



EUROPEAN
COMMISSION

Brussels, 29.11.2016
COM(2016) 745 final

2016/0368 (COD)

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
repealing Council Regulation (EEC) No 1101/89, Regulations (EC) No 2888/2000 and
(EC) No 685/2001

(Text with EEA relevance)

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

The following proposal for repealing Council Regulation (EEC) No 1101/89, Regulations (EC) No 2888/2000 and (EC) No 685/2001 is submitted in the context of the Commission's REFIT programme and commitment on better regulation. The objective is to ensure a legislative framework that is fit for purpose and of high-quality, as referred to in the Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making. To that end, the Commission has identified these obsolete Regulations which the Commission is proposing to repeal.

1.1. Council Regulation (EEC) No 1101/89

Based on Article 91 of the Treaty on the Functioning of the European Union, Regulation (EEC) No 1101/89 introduced arrangements for structural improvements in the inland waterway sector for the fleets operating on the linked inland waterway networks of Belgium, Germany, France, Luxembourg, the Netherlands and Austria.

The objective of that Regulation was to reduce overcapacity in the inland waterway fleets by means of vessel-scrapping schemes coordinated at Community level. Regulation (EEC) No 1101/89 was designed to be limited in time as explained in article 8(1). It stopped producing effect as of 28 April 1999.

On 29 March 1999 Council Regulation (EC) No 718/1999 on a Community-fleet capacity policy to promote inland waterway transport was adopted in order to ensure that the appropriate tools continued to be available to the inland waterway transport sector and to manage the fleet capacity. This Regulation entered into force on 29 April 1999 to succeed to Regulation (EEC) No 1101/89.

1.2. Regulation (EC) No 2888/2000

Based on Article 91 of the Treaty on the Functioning of the European Union, Regulation (EC) No 2888/2000 distributed the quotas for heavy goods vehicles which the Community received from Switzerland for years 2001 to 2004 among its Member States.

Article 8 of the Agreement between the European Community and the Swiss Confederation on the Carriage of Goods and Passengers by Rail and Road, which was signed on 21 June 1999 and which entered into force on 1 June 2002, provided for such quotas for vehicles with a total weight between 34 tonnes and 40 tonnes as transitional arrangements for years 2001 to 2004.

In accordance with Article 8(6) of the Agreement and with effect from 1 January 2005, all vehicles meeting the technical standards of Directive 96/53/EC (that is to say, up to a maximum weight of 40 tonnes) "shall be exempt, under Article 32, from any quota or authorisation arrangements."

As from 2005 there is no longer a need to distribute quotas amongst Member States, Regulation (EC) No 2888/2000 has become obsolete and should be repealed.

1.1. Regulation (EC) No 685/2001

Based on Article 91 of the Treaty on the Functioning of the European Union, Regulation (EC) No 685/2001 lays down the rules for the distribution between the Member States of authorisations available to the Community by virtue of Article 6(2)

of the agreements between the European Community and the Republic of Bulgaria and between the European Community and Romania establishing certain conditions for the carriage of goods by road and the promotion of combined transport.

The Regulation has become obsolete as Bulgaria and Romania have acceded to the Union and as Member States they are no longer subject to a system of authorisations as far as access to the haulage market is concerned.

2. RESULTS OF CONSULTATIONS WITH THE INTERESTED PARTIES AND IMPACT ASSESSMENTS

N/A

3. LEGAL ELEMENTS OF THE PROPOSAL

The proposal consists of repealing Council Regulation (EEC) No 1101/89, Regulations (EC) No 685/2001 and (EC) No 2888/2000.

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

repealing Council Regulation (EEC) No 1101/89, Regulations (EC) No 2888/2000 and (EC) No 685/2001

(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 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) The European Parliament, the Council of the European Union and the European Commission have confirmed their joint commitment to update and simplify legislation in the Interinstitutional Agreement on Better Law-Making of 13 April 2016³.
- (2) In order to clean-up and reduce the volume of the legislative acquis, it is necessary to regularly analyse it and identify obsolete legislation. Repealing the obsolete legislation is useful for keeping the legislative framework transparent, clear and easy to use by Member States and relevant stakeholders, in this case the road haulage sector.
- (3) The Council adopted Regulation (EEC) No 1101/89⁴ in 1989. Ten years later, the Council adopted Regulation (EC) No 718/1999⁵ in order to ensure that the appropriate tools continued to be available to the inland waterway transport sector and to manage the fleet capacity. That Regulation covered the same subject matter as Regulation (EEC) No 1101/89, without repealing the latter.
- (4) In accordance with Article 8(6) of the Agreement between the European Community and the Swiss Confederation on the Carriage of Goods and Passengers by Rail and Road⁶, all vehicles meeting the technical standards of Council Directive 96/53/EC⁷

¹ OJ C , , p. .

² OJ C , , p. .

³ OJ L 123, 12.5.2016, p. 1.

⁴ Council Regulation (EEC) No 1101/89 of 27 April 1989 on structural improvements in inland waterway transport (OJ L 116, 28.4.1989, p. 25).

⁵ Council Regulation (EC) No 718/1999 of 29 March 1999 on a Community-fleet capacity policy to promote inland waterway transport (OJ L 90, 2.4.1999, p. 1).

⁶ O.J. L 114, 30.4.2002, p. 91.

have been exempt from any quota or authorisation arrangements since 1 January 2005. Regulation (EC) No 2888/2000 of the European Parliament and the Council⁸ which concerns the distribution of permits for heavy goods vehicles travelling in Switzerland should therefore be considered as obsolete.

- (5) Following the accession of both the Republic of Bulgaria and Romania to the Union on 1 January 2007, Regulation No 685/2001 of the European Parliament and the Council⁹ is no longer necessary as those Member States are no longer required to obtain authorisation for the carriage of goods by road and the promotion of combined transport.
- (6) As a consequence, Council Regulation (EEC) No 1101/89, Regulations (EC) No 685/2001 and (EC) No 2888/2000 should be repealed,

HAVE ADOPTED THIS REGULATION:

Article 1

Council Regulation (EEC) No 1101/89, Regulations (EC) No 2888/2000 and (EC) No 685/2001 are repealed.

Article 2

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 Brussels,

For the European Parliament
The President

For the Council
The President

⁷ Council Directive 96/53/EC of 25 July 1996 laying down for certain road vehicles circulating within the Community the maximum authorized dimensions in national and international traffic and the maximum authorized weights in international traffic (OJ L 235, 17.9.1996, p. 59).

⁸ Regulation (EC) No 2888/2000 of the European Parliament and of the Council of 18 December 2000 on the distribution of permits for heavy goods vehicles travelling in Switzerland (OJ L 336, 30.12.2000, p. 9).

⁹ Regulation (EC) No 685/2001 of the European Parliament and of the Council of 4 April 2001 concerning the distribution of authorisations among Member States received through the Agreements establishing certain conditions for the carriage of goods by road and the promotion of combined transport between the European Community and the Republic of Bulgaria and between the European Community and Romania (OJ L 108, 18.4.2001, p. 1).