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PROPOSAL

From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
date of receipt:	26 September 2017
To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union
No. Cion doc.:	COM(2017) 545 final
Subject:	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on statistics of goods transport by inland waterways (codification)

Delegations will find herewith attached a new Commission codification proposal for the subject (COM(2017) 545 final- 2013/0226(COD) and Annexes 1 to 8).

Delegations are invited to send their comments on the codification proposal by 23 October 2017 to the following addresses:

SECRETARIAT.Codification@consilium.europa.eu **AND** sj-codification@ec.europa.eu

Delegation's attention is drawn to the Practical Guide on Codification (doc. 14722/14 + COR1 of 24 October 2014).

Encl.: COM(2017) 545 final

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EN



Brussels, 26.9.2017
COM(2017) 545 final

2013/0226 (COD)

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on statistics of goods transport by inland waterways (codification)

EXPLANATORY MEMORANDUM

1. In the context of a people's Europe, the Commission attaches great importance to simplifying and clarifying the law of the Union so as to make it clearer and more accessible to citizens, thus giving them new opportunities and the chance to make use of the specific rights it gives them.

This aim cannot be achieved so long as numerous provisions that have been amended several times, often quite substantially, remain scattered, so that they must be sought partly in the original instrument and partly in later amending ones. Considerable research work, comparing many different instruments, is thus needed to identify the current rules.

For this reason a codification of rules that have frequently been amended is also essential if the law is to be clear and transparent.

2. On 1 April 1987 the Commission decided¹ to instruct its staff that all acts should be codified after no more than ten amendments, stressing that this is a minimum requirement and that departments should endeavour to codify at even shorter intervals the texts for which they are responsible, to ensure that their provisions are clear and readily understandable.
3. The Conclusions of the Presidency of the Edinburgh European Council (December 1992) confirmed this², stressing the importance of codification as it offers certainty as to the law applicable to a given matter at a given time.

Codification must be undertaken in full compliance with the normal procedure for the adoption of acts of the Union.

Given that no changes of substance may be made to the instruments affected by codification, the European Parliament, the Council and the Commission have agreed, by an interinstitutional agreement dated 20 December 1994, that an accelerated procedure may be used for the fast-track adoption of codification instruments.

4. The purpose of this proposal is to undertake a codification 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 waterways and repealing Council Directive 80/1119/EEC³. The new Regulation will supersede the various acts incorporated in it⁴; this proposal fully preserves the content of the acts being codified and hence does no more than bring them together with only such formal amendments as are required by the codification exercise itself.
5. The codification proposal was drawn up on the basis of a preliminary consolidation, in 24 official languages, of Regulation (EC) No 1365/2006 and the instruments amending it, carried out by the Publications Office of the European Union, by means of a data-processing system. Where the Articles have been given new numbers, the

¹ COM(87) 868 PV.

² See Annex 3 to Part A of the Conclusions.

³ Entered in the legislative programme for 2017.

⁴ See Annex VII to this proposal.

correlation between the old and the new numbers is shown in a table set out in Annex VIII to the codified Regulation.

↓ 1365/2006 (adapted)

2013/0226 (COD)

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on statistics of goods transport by inland waterways(codification)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the European Commission,

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

Having regard to the opinion of the European Economic and Social Committee⁵,

Acting in accordance with the ordinary legislative procedure,

Whereas:

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- (1) Regulation (EC) No 1365/2006 of the European Parliament and of the Council⁶ has been substantially amended several times⁷. In the interests of clarity and rationality, that Regulation should be codified.

↓ 1365/2006 recital 1 (adapted)

- (2) Inland waterways are an important part of the \boxtimes Union \boxtimes 's transport networks and the promotion of inland waterways transport is one of the objectives of the common transport policy, both for reasons of economic efficiency and in order to reduce energy consumption and the environmental impact of transport.

⁵ OJ C [...], [...], p. [...].

