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#### 'I' ITEM NOTE

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From:	General Secretariat of the Council
To:	Permanent Representatives Committee
No. Cion doc.:	15197/16 TRANS 484 MAR 300 CODEC 1829
No. prev. doc.:	8025/1/17 REV 1 TRANS 139 MAR 70 CODEC 561
Subject:	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 (First reading) – Confirmation of the final text with a view to agreement

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#### INTRODUCTION

1. The Commission submitted the above-mentioned proposal for a Regulation on 29 November 2016.
2. The proposal was submitted in the context of the Commission's REFIT programme and commitment on better regulation. The Commission identified three regulations as being obsolete. The three regulations cover arrangements for structural improvements in the inland waterway sector; distribution quotas for heavy goods vehicles which the Union received from Switzerland; and authorisations for access for Member States to the haulage market in Bulgaria and Romania.
3. The proposal was presented to the Shipping Working Party for examination on 13 March 2017 and on 10 April 2017. Two minor amendments were introduced in the text.

## STATE OF PLAY

4. The Council reached a general approach on the proposal at the General Affairs Council on 25 April 2017.
5. The European Parliament Committee on Transport and Tourism (TRAN) appointed Ms. Karima Delli (The Greens/EFA and Committee chair - France) as rapporteur on 12 April 2017. The TRAN Committee adopted its report on the proposal on 20 June 2017 incorporating the same amendments as introduced by the Council. The Parliament did not introduce any further amendments.
6. Informal contact between Parliament and Council secretariats took place and it was agreed that no trilogues were needed to reach an agreement given that the text of the general approach and the Parliament text are identical.

## CONCLUSION

7. In the light of the above, the Permanent Representatives Committee is invited to:
  - examine and approve the final text in the Annex with a view to reaching an agreement at first reading with the European Parliament;
  - allow the Presidency to send a letter to the European Parliament stating that if the plenary of the European Parliament were to adopt, subject to revision of the text by the legal-linguist experts, the amended text of the draft Regulation in the same form as set out in the Annex to this report, the Council would adopt the Regulation in the form of the Commission proposal as thus amended by the Parliament.

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)**

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 Committee<sup>1</sup>,

Having regard to the opinion of the Committee of the Regions<sup>2</sup>,

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 2016<sup>3</sup>.

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<sup>1</sup> OJ C , , p. .

<sup>2</sup> OJ C , , p. .

<sup>3</sup> OJ L 123, 12.5.2016, p. 1.

- (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 inland waterway and road haulage sectors.
- (3) The Council adopted Regulation (EEC) No 1101/89<sup>4</sup> in 1989. Ten years later, the Council adopted Regulation (EC) No 718/1999<sup>5</sup>, as amended by Regulation (EU) No 546/2014 of the European Parliament and of the Council<sup>6</sup>, 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 Road<sup>7</sup>, all vehicles meeting the technical standards of Council Directive 96/53/EC<sup>8</sup> have been exempt from any quota or authorisation arrangements since 1 January 2005. Regulation (EC) No 2888/2000 of the European Parliament and the Council<sup>9</sup> which concerns the distribution of permits for heavy goods vehicles travelling in Switzerland should therefore be considered as obsolete.

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<sup>4</sup> 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).

<sup>5</sup> 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).

<sup>6</sup> Regulation (EU) No 546/2014 of the European Parliament and of the Council of 15 May 2014 amending Council Regulation (EC) No 718/1999 on a Community-fleet capacity policy to promote inland waterway transport (OJ L 163, 29.5.2014, p. 15).

<sup>7</sup> O.J. L 114, 30.4.2002, p. 91.

<sup>8</sup> 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).

<sup>9</sup> 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).

- (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 Council<sup>10</sup> 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*      *For the Council*

*The President*      *The President*

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<sup>10</sup> 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).