



Council of the
European Union

Brussels, 23 November 2023
(OR. en)

15897/23

Interinstitutional File:
2023/0370(COD)

COMPET 1172
BETREG 37
ENT 253
MI 1036
PECHE 533
CODEC 2263

COVER NOTE

From: Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director

date of receipt: 17 October 2023

To: Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union

No. Cion doc.: COM(2023) 643 final

Subject: Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulation (EU) No 1379/2013, Regulation (EU) No 167/2013 and Regulation (EU) No 168/2013 of the European Parliament and of the Council as regards certain reporting requirements

Delegations will find attached document COM(2023) 643 final.

Encl.: COM(2023) 643 final



Brussels, 17.10.2023
COM(2023) 643 final

2023/0370 (COD)

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

amending Regulation (EU) No 1379/2013, Regulation (EU) No 167/2013 and Regulation (EU) No 168/2013 of the European Parliament and of the Council as regards certain reporting requirements

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

• **Reasons for and objectives of the proposal**

In its Communication on ‘Long-term competitiveness of the EU: looking beyond 2030’⁽¹⁾, the Commission has stressed the importance of a regulatory system that ensures that objectives are reached at minimum costs. It has committed therefore to a fresh push to rationalise and simplify reporting requirements, with the ultimate aim to reduce such burdens by 25%, without undermining the related policy objectives.

Reporting requirements play a key role in ensuring correct enforcement and proper monitoring of legislation. Their costs are overall largely offset by the benefit they bring, in particular in monitoring and ensuring compliance with key policy measures. Reporting requirements can however also impose disproportionate burdens on stakeholders, particularly affecting SMEs and micro-companies, also given organisational and technological developments that call for original reporting requirements to be adjusted. Their cumulation over time can result in redundant, duplicating or obsolete obligations, inefficient frequency and timing, or inadequate methods of collection.

Streamlining reporting obligations and reducing administrative burdens is therefore a priority. In this context, the present proposal aims to simplify initiatives included in headline ambition ‘A European Green Deal’ in the policy area of the common organisation of the markets in fishery and aquaculture products and affecting the fishing industry. It will also simplify and eliminate certain reporting obligations in the area of the approval and market surveillance of agricultural and forestry vehicles and two- or three-wheel vehicles and quadricycles.

The proposal will rationalise reporting obligations by removing reports which are no longer adding value in reaching the policy objectives (*see more details below*).

The reporting requirements concern: *public authorities*.

• **Consistency with existing policy provisions in the policy area**

The proposal is part of a first package of measures to rationalise reporting requirements. This is a step in a process looking comprehensively at existing reporting requirements, with a view to assess their continued relevance and to make them more efficient.

The rationalisation introduced by these measures will not affect the achievement of objectives in the policy area, for the following reasons:

- The reporting requirement that is proposed to be removed in the policy area of the common organisation of the markets in fishery and aquaculture products has not proven to provide any longer an added value to the Union and does not contribute to the objectives of Regulation (EU) No 1379/2013⁽²⁾. The reporting obligation in Council Regulation (EC) No 2406/96⁽³⁾ was introduced in relation to preventing the marketing of fish below a given degree of freshness for human consumption and

¹ COM(2023)168.

² Regulation (EU) No 1379/2013 of the European Parliament and of the Council of 11 December 2013 on the common organisation of the markets in fishery and aquaculture products, amending Council Regulations (EC) No 1184/2006 and (EC) No 1224/2009 and repealing Council Regulation (EC) No 104/2000, (OJ L 354, 28.12.2013, p. 1).

³ Council Regulation (EC) No 2406/96 of 26 November 1996 laying down common marketing standards for certain fishery products (OJ L 334, 23.12.1996. p. 1).

standardise freshness and size grades used at first sale to establish price levels for market interventions prior to Regulation (EU) No 1379/2013. Those intervention measures were abolished in 2013 but the marketing standards remained in force. As food safety is now guaranteed through general food law ⁽⁴⁾, the related reporting obligation has become much less relevant.

