







# Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	2013/0226(COD) Procedure completed
Statistics of goods transport by inland waterways; Commission delegated and implementing powers	
Amending Regulation (EC) No 1365/2006	<a href="#">2005/0150(COD)</a>
Subject	
3.20.04 Inland waterway transport	
3.20.20 Transport statistics	

Key players				
European Parliament	Committee responsible	Rapporteur	Appointed	
	 Transport and Tourism		13/10/2014	
		 <a href="#">EICKHOUT Bas</a>		
		Shadow rapporteur		
		PPE <a href="#">MUSELIER Renaud</a>		
		S&D <a href="#">ERTUG Ismail</a>		
		ALDE <a href="#">MEISSNER Gesine</a>		
		ECR <a href="#">VAN DALEN Peter</a>		
	Former committee responsible			
	 Transport and Tourism		10/07/2013	
		Verts/ALE <a href="#">LICHTENBERGER Eva</a>		
	Former committee for opinion			
	 Economic and Monetary Affairs	The committee decided not to give an opinion.		
Council of the European Union	Council configuration	Meeting	Date	
	<a href="#">Agriculture and Fisheries</a>	<a href="#">3481</a>	18/07/2016	
	<a href="#">Transport, Telecommunications and Energy</a>	<a href="#">3472</a>	06/06/2016	
European Commission	Commission DG	Commissioner		
	<a href="#">Eurostat</a>	THYSSEN Marianne		

Key events			
28/06/2013	Legislative proposal published	<a href="#">COM(2013)0484</a>	Summary
04/07/2013	Committee referral announced in Parliament, 1st reading		
17/12/2013	Vote in committee, 1st reading		
06/01/2014	Committee report tabled for plenary, 1st reading	<a href="#">A7-0003/2014</a>	Summary
11/03/2014	Results of vote in Parliament		

11/03/2014	Debate in Parliament		
11/03/2014	Decision by Parliament, 1st reading	<a href="#">T7-0180/2014</a>	Summary
13/10/2014	Committee decision to open interinstitutional negotiations after 1st reading in Parliament		
13/10/2014	Committee decision to open interinstitutional negotiations after 1st reading in Parliament		
23/05/2016	Approval in committee of the text agreed at early 2nd reading interinstitutional negotiations	<a href="#">PE609.522</a> <a href="#">PE609.520</a>	
18/07/2016	Council position published	<a href="#">09878/1/2016</a>	Summary
15/09/2016	Committee referral announced in Parliament, 2nd reading		
11/10/2016	Vote in committee, 2nd reading		
18/10/2016	Committee recommendation tabled for plenary, 2nd reading	<a href="#">A8-0298/2016</a>	Summary
25/10/2016	Decision by Parliament, 2nd reading	<a href="#">T8-0399/2016</a>	Summary
26/10/2016	Final act signed		
26/10/2016	End of procedure in Parliament		
17/11/2016	Final act published in Official Journal		

### Technical information

Procedure reference	2013/0226(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
	Amending Regulation (EC) No 1365/2006 <a href="#">2005/0150(COD)</a>
Legal basis	Treaty on the Functioning of the EU TFEU 338-p1
Other legal basis	Rules of Procedure EP 159
Stage reached in procedure	Procedure completed
Committee dossier	TRAN/8/06497

### Documentation gateway

Legislative proposal	<a href="#">COM(2013)0484</a>	28/06/2013	EC	Summary
Committee draft report	<a href="#">PE521.620</a>	22/10/2013	EP	
Amendments tabled in committee	<a href="#">PE523.050</a>	22/11/2013	EP	
Committee report tabled for plenary, 1st reading/single reading	<a href="#">A7-0003/2014</a>	06/01/2014	EP	Summary
Text adopted by Parliament, 1st reading/single reading	<a href="#">T7-0180/2014</a>	11/03/2014	EP	Summary
Commission response to text adopted in plenary	<a href="#">SP(2014)455</a>	10/06/2014	EC	

