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'I' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee (Part 1)
No. Cion doc.:	ST 14447/23 + ADD1
No. prev. doc.:	ST 5120/1/23 REV1 + COR1
Subject:	<p>Proposal for a Decision of the European Parliament and of the Council amending Directives 2009/12/EC, 2009/33/EC and (EU) 2022/1999 of the European Parliament and of the Council and Council Directive 96/67/EC as regards certain reporting requirements in the fields of road transport and aviation</p> <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 decision are Articles 91, 100 (2) and 192 (1) of the Treaty on the Functioning of the European Union.

¹ COM (2023)168

3. The proposal envisages removing the obligation for Member States to publish annually the list of airports to which Directive 2009/12/EC applies; lowering the reporting frequency for Member States on the implementation of Directive 2009/33/EC from three to five years; simplifying the data Member States have to report under Directive (EU) 2022/1999 and changing the reporting frequency from one to two years; removing the obligation for Member States to yearly report the list of airports within the scope of Directive 96/67/EC.

EXAMINATION AT WORKING PART 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. A further minor amendment was introduced in response to a delegation's comment and a revised compromise text was presented at the Working Party on 19 January 2024. The compromise text removes in Article 2 and corresponding Recital 6 the simultaneous submission of several reports, given that the deadlines are no longer aligned. Regarding Article 5, since the decision does not only impose obligations on Member States but also on the Commission, a generic formulation referring to the entry into force is included as seen in other decisions. Delegations supported the Presidency revised 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 decision, 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

DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

amending Directives 2009/12/EC, 2009/33/EC and (EU) 2022/1999 of the European Parliament and of the Council and Council Directive 96/67/EC 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, 100 (2) and 192 (1) 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,

Having regard to the opinion of the Committee of the Regions³,

Acting in accordance with the ordinary legislative procedure,

Whereas:

² OJ C , , p. .

³ OJ C , , p. .

- (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.
- (2) Directives 2009/12/EC⁴, 2009/33/EC⁵ and (EU) 2022/1999⁶ of the European Parliament and of the Council, and Council Directive 96/67/EC⁷ 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 2030'⁸.
- (3) Article 1(3) of Directive 2009/12/EC requires Member States to publish a list of the airports on their territory to which that Directive applies, on an annual basis. Directive 2009/12/EC applies to commercial airports with traffic of over five million passenger movements and to airports with the highest passenger movement in each Member State. As that information is publicly available and easily accessible to stakeholders from airports, airport associations and Eurostat, and in order to reduce administrative burden, it is appropriate to remove that obligation of publication.
- (4) Directive 2009/33/EC sets minimum procurement targets for clean vehicles, expressed as minimum percentages of clean vehicles in the total number of road transport vehicles covered by contracts awarded during two reference periods. The first of those reference periods runs from 2 August 2021 to 31 December 2025, and the second from 1 January 2026 to 31 December 2030.

⁴ Directive 2009/12/EC of the European Parliament and of the Council of 11 March 2009 on airport charges (OJ L 70, 14.3.2009, p. 11).

⁵ Directive 2009/33/EC of the European Parliament and of the Council of 23 April 2009 on the promotion of clean and energy-efficient road transport vehicles (OJ L 120, 15.5.2009, p. 5).

⁶ Directive (EU) 2022/1999 of the European Parliament and of the Council of 19 October 2022 on uniform procedures for checks on the transport of dangerous goods by road (OJ L 274, 24.10.2022, p. 1).

⁷ Council Directive 96/67/EC of 15 October 1996 on access to the ground handling market at Community airports (OJ L 272, 25.10.1996, p. 36).

⁸ COM(2023)168.

- (5) Article 10(2) of Directive 2009/33/EC requires Member States to report on the implementation of that Directive by 18 April 2026, and every three years thereafter. Member States' reports are to include figures for the number and categories of vehicles procured within the scope of Directive 2009/33/EC. Article 10(4) of Directive 2009/33/EC requires the Commission to submit a report to the European Parliament and Council on the implementation of that Directive by 18 April 2027 and every three years thereafter, based on the reports submitted by the Member States pursuant to Article 10(2).
- (6) In order to reduce administrative burdens and rationalise the reporting schedule, it is appropriate to reduce the frequency of Member States' reporting under Directive 2009/33/EC, and fully align it with the five-year reference periods provided for in that Directive. **Given this change in the reporting frequency, it is no longer appropriate to provide that such reporting accompanies the reports referred to in Article 83(3), second subparagraph, of Directive 2014/24/EU and in Article 99(3), second subparagraph, of Directive 2014/25/EU, which both provide for a three-year reporting.** As the Commission's reporting to the European Parliament and the Council builds on national reports from Member States, the frequency of that reporting should also be adapted accordingly.
- (7) Article 9(1) of Directive (EU) 2022/1999 requires Member States to send the Commission a report on the application of Directive (EU) 2022/1999 for each calendar year. Given the limited benefits of yearly reporting and the availability of other information, and in order to reduce administrative burdens and rationalise the reporting schedule, it is appropriate to reduce the frequency of such reports to every second calendar year.
- (8) As regards the content of such reports, Article 9 of Directive (EU) 2022/1999 requires Member States to include, if possible, the determined or estimated volume of dangerous goods transported by road, in tonnes transported or in tonnes/kilometres. Due to the optional nature of this requirement, relevant data are not collected or are not reported consistently by the Member States. Meanwhile, Eurostat provides clear and consistent data regarding the carriage of dangerous goods, which the Commission relies on to draw up the triennial report to the European Parliament and to the Council. As the Commission already has access to these data, it is appropriate to delete the obligation to report the total volume of dangerous goods carried by road in the Member State in order to reduce administrative burdens.