⁶ Regulation (EC) No 1365/2006 of the European Parliament and of the Council of 6 September 2006 on statistics of goods transport by inland waterways and repealing Council Directive 80/1119/EEC (OJ L 264, 25.9.2006, p. 1).

⁷ See Annex VII.

↓ 1365/2006 recital 2

- (3) The Commission needs statistics concerning the transport of goods by inland waterways in order to monitor and develop the common transport policy, as well as the transport elements of policies on the regions and on trans-European networks.

↓ 1365/2006 recital 5 (adapted)

- (4) ☒ European ☒ statistics on all modes of transport should be collected according to common concepts and standards, with the aim of achieving the fullest practicable comparability between transport modes.

↓ 1365/2006 recital 6

- (5) Inland waterways transport does not occur in all Member States and, therefore, the effect of this Regulation is limited to those Member States where this mode of transport exists.

↓ 1365/2006 recital 7 (adapted)

- (6) Since the objective of this Regulation, namely the creation of common statistical standards that permit the production of harmonised data, cannot be sufficiently achieved by the Member States and can therefore be better achieved at ☒ Union ☒ level, the ☒ Union ☒ may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty ☒ on European Union ☒. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.

↓ 1365/2006 recital 8

- (7) Regulation (EC) No 223/2009 of the European Parliament and of the Council⁸ provides a reference framework for the provisions laid down by this Regulation.

↓ 2016/1954 recital 5 (adapted)

- (8) In order to take into account economic and technical trends and changes in definitions adopted at international level, the power to adopt acts in accordance with Article 290 of the Treaty ☒ on the Functioning of the European Union ☒ should be delegated to the Commission in respect of amending ☒ this ☒ Regulation to raise the threshold above 1 000 000 tonnes for statistical coverage of inland waterways transport, to adapt definitions or provide for new ones, as well as to adapt the Annexes to ☒ this ☒ Regulation to reflect changes in coding and nomenclature at international level or in the relevant Union legislative acts. It is of particular importance that the Commission

⁸ Regulation (EC) No 223/2009 of the European Parliament and of the Council of 11 March 2009 on European statistics and repealing Regulation (EC, Euratom) No 1101/2008 of the European Parliament and of the Council on the transmission of data subject to statistical confidentiality to the Statistical Office of the European Communities, Council Regulation (EC) No 322/97 on Community Statistics, and Council Decision 89/382/EEC, Euratom establishing a Committee on the Statistical Programmes of the European Communities (OJ L 87, 31.3.2009, p. 164).

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 of 13 April 2016 on Better Law-Making⁹. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

↓ 2016/1954 recital 6

- (9) The Commission should ensure that those delegated acts do not impose a significant additional burden on the Member States or on the respondents.
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↓ 2016/1954 recital 7 (adapted)

- (10) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission enabling it 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 of the European Parliament and of the Council¹⁰.
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↓ 2016/1954 recital 9

- (11) It is necessary for the Commission to arrange for pilot studies to be conducted on the availability of statistical data relating to passenger transport by inland waterways, including by cross border transport services. The Union should contribute to the cost of carrying out those pilot studies. Such contributions should take the form of grants awarded to the national statistical institutes and other national authorities referred to in Article 5 of Regulation (EC) No 223/2009, in accordance with Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council¹¹,

⁹ OJ L 123, 12.5.2016, p. 1.

¹⁰ 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 (OJ L 55, 28.2.2011, p. 13).

¹¹ Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002 (OJ L 298, 26.10.2012, p. 1).

↓ 1365/2006 recital 10 (adapted) ↓ 1365/2006 (adapted)

HAVE ADOPTED THIS REGULATION:

Article 1

Subject matter

This Regulation establishes common rules for the production of European statistics concerning inland waterways transport.

