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**NOTE**

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

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Subject: Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulation (EC) No 91/2003 of the European Parliament and of the Council of 16 December 2002 on rail transport statistics, as regards the collection of data on goods, passengers and accidents  
- 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 on rail transport statistics, as regards the collection of data on goods, passengers and accidents following the meeting of 19/06/2014<sup>1</sup>

COMMISSION PROPOSAL	Text agreed in Council Working Party (19 June 2014)
<p>Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulation (EC) No 91/2003 of the European Parliament and of the Council of 16 December 2002 on rail transport statistics, as regards the collection of data on goods, passengers and accidents</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>	

<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 content of the annexes and thresholds for statistical reporting (Recital 9 and Article 1 (2) d, (7) 1a, 2, 3, 5. 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)
After transmission of the draft legislative act to the national Parliaments,	
Acting in accordance with the ordinary legislative procedure,	
Whereas:	
(1) Regulation (EC) No 91/2003 of the European Parliament and of the Council of 16 December 2002 on rail transport statistics <sup>2</sup> establishes a common framework for producing, transmitting, evaluating and disseminating comparable rail transport statistics in the Union.	Agreed in principle
(2) Statistics on the transport of goods and passengers by rail are necessary to enable the Commission to monitor and develop the common transport policy, and the transport elements of policies on the regions and on trans-European networks.	Agreed in principle

<sup>2</sup> Regulation (EC) No 91/2003 of the European Parliament and of the Council of 16 December 2002 on rail transport statistics, OJ L 14, 21.1.2003, p. 1.

COMMISSION PROPOSAL	Text agreed in Council Working Party (19 June 2014)
<p>(3) Statistics on rail safety are also necessary to enable the Commission to prepare and monitor Union action in the field of transport safety. The European Rail Agency collects data on accidents under the Statistical Annex to Directive 2004/49/EC of the European Parliament and of the Council of 29 April 2004 on safety on the Community's railways as regards common safety indicators and common methods of calculating accident costs.</p>	<p>Agreed in principle</p>
<p>(4) Most Member States transmitting passenger data to the Commission (Eurostat) under Regulation (EC) No 91/2003 have regularly provided the same data for both the provisional and final datasets.</p>	<p>Agreed in principle</p>
<p>(5) There should be a balance between the needs of the users and the burden on respondents when producing European statistics.</p>	<p>Agreed in principle</p>
<p>(6) Eurostat has conducted a technical analysis of the existing data on rail statistics collected under the Union legislation and of the dissemination policy, within its Working Group and Task Force on rail transport statistics, to simplify as much as possible the various activities necessary for producing statistics, while keeping the final output in line with present and future user needs.</p>	<p>Agreed in principle</p>

COMMISSION PROPOSAL	Text agreed in Council Working Party (19 June 2014)
<p>(7) In its report to the European Parliament and the Council on the experience acquired in the application of the Regulation (EC) No 91/2003, the Commission mentions that long term developments will probably mean the suppression or simplification of the data already collected under the Regulation, and that the intention is to reduce the data transmission period for annual data on rail passengers.</p>	<p>Agreed in principle</p>
<p>(8) Regulation (EC) No 91/2003 confers powers on the Commission to implement some of the provisions of this Regulation. As a consequence of the entry into force of the Treaty on the Functioning of the European Union ('the Treaty'), the powers conferred on the Commission under this Regulation need to be aligned with Articles 290 and 291 of the Treaty.</p>	<p>Agreed in principle</p>

