P8_TA(2019)0139

Electronic freight transport information ***I


(Ordinary legislative procedure: first reading)

The European Parliament,

– having regard to the Commission proposal to Parliament and the Council (COM(2018)0279),

– having regard to Article 294(2) and Articles 91, 100(2) and 192(1) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0191/2018),

– 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 17 October 2018,

– after consulting the European Committee of the Regions,

– having regard to Rules 59 of its Rules of Procedure,

– having regard to the report of the Committee on Transport and Tourism (A8-0060/2019),

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.

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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 Article 91, Article 100(2) and Article 192(1) 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 Committee\(^2\),

After consulting the Committee of the Regions,

Acting in accordance with the ordinary legislative procedure\(^3\),


Whereas:

(1) The efficiency of freight transport and logistics is vital for the growth and competitiveness of the Union economy, the functioning of the internal market and the social and economic cohesion of all regions of the Union. [Am. 1]

(1a) The purpose of this Regulation is to reduce the costs of processing transport information between authorities and economic operators, to improve the enforcement capabilities of the authorities and to encourage the digitalisation of the freight transport and logistics. [Am. 2]

(2) The movement of goods is accompanied by a large amount of information which is still exchanged in paper format, among businesses and between businesses and the public authorities. The use of paper documents represents a significant administrative burden and an additional cost for logistic operators and related industries (such as trade and manufacturing), in particular for SMEs, and has a negative impact on the environment. [Am. 3]
Effective and efficient enforcement of the rules is a prerequisite for fair competition in the internal market. Further digitalisation of enforcement tools is essential in order to free up enforcement capacity, reduce unnecessary administrative burdens on international transport operators and in particular SMEs, better target high-risk transport operators and detect fraudulent practices. This digital, "smart" enforcement necessitates all relevant information to become paperless and be available for competent authorities in electronic form. Therefore, the use of electronic transport documents should in the future become the rule. Furthermore, in order to provide enforcement officials, including those performing roadside checks, with a clear and complete overview of the transport operators being checked, they should have direct and real-time access to all relevant information, so as to be able to detect infringements and abnormalities quicker and more efficiently. [Am. 4]
The absence of a uniform legal framework at Union level requiring public authorities to accept relevant freight transport information, required by legislation, in electronic form, is considered to be the main reason for the lack of progress towards the simplification and greater efficiency made possible by available electronic means. The lack of acceptance by public authorities of information in electronic form affects not only ease of communication between them and operators but, indirectly, also hampers the development of simplified business-to-business electronic communication across the Union and will lead to an increase in administrative costs, especially for SMEs. [Am. 5]

Some areas of Union transport law require competent authorities to accept digitised information, but this concerns by far not all relevant Union legislation. To reduce administrative burdens and to make controls and countering infringements more efficient, it should always be possible to use electronic means to make regulatory information on freight transport available to the authorities throughout the territory of the Union and in respect of all relevant phases of transport operations conducted within the Union. Furthermore, that possibility should apply to all regulatory information, in all transport modes. Member States should accept electronic transport documents in general, and ratify and apply the e-CMR protocol without delay. Therefore, authorities should communicate electronically with the economic operators concerned as regards regulatory information and make their own data digitally available, in line with applicable law. [Am. 6]
Member States’ authorities should therefore be required to accept information made available electronically whenever economic operators are obliged to make information available as proof of compliance with requirements laid down in Union acts adopted in accordance Title VI of Part Three of the Treaty or, given the similarity of the situations, with Union legislation on the shipments of waste. The same should apply where a Member State’s national legislation dealing with matters governed by Title VI of Part Three of the Treaty requires the provision of regulatory information identical, in whole or in part, to information to be provided under such Union legislation.

In order to reduce administrative burden and to free up scarce enforcement capacity, economic operators should be required to provide electronically regulatory information to Member States’ competent authorities and Member States’ competent authorities should communicate electronically with the economic operators concerned as regards the provision of regulatory information. [Am. 7]
Since this Regulation is only intended to facilitate and encourage the provision of information between economic operators and administrative bodies, specifically, by electronic means, it should not affect the provisions of Union or national law determining the content of regulatory information and, in particular, should not impose any additional regulatory information requirements. While Since this Regulation is intended to allow compliance with regulatory information requirements through electronic means rather by means of paper documents, it should enable the development of European Platforms in order to exchange and easily share the information. It should not otherwise affect the relevant Union provisions on requirements regarding the documents to be used for the structured presentation of the information in question. The provisions of Union legislation on shipments of waste containing procedural requirements for the shipments as should equally remain unaffected by this Regulation. This Regulation should also be without prejudice to the provisions on reporting obligations set out in Regulation (EU) No 952/2013 of the European Parliament and of the Council or in implementing or delegated acts adopted under its terms. However, the Commission should assess if the provisions regarding the content of regulatory information requirements regarding the transport of goods on the territory of the Union need to be adapted in order to improve the enforcement capabilities of the competent authorities. [Am. 8]

(7) The use of electronic means for the exchange of information in accordance with this Regulation should be organised in a way that ensures security and respects the confidentiality of sensitive commercial information.

