



Brussels, 13 March 2020
(OR. en)

Interinstitutional File:
2018/0140 (COD)

5142/20
ADD 1

TRANS 12
MAR 6
TELECOM 4
MI 7
COMER 2
CYBER 3
ENFOCUSTOM 3
DATAPROTECT 4
IA 2
CODEC 17

DRAFT STATEMENT OF THE COUNCIL'S REASONS

Subject: Position of the Council at first reading with a view to the adoption of a Regulation (EU) of the European Parliament and of the Council on electronic freight transport information
– Draft statement of the Council's reasons

I. INTRODUCTION

1. On 17 May 2018, the Commission presented the abovementioned proposal to the European Parliament and the Council, as part of the third ‘Europe on the Move’ package, which is designed to make European mobility safer, cleaner, more efficient and more accessible, for the benefit of all EU citizens.
2. The European Economic and Social Committee adopted an opinion at its plenary session on 17 October 2018. The Committee of the Regions decided not to issue an opinion on the proposal.
3. The European Parliament adopted its first reading position on 12 March 2019.

4. The Council reached a general approach on the proposal at its meeting on 6 June 2019.
5. Negotiations with the European Parliament started on 25 September 2019. The third and final informal trilogue was held on 26 November 2019, resulting in an overall provisional agreement.
6. The Permanent Representatives Committee carried out its analysis of the provisional compromise text with a view to agreement on 18 December 2019¹.
7. The European Parliament's TRAN committee voted in favour of the same provisional compromise text on 21 January 2020. Subsequently, the Chair of the European Parliament's TRAN Committee addressed a letter dated 23 January to the Chair of the Permanent Representatives Committee stating that, if the Council adopted its position at first reading in accordance with the agreed overall provisional agreement, she would recommend to the Plenary that the Council's position be accepted without amendment at Parliament's second reading, subject to legal-linguistic verification.
8. On 18 February 2020, the Council reached a political agreement² on the proposal with a view to adopting a position at first reading.
9. Following legal-linguistic revision, on 24 March 2020, the Council adopted its position at first reading as set out in doc. 5142/20.

II. OBJECTIVE

10. The general objective of the proposal is to establish a uniform legal framework for the transmission of digital freight transport information and thereby contribute to greater efficiency in the transport sector.

¹ 14793/1/19 REV 1, 14793/19 ADD 1 and 14793/1/19 REV 1 COR 1.

² 5394/20.

III. ANALYSIS OF THE COUNCIL'S POSITION AT FIRST READING

A. General

11. On the basis of the Commission proposal, the Parliament and the Council have conducted negotiations with a view to finding an agreement.
12. The Council position at first reading, therefore, amends the original Commission proposal by partially redrafting it on the basis of the agreement reached with the European Parliament.

B. Key policy issues

13. The Council position at first reading contains the following key changes:

(a) Scope

14. For reasons of clarity, the Council position details the scope of the Regulation in the enacting part, rather than in the Annexes as initially proposed by the Commission.

(b) Requirements for competent authorities

15. Since this Regulation cannot be effectively applied before the delegated and implementing acts provided for therein have entered into force, the Council position clarifies the link between the timing of the adoption by the Commission of the delegated and implementing acts and the date of application of the requirements for the competent authorities. More specifically, it provides that the competent authorities will be obliged to accept regulatory information made available electronically by the economic operators concerned as from 30 months after the entry into force of the first of the delegated and implementing acts referred to in Articles 7 and 8 of the Regulation.

(c) *Delegated and implementing acts*

16. Regarding the assessment of the nature of the powers to be conferred upon Commission, the provisions related to the establishment by the Commission of ‘Common eFTI data set, procedures and rules for access’ have been separated into distinct articles in the Council position.
17. In particular, it is provided that the Commission will establish the ‘eFTI common data set and eFTI data subsets’ by means of delegated acts (Article 7) and define ‘Common procedures and rules for access’ (Article 8) by means of implementing acts.
18. The Council position clarifies that the first such delegated and implementing acts will have to be adopted by the Commission no later than 30 months following the entry into force of the Regulation.

(d) *Functional requirements for eFTI platforms*

19. The Commission will adopt, by means of implementing acts, detailed specifications regarding the functional requirements of eFTI platforms. With the aim of keeping the eFTI system up-to-date, the Council position provides that the Commission, while developing these specifications, will seek to ensure the interoperability of the eFTI platforms, take into account relevant existing technical solutions and standards, and ensure that those specifications remain, to the largest extent possible, technologically neutral.

(e) *Review*

20. With a view to clarifying the possible follow-up to be given to this Regulation, the Council position adjusts the review clause provided for in the Commission proposal.

21. In particular, the Council position (i) adjusts the deadline for the Commission to carry out an evaluation of the Regulation, i.e. 8.5 years following its entry into force, or 4.5 years following the date of application; and (ii) adds a requirement for the Commission to provide for an assessment of whether further interoperability between the different platforms used to record and process regulatory information could be established, and for an assessment of whether the application of the Regulation to use electronic means to make regulatory information available to competent authorities could be mandatory for economic operators. Where appropriate, it is provided that this assessment will be accompanied by a legislative proposal.

(e) Entry into force and application

22. The Council position clarifies the timeline for application of this Regulation and provides that it starts to apply four years following its entry into force with the exception of the provisions set out in Article 2(2), Article 5(4), Article 7, Article 8, Article 9(2) and Article 10(2).

IV. CONCLUSION

23. The Council's position underlines the main objective of the Commission proposal and fully reflects the compromise reached in the informal negotiations between the Council and the European Parliament, with the support of the Commission. With respect to the amendments proposed by the European Parliament, the Council observes that a certain number of amendments have – in spirit, partially or fully – already been included in its position.
24. The Council therefore believes that its position at first reading is a balanced representation of the outcome of the negotiations and is a significant step forward towards the digitalisation of the transport sector, which will lead to simpler administrative procedures and to greater efficiency in the transport sector.