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(OR. en)

10661/19

TRANS 395
DELECT 133

NOTE

From: General Secretariat of the Council

To: Permanent Representatives Committee (Part 1)

No. prev. doc.: 7510/19 + ADD 1 - ADD 9
8213/19 + ADD 1 + ADD 3

Subject: COMMISSION DELEGATED REGULATION (EU) .../... of 13.3.2019
supplementing Directive 2010/40/EU of the European Parliament and of
the Council with regard to the deployment and operational use of
cooperative intelligent transport systems
- Consideration of a possible objection to the delegated act

1. On 13 March 2019, the Commission submitted the above delegated regulation to the Council in accordance with the procedure set out in Article 290 TFEU and Article 6(3) in conjunction with Article 7 of Directive 2010/40/EU¹. In accordance with Article 12 of Directive 2010/40/EU, the period within which the Council could express an objection ran until 13 May 2019. This period can be extended by two months.
2. It is recalled that according to Article 290 TFEU and Article 12(6) of Directive 2010/40/EU, the delegated regulation may enter into force only if no objection has been expressed by the European Parliament and the Council within a period set by that Directive. Furthermore, the delegated act cannot be amended. Therefore, the Council may decide only to object or not to object to the delegated regulation.

¹ 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.).

3. Following the submission of the delegated regulation to the Council, delegations were invited² to inform the Council Secretariat by 3 April 2019 in case they had an objection concerning the delegated regulation.
4. During this period of consultation, four delegations provided comments on the delegated act expressing concerns of a legal and technological nature.
5. Subsequently, the delegated regulation was discussed at the meetings of the Intermodal Transport Working Party of 5 April and 3 May. At the Working Party on 3 May, four delegations, supported by a large number of other delegations, asked for a written Council Legal Service (CLS) opinion as well as an extension of the deadline to raise objections, which they considered necessary in order to be able to receive and fully assess the CLS opinion.
6. Consequently, the Presidency decided to ask the Council Legal Service for an opinion and the Council on 8 May decided to extend the period for raising objections to the delegated regulation by two months. Hence, the extended period for raising objections to the delegated regulation runs until 13 July.
7. On 26 June, the Intermodal Transport Working Party held a further discussion on the delegated regulation, in the light of the opinion³ prepared by the Council Legal Service.
8. During the discussion, seven delegations expressed their intention to object to the delegated regulation while four others expressed support for it. A large number of delegations were still studying the delegated regulation as well as the implications of the CLS opinion and did not have a final position on the delegated regulation at the time of the discussion held at the Working Party.
9. In view of the above, the Permanent Representatives Committee is invited to:
 - determine whether there is the required qualified majority of Member States intending to object to the delegated regulation;

² 7515/19.
³ 10357/19.

- invite Council either to decide to object to the delegated regulation as set out in doc. ST 7510/19 + ADD 1 - ADD 9 or to confirm that it has no intention to object to the delegated regulation, and to inform the Commission and the European Parliament of the outcome.
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