Procedure file

Basic information

CNS - Consultation procedure Regulation	2007/0037A(CNS)	Procedure completed
Inland transport: abolition of discrimination in transport rates and conditions (amend. Regulation No 11, in implementation Art. 79(3) TEC) Subject 2.60 Competition 3.20 Transport policy in general 3.45.08 Business environment, reduction of the administrative burdens		

Key players

European Parliament	Committee responsible	Rapporteur	Appointed
	TRAN Transport and Tourism	ALDE COSTA Paolo	26/03/2007
	Committee for opinion	Rapporteur for opinion	Appointed
	ENVI Environment, Public Health and Food Safety	The committee decided not to give an opinion.	
Council of the European Union	Council configuration	Meeting	Date
	Transport, Telecommunications and Energy	2877	12/06/2008
European Commission	Commission DG	Commissioner	
	Internal Market, Industry, Entrepreneurship and SMEs	VERHEUGEN Günter	

Key events

24/01/2007	Additional information		Summary
06/03/2007	Legislative proposal published	COM(2007)0090	Summary
29/03/2007	Committee referral announced in Parliament		
18/12/2007	Vote in committee		Summary
20/12/2007	Committee report tabled for plenary, 1st reading/single reading	A6-0513/2007	
14/01/2008	Debate in Parliament		
15/01/2008	Results of vote in Parliament		
15/01/2008	Decision by Parliament	T6-0003/2008	Summary
	Act adopted by Council after consultation		

12/06/2008	of Parliament		
12/06/2008	End of procedure in Parliament		
20/06/2008	Final act published in Official Journal		

Technical information

Procedure reference	2007/0037A(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	Legislation
Legislative instrument	Regulation
Legal basis	EC Treaty (after Amsterdam) EC 095; EC Treaty (after Amsterdam) EC 152-p4b
Stage reached in procedure	Procedure completed
Committee dossier	TRAN/6/46915

Documentation gateway

Legislative proposal		COM(2007)0090	06/03/2007	EC	Summary
Document attached to the procedure		SEC(2007)0303	06/03/2007	EC	
Document attached to the procedure		SEC(2007)0304	06/03/2007	EC	
Committee draft report		PE394.074	30/10/2007	EP	
Committee report tabled for plenary, 1st reading/single reading		A6-0513/2007	20/12/2007	EP	
Text adopted by Parliament, 1st reading/single reading		T6-0003/2008	15/01/2008	EP	Summary
Commission response to text adopted in plenary		SP(2008)1176	27/02/2008	EC	

Final act

Regulation 2008/569
OJ L 161 20.06.2008, p. 0001 Summary

Inland transport: abolition of discrimination in transport rates and conditions (amend. Regulation No 11, in implementation Art. 79(3) TEC)

The Commission presents a communication on an Action Plan for reducing administrative burdens in the European Union.

The Action Plan is an immediate response to the June 2006 European Council conclusions and the November 2006 Better Regulation Package. Cutting red tape by a quarter in the entire EU could increase EU GDP by EUR 150 billion according to the Commission. The Action Plan also calls on all Member States to embark on similar exercises at national level as the majority of the administrative burdens still originate in national legislation.

In the short term action will be taken in the ten following concrete fields, reducing paperwork for amongst others farmers and transport companies:

1. making information requirements voluntary for stockholders in case of merger and division;
2. reducing the reporting obligations for farmers, collectors or processors of energy crops in order to receive support;
3. easing the requirements of proof for receiving export funds for agricultural produce;
4. reducing the frequency of certain agricultural statistics to once a year;
5. lowering the number of statistical questions posed to businesses in the information society;
6. removing outdated documentation obligations for transport companies within the EU;
7. introducing electronic registers for the exchange of data in the transport sector, thereby reducing administrative burdens;
8. simplifying administrative procedures and information obligations in the maritime sector;

9. exempting small businesses like local butchers and bakers from certain hazard analyses in the field of food hygiene, without lowering standards, by taking a more proportionate approach and applying less burdensome requirements on small butchers, bakers etc compared to large supermarkets, without affecting the safety and health considerations imposed by the regulation;
10. simplifying administrative requirements for certain fishing vessels.

