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> STATIS 140 TRANS 588 CODEC 2485

NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee
No. prev. doc.:	10860/14 STATIS 67 TRANS 319 CODEC 1472
No. Cion doc.:	16315/13 STATIS 130 TRANS 570 CODEC 2402
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. (early second reading) Approval of final compromise reached with the European Parliament

- On 30 August 2013, the <u>Commission</u> submitted to the Council and the European Parliament a 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.
- 2. The 1st reading position of the <u>European Parliament</u> was adopted in the Plenary on 11 March 2014.
- 3. The <u>Working Party on Statistics</u> met on 31 October 2014 and granted the Presidency with a mandate for a trilogue with the European Parliament based on the outcome of the discussions.

 An informal trilogue meeting took place on 25 November 2014 with representatives of the three institutions. During this meeting, a final compromise text was agreed as set out in the Annex.

Due to a final request from Parliament, recital 12a has been slightly modified. Following a request from the Commission, Article 10 (1) a has also been slightly amended. These are the only changes in comparison to doc.16794/14.

5. It is recommended that the <u>Permanent Representatives' Committee</u> examine and approve the final compromise text in the annex with a view to reaching an early second reading agreement on the 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.

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.

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:

- Regulation (EC) No 91/2003 of the European Parliament and of the Council of 16 December 2002 on rail transport statistics¹ establishes a common framework for producing, transmitting, evaluating and disseminating comparable rail transport statistics in the Union.
- (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.

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.

- (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 Annex² 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.
- (3a) Eurostat and the European Railway Agency should closely cooperate in improving statistics on rail accidents and in particular ensure the methodological consistency with regard to accident data on other modes of transport.
- (3b) Eurostat and the European Railway Agency should cooperate to collect data on incidents and precursors of accidents.
- 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.
- (5) There should be a balance between the needs of the users and the burden on respondents when producing European statistics.
- (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.

- (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. The Commission should continue to provide reports at regular intervals on the way in which this Regulation is implemented.
- (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.
- (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 technical definitions.
- (10) It is particularly important that the Commission carry out the appropriate consultations during its preparatory work, including with the expert group composed of experts designated by the Member States. 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.
- (11) The Commission should ensure that these delegated acts do not impose a significant additional burden on the Member States and on the respondents.

- (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, and on arrangements for the dissemination of results by the Commission (Eurostat). 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 powers³.
- (12a) In view of the importance of data on rail transport infrastructure for Union policies, a contribution by the Union is to be awarded to finance the implementation of pilot studies on new variables related to rail infrastructure in accordance with the principle of reasonable financial-burden-sharing between the budgets of the Union and the Member States. <u>Pilot studies should include pilot data collection. The main findings of the studies, including the result of the pilot data collection, should be included in the report by the Commission as referred in Article 9.</u>

This contribution for conducting the pilot studies as referred to in Article 8a should be awarded in the form of grants to the national statistical institutes and other national authorities in accordance with Regulation (EU, Euratom) N° 966/2012.

- (13) The European Statistical System Committee has been consulted.
- (14) Regulation (EC) No 91/2003 should therefore be amended accordingly,

³ OJ L 55, 28.2.2011, p. 13.

HAVE ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 91/2003 is amended as follows:

- (1) Article 3 is amended as follows:
 - (a) In paragraph 1 points 24-30 are deleted.
 - (b) Paragraph 2 is replaced by the following:
 - '2. The Commission shall be empowered to adopt, in accordance with Article 10, delegated acts to adapt the technical definitions given in points 8 to 10 and 21 to 23 as referred to in paragraph 1, as well as 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.'
- (2) Article 4 is amended as follows:
 - (a) In paragraph 1, points b, d and h are deleted.
 - (aa) In paragraph 1 point d. a) is added'annual statistics on goods and passenger transport simplified reporting (Annex L)'
 - (ab) Paragraph (1a) is added

'As per Article 9(3) of Regulation 881/2004, Eurostat and the European Railway Agency shall closely cooperate to ensure methodological consistency between common safety indicators listed in Annex I to Directive 2009/149/EC* on railway safety and the indicators used in other modes of transport.'

