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COVER NOTE

from: Secretary-General of the European Commission,
signed by Mr Jordi AYET PUIGARNAU, Director

date of receipt: 1 July 2013

to: Mr Uwe CORSEPIUS, Secretary-General of the Council of the European
Union

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Subject: Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND
OF THE COUNCIL amending Regulation (EC) No 1365/2006 on statistics of
goods transport by inland waterways as regards conferring of delegated and
implementing powers upon the Commission for the adoption of certain
measures

Delegations will find attached Commission document COM(2013) 484 final.

Encl.: COM(2013) 484 final



Brussels, 28.6.2013
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2013/0226 (COD)

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

amending Regulation (EC) No 1365/2006 on statistics of goods transport by inland waterways as regards conferring of delegated and implementing powers upon the Commission for the adoption of certain measures

(Text with EEA relevance)

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

The Treaty on the Functioning of the European Union (TFEU) makes a distinction between the powers which may be delegated to the Commission to adopt non-legislative acts of general application to supplement or amend certain non-essential elements of the legislative act, as laid down in Article 290(1) of the TFEU (delegated acts), and the implementing powers which shall be conferred on the Commission where uniform conditions for implementing legally binding Union acts are needed, as laid down in Article 291(2) of the TFEU (implementing acts).

In connection with the adoption of Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers¹, the Commission has committed itself² to reviewing, in light of the criteria laid down in the TFEU, and in particular in Article 290, legislative acts which were not adapted to the regulatory procedure with scrutiny before the entry into force of the Lisbon Treaty.

In the context of the alignment of Regulation (EC) No 1365/2006 of the European Parliament and of the Council of 6 September 2006 on statistics of goods transport by inland waterways³ to the new rules of the TFEU, implementing powers currently conferred upon the Commission by that Regulation should be provided for by powers to adopt delegated and/or implementing acts.

2. RESULTS OF CONSULTATIONS WITH THE INTERESTED PARTIES AND IMPACT ASSESSMENTS

There was no need for consultation of interested parties or for impact assessment.

3. LEGAL ELEMENTS OF THE PROPOSAL

As regards Regulation (EC) No 1365/2006, it is proposed to empower the Commission to adopt delegated acts in order to adapt the threshold for statistical coverage of inland waterways transport, to adapt the definitions and adopt additional definitions, as well as to adopt delegated acts in order to adapt the data collection scope and the content of the Annexes.

Furthermore, it is proposed to confer implementing powers on the Commission with a view to ensuring uniform conditions concerning the arrangements for transmitting data to the Commission (Eurostat) including data interchange standards and for the dissemination of results by the Commission (Eurostat), and to developing and publishing methodological

¹ OJ L 55, 28.2.2011, p.1.

² OJ L 55, 28.2.2011, p.19.

³ OJ L 264, 25.9.2006, p.1.

requirements and criteria designed to ensure the quality of the data produced, in accordance with the examination procedure laid down in Article 5 of Regulation (EU) No 182/2011.

- Legal basis

Article 338(1) of the Treaty on the Functioning of the European Union.

- Choice of instrument

Regulation (EU) of the European Parliament and of the Council.

4. BUDGETARY IMPLICATION

The proposal has no implication for the EU budget.

- **European Economic Area**

The proposed act concerns an EEA matter and should therefore extend to the European Economic Area.

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amending Regulation (EC) No 1365/2006 on statistics of goods transport by inland waterways as regards conferring of delegated and implementing powers upon the Commission for the adoption of certain measures

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 338 (1) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national Parliaments,

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) As a consequence of the entry into force of the Treaty on the Functioning of the European Union ("the Treaty"), the powers conferred upon the Commission need to be aligned to Articles 290 and 291 of the Treaty.
- (2) In connection with the adoption of Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers⁴, the Commission has committed itself⁵ to reviewing, in the light of the criteria laid down in the Treaty, legislative acts which were not adapted to the regulatory procedure with scrutiny before the entry into force of the Lisbon Treaty.
- (3) Regulation (EC) No 1365/2006 of the European Parliament and of the Council of 6 September 2006 on statistics of goods transport by inland waterways⁶ confers powers upon the Commission in order to implement some of the provisions of this Regulation.

⁴ OJ L 55, 28.2.2011, p. 13.

⁵ OJ L 55, 28.2.2011, p. 19.

⁶ OJ L 264, 25.9.2006, p.1.

