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2013/0226 (COD)

**COMMUNICATION FROM THE COMMISSION  
TO THE EUROPEAN PARLIAMENT**

**pursuant to Article 294(6) of the Treaty on the Functioning of the European Union**

**concerning the**

**position of the Council on the adoption of a 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 delegated and implementing powers upon the Commission for the adoption of certain measures**

(Text with EEA relevance)

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**1. BACKGROUND**

Date of transmission of the proposal to the European Parliament and to the Council 28 June 2013

COM(2013) 484 – 2013/0226 (COD)

Date of the opinion of the European Economic and Social Committee: NA

Date of the position of the European Parliament, first reading: 11 March 2014

Date of transmission of the amended proposal: NA

Date of adoption of the position of the Council: 18 July 2016

**2. OBJECTIVE OF THE PROPOSAL FROM THE COMMISSION**

The sole objective of the Commission's proposal is to align Regulation (EC) No 1365/2006<sup>1</sup> with the Treaty on the Functioning of the European Union (TFEU) as far as delegated and implementing powers are concerned.

The proposed Regulation would empower the Commission to adopt delegated acts for the purpose of: i) adapting the threshold for statistical coverage of inland waterways transport, adapting the existing definitions and adopting additional definitions and ii) adapting the scope of the data collection and the content of the Annexes.

It would also confer implementing powers on the Commission with a view to ensuring uniform conditions under which it can: i) set standard rules on the arrangements for Member States to submit data to the Commission (Eurostat) including data interchange standards and on the dissemination of results by the Commission (Eurostat) and ii) develop and publish methodological requirements and criteria designed to ensure the quality of the data produced,

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

in accordance with the examination procedure laid down in Article 5 of Regulation (EU) No 182/2011<sup>2</sup>.

### **3. COMMENTS ON THE POSITION OF THE COUNCIL**

#### **3.1 General comments**

The position of the Council reflects on the one hand the agreement reached between the Council, the European Parliament Transport and Tourism Committee and the Commission in the tripartite discussions and, on the other hand, the new Inter-Institutional Agreement on Better law-making of 13 April 2016<sup>3</sup>.

The Council adopted its position at first reading on 18 July 2016.

The Council's position is acceptable for the Commission.

#### **3.2 Comments on the amendments adopted by the European Parliament**

##### *3.2.1. European Parliament amendments included in full, in part or in principle in Council's position at first reading*

The main issue addressed in the inter-institutional discussions was the introduction of pilot studies and their nature. Such studies had been proposed as a compromise in response to the European Parliament's request to include additional variables on passengers transport by inland waterways in the Regulation.

The new Article 4a stipulates that the Commission will launch voluntary pilot studies to be carried out by Member States providing information on the availability of statistical data on passengers transport by inland waterways and inland waterway cross-border services. The Commission (Eurostat), will work with Member States, to determine the appropriate statistical methodology. Moreover, the general budget shall contribute to financing these pilot studies where appropriate and taking into account the added value for the Union. The new Article is therefore acceptable for the Commission.

The content of amendment 10 (Article 7, new paragraphs 3a and 3b) on the rules on quality criteria is acceptable for the Commission, as they are in line with Regulation (EC) No 223/2009<sup>4</sup>. It also provides for the adoption by means of implementing acts of specification for the modalities, structure, periodicity and comparability elements for the quality reports.

Amendment 11 (Article 8) requires the Commission to submit a report to the European Parliament and to the Council every five years instead of every three years as proposed by the European Parliament.

##### *3.2.2. European Parliament amendments not included in Council position at first reading*

The main amendments relating to the explicit addition of new variables were not included in the Council position.

#### **3.3 Provisions modified by the Council and the Commission's position**

Articles 2(5), 3 and 4(4) are related to the delegation of powers. The empowerment of the Commission is maintained but with specific limitations. The Commission will be empowered

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<sup>2</sup> 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).

<sup>3</sup> OJ L 123, 12.5.2016, p.1.

<sup>4</sup> Regulation (EC) No 223/2009 of the European Parliament and of the Council of 11 March 2009 on European statistics (OJ L 87, 31.3.2009, p. 164).

to adopt delegated acts only in order to: i) introduce increases to the threshold; ii) adapt the existing definitions or adopt new definitions to reflect changes in definitions used at international level and iii) adapt the Annexes to reflect changes in coding and nomenclature at international level or in the relevant legislation of the European Union.

The Council's position also specifies that when exercising this power, the Commission shall ensure that the delegated acts do not impose a significant additional burden on the Member States or on respondents. In addition, the Commission shall duly justify the measures provided for in the delegated acts, using where appropriate, analysis of their cost-effectiveness, including assessments of the burden on respondents and of the production costs, as referred to in Article 14(3) (c) of Regulation (EC) No 223/2009.

The standard recital and Article 9 on the exercise of the delegation of power are in line with the new Inter-Institutional Agreement on Better Law-Making.

The Commission supports the above.

#### **4. CONCLUSION**

The Commission supports the compromise reached as it is in line with the Commission's efforts to align pre-Lisbon legislation. Despite some limitations, it provides a good balance between delegated and implementing acts. Furthermore, the pilot studies offer a suitable response to the European Parliament's original request. The text is an example of the successful application of the new Inter-Institutional Agreement on Better Law-Making.