- The reporting requirements that are proposed to be removed in Regulation (EU) No 167/2013 ⁽⁵⁾ have not proven to provide any longer an added value to the Union and do not contribute to its objectives. Regulation (EU) No 167/2013 sets out the rules on the approval and market surveillance of agricultural and forestry vehicles. Article 74 and 75 of that Regulation require Member States to inform the Commission of the application of the type-approval procedures and individual vehicles approvals respectively, and the Commission to submit reports to the European Parliament and the Council. Since the Commission carried out a study ⁽⁶⁾ on the questions subject to these information and reporting obligations in 2022, and the study determined that the type-approval and individual vehicles approvals procedures are satisfactory, this should no longer apply.
- The reporting requirements that are proposed to be removed in Regulation (EU) No 168/2013 ⁽⁷⁾ have not proven to provide any longer an added value to the Union and do not contribute to its objectives. Regulation (EU) No 168/2013 sets out the rules on the approval and market surveillance of two- or three-wheel vehicles and quadricycles. Article 78 and 80 of that Regulation require Member States to inform the Commission of the application of the type-approval procedures and individual vehicles approvals respectively, and the Commission to submit reports to the European Parliament and the Council. Since the Commission carried out a study ⁽⁸⁾ on the questions subject to these information and reporting obligations in 2022, and the study determined that the type-approval and individual vehicles approvals procedures are satisfactory, this should no longer apply .

- **Consistency with other Union policies**

Under the Regulatory Fitness and Performance Programme (REFIT), the Commission ensures that its legislation is fit for purpose, targeted to the needs of stakeholders and minimizes burdens while achieving its objectives. This proposal is therefore part of the REFIT programme, reducing the complexity of reporting burdens arising from the EU legal environment.

⁴ In particular, Article 14(2) of Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety.

⁵ Regulation (EU) No 167/2013 of the European Parliament and of the Council of 5 February 2013 on the approval and market surveillance of agricultural and forestry vehicles, OJ L 60, 2.3.2013, p. 1–51.

⁶ European Commission, Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs, Benders, B., Guy, I., Redhead, M. et al., Study to improve certain type-approval procedures and technical requirements of Regulation (EU) No 167/2013: final report, Publications Office of the European Union, 2022, <https://data.europa.eu/doi/10.2873/03501>

⁷ Regulation (EU) No 168/2013 of the European Parliament and of the Council of 15 January 2013 on the approval and market surveillance of two- or three-wheel vehicles and quadricycles, OJ L 60, 2.3.2013, p. 52–128.

⁸ European Commission, Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs, Benders, B., Guy, I., Redhead, M. et al., Study to assess the vehicle structure integrity requirements and the type-approval procedures for L-cat vehicles: final report, Publications Office of the European Union, 2022, <https://data.europa.eu/doi/10.2873/64010>

While certain reporting requirements are essential, they need to be as efficient as possible, avoiding overlaps, removing unnecessary burdens and using as much as possible digital and interoperable solutions.

The current proposal rationalises reporting requirements thus making the achievement of the objectives of legislation more efficient and less burdensome for public authorities.

2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY

• Legal basis

The proposal is based on Articles 43(2) and 114 of the Treaty on the Functioning of the European Union, which are the legal basis of the acts it amends.

• Subsidiarity (for non-exclusive competence)

The reporting requirements concerned are imposed by EU law. Their rationalisation can therefore only be done at EU level. This will ensure a level playing field for public administrations across the EU, which will be benefiting from the rationalisation of reporting requirements arising from these proposals.

• Proportionality

The rationalisation of reporting requirements simplifies the legal framework by introducing minimum changes to existing requirements that do not affect the substance of the wider policy objective. The proposal is therefore limited to those changes that are necessary to ensure efficient reporting without changing any of the substantial elements of the legislation concerned.

• Choice of the instrument

Given that the targeted amendment aims to modify provisions of Regulation (EU) No 1379/2013, this proposal takes the form of a Regulation amending Regulation (EU) No 1379/2013.

