

Official Journal

of the European Union

L 325



English edition

Legislation

Volume 53

9 December 2010

Contents

I *Legislative acts*

REGULATIONS

- ★ **Regulation (EU) No 1090/2010 of the European Parliament and of the Council of 24 November 2010 amending Directive 2009/42/EC on statistical returns in respect of carriage of goods and passengers by sea ⁽¹⁾** 1

II *Non-legislative acts*

DECISIONS

2010/718/EU:

- ★ **European Council Decision of 29 October 2010 amending the status with regard to the European Union of the island of Saint-Barthélemy** 4

Price: EUR 3

(¹) Text with EEA relevance

EN

Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

The titles of all other acts are printed in bold type and preceded by an asterisk.

I

(Legislative acts)

REGULATIONS

REGULATION (EU) No 1090/2010 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 24 November 2010
amending Directive 2009/42/EC on statistical returns in respect of carriage of goods and passengers
by sea
(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 ⁽¹⁾,

Whereas:

- (1) The second paragraph of Annex VIII to Directive 2009/42/EC of the European Parliament and of the Council ⁽²⁾ provides that the conditions for collecting data set B1 (data concerning 'Seaborne transport in the main European ports, by port, type of cargo, goods and relation') are to be decided by the Council on a proposal from the Commission in the light of the results of the pilot study carried out during a three-year transitional period, as provided for in Article 10 of Council Directive 95/64/EC of 8 December 1995 on statistical returns in respect of carriage of goods and passengers by sea ⁽³⁾.
- (2) According to the Report from the Commission to the Council and to the European Parliament on experience acquired in the work carried out pursuant to Directive 95/64/EC ('Commission Report'), the collection of detailed information appeared feasible and to be at a reasonable cost for bulk and semi-bulk cargo. However, the main difficulty occurred in compiling such data for containers and ro-ro traffic. It was appropriate to explore the possibility to extend the scope of Directive 95/64/EC to other items of information listed in Article 10(2)(a) of

that Directive only when more experience had been gained with collecting the current variables and when the current system was well established. As regards the collection of commodity information, the potential revisions of the NST/R classification (Standard Goods Classification for Transport Statistics/Revised, 1967) should be taken into account.

- (3) The functioning of the current collection system is well established, including the implementation of the modifications introduced by Commission Decision 2005/366/EC of 4 March 2005 implementing Council Directive 95/64/EC on statistical returns in respect of carriage of goods and passengers by sea and amending Annexes thereto ⁽⁴⁾ and the geographical extension of the system due to the 2004 and 2007 enlargements of the Union.
- (4) A large number of Member States transmitting data to the Commission (Eurostat) within the scope of Directive 95/64/EC have been regularly providing the Commission (Eurostat) with data set B1 on a voluntary basis in accordance with the NST/R classification.
- (5) Commission Regulation (EC) No 1304/2007 of 7 November 2007 with respect to the establishment of NST 2007 as the unique classification for transported goods in certain transport modes ⁽⁵⁾ introduced NST 2007 (Standard Goods Classification for Transport Statistics, 2007) as the unique classification for transported goods in maritime, road, rail and inland waterways transport. That classification is applicable as from the reference year 2008, covering 2008 data. The main problems in compiling data by type of goods in accordance with NST/R classification, as mentioned in the Commission Report, have been solved by the introduction of NST 2007. Therefore, for the most part, the collection of data set B1 will not impose any additional burden on respondents.

⁽¹⁾ Position of the European Parliament of 19 October 2010 (not yet published in the Official Journal) and decision of the Council of 17 November 2010.

⁽²⁾ OJ L 141, 6.6.2009, p. 29.

⁽³⁾ OJ L 320, 30.12.1995, p. 25. Directive 95/64/EC has been repealed by Directive 2009/42/EC.

⁽⁴⁾ OJ L 123, 17.5.2005, p. 1.

⁽⁵⁾ OJ L 290, 8.11.2007, p. 14.

- (6) In accordance with Council Regulation (EC) No 1172/98 of 25 May 1998 on statistical returns in respect of the carriage of goods by road⁽¹⁾, Regulation (EC) No 91/2003 of the European Parliament and of the Council of 16 December 2002 on rail transport statistics⁽²⁾ and 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⁽³⁾, the collection of data by type of goods is mandatory for European statistics on road, rail, and inland waterways transport respectively, while it is voluntary for maritime transport. European statistics on all modes of transport should be collected in accordance with common concepts and standards, with the aim of achieving the fullest practicable comparability between transport modes.
- (7) The introduction in 2011 of the obligation to provide the Commission (Eurostat) with data set B1, provides Member States with an adequate period of time during which a voluntary compilation could be used for the necessary tests and adaptations.
- (8) The Commission should be empowered to adopt delegated acts in accordance with Article 290 of the Treaty on the Functioning of the European Union in respect of certain detailed rules for implementing Directive 2009/42/EC. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level.
- (9) Directive 2009/42/EC should therefore be amended accordingly,

