

## Amendment of Regulation (EC) Regulation (EC) No 1365/2006 on statistics of goods transport by inland waterways, COM (2013) 484 final

<b>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 of delegated and implementing powers upon the Commission for the adoption of certain measures</b>  <b>COM (2013) 484, 2013/0226 (COD)</b>		
Procedure	<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>	
Stages in the procedure	Commission	Commission adoption: 28.06.2013
	Council	<ul style="list-style-type: none"> <li>• Proposal received: 28.06.2013</li> <li>• Council WP meetings: 28.04.2014, 19.06.2014, 22.7.2014</li> <li>• COREPER: 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: 28.06.2013</li> <li>• Committee responsible: Transport and Tourism (TRAN)               <ul style="list-style-type: none"> <li>○ Rapporteurs: Eva Lichtenberger (Greens/AT); (from July 2013 to May 2014)</li> <li>○ New Rapporteur: Mr Bas Eickhout (Greens/NL)</li> </ul> </li> <li>○ Committee referral announced in Parliament, 1<sup>st</sup> reading/single reading: 04.07.2013</li> <li>○ Committee draft report: 20.10.2013, PE521.620</li> <li>○ Amendments tabled in Committee: 21.11.2013, PE523.050</li> <li>○ Vote in TRAN Committee: 17.12.2013</li> <li>○ Committee report tabled for plenary, 1<sup>st</sup> reading/single reading: 06.01.2014</li> <li>• EP Plenary: 11.03.2014</li> <li>• Trilogue: 25.11.2014</li> </ul>

### Summary

The proposal aims to amend Regulation (EC) No 1365/2006 on statistics of goods transport by inland waterways, in order to align the legal act to the Treaty on Functioning of the European Union (TFEU) as concerns the distinction between the powers which may be delegated to the Commission to adopt non-legislative acts of general application to supplement or amend certain non-essential elements of the legislative acts (Article 290(1)) and the implementing powers which shall be conferred on the Commission, where uniform conditions for implementing legally binding Union acts are needed (Article 291(2)).

The EP rapporteur, Mrs. Eva Lichtenberger, was appointed on 10 July 2013 and the Committee draft report was issued on 22 October. The TRAN Committee voted on 17 December 2013 and the final report was tabled for plenary on 6 January 2014. The text was adopted by the European Parliament on the 11 March EP plenary session. At the May 2014 Parliamentary elections, Mrs Lichtenberger was not re-elected. Mr Bas Eichkout was recently appointed.

The Council received the proposal on 28 June 2013.

In February the Greek Presidency launched a written consultation asking for Member States to provide their comments by 3 March 2014. On the basis of the input received, the Presidency compiled a document, incorporating the comments of Member States, which was distributed to the delegations. The dossier was discussed at three Council Working Party meetings. During the first discussion on 28 April 2014, Member States generally supported the Commission proposal but expressed concerns about the broad empowerment of the Commission to adopt delegated acts, mainly regarding essential elements of the Regulation. On 19 June 2014, the Greek Presidency prepared a compromise proposal on which member states largely agreed.

On 22 July, at the first meeting of the CWPS under the Italian Presidency, the EP amendments were examined (doc. 7420/14). Member States did not agree on those amendments aimed to extend the scope of the Commission proposal by including data collection on passengers. Furthermore, the CWPS did not support the use of delegated acts for the adoption of certain measures. The Italian Presidency decided not to launch any written procedure on EP amendments considering that a long and in-depth discussion amendments by amendments took place during the meeting.

On 15 October 2014 an informal dialogue took place with the EP Committee (TRAN).

As a result, on 23 October the IT Presidency circulated, by means of written consultation, a document summarizing the CWPS position on the EP amendments. The aim of the consultation was to get support from the MSs and consequently be granted the formal mandate to meet the EP TRAN Commission. The written hearings showed that there was a general support for the positions reported by the IT Presidency as they reflect the conclusions reached at previous CWPS meetings.

On 31 October CWPS meeting the Presidency updated delegations on the written consultations, and, informed the Group about the next meeting with the EP TRAN Commission scheduled on 5th November 2014.

Following CWPS discussions the file has entered the negotiation stage. On 25 November 2014 the informal trilogue among the EP, the Commission and the Presidency took place in Strasbourg. Two issues were on the table: data on passengers' transport and the use of delegated acts. The Presidency stressed the effort it made in looking for a solution acceptable, to the largest extent possible, to all the parties involved: first of all, by considering Member States' burden and financial constraints and consequently their current difficulties in providing additional data; secondly, the European Parliament's strong and urgent need for data on passengers' transport by inland waterways; thirdly, a reasonable use of delegated acts in order to the balance of powers among the institutions within the legal acts. In particular, the Presidency proposed to add a new article providing for pilot studies on vessels used principally for the transport of passengers and vessels used for ferrying purposes.

The EP TRAN Committee Rapporteur was absolutely firm on the need for data on passengers' transport by inland waterways as this green mode of transport is considerably increasing. The variables on passengers transport by ferries and cruises were deemed as unmovable pillars. He also left it clear that an agreement on a few measures to be adopted through delegated acts was "mandatory" to conclude the negotiation positively.

Concerning the first issue, (EP am. 5, 6 and 16) the Presidency proposed to include a new article – 4a and a corresponding recital - on pilot studies concerning data on passengers transport to be financed by the Commission. As a compromise, the EP accepted the Presidency proposal, withdrew amendments 5 and 6, and agreed with the Council that passenger transport is beyond the scope of this Regulation.

As to the issue of delegated acts (EP Amendments 7, 8 and 9 that the CWPS had written-off as ruling essential elements), an agreement was reached on limiting the Commission powers in all the relevant articles: Articles 2 (5) new, Art 3 new subpar. and Art. 4 new par - either for raising the threshold for statistical coverage and only with reference to Art 2(2) ("the adaptation cannot be reduced below the threshold of 1 million tons"); to adapt definitions and adopt new ones to take account of relevant changes occurred at the international level; to adapt the content of the annexes to reflect changes in coding and nomenclature occurred at international level or in the relevant European legislation.

Following this agreement, Article 9 on the delegation of powers (EP Am. 12, 13 and 14) and its corresponding Recitals 5 and 6 (EP Am. 1 and 2) were revised and accepted. A compromise was also been reached on Articles 7.3a new and 10.2a new (EP Am. 10, 15) dealing with quality criteria and relevant reports, as well as on Article 8.1 (EP Am. 11) concerning the report on the implementation of the Regulation: it was accepted and slightly modified by the Presidency to take account of the pilot studies. Finally, in the spirit of compromise the amendment on the "no opinion clause" was used as trade-off for achieving an agreement on other issues.

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 finally consolidated, to the Coreper meeting scheduled on 17th December. Some delegations expressed their concerns mainly on the "mandatory" character of the pilot studies and on the short time allowed to scrutinize the final compromise. Few days before the meeting some MS required to slightly modify the article related to the exercise of delegation, with a view to use the standard formulation on the experts' consultation process already included in other statistical legal acts. The EP Committee TRAN accepted this last minute amendment.

The Coreper meeting was shifted to the 19 December and the file was an item for discussion. Some delegations were not willing to endorse this file (document No 16793/1/14 REV 1) mainly because of the mandatory character of the pilot studies. At the same time, MS supported the proposed standard formulation on the experts' consultation process to be consistent with the "standard" wording used in other statistical legal acts.

During the Coreper meeting, the final text submitted did not reach the qualified majority and no endorsement was given.