Electronic freight transport information

2018/0140(COD) - 08/04/2020 - Council position

The Council adopted its position at first reading with a view to the adoption of a Regulation of the European Parliament and of the Council on electronic freight transport information.

The general objective of the proposal is to encourage the digital exchange of freight transport and logistics in order to reduce administrative costs, improve the enforcement capacity of competent authorities and enhance the efficiency and sustainability of transport.

The Council's position at first reading amends the Commission's initial proposal by partially reformulating it on the basis of the agreement reached with the European Parliament.

Subject matter and scope

The proposed Regulation aims to establish a legal framework for the electronic communication of regulatory information between the economic operators concerned and competent authorities in relation to the transport of goods on the territory of the Union. For that purpose, it:

- lays down the conditions based on which competent authorities are required to accept regulatory information when that information is made available electronically by the economic operators concerned;

- lays down rules on the provision of services related to making regulatory information available electronically by the economic operators concerned to competent authorities.

The Council's position clarifies the scope of the Regulation in the operating part of the text rather than in the Annexes.

Requirements for economic operators concerned

Where the economic operators concerned make regulatory information available to a competent authority by electronic means, they shall do so on the basis of data processed on a certified eFTI (Electronic Freight Transport Information) platform and, where applicable, by a certified eFTI service provider. This information shall be made available by the economic operators concerned in a machine-readable format and, at the request of the competent authority, in a human-readable format.

Requirements for competent authorities

The Regulation may not be effectively applied before the entry into force of the delegated and implementing acts provided for therein. The Council's position clarifies the link between the timing of the adoption by the Commission of delegated and implementing acts and the date of application of the requirements for competent authorities.

More specifically, it is foreseen that competent authorities shall be required to accept regulatory information made available by electronic means by the economic operators concerned 30 months after the entry into force of the first of the delegated or implementing acts referred to in Articles 7 and 8 of the Regulation concerning respectively the ‘eFTI common data set and eFTI sub-data sets’ and the ‘common procedures and rules for access’.

As regards the assessment of the nature of the powers to be conferred on the Commission, the Council position provides that the Commission (i) adopts delegated acts to establish the ‘eFTI common data set and eFTI data subsets’ (Article 7) and (ii) adopts implementing acts establishing ‘common procedures and rules for access’ (Article 8).

The Council's position specifies that the first of these delegated and implementing acts shall be adopted by the Commission at the latest 30 months after the entry into force of the Regulation.

Functional requirements for eFTI platforms

The proposed Regulation lays down the functional requirements for the eFTI platforms that shall be used by economic operators to make regulatory freight transport information available to competent authorities in electronic format in order to meet the conditions for the mandatory acceptance of this information by competent authorities.

The Commission shall adopt, by means of implementing acts, detailed specifications for the functional requirements for the eFTI platforms. With a view to keeping the eFTI system up to date, the Council position provides that the Commission, in developing these specifications, shall seek to ensure the interoperability of the eFTI platforms, take into account relevant existing technical solutions and standards and ensure that these specifications remain, as far as possible, technologically neutral.

Certification

To build the confidence of both competent authorities and economic operators as regards compliance by eFTI platforms and eFTI service providers with those functional requirements, Member States shall 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 setting out the requirements for accreditation and market surveillance relating to the marketing of products.

Revision

The Commission shall carry out an evaluation of the Regulation eight and a half years after its entry into force.

The Council's position adds an obligation for the Commission to carry out an assessment to determine whether increased interoperability between the different platforms used for the registration and processing of regulatory information may be established and whether the application of the Regulation for the purpose of using electronic means to make regulatory information available to competent authorities may be made compulsory for economic operators. If appropriate, it is foreseen that this assessment shall be accompanied by a legislative proposal.

The Regulation shall apply from four years after its entry into force.