Article 2

Scope

1. Member States shall transmit to the Commission (Eurostat) data relating to inland waterways transport on their national territory.
2. Member States in which the total volume of goods transported annually by inland waterways as national, international or transit transport exceeds 1 000 000 tonnes shall supply the data referred to in Article 4(1).
3. By way of derogation from paragraph 2, Member States where there is no international or transit inland waterways transport but where the total volume of goods transported annually by inland waterways as national transport exceeds 1 000 000 tonnes shall supply only the data required under Article 4(2).
4. This Regulation shall not apply to:
 - (a) the carriage of goods by vessels of less than 50 deadweight tonnes;
 - (b) vessels used principally for the carriage of passengers;
 - (c) vessels used for ferrying purposes;
 - (d) vessels used solely for non-commercial purposes by port administrations and public authorities;
 - (e) vessels used solely for bunkering or storage;
 - (f) vessels not used for the carriage of goods such as fishery vessels, dredgers, floating workshops, houseboats and pleasure craft.

↓ 2016/1954 Art. 1.1

5. The Commission is empowered to adopt delegated acts in accordance with Article 10 concerning the amendment of paragraph 2 of this Article to raise the threshold for statistical coverage of inland waterways transport referred to therein in order to take account of economic and technical trends. When exercising that power, the Commission shall ensure that

the delegated acts do not impose a significant additional burden on the Member States or on the respondents. Furthermore, the Commission shall duly justify the statistical actions for which those delegated acts provide, using, where appropriate, a cost-effectiveness analysis, including an assessment of the burden on respondents and of the production costs as referred to in Article 14(3)(c) of Regulation (EC) No 223/2009.

↓ 425/2007 Art. 1.1 (adapted)

Article 3

Definitions

For the purposes of this Regulation, the following definitions shall apply:

- (a) ‘navigable inland waterway’ means a watercourse, not part of the sea, which by natural or man-made features is suitable for navigation, primarily by inland waterway vessels;
- (b) ‘inland waterway vessel’ means a floating craft designed for the carriage of goods or public transport of passengers which navigates predominantly in navigable inland waterways or in waters within, or closely adjacent to sheltered waters or areas where port regulations apply;
- (c) ‘nationality of the vessel’ means the country where the vessel is registered;
- (d) ‘inland waterways transport’ means any movement of goods and/or passengers using inland waterways vessels which is undertaken wholly or partly in navigable inland waterways;
- (e) ‘national inland waterways transport’ means inland waterways transport between two ports of a national territory irrespective of the nationality of the vessel;
- (f) ‘international inland waterways transport’ means inland waterways transport between two ports located in different national territories;
- (g) ‘transit inland waterways transport’ means inland waterways transport through a national territory between two ports both located in another national territory or national territories provided that in the total journey within the national territory there is no transshipment;
- (h) ‘inland waterways traffic’ means any movement of a vessel on a given navigable inland waterway.

↓ 2016/1954 Art. 1.2 (adapted)

The Commission is empowered to adopt delegated acts in accordance with Article 10 concerning the amendment of the first paragraph of this Article to adapt the definitions contained therein or provide for new ones in order to take into account relevant definitions amended or adopted at international level. When exercising that power, the Commission shall ensure that the delegated acts do not impose a significant additional burden on the Member States or on the respondents. Furthermore, the Commission shall duly justify the statistical

actions for which those delegated acts provide, using, where appropriate, a cost-effectiveness analysis, including an assessment of the burden on respondents and of the production costs as referred to in Article 14(3)(c) of Regulation (EC) No 223/2009.

↓ 1365/2006

Article 4

Data collection

1. Data shall be collected in accordance with the tables set out in Annexes I to IV.
 2. In the case referred to in Article 2(3), data shall be collected in accordance with the table set out in Annex V.
 3. For the purposes of this Regulation, goods shall be classified in accordance with Annex VI.
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↓ 2016/1954 Art. 1.3

4. The Commission is empowered to adopt delegated acts in accordance with Article 10 concerning the amendment of the Annexes to reflect changes in coding and nomenclature at international level or in the relevant Union legislative acts. When exercising that power, the Commission shall ensure that the delegated acts do not impose a significant additional burden on the Member States or on the respondents. Furthermore, the Commission shall duly justify the statistical actions for which those delegated acts provide, using, where appropriate, a cost-effectiveness analysis, including an assessment of the burden on respondents and of the production costs as referred to in Article 14(3)(c) of Regulation (EC) No 223/2009.

