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INFORMATION NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
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 – Outcome of the European Parliament's first reading (Strasbourg, 11 to 14 March 2024)

I. INTRODUCTION

On 31 January 2024, the Permanent Representatives Committee confirmed that should the European Parliament approve the abovementioned Commission's proposal with the minor amendments indicated in the Annex to doc. 5648/24, the Council would approve the European Parliament's position.

On 6 March 2024, the rapporteur, Jan-Christoph OETJEN (RE, DE), presented a report on behalf of the Committee on Transport and Tourism (TRAN), aiming at taking over the Commission proposal with the abovementioned minor amendments.

II. VOTE

The Parliament adopted its first-reading position on 13 March 2024 by taking over the Commission proposal with the minor amendments included in the report. This position is contained in its legislative resolution.

The Council should therefore be in a position to approve the European Parliament's position as set out in the Annex hereto¹, thus bringing to a close the first reading for both Institutions.

The legislative act would then be adopted in the wording which corresponds to the European Parliament's position.

¹ The version of the Parliament's position in the legislative resolution has been marked up to indicate the changes made by the amendments to the Commission's proposal. Additions to the Commission's text are highlighted in ***bold and italics***. The symbol "■" indicates deleted text.

P9_TA(2024)0148

Reporting requirements in the fields of road transport and aviation: Regulation

European Parliament legislative resolution of 13 March 2024 on the 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 (COM(2023)0591 – C9-0390/2023 – 2023/0361(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2023)0591),
 - having regard to Article 294(2) and Articles 91 and 100(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C9-0390/2023),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee of 13 December 2023¹,
 - after consulting the Committee of the Regions,
 - having regard to the undertaking given by the Council representative by letter of 31 January 2024 to approve Parliament's position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,
 - having regard to Rules 52, 59 and 40 of its Rules of Procedure,
 - having regard to the report of the Committee on Transport and Tourism (A9-0033/2024),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

¹ OJ C, C/2024/1589, 05.03.2024, ELI: <http://data.europa.eu/eli/C/2024/1589/oj>.

Position of the European Parliament adopted at first reading on 13 March 2024 with a view to the adoption of Regulation (EU) 2024/... 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 Article 91 and Article 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,

After consulting the Committee of the Regions,

Acting in accordance with the ordinary legislative procedure²,

¹ OJ C, C/2024/1589, 05.03.2024, ELI: <http://data.europa.eu/eli/C/2024/1589/oj>.

² Position of the European Parliament of 13 March 2024.

Whereas:

- (1) Reporting requirements play a key role in ensuring proper monitoring and correct enforcement of legislation. However, it is important to streamline such requirements, in order to ensure that they fulfil the purpose for which they were intended and to limit the administrative burden.
- (2) Regulations (EC) No 80/2009¹, (EU) No 996/2010² and (EU) No 165/2014³ of the European Parliament and of the Council contain a number of reporting requirements in the fields of road transport and aviation, which should be simplified in line with the Commission's Communication of 16 March 2023 entitled 'Long-term competitiveness of the EU: looking beyond 2030'.
- (3) 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, additionally, at the request of the Commission.

¹ 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).

² 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).

³ 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).

- (4) The auditing and reporting obligation established by Regulation (EC) No 80/2009 is intended to allow the Commission to monitor the application of specific rules for parent carriers laid down by that Regulation. Those rules are in particular meant to prevent parent carriers from discriminating against competing CRSs and to prevent CRSs owned by parent carriers from discriminating against other carriers. The evaluation of Regulation (EC) No 80/2009 carried out in 2020 by the Commission suggested that those rules relating to parent carriers might be redundant, since airlines no longer own CRSs and there is no evidence that airlines would seek to acquire CRSs 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 audited reports when necessary, in order to be able to effectively enforce the parent carrier rules.

- (5) 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 in particular 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 Regulation (EU) 2018/1139 of the European Parliament and of the Council¹, which covers the entire Union aviation system including accident investigations.
- (6) 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 fitters and workshops who are approved to carry out installations, checks, inspections and repairs of tachographs and the cards issued to them. That Regulation also requires the Commission to publish those lists on its website.

¹ 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).

- (7) The combination of the fact that workshop cards are valid for one year and the fact that the communication from Member States to the Commission only provides a snapshot of the approved workshops and of the 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. That obligation would therefore result in a reduced administrative burden for both the Commission and Member States, and reduced enforcement costs for stakeholders, by ensuring a more up-to-date and effective distribution of information.
- (8) Since the objective of this Regulation, namely to simplify the reporting requirements laid down in Regulations (EC) No 80/2009, (EU) No 996/2010 and (EU) No 165/2014, cannot be sufficiently achieved by the Member States but can rather be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.
- (9) Regulations (EC) No 80/2009, (EU) No 996/2010 and (EU) No 165/2014 should therefore be amended accordingly,

HAVE ADOPTED THIS REGULATION:

Article 1
Amendment 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
■ workshops and the cards issued to them on a publicly available website, and ensure that those lists are updated as appropriate *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 twentieth 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 ...,

For the European Parliament

For the Council

The President

The President