- (4) In the context of the alignment of Regulation (EC) No 1365/2006 to the new rules of the TFEU, implementing powers currently conferred upon the Commission should be provided for by powers to adopt delegated and implementing acts.
- (5) As regards Regulation (EC) No 1365/2006, in order to take account of economic and technical trends, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission concerning the adaptation of the threshold for statistical coverage of inland waterways transport, adaptation of the definitions and the adoption of additional definitions. In addition, the Commission should be empowered to adopt delegated acts in order to adapt the data collection scope and the content of the Annexes.
- (6) The Commission should ensure that these delegated acts do not impose a significant additional administrative burden on the Member States or on the respondent units.
- (7) It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing-up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.
- (8) In order to ensure uniform conditions for the implementation of Regulation (EC) No 1365/2006, implementing powers should be conferred upon the Commission to adopt arrangements for transmitting data including data interchange standards, for the dissemination of results by the Commission (Eurostat) and also to develop and publish methodological requirements and criteria designed to ensure the quality of the data produced. Those powers should be exercised in accordance with Regulation (EU) No 182/2011.
- (9) In accordance with the principle of proportionality, it is necessary and appropriate for the achievement of the basic objective of the alignment of the powers conferred upon the Commission to Articles 290 and 291 of the Treaty to lay down rules on such alignment in the domain of transport statistics. This Regulation does not go beyond what is necessary in order to achieve that objective, in accordance with Article 5(4) of the Treaty on the European Union.
- (10) In order to ensure legal certainty, it is necessary that the procedures for the adoption of measures which have been initiated but not completed before the entry into force of this Regulation are not affected by this Regulation.
- (11) Regulation (EC) No 1365/2006 should therefore be amended accordingly,

HAVE ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1365/2006 is amended as follows:

- (1) In Article 2, the following paragraph 5 is added:

'5. The Commission shall be empowered to adopt delegated acts, in accordance with Article 9, taking account of economic and technical trends, concerning the adaptation of the threshold for statistical coverage of inland waterways transport.'

(2) In Article 3, the following subparagraph is added:

'The Commission shall be empowered to adopt delegated acts in accordance with Article 9, taking account of economic and technical trends, concerning the adaptation of the definitions and the adoption of additional definitions.'

(3) In Article 4, the following paragraph 4 is added:

'4. The Commission shall be empowered to adopt delegated acts in accordance with Article 9, taking account of economic and technical trends, concerning the adaptation of the data collection scope and the content of the Annexes.'

(4) In Article 5, paragraph 2 is replaced by the following:

'2. Arrangements for transmitting data to the Commission (Eurostat), including data interchange standards, shall be adopted by the Commission in accordance with the examination procedure referred to in Article 10(2).'

(5) In Article 6, the following subparagraph is added:

'Arrangements for the dissemination of results shall be adopted by the Commission in accordance with the examination procedure referred to in Article 10(2).'

(6) In Article 7, paragraph 1 is replaced by the following:

'1. The Commission shall adopt the methodological requirements and criteria designed to ensure the quality of the data produced in accordance with the examination procedure referred to in Article 10(2).'

(7) Article 9 is replaced by the following:

'Article 9
Exercise of delegated powers

1. The power to adopt delegated acts is conferred upon the Commission subject to the conditions laid down in this Article.

2. When exercising the powers delegated in Article 2(5), Article 3 and Article 4(4), the Commission shall ensure that the delegated acts do not impose a significant additional administrative burden on the Member States and on the respondents.

3. The power to adopt delegated acts referred to in Article 2(5), Article 3 and Article 4(4) shall be conferred on the Commission for an indeterminate period of time from (Publication office : please insert the exact date of the entry into force of the amending Regulation).

4. The delegation of power referred to in Article 2(5), Article 3 and Article 4(4) may be revoked at any time by the European Parliament or by the Council.

A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of*

the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

6. A delegated act adopted pursuant to Article 2(5), Article 3 and Article 4(4) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or the Council.'

(8) Article 10 is replaced by the following:

'Article 10
Committee

1. The Commission shall be assisted by the European Statistical System Committee established by Regulation (EC) No 223/2009 of the European Parliament and of the Council of 11 March 2009 on European statistics(*). That committee shall be a committee within the meaning of Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers(**).

2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

(*) OJ L 87, 31.3.2009, p. 164.

(**) OJ L 55, 28.2.2011, p. 13.'

(9) Annex G is deleted.

Article 2

This Regulation shall not affect the procedures for the adoption of measures provided for in Regulation (EC) No 1365/2006 which have been initiated but not completed before the entry into force of this Regulation.

Article 3

This Regulation shall enter into force on the twentieth 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