Committee letter confirming interinstitutional agreement	<a href="#">PE609.520</a>	24/05/2016	EP	
Text agreed during interinstitutional negotiations	<a href="#">PE609.522</a>	24/05/2016	EP	
Council statement on its position	<a href="#">10791/2016</a>	08/07/2016	CSL	
Council position	<a href="#">09878/1/2016</a>	19/07/2016	CSL	Summary
Commission communication on Council's position	<a href="#">COM(2016)0507</a>	10/08/2016	EC	Summary
Committee draft report	<a href="#">PE585.504</a>	02/09/2016	EP	
Committee recommendation tabled for plenary, 2nd reading	<a href="#">A8-0298/2016</a>	18/10/2016	EP	Summary
Text adopted by Parliament, 2nd reading	<a href="#">T8-0399/2016</a>	25/10/2016	EP	Summary
Draft final act	<a href="#">00042/2016/LEX</a>	26/10/2016	CSL	

#### Additional information

National parliaments	<a href="#">IPEX</a>
European Commission	<a href="#">EUR-Lex</a>

#### Final act

[Regulation 2016/1954](#)  
[OJ L 311 17.11.2016, p. 0020](#) Summary

Final legislative act with provisions for delegated acts

## Statistics of goods transport by inland waterways; Commission delegated and implementing powers

**PURPOSE:** to amend 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.

**PROPOSED ACT:** Regulation of the European Parliament and of the Council.

**ROLE OF THE EUROPEAN PARLIAMENT:** the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

**BACKGROUND:** the Treaty on the Functioning of the European Union (TFEU) makes a 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 act, as laid down in Article 290(1) of the TFEU (delegated acts), and

the implementing powers which shall be conferred on the Commission where uniform conditions for implementing legally binding Union acts are needed, as laid down in Article 291(2) of the TFEU (implementing acts).

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 by that Regulation should be provided for by powers to adopt delegated and/or implementing acts.

**IMPACT ASSESSMENT:** no impact assessment was undertaken.

**LEGAL BASIS:** Article 338(1) of the Treaty on the Functioning of the European Union (TFEU).

**CONTENT:** as regards Regulation (EC) No 1365/2006, it is proposed to:

empower the Commission to adopt delegated acts in order to adapt the threshold for statistical coverage of inland waterways transport, to adapt the definitions and adopt additional definitions, as well as to adopt delegated acts in order to adapt the data collection scope and the content of the Annexes;

confer implementing powers on the Commission with a view to ensuring uniform conditions concerning the arrangements for transmitting data to the Commission (Eurostat) including data interchange standards and for the dissemination of results by the Commission (Eurostat), and to developing and publishing methodological requirements and criteria designed to ensure the quality of the data produced, in accordance with the examination procedure laid down in Article 5 of Regulation (EU) No 182/2011.

**BUDGETARY IMPLICATION:** the proposal has no implication for the EU budget.

## Statistics of goods transport by inland waterways; Commission delegated and implementing powers

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The Committee on Transport and Tourism adopted the report by Eva LICHTENBERGER (Greens/EFA, AT) on the proposal for a regulation of the European Parliament and of the Council on statistics of goods transport by inland waterways as regards conferring delegated and implementing powers upon the Commission for the adoption of certain measures

The parliamentary committee recommended that the position of the European Parliament adopted at first reading under the ordinary legislative procedure modify the Commission proposal as follows.

Delegated powers: the Members introduced amendments to streamline the powers delegated to the Commission to safeguard the Parliaments prerogatives. They suggested limiting the delegation of powers to five years with the possibility of extending the delegation of power for periods of an identical duration.

Collection of data: by their amendments, Members also proposed to optimise and reinforce the collection of statistics relating to inland waterways transport, underlining that the data collected should cover both the transport of goods and of passengers.

For the purposes of this Regulation, the quality criteria to be applied to the data to be transmitted are those referred to in [Regulation \(EC\) No 223/2009](#) of the European Parliament and of the Council.