(8) In order to enable operators to provide relevant information in electronic form in the same way in all Member States, it is necessary to rely on common specifications, to be adopted by the Commission. Those specifications should ensure data interoperability for the various data sets and subsets concerning the relevant regulatory information, and determine common procedures and detailed rules for access and processing of that information by the competent authorities.
In defining those specifications, due account should be taken of relevant data exchange specifications laid down in relevant Union law, and in relevant European and international standards for multimodal data exchange, including the GDPR provisions. Investments made by economic operators and therefore already existing mode specific data models should also be taken into account, as well as the principles and recommendations set out in the European Interoperability Framework\(^5\), which provides an approach to the delivery of European digital public services commonly agreed by the Member States. Furthermore, the proper engagement of all relevant stakeholders is important in the development and preparation of those specifications. Due care should also be taken that these specifications remain technology neutral and open to innovative technologies. [Am. 9]

This Regulation should establish the functional requirements applicable to information and communication technology based platforms which could be used by economic operators to make available the regulatory freight transport information in electronic format (eFTI) to the competent authorities (eFTI platforms). Conditions should also be established for third party eFTI platform services providers (eFTI services providers).

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To build the confidence of both the Member States authorities and the economic operators as regards the compliance of the eFTI platforms and eFTI services providers with those requirements, the Member States competent authorities should put in place a certification system underpinned by accreditation in accordance with Regulation (EC) No 765/2008 of the European Parliament and of the Council. Due to the relatively long implementation period the Commission should assess if technologies like the blockchain technology could guarantee a similar result as the certification system while substantially bringing down costs for economic operators and Member States. [Am. 10]

In order to ensure uniform conditions for the implementation of the obligation to accept the regulatory information made available in electronic format pursuant to this Regulation, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council. [Am. 11]

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In particular, implementing powers should be conferred on the Commission to establish a common data set and subsets in relation to the respective regulatory information requirements covered by this Regulation, as well as common procedures and detailed rules for competent authorities for the access to and processing of that information where the economic operators concerned make this information available electronically, including detailed rules and technical specifications. [Am. 12]

Implementing powers should also be conferred on the Commission to establish detailed rules for the implementation of the requirements for eFTI platforms and for eFTI services providers. [Am. 13]

In order to ensure the proper application of this Regulation, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission:

– to amend Part B of Annex I, in order to incorporate the lists of regulatory information requirements in Member States’ legislation notified to the Commission by the Member States in accordance with this Regulation;
– to amend Part A of Annex I to take into account any delegated or implementing acts adopted by the Commission which establish new Union regulatory information requirements in relation to the transport of goods;

– to amend Part B of Annex I to incorporate any new provision of relevant national legislation which introduces changes to the national regulatory information requirements, or lays down new relevant regulatory information requirements falling under the scope of this Regulation notified to the Commission by the Member States in accordance with this Regulation;

– to supplement certain technical aspects of this Regulation, namely as regards the rules for certification of eFTI platforms and eFTI services providers;

– to establish common procedures, technical specifications and detailed rules for competent authorities for the access to and processing of the respective information requirements covered by this Regulation, as well as detailed rules for the implementation of the requirements for eFTI platforms and for eFTI services providers. [Am. 14]
(16) 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-Making⁸. 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.

(17) Since the objectives of this Regulation, namely to ensure a uniform approach to acceptance by Member State authorities of freight transport information made available electronically, cannot be sufficiently achieved by the Member States but can rather, by reason of the need to establish common requirements, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.

(18) Processing by electronic means of personal data required as part of freight transport regulatory information should be carried out in accordance with Regulation (EU) 2016/679 of the European Parliament and of the Council.

(19) The Commission should carry out an evaluation of this Regulation. Information should be collected in order to inform this evaluation, and to assess the performance of the legislation against the objectives it pursues.

(20) This Regulation cannot be effectively applied before the delegated and implementing acts provided for in it have entered into force. This Regulation should therefore apply with effect from ... [please insert the date], in order to give the Commission time to adopt those acts.

