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COMMISSION OF THE EUROPEAN COMMUNITIES

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**Adaptation to the regulatory procedure with scrutiny**

Proposal for a

**REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**amending Council Regulation (EC) No 1172/98 on statistical returns in respect of the carriage of goods by road as regards the implementing powers conferred on the Commission**

(presented by the Commission)

## EXPLANATORY MEMORANDUM

### **1. CONTEXT OF THE PROPOSAL**

#### **1.1 Reform of comitology procedures**

Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission<sup>1</sup> was amended by Council Decision 2006/512/EC of 17 July 2006<sup>2</sup>.

Article 5a of Decision 1999/468/EC as amended introduces a new regulatory procedure with scrutiny for measures of general scope designed to amend non-essential elements of a basic instrument adopted in accordance with the procedure referred to in Article 251 of the Treaty, including by deleting some of those elements or by supplementing the instrument by the addition of new non-essential elements.

#### **1.2. Priority alignment and general alignment**

In a joint declaration<sup>3</sup>, the European Parliament, the Council and the Commission agreed a list of basic instruments that it was urgent to adapt to the amended Decision in order to introduce the new regulatory procedure with scrutiny (priority alignment). For the regulatory procedure with scrutiny to be applicable to the other instruments adopted under the co-decision procedure that were already in force at the time Decision 2006/512/EC came into effect, the joint declaration also called for these instruments to be adjusted in accordance with the applicable procedures (general alignment).

The Commission undertook to examine all these instruments with a view to submitting, by the end of 2007, legislative proposals to adapt them, where necessary, to the new regulatory procedure with scrutiny<sup>4</sup>.

#### **1.3. Method**

As mentioned in the Commission's Communication to the European Parliament and the Council of (...), the Commission has carefully examined all the instruments adopted under the codecision procedure in order to identify those which permit the Commission to adopt measures of general scope designed to amend non-essential elements of the basic instrument in question. The Commission has identified more than 200 instruments that should be adjusted.

Some of these instruments come under the Commission's codification programme. Among these is Council Regulation (EC) No 1172/98 of 25 May 1998 on statistical returns in respect of the carriage of goods by road<sup>5</sup>. Depending on how far the codification process has progressed, adaptation to the new procedure must be effected either by recasting the codified proposal or, as in the present case, by a legislative amendment.

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<sup>1</sup> OJ L 184, 17.7.1999, p. 23. Decision amended by Decision 2006/512/EC (OJ L 200, 22.7.2006, p. 11).

<sup>2</sup> OJ L 200, 22.07.2006, p. 11.

<sup>3</sup> OJ C 255, 21.10.2006, p. 1.

<sup>4</sup> PE 376.314v01-00 – A6-0236/2006 (statement by the Commission annexed to the Parliamentary report)

<sup>5</sup> OJ L 163, 06.06.1998, p. 1. Regulation amended by Regulation (EC) No 1893/2006 of the European Parliament and of the Council of 20 December 2006 (OJ L 393, 30.12.2006, p. 1).

## **2. LEGAL ELEMENTS OF THE PROPOSAL**

The purpose of the adaptation is to introduce the new regulatory procedure with scrutiny, as provided for in Article 5a of Decision 1999/468/EC as amended.

In this connection, under Regulation (EC) No 1172/98 the Commission is authorised to adapt the data collection characteristics and the contents of the Annexes and to lay down the minimum precision requirements for the statistical returns transmitted by the Member States and the implementing procedures for that Regulation, including measures for adapting it to economic and technical progress. Since these measures of general scope are designed to amend non-essential elements of the Regulation in question or to supplement it by the addition of new non-essential elements, they must be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.

Since the basic instrument is a Regulation, it must be adapted by means of an equivalent instrument.