Given that the targeted amendment aims to modify provisions of Regulation (EU) No 167/2013, this proposal takes the form of a Regulation amending Regulation (EU) No 167/2013.

Given that the targeted amendment aims to modify provisions of Regulation (EU) No 168/2013, this proposal takes the form of a Regulation amending Regulation (EU) No 168/2013.

The targeted amendments only concern reporting requirements and therefore are suitable to be included in a single proposal.

3. RESULTS OF EX-POST EVALUATIONS, STAKEHOLDER CONSULTATIONS AND IMPACT ASSESSMENTS

• Ex-post evaluations/fitness checks of existing legislation

N/A

• Stakeholder consultations

N/A

- **Collection and use of expertise**

This proposal has been identified following a process of internal scrutiny of existing reporting obligations and based on the experience from implementation of the related legislation. Since this is a step in the process of continuous assessment of reporting requirements arising from EU legislation, the scrutiny of such burdens and of their impact on stakeholders will continue.

- **Impact assessments**

The proposal concerns limited and targeted amendment of legislation in view of rationalising reporting requirements. The proposed change is based on experience from implementing the legislation. The amendment does not have significant impacts on the policy, but only ensures a more efficient and effective implementation. Its targeted nature and the lack of relevant policy options make an impact assessment not necessary.

- **Regulatory fitness and simplification**

This is a REFIT proposal, aiming to simplify legislation and cut burdens for stakeholders.

While the proposal in respect of the common organisation of the markets in fishery and aquaculture products does not directly affect individual businesses, it will remove a reporting obligation and the related cost / burden for public authorities by eliminating the need to maintain lists of designated experts and trade associations for the grading of fishery products.

In the area of the approval and market surveillance of agricultural and forestry vehicles and two- or three-wheel vehicles and quadricycles, the proposal will remove reporting obligations and related burden for public authorities by deleting the need for Member States to report back on information that has already been made available to the Commission by a separate study.

- **Fundamental rights**

N/A.

4. BUDGETARY IMPLICATIONS

N/A.

5. OTHER ELEMENTS

- **Implementation plans and monitoring, evaluation and reporting arrangements**

N/A.

- **Detailed explanation of the specific provisions of the proposal**

Regulation (EU) No 1379/2013 of the European Parliament and of the Council provides that rules establishing common marketing standards laid down in Council Regulation No 2406/96 shall continue to apply. Article 13 of Council Regulation (EC) No 2406/96 requires each Member State to supply the other Member States and the Commission with a list of the names and addresses of the experts and trade organisations appointed for grading the fishery products for freshness and size and to inform of any updates to the list. This reporting obligation was introduced in relation to preventing the marketing of fish below a given degree of freshness for human consumption and standardise freshness and size grades used at first sale to establish price levels for market interventions prior to Regulation (EU) No 1379/2013. Those intervention measures were abolished in 2013 but the marketing standards

remained in force. As food safety is now guaranteed through general food law ⁽⁹⁾, the related reporting obligation has become much less relevant. Consequently, the reporting obligation should no longer apply.

Regulation (EU) No 167/2013 sets out the rules on the approval and market surveillance of agricultural and forestry vehicles. Article 74 and 75 of that Regulation require Member States to inform the Commission of the application of the type-approval procedures and individual vehicles approvals respectively, and the Commission to submit reports to the European Parliament and the Council. Since the Commission carried out a study ⁽¹⁰⁾ on the questions subject to these information and reporting obligations in 2022, and the study determined that the type-approval and individual vehicles approvals procedures are satisfactory, this should no longer apply.

Regulation (EU) No 168/2013 sets out the rules on the approval and market surveillance of two- or three-wheel vehicles and quadricycles. Article 78 and 80 of that Regulation require Member States to inform the Commission of the application of the type-approval procedures and individual vehicles approvals respectively, and the Commission to submit reports to the European Parliament and the Council. Since the Commission carried out a study ⁽¹¹⁾ on the questions subject to these information and reporting obligations in 2022, and the study determined that the type-approval and individual vehicles approvals procedures are satisfactory, this should no longer apply.