(20a) The Commission should start immediately to work on the necessary delegated acts in order to avoid further delays and to ensure that economic operators and Member States have enough time to prepare. [Am. 15]

(21) The European Data Protection Supervisor was consulted in accordance with Article 28(2) of Regulation (EC) No 45/2001 of the European Parliament and of the Council and delivered an opinion on ... [please insert the date],

HAVE ADOPTED THIS REGULATION:

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Chapter I
General provisions

Article 1
Subject matter and scope

1. This Regulation establishes a legal framework for the electronic communication of regulatory information related to the transport of goods on the territory of the Union, including its interoperability. For that purpose, this Regulation: [Am. 16]

(a) lays down the conditions under which Member States’ competent authorities are required to accept regulatory information when made available provided electronically by economic operators concerned; [Am. 17]

(aa) lays down the conditions under which the economic operators concerned are required to make regulatory information electronically available to the Member States’ competent authorities; [Am. 18]

(ab) lays down the conditions under which Member States’ competent authorities have to communicate electronically with the economic operators concerned as regards the provision of regulatory information; [Am. 19]

(b) lays down rules for the provision of services related to making regulatory information available electronically by the economic operators concerned.
2. This Regulation applies to regulatory information requirements set out in Union acts laying down the conditions for the transport of goods on the territory of the Union in accordance with Title VI of Part Three of the Treaty, or laying down the conditions for the shipments of waste and regulatory information requirements for the transport of goods set out in international conventions applicable in the Union. In respect of the shipment of waste, this Regulation does not apply to controls by customs offices, as provided for in the applicable Union provisions. The Union acts to which this Regulation applies and the corresponding regulatory information requirements are listed in part A of Annex I. [Am. 20]

This Regulation also applies to regulatory information requirements set out in Member States’ law dealing with matters governed by Title VI of Part Three of the Treaty and requiring the provision of information identical, in whole or in part, to the information to be provided pursuant to regulatory information requirements referred to in the first subparagraph.

The national legislation and the corresponding regulatory information requirements referred to in the second subparagraph shall be listed in part B of Annex I, in accordance with the procedure set out in Article 2(b).
3. By ... [one year from the date of entry into force of this Regulation] at the latest, the Member States shall notify the Commission of the provisions of national legislation and corresponding regulatory information requirements referred to in the second subparagraph of paragraph 2, to be included in part B of Annex I. The Member States shall also notify the Commission of any new provision of national legislation subsequently adopted, covered by the second subparagraph of paragraph 2, and which introduces changes to those regulatory information requirements or lays down new relevant regulatory information requirements, within a month from the adoption of such provision.

Article 2
Adaptation of Annex I

The Commission is empowered to adopt delegated acts in accordance with Article 13, concerning the amendment of Annex I in order to:

(a) include a reference to any delegated or implementing acts adopted by the Commission, which establish new regulatory information requirements in relation to Union legal acts governing the transport of goods in accordance with Title VI of Part Three of the Treaty;
(b) incorporate references to national legislation and regulatory information requirements notified by Member States in accordance with Article 1(3);

(ba) incorporate references to other Union legal acts governing the transport of goods, which establish regulatory information requirements; [Am. 21]

(bb) incorporate references to international conventions applicable in the Union establishing regulatory information requirements directly or indirectly related to the transport of goods. [Am. 22]

Article 3
Definitions

For the purposes of this Regulation, the following definitions apply:

(1) 'regulatory information' means information, whether or not presented as a document, related to transport of cargo in the territory of the Union, including by way of transit, which is to be made available by an economic operator concerned in accordance with the provisions referred to in Article 1(2) in order to prove compliance with the relevant requirements of the acts concerned;
(2) 'regulatory information requirement' means a requirement to provide regulatory information;

(3) 'electronic freight transport information' (eFTI) means any set of data elements processed on electronic support for purposes of exchanging regulatory information between the economic operators concerned and with the competent public authorities;

(4) ‘processing’ means any operation or set of operations performed on eFTI, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction;

(5) ‘eFTI platform’ means any information and communication technology (ICT) based solution, such as an operating system, an operating environment, or a database, intended to be used for the processing of eFTI;

(6) ‘eFTI platform developer’ means any natural or legal person which has developed or acquired an eFTI platform either for purposes of processing of regulatory information related to its own economic activity, or for putting that platform on the market;
(7) 'eFTI service' means a service consisting of eFTI processing by means of an eFTI platform, alone or in combination with other ICT solutions, including other eFTI platforms;

(8) ‘eFTI service provider’ means any natural or legal person which provides an eFTI service to economic operators concerned on the basis of a contract;

(9) ‘economic operator concerned’ means any transport or logistic operator, or any other natural or legal person, who is responsible for making regulatory information available to the competent authorities in accordance with the relevant regulatory information requirement;