**Adaptation to the regulatory procedure with scrutiny**

Proposal for a

**REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**amending Council Regulation (EC) No 1172/98 on statistical returns in respect of the carriage of goods by road as regards the implementing powers conferred on the Commission**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 285 (1) thereof,

Having regard to the proposal from the Commission<sup>6</sup>

Having regard to the opinion of the European Economic and Social Committee<sup>7</sup>,

Acting in accordance with the procedure laid down in Article 251 of the Treaty<sup>8</sup>,

Whereas:

- (1) Regulation (EC) No 1172/98 of the European Parliament and of the Council of 25 May 1998 on statistical returns in respect of the carriage of goods by road<sup>9</sup> provides that certain measures shall be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission<sup>10</sup>.
- (2) Decision 1999/468/EC was amended by Decision 2006/512/EC, which introduced the regulatory procedure with scrutiny for measures of general scope intended to amend non-essential elements of a basic instrument adopted in accordance with the procedure referred to in Article 251 of the Treaty, including by deleting some of those elements or by supplementing them by the addition of new non-essential elements.
- (3) In accordance with the joint declaration of the European Parliament, the Council and the Commission<sup>11</sup> on Decision 2006/512/EC, for this new procedure to be applicable to instruments adopted in accordance with the procedure laid down in Article 251 of

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<sup>6</sup> OJ C [...], [...], p. [...]

<sup>7</sup> OJ C [...], [...], p. [...]

<sup>8</sup> OJ C [...], [...], p. [...]

<sup>9</sup> OJ L 163, 06.06.1998, p. 1. Regulation amended by Regulation (EC) No 1893/2006 of the European Parliament and of the Council of 20 December 2006 (OJ L 393, 30.12.2006, p. 1).

<sup>10</sup> OJ L 184, 17.7.1999, p. 23. Decision amended by Decision 2006/512/EC (OJ L 200, 22.7.2006, p. 11).

<sup>11</sup> OJ C 255, 21.10.2006, p. 1.

the Treaty which are already in force, those instruments must be adjusted in accordance with the applicable procedures.

- (4) As regards Regulation (EC) No 1172/98, power should be conferred on the Commission to adapt the data collection characteristics and the contents of the Annexes and to lay down the minimum precision requirements for the statistical returns transmitted by the Member States and the implementing procedures for that Regulation, including measures for adapting it to economic and technical progress. Since these measures of general scope are designed to amend non-essential elements of the Regulation in question or to supplement it by the addition of new non-essential elements, they must be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.
- (5) Regulation (EC) No 1172/98 must therefore be amended accordingly,

HAVE ADOPTED THIS REGULATION

*Article 1*

Regulation (EC) No 1172/98 is hereby amended as follows:

(1) Article 3(4) is replaced by the following:

"4. The data collection characteristics and the contents of the Annexes shall be adopted by the Commission. These measures, which amend non-essential elements of this Regulation, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 10(3)."

(2) Article 4 is replaced by the following:

“Article 4

Precision of results

The methods for the collection and processing of data must be designed to ensure that the statistical results transmitted by the Member States meet minimum standards of precision, taking account of the structural characteristics of road transport in the Member States. The precision requirements shall be adopted by the Commission. These measures, which amend non-essential elements of this Regulation, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 10(3)."

(3) Article 5(2) is replaced by the following:

" 2. The arrangements for transmitting the data referred to in paragraph 1, including, where appropriate, the statistical tables based on those data, shall be laid down in accordance with the procedure referred to in Article 10(2).

(4) Article 6 is replaced by the following:

“Article 6

Dissemination of results

The provisions on the dissemination of statistical results in respect of the carriage of goods by road, including the structure and content of the results to be disseminated, shall be laid down in accordance with the procedure referred to in Article 10(2).

(5) Article 9 is amended as follows:

(a) The first sentence is replaced by the following:

The procedures for implementing this Regulation, including the measures for adapting it to economic and technical progress, shall be laid down, insofar as this does not involve a disproportionate increase in costs for the Member States and/or

the burden on the respondents, in accordance with the procedures specified in Article 10.

(b) The following second and third subparagraphs are added:

The measures referred to in the first and second indents, which amend non-essential elements of this Regulation, including those which supplement it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 10(3)."

The measures referred to in the third and fourth indents shall be adopted in accordance with the procedure referred to in Article 10(2):

(6) Article 10 is replaced by the following:

*“Article 10*

1. The Commission shall be assisted by the Statistical Programme Committee set up by Council Decision 89/382/EEC, Euratom<sup>12</sup>.

2. Where reference is made to this paragraph, Articles 4 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at three months.

3. Where reference is made to this paragraph, Article 5a(1) to (4) and (5a) and Article 7 of Decision No 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof."

*Article 2*

This Regulation shall enter into force on the 20th day following that of its publication in the Official Journal of the European Union.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

*For the European Parliament  
The President*

*For the Council  
The President*

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<sup>12</sup> OJ L 181, 28.6.1989, p. 47.