COMMISSION PROPOSAL	Text agreed in Council Working Party (19 June 2014)
<p>(9) In order to reflect new developments in the Member States but at the same time to maintain harmonised rail data collection across the Union and with a view to maintaining the high quality of the data transmitted by the Member States, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission, with a view to adapting the definitions and thresholds for reporting and the contents of the Annexes, and to specifying the information to be supplied.</p>	<p>Agreed in principle</p> <p>(9) In order to reflect new developments in the Member States but at the same time to maintain harmonised rail data collection across the Union and with a view to maintaining the high quality of the data transmitted by the Member States, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission, with a view to adapting the <b>technical</b> definitions [...].</p>
<p>(10) It is particularly important that the Commission carry out the appropriate consultations during its preparatory work, including at expert level. The Commission should, when preparing and drawing up delegated acts, ensure simultaneous, timely and appropriate submission of the relevant documents to the European Parliament and to the Council.</p>	<p>Agreed in principle</p>
<p>(11) The Commission should ensure that these delegated acts do not impose a significant additional administrative burden on the Member States and on the respondents.</p>	<p>Agreed in principle</p> <p>(11) The Commission should ensure that these delegated acts do not impose a significant additional [...] burden on the Member States and on the respondents.</p>

COMMISSION PROPOSAL	Text agreed in Council Working Party (19 June 2014)
<p>(12) In order to ensure uniform conditions for implementation of Regulation (EC) No 91/2003, implementing powers should be conferred on the Commission as regards the specification of information to be supplied for the reports on the quality and comparability of the results. These powers should be exercised in accordance with 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>3</sup>.</p>	<p>Agreed in principle</p>
	<p>Agreed in principle  <b>(12a) Regulation (EC) No 223/2009 of the European Parliament and of the Council of 11 March 2009 on European statistics constitutes the reference framework for the provisions of this Regulation, requiring, in particular, conformity to standards of professional independence, impartiality, objectivity, reliability, cost-effectiveness and statistical confidentiality.</b></p>

<sup>3</sup> OJ L 55, 28.2.2011, p. 13.

COMMISSION PROPOSAL	Text agreed in Council Working Party (19 June 2014)
(13) The European Statistical System Committee has been consulted.	Agreed in principle
(14) Regulation (EC) No 91/2003 should therefore be amended accordingly,	Agreed in principle
<b>HAVE ADOPTED THIS REGULATION:</b>	
<b>Article 1</b>	
Regulation (EC) No 91/2003 is amended as follows:	
<b>(1)</b> Article 3 is amended as follows:	
(a) In paragraph 1 points 24-30 are deleted.	Agreed in principle
(b) Paragraph 2 is replaced by the following:	Agreed in principle
‘2. The Commission shall be empowered to adopt, in accordance with Article 10, delegated acts to adapt the technical definitions referred to in paragraph 1 and to provide additional definitions when needed to take into account new developments which require a certain level of technical detail to be defined in order to ensure harmonisation of statistics.’	‘2. The Commission shall be empowered to adopt, in accordance with Article 10, delegated acts to adapt the technical definitions <b>given in points 8 to 10 and 21 to 23</b> as referred to in paragraph 1, <b>as well as</b> to provide additional technical definitions when needed to take into account new developments which require a certain level of technical detail to be defined in order to ensure harmonisation of statistics.’



COMMISSION PROPOSAL	Text agreed in Council Working Party (19 June 2014)
(2) Article 4 is amended as follows:	
(a) In paragraph 1, points b, d and h are deleted.	Agreed in principle  (a) In paragraph 1, points b, d and h are deleted. <b>The point below is added:</b>  <b>‘annual statistics on goods and passenger transport – simplified reporting (Annex L)’</b>
(b) Paragraph 2 is replaced by the following:  ‘2. Under Annexes A and C, Member States shall report data for undertakings:	Agreed in principle
(a) whose total volume of goods transport is at least 200 million tonne-km or at least 500 000 tonnes;  (b) whose total volume of passenger transport is at least 100 million passenger-km.  (c) Reporting in Annex A and Annex C is optional below these thresholds.’	Agreed in principle