(10) 'human-readable format' means a way of representation of the data in electronic form that can be used as information by a natural person without requiring any further processing;

(11) 'machine-readable format' means a way of representation of the data in electronic form that can be used for automatic processing by a machine;

(12) ‘conformity assessment body’ means a conformity assessment body within the meaning of point 13 of Article 2 of Regulation (EC) No 765/2008, which is accredited in accordance with that Regulation to carry out conformity assessment of an eFTI platform or an eFTI service provider.
Chapter II

Regulatory information made available electronically

Article 4

Requirements for the economic operators concerned [Am. 23]

1. Economic operators concerned shall make regulatory information available electronically. They shall do so on the basis of data processed in a certified eFTI platform, in accordance with Article 8, and, if applicable, by a certified eFTI service provider, in accordance with Article 9. The regulatory information shall be made available in machine-readable format and, at the request of the competent authority, in human-readable format. [Am. 24]

Information in machine-readable format shall be made available via an authenticated, interoperable and secure connection to the data source of an eFTI platform. Economic operators concerned shall communicate the Internet address via which the information can be accessed, together with any other elements that are necessary to allow the competent authority to uniquely identify the regulatory information. [Am. 25]

Information in human-readable format shall be made available on the spot, on the screen of electronic devices owned by the economic operator concerned or by the competent authorities.
2. The Member States shall take measures to enable their competent authorities to process
regulatory information made available by the economic operators concerned in machine-
readable format pursuant to the second subparagraph of paragraph 1, in accordance with
the provisions established by the Commission pursuant to Article 7.

Article 5
Acceptance and provision of regulatory information by competent authorities [Am. 26]

Member States’ competent authorities shall accept regulatory information made available
electronically by the economic operators concerned in accordance with Article 4.

Member States’ competent authorities shall communicate with the economic operators
concerned concerning regulatory information electronically. [Am. 27]

Article 6
Confidential commercial information

The competent authorities, eFTI services providers and economic operators concerned shall take
measures to ensure confidentiality of commercial information processed and exchanged in
accordance with this Regulation.
Article 7
Common eFTI data set, procedures and rules for access

The Commission shall \textit{is empowered to adopt delegated acts in accordance with Article 13, in order to} establish the following by means of implementing acts: \[\text{Am. 28}\]

(a) a common eFTI data set and subsets in relation to the respective regulatory information requirements, including corresponding definitions for each data element included in the common data set and subsets;

(b) common procedures and detailed rules, including common technical specifications, for competent authorities' access to eFTI platforms, including procedures for processing of regulatory information made available electronically by the economic operators concerned;

(ba) common procedures and detailed rules for validating the identity of any natural person or legal entity issuing legally binding statements hereunder. \[\text{Am. 29}\]

Existing, standardised data models and data sets identified in international conventions that are applicable in the Union shall be used as a reference for defining these common eFTI data, procedures and rules for access. \[\text{Am. 30}\]

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 14(2). \[\text{Am. 31}\]
The eFTI platforms shall be governed by the general principles of technological neutrality as well as interoperability. The eFTI platforms used for processing regulatory information shall provide functionalities that ensure that: [Am. 32]

(a) personal data can have to be processed in accordance with Regulation (EU) 2016/679; [Am. 33]

(b) commercial data can have to be processed in accordance with Article 6; [Am. 34]

(ba) eFTI platforms and the data contained therein are interoperable; [Am. 35]

(c) a unique electronic identifying link can be established between the data processed and the physical shipment of a determined set of goods to which that data is related, from origin to destination, under the terms of a single transport contract, irrespective of the quantity or number of containers, packages, or pieces or consignment note; [Am. 36]
(d) data can be processed solely on the basis of authorised and authenticated access;

(e) all processing operations are duly recorded in order to allow, at a minimum, the identification of each distinct operation, the natural or legal person having made the operation and the sequencing of the operations on each individual data element; if an operation involves modifying or erasing an existing data element, the original data element shall be preserved;

(ea) **competent authorities have immediate access to all relevant information, as provided for in national or Union legislation, in order to ensure public order and compliance with Union legal acts governing the transport of goods in accordance with Title VI of Part Three of the Treaty;** [Am. 37]

(f) data can be archived and remain accessible for an appropriate period of time, in accordance with the relevant regulatory information requirements;

(g) data is protected against corruption and theft;

(h) the data elements processed correspond to the common eFTI data set and subsets, and can be processed in any of the official languages of the Union or co-official in a Member State. [Am. 38]
1a. There shall be a standardised eFTI format which includes all regulatory information requirements listed in part A of Annex 1 and all regulatory information requirements listed in part B of Annex 1 under a designated and distinct section of the eFTI format listed by Member States. [Am. 39]