HAVE ADOPTED THIS REGULATION:

Article 1

Directive 2009/42/EC is hereby amended as follows:

- (1) in Article 3(4), the second subparagraph is replaced by the following:
- The Commission may adopt those measures by means of delegated acts in accordance with Article 10a and subject to the conditions of Articles 10b and 10c.;
- (2) in Article 4(1), the second subparagraph is replaced by the following:
- The Commission may adopt those measures by means of delegated acts in accordance with Article 10a and subject to the conditions of Articles 10b and 10c.;
- (3) in Article 5, the third paragraph is replaced by the following:
- The Commission may adopt those measures by means of delegated acts in accordance with Article 10a and subject to the conditions of Articles 10b and 10c.;
- (4) in Article 10, paragraph 3 is deleted;

- (5) the following Articles are inserted:

Article 10a

Exercise of the delegation

1. The power to adopt delegated acts referred to in Article 3(4), Article 4(1) and the third paragraph of Article 5 shall be conferred on the Commission for a period of 5 years from 29 December 2010. The Commission shall draw up a report in respect of the delegated power at the latest 6 months before the end of the five-year period. The delegation of power shall be automatically extended for periods of an identical duration, unless the European Parliament or the Council revokes it in accordance with Article 10b.

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

3. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in Articles 10b and 10c.

Article 10b

Revocation of the delegation

1. The delegation of power referred to in Article 3(4), Article 4(1) and the third paragraph of Article 5 may be revoked at any time by the European Parliament or by the Council.

2. The institution which has commenced an internal procedure for deciding whether to revoke a delegation of power shall endeavour to inform the other institution and the Commission within a reasonable time before the final decision is taken, indicating the delegated power which could be subject to revocation and possible reasons for a revocation.

3. The decision of revocation shall put an end to the delegation of the power specified in that decision. It shall take effect immediately or at a later date specified therein. It shall not affect the validity of the delegated acts already in force. It shall be published in the *Official Journal of the European Union*.

Article 10c

Objections to delegated acts

1. The European Parliament or the Council may object to a delegated act within a period of 2 months from the date of notification.

At the initiative of the European Parliament or the Council that period shall be extended by 2 months.

2. If, on expiry of the period referred to in paragraph 1, neither the European Parliament nor the Council has objected to the delegated act, it shall be published in the *Official Journal of the European Union* and shall enter into force on the date stated therein.

⁽¹⁾ OJ L 163, 6.6.1998, p. 1.

⁽²⁾ OJ L 14, 21.1.2003, p. 1.

⁽³⁾ OJ L 264, 25.9.2006, p. 1.

The delegated act may be published in the *Official Journal of the European Union* and enter into force before the expiry of that period if the European Parliament and the Council have both informed the Commission of their intention not to raise objections.

3. If either the European Parliament or the Council objects to the delegated act within the period referred to in paragraph 1, it shall not enter into force. The institution which objects shall state the reasons for objecting to the delegated act.;

(6) the second paragraph of Annex VIII is deleted.

Article 2

This Regulation shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

The first reference year for the application of this Regulation shall be 2011, covering the 2011 data.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Strasbourg, 24 November 2010.

For the European Parliament

The President

J. BUZEK

For the Council

The President

O. CHASTEL

II

(Non-legislative acts)

DECISIONS

EUROPEAN COUNCIL DECISION

of 29 October 2010

amending the status with regard to the European Union of the island of Saint-Barthélemy

(2010/718/EU)

THE EUROPEAN COUNCIL,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 355(6) thereof,

Having regard to the initiative of the French Republic,

Having regard to the opinion of the European Commission,

Whereas:

- (1) Article 355 of the Treaty on the Functioning of the European Union (TFEU) allows the European Council, on the initiative of the Member State concerned and acting unanimously after consulting the Commission, to adopt a decision amending the status, with regard to the Union, of a Danish, French or Netherlands country or territory referred to in paragraphs 1 and 2 of Article 355.
- (2) In a letter from the French President dated 30 June 2010, the French Republic (hereinafter 'France') asked the European Council to take such a decision as regards the island of Saint-Barthélemy which is referred to in Article 355(1) of the TFEU. France has requested that the status of this island should change from that of outermost region, covered by Article 349 of the TFEU, to that of overseas country or territory, covered by Part Four of the TFEU.
- (3) France's request reflects the desire expressed by the elected representatives of the island of Saint-Barthélemy, which is a French overseas collectivity, governed by Article 74 of the French Constitution, with autonomy, to obtain a status with regard to the Union which would

be better suited to its status under national law, particularly given its remoteness from the mainland, its small insular economy largely devoted to tourism and subject to difficulties in obtaining supplies which hamper the application of some Union standards.

