



Council of the
European Union

Brussels, 15 April 2020
(OR. en)

7344/20

**Interinstitutional File:
2018/0140 (COD)**

**TRANS 155
MAR 51
MI 113
COMER 39
CYBER 50
ENFOCUSTOM 47
DATAPROTECT 38
CODEC 280**

COVER NOTE

From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
date of receipt:	15 April 2020
To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union
No. Cion doc.:	COM(2020) 118 final
Subject:	COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT pursuant to Article 294(6) of the Treaty on the Functioning of the European Union concerning the position of the Council on the adoption of a Regulation of the European Parliament and of the Council on electronic freight transport information

Delegations will find attached document COM(2020) 118 final.

Encl.: COM(2020) 118 final



Brussels, 15.4.2020
COM(2020) 118 final

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TO THE EUROPEAN PARLIAMENT**

pursuant to Article 294(6) of the Treaty on the Functioning of the European Union

concerning the

**position of the Council on the adoption of a Regulation of the European Parliament and
of the Council on electronic freight transport information**

(Text with EEA relevance)

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1. BACKGROUND

The proposal for a Regulation on electronic freight transport information (eFTI) was adopted by the Commission on 17 May 2018 as part of the third ‘Europe on the move’ package. The aim of the proposal is to reduce administrative burden and improve efficiency in transport and logistics by enabling digital exchanges in business to authority relations.

Date of transmission of the proposal to the European Parliament and to the Council
(document COM(2018) 279 final – 2018/0140 COD): 17 May 2018.

Date of the opinion of the European Economic and Social Committee: 17 October 2018.

Date of the position of the European Parliament, first reading: 12 March 2019.

Date of transmission of the amended proposal: N/A.

Date of adoption of the position of the Council: 7 April 2020.

2. OBJECTIVE OF THE PROPOSAL FROM THE COMMISSION

The Commission proposal constitutes a new legislative initiative that aims to reduce administrative burden and enhance the efficiency of the transport sector, by establishing the conditions for wider use of digital technologies for regulatory information exchanges between the economic operators and the authorities. It lays down a set of uniform requirements for the exchange in electronic format of regulatory information concerning the goods transported on the EU territory.

The Commission proposal does not set new information requirements. Rather, it establishes the conditions under which authorities are obliged to accept information presented in electronic format. The main condition is that the economic operators use secure and certified information and communication technology-based platforms when presenting the information electronically to the authorities. At the same time, the Commission proposal requires the authorities to use a set of common rules and procedures, including technical specifications, for accessing and processing the information provided electronically by the operators. The operators will have the option, but not the obligation, to use these electronic means instead of paper.

The new digital environment will rely primarily on machine-to-machine information exchanges, although human-readable “document” formats will continue to be supported to ensure that the authorities may carry out their enforcement duties in all circumstances.

3. COMMENTS ON THE POSITION OF THE COUNCIL

The position of the Council fully reflects the political agreement reached between the European Parliament and the Council on 27 November 2019. The Commission supports this agreement, as it remains closely in line with the objectives of the Commission proposal and with all the main specific provisions proposed by the Commission to ensure the achievement of those objectives. The changes introduced by the Council aim at further clarifying or detailing the provisions in the Commission proposal. That includes the amendments concerning the core elements of the proposal – scope, aspects to be further determined by means of implementing and delegated acts, period of implementation and future review:

- The Commission proposal established a well-defined and focused scope of the information requirements to which the Regulation applies, as set out in a number of EU and national legal acts governing the transport of goods on the Union territory, listed or to be listed in Annex I to the Regulation. The Council position preserved that focused scope but kept only the references to the relevant articles of the respective EU acts and moved these references from the Annex into the body of the Regulation. The Council added also a reference to future implementing or delegated acts of the Directive 2016/797/EU on interoperability in the rail sector, in case such acts are adopted or amended to include information requirements that fall under the Regulation’s scope. On substance, the scope of application of the Regulation remains unchanged in the Council position, and these amendments are acceptable to the Commission.
- Given the highly technical nature of the implementation of the future eFTI environment, the Commission proposal did not prescribe all the details of the system’s architecture, but only its main components and the functionality requirements these components would have to satisfy. The detailed rules and technical specifications were proposed to be adopted at a later stage through Commission acts, mostly implementing acts. In line with the Commission’s objectives, the Council added further guidance on the adoption of these rules and technical specifications, notably that the Commission seeks interoperability of the eFTI common data set and eFTI subsets with relevant data models that are accepted internationally or at Union level, and that any specifications adopted in respect of eFTI platforms remain, to the largest extent possible, technologically neutral. The Council position also changed the nature of the powers conferred to the Commission – from implementing to delegated powers – for the establishment of the eFTI common data set and eFTI data subsets corresponding to the regulatory information under the Regulation’s scope. The latter change came also in response to European Parliament’s position, which, in first reading called for greater involvement of the Parliament in the adoption of the detailed rules, and it has been supported by the Commission.
- The Council position also introduced specific timelines for the adoption of most implementing and delegated acts, and deferred by one year the time by which Member States must start accepting regulatory information made available electronically by the economic operators. Overall, the result is balanced though ambitious. It allows all stakeholders – Commission, Member States authorities and private sector actors – to prepare for and deliver in a timely manner on their obligations under this Regulation.
- Last but not least, the Council position added a number of details on the scope and focus of an assessment that should accompany the Commission’s evaluation of the

implementation of the Regulation, within four and a half years from the start date of application of the Regulation. In particular, the Commission is requested to assess possible initiatives aimed at establishing:

- a) the obligation of the economic operators to use electronic means instead of paper means for making the regulatory information available to the authorities; and
- b) the interoperability and interconnectivity between the eFTI environment and the different systems currently used by authorities to record and access regulatory information under other EU transport acts that were not included into the scope of this Regulation.

These additions are in line with the Commission's policy objectives, while the text remains in line with the Commission's institutional prerogatives.

4. CONCLUSION

The Commission agrees with the position adopted by the Council in first reading. This position fully reflects the outcome of the negotiations between the three Institutions. The adoption by the European Parliament of this agreed text in a second reading will mark an important milestone towards delivering on the shared objectives of reducing administrative burden, improving rule enforcement and promoting decisive steps on the part of the transport and logistics sector towards the much-needed digital transformation.