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NOTE

From:	General Secretariat of the Council
To:	Delegations
Subject:	Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) No 1379/2013, Regulation (EU) No 167/2013 and Regulation (EU) No 168/2013 of the European Parliament and of the Council as regards certain reporting requirements - <i>Mandate for negotiations with European Parliament</i> - <i>Confirmation of the final compromise text with a view to agreement</i>

I. INTRODUCTION

1. On 17 October 2023, the Commission submitted to the Council and the European Parliament a proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) No 1379/2013, Regulation (EU) No 167/2013 and Regulation (EU) No 168/2013 of the European Parliament and of the Council as regards certain reporting requirements [COM(2023)643 final – 2023/0370 (COD)].¹

¹ doc. ST 15890/23

2. The draft Regulation is based on Articles 43(2) and 114 of the Treaty on the Functioning of the European Union (TFEU) (ordinary legislative procedure). It is part of a set of 26 additional proposals and initiatives to rationalise reporting requirements adopted or announced by the Commission in its 2024 work programme, Annex II, Section B.²
3. The European Economic and Social Committee delivered its opinion on 13 December 2023.³
4. In the European Parliament, the Committee on the Internal Market and Consumer Protection (IMCO) has the lead responsibility, with input from the Committee on the Environment, Public Health and Food Safety (ENVI), the Committee on Transport and Tourism (TRAN) and the Committee on Fisheries (PECH). Anna CAVAZZINI (Greens, DE) acts as Chair on behalf of the committee, since no rapporteur was appointed for the file.

II. WORK WITHIN THE COUNCIL

5. The Working Party on Fisheries Policy discussed the proposal on 15 and 31 January 2024, with a focus on article 1(1) (fishing industry and statistics; fishery products).
6. The Working Party on Technical Harmonisation (Motor Vehicles) discussed the proposal on 25 January 2024 and 14 February 2024, with a focus on articles 1(2) and 1(3) (agricultural and forestry vehicles; two- or three-wheel vehicles and quadricycles).
7. Delegations broadly supported the Commission proposal as it stands.

² doc. ST 13917/23 + ADD1

³ doc. ST 6935/24

III. CONCLUSION

8. In view of the above, the Permanent Representatives Committee is invited to:

- agree on the compromise text in Annex to this note, based on the Commission proposal (subject to revision by the lawyer linguists of both institutions);
 - confirm that should the European Parliament approve the Commission proposal as it stands, the Council would approve the European Parliament's position, resulting in the adoption of the Regulation in the form of the Commission proposal (subject to revision by the legal linguists of both institutions);
 - authorise the Presidency to send a letter to the Chair of the IMCO Committee and to inform the European Parliament thereof.
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2023/0370 (COD)

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

amending Regulation (EU) No 1379/2013, Regulation (EU) No 167/2013 and Regulation (EU) No 168/2013 of the European Parliament and of the Council as regards certain reporting requirements

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 43(2) and 114 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 Committee ⁴,

Having regard to the opinion of the Committee of the Regions⁵,

Acting in accordance with the ordinary legislative procedure

⁴ OJ C , , p. .

⁵ OJ C , , p. .

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.
- (2) Streamlining reporting obligations and reducing administrative burdens is therefore a priority. Regulations (EU) No 1379/2013, Regulation (EU) No 167/2013 and Regulation (EU) No 168/2013 of the European Parliament and of the Council contain a number of reporting requirements in the fields of marketing standards and market surveillance which should be simplified in line with the Commission's Communication on 'Long-term competitiveness of the EU: looking beyond 2030'⁶.
- (3) This Regulation removes and simplifies reporting requirements which are no longer deemed necessary in the area of the common organisation of the markets in fishery and aquaculture products and affecting the fishing industry and in the area of type approval and market surveillance of agricultural and forestry vehicles, two- and three-wheel vehicles and quadricycles.

⁶ COM(2023)168.

- (4) Regulation (EU) No 1379/2013⁷ of the European Parliament and of the Council provides that rules establishing common marketing standards, in particular those laid down in, inter alia, Council Regulation (EC) No 2406/96⁸ shall continue to apply,
- (5) Article 13 of Council Regulation (EC) No 2406/96 requires each Member State to supply the other Member States and the Commission with a list of the names and addresses of the experts and trade organizations appointed for grading the fishery products for freshness and size before the entry into force of the Regulation, and to subsequently also inform of any updates to the list.
- (6) Since this requirement is outdated and no longer necessary to achieve the objectives of Regulation (EU) No 1379/2013, it should no longer apply.
- (7) Regulation (EU) No 167/2013⁹ sets out the rules on the approval and market surveillance of agricultural and forestry vehicles.