- (9) Article 9(2) of Directive (EU) 2022/1999 requires the Commission to send the European Parliament and the Council, for the first time in 1999 and subsequently at least every three years, a report on its application by the Member States. In order to reduce administrative burdens and rationalise the reporting schedule, it is appropriate to require that that report be sent every four years.
- (10) Article 1(4) of Directive 96/67/EC requires Member States to inform the Commission annually about the airports falling within its scope, which depends on their levels of annual traffic in passenger movements and tonnes of freight. It also requires the Commission to publish this list of airports. As that information is publicly available and easily accessible to stakeholders from airports, airport associations or from Eurostat, and in order to reduce administrative burden, it is appropriate to remove this obligation of reporting and publication.
- (11) Directives 2009/12/EC, 2009/33/EC, (EU) 2022/1999 and 96/67/EC should therefore be amended accordingly,

HAVE ADOPTED THIS DECISION:

Article 1

Amendment to Directive 2009/12/EC

In Article 1 of Directive 2009/12/EC, paragraph 3 is deleted.

Article 2

Amendments to Directive 2009/33/EC

Article 10 of Directive 2009/33/EC is amended as follows:

(1) ~~in paragraph 2, the first sentence~~ is replaced by the following:

‘By 18 April 2026, and every five years thereafter, Member States shall submit a report on the implementation of this Directive to the Commission. Those reports ~~shall accompany the reports provided for in the second subparagraph of Article 83(3) of Directive 2014/24/EU and the second subparagraph of Article 99(3) of Directive 2014/25/EU, and they~~ shall contain information on the measures taken to implement this Directive, on future implementation activities, as well as any other information which the Member State considers relevant. Those reports shall also include the number and the categories of vehicles covered by the contracts referred to in Article 3(1) of this Directive, based on the data provided by the Commission in accordance with paragraph 3 of this Article. The information shall be presented on the basis of the categories set out in Regulation (EC) No 2195/2002 of the European Parliament and of the Council.’

(2) paragraph 4 is replaced by the following:

‘4. By 18 April 2027, and every five years thereafter, the Commission shall submit a report to the European Parliament and to the Council on the implementation of this Directive, specifying the measures taken by Member States in this regard, following the reports referred to in paragraph 2.’

Article 3

Amendments to Directive (EU) 2022/1999

Directive (EU) 2022/1999 is amended as follows:

(1) Article 9 is amended as follows:

(a) in paragraph 1, the following subparagraph is added:

‘The last report pursuant to the first subparagraph shall be submitted to the Commission by 31 December 2024 at the latest and shall cover the period from 1 January 2023 to 31 December 2023.’;

(b) the following paragraph 1a is inserted:

‘1a. From 1 January 2024, the reports for each calendar year referred to in paragraph 1, first subparagraph, shall be submitted to the Commission every two years, no later than 12 months after the end of the second year and shall include the following particulars:

- (a) the number of checks carried out;
- (b) the number of vehicles checked by place of registration (vehicles registered nationally, in other Member States or in third countries);
- (c) the number of infringements recorded according to risk category as referred to in Annex II;
- (d) the type and number of penalties imposed.

The first report pursuant to the first subparagraph shall be submitted by 31 December 2026 at the latest.’;

(c) in paragraph 2, the following subparagraph is added:

‘From 2025 onwards, the Commission shall send that report to the European Parliament and the Council at least every four years.’

(2) Annex III is replaced by the text in the Annex to this Decision.

Article 4

Amendment to Directive 96/67/EC

In Article 1 of Directive 96/67/EC, paragraph 4 is deleted.

Article 5

This Decision ~~is addressed to the Member States~~ **shall enter into force on the 20th day following that of its publication in the *Official Journal of the European Union*.**

Done at Brussels,

For the European Parliament
The President

For the Council
The President
