

COMPROMISE AMENDMENTS

COMPROMISE AMENDMENT 1 (covering AMs 1, 28)

Proposal for a regulation Recital 1a (new)

Text proposed by the Commission

Amendment

(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.

COMPROMISE AMENDMENT 2 (covering AMs 29, 30, 31, 32)

Proposal for a regulation Recital 2

Text proposed by the Commission

Amendment

(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 for logistic operators.

(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.***

COMPROMISE AMENDMENT 3 (covering AMs 3, 35, 36, 37, 47)

Proposal for a regulation Recital 4

Text proposed by the Commission

(4) Some areas of Union transport law require competent authorities to accept digitised information, but this concerns by far not all relevant Union legislation. It should 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.

Amendment

(4) 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 burden 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.***

COMPROMISE AMENDMENT 4 (covering AMs 4, 38, 39)

Proposal for a regulation
Recital 5 a (new)

Text proposed by the Commission

Amendment

5a. 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.

COMPROMISE AMENDMENT 5 (covering AMs 5, 40, 41, 42, 43)

Proposal for a regulation

Recital 6

Text proposed by the Commission

(6) Since this Regulation is only intended to facilitate the provision of information, 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** this Regulation is intended to allow compliance with regulatory information requirements through electronic means rather than by means of paper documents, 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 or in implementing or delegated acts adopted under its terms.

Amendment

(6) 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. **Since** this Regulation is intended to allow compliance with regulatory information requirements through electronic means rather than 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 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 should be adapted in order to improve the enforcement capabilities of the competent authorities.**

COMPROMISE AMENDMENT 6 (covering AMs 6, 44, 45, 46)

Proposal for a regulation

Recital 9

Text proposed by the Commission

(9) 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, as well as of the principles and recommendations set out in the European Interoperability Framework²⁷, which provides an approach to the delivery of European digital public services commonly agreed by the Member States. Due care should also be taken that these specifications remain technology neutral and open to innovative technologies.

Amendment

(9) 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 Framework²⁷, 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.

COMPROMISE AMENDMENT 7 (covering AMs 13, 14, 48, 49, 50, 51, 52)

Proposal for a regulation

Article 1 – paragraph 1 - introductory part, points a, aa (new) and ab (new)

Text proposed by the Commission

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. For that purpose, this

Amendment

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:

(a) lays down the conditions under which Member States' competent authorities are required to accept regulatory information *when made available electronically* by economic operators concerned;

Regulation:

(a) lays down the conditions under which Member States' competent authorities are required to accept regulatory information *provided electronically* by economic operators concerned;

(a a) lays down the conditions under which the economic operators concerned are required to make regulatory information electronically available to the Member States' competent authorities;

(a b) 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.

Proposal for a regulation

Article 1 – paragraph 2 – subparagraph 1

Text proposed by the Commission

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. 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.

Amendment

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.

COMPROMISE AMENDMENT 8 (covering AMs 15, 59, 60, 61)

Article 2 – paragraph 1 - points ba and bb (new)

Text proposed by the Commission

Amendment

(b a) incorporate references to other Union legal acts governing the transport of goods, which establish regulatory information requirements;

(b b) incorporate references to international conventions applicable in the Union establishing regulatory information requirements directly or indirectly related to the transport of goods.

COMPROMISE AMENDMENT 9 (covering AMs 16, 17, 62, 63, 64, 65, 66, 67)

Proposal for a regulation

Article 4 – title

Text proposed by the Commission

Amendment

4 Requirements for economic *optiterators* concerned

4 Requirements for *the* economic *operators* concerned

Proposal for a regulation

Article 4 – paragraph 1 - subparagraph 1

Text proposed by the Commission

Amendment

Where economic operators concerned make regulatory information available electronically, they shall do so on the basis of data processed in a certified eFTI platform and, if applicable, by a certified eFTI service provider. The regulatory information shall be made available in machine-readable format and, at the request of the competent authority, in human-readable format.

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.

Proposal for a regulation
Article 4 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Information in machine-readable format shall be made available via an authenticated 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.

Amendment

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.

COMPROMISE AMENDMENT 10 (covering AMs 18, 71, 72, 73)

Proposal for a regulation
Article 7 – paragraph 1 – introductory part

Text proposed by the Commission

The Commission *shall* establish the following ***by means of implementing acts***:

Amendment

The Commission ***is empowered to adopt delegated acts in accordance with Article 13, in order to*** establish the following:

Proposal for a regulation
Article 7 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(b a) common procedures and detailed rules for validating the identity of any natural person or legal entity issuing legally binding statements hereunder;

Proposal for a regulation
Article 7 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

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.

Proposal for a regulation

Article 7 – paragraph 2

Text proposed by the Commission

Amendment

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 14(2).

deleted

COMPROMISE AMENDMENT 11 (covering AMs 19, 20, 21, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83)

Proposal for a regulation

Article 8 – paragraph 1 - introductory part, points a, b, c, ea and h, paragraphs 1a and 2

Text proposed by the Commission

Amendment

1. The eFTI platforms used for processing regulatory information shall provide functionalities that ensure that:

(a) personal data ***can be*** processed in accordance with Regulation (EU) 2016/679;

(b) commercial data ***can be*** processed in accordance with Article 6;

1. ***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:

(a) personal data ***have to be*** processed in accordance with Regulation (EU) 2016/679;

(b) commercial data ***have to be*** processed in accordance with Article 6;

(b a) eFTI platforms and the data contained therein are interoperable;

(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;***

(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.

2. The Commission ***shall*** adopt, ***by means of implementing acts***, 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).***

(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 ***or consignment note;***

(e a) 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;

(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.***

(1 a) 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.

2. The Commission ***is empowered to*** adopt ***delegated acts in accordance with Article 13, in order to establish*** detailed rules regarding the requirements laid down in paragraph 1.

COMPROMISE AMENDMENT 12 (covering AMs 22, 84, 85, 87, 88)

Proposal for a regulation Article 9 – paragraph 1 and 2

Text proposed by the Commission

1. eFTI service providers shall ensure that:

Amendment

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;

(b) data is stored and accessible *for an appropriate period of time*, in accordance with the relevant regulatory information requirements;

(c) 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 authorities by an economic operator concerned;

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

2. The Commission *shall* adopt, *by means of implementing acts*, 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).*

(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

(b) data is stored and accessible, in accordance with the relevant regulatory information requirements;

(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;

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

2. The Commission *is empowered to* adopt *delegated acts in accordance with Article 13, in order to establish* detailed rules regarding the requirements laid down in paragraph 1.

COMPROMISE AMENDMENT 13 (covering AMs 92, 93, 94, 95)

Proposal for a regulation Article 10 – paragraph 3 and 4

Text proposed by the Commission

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

Amendment

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, *and by the latest* by 31 *March* each year.

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.

publicly available on an official government Internet website. The list shall be *updated without delay each time a change to the information that it contains occurs, and by the latest* by 31 *May* each year.

4. By 31 *May* 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.

COMPROMISE AMENDMENT 14 (covering AMs 69, 91, 96)

Proposal for a regulation

Article 11 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. Existing IT systems, that are currently utilised 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.

COMPROMISE AMENDMENT 15 (covering AMs 26, 101, 102)

Proposal for a regulation

Article 15 – paragraph 1

Text proposed by the Commission

Amendment

1. By [*five* 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.

1. By [*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.