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REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL

on the delegation of the power to adopt delegated acts conferred on the Commission pursuant to Regulation (EU) 2020/1056 of the European Parliament and of the Council on electronic freight transport information

1. Introduction

Regulation (EU) 2020/1056 on electronic freight transport information[1] (the 'eFTI Regulation') establishes a legal framework to allow economic operators to share with enforcement authorities information in an electronic format on the transport of goods by road, rail, inland waterways and air in the EU.

The eFTI Regulation aims to encourage the digitalisation of freight transport and logistics, in order to reduce administrative costs, improve competent authorities' enforcement capabilities and make transport more efficient and sustainable. The eFTI Regulation entered into force on 20 August 2020. While most provisions applied from their date of entry into force[2] or as of 21 August 2024[3], the requirement for Member State authorities to accept information presented for control electronically will start applying only as of 9 July 2027[4].

The cornerstones of the eFTI Regulation are the harmonisation of data definitions and formats, and measures to improve data flows for increased efficiency. To this end, Articles 2(3), 7, 12(5) and 13(3) of the Regulation empower the Commission to adopt delegated acts. In particular:

a) Article 2(3) empowers the Commission to adopt delegated acts amending Annex I, which contains regulatory information that falls within the scope of the eFTI Regulation;
b) Article 7 empowers the Commission to adopt delegated acts to supplement the eFTI Regulation by establishing and amending the eFTI common data set[5] and eFTI data subsets[6];
c) Article 12(5) empowers the Commission to adopt delegated acts to supplement the eFTI Regulation by laying down rules on the certification of eFTI platforms[7] and on the use of the certification mark, including rules on the renewal, suspension and withdrawal of certification;
d) Article 13(3) empowers the Commission to adopt delegated acts to supplement the eFTI Regulation by laying down rules on the certification of eFTI service providers[8], including rules on the renewal, suspension and withdrawal of certification.

[1] OJ L 249, 31.7.2020, p. 33.
[2] According to Article 18(3) of the eFTI Regulation, Articles 2(2), 5(4), 7, 8, 9(2) and 10(2) apply from the date the Regulation enters into force.
[3] Cf. Article 18(2).
[4] Cf. Article 5(1), this date was calculated as 30 months after the date of entry into force of the first delegated and implementing acts adopted under Articles 7 and 8 of the Regulation. These latter acts entered into force on 9 January 2025.
[5] 'eFTI common data set': a comprehensive set of structured data elements that correspond to all the eFTI data subsets, where the data elements common to the different eFTI data subsets are included only once.
[6] 'eFTI data subset': a set of structured data elements that correspond to the regulatory information required pursuant tospecific Union legal act or national law referred to in Article 2(1) of the eFTI Regulation.
[7] 'eFTI platform': a solution based on information and communication technology (ICT), such as an operating system, an operating environment, or a database, intended to be used for the processing of eFTI.
[8] 'eFTI service provider': a natural or legal person which provides an eFTI service to the economic operators concerned on the basis of a contract.

The power to adopt delegated acts referred to in the above-mentioned articles is conferred on the Commission for a period of five years from 20 August 2020. The delegation of this power is tacitly extended for periods of identical duration unless the European Parliament or the Council opposes such extension no later than three months before each period ends.

In accordance with Article 14(2), the Commission is required to draw up a report on the delegation of power no later than nine months before the end of the five-year period. This report covers this obligation.

2. Exercise of delegated powers

As of the date of adoption of this report, the Commission has twice exercised its power to adopt delegated acts under the eFTI Regulation:

- In accordance with Article 2(3), on 15 July 2024 it adopted Commission Delegated Regulation (EU) 2024/2025[9] to amend Part B of Annex I to the eFTI Regulation, incorporating references to regulatory information requirements in national law notified to the Commission by the Member States in accordance with the eFTI Regulation.
- In accordance with Article 7, on 26 July 2024 it adopted Commission Delegated Regulation (EU) 2024/2024[10] to supplement the eFTI Regulation as regards establishing the eFTI common data set and eFTI data subsets.

The Commission has not yet used the delegated powers provided for in Articles 12(5) and 13(3). However, the respective delegated acts are in preparation and are expected to be adopted by Commission in the second quarter of 2025.

The Delegated Regulation which supplements the eFTI Regulation as regards establishing the eFTI common data set and eFTI data subsets was adopted after the deadline of 21 February 2023 set in Article 7(3) of the eFTI Regulation. This was mainly due to the complexity of the data mapping and modelling activities of the high number of EU and national legal acts that fall within the scope of the eFTI Regulation[11]. The COVID-19 crisis also had an impact on data collection and consultation, as Member State authorities in the transport sector were at the time engaged in crisis management.

In accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making[12], before adopting a delegated act the Commission must consult experts designated by each Member State. When preparing the two delegated regulations, the Commission carried out appropriate and transparent consultation with Member State experts and business sector

[9] OJ L 2024/2025, 20.12.2024
[10] OJ L 2024/2024, 20.12.2024
[11] 182 pieces of EU and national legislation in total are currently under the scope of the Regulation, on the basis of which an equal number of eFTI data subsets have been established.
[12] OJ L 123, 12.5.2016, p. 1.

operators participating in the Digital Transport and Logistics Forum (E03280), specifically in Sub-Group 3: Electronic Freight Transport Information (eFTI) Delegated Acts. The experts supported the provisions included in the delegated regulations[13].

Throughout the procedural and decision-making process, the Commission sent the relevant documents to both the European Parliament and the Council. Parliament and the Council had no objections to the adoption of the two delegated regulations.

The Commission considers that the power to adopt delegated acts referred to in Articles 2(3), 7, 12(5) and 13(3) of the eFTI Regulation should be kept in place for as long as the eFTI Regulation remains applicable. This is to ensure the update of the eFTI common data set and eFTI data subsets, in line with changes to EU and national legal provisions in scope of the Regulation and with developments in relevant EU or international standards, and to lay down and keep updated the rules on the certification of both the eFTI platforms and the eFTI service providers[14].

3. Conclusion

With this report, the Commission has met its obligation to report to the European Parliament and the Council on its use of delegated powers under Article 14 of the eFTI Regulation.

The Commission has actively and appropriately exercised the delegated powers conferred on it by the eFTI Regulation. The Commission considers that extending this delegation of power to adopt delegated acts was and remains appropriate, in accordance with Article 14 of the eFTI Regulation (tacit extension). Such extension will enable the Commission to continue to supplement the eFTI Regulation and amend its Annex I, ensure the update of the eFTI common data set and eFTI data subsets and the adoption of provisions for a seamless and secure data flow in the eFTI data exchange environment (rules on the certification of eFTI platform and of eFTI service providers).

The Commission invites the European Parliament and the Council to take note of this report.

[13] Documents and reports of the relevant meetings can be found on the Register of Commission expert groups and other similar entities (europa.eu).

[14] These rules have a technical content. They will be included in the delegated acts (currently under preparation) that the Commission is empowered to adopt pursuant to Articles 12(5) and 13(3) of the eFTI Regulation.