- (4) France has undertaken to conclude the agreements necessary to ensure that the interests of the Union are preserved when this change takes place. These agreements should relate firstly to monetary matters, as France intends to retain the euro as the sole currency on Saint-Barthélemy and it must be ensured that the application of the law of the Union in the essential fields of the good functioning of economic and monetary union is maintained. Secondly, such agreements should relate to taxation and aim to guarantee that the mechanisms of Council Directive 77/799/EEC of 19 December 1977 concerning mutual assistance by the competent authorities of the Member States in the field of direct taxation and taxation of insurance premiums⁽¹⁾ and Council Directive 2003/48/EC of 3 June 2003 on taxation of savings income in the form of interest payments⁽²⁾, which aim in particular at combating fraud and cross-border tax evasion, will continue to apply in future to the territory of Saint-Barthélemy. The citizens of Saint-Barthélemy should remain citizens of the Union and should enjoy the same rights and freedoms within the Union as other French citizens, just as all citizens of the Union should continue to benefit from the same rights and freedoms in Saint-Barthélemy as they do now.

- (5) As a result, the change in the status with regard to the Union, of the island of Saint-Barthélemy, in response to the democratically expressed request of its elected representatives, should not jeopardise the Union's interests and should be consistent with the access of the island to autonomous status under national law,

⁽¹⁾ OJ L 336, 27.12.1977, p. 15.

⁽²⁾ OJ L 157, 26.6.2003, p. 38.

HAS ADOPTED THIS DECISION:

Article 1

With effect from 1 January 2012, the island of Saint-Barthélemy shall cease to be an outermost region of the Union and shall have the status of overseas country or territory referred to in Part Four of the Treaty on the Functioning of the European Union (TFEU).

Article 2

The TFEU shall consequently be amended as follows:

1. in the first paragraph of Article 349, the words ‘Saint-Barthélemy’ shall be deleted;
2. in Article 355(1), the words ‘Saint-Barthélemy’ shall be deleted;

3. in Annex II, an indent shall be inserted, between that relating to ‘Saint Pierre and Miquelon’ and that relating to ‘Aruba’, which shall read as follows:

‘— Saint-Barthélemy,’

Article 3

This Decision shall enter into force on the date of its adoption.

It shall apply from 1 January 2012.

Done at Brussels, 29 October 2010.

For the European Council

The President

H. VAN ROMPUY

2010 SUBSCRIPTION PRICES (excluding VAT, including normal transport charges)

EU Official Journal, L + C series, paper edition only	22 official EU languages	EUR 1 100 per year
EU Official Journal, L + C series, paper + annual CD-ROM	22 official EU languages	EUR 1 200 per year
EU Official Journal, L series, paper edition only	22 official EU languages	EUR 770 per year
EU Official Journal, L + C series, monthly CD-ROM (cumulative)	22 official EU languages	EUR 400 per year
Supplement to the Official Journal (S series), tendering procedures for public contracts, CD-ROM, two editions per week	multilingual: 23 official EU languages	EUR 300 per year
EU Official Journal, C series — recruitment competitions	Language(s) according to competition(s)	EUR 50 per year

Subscriptions to the *Official Journal of the European Union*, which is published in the official languages of the European Union, are available for 22 language versions. The Official Journal comprises two series, L (Legislation) and C (Information and Notices).

A separate subscription must be taken out for each language version.

In accordance with Council Regulation (EC) No 920/2005, published in Official Journal L 156 of 18 June 2005, the institutions of the European Union are temporarily not bound by the obligation to draft all acts in Irish and publish them in that language. Irish editions of the Official Journal are therefore sold separately.

Subscriptions to the Supplement to the Official Journal (S Series — tendering procedures for public contracts) cover all 23 official language versions on a single multilingual CD-ROM.

On request, subscribers to the *Official Journal of the European Union* can receive the various Annexes to the Official Journal. Subscribers are informed of the publication of Annexes by notices inserted in the *Official Journal of the European Union*.

CD-Rom formats will be replaced by DVD formats during 2010.

Sales and subscriptions

Subscriptions to various priced periodicals, such as the subscription to the *Official Journal of the European Union*, are available from our commercial distributors. The list of commercial distributors is available at:

http://publications.europa.eu/others/agents/index_en.htm

EUR-Lex (<http://eur-lex.europa.eu>) offers direct access to European Union legislation free of charge. The *Official Journal of the European Union* can be consulted on this website, as can the Treaties, legislation, case-law and preparatory acts.

For further information on the European Union, see: <http://europa.eu>

