III

(Preparatory acts)

EUROPEAN ECONOMIC AND SOCIAL COMMITTEE

527TH EESC PLENARY SESSION OF 5 AND 6 JULY 2017

Opinion of the European Economic and Social Committee on the 'Proposal for a decision of the European Parliament and of the Council amending Directive 2010/40/EU as regards the period for adopting delegated acts'

(COM(2017) 136 final — 2017/0060(COD))

(2017/C 345/10)

Rapporteur: **Jorge PEGADO LIZ**

Referral	European Parliament, 3.4.2017
	Council, 31.3.2017
Legal basis	Article 114 of the Treaty on the Functioning of the European Union
Section responsible	Single Market, Production and Consumption
Adopted in section	7.6.2017
Adopted at plenary	5.7.2017
Plenary session No	527
Outcome of vote (for/against/abstentions)	124/1/3

1. **Conclusions and recommendations**

1.1. The EESC takes note of the Commission proposal.

1.2. The Committee agrees in principle with this proposal and is pleased that, as it had always called for, the Commission has considered it appropriate to extend the delegation for a fixed period, with the possibility of renewal, as long as there are no objections raised by the Council and the Parliament.

2. **Aim of the proposal**

2.1. Directive 2010/40/EU of the European Parliament and of the Council of 7 July 2010 ([1]) on the framework for the deployment of Intelligent Transport Systems (ITS) in the field of road transport and for interfaces with other modes of transport ([2]) requires that specifications be adopted, through delegated acts, for actions in four priority areas.

([1]) OJ L 207, 6.8.2010, p. 1; OJ C 277, 17.11.2009, p. 85.
([2]) OJ L 207, 6.8.2010, p. 1.

2.2. The power to adopt the delegated acts was conferred on the Commission for a limited period only, until 27 August 2017. Four delegated acts have been adopted since the entry into force of the directive, and a fifth delegated act addresses the provision of EU-wide multi-modal travel information services.

2.3. In the context of the European strategy on cooperative intelligent transport systems ([3]) (C-ITS), the Commission is currently working with the Member States' experts to establish a legal and technical framework to support the deployment of cooperative ITS. Apart from this work, several other actions in the directive's four priority areas ([4]) have still to be addressed, such as specifications and standards for the continuity and interoperability of traffic and freight management services (priority area II), specifications for other actions relating to ITS road safety and security applications (priority area III), and the definition of necessary measures to integrate different ITS applications on an open in-vehicle platform (priority area IV).

2.4. In order that the Commission can adopt further specifications through delegated acts, it considers it essential that the delegation of power be extended. Furthermore, specifications that have already been adopted may need to be updated to reflect technological progress or lessons learnt from their implementation in the Member States.

2.5. The Commission is therefore proposing that the delegation of power be extended by five years from 27 August 2017 and tacitly thereafter for further five-year periods, unless the European Parliament or the Council oppose such extension. The only aim of this proposal is to extend the delegation of power to the Commission to adopt delegated acts, for a further period of five years and tacitly thereafter for further five-year periods, unless the European Parliament or the Council oppose such extension, without changing the policy objectives or the scope of the ITS Directive.

3. **Background**

3.1. This proposal fits in with the Commission's more general Proposal for a Regulation (COM(2016) 799 final) adapting a number of legal acts providing for the use of the regulatory procedure with scrutiny (RPS) to Articles 290 and 291 of the Treaty on the Functioning of the European Union, on which the EESC has already issued an opinion ([5]). As soon as the periods prescribed by the various legislative instruments in force for the adoption of the delegated acts expire, there should be an assessment of the need to extend the initial time-frames.

3.2. The Commission has reported on the studies that it carried out to demonstrate the need to extend the delegation of power enabling it to adopt delegated acts on ITS specifications, in particular:

(a) in October 2014, a report on the implementation of the ITS Directive ([6]);

(b) targeted consultations have recently taken place with stakeholder groups, in particular the European ITS Committee and the members of the European ITS Advisory Group.

4. **General comments**

4.1. The EESC draws attention to its information reports and its opinion on delegated acts ([7]) which were summarised in its recent opinion on RPS ([8]) and convey the essence of its position.

4.2. The EESC believes that all elements of the delegations of power must be defined, namely:

(a) their stated objectives;

(b) their precise content;

([3]) *A European strategy on Cooperative Intelligent Transport Systems, a milestone towards cooperative, connected and automated mobility* (COM (2016) 766 final).
([4]) See Annex I to the Directive.
([5]) INT/813 (not yet published in the Official Journal).
([6]) http://ec.europa.eu/transport/themes/its/road/action_plan/its_reports_en.htm.
([7]) OJ C 13, 15.1.2016, p. 145; OJ C 67, 6.3.2014, p. 104; INT/656 (information report).
([8]) INT/813 (not yet published in the Official Journal).

(c) their exact scope;

(d) a strictly defined duration.

4.3. As regards the duration in particular, the EESC has always supported the principle of a fixed duration, renewable for an identical period, except in duly justified cases.

4.4. The EESC notes that in this proposal, the Commission has established a fixed additional period of five years beginning from 27 August 2017, which may then tacitly be extended for a period of identical duration, unless the European Parliament or the Council oppose such extension.

4.5. The EESC believes that this proposal brings legal certainty coupled with the flexibility required to take account of technological developments and to adopt the technical, functional and organisational specifications needed to ensure the proper functioning of ITS in the area of road transport at the appropriate time — it therefore deserves its approval.

4.6. The EESC is also of the view that extending the delegation of power to the Commission is essential to the integrated and coordinated deployment of interoperable ITS in road transport and their interfaces with other transport modes, particularly following Communication COM(2016) 766 final ([9]).

4.7. However, 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 on Better Law-Making of 13 April 2016. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council must receive all documents at the same time as Member States' experts, and their experts must have access systematically to meetings of Commission expert groups dealing with the preparation of delegated acts.

Brussels, 5 July 2017.

The President
of the European Economic and Social Committee
Georges DASSIS

([9]) *A European strategy on Cooperative Intelligent Transport Systems, a milestone towards cooperative, connected and automated mobility,* 30.11.2016. EESC opinion TEN/621 (not yet published in the Official Journal).