

Tuesday 11 March 2014

## III

*(Preparatory acts)*

## EUROPEAN PARLIAMENT

P7\_TA(2014)0180

**Statistics of goods transport by inland waterways (delegated and implementing powers) \*\*\*I**

**European Parliament legislative resolution of 11 March 2014 on the 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 (COM(2013)0484 — C7-0205/2013 — 2013/0226(COD))**

**(Ordinary legislative procedure: first reading)**

(2017/C 378/34)

*The European Parliament,*

- having regard to the Commission proposal to Parliament and the Council (COM(2013)0484),
  - having regard to Article 294(2) and Article 338(1) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0205/2013),
  - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
  - having regard to Rule 55 of its Rules of Procedure,
  - having regard to the report of the Committee on Transport and Tourism (A7-0003/2014),
1. Adopts its position at first reading hereinafter set out;
  2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
  3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.
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## P7\_TC1-COD(2013)0226

**Position of the European Parliament adopted at first reading on 11 March 2014 with a view to the adoption of Regulation (EU) No .../2014 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**

(Text with EEA relevance)

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 <sup>(1)</sup>,

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.
- (2) In connection with the adoption of Regulation (EU) No 182/2011 of the European Parliament and of the Council <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.
- (3) Regulation (EC) No 1365/2006 of the European Parliament and of the Council <sup>(4)</sup> confers powers upon the Commission in order to implement some of the provisions of this Regulation.
- (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.
- (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 **on the Functioning of the European Union** should be delegated to the Commission ~~concerning~~ **in respect of** 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, as well as~~ **adaptation of** the content of the Annexes. [Am. 1]
- (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~~ **respondents**. [Am. 2]
- (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.

<sup>(1)</sup> Position of the European Parliament of 11 March 2014.

<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 55, 28.2.2011, p. 19.

<sup>(4)</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).

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- (8) In order to ensure uniform conditions for the implementation of Regulation (EC) No 1365/2006, implementing powers should be conferred ~~upon~~ **on** 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. **The examination procedure should be used for the adoption of those acts, given their general scope.** [Am. 3]
- (9) In accordance with the principle of proportionality, **as set out in Article 5 of the Treaty on European Union**, it is necessary and appropriate for the achievement of the basic objective of the alignment of the powers conferred ~~upon~~ **on** the Commission ~~to~~ **with** Articles 290 and 291 of the Treaty **on the Functioning of the European Union** to lay down **common** 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. [Am. 4]
- (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.
- (11) Regulation (EC) No 1365/2006 should therefore be amended accordingly,

HAVE ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1365/2006 is amended as follows:

**(-1a) In Article 2(4), point (b) is deleted; [Am. 5]**

**(-1b) In Article 2(4), point (c) is deleted; [Am. 6]**

(1) In Article 2, the following paragraph 5 is added:

‘5. The Commission shall be empowered to adopt delegated acts, **where necessary**, 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.’ [Am. 7]

(2) In Article 3, the following subparagraph is added:

‘The Commission shall be empowered to adopt delegated acts, **where necessary**, in accordance with Article 9, taking account of economic and technical trends, concerning the adaptation of the definitions and the adoption of additional definitions.’ [Am. 8]

(3) In Article 4, the following paragraph 4 is added:

‘4. The Commission shall be empowered to adopt delegated acts, **where necessary**, 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.’ [Am. 9]

(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).’

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(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).’

(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).’

(6a) *In Article 7, the following paragraphs are added:*

**‘3a. 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 of the European Parliament and of the Council (\*).**

**3b. The Commission shall, by means of implementing acts, specify the modalities, structure, periodicity and comparability elements for the quality reports. Those implementing acts shall be adopted in accordance with the examination procedure referred in Article 10(2).**

(\*) *Regulation (EC) No 223/2009 of the European Parliament and of the Council of 11 March 2009 on European statistics and repealing Regulation (EC, Euratom) No 1101/2008 of the European Parliament and of the Council on the transmission of data subject to statistical confidentiality to the Statistical Office of the European Communities, Council Regulation (EC) No 322/97 on Community Statistics, and Council Decision 89/382/EEC, Euratom establishing a Committee on the Statistical Programmes of the European Communities (OJ L 87, 31.3.2009, p. 164).* [Am. 10]

(6b) *In Article 8, the introductory wording of paragraph 1 is replaced by the following:*

**‘By ... (\*) and every three years thereafter, the Commission, after consulting the Statistical Programme Committee, shall submit a report to the European Parliament and the Council on the implementation of this Regulation. In particular, that report shall:’; [Am. 11]**

(\*) *Three years after the date of entry into force of this Regulation.*

(7) Article 9 is replaced by the following:

‘Article 9

Exercise of ~~delegated powers~~ **the delegation** [Am. 12]

1. The power to adopt delegated acts is conferred ~~upon~~ **on** the Commission subject to the conditions laid down in this Article. [Am. 13]

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.