⁹ In particular, Article 14(2) of Regulation (EC) No 178/2002.

¹⁰ European Commission, Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs, Benders, B., Guy, I., Redhead, M. et al., Study to improve certain type-approval procedures and technical requirements of Regulation (EU) No 167/2013: final report, Publications Office of the European Union, 2022, <https://data.europa.eu/doi/10.2873/03501>

¹¹ European Commission, Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs, Benders, B., Guy, I., Redhead, M. et al., Study to assess the vehicle structure integrity requirements and the type-approval procedures for L-cat vehicles: final report, Publications Office of the European Union, 2022, <https://data.europa.eu/doi/10.2873/64010>

Proposal for a

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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 Articles 43(2) and 114 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 Committee¹,

Having regard to the opinion of the Committee of the Regions²,

Acting in accordance with the ordinary legislative procedure

Whereas:

- (1) Reporting requirements play a key role in ensuring proper monitoring and correct enforcement of legislation. However, it is important to streamline those requirements, in order to ensure that they fulfil the purpose for which they were intended and to limit the administrative burden.
- (2) Streamlining reporting obligations and reducing administrative burdens is therefore a priority. Regulations (EU) No 1379/2013, Regulation (EU) No 167/2013 and Regulation (EU) No 168/2013 of the European Parliament and of the Council contain a number of reporting requirements in the fields of marketing standards and market surveillance which should be simplified in line with the Commission's Communication on 'Long-term competitiveness of the EU: looking beyond 2030'³.
- (3) This Regulation removes and simplifies reporting requirements which are no longer deemed necessary in the area of the common organisation of the markets in fishery and aquaculture products and affecting the fishing industry and in the area of type approval and market surveillance of agricultural and forestry vehicles, two- and three-wheel vehicles and quadricycles.

¹ OJ C , , p. .

² OJ C , , p. .

³ COM(2023)168.

- (4) Regulation (EU) No 1379/2013⁴ of the European Parliament and of the Council provides that rules establishing common marketing standards, in particular those laid down in, inter alia, Council Regulation (EC) No 2406/96⁵ shall continue to apply,
- (5) Article 13 of Council Regulation (EC) No 2406/96 requires each Member State to supply the other Member States and the Commission with a list of the names and addresses of the experts and trade organizations appointed for grading the fishery products for freshness and size before the entry into force of the Regulation, and to subsequently also inform of any updates to the list.
- (6) Since this requirement is outdated and no longer necessary to achieve the objectives of Regulation (EU) No 1379/2013, it should no longer apply.
- (7) Regulation (EU) No 167/2013⁶ sets out the rules on the approval and market surveillance of agricultural and forestry vehicles.
- (8) Article 74 and 75 of Regulation (EU) No 167/2013 require Member States to inform the Commission of the application of the type-approval procedures and individual vehicles approvals respectively, and the Commission to submit reports to the European Parliament and the Council. Since the Commission carried out a study⁷ on the questions subject to these information and reporting obligations in 2022, and the study determined that the type-approval and individual vehicles approvals procedures are satisfactory, it should no longer apply.
- (9) Regulation (EU) No 168/2013⁸ sets out the rules on the approval and market surveillance of two- or three-wheel vehicles and quadricycles.
- (10) Article 78 and 80 of Regulation (EU) No 168/2013 require Member States to inform the Commission of the application of the type-approval procedures and individual vehicles approvals respectively, and the Commission to submit reports to the European Parliament and the Council. Since the Commission carried out a study⁹ on the questions subject to these information and reporting obligations in 2022, and the study determined that the type-approval and individual vehicles approvals procedures are satisfactory, it should no longer apply.