This Action Plan is not aimed at undermining the policy objectives or the level of ambition which have been set in EU legislation. It rather represents an important effort to streamline, modernise and make less burdensome the way in which policy objectives are implemented. In close cooperation with Member States, the Commission will thoroughly analyse information obligationsthat constitute the source of red tape. The analysis will cover obligations in EC legislation as well as the national measures used to implement them. All obligations will be attributed a price tag indicating how much time and money businesses spend complying with them, with a view to reducing requirements that are obsolete, contradictory etc.

The Commission is encouraged by the fact that in 2006 seventeen Member States, up from eleven the previous year, have decided to measure and reduce administrative burdens and that a further two are testing the methodology. The action plan would foresee that by 2009 all Member States would have completed the measurements in the key national and regional priority areas. The Commission has identified the following 13 priority areas concerning Community legislation which should be addressed:

1. company law
2. pharmaceutical legislation
3. working environment/ employment relations
4. tax law/VAT
5. statistics
6. agriculture and agricultural subsidies
7. food Safety
8. transport
9. fisheries
10. financial services
11. environment
12. cohesion policy
13. public procurement

The Action Plan will require strong commitment from Member States and the colegislator. The Spring 2007 European Council is, therefore, requested to:

- endorse the Action Programme for Reducing Administrative burdens set out in this Communication, including the priority areas chosen, the proposed methodology, principles for reducing burdens, the list of fast track actions and the organisational structure;

- invite Member States to support the Commission with the measurement of administrative burdens associated with Community legislation and transposition as set out in this Communication;

- set a joint reduction target for administrative burdens, caused by EC and national legislation of 25% overall, to be achieved by 2012. To facilitate the attainment of this objective a 25% reduction target should also be set specifically for administrative burdens related to EC legislation and its transposition. This target will subsequently be differentiated across the priority areas on the basis of the results of the Action Programme;

- invite Member States to set administrative burden reduction targets at national level by October 2008, at the latest, and to report on the measurement and reduction of administrative burdens annually in their national Growth and Jobs Strategy progress reports, starting in October 2007;

- call upon the Council and the European Parliament to give special priority to the measures set out in Annex III once the Commission has made the corresponding proposals, with a view to adoption as soon as possible, in 2007.

The overall 25 % reduction target is a joint objective, which can only be attained on the basis of a shared responsibility and a common endeavour by the Member States and the European Institutions. It is important that all parties involved in this process take appropriate and quick action, so that the political objective can be translated into operational measures.

Inland transport: abolition of discrimination in transport rates and conditions (amend. Regulation No 11, in implementation Art. 79(3) TEC)

PURPOSE: to amend Regulation No 11 concerning the abolition of discrimination in transport rates and conditions, by removing outdated documentation and to amend Regulation 852/2004/EC on the hygiene of foodstuffs by excluding micro-enterprises from the requirement of maintaining permanent procedures based on the HACCP principles.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

CONTENT: on 14 November 2006, the Commission presented a Strategic Review of Better Regulation in the EU (see INI/2007/2095), including a proposal for a target to reduce the administrative burdens on businesses by 25% by 2012. Ten concrete proposals for "fast track action" were identified the Action Programme for reducing administrative burdens in the EU (see the summary dated 27/01/2007), based on broad stakeholder consultation and suggestions from Member States and Commission experts. The "fast track actions" aim at significantly reducing administrative burdens on businesses through minor legislative changes without challenging the level of protection or the original purpose of the legislation.

One of these "fast track action" proposals concerns **Regulation No 11** concerning the abolition of discrimination in transport rates and conditions:

- Article 5 required transport undertakings (as well as Member States' governments) to provide information on transport tariffs, rates and conditions before 1 July 1961. This Article can be deleted since the information requirements imposed on transport undertakings are outdated.

- Article 6(1) of the Regulation requires a transport document containing several information elements concerning the consignor, the nature of the goods

carried, the place of origin and destination of the goods as well as the route to be taken or distance to be travelled, including frontier crossing points where appropriate. Since these latter elements i.e. the route to be taken or distance to be travelled and frontier crossing points are no longer indispensable to achieve the objectives of the Regulation, they can be deleted.