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~~ **a period of time five years** from ... (\*). **The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-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 three months before the end of each period.** [Am. 14]

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.

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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.

5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

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.'

(\*) *The date of entry into force of this amending Regulation.*

(8) Article 10 is replaced by the following:

'Article 10

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 (\*). That committee shall be a committee within the meaning of Regulation (EU) No 182/2011 of the European Parliament and of the Council (\*\*).

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

**2a. Where the committee delivers no opinion, the Commission shall not adopt the draft implementing act and the third subparagraph of Article 5(4) of Regulation (EU) No 182/2011 shall apply. [Am. 15]**

(\*) Regulation (EC) No 223/2009 of the European Parliament and of the Council of 11 March 2009 on European statistics and repealing Regulation (EC, Euratom) No 1101/2008 of the European Parliament and of the Council on the transmission of data subject to statistical confidentiality to the Statistical Office of the European Communities, Council Regulation (EC) No 322/97 on Community Statistics, and Council Decision 89/382/EEC, Euratom establishing a Committee on the Statistical Programmes of the European Communities (OJ L 87, 31.3.2009, p. 164.)

(\*\*) 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).'

(8a) *In Annex B, Table B1 is replaced by the following:*

**'Table B1. Passenger and goods transport by nationality of the vessel and the type of vessel (annual data)**

<i>Elements</i>	<i>Coding</i>	<i>Nomenclature</i>	<i>Unit</i>
<b>Table</b>	<b>2-Alpha</b>	<b>"B1"</b>	
<b>Reporting country</b>	<b>2-letter</b>	<b>NUTSO (national code)</b>	
<b>Year</b>	<b>4-digit</b>	<b>"yyyy"</b>	

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<i>Elements</i>	<i>Coding</i>	<i>Nomenclature</i>	<i>Unit</i>
<i>Country/region of loading</i>	<i>4-alpha</i>	<i>NUTS2 (*)</i>	
<i>Country/region of unloading</i>	<i>4-alpha</i>	<i>NUTS2 (*)</i>	
<i>Type of transport</i>	<i>1-digit</i>	<i>1= national</i>	
		<i>2 = international (except transit)</i>	
		<i>3= transit</i>	
<i>Type of vessel</i>	<i>1-digit</i>	<i>1= self-propelled barge</i>	
		<i>2= barge not self-propelled</i>	
		<i>3= self-propelled tanker barge</i>	
		<i>4= tanker barge not self-propelled</i>	
		<i>5= other goods carrying vessel</i>	
		<i>6= seagoing vessel</i>	
		<i>7= cruise vessels transporting more than 100 passengers</i>	
		<i>8= ferries carrying passengers over more than 300 metres</i>	
<i>Nationality of vessel</i>	<i>2-letter</i>	<i>NUTSO code) (**)</i> (national	
<i>Tonnes transported</i>			<i>tonnes</i>
<i>Tonnes-km</i>			<i>tonnes-km</i>
<i>Passengers transported</i>	<i>12-digit</i>		<i>Passenger</i>
<i>Passengers-km</i>	<i>12-digit</i>		<i>Passenger</i>

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<i>Elements</i>	<i>Coding</i>	<i>Nomenclature</i>	<i>Unit</i>
<b>Passenger seats available</b>	<b>12-digit</b>		<b>Passenger seat</b>

(\*) *When the regional code is unknown or not available the following codification will be used:*

- *“NUTSO + ZZ” when the NUTS code exists for the partner country.*
- *“ISO code + ZZ” when the NUTS code does not exist for the partner country.*
- *“ZZZZ” when the partner country is completely unknown.*

(\*\*) *When a NUTS code does not exist for the country of registration of the vessel, the ISO national code will be reported. In case the nationality of the vessel is unknown, the code to use is “ZZ”.*

**[Am. 16]**

- (9) Annex G is deleted.

Article 2

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.

Article 3

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 ...,

*For the European Parliament*

*The President*

*For the Council*

*The President*