The Commission shall, by means of implementing acts, specify the modalities, structure, periodicity and comparability elements for the quality reports.

By three years of the entry into force of this Regulation, and every three years thereafter, the Commission, after consulting the Statistical Programme Committee, shall submit a report on the implementation of this Regulation.

## Statistics of goods transport by inland waterways; Commission delegated and implementing powers

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The European Parliament adopted by 645 votes to 24 with 3 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council on statistics of goods transport by inland waterways as regards conferring delegated and implementing powers upon the Commission for the adoption of certain measures

Parliament adopted its position at first reading under the ordinary legislative procedure and amended the Commission proposal as follows:

Statistical coverage: in order to strengthen the statistical coverage of inland waterways transport, Parliament stated that data collected must deal with both goods and passengers.

For the purposes of this Regulation, the quality criteria to be applied to the data to be transmitted are those referred to in [Regulation \(EC\) No 223/2009](#) of the European Parliament and of the Council.

Delegated powers: Members introduced amendments to streamline the powers delegated to the Commission to safeguard the Parliaments prerogatives. They suggested limiting the delegation of powers to five years with the possibility of extending the delegation of power for periods of an identical duration.

The Commission shall, by means of implementing acts, specify the modalities, structure, periodicity and comparability elements for the quality reports. These implementing acts must be adopted in accordance with the examination procedure.

Three years of the entry into force of this Regulation, and every three years thereafter, the Commission, after consulting the Statistical Programme Committee, shall submit a report on the implementation of the Regulation.

## Statistics of goods transport by inland waterways; Commission delegated and implementing powers

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The Council adopted its position at first reading with a view to the adoption of 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 the conferral of delegated and implementing powers on the Commission for the adoption of certain measures.

The sole objective of the Commissions proposal is to align Regulation (EC) No 1365/2006 with the Treaty on the Functioning of the European Union (TFEU) as far as delegated and implementing powers are concerned for the adoption of certain measures.

Delegated acts and implementing measures: the Council position:

- empowers the Commission to adopt delegated acts to amend Regulation to raise the threshold above 1 000 000 tonnes for statistical coverage of inland waterway transport, to adapt definitions or provide for new ones, as well as to adapt the Annexes to Regulation (EC) 1365/2006 to reflect changes in coding and nomenclature at international level or in the relevant Union legislative acts;
- confers implementing powers on the Commission enabling it 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.

Pilot studies: a new provision provides that the Commission shall launch, by 36 months after the entry into force of this Regulation, voluntary pilot studies to be carried out by Member States that provide data within the scope of this Regulation on the availability of statistical data relating to passenger transport by inland waterways, including by cross-border transport services. Those pilot studies shall aim to assess the

feasibility of those new data collections, the costs of the related data collections and the statistical quality implied.

By 48 months after the entry into force of this Regulation, the Commission shall submit a report to the European Parliament and to the Council on the results of such pilot studies. Depending on the results of that report, and within a reasonable period, the Commission shall submit, if appropriate, a legislative proposal to the European Parliament and to the Council to amend this Regulation with regard to statistics on passenger transport by inland waterways, including by cross-border transport services.

The general budget of the Union shall, where appropriate and taking into account the Union's added value, contribute to the financing of those pilot studies.

## Statistics of goods transport by inland waterways; Commission delegated and implementing powers

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The Commission supported the Council position given that the compromise reached is in line with the Commissions efforts to align pre-Lisbon legislation.

The sole objective of the Commissions proposal is to align Regulation (EC) No 1365/20061 with the Treaty on the Functioning of the European Union (TFEU) as far as delegated and implementing powers are concerned.

Amendments adopted by the European Parliament: 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 Parliaments request to include additional variables on passengers transport by inland waterways in the Regulation.

The new text 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 general budget shall contribute to financing these pilot studies where appropriate and taking into account the added value for the Union. These new provisions acceptable for the Commission.

The content of amendment on the rules on quality criteria is acceptable for the Commission. 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.

The Commission should 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.

