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PROPOSAL

From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
date of receipt:	17 October 2023
To:	Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union

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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
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Delegations will find attached document COM(2023) 592 final.

Encl.: COM(2023) 592 final



Brussels, 17.10.2023
COM(2023) 592 final

2023/0362 (COD)

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)

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

• **Reasons for and objectives of the proposal**

In its Communication on ‘Long-term competitiveness of the EU: looking beyond 2030’⁽¹⁾, the Commission has emphasised the importance of a regulatory system that ensures that objectives are reached at minimum costs. It has committed therefore to a fresh push to rationalise and simplify reporting requirements, with the aim to reduce such burdens by 25%, without undermining the related policy objectives.

Reporting requirements play a key role in ensuring correct enforcement and proper monitoring of legislation. Their costs are overall largely offset by the benefit they bring, in particular in monitoring and ensuring compliance with key policy measures. Reporting requirements can however also impose disproportionate burdens on stakeholders, particularly affecting SMEs and micro-companies also given organisational and technological developments that call for original reporting requirements to be adjusted. Their cumulation over time can result in redundant, duplicating or obsolete obligations, inefficient frequency and timing, or inadequate methods of collection.

Streamlining reporting obligations and reducing administrative burdens is therefore a priority. In this context, the present proposal aims to simplify requirements in the policy area of transport and affecting in particular transport by road and aviation and will contribute to the headline ambition ‘An economy that works for people’.

The proposal will rationalise reporting obligations through a combination of measures, notably by reducing the frequency of reporting requirements and removing certain elements from the reporting obligations.

The reporting requirements are applicable to public authorities and concern the following:

- The reporting by Member States to the Commission on clean vehicles procured under Directive 2009/33/EC of the European Parliament and of the Council² and the reporting by the Commission to the European Parliament and Council would take place every five years instead of every three years.
- The obligation for Member States under Directive (EC) 2022/1999 of the European Parliament and of the Council³ to report to the Commission data relating to the transport of dangerous good would be simplified. In addition, they would have to report this data every two years, instead of every year. The Commission would report to the Parliament and Council every four years, instead of three, therefore following up on two sets of reports received from Member States.
- The obligation for Member State to inform the Commission of the list of airports subject to the obligation to apply the rules on groundhandling services under Council Directive 96/67/EC⁴ would be deleted, as well as the Commission’s obligation to publish that list.

¹ COM(2023)168

² 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.

³ 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

⁴ 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.

- The obligation for Member States to publish the list of the airports subject to the rules on airport charges under Directive 2009/12/EC of the European Parliament and of the Council⁵ would be deleted.

- **Consistency with existing policy provisions in the policy area**

The proposal is part of a first package of measures to rationalise reporting requirements. This is a step in a continuous process looking comprehensively at existing reporting requirements, with a view to assess their continued relevance and to make them more efficient.

The rationalisation introduced by these measures will not affect the achievement of objectives in the policy area, as they do not interfere with the compliance of the Member States with the underlying obligations.

- **Consistency with other Union policies**

Under the Regulatory Fitness and Performance Programme (REFIT), the Commission ensures that its legislation is fit for purpose, targeted to the needs of stakeholders and minimizes burdens while achieving its objectives. The proposal are therefore part of the REFIT programme, reducing the complexity of reporting burdens arising from the EU legal environment.

While certain reporting requirements are essential, they need to be as efficient as possible, avoiding overlaps, removing unnecessary burdens and using as much as possible digital and interoperable solutions.

The current proposal rationalises reporting requirements thus making the achievement of the objectives of legislation more efficient and less burdensome for public authorities and, indirectly, for companies.

2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY

- **Legal basis**

The legal basis of Directive 2009/33/EC is Article 175(1) of the Treaty establishing the European Community (TEC), now Article 192(1) of the Treaty of the functioning of the European Union (TFEU). The legal basis of Directive 96/67/EC is Article 84(2) TEC and that of Directive 2009/12/EC is Article 80(2) TEC which both are now Article 100(2) TFEU. The legal basis of Directive (EU) 2022/1999 is Article 91 TFEU. Therefore, the legal bases of this amending Decision should be Articles 91, 100(2) and 192(1) TFEU.

- **Subsidiarity**

The reporting requirements concerned are imposed by EU law. Their rationalisation is therefore best done at EU level to ensure legal certainty and consistency of reporting. This will ensure a level playing field indirectly for companies and mainly for public administrations across the EU, which will be benefiting from the rationalisation of reporting requirements arising from this proposal.

- **Proportionality**

The rationalisation of reporting requirements simplifies the legal framework by introducing minimum changes to existing requirements that do not affect the substance of the wider policy

⁵ 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.

objective. The proposal is therefore limited to those changes that are necessary to ensure efficient reporting without changing any of the substantial elements of the legislation concerned.

- **Choice of the instrument**

The proposed Decision amends four Directives that have a compatible legal basis, these amendments are therefore suitable to be included in a single legislative proposal. Considering that the amendments only concern the obligations for the Member States to provide data, which does not require any transposition by the Member States, a Decision of the European Parliament and of the Council is deemed to be the most appropriate legal instrument.

3. RESULTS OF EX-POST EVALUATIONS, STAKEHOLDER CONSULTATIONS AND IMPACT ASSESSMENTS

- **Ex-post evaluations/fitness checks of existing legislation**

N/A

- **Stakeholder consultations**

N/A

- **Collection and use of expertise**

These proposals have been identified following a process of internal scrutiny of existing reporting obligations and based on the experience from implementation of the related legislation. Since this is a step in the process of continuous assessment of reporting requirements arising from EU legislation, the scrutiny of such burdens and of their impact on stakeholders will continue.

