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INFORMATION NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
Subject:	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 – 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. 5652/24, 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)0149

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

European Parliament legislative resolution of 13 March 2024 on the 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 (COM(2023)0592 – C9-0387/2023 – 2023/0362(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2023)0592),
 - having regard to Article 294(2) and Articles 91, 100(2) and 192(1) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C9-0387/2023),
 - 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 2023²,
 - 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 letter of the Committee on the Environment, Public Health and Food Safety,
 - having regard to the report of the Committee on Transport and Tourism (A9-0034/2024),
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.

² OJ C, C/2024/1590, 05.03.2024, ELI: <http://data.europa.eu/eli/C/2024/1590/oj> .

Position of the European Parliament adopted at first reading on 13 March 2024 with a view to the adoption of Decision (EU) 2024/... 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 Article 91 and Articles 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 Committee¹,

After consulting the Committee of the Regions,

Acting in accordance with the ordinary legislative procedure²,

¹ OJ C, C/2024/1590, 05.03.2024, ELI: <http://data.europa.eu/eli/C/2024/1590/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) Directives 2009/12/EC³, 2009/33/EC⁴ and (EU) 2022/1999⁵ of the European Parliament and of the Council and Council Directive 96/67/EC⁶ 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 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).

⁴ 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).

⁵ 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).

⁶ Council Directive 96/67/EC of 15 October 1996 on access to the groundhandling market at Community airports (OJ L 272, 25.10.1996, p. 36).

- (3) Directive 2009/12/EC applies to all airports located in a territory subject to the Treaty and open to commercial traffic whose annual traffic is over five million passenger movements and to the airport with the highest passenger movement in each Member State. It requires Member States to publish a list of the airports on their territory to which that Directive applies, and to update that list annually. As the information contained in that list is publicly available and easily accessible to stakeholders from airports, airport associations and Eurostat, and in order to reduce the 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.

- (5) 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 the number and categories of vehicles procured within the scope of Directive 2009/33/EC. Furthermore, Directive 2009/33/EC requires the Commission to submit a report to the European Parliament and to the 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 that Directive.
- (6) In order to reduce the administrative burden and rationalise the reporting schedule, it is appropriate to reduce the frequency of Member States' reporting under Directive 2009/33/EC, and to fully align it with the five-year reference periods provided for in that Directive. ***Given that change in the reporting frequency, it is no longer appropriate to require that such reporting accompanies the reports referred to in Article 83(3), second subparagraph, of Directive 2014/24/EU of the European Parliament and of the Council⁷ and Article 99(3), second subparagraph, of Directive 2014/25/EU of the European Parliament and of the Council⁸, both of which provide for reporting every three years.*** As the Commission's reporting to the European Parliament and to the Council builds on national reports from Member States, the frequency of that reporting should also be adapted accordingly.

⁷ Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ L 94, 28.3.2014, p. 65).

⁸ Directive 2014/25/EU of the European Parliament and of the Council of 26 February 2014 on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC (OJ L 94, 28.3.2014, p. 243).

- (7) Directive (EU) 2022/1999 requires Member States to send the Commission a report on the application of that Directive for each calendar year. Given the limited benefits of yearly reporting, and in order to reduce the administrative burden 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 reports on its application, 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 that 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 those data, it is appropriate to remove the obligation to report the total volume of dangerous goods carried by road in the Member State in order to reduce the administrative burden.

- (9) Directive (EU) 2022/1999 also 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 the application of that Directive by the Member States. In order to reduce the administrative burden 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 the Commission to publish annually a list of the airports falling within its scope and Member States to forward to the Commission the data necessary to compile that list,. As that information is publicly available and easily accessible to stakeholders from airports, airport associations or Eurostat, and in order to reduce the administrative burden, it is appropriate to remove that 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) ■ paragraph 2 ■ is replaced by the following:

‘2. 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 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*.***’

* Regulation (EC) No 2195/2002 of the European Parliament and of the Council of 5 November 2002 on the Common Procurement Vocabulary (CPV) (OJ L 340, 16.12.2002, p. 1).

(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 and shall cover the period from 1 January 2023 to 31 December 2023.’;

(b) the following paragraph 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 information:

- (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.’;

- (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 set out 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 *shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.*

Done at ...,

For the European Parliament
The President

For the Council
The President

ANNEX

‘ANNEX III

Model standard form for the report to be sent to the Commission concerning infringements and penalties

Country: _____

Year: _____

CHECKS ON THE TRANSPORT OF DANGEROUS GOODS BY ROAD

		Place/country of registration of vehicles ⁽¹⁾			Total number
		Country of check	Other EU Member States	Third countries	
Number of transport units checked on the basis of the contents of the load (and ADR)					
Number of transport units not conforming to ADR					
Number of transport units immobilised					
Number of infringements noted, according to risk category ⁽²⁾	Risk category I				
	Risk category II				
	Risk category III				
Number of penalties imposed, according to penalty type	Caution				
	Fine				
	Other				

Footnotes:

- (1) For the purpose of this Annex, the country of registration is that of the motor vehicle.
- (2) In the event of several infringements per transport unit, only the most serious risk category in accordance with Annex II shall apply.²