COMMISSION PROPOSAL	Text agreed in Council Working Party (19 June 2014)
<p>(c) Paragraph 3 is replaced by the following:</p> <p>‘3. Under Annex L, Member States shall provide the total data for undertakings below the threshold referred to in paragraph 2 if these data are not reported under Annexes A and C, as specified in Annex L.</p>	<p>Agreed in principle</p>
<p>(d) Paragraph 5 is replaced by the following:</p> <p>‘5. The Commission shall be empowered to adopt delegated acts, in accordance with Article 10, concerning the adaptation of the contents of the Annexes and the thresholds for reporting as referred to in paragraphs 1 and 3, in order to take account of economic and technical developments.’</p>	<p>Agreed in principle</p> <p>(d) Paragraph 5 is <b>deleted</b>.</p>
<p>(e) The following paragraph 6 is added:</p> <p>‘6. When exercising its power pursuant to this paragraph, the Commission shall ensure that the delegated acts adopted do not impose a significant additional administrative burden on the Member States and on the respondents.</p>	<p>Agreed in principle</p> <p><b>Deleted</b></p>

COMMISSION PROPOSAL	Text agreed in Council Working Party (19 June 2014)
(3) In Article 5 (2) point b is replaced by the following:	
‘(b) administrative data, including data collected by regulatory authorities, in particular the rail freight waybill if available’	Agreed in principle
(4) Article 7 is replaced by the following:	Agreed in principle
‘Article 7 Dissemination	
Statistics based on the data specified in Annexes A, C, E, F, G and L shall be disseminated by the Commission (Eurostat).	
(5) In Article 8, paragraphs 3 and 4 are added:	Agreed in principle
‘3. 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.	Agreed in principle

COMMISSION PROPOSAL	Text agreed in Council Working Party (19 June 2014)
<p>4. The Commission shall, by means of implementing acts, specify the modalities, structure, periodicity and comparability elements for the standard quality reports. These implementing acts shall be adopted in accordance with the examination procedure referred to in Article 11.’</p>	<p>Agreed in principle</p> <p>4. The Commission shall, by means of implementing acts, specify the modalities, structure, periodicity and comparability elements for the standard quality reports. <b>Those</b> implementing acts shall be adopted in accordance with the examination procedure referred to in Article 11(2).’</p>
<p>(6) Article 9 is deleted.</p>	<p>Agreed in principle</p> <p><b>(6) Article 9 is replaced by the following:</b></p> <p><b>‘The Commission shall submit a report on the application of this Regulation to the European Parliament and to the Council by 31 December 2019 and every five years thereafter, accompanied, if necessary, by appropriate proposals. The report shall evaluate in particular the quality of the statistical data transmitted, the data collection methods as well as the burden on the Member States and on respondents.’</b></p>
<p>(7) Article 10 is replaced by the following:</p> <p>‘Article 10</p> <p>Exercise of the delegation</p>	

<b>COMMISSION PROPOSAL</b>	<b>Text agreed in Council Working Party (19 June 2014)</b>
<p>1. The power to adopt delegated acts shall be conferred on the Commission subject to the conditions laid down in this Article.</p>	<p>Agreed in principle</p>
	<p>Agreed in principle</p> <p><b>1a. When exercising its powers delegated in Article 3(2), the Commission shall ensure that the delegated acts do not impose a significant additional burden on the Member States and on the respondents. In addition, the Commission shall duly justify the actions in those delegated acts, conducting an where appropriate cost-effectiveness analysis, including an assessment of the burden on respondents and of the production costs, in accordance with Article 14(3) of Regulation (EC) No 223/2009.</b></p> <p><b>It is of particular importance that the Commission carries out consultations with experts, including Member States' experts, before adopting those delegated acts.</b></p>

COMMISSION PROPOSAL	Text agreed in Council Working Party (19 June 2014)
<p>2. The power to adopt delegated acts referred to in Articles 3(2) and 4(5) shall be conferred on the Commission for an indeterminate period of time from [Publications office: please insert the exact date of the entry into force of the amending Regulation].</p>	<p>Agreed in principle</p> <p>2. The power to adopt delegated acts referred to in Article 3(2) [...] shall be conferred on the Commission for [...] a period of [...] <b>five years</b> from [Publications office: please insert the exact date of the entry into force of the amending Regulation]. <b>The Commission shall draw up a report in respect of the delegation of power not later than 9 months before the end of the 5 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 3 months before the end of each period.</b></p>

