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'I' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee (Part 1)
No. Cion doc.:	ST 14445/23
No. prev. doc.:	ST 5118/24
Subject:	Proposal for a Regulation of the European Parliament and of the Council amending Regulations (EC) No 80/2009, (EU) No 996/2010 and (EU) No 165/ 2014 as regards certain reporting requirements in the fields of road transport and aviation <ul style="list-style-type: none">– Mandate for negotiations with the European Parliament– Analysis of the final compromise text with a view to agreement

CONTENT AND CONTEXT OF THE PROPOSAL

1. On 17 October 2023, the Commission submitted the above-mentioned proposal. It forms part of its fresh commitment to rationalise and simplify reporting requirements, with the aim to reduce such burdens by 25%, without undermining the related policy objectives, as stated in its Communication on 'Long-term competitiveness of the EU: looking beyond 2030'¹.
2. The legal basis of the draft regulation are Articles 91 and 100(2) of the Treaty on the Functioning of the European Union.

¹ COM (2023)168

3. The proposal envisages that under Regulation (EC) No 80/2009 vendors of computerised reservation systems will only be required to submit an independently audited report upon request of the Commission; the obligation under Regulation (EU) No 996/2010 to publish a safety review annually at national level is removed; the obligation under Regulation (EU) No 165/2014 for Member States to forward annually to the Commission the list of workshops which may carry out installations, checks and repairs of tachographs is replaced by an obligation to publish this information on a publicly available website.

EXAMINATION AT WORKING PARTY LEVEL

4. The Working Party on Transport - Intermodal Questions and Networks examined the proposal on 11 December 2023 under the Spanish Presidency. Some delegations sent written comments. On that basis, a compromise text with minor changes was presented at the Working Party on 12 January 2024 under the Belgian Presidency. In Article 3 and corresponding Recital 7, the compromise text introduced a timeline for the update of the list of approved workshops and cards issued to them. The delegates supported the compromise text.

IN THE EUROPEAN PARLIAMENT

5. On 23 January 2024, the Transport and Tourism Committee (TRAN) of the European Parliament recommended the use of the simplified procedure for the adoption of the proposal with the Council amendments qualified as necessary and not political in the draft report of the rapporteur and Vice-Chair of TRAN Jan-Christoph Oetjen.

CONCLUSION

6. In view of the above, the Permanent Representatives Committee is invited to:
 - agree on the compromise text, in annex to this note, with the indicated minor changes, subject to revision by the lawyer-linguists of both institutions;

- confirm that should the European Parliament apply the simplified procedure and approve the Commission proposal with the minor amendments indicated in the annex, the Council will approve the European Parliament's position, resulting in the adoption of the regulation, subject to revision by the lawyer-linguists of both institutions;
 - authorise the Presidency to send a letter to the Chair of the TRAN Committee to that effect.
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Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
amending Regulations (EC) No 80/2009, (EU) No 996/2010 and (EU) No 165/2014 as
regards certain reporting requirements in the fields of road transport and aviation

(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 Articles 91 and 100(2) 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 Committee¹, Having regard to the opinion of the Committee of the Regions²,

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) Reporting requirements play a key role in ensuring proper monitoring and correct enforcement of legislation. However, it is important to streamline those requirements, in order to ensure that they fulfil the purpose for which they were intended and to limit the administrative burden.

¹ OJ C , , p . .

² OJ C , , p . .

- (2) Regulations (EC) No 80/2009³, (EU) No 996/2010⁴ and (EU) No 165/2014⁵ of the European Parliament and of the Council contain a number of reporting requirements in the fields of road transport and aviation, which should therefore be simplified, in line with the Commission's Communication on 'Long-term competitiveness of the EU: looking beyond 2030'⁶.
- (3) More specifically, Article 12 of Regulation (EC) No 80/2009 requires every system vendor of computerised reservation systems ('CRSs') to submit an independently audited report detailing the ownership structure and governance model every four years, and, in addition, upon request from the Commission.
- (4) That auditing and reporting obligation is intended to allow the Commission to monitor the application of Article 10 of Regulation (EC) No 80/2009, laying down specific rules for parent carriers. Those rules are in particular meant to prevent parent carriers from discriminating against competing CRSs and to prevent CRSs owned by those carriers from discriminating against other carriers. The evaluation of Regulation (EC) No 80/2009 carried out in 2020⁷ suggested that those provisions on parent carriers may be redundant as airlines no longer own CRSs, and there is no evidence that they would seek to acquire them if those rules did not exist. Therefore, the submission of audited reports every four years is no longer justified. The Commission should nonetheless retain the power to request the audited reports when necessary, in order to be able to effectively enforce the parent carrier rules if required.

