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'I/A' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
No. prev. doc.:	11457/23
No. Cion doc.:	10477/23
Subject:	Consultation of the Council by the European Commission on the EU position regarding the third revision by the Regional Steering Committee of Annex I to the Treaty establishing the Transport Community - Approval

1. Through a letter received on 12 June 2023 the European Commission services are consulting the Council on the planned third revision of Annex I to the Transport Community Treaty (TCT).¹ The prior consultation by the Council follows the procedure set out in Article 2(2) of Council Decision (EU) 2019/32².
2. Based on this consultation, the Commission intends to establish the Union position in the Regional Steering Committee concerning the subject matter. The Regional Steering Committee can update the Union *acquis*, which is or will become compulsory in the TCT in accordance with Art 3(1) TCT in conjunction with Annexes I and II and with the individual protocols to the TCT.

¹ OJ L 278, 27.10.2017, p. 3–53.

² In accordance with Article 2(2) of the Council Decision (EU) 2019/32 on the Conclusion of the Treaty Establishing the Transport Community (OJ L 71, 13.3.2019, p. 1), when updating Union Acts set out in Annex 1 to the Treaty, the Commission shall consult the Council on the anticipated position by means of a written document.

3. The Working Group on transport - intermodal questions and networks examined the consultation paper on 27 June 2023. Based on the comments in the working group meeting and on written comments by delegations, which the Commission had appreciated, the Presidency circulated a draft Council response on 5 July 2023.³ In the absence of further comments by delegations, the draft Council response should be endorsed as developed in the working group.
 4. In view of the foregoing, and subject to endorsement by the Permanent Representatives Committee, the Council is invited to approve the response to the consultation as set out in the Annex to this note.
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³ See ST 11457/23.

Council suggestions regarding the third update of Annex I to the Transport Community Treaty

The Council thanks the Commission for consulting on the draft EU position in preparation of the Regional Steering Committee's third decision to update Annex I to the Transport Community Treaty (Union *acquis*). The Council would like the Commission to take the following elements into account:

ANNEX I.3 - RULES APPLICABLE TO ROAD TRANSPORT

Enforcement of social legislation

Commission Implementing Regulation 2021/2179 specifies the functionalities of the public interface connected to the Internal Market Information System ('IMI') for the purposes of Article 1(11) of Directive (EU) 2020/1057. Article 1 of Directive (EU) 2020/1057 establishes specific rules as regards certain aspects of Directive 96/71/EC relating to the posting of drivers in the road transport sector and of Directive 2014/67/EU relating to administrative requirements and control measures for the posting of those drivers. Article 1(11) of Directive (EU) 2020/1057 lays down a derogation from the rules contained in Article 9 of Directive 2014/67/EU, aiming at a specific control system for posted drivers.

Annex I to the TCT does not include acts that belong to the Union rules on posting of workers. Therefore, Implementing Regulation 2021/2179 should not be listed.

Inland transport of dangerous goods

Considering the planned addition to Annex I of amending acts to Directive 2008/68/EC, Council suggests replacing the mention of Commission Implementing Decision (EU) 2022/1095 of 29 June 2022 by the mention of Commission Implementing Decision (EU) 2023/1198 of 21 June 2023, which was recently published and replaces the sections that had previously been amended by Commission Implementing Decision (EU) 2022/1095.

ANNEX I.5 (RULES APPLICABLE TO INLAND WATERWAY TRANSPORT):

Inland transport of dangerous goods

The comment made on inland transport of dangerous goods in road transport is valid also for inland waterway transport.