments to the Commission's proposal. Additions to the Commission's text are highlighted in ***bold and italics***. The symbol "■" indicates deleted text.

(12.9.2017)**Repeal of obsolete regulations with regard to inland waterway and road haulage sectors ***I****European Parliament legislative resolution of 12 September 2017 on the proposal for a regulation of the European Parliament and of the Council repealing Council Regulation (EEC) No 1101/89, Regulations (EC) No 2888/2000 and (EC) No 685/2001 (COM(2016)0745 – C8-0501/2016 – 2016/0368(COD))****(Ordinary legislative procedure: first reading)***The European Parliament,*

- having regard to the Commission proposal to Parliament and the Council (COM(2016)0745),
 - having regard to Article 294(2) and Article 91 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0501/2016),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee of 29 March 2017³,
 - after consulting the Committee of the Regions,
 - having regard to the undertaking given by the Council representative by letter of 5 July 2017 to approve Parliament's position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,
 - having regard to Rule 59 of its Rules of Procedure,
 - having regard to the report of the Committee on Transport and Tourism (A8-0228/2017),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

³ OJ C 209, 30.6.2017, p. 58.

Position of the European Parliament adopted at first reading on 12 September 2017 with a view to the adoption of Regulation (EU) 2017/... of the European Parliament and of the Council repealing Regulations (EC) No 2888/2000 and (EC) No 685/2001 of the European Parliament and of the Council and Council Regulation (EEC) No 1101/89

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 91 thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee⁴,

After consulting the Committee of the Regions,

Acting in accordance with the ordinary legislative procedure⁵,

⁴ OJ C 209, 30.6.2017, p. 58.

⁵ Position of the European Parliament of 12 September 2017.

Whereas:

- (1) The European Parliament, the Council and the Commission have confirmed their joint commitment to update and simplify legislation in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making⁶.
- (2) In order to clean-up, and reduce the volume of, the *acquis*, it is necessary to regularly analyse it to identify obsolete legislation. Repealing obsolete legislation is useful for keeping the legislative framework transparent, clear and easy to use by Member States and relevant stakeholders, in this case the *inland waterway and* road haulage *sectors*.

⁶ OJ L 123, 12.5.2016, p. 1.

- (3) In 1989, the Council adopted Regulation (EEC) No 1101/89⁷. Ten years later, the Council adopted Regulation (EC) No 718/1999⁸ in order to ensure that the appropriate tools continued to be available to the inland waterway transport sector and to manage fleet capacity. Regulation (EC) No 718/1999 covers the same subject matter as Regulation (EEC) No 1101/89, without repealing it.
- (4) In accordance with Article 8(6) of the Agreement between the European Community and the Swiss Confederation on the Carriage of Goods and Passengers by Rail and Road⁹, all vehicles meeting the technical standards set out in Council Directive 96/53/EC¹⁰ have been exempt from any quota or authorisation arrangements since 1 January 2005. Regulation (EC) No 2888/2000 of the European Parliament and the Council¹¹, which concerns the distribution of permits for heavy goods vehicles travelling in Switzerland, should therefore be considered to be obsolete.

⁷ Council Regulation (EEC) No 1101/89 of 27 April 1989 on structural improvements in inland waterway transport (OJ L 116, 28.4.1989, p. 25).

⁸ Council Regulation (EC) No 718/1999 of 29 March 1999 on a Community-fleet capacity policy to promote inland waterway transport (OJ L 90, 2.4.1999, p. 1).

⁹ OJ L 114, 30.4.2002, p. 91.

¹⁰ Council Directive 96/53/EC of 25 July 1996 laying down for certain road vehicles circulating within the Community the maximum authorized dimensions in national and international traffic and the maximum authorized weights in international traffic (OJ L 235, 17.9.1996, p. 59).

¹¹ Regulation (EC) No 2888/2000 of the European Parliament and of the Council of 18 December 2000 on the distribution of permits for heavy goods vehicles travelling in Switzerland (OJ L 336, 30.12.2000, p. 9).

- (5) Following the accession of the Republic of Bulgaria and of Romania to the Union on 1 January 2007, Regulation (EC) No 685/2001 of the European Parliament and the Council¹² is no longer necessary as those Member States are no longer required to obtain authorisation for the carriage of goods by road and for the promotion of combined transport.
- (6) As a consequence, Regulations (EEC) No 1101/89, (EC) No 2888/2000 and (EC) No 685/2001 should be repealed,

HAVE ADOPTED THIS REGULATION:

¹² Regulation (EC) No 685/2001 of the European Parliament and of the Council of 4 April 2001 concerning the distribution of authorisations among Member States received through the Agreements establishing certain conditions for the carriage of goods by road and the promotion of combined transport between the European Community and the Republic of Bulgaria and between the European Community and Romania (OJ L 108, 18.4.2001, p. 1).

Article 1

Regulations (EEC) No 1101/89, (EC) No 2888/2000 and (EC) No 685/2001 are hereby repealed.

Article 2

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at ...,

For the European Parliament

For the Council

The President

The President