* Commission Directive 2009/149/EC of 27 November 2009 amending Directive 2004/49/EC of the European Parliament and of the Council as regards Common Safety Indicators and common methods to calculate accident costs

OJ.L 313, 28.11.2009, p.65

- (b) Paragraph 2 is replaced by the following:
 - ². Under Annexes A and C, Member States shall report data for undertakings:
 - (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 passengerkm.
 - (c) Reporting in Annex A and Annex C is optional below these thresholds.'
- (c) Paragraph 3 is replaced by the following:
 - '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.'
- (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'
- (4) Article 7 is replaced by the following:

'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).

The arrangements for the dissemination of results shall be adopted by the Commission in accordance with the examination procedure referred to in Article 11(2).

- (5) In Article 8, paragraphs 1a,3 and 4 are added:
 - '1a. Member States shall take all measures necessary to ensure the quality of the data transmitted.'
 - 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.
 - 4. The Commission shall, by means of implementing acts, specify the modalities, structure, periodicity and comparability elements for the standard quality reports.

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

(5a) Article 8a is added

'Article 8a

Pilot studies

- 1. Member States shall carry out pilot studies on the following variables :
 - (a) Number of kilometres of rail infrastructure, equipped with ERTMS,
 - (b) Length in kilometres of the rail network continuously equipped with ERTMS (in the Member State),
 - (c) Number of rail vehicles equipped with ERTMS,
 - (d) Number of cross-border rail points, abandoned for use of passengers or freight transport or dismantled rail infrastructure, and
 - (e) Number of stations, barrier-free, accessible for persons with reduced mobility (PRMs) and disabled persons.

- 2. The results of the pilot studies referred to in paragraph (a), (b) and (c) of this article shall be transmitted to the Commission by 16 June 2017.
- 3. The results of the pilot studies referred to in paragraph 1.(d) and (e) of this article shall be transmitted to the Commission no later than three years after the adoption of this Regulation.
- In order to facilitate the carrying out of the pilot studies referred to in paragraph 1 of this article, the Union shall award financial support to the national statistical institutes and other national authorities referred to in Article 5 of Regulation (EC) No 223/2009(2).'
- (6) Article 9 is replaced by the following:

'Article 9

Report

The Commission, after consulting the European Statistical System Committee, shall submit a report to the European Parliament and to the Council by 31 December 2018 and every four years thereafter on the implementation of this Regulation and future developments.

In that report, the Commission shall take account of relevant information provided by Member States related to quality of the data transmitted, the data collection methods used and information on potential improvements/users' needs.

In particular, that report shall:

- (a) assess 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) assess the quality of the data transmitted, the data collection methods used and the quality of the statistics produced;

- (c) if appropriate, identify areas for potential improvement, in particular the introduction of new variables related to rail infrastructure as defined in Article 8a, taking into account the findings of the pilot studies as referred to in Article 8a.'
- (7) Article 10 is replaced by the following:

'Article 10 Exercise of the delegation

- 1. The power to adopt delegated acts shall be conferred on the Commission subject to the conditions laid down in this Article.
- 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 statistical actions provided for in those delegated acts, using, where appropriate, costeffectiveness analysis, including an assessment of the burden on respondents and of the production costs, as referred to in point (c) of Article 14(3) of Regulation (EC) No 223/2009.

It is of particular importance that the Commission <u>follows its usual practice and</u> carries out consultations with experts, including Member States' experts before adopting those delegated acts.

2. The power to adopt delegated acts referred to in Article 3(2) shall be conferred on the Commission for a period of five years from [Publications office: please insert the exact date of the entry into force of the amending Regulation].

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.

- 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.
- 4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
- 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.'
- (8) Article 11 is replaced by the following:

'Article 11

Committee

- 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) No182/2011 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.
- 2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.'

- (9) Article 12 is deleted.
- (10) Annexes B, D, H and I are deleted.
- (11) Annex C is replaced as set out in the Annex to this Regulation.
- (12) Annex L is added as set out in the Annex to this Regulation.

Article 2

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