2. The Commission shall be empowered to adopt, by means of implementing acts, delegated acts in accordance with Article 13, in order to establish detailed rules regarding the requirements laid down in paragraph 1. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 14(2). [Am. 40]

Article 9
Requirements for eFTI service providers

1. eFTI service providers shall ensure that:

(a) data is processed only by authorised users and according to clearly defined user role and processing rights within the eFTI platform, in accordance with the relevant regulatory information requirements;

(aa) data is interoperable; [Am. 41]
(b) data is stored and accessible for an appropriate period of time, **four years**, in accordance with the relevant regulatory information requirements; [Am. 42]

(c) **competent** authorities have immediate access to regulatory information concerning a freight transport operation processed by means of their eFTI platforms, when this access is given to the **competent** authorities by an economic operator concerned; [Am. 43]

(d) data is appropriately secured, including against unauthorised or unlawful processing and against accidental loss, destruction or damage.

2. The Commission shall **is empowered to** adopt, by means of implementing acts, **delegated acts in accordance with Article 13, in order to establish** detailed rules regarding the requirements laid down in paragraph 1. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 14(2). [Am. 44]
Section 3
Certification

Article 10
Conformity assessment bodies

1. Conformity assessment bodies shall be accredited according to Regulation (EC) No 765/2008 for the purposes of performing the certification of eFTI platforms and service providers as set out in Articles 11 and 12 of this Regulation.

2. For the purposes of accreditation, a conformity assessment body shall meet the requirements laid down in Annex II.

3. Member States shall maintain an updated list of the accredited conformity assessment bodies, and of the eFTI platforms and eFTI service providers certified by those bodies in accordance with Articles 11 and 12. They shall make that list publicly available on an official government Internet website. The list shall be regularly updated without delay each time a change to the information that it contains occurs, and at the latest by 31 March [May] each year. [Am. 45]
4. By 31 March each year, Member States shall submit the lists referred to in paragraph 3 to the Commission, together with the address of the website where those lists have been published. The Commission shall publish a link to those website addresses on its official webpage. [Am. 46]

Article 11
Certification of eFTI platforms

1. Upon request of an eFTI platform developer conformity assessment bodies shall assess the compliance of the eFTI platform with the requirements laid down in Article 8(1). If the assessment is positive, a compliance certificate shall be issued. If the assessment is negative, the compliance assessment body shall inform the applicant why the platform does not comply with those requirements.

1a. Certification shall be performed in an independent manner to avoid distortions of competition. Compliance shall be ensured with existing, standardised platforms identified in international conventions that are applicable in the Union. [Am. 47]
1b. *Existing IT systems, that are currently used by economic operators in the transport sector to provide regulatory information and that meet the functional requirements laid down in Article 8(1), shall be certified as eFTI-platforms.* [Am. 48]

2. Conformity assessment bodies shall maintain an up to date list of certified eFTI platforms and of those that received a negative assessment. The updated list shall be transmitted to the competent authorities concerned each time a certificate or a negative assessment is issued.

3. Information made available to competent authorities by means of a certified eFTI platform shall be accompanied by a certification mark.

4. The eFTI platform developer shall apply for a reassessment of its certification if the technical specifications adopted in the implementing acts referred to in Article 7(2) are revised.

5. The Commission is empowered to adopt delegated acts in accordance with Article 13 to supplement this Regulation with rules on certification, use of the certification mark and renewal of the certification of eFTI platforms.
Article 12
Certification of eFTI service providers

1. Upon request of an eFTI service provider, a conformity assessment body shall assess the compliance of the eFTI service provider with the requirements laid down in Article 9(1). If the assessment is positive, a compliance certificate shall be issued. If the assessment is negative, the compliance assessment body shall inform the applicant why the provider does not comply with those requirements.

2. Conformity assessment bodies shall maintain an up to date list of the certified eFTI service providers and of those that received a negative assessment. The updated list shall be made available to the competent authorities concerned each time a certificate or a negative assessment is issued.

