



Council of the
European Union

001781/EU XXVI. GP
Eingelangt am 21/11/17

Brussels, 17 November 2017
(OR. en)

14332/17

Interinstitutional File:
2017/0060 (COD)

CODEC 1807
TRANS 478
DELECT 218
PE 91

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 Directive 2010/40/EU as regards the period for adopting delegated acts. - Outcome of the European Parliament's first reading (Strasbourg, 13 to 16 November 2017)

I. INTRODUCTION

In accordance with the provisions of Article 294 of the TFEU and the joint declaration on practical arrangements for the codecision procedure ¹, a number of informal contacts have taken place between the Council, the European Parliament and the Commission with a view to reaching an agreement on this dossier at first reading, thereby avoiding the need for second reading and conciliation.

In this context, the rapporteur, Gesine MEISSNER (ALDE, DE) presented compromise amendments (amendments 1-9) to the proposal for a Decision, on behalf of the Committee on Transport and Tourism. These amendments had been agreed during the informal contacts referred to above.

¹ OJ C 145, 30.6.2007, p.5

II. VOTE

When it voted on 15 November 2017, the plenary adopted the compromise amendments to the proposal for a Decision. The Commission's proposal as thus amended constitutes the Parliament's first-reading position which is contained in its legislative resolution as set out in the Annex hereto².

The Parliament's position reflects what had been previously agreed between the institutions. The Council should therefore be in a position to approve the Parliament's position.

The act would then be adopted in the wording which corresponds to the Parliament's position.

² 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.

Period for adopting delegated acts *I**

European Parliament legislative resolution of 15 November 2017 on the proposal for a decision of the European Parliament and of the Council amending Directive 2010/40/EU as regards the period for adopting delegated acts (COM(2017)0136 – C8-0116/2017 – 2017/0060(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2017)0136),
 - having regard to Article 294(2) and Article 91 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0116/2017),
 - 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 5 July 2017³,
 - after consulting the Committee of the Regions,
 - having regard to the undertaking given by the Council representative by letter of 27 October 2017 to approve Parliament's position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,
 - having regard to Rule 59 of its Rules of Procedure,
 - having regard to the report of the Committee on Transport and Tourism (A8-0332/2017),
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.

³ OJ C 345, 13.10.2017, p. 67.

P8_TC1-COD(2017)0060

Position of the European Parliament adopted at first reading on 15 November 2017 with a view to the adoption of Decision (EU) 2017/... of the European Parliament and of the Council amending Directive 2010/40/EU as regards the period for adopting delegated acts

(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 Committee⁴,

After consulting the Committee of the Regions,

Acting in accordance with the ordinary legislative procedure⁵,

⁴ OJ C 345, 13.10.2017, p.67.

⁵ Position of the European Parliament of 15 November 2017.

Whereas:

- (1) Directive 2010/40/EU of the European Parliament and of the Council⁶ provides for the development of specifications for priority actions within priority areas.
- (2) Since the entry into force of Directive 2010/40/EU, four delegated acts relating to priority actions of that Directive have been adopted by the Commission. They address in particular eCall and data sharing mechanisms that facilitate electronic data exchange between the relevant public authorities and stakeholders and the relevant Intelligent Transport Systems (ITS) service providers. There is a need for further delegated acts regarding actions that are still to be addressed and that fall within the scope of Directive 2010/40/EU.
- (3) Under Article 12 of Directive 2010/40/EU, the power conferred on the Commission to adopt the delegated acts referred to in Article 7 of the Directive expires on 27 August 2017.

⁶ 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 (OJ L 207, 6.8.2010, p. 1).

- (4) In order to achieve the objectives of Directive 2010/40/EU, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission *in respect of the specifications necessary to ensure the compatibility, interoperability and continuity for the deployment and operational use of ITS for the priority actions* for an additional period of five years starting from 27 August 2017. This period should be tacitly extended for periods of the same duration, unless the European Parliament or the Council oppose such an extension. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making⁷. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts,

HAVE ADOPTED THIS DECISION:

⁷ OJ L 123, 12.5.2016, p. 1.

Article 1

Directive 2010/40/EU is amended as follows:

- (1) **Article 12** is replaced by the following:

Article 12

Exercise of the delegation

1. The power to adopt delegated acts *is* conferred on the Commission *subject to the conditions laid down in this Article*.
2. *The power to adopt delegated acts referred to in Article 7 shall be conferred on the Commission for a period of five years from 27 August 2017. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.*
3. *The delegation of power referred to in Article 7 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.*
4. *Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.*
5. *As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.*

6. *A delegated act adopted pursuant to Article 7 shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.’;*

(2) *Articles 13 and 14 are deleted;*

(3) *in Article 17, paragraph 5 is replaced by the following:*

‘5. In accordance with the advisory procedure referred to in Article 15(2), the Commission shall adopt a working program by 27 February 2011. The working program shall include objectives and dates for its implementation every year and if necessary shall propose the necessary adaptations.

The Commission shall update the working program related to the actions under Article 6(3) by ...[12 months after the date of the entry into force of this Decision] and before each subsequent five-year extension of the power to adopt delegated acts in accordance with Article 12(2).’.

Article 2

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

For the Council

The President

The President