↓ 2016/1954 Art. 1.4

Article 5

Pilot studies

1. By 8 December 2018, the Commission, in cooperation with the Member States, shall develop the appropriate methodology for compiling statistics on passenger transport by inland waterways, including by cross-border transport services.
2. By 8 December 2019, the Commission shall launch voluntary pilot studies to be carried out by Member States that provide data within the scope of this Regulation on the availability of statistical data relating to passenger transport by inland waterways, including by cross-border transport services. Those pilot studies shall aim to assess the feasibility of those new data collections, the costs of the related data collections and the statistical quality implied.
3. By 8 December 2020, the Commission shall submit a report to the European Parliament and to the Council on the results of such pilot studies. Depending on the results of that report, and within a reasonable period, the Commission shall submit, if appropriate, a legislative proposal to the European Parliament and to the Council to amend this Regulation with regard

to statistics on passenger transport by inland waterways, including by cross-border transport services.

4. The general budget of the Union shall, where appropriate and taking into account the Union's added value, contribute to the financing of those pilot studies.

↓ 1365/2006 (adapted)

Article 6

Transmission of data

1. The transmission of data shall take place as soon as possible and no later than five months after the end of the relevant period of observation.

↓ 2016/1954 Art. 1.5

2. The Commission shall adopt implementing acts laying down the arrangements for transmitting data to the Commission (Eurostat), including data interchange standards. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 11(2).

↓ 1365/2006 (adapted)

Article 7

Dissemination

⊗ European ⊗ statistics based on the data referred to in Article 4 shall be disseminated with a frequency similar to that laid down for the transmission of data by the Member States.

↓ 2016/1954 Art. 1.6

The Commission shall adopt implementing acts laying down the arrangements for disseminating results. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 11(2).

↓ 1365/2006

Article 8

Quality of data

↓ 2016/1954 Art. 1.7

1. The Commission shall adopt implementing acts laying down the methodological requirements and criteria designed to ensure the quality of the data produced. Those

implementing acts shall be adopted in accordance with the examination procedure referred to in Article 11(2).

↓ 1365/2006

2. Member States shall take all measures necessary to ensure the quality of the data transmitted.

3. The Commission (Eurostat) shall assess the quality of the data transmitted. Member States shall supply the Commission (Eurostat) with a report containing such information and data as it may request in order to verify the quality of the data transmitted.

↓ 2016/1954 Art. 1.8

4. For the purposes of this Regulation, the quality criteria to be applied to the data to be transmitted are those referred to in Article 12(1) of Regulation (EC) No 223/2009.

5. The Commission shall adopt implementing acts laying down the detailed arrangements, structure, periodicity and comparability elements for the quality reports. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 11(2).

↓ 2016/1954 Art. 1.9 (adapted)

Article 9

Reports on implementation

By 31 December 2020 and every five years thereafter, the Commission, after consulting the European Statistical System Committee, shall submit a report to the European Parliament and to the Council on the implementation of this Regulation and on future developments.

In that report, the Commission shall take account of relevant information provided by Member States on potential improvements and on users' needs. In particular, that report shall assess .

- (a) the benefits accruing, to the Union, the Member States and the providers and users of statistical information, of the statistics produced, in relation to their costs;
 - (b) the quality of the data transmitted and the data collection methods used.
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↓ 2016/1954 Art. 1.10

Article 10

Exercise of the delegation

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

2. 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 a period of five years from 7 December 2016. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

3. 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.

4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.

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 or 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 of the Council.

↓ 2016/1954 Art. 1.11

Article 11

Committee procedure

1. The Commission shall be assisted by the European Statistical System Committee established by Regulation (EC) No 223/2009. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

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

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Article 12

Repeal

Regulation (EC) No 1365/2006 is repealed.

References to the repealed Regulation shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex VIII.

Article 13

Entry into force

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