3. The Commission is empowered to adopt delegated acts in accordance with Article 13 to supplement this Regulation with rules on certification of eFTI service providers.
Chapter IV
Delegations of power and implementing provisions

Article 13
Exercise of the delegation

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

2. The power to adopt delegated acts referred to in Article 2, Article 7, Article 8(2), Article 9(2), Article 11(5) and Article 12(3) shall be conferred on the Commission for an indeterminate period of time from ... [date of entry into force of this Regulation]. [Am. 49]

3. The delegation of power referred to in Article 2, Article 7, Article 8(2), Article 9(2), Article 11(5), Article 12(3) 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. [Am. 50]
4. 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. **Article 2 shall apply from one year after their entry into force.** [Am. 51]

4a. **Before adopting a delegated act, the Commission shall ensure the consultation of the stakeholders concerned and their representative bodies in the appropriate fora, namely via the group of experts established by Commission Decision C(2018)5921 of 13.09.2018 (‘Digital Transport and Logistics Forum’).** [Am. 52]

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

6. A delegated act adopted pursuant to Article 2, Article 10(5) and Article 11(3) shall enter into force only if no objection has been expressed either by the European Parliament or 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.
Article 14

Committee procedure

1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.\[Am. 53\]

Chapter V

Final provisions

Article 15

Review

1. By ... [five three years from the date of application of this Regulation] at the latest the Commission shall carry out an evaluation of this Regulation and present a report on the main findings to the European Parliament, the Council and the European Economic and Social Committee. This evaluation shall in particular examine the possibility of extending the scope of this Regulation to certain business-to-business information that is necessary to prove compliance with the relevant requirements in the Union legal acts governing the transport of goods in accordance with Title VI of Part Three of the Treaty.\[Am. 54\]
2. Member States shall provide the Commission with the information necessary for the preparation of that Report.

Article 16

Monitoring

The Member States shall provide the following information to the Commission every two years and for the first time by ... [two years from the date of application of this Regulation] at the latest:

1. the number of competent authorities which have implemented measures to access and process information made available by economic operators concerned in accordance with Article 4(2);

2. the number of economic operators concerned which have made regulatory information available to the Member State’s competent authorities in accordance with Article 4(1), broken down by transport mode.

The information shall be provided for each year covered by the reporting period.
Article 17
Entry into force and application

This Regulation shall enter into force on the twentieth day following that of its publication in the
Official Journal of the European Union.

It shall apply from ... [three years from the entry into force of this Regulation]. [Am. 55]

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at ..., 

For the European Parliament  For the Council
The President  The President
ANNEX I

REGULATORY INFORMATION FALLING UNDER THE SCOPE OF THIS REGULATION

Regulatory information requirements laid down in Union law

The table below includes the regulatory information requirements set out in Union acts laying down the conditions for the transport of goods on the territory of the Union in accordance with Title VI of Part Three of the Treaty as well as the conditions for the shipments of waste:

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[12] References to ADR, RID and ADN must be understood within the meaning of Article 2(1), 2(2) and 2(3) of Directive 2008/68/EC. The numbers referred to are those of the respective Annexes to ADR, RID and ADN.
| Nature and weight of the goods | Article 6.1 | Article 3  
(reference to Article 6 of Council Regulation No 11) |
| Place and date of acceptance of the goods for transport | Article 6.1 | Article 3  
(reference to Article 6 of Council Regulation No 11) |
| Place at which the goods are to be delivered | Article 6.1 | Article 3  
(reference to Article 6 of Council Regulation No 11) |
| Route to be taken, or distance to be travelled, if these factors justify a rate different from that normally applicable | Article 6.1 | Article 3  
(reference to Article 6 of Council Regulation No 11) |
| Frontier crossing points, where appropriate | Article 6.1 | Article 3  
(reference to Article 6 of Council Regulation No 11 of 27 June 1960) |
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<td>Stamp affixed by the rail or port authorities in the railway stations or inland waterway or sea ports concerned when that part of the journey carried out by rail or inland waterway or by sea has been completed</td>
<td>Article 3</td>
</tr>
</tbody>
</table>

- **[Name, address, contact details and signature of the shipper]**
  - [Article 3.2(a) (replacing article 3 Council Directive 92/106/EEC)]

- **[Place and date where combined transport operations begins in the Union]**
  - [Article 3.2(b) (replacing article 3 Council Directive 92/106/EEC)]

