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*****I** **REPORT**

on the proposal for a directive of the European Parliament and of the Council amending Directive 95/50/EC as regards the implementing powers conferred on the Commission
(COM(2007)0509 – C6-0278/2007 – 2007/0184(COD))

Committee on Transport and Tourism

Rapporteur: Bogusław Liberadzki

Symbols for procedures

- * Consultation procedure
majority of the votes cast
- **I Cooperation procedure (first reading)
majority of the votes cast
- **II Cooperation procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- *** Assent procedure
*majority of Parliament's component Members except in cases
covered by Articles 105, 107, 161 and 300 of the EC Treaty and
Article 7 of the EU Treaty*
- ***I Codecision procedure (first reading)
majority of the votes cast
- ***II Codecision procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- ***III Codecision procedure (third reading)
majority of the votes cast, to approve the joint text

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

Amendments to a legislative text

In amendments by Parliament, amended text is highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the legislative text for which a correction is proposed, to assist preparation of the final text (for instance, obvious errors or omissions in a given language version). These suggested corrections are subject to the agreement of the departments concerned.

CONTENTS

	Page
DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION	5
EXPLANATORY STATEMENT	6
PROCEDURE.....	7

DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a directive of the European Parliament and of the Council amending Directive 95/50/EC as regards the implementing powers conferred on the Commission (COM(2007)0509 – C6-0278/2007 – 2007/0184(COD))

(Codecision procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2007)0509),
 - having regard to Article 251(2) and Article 71 of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C6-0278/2007),
 - having regard to Rule 51 of its Rules of Procedure,
 - having regard to the report of the Committee on Transport and Tourism (A6-0506/2007),
1. Approves the Commission proposal;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council and Commission.

EXPLANATORY STATEMENT

Directive 94/55/EC lays down uniform safety rules for the transport of dangerous goods by road. This Directive will be repealed and replaced by the forthcoming Directive on the inland transport of dangerous goods, on which Parliament adopted its first reading position on 5 September 2007. The procedures for checks to be carried out by Member States on the transport of dangerous goods by road are laid down in a separate piece of legislation, namely in Directive 95/50/EC.

In order to carry out the checks provided for in this Directive, Member States shall use the checklist in Annex I. Annex II contains a non-exhaustive list of infringements, in respect of which vehicles may be immobilized and required to be brought into conformity before continuing their journey. Each Member State shall send the Commission for each calendar year a report on the application of the Directive, drawn up in accordance with the model in Annex III.

Articles 9a and 9b of Directive 95/50/EC confer certain implementing powers to the Commission in respect of the adaptation of the Directive's Annexes to scientific and technical progress, taking into account possible amendments to Directive 94/55/EC. At present, the Commission exercises these delegated implementing powers in accordance with the so-called 'regulatory procedure', which allows it to proceed with decisions, even if the Parliament opposes them.

In July 2006 a new comitology procedure, the 'regulatory procedure with scrutiny', was introduced through a revision of Council Decision 1999/468/EC. The new procedure significantly increases the European Parliament's rights, as it may not only scrutinise a draft implementing measure, but also, under certain conditions, oppose a draft measure or propose amendments. The new procedure should be applied to measures of general scope designed to amend non-essential elements of a basic instrument adopted in accordance with the co-decision procedure.

Since the adaptation of the Annexes to Directive 95/50/EC must be considered as measures of a general scope designed to amend non-essential elements, the Commission proposes to bring the comitology provisions of the Directive in line with the above Council Decision and thus to replace the existing procedure ('regulatory procedure') by the new 'regulatory procedure with scrutiny'.

In your rapporteur's view, the Annexes touch upon the Directive's substance relating to procedures for compliance checks. Their adaptation would therefore need to be closely scrutinised by Parliament. Your rapporteur thus welcomes the Commission's proposal and suggests that it be approved without amendment.

PROCEDURE

Title	Amendment of Directive 95/50/EC as regards the implementing powers conferred on the Commission
References	COM(2007)0509 - C6-0278/2007 - 2007/0184(COD)
Date submitted to Parliament	11.9.2007
Committee responsible Date announced in plenary	TRAN 24.9.2007
Rapporteur(s) Date appointed	Bogusław Liberadzki 9.10.2007
Discussed in committee	21.11.2007
Date adopted	18.12.2007
Result of final vote	+: 41 -: 0 0: 0
Members present for the final vote	Gabriele Albertini, Inés Ayala Sender, Etelka Barsi-Pataky, Jean-Louis Bourlanges, Paolo Costa, Michael Cramer, Luis de Grandes Pascual, Arūnas Degutis, Christine De Veyrac, Petr Duchoň, Saïd El Khadraoui, Emanuel Jardim Fernandes, Mathieu Grosch, Georg Jarzembowski, Stanisław Jałowiecki, Dieter-Lebrecht Koch, Rodi Kratsa-Tsagaropoulou, Sepp Kusstatscher, Jörg Leichtfried, Bogusław Liberadzki, Eva Lichtenberger, Marian-Jean Marinescu, Robert Navarro, Willi Piecyk, Paweł Bartłomiej Piskorski, Luís Queiró, Reinhard Rack, Brian Simpson, Renate Sommer, Dirk Sterckx, Ulrich Stockmann, Silvia-Adriana Țicău, Yannick Vaugrenard, Armando Veneto, Roberts Zīle
Substitute(s) present for the final vote	Luigi Cocilovo, Nathalie Griesbeck, Zita Gurmai, Lily Jacobs, Vladimír Remek, Leopold Józef Rutowicz