⁷ Regulation (EU) No 1379/2013 of the European Parliament and of the Council of 11 December 2013 on the common organisation of the markets in fishery and aquaculture products, amending Council Regulations (EC) No 1184/2006 and (EC) No 1224/2009 and repealing Council Regulation (EC) No 104/2000, (OJ L 354, 28.12.2013, p. 1).
<http://data.europa.eu/eli/reg/2013/1379/2020-04-25>

⁸ Council Regulation (EC) No 2406/96 of 26 November 1996 laying down common marketing standards for certain fishery products (OJ L 334, 23.12.1996, p. 1).
<http://data.europa.eu/eli/reg/1996/2406/2005-06-02>

⁹ Regulation (EU) No 167/2013 of the European Parliament and of the Council of 5 February 2013 on the approval and market surveillance of agricultural and forestry vehicles, OJ L 60, 2.3.2013, p. 1. <http://data.europa.eu/eli/reg/2013/167/2019-04-18>

- (8) Article 74 and 75 of Regulation (EU) No 167/2013 require Member States to inform the Commission of the application of the type-approval procedures and individual vehicles approvals respectively, and the Commission to submit reports to the European Parliament and the Council. Since the Commission carried out a study¹⁰ on the questions subject to these information and reporting obligations in 2022, and the study determined that the type-approval and individual vehicles approvals procedures are satisfactory, it should no longer apply.
- (9) Regulation (EU) No 168/2013¹¹ sets out the rules on the approval and market surveillance of two- or three-wheel vehicles and quadricycles.
- (10) Article 78 and 80 of Regulation (EU) No 168/2013 require Member States to inform the Commission of the application of the type-approval procedures and individual vehicles approvals respectively, and the Commission to submit reports to the European Parliament and the Council. Since the Commission carried out a study¹² on the questions subject to these information and reporting obligations in 2022, and the study determined that the type-approval and individual vehicles approvals procedures are satisfactory, it should no longer apply.
- (11) Regulation (EU) No 1379/2013, Regulation (EU) No 167/2013 and Regulation (EU) No 168/2013 should therefore be amended accordingly.

¹⁰ European Commission, Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs, Benders, B., Guy, I., Redhead, M. et al., Study to improve certain type-approval procedures and technical requirements of Regulation (EU) No 167/2013: final report, Publications Office of the European Union, 2022, <https://data.europa.eu/doi/10.2873/03501>

¹¹ Regulation (EU) No 168/2013 of the European Parliament and of the Council of 15 January 2013 on the approval and market surveillance of two- or three-wheel vehicles and quadricycles, OJ L 60, 2.3.2013, p. 52. <http://data.europa.eu/eli/reg/2013/168/2020-11-14>

¹² European Commission, Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs, Benders, B., Guy, I., Redhead, M. et al., Study to assess the vehicle structure integrity requirements and the type-approval procedures for L-cat vehicles: final report, Publications Office of the European Union, 2022, <https://data.europa.eu/doi/10.2873/64010>

HAVE ADOPTED THIS REGULATION:

Article 1

Amendment

(1) Regulation (EU) No 1379/2013 is hereby amended as follows:

In Article 47 of Regulation (EU) No 1379/2013, paragraph 1 is replaced by the following:

‘Without prejudice to paragraph 2, rules establishing common marketing standards, in particular those laid down in Council Regulation (EEC) No 2136/89¹³, Council Regulation (EEC) No 1536/92¹⁴ and Council Regulation (EC) No 2406/96¹⁵ shall continue to apply with the exception of Article 13 of Regulation (EC) No 2406/96. Other rules adopted for the application of common marketing standards, such as those laid down in Commission Regulation (EEC) No 3703/85¹⁶ shall continue to apply.’

¹³ Council Regulation (EEC) No 2136/89 of 21 June 1989 laying down common marketing standards for preserved sardines and trade descriptions for preserved sardines and sardine-type products (OJ L 212, 22.7.1989, p. 79). <http://data.europa.eu/eli/reg/1989/2136/2008-12-31>

¹⁴ Council Regulation (EEC) No 1536/92 of 9 June 1992 laying down common marketing standards for preserved tuna and bonito (OJ L 163, 17.6.1992, p. 1). <http://data.europa.eu/eli/reg/1992/1536/oj>

¹⁵ Council Regulation (EC) No 2406/96 of 26 November 1996 laying down common marketing standards for certain fishery products (OJ L 334, 23.12.1996, p. 1). <http://data.europa.eu/eli/reg/1996/2406/2005-06-02>

¹⁶ Commission Regulation (EEC) No 3703/85 of 23 December 1985 laying down detailed rules for applying the common marketing standards for certain fresh or chilled fish (OJ L 351, 28.12.1985, p. 63). <http://data.europa.eu/eli/reg/1985/3703/2006-07-28>

- (2) Regulation (EU) No 167/2013 is amended as follows:
- (a) Article 74 is deleted.
 - (b) Article 75 is deleted.
- (3) Regulation (EU) No 168/2013 is amended as follows:
- (a) Article 78 is deleted.
 - (b) Article 80 is deleted.

Article 2

Entry into force

This Regulation shall enter into force on the 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