⁴ Regulation (EU) No 1379/2013 of the European Parliament and of the Council of 11 December 2013 on the common organisation of the markets in fishery and aquaculture products, amending Council Regulations (EC) No 1184/2006 and (EC) No 1224/2009 and repealing Council Regulation (EC) No 104/2000, (OJ L 354, 28.12.2013, p. 1). <http://data.europa.eu/eli/reg/2013/1379/2020-04-25>

⁵ Council Regulation (EC) No 2406/96 of 26 November 1996 laying down common marketing standards for certain fishery products (OJ L 334, 23.12.1996, p. 1). <http://data.europa.eu/eli/reg/1996/2406/2005-06-02>

⁶ Regulation (EU) No 167/2013 of the European Parliament and of the Council of 5 February 2013 on the approval and market surveillance of agricultural and forestry vehicles, OJ L 60, 2.3.2013, p. 1. <http://data.europa.eu/eli/reg/2013/167/2019-04-18>

⁷ European Commission, Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs, Benders, B., Guy, I., Redhead, M. et al., Study to improve certain type-approval procedures and technical requirements of Regulation (EU) No 167/2013: final report, Publications Office of the European Union, 2022, <https://data.europa.eu/doi/10.2873/03501>

⁸ Regulation (EU) No 168/2013 of the European Parliament and of the Council of 15 January 2013 on the approval and market surveillance of two- or three-wheel vehicles and quadricycles, OJ L 60, 2.3.2013, p. 52. <http://data.europa.eu/eli/reg/2013/168/2020-11-14>

⁹ European Commission, Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs, Benders, B., Guy, I., Redhead, M. et al., Study to assess the vehicle structure integrity requirements and the type-approval procedures for L-cat vehicles: final report, Publications Office of the European Union, 2022, <https://data.europa.eu/doi/10.2873/64010>

- (11) Regulation (EU) No 1379/2013, Regulation (EU) No 167/2013 and Regulation (EU) No 168/2013 should therefore be amended accordingly.

HAVE ADOPTED THIS REGULATION:

Article 1

Amendment

- (1) Regulation (EU) No 1379/2013 is hereby amended as follows:

In Article 47 of Regulation (EU) No 1379/2013, paragraph 1 is replaced by the following:

‘Without prejudice to paragraph 2, rules establishing common marketing standards, in particular those laid down in Council Regulation (EEC) No 2136/89¹⁰, Council Regulation (EEC) No 1536/92¹¹ and Council Regulation (EC) No 2406/96¹² shall continue to apply with the exception of Article 13 of Regulation (EC) No 2406/96. Other rules adopted for the application of common marketing standards, such as those laid down in Commission Regulation (EEC) No 3703/85¹³ shall continue to apply.’

- (2) Regulation (EU) No 167/2013 is amended as follows:

- (a) Article 74 is deleted.
- (b) Article 75 is deleted.

- (3) Regulation (EU) No 168/2013 is amended as follows:

- (a) Article 78 is deleted.
- (b) Article 80 is deleted.

Article 2

Entry into force

This Regulation shall enter into force on the 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
The President

For the Council
The President

¹⁰ Council Regulation (EEC) No 2136/89 of 21 June 1989 laying down common marketing standards for preserved sardines and trade descriptions for preserved sardines and sardine-type products (OJ L 212, 22.7.1989, p. 79). <http://data.europa.eu/eli/reg/1989/2136/2008-12-31>

¹¹ Council Regulation (EEC) No 1536/92 of 9 June 1992 laying down common marketing standards for preserved tuna and bonito (OJ L 163, 17.6.1992, p. 1). <http://data.europa.eu/eli/reg/1992/1536/oj>

¹² Council Regulation (EC) No 2406/96 of 26 November 1996 laying down common marketing standards for certain fishery products (OJ L 334, 23.12.1996, p. 1). <http://data.europa.eu/eli/reg/1996/2406/2005-06-02>

¹³ Commission Regulation (EEC) No 3703/85 of 23 December 1985 laying down detailed rules for applying the common marketing standards for certain fresh or chilled fish (OJ L 351, 28.12.1985, p. 63). <http://data.europa.eu/eli/reg/1985/3703/2006-07-28>