³ Regulation (EC) No 80/2009 of the European Parliament and of the Council of 14 January 2009 on a Code of Conduct for computerised reservation systems and repealing Council Regulation (EEC) No 2299/89 (OJ L 35, 4.2.2009, p. 47).

⁴ Regulation (EU) No 996/2010 of the European Parliament and of the Council of 20 October 2010 on the investigation and prevention of accidents and incidents in civil aviation and repealing Directive 94/56/EC (OJ L 295 12.11.2010, p. 35).

⁵ 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 (OJ L 60, 28.2.2014, p. 1).

⁶ COM (2023)168

⁷ [https://ec.europa.eu/transparency/documents-register/detail?ref=SWD\(2020\)9&lang=en](https://ec.europa.eu/transparency/documents-register/detail?ref=SWD(2020)9&lang=en)

- (5) Article 4(5) of Regulation (EU) No 996/2010 requires the publication of a safety review at national level on an annual basis, in order to inform the public of the general aviation safety level. That obligation was intended to ensure transparency about the overall state-of-play of aviation safety in the Member States, and notably the contribution of accident investigation activities in that regard considering the context of this Regulation. However, it has become redundant in view of the annual safety review published by the European Union Aviation Safety Agency pursuant to Article 72(7) of Regulation (EU) 2018/1139 of the European Parliament and of the Council⁸ that covers the entire Union aviation system, including accident investigations.
- (6) Article 24(5) of Regulation (EU) No 165/2014 requires the competent authorities of the Member States to forward to the Commission, if possible, electronically, on an annual basis, the lists of approved fitters and workshops which may carry out installations, checks, inspections and repairs of tachographs and the cards issued to them. The Commission is then to publish those lists on its website.
- (7) The combination of the fact that workshop cards are valid for one year with the fact that the communication from Member States to the Commission only provides a snapshot of the approved workshops and valid cards issued to them, means that over the course of the following year, a growing share of the workshop cards published on the Commission's website are no longer valid. Member States should therefore be required to publish that information and to update it on an ongoing basis on a publicly available website, **at least once per year**. The Commission should publish the list of all Member States' websites where that information can be found. Some Member States already have such websites. This obligation would therefore result in a reduced administrative burden both for the Commission and Member States, and reduced enforcement costs for stakeholders, by ensuring a more up-to-date and effective distribution of information.
- (8) Regulations (EC) No 80/2009, (EU) No 996/2010 and (EU) No 165/2014 should therefore be amended accordingly,

⁸ Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018 on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency, and amending Regulations (EC) No 2111/2005, (EC) No 1008/2008, (EU) No 996/2010, (EU) No 376/2014 and Directives 2014/30/EU and 2014/53/EU of the European Parliament and of the Council, and repealing Regulations (EC) No 552/2004 and (EC) No 216/2008 of the European Parliament and of the Council and Council Regulation (EEC) No 3922/91 (OJ L 212 22.8.2018, p. 1).

HAVE ADOPTED THIS REGULATION:

Article 1
Amendments to Regulation (EC) No 80/2009

Article 12 of Regulation (EC) No 80/2009 is replaced by the following:

‘Article 12

The Commission may request any system vendor to submit an independently audited report detailing the ownership structure and governance model. Costs related to the audited report shall be borne by the system vendor.’

Article 2
Amendment to Regulation (EU) No 996/2010

In Article 4 of Regulation (EU) No 996/2010, paragraph 5 is deleted.

Article 3
Amendment to Regulation (EU) No 165/2014

In Article 24 of Regulation (EU) No 165/2014, paragraph 5 is replaced by the following:

- ‘5. The competent authorities of the Member States shall publish the lists of approved ~~fitters and~~ workshops and the cards issued to them on a publicly available website, and ~~shall~~ ensure those lists are kept up to date **at least annually**.

The Commission shall publish the list of such national websites on its website.’

Article 4
Entry into force

This Regulation shall enter into force on the 20th 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 Brussels,

For the European Parliament
The President

For the Council
The President