



**2017/0060(COD)**

19.7.2017

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## **DRAFT REPORT**

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))

Committee on Transport and Tourism

Rapporteur: Gesine Meissner

### ***Symbols for procedures***

- \* Consultation procedure
- \*\*\* Consent procedure
- \*\*\*I Ordinary legislative procedure (first reading)
- \*\*\*II Ordinary legislative procedure (second reading)
- \*\*\*III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

### ***Amendments to a draft act***

#### **Amendments by Parliament set out in two columns**

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

#### **Amendments by Parliament in the form of a consolidated text**

New text is highlighted in ***bold italics***. Deletions are indicated using either the **■** symbol or strikeout. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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## DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**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 2017<sup>1</sup>,
  - having regard to the opinion of the Committee of the Regions of ...,
  - having regard to Rule 59 of its Rules of Procedure,
  - having regard to the report of the Committee on Transport and Tourism (A8-0000/2017),
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.

### Amendment 1

#### Proposal for a decision

#### Recital 4

*Text proposed by the Commission*

(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

*Amendment*

(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

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<sup>1</sup> Not yet published in the Official Journal.

Union should be delegated to the Commission 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-Making. 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,

Union should be delegated to the Commission ***in respect of the specifications necessary to ensure the compatibility, interoperability and continuity for the development 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-Making. 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,

Or. en

## Amendment 2

### Proposal for a decision

#### Article 1 – paragraph 1

Directive 2010/40/EU

Article 12 – paragraph 1

*Text proposed by the Commission*

***In Article 12 of Directive 2010/40/EU, paragraph 1 is replaced by the following:***

1. The power to adopt the delegated acts ***referred to in Article 7 shall be conferred on the Commission for a period of five years from 27 August 2017. The delegation of power shall be tacitly extended for periods of an identical***

*Amendment*

Article 12 is replaced by the following:

1. The power to adopt delegated acts ***is conferred on the Commission subject to the conditions laid down in this Article.***

*duration, unless the European Parliament or the Council opposes such an extension no later than three months before the end of each period. The Commission shall draw up a report in respect of the delegation of power no later than nine months before the end of each five-year period.'*

2. *As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.*

3. *The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in Articles 13 and 14.*

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.*

3a. *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 on Better Law-Making of 13 April 2016.*

3b. *As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.*

3c. *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.*

Or. en

### **Amendment 3**

#### **Proposal for a decision**

#### **Article 1 – paragraph 1 a (new)**

Directive 2010/40/EU

Articles 13 and 14

*Text proposed by the Commission*

*Amendment*

*Articles 13 and 14 are deleted.*

Or. en

### **Amendment 4**

#### **Proposal for a decision**

#### **Article 1 – paragraph 1 b (new)**

Directive 2010/40/EU

Article 17 – paragraph 5

*Present text*

*Amendment*

*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

‘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**



necessary adaptations.’

*shall update the working program related to the actions under Article 6(3) of the Directive within 12 months after the date of the entry into force of Decision No .../.../EU and before each subsequent five-year extension of the power to adopt delegated acts in accordance with Article 12(2).’*

Or. en

## EXPLANATORY STATEMENT

### Background

Directive 2010/40/EU on the framework for the deployment of Intelligent Transport Systems in the field of road transport and for interfaces with other modes of transport (the ITS Directive) requires that specifications be adopted, through delegated acts, for actions in four priority areas. The ITS Directive was one of the first pieces of Union legislation stipulating the use of delegated acts and the power to adopt the delegated acts was conferred on the Commission for a limited period only, until 27 August 2017.

Five delegated acts have been adopted since the entry into force of the ITS Directive: on the harmonised provision for an interoperable EU-wide eCall; on data and procedures for the provision, where possible, of road safety-related minimum universal traffic information free of charge to users; on the provision of information services for safe and secure parking places for trucks and commercial vehicles; on the provision of EU-wide real-time traffic information services; and the provision of EU-wide multimodal travel information services.

The fifth delegated act has just been finalised with Member States' experts and addresses the provision of EU-wide multimodal travel information services. In addition to interoperability requirements for eCall, the datasharing mechanisms developed in these contexts are contributing significantly to the objectives of the Digital Single Market Strategy. The Commission is currently preparing an evaluation of the Directive that will also report on the implementation. It is scheduled to be completed in 2018.

### Purpose

The proposal for a Decision seeks to extend the delegation of power 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.

### Rapporteur views

Your rapporteur has assessed the proposal and recommends that the Commission Decision 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 0191 - 2017/0136 (COD) should be supported.

In the coming years, the digitalisation of transport in general and ITS in particular are expected to take a leap forwards. As part of the Digital Single Market Strategy, the European Commission aims to make more use of ITS solutions to achieve a more efficient management of the transport network for passengers and business. ITS will be used to improve journeys and operations on specific and combined modes of transport. The European Commission also works to set the ground for the next generation of ITS solutions, through the deployment of Cooperative-ITS, paving the way for automation in the transport sector.

In order that the Commission can adopt further specifications through delegated acts, your Rapporteur stresses it is essential that the delegation of power be extended. Furthermore, specifications that have already been adopted may need to be updated to reflect technological

progress or lessons learnt from their implementation in the Member States.

Several other actions, belonging to the scope of Directive 2010/40/EU, still need to be addressed by delegated acts. Not extending the delegation of power to the Commission would endanger the EU-wide integrated and coordinated deployment of interoperable ITS in road transport and their interfaces with other transport modes.

The Council is also proposing that the Commission proposal be adopted, with the introduction of some amendments to Article 1, which improve the wording in accordance with the Interinstitutional Agreement on Better Law-Making. Moreover, the Council asks for a regular update of the Commission working program related to the specifications ensuring compatibility, interoperability and continuity for the deployment and operational use of ITS for actions in the priority areas.

Your rapporteur agrees with the Council general approach and proposes the same changes as EP amendments. If these changes are adopted by Parliament, the Council could adopt the EP position at first reading without amendments. This would obviate the need for *trilogues*.