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THE EUROPEAN UNION**

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**NOTE**

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From: General Secretariat of the Council  
To: Working Party of Statistics

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No. prev. doc.: 10861/14, STATIS 68, TRANS 320, CODEC 1473  
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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  
- Working Party meeting on Statistics, 19/06/2014 - Outcome of proceedings

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Delegations will find attached a Presidency document setting out the outcome of the examination of the draft Regulation by the Working Party on Statistics meeting on 19/06/2014.

New Presidency proposal for 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 following the meeting of 19/06/2014<sup>1</sup>

<b>COMMISSION PROPOSAL</b>	<b>Text agreed in Council Working Party (19 June 2014)</b>
<p>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</p>	
<p>THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,</p> <p>Having regard to the Treaty on the Functioning of the European Union, and in particular Article 338 (1) thereof,</p> <p>Having regard to the proposal from the European Commission,</p> <p>After transmission of the draft legislative act to the national Parliaments,</p> <p>Acting in accordance with the ordinary legislative procedure,</p>	

<sup>1</sup> Commission has a general reservation on changes proposed by CWPS on delegated acts, Commission would like to keep its initial proposal regarding delegated acts for the adaptation of the definitions, the content of the annexes and the thresholds for statistical coverage (recitals 4, 5, 6 & 7 and Article 1 paragraphs 1 to 3 and 7). Commission has also reservation to the insertion of the no opinion clause (Article 1 § 8.3).

COMMISSION PROPOSAL	Text agreed in Council Working Party (19 June 2014)
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.	Agreed in principle
(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 powers <sup>2</sup> , the Commission has committed itself <sup>3</sup> 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.	Agreed in principle
(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 waterways <sup>4</sup> confers powers upon the Commission in order to implement some of the provisions of this Regulation.	Agreed in principle

<sup>2</sup> OJ L 55, 28.2.2011, p. 13.

<sup>3</sup> OJ L 55, 28.2.2011, p. 19.

<sup>4</sup> OJ L 264, 25.9.2006, p.1.

COMMISSION PROPOSAL	Text agreed in Council Working Party (19 June 2014)
<p>(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.</p>	<p>Agreed in principle <b>Deleted</b></p>
<p>(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.</p>	<p>Agreed in principle <b>Deleted</b></p>
<p>(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.</p>	<p>Agreed in principle <b>Deleted</b></p>
	<p>Agreed in principle <b>(6a) 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.</b></p>

COMMISSION PROPOSAL	Text agreed in Council Working Party (19 June 2014)
<p>(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.</p>	<p>Agreed in principle <b>Deleted</b></p>
<p>(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.</p>	<p>Agreed in principle</p>
<p>(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.</p>	<p>Agreed in principle</p>

<b>COMMISSION PROPOSAL</b>		<b>Text agreed in Council Working Party (19 June 2014)</b>
(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.	Agreed in principle
(11)	Regulation (EC) No 1365/2006 should therefore be amended accordingly,	Agreed in principle
<b>HAVE ADOPTED THIS REGULATION:</b>		
<b>Article 1</b>		
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.'	Agreed in principle <b>Deleted</b>
(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.'	Agreed in principle <b>Deleted</b>

COMMISSION PROPOSAL	Text agreed in Council Working Party (19 June 2014)
<p>(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.'</p>	<p>Agreed in principle <b>Deleted</b></p>
<p>(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).'</p>	<p>Agreed in principle</p>
<p>(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).'</p>	<p>Agreed in principle</p>
<p>(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).'</p>	<p>Agreed in principle</p>

<b>COMMISSION PROPOSAL</b>		<b>Text agreed in Council Working Party (19 June 2014)</b>
(7)	Article 9 is replaced by the following:	Agreed in principle (7) Article 9 is <b>deleted</b> .
	<b>Article 9</b> <b>Exercise of delegated powers</b>	Agreed in principle <b>Deleted</b>
	1. The power to adopt delegated acts is conferred upon the Commission subject to the conditions laid down in this Article.	Agreed in principle <b>Deleted</b>
	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.	Agreed in principle <b>Deleted</b>
	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).	Agreed in principle <b>Deleted</b>
	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	Agreed in principle <b>Deleted</b>



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<p>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.</p>	
<p>5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.</p>	<p>Agreed in principle <b>Deleted</b></p>
<p>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.'</p>	<p>Agreed in principle <b>Deleted</b></p>

<b>COMMISSION PROPOSAL</b>		<b>Text agreed in Council Working Party (19 June 2014)</b>
<p>(8) Article 10 is replaced by the following:</p> <p style="text-align: center;"><b>Article 10</b></p> <p style="text-align: center;"><b>Committee</b></p> <p>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(**).</p> <p>_____</p> <p>(* ) OJ L 87, 31.3.2009, p. 164.</p> <p>(** ) OJ L 55, 28.2.2011, p. 13.</p>	<p>Agreed in principle</p> <p>Agreed in principle</p>	
<p>2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.</p>	<p>Agreed in principle</p>	

COMMISSION PROPOSAL	Text agreed in Council Working Party (19 June 2014)
	<p>Agreed in principle</p> <p><b>3. Where the Committee delivers no opinion, the Commission shall not adopt the draft implementing act and the third subparagraph of Art. 5 para 4 of Regulation (EU) No 182/2011 shall apply.</b></p>
(9) Annex G is deleted.	Agreed in principle
<b>Article 2</b>	
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.	Agreed in principle
<b>Article 3</b>	
<p>This Regulation shall enter into force on the twentieth day following that of its publication in the <i>Official Journal of the European Union</i>.</p> <p>This Regulation shall be binding in its entirety and directly applicable in all Member States.</p> <p>Done at Brussels,</p>	Agreed in principle

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<p><i>For the European Parliament</i></p> <p><i>The President</i></p> <p><i>For the Council</i></p> <p><i>The President</i></p>	

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