The third sentence of Article 6(2) of the Regulation requires the carrier to retain a copy showing the full and final transport charges and any other charges and any rebates or other factors affecting the transport rates and conditions. This sentence can be deleted as nowadays, this information is available in the carriers' accounting systems anyway, so there is no need for the carriers to fill out and keep a separate document anymore.

Article 6(3) will contain an explicit reference to consignment notes, which are very well known and often used in the inland transport sector, and will clarify that these consignment notes, if containing all details required by Article 6(1), suffice.

Another "fast track action" relates to **Regulation 852/2004/EC** on the hygiene of foodstuffs (see COD/2007/0037B).

Inland transport: abolition of discrimination in transport rates and conditions (amend. Regulation No 11, in implementation Art. 79(3) TEC)

The Committee on Transport and Tourism adopted the report by Paolo COSTA (ALDE, PT) amending, under the 1st reading of the codecision procedure, the proposal for a regulation of the European Parliament and of the Council amending Regulation No 11 concerning the abolition of discrimination in transport rates and conditions, in implementation of Article 79(3) of the Treaty establishing the European Economic Community and Regulation (EC) No 852/2004 of the European Parliament and the Council on the hygiene of foodstuffs -Transport aspects.

The Conference of Presidents of 5 July 2007 decided to authorise the Environment, Public Health and Food Safety Committee and the Transport and Tourism Committee to draw up one legislative report each on the basis of the Commission proposal. Based on the decision of the Conference of Presidents, the Committee on Transport and Tourism requested the division of the two legislative proposals in order proceed to the adoption of the proposal on Regulation 11 without amending the regulation on hygiene of foodstuffs.

As the Commission's proposal contains provisions on two legislative acts with a different nature, i.e. Transport (EEC Regulation No 11) and Hygiene of foodstuffs (EC Regulation No

852/2004), the proposed amendments aim to delete the relevant provisions related to the hygiene of foodstuffs. The only condition that has to be respected is not to amend the provisions proposed by the Commission on the Regulation 11. This will provide the desirable objective which is the swift adoption of the Regulation 11, and hence the economic benefits of this proposal in a very quick short term period.

Inland transport: abolition of discrimination in transport rates and conditions (amend. Regulation No 11, in implementation Art. 79(3) TEC)

The European Parliament adopted a legislative resolution based on the report drafted by Paolo COSTA (ALDE, PT) amending, under the 1st reading of the codecision procedure, the proposal for a regulation amending Regulation No 11 concerning the abolition of discrimination in transport rates and conditions, in implementation of Article 79(3) of the Treaty establishing the European Economic Community and Regulation (EC) No 852/2004 on the hygiene of foodstuffs -transport aspects.

The resolution was adopted by 669 votes for, 4 against, and 7 abstentions.

Following the decision of the Conference of Presidents of 5 July 2007, Parliament?s amendments deleted provisions related to the hygiene of foodstuffs. The legal base is now Article 75(3), and reference to Article 95 and Article 152(4)(b) has been deleted.

Inland transport: abolition of discrimination in transport rates and conditions (amend. Regulation No 11, in implementation Art. 79(3) TEC)

PURPOSE: to amend Regulation No 11 concerning the abolition of discrimination in transport rates and conditions, by removing outdated documentation.

LEGISLATIVE ACT: Council Regulation (EC) No 569/2008 amending Regulation No 11 concerning the abolition of discrimination in transport rates and conditions, in implementation of Article 79(3) of the Treaty establishing the European Economic Community.

CONTENT: this Regulation aims to amend Regulation No 11 to reduce administrative burdens on businesses by the removal of outdated and unnecessary requirements. This refers particularly to the requirement that certain information which, as a result of technical progress, is now available in carriers? accounting systems be retained on paper.

This Regulation is part of a package comprising ten concrete proposals for "**fast track action**" were identified the Action Programme for reducing administrative burdens in the EU (see the summary dated 27/01/2007).

The "fast track actions" aim at significantly reducing administrative burdens on businesses through minor legislative changes without challenging the level of protection or the original purpose of the legislation.

ENTRY INTO FORCE: 10/07/2008.