- **[Name, address and contact details of the consignee]**
  - [Article 3.2(c) (replacing article 3 Council Directive 92/106/EEC)]
<table>
<thead>
<tr>
<th>[Place and date where combined transport operations ends in the Union]</th>
<th>[Article 3.2(d) (replacing article 3 Council Directive 92/106/EEC)]</th>
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<tr>
<td>[Distance as the crow flies between the place where the combined transport operation begins and the place where the combined transport operations ends in the Union]</td>
<td>[Article 3.2(e) (replacing article 3 Council Directive 92/106/EEC)]</td>
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<td>[A description, signed by the shipper, of the combined transport operation routing including at least the following details for each leg, including for each mode of transport which constitutes the non-road leg, of the operation within the Union: (i) leg order (i.e. first leg, non-road leg or final leg); (ii) name, address and contact details of the carrier; (iii) mode of transport and its order in the operation.]</td>
<td>[Article 3.2(f) (replacing article 3 Council Directive 92/106/EEC)]</td>
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<tr>
<td>[Identification of the intermodal load unit transported]</td>
<td>[Article 3.2(g) (replacing article 3 Council Directive 92/106/EEC)]</td>
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| For the initial road transport leg:  
| (i) the place of transhipment to the non-road leg;  
| (ii) the distance of the initial road transport leg as the crow flies between the place of shipment and the first transhipment terminal;  
| (iii) if the initial road leg is completed, a signature of the carrier confirming that the transport operation of the road leg has been carried out | Article 3.2(h)  
| For the final road transport leg:  
| (i) the place where the goods are taken [over] from the non-road leg (rail, inland waterways or maritime transport);  
| (ii) the distance of the final road transport leg as the crow flies between the place of transhipment and the place where the combined transport operation ends in the Union); | Article 3.2(i)  
| For the non-road leg:  
| (i) if the non-road leg is completed, a signature of the carrier (or carriers in the case of two or more non-road operations on the non-road leg) confirming that the transport operation on the non-road leg has been carried out;  
| (ii) when available, a signature or seal of the relevant rail or port authorities in the relevant terminals (railway station or port) concerned along the non-road leg operation confirming that the relevant part of the non-road leg has been completed. | Article 3.2(j)  
| Name, address and signature of the sender | Article 8.3(a)  
[Article 8.3(a) (no changes proposed)] |
<p>| <strong>Name, address and signature of the haulier</strong> | Article 8.3(b) | [Article 8.3(b) (no changes proposed)] |
| The name and address of the consignee as well as his signature and the date of delivery once the goods have been delivered | Article 8.3(c) | [Article 8.3(c) (no changes proposed)] |
| The place and date of taking over the goods and the place designated for delivery | Article 8.3(d) | [Article 8.3(d) (no changes proposed)] |
| The description in common use of the nature of the goods and the method of packing, and, in the case of dangerous goods, their generally recognised description, as well as the number of packages and their special marks and numbers | Article 8.3(e) | [Article 8.3(e) (no changes proposed)] |
| The gross mass of the goods or their quantity otherwise expressed | Article 8.3(f) | [Article 8.3(f) (no changes proposed)] |
| The number plates of the motor vehicle and trailer | Article 8.3(g) | [Article 8.3(g) (no changes proposed)] |
| Unique alphanumeric identifier of the regulated agent as received from the appropriate authority | | Annex 6.3.2.6(a) |</p>
<table>
<thead>
<tr>
<th>A unique identifier of the consignment, such as the number of the (house or master) air waybill</th>
<th>Annex 6.3.2.6(b)</th>
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<tbody>
<tr>
<td>The content of the consignment (**</td>
<td>Annex 6.3.2.6(c)</td>
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</table>
| The security status of the consignment, stating:  
- 'SPX', meaning secure for passenger, all-cargo and all-mail aircraft, or  
- 'SCO', meaning secure for all-cargo and all-mail aircraft only, or  
- 'SHR', meaning secure for passenger, all-cargo and all-mail aircraft in accordance with high risk requirements | Annex 6.3.2.6(d) |
| The reason that the security status was issued, stating:  
- 'KC', meaning received from known consignor, or  
- 'AC', meaning received from account consignor, or  
- 'RA', meaning selected by a regulated agent, or  
- The means or method of screening used, or  
- The grounds for exempting the consignment from screening | Annex 6.3.2.6(e) |
| The name of the person who issued the security status, or an equivalent identification, and the date and time of issue | Annex 6.3.2.6(f) |
| The unique identifier received from the appropriate authority, of any regulated agent who has accepted the security status given to a consignment by another regulated agent | Annex 6.3.2.6(g) |
| General information required in the transport document | 5.4.1.1.1 |
| General information required for carriage in tank vessels | 5.4.1.1.2 – ADN only |
| Specific information required to be included for certain types of dangerous goods, or certain means of containment, or in case of a transport chain including different modes of transport, according to special provisions in Chapter 5.4 of the respective Annexes to ADR, RID and ADN | 5.4.1.1.3 to 5.4.1.1.21 – ADR and RID 5.4.1.1.3 to 5.4.1.1.22 – ADN |
| Additional and special information required for certain classes of dangerous goods | 5.4.1.2 |
| Non Dangerous Goods | 5.4.1.5 |
| Container packing certificate | 5.4.2 |
| Instructions in writing | 5.4.3 |
| Information contained in the notification document for shipments of waste that are subject to the procedure of prior written notification and consent pursuant to Article 4 of Regulation (EC) No 1013/2006 | Annex IA |
| Information contained in the movement document for shipments of waste that are subject to the procedure of prior written notification and consent pursuant to Article 4 of Regulation (EC) No 1013/2006 | Annex IB |
| Information contained in the document accompanying the shipments of waste that are subject to the general information requirements of Article 16 of Regulation (EC) No 1013/2006 | Annex VII |
The table below lists the relevant Member States’ national legislation dealing with matters governed by Title VI of Part Three of the Treaty and requiring the provision of information identical, in whole or in part, to the information specified in point A of this Annex.

