

## EXTRASTAT, COM(2013) 579

<p><b>Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 471/2009 on Community statistics relating to external trade with non-member countries as regards conferring of delegated and implementing powers upon the Commission for the adoption of certain measures (Text with EEA relevance)</b></p> <p><b>COM(2013) 579 final, 2013/0279 (COD)</b></p>		
<b>Procedure</b>	<ul style="list-style-type: none"> <li>• Legal Basis: Treaty of the Functioning of the EU TFEU 338-p1</li> <li>• Ordinary Legislative Procedure: Council and EP</li> </ul>	
<b>Stages in the procedure</b>	Commission	<ul style="list-style-type: none"> <li>• Commission adoption: 08.08.2013</li> </ul>
	Council	<ul style="list-style-type: none"> <li>• Proposal Received: 08.08.2013</li> <li>• Council Working Party Meetings: 08.11.2013, 27.02.2014 (AOB), 28.03.2014, 28.4.2014, 28.05.2014</li> <li>• COREPER: 11.06.2014, 19.12.2014</li> <li>• Council of the EU: to be announced</li> </ul>
	European Parliament	<ul style="list-style-type: none"> <li>• Proposal Received: 08.08.2013</li> <li>• Committee responsible: International Trade (INTA)               <ul style="list-style-type: none"> <li>○ Rapporteur: Mr Vital Moreira (S&amp;D)</li> <li>○ New Rapporteur: Mr Bernd Lange (SPD)</li> <li>○ Committee referral announced in Parliament, 1<sup>st</sup> reading/ single reading: 10.09.2013</li> <li>○ Committee draft report: 04.11.2013 (PE 522.763)</li> <li>○ Amendments tabled in Committee: 09.12.2013 (PE 524.808)</li> <li>○ Vote in INTA Committee: 21.01.2014</li> <li>○ Committee report tabled for plenary 1<sup>st</sup> reading/single reading: 23.01.2014</li> </ul> </li> <li>• EP Plenary: 12.03.2014</li> <li>• Trilogues: 17.11.2014, 08.12.2014</li> </ul>

### Summary

The proposal is to amend Regulation (EC) No 471/2009 on Community statistics relating to external trade with non-member countries to align it with the new institutional context brought about by the Treaty on the Functioning of the European Union. In particular, the objective is to identify the powers conferred on the Commission and put in place the appropriate procedure for the adoption of measures on the basis of these powers.

Another aspect is the suggestion to modify the legislative act in order to replace the reference to the Committee on statistics relating to the trading of goods with non-member countries with a reference to the European Statistical System Committee as the committee assisting the Commission in exercising its implementing powers.

The proposal was received by the Council on 8 August 2013. The Lithuanian Presidency launched written consultation on 24 September 2013 with the deadline for comments as of 14 October.

An introduction of the proposal was made by the Commission and the initial exchange of views took place in the 8 November 2013 CWPS meeting, and an agreement was reached that both dossiers (Intrastat and Extrastat) are similar in nature and should follow the experience of recently adopted legislation wording and approach (e.g. Omnibus I on Agriculture).

The EP rapporteur for the file, Mr Vital Moreira, was appointed on 16 September 2013. On 4 November 2013 the INTA Committee draft report was issued (PE 522.763). Amendments to the report were tabled by the Committee on 9 December 2013 (PE 524.808). The vote on the draft report in INTA Committee took place on 21 January 2014. The Committee Report tabled for plenary was available on 23 January 2014. The text was adopted by the European Parliament on the 12 March 2014 EP plenary session.

An article by article examination of the file at the CWPS took place on 28 March 2014. Agreement was achieved on nearly all matters with the exception of those relating to the empowerment of delegated acts to the Commission, which were discussed but not finalised.

The Greek Presidency prepared and circulated a revised compromise proposal on these remaining matters for discussion at the CWPS meeting of 28 April 2014. The Presidency new compromise proposal was accepted by the majority of Member States and agreement was reached on this dossier at CWPS level. The outcome document on the agreed text was circulated in early May 2014.

The Greek Presidency launched an informal hearing on the proposed EP amendments on 12 May 2014, with the deadline for comments set for 16 May 2014. At the 28 May 2014 CWPS meeting the Working Party examined the EP amendments and finalised its position. On 11 June 2014 COREPER endorsed the mandate for negotiations with the EP at the trilogue phase.

During the first informal trilogue on 17 November 2014 two key issues were on the table: the streamline of the ESS governance and the use of delegated acts where the regulatory procedure with scrutiny was originally used. As to the first one, the Parliament came out against the proposal to concentrate all comitology powers in the ESS Committee, even if such provision has been already adopted recently (e.g. Intrastat regulation). The second issue concerned the use of delegated acts: the EP was determined to support the delegation of powers upon the Commission, regardless the Commission proposal providing for the use of implementing acts in some articles. In particular, the EP redlines concerned Articles 5 and 6, where the Commission and the Council agreed on the use of implementing acts.

The Presidency defended the Council position on the ESSC as the committee assisting the Commission in exercising its implementing powers and replacing the Extrastat Committee. As to the implementing acts, the Presidency reaffirmed CWPS position on their use for all those measures necessary to guarantee the uniform implementation of the Regulation in MSs, and to deal with concretely identified issues. The Commission was invited to draft a new proposal with the aim to find an agreement on the dossier.

On 8 December a second informal trilogue was held in Brussels, and an agreement was reached thanks to the flexible approach by the Presidency and the strong technical support of the Commission. The EP still maintained its firm position on the issues raised in the first meeting, but after a long debate, it agreed on the use of implementing act for all those measures regarding strictly technical issues – codes and their format Art. 5(2), linking of data 6(2), content and coverage Art. 8(1). The Presidency, on its side, dropped CWPS position and agreed on delegated act for Art. 4(5).

The Presidency and the EP accepted the new Commission proposal on spelling out in the basic act the characteristic of sample and the reporting period Art.6(3), deadline for transmission and revision conditions for statistics already transmitted Art. 8(1), deadline for transmitting statistics on TEC and TIC art. 8(2).

As to article 10a on the delegation of powers upon the Commission, the negotiations with Parliament were very tough, in particular concerning the formulation on the consultation of experts. The original position of the Parliament was that if Member State experts are referred to, then the same reference should be made to "European Parliament experts". The

compromise found avoided any obligation for the Commission to consult European Parliament experts and is close to the original Council position: therefore the reference to the consultation of MS experts was referred to only in Recital 6.

The EP accepted Art. 11(1) on the new comitology and the Presidency agreed on the deletion of the no-opinion clause Art. 11(2) .

On the 10 December CWPS meeting, the Presidency circulated among MS the draft consolidated text, which was submitted to the EP for check. The CWPS was asked to endorse the Presidency to submit the text, once consolidated, to the Coreper meeting scheduled on 17th December.

However, some delegations entered a strong reservation on the adoption of this file (document No 16787/14 STATIS) as an I point in the agenda of the Coreper, since the formulation on the experts' consultation process was not consistent with the "standard" wording and not included in article 10a. The Coreper meeting was shifted to 19 December and the file was an item for discussion. In the meanwhile the Italian Presidency contacted again the EP Committee INTA to persuade them on the absolute necessity to have this reference. The EP, disregarding all the bilateral contacts, did not accept this revision.

During the Coreper meeting, the final text submitted did not include this last-minute revision for the standard formulation. A proposal of a general statement by the Coreper was put forward: it underlined that the possible endorsement should have not represented a case of precedent. But the qualified majority was not reached and no endorsement was given.