



Council of the
European Union

Brussels, 14 December 2022
(OR. en)

15928/22

Interinstitutional File:
2022/0232(COD)

CODEC 1991
TRANS 786
PE 151

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 on repealing Regulation (EEC) No 1108/70 of the Council introducing an accounting system for expenditure on infrastructure in respect of transport by rail, road and inland waterway, and Commission Regulation (EC) No 851/2006 specifying the items to be included under the various headings in the forms of accounts shown in Annex I to Council Regulation (EEC) No 1108/70 - Outcome of the European Parliament's first reading (Strasbourg, 12 to 15 December 2022)

I. INTRODUCTION

On 13 December 2022, the Permanent Representatives Committee confirmed that should the European Parliament approve the abovementioned Commission's proposal without amendments, the Council would approve the European Parliament's position.

On 13 December 2022, the rapporteur, Roman HAIDER (ID, AT), presented a report on behalf of the Committee on Transport and Tourism, aiming at taking over the Commission proposal.

II. VOTE

The Parliament adopted its first-reading position on 13 December 2022 by taking over the Commission proposal. This position is contained in its legislative resolution.

The Council should therefore be in a position to approve the European Parliament's position as set out in the Annex hereto, thus bringing to a close the first reading for both Institutions.

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

P9_TA(2022)0429

Transport: repealing Council Regulation (EEC) No 1108/70 and Commission Regulation (EC) No 851/2006

European Parliament legislative resolution of 13 December 2022 on the proposal for a regulation of the European Parliament and of the Council repealing Regulation (EEC) No 1108/70 of the Council introducing an accounting system for expenditure on infrastructure in respect of transport by rail, road and inland waterway, and Commission Regulation (EC) No 851/2006 specifying the items to be included under the various headings in the forms of accounts shown in Annex I to Council Regulation (EEC) No 1108/70 (COM(2022)0381 – C9-0294/2022 – 2022/0232(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2022)0381),
 - 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 (C9-0294/2022),
 - 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 26 October 2022¹,
 - after consulting the Committee of the Regions,
 - having regard to the undertaking given by the Council representative by letter of 7 December 2022 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 (A9-0286/2022),
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;

¹ Not yet published in the Official Journal.

3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

Position of the European Parliament adopted at first reading on 13 December 2022 with a view to the adoption of Regulation (EU) 2022/... of the European Parliament and of the Council repealing Regulation (EEC) No 1108/70 of the Council introducing an accounting system for expenditure on infrastructure in respect of transport by rail, road and inland waterway, and repealing Commission Regulation (EC) No 851/2006 specifying the items to be included under the various headings in the forms of accounts shown in Annex I to Council Regulation (EEC) No 1108/70

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 Committee²,

After consulting the Committee of the Regions,

Acting in accordance with the ordinary legislative procedure³,

² Opinion of 26 October 2022 (not yet published in the official Journal).

³ Position of the European Parliament of 13 December 2022.

Whereas:

- (1) The European Parliament, the Council and the Commission have confirmed in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making⁴ their joint commitment to update and simplify Union legislation.
- (2) It is appropriate to regularly analyse the Union *acquis* in order to enable it to be updated and, where possible, to be reduced in volume. Repealing obsolete legislation helps to keep the Union's legislative framework transparent, clear and easy to use by Member States and relevant stakeholders.
- (3) Regulation (EEC) No 1108/70 of the Council⁵ requires Member States to report on infrastructure expenditure for transport by rail, road and inland waterway, as well as on returns relating to the use of such infrastructure.
- (4) Regulation (EEC) No 1108/70 contains obsolete provisions and definitions, and is inconsistent and incompatible with more recent Union legal acts currently in force that oblige Member States to report on transport infrastructure investment data and infrastructure use.
- (5) Regulation (EEC) No 1108/70 is associated with excessive administrative difficulties in collecting the data required by that Regulation. Since 2005, only four Member States have provided such data.
- (6) Regulation (EEC) No 1108/70 should therefore be repealed in order to eliminate inconsistencies in the Union legal order and to contribute to the simplification of Union legislation by eliminating a legal act which is now obsolete.
- (7) As Commission Regulation (EC) No 851/2006⁶ implements Regulation (EEC) No 1108/70, its purpose will end with the repeal of Regulation (EEC) No 1108/70. Regulation (EC) No 851/2006 should therefore also be repealed,

HAVE ADOPTED THIS REGULATION:

⁴ OJ L 123, 12.5.2016, p. 1.

⁵ Regulation (EEC) No 1108/70 of the Council of 4 June 1970 introducing an accounting system for expenditure on infrastructure in respect of transport by rail, road and inland waterway (OJ L 130, 15.6.1970, p.4).

⁶ Commission Regulation (EC) No 851/2006 of 9 June 2006 specifying the items to be included under the various headings in the forms of accounts shown in Annex I to Council Regulation (EEC) No 1108/70 (OJ L 158, 10.6.2006, p. 3).

Article 1

Regulations (EEC) No 1108/70 and (EC) No 851/2006 are 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
The President

For the Council
The President