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<tr>
<td>[Information item as specified in the respective legal act article]</td>
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Another Member State

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ANNEX II
REQUIREMENTS RELATING TO NOTIFIED BODIES

1. For the purposes of notification, a conformity assessment body shall meet the requirements laid down in paragraphs 2 to 11.

2. A conformity assessment body shall be established under national law of a Member State and have legal personality.

3. A conformity assessment body shall be a third-party body independent of the organisation or the eFTI platform or platform service provider it assesses.

   A body belonging to a business association or professional federation representing undertakings involved in the design, manufacturing, provision, assembly, use or maintenance of eFTI platform or platform service provider which it assesses may, on condition that its independence and the absence of any conflict of interest are demonstrated, be considered such a body.

4. A conformity assessment body, its top level management and the personnel responsible for carrying out the conformity assessment tasks shall not be the designer, manufacturer, supplier, installer, purchaser, owner, user or maintainer of the eFTI platform or platform service provider which they assess, nor the representative of any of those parties.
A conformity assessment body, its top level management and the personnel responsible for carrying out the conformity assessment tasks shall not be directly involved in the design, manufacture or construction, the marketing, installation, use or maintenance of that eFTI platform or platform service provider, or represent the parties engaged in those activities. They shall not engage in any activity that may conflict with their independence of judgement or integrity in relation to conformity assessment activities for which they are notified. This shall in particular apply to consultancy services.

Conformity assessment bodies shall ensure that the activities of their subsidiaries or subcontractors do not affect the confidentiality, objectivity or impartiality of their conformity assessment activities.

5. Conformity assessment bodies and their personnel shall carry out the conformity assessment activities with the highest degree of professional integrity and the requisite technical competence in the specific field and shall be free from all pressures and inducements, particularly financial, which might influence their judgement or the results of their conformity assessment activities, especially as regards persons or groups of persons with an interest in the results of those activities.
6. A conformity assessment body shall be capable of carrying out all the conformity assessment tasks assigned to it by Articles 12 and 13 in relation to which it has been notified, whether those tasks are carried out by the conformity assessment body itself or on its behalf and under its responsibility.

At all times and for each certification procedure in relation to which it has been notified, a conformity assessment body shall have at its disposal the necessary:

(a) personnel with technical knowledge and sufficient and appropriate experience to perform the conformity assessment tasks;

(b) descriptions of procedures in accordance with which conformity assessment is carried out, ensuring the transparency and the ability of reproduction of those procedures. It shall have appropriate policies and procedures in place that distinguish between tasks it carries out as a notified body and other activities;

(c) procedures for the performance of activities which take due account of the size of an undertaking, the sector in which it operates, its structure and the degree of complexity of the technology in question.

A conformity assessment body shall have the means necessary to perform the technical and administrative tasks connected with the conformity assessment activities in an appropriate manner.
7. The personnel responsible for carrying out conformity assessment tasks shall have the following:

(a) sound technical and vocational training covering all the conformity assessment activities in relation to which the conformity assessment body has been notified;

(b) satisfactory knowledge of the requirements of the assessments they carry out and adequate authority to carry out those assessments;

(c) appropriate knowledge and understanding of the requirements set out in Article 9;

(d) the ability to draw up compliance certificates, records and reports demonstrating that assessments have been carried out.

8. The impartiality of the conformity assessment bodies, their top level management and of the personnel responsible for carrying out the conformity assessment tasks shall be guaranteed.

The remuneration of the top level management and personnel responsible for carrying out the conformity assessment tasks of a conformity assessment body shall not depend on the number of assessments carried out or on the results of those assessments.
9. Conformity assessment bodies shall take out liability insurance unless liability is assumed by the State in accordance with national law, or the Member State itself is directly responsible for the conformity assessment.

10. The personnel of a conformity assessment body shall observe professional secrecy with regard to all information obtained in carrying out their tasks under Articles 12 and 13 or any provision of national law giving effect to them, except in relation to the competent authorities of the Member State in which its activities are carried out. Proprietary rights shall be protected.

11. Conformity assessment bodies shall participate in, or ensure that their personnel responsible for carrying out the conformity assessment tasks are informed of, the relevant standardisation activities and relevant regulatory activities.