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#### COVER NOTE

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

date of receipt: 25 April 2018

To: Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of  
the European Union

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No. Cion doc.: C(2018) 2382 final

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Subject: COMMISSION DELEGATED DECISION (EU) .../... of 25.4.2018  
supplementing Directive 2009/42/EC of the European Parliament and of  
the Council as regards the list of ports and repealing Commission Decision  
2008/861/EC

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Delegations will find attached document C(2018) 2382 final.

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Encl.: C(2018) 2382 final



Brussels, 25.4.2018  
C(2018) 2382 final

**COMMISSION DELEGATED DECISION (EU) .../...**

**of 25.4.2018**

**supplementing Directive 2009/42/EC of the European Parliament and of the Council as regards the list of ports and repealing Commission Decision 2008/861/EC**

(Text with EEA relevance)

## EXPLANATORY MEMORANDUM

### **1. CONTEXT OF THE DELEGATED ACT**

Directive 2009/42/EC of the European Parliament and of the Council on statistical returns in respect of carriage of goods and passengers by sea provides for the regular production and dissemination of maritime transport statistics at European level. Those statistics support the evidence-based development and monitoring of European policies in the area of maritime transport.

A list of Union ports, coded and classified according to countries and maritime coastal areas, is a basic tool for collecting data on the maritime transport of goods, passengers and vessels in the framework of Directive 2009/42/EC. The current list is set out in Annex I to Commission Decision 2008/861/EC. However, as Europe's port infrastructure changes over time, so too does the composition of maritime ports sector in the Union. In particular, changes to Member States' port infrastructure since 2008 mean that it is important that the list of ports be updated.

The Commission has drawn up an updated list of ports. Article 4(1) of the Directive empowers it to adopt this list by means of a delegated act.

As this delegated act concerns a matter relating to the European Economic Area, its application should extend to the EEA. Following its entry into force, the relevant EEA/EFTA bodies should consider a similar updating of the corresponding codified lists of ports for the two maritime EFTA countries (Iceland and Norway), as set out in Appendix 2 to Annex XXI to the EEA Agreement.

### **2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT**

Appropriate consultations were carried out in the course of the preparatory work, including at expert level.

Member State experts were consulted in the Working Group on Maritime Transport Statistics in May 2016 and in the Coordinating Group for Statistics on Transport (CGST) in November 2016.

The Directors of sectoral and environmental statistics and accounts (DIMESA) were consulted in writing in December 2016 and January 2017.

The European Parliament and the Council have been duly informed.

This Commission Delegated Decision was published on Better Regulation Portal for a 4-week feedback period (3 July 2017 - 31 July 2017) in order to collect the stakeholders' views. There was no feedback received.

This Delegated Decision was also discussed by an expert group composed of the Directors General of National Statistical Institutes in February 2018.

### **3. LEGAL ELEMENTS OF THE DELEGATED ACT**

The objective of this delegated act is to ensure the accuracy and relevance of European maritime transport statistics in accordance with Article 4(1) of Directive 2009/42/EC.

The act sets out an updated list of ports, coded and classified according to countries and maritime coastal areas.

The updated list of ports, coded and classified by country and maritime coastal area, cannot become part of Decision 2008/861/EC, as, pursuant to the new legal basis in Directive 2009/42/EC it needs to be adopted in the form of a delegated act. Decision 2008/861/EC should therefore be repealed.

It has no implications for the Union budget.

It concerns a matter relating to the European Economic Area and its application should therefore extend to the EEA.

**COMMISSION DELEGATED DECISION (EU) .../...**

**of 25.4.2018**

**supplementing Directive 2009/42/EC of the European Parliament and of the Council as regards the list of ports and repealing Commission Decision 2008/861/EC**

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Directive 2009/42/EC of the European Parliament and of the Council of 6 May 2009 on statistical returns in respect of carriage of goods and passengers by sea<sup>1</sup>, and in particular Article 4(1) thereof,

Whereas:

- (1) The composition of maritime ports sector in the Union has changed since the adoption of Commission Decision 2008/861/EC<sup>2</sup>, which set out the list of ports, coded and classified by country and maritime coastal area, for the purposes of implementing Directive 2009/42/EC.
- (2) In particular, changes to Member States' port infrastructure mean that it is important that the list of ports set out in Decision 2008/861/EC be updated.
- (3) The updated list of ports, coded and classified by country and maritime coastal area, should be adopted by means of a delegated act. Decision 2008/861/EC should therefore be repealed,

HAS ADOPTED THIS DECISION:

*Article 1*

The list of ports, coded and classified by country and maritime coastal area, is set out in the Annex.

*Article 2*

Decision 2008/861/EC is repealed.

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<sup>1</sup> OJ L 141, 6.6.2009, p. 29.

<sup>2</sup> Commission Decision 2008/861/EC of 29 October 2008 on rules for implementing Council Directive 95/64/EC on statistical returns in respect of carriage of goods and passengers by sea (OJ L 306, 15.11.2008, p. 66).

*Article 3*

This Decision shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

Done at Brussels, 25.4.2018

*For the Commission*  
*The President*  
*Jean-Claude JUNCKER*