



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 8 March 2013

7195/13

**TRANS 99
DELECT 11**

“I/A” ITEM NOTE

from:	General Secretariat
to:	Coreper / Council

No. prev. doc.:	5247/1/13 REV 1 TRANS 7 DELACT 1
No. Cion prop.:	17213/12 TRANS 444 DELACT 54

Subject:	COMMISSION DELEGATED REGULATION (EU) No.../.. of 26.11.2012 supplementing Directive 2010/40/EU of the European Parliament and of the Council with regards to the harmonised provision for an interoperable EU-wide eCall
	– Decision not to object to a delegated act

1. The Commission submitted the above mentioned delegated act to the Council in accordance with Article 290 of the TFEU and Article 7 of Directive 2010/40/EU of the European Parliament and of the Council of 7 July 2010 on the framework for the deployment of Intelligent Transport Systems in the field of road transport and for interfaces with other modes of transport.¹
2. The Commission notified this act on 26 November 2012. In accordance with Article 14 of Directive 2010/40/EU, the Council decided, during its session of 22 January 2013, to extend the period for raising objections to this delegated Regulation by two months (i.e. up to 26 March 2013) and informed accordingly the European Parliament and the Commission.

¹ OJ L 207, 6.8.2010, p. 1

3. At the Working Party on Intermodal Questions and Networks, on 5 March 2013, the delegations of EE, DE, FR, LT and SI signaled their opposition to this delegated act and announced that they would object to its adoption. UK reserves its position at this stage. MT indicated that it would abstain.

FR and DE, supported by EE, LT and SI, expressed serious concerns as regards the financial and operational implications of this act. Some of these Member States have already established systems of road assistance which function well. Therefore, the proposed delegated Regulation suggesting a harmonised EU-wide eCall service would ignore the above existing national systems and would not ensure the required interoperability of the existing systems at EU level, which is essential for those delegations.

4. Given that no other delegation has indicated its intention to object, there is therefore no qualified majority in support of objecting to this delegated act. On that basis, taking into account the positions of the above-mentioned delegations, the required qualified majority to object to the delegated act has not been met.
5. It is therefore suggested that Coreper invites the Council to confirm that the Council has no intention to object to the delegated act and that the Commission and the European Parliament are to be informed thereof; this implies that, unless the European Parliament objects to it, the delegated act shall be published and enter into force on the twentieth day following its publication in the Official Journal of the European Union in accordance with Article 14 of Directive 2010/40/EU and Article 9 of the draft Delegated Regulation.