- **Impact assessment**

The proposal concerns limited and targeted changes of legislation in view of rationalising reporting requirements. They are based on experience from implementing legislation. The changes do not have significant impacts on the policy, but only ensure a more efficient and effective implementation. Their targeted nature and the lack of relevant policy options make an impact assessment not necessary.

- **Regulatory fitness and simplification**

This is a REFIT proposal, aiming to simplify legislation and cut burdens for stakeholders, particularly public authorities.

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 five-year reference periods. It is more rational to require Member States to report this data following a reference period, and thus every five years. This will also make reporting less frequent and thus less burdensome for national administrations.

Directive (EU) 2022/1999 requires Member States to provide certain data on the transport of dangerous goods every year. The proposal aims at simplifying this obligation by removing the requirement for Member States to provide, if possible, the determined or estimated volumes of dangerous goods transported by road. This data is not collected nor reported consistently by Member States and in any case the Commission has access to similar data provided by Eurostat. Even if providing this data is subject to the Member States' ability to obtain it, removing this provision will relieve national administration from the requirement to attempt

to obtain it and potentially relieve companies from the obligation to report this data to their respective national authorities. Moreover, under this proposal Member States would have to report the simplified data on the transport of dangerous goods every two years, covering each of the two years comprised in that reporting period. As a result, national administrations will have to conduct this reporting exercise every two years instead of every year, which is less burdensome for them.

Under Directive 96/67/EC, Member States must 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. This information on annual traffic is publicly available to stakeholders, in particular to the providers of groundhandling services, and can be retrieved directly and easily from airports, airport associations or from Eurostat⁶. Therefore, Member States can be relieved from the burden of yearly reporting this list of airports to the Commission.

Similarly, under Directive 2009/12/EC, Member States must publish a list of the airports on their territory to which this Directive applies (namely airports over five million passenger movement or airport with the highest passenger movements). For the same reasons as for Directive 96/67/EC, this data is easily accessible to stakeholders, and in particular to airlines or associations of airlines, as airports publish it on their own websites and regularly include it in their annual reports, which are publicly available. Therefore, Member States can be relieved from the burden of publishing this list of airports.

- **Fundamental rights**

N/A

4. BUDGETARY IMPLICATIONS

N/A

5. OTHER ELEMENTS

- **Implementation plans and monitoring, evaluation and reporting arrangements**

N/A

- **Detailed explanation of the specific provisions of the proposal**

Article 1 amending Directive 2009/12/EC

Article 1(3) of Directive 2009/12/EC on the obligation for Member States to yearly publish the list of airports falling under the scope of this Directive is deleted.

Article 2 amending Article 10 of Directive 2009/33/EC.

Article 10(2) of Directive 2009/33/EC currently provides that by 18 April 2026 and every three years thereafter, Member States must provide a report on the implementation of this

⁶ Eurostat collects air transport statistics from national authorities, such as the Statistical Office, Ministry of Transport, Civil Aviation Authorities or airports, depending on the organisation of the data collection arranged in each reporting country. Original data sources for national authorities are usually the airports or enterprises that manage an airport as well as airlines. https://ec.europa.eu/eurostat/cache/metadata/en/avia_pa_esms.htm, https://ec.europa.eu/eurostat/databrowser/view/avia_gooa/default/table?lang=en

Directive to the Commission. Under Article 1 of the proposal, they would have to do so every five years thereafter. Article 10(3) requires the Commission to submit a report to the Parliament and Council by 18 April 2027 and every three years thereafter. Under the proposal, it would have to do so every five years thereafter.

Article 3 amending Article 9 of Directive (EU) 2022/1999.

Article 9(1) currently provides that Member States must provide a yearly report with a list of data on the transport of dangerous goods, including, under point (a) “if possible, the determined or estimated volume of dangerous goods transported by road, in tonnes transported or in tonnes/kilometres;” Under Article 3(1) of the proposal, this point (a) is deleted. Moreover, Member States would have to provide these reports with this simplified data every two year, for each year of that reporting period. Article 9(2) provides that the Commission must send a report to the Parliament and the Council every three years. Again under Article 3(1) of the proposal, it would have to do so every four years, from 2025.

Article 2(2) of the proposal amends Annex III to the Directive, by removing the reference to the estimated total quantity of dangerous goods transported by road.

Article 4 amending Directive 96/67/EC

Article 1(4) of Directive 96/67/EC on the obligation from Member States to yearly report the list of airports falling under the scope of this Directive to the Commission and for the Commission to publish that list is deleted.

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(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 Committee⁷,

Having regard to the opinion of the Committee of the Regions⁸,

Acting in accordance with the ordinary legislative procedure,

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) Directives 2009/12/EC⁹, 2009/33/EC¹⁰ and (EU) 2022/1999¹¹ of the European Parliament and of the Council, and Council Directive 96/67/EC¹² 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 2030'¹³.
- (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

⁷ OJ C , , p. .

⁸ OJ C , , p. .

⁹ 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).

¹⁰ 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).

¹¹ 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).

¹² 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).

¹³ COM(2023)168.

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.
- (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. 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.’;

- (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.

Done at Brussels,

For the European Parliament
The President

For the Council
The President