COMMISSION PROPOSAL	Text agreed in Council Working Party (19 June 2014)
<p>3. The delegation of power referred to in Articles 3(2) and 4(5) 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.</p>	<p>Agreed in principle</p> <p>3. The delegation of power referred to in Article 3(2) [...] 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.</p>
<p>4. 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</p>

COMMISSION PROPOSAL	Text agreed in Council Working Party (19 June 2014)
<p>5. A delegated act adopted pursuant to Articles 3(2) and 4(5) 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.'</p>	<p>Agreed in principle</p> <p>5. A delegated act adopted pursuant to Article 3(2) [...] 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.'</p>



COMMISSION PROPOSAL	Text agreed in Council Working Party (19 June 2014)
(8) Article 11 is replaced by the following:	Agreed in principle
‘Article 11 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 the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission’s exercise of implementing powers.	Agreed in principle
2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.’	Agreed in principle
	Agreed in principle <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>

COMMISSION PROPOSAL	Text agreed in Council Working Party (19 June 2014)
(9) Article 12 is deleted.	Agreed in principle
(10) Annexes B, D, H and I are deleted.	Agreed in principle
(11) Annex C is replaced as set out in the Annex to this Regulation.	Agreed in principle
(12) Annex L is added as set out in the Annex to this Regulation.	Agreed in principle
<b>Article 2</b>	Agreed in principle
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> .	Agreed in principle
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	Agreed in principle

**ANNEX**

**'Annex C'**

ANNUAL STATISTICS ON PASSENGER TRANSPORT — DETAILED REPORTING	
List of variables and units of measurement	Passengers transported in: <ul style="list-style-type: none"><li>– number of passengers</li><li>– passenger-km</li></ul> Passenger train movements in: <ul style="list-style-type: none"><li>– train-km</li></ul>
Reference period	Year
Frequency	Every year
List of tables with the breakdown for each table	Table C3: passengers transported, by type of transport Table C4: international passengers transported, by country of embarkation and by country of disembarkation Table C5: passenger train movements
Deadline for transmission of data	Eight months after end of reference period.
First reference period	<u>201X</u> *
Notes	1. Type of transport is broken down as follows: <ul style="list-style-type: none"><li>– national</li></ul>

	<p>– international</p> <p>2. For Tables C3 and C4, Member States shall report data including information from ticket sales outside the reporting country. This information may be obtained either directly from the national authorities of other countries or through international compensation arrangements for tickets.</p>
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**\* OJ: Please insert the date of entry into force of this Regulation**

**‘Annex L’**

**Table L.1**

LEVEL OF TRANSPORT ACTIVITY IN GOODS TRANSPORT	
List of variables and units of measurement	<p>Goods transported in:</p> <ul style="list-style-type: none"> <li>- total tonnes</li> <li>- total tonne-km</li> </ul> <p>Goods train movements in:</p> <ul style="list-style-type: none"> <li>- total train-km</li> </ul>
Reference period	One year
Frequency	Every year
Deadline for transmission of data	Five months after end of reference period
First reference period	<b>201X (the year following the adoption of this Regulation)</b>
Notes	Only for undertakings with a total volume of freight transport of less than 200 million tonne-km and less than 500 000 tonnes and not reporting under Annex A (detailed reporting)

**Table L.2**

LEVEL OF TRANSPORT ACTIVITY IN PASSENGER TRANSPORT	
List of variables and units of measurement	Passengers transported in: - total passengers - total passenger-km Passenger train movements in: - total train-km
Reference period	One year
Frequency	Every year
Deadline for transmission of data	Eight months after end of reference period
First reference period	201X ( <b>the year following the adoption of this Regulation</b> )
Notes	Only for undertakings with a total volume of passenger transport of less than 100 million passenger-km and not reporting under Annex C (detailed reporting)