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

Provisions modified by the Council: the empowerment of the Commission is maintained but with specific limitations. The Commission will be empowered to adopt delegated acts only in order to:

- introduce increases to the threshold;
- adapt the existing definitions or adopt new definitions to reflect changes in definitions used at international level;
- adapt the Annexes to reflect changes in coding and nomenclature at international level or in the relevant legislation of the European Union.

The Councils 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 conclusion, the Commission noted that despite some limitations, the compromise provides a good balance between delegated and implementing acts. Furthermore, the pilot studies offer a suitable response to the European Parliaments original request. The text is an example of the successful application of the new Inter-Institutional Agreement on Better Law-Making of 13 April 2016.

## Statistics of goods transport by inland waterways; Commission delegated and implementing powers

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The Committee on Transport and Tourism adopted the recommendation for second reading contained in the report by Bas EICKHOUT (Greens/EFA, NL) on the Council position at first reading with a view to the adoption of 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 the conferral of delegated and implementing powers on the Commission for the adoption of certain measures.

The committee recommended the European Parliament to approve the Council position at first reading without amendment.

The explanatory statement accompanying the recommendation recalled the Parliaments priorities:

- extend the scope of the Regulation on statistics of goods transport by inland waterways to passenger transport in order to enhance the role of inland navigation within the transport sector and for it to be based on reliable statistics encompassing both goods and passenger transport;
- align the regulation with the provisions of the Treaty (Article 290 and 291) as regards delegated and implementing powers conferred to the Commission. However, Parliament limited and better defined the powers conferred on the Commission.

Parliament and Council agreed on considering the transport of passengers by inland waterways within the framework of the Regulation. They defined the first steps towards the integration of statistics on passenger transport data within the Regulation:

1. the Commission, in cooperation with Member States, will develop a methodology to compile statistics on passenger transport by inland waterways;
2. the Commission will launch voluntary pilot studies to test the feasibility of the new data collections;
3. the Commission will submit the results of these studies to the Parliament and the Council and consider making a proposal to revise

the regulation. Financing of those pilot projects should be supported by the EU budget.

Parliament and Council agreed to limit the powers of the Commission to adopt delegated acts. Delegated acts should be adopted only to adapt the regulation to changes in coding and nomenclature at international level and increase thresholds. The duration of the delegation has been limited to five years.

## Statistics of goods transport by inland waterways; Commission delegated and implementing powers

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The European Parliament adopted a legislative resolution on the Council position at first reading with a view to the adoption of 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 the conferral of delegated and implementing powers on the Commission for the adoption of certain measures.

In line with the recommendation for second reading by the Committee on Transport and Tourism, Parliament approved the Council position at first reading without amendment.

## Statistics of goods transport by inland waterways; Commission delegated and implementing powers

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**PURPOSE:** to amend 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.

**LEGISLATIVE ACT:** Regulation (EU) 2016/1954 of the European Parliament and of the Council amending Regulation (EC) No 1365/2006 on statistics of goods transport by inland waterways as regards the conferral of delegated and implementing powers on the Commission for the adoption of certain measures.

**CONTENT:** this Regulation amends [Regulation \(EC\) No 1365/2006](#) to adapt the delegated and implementing powers conferred upon the Commission (Articles 290 and 291 of the Treaty on the Functioning of the European Union).

The amending Regulation:

- empowers the Commission to adopt delegated acts in order to: (i) adapt the threshold for statistical coverage of inland waterways transport, (ii) adapt the definitions and adopt additional definitions, (iii) adapt the data collection scope and the content of the Annexes;
- confers implementing powers on the Commission to adopt the arrangements for transmitting data to the Commission (Eurostat) including data interchange standards and for the dissemination of results by the Commission (Eurostat), and to developing and publishing methodological requirements and criteria designed to ensure the quality of the data produced.

The Commission shall:

- by 8 December 2018, in cooperation with the Member States, develop the appropriate methodology for compiling statistics on passenger transport by inland waterways, including by cross-border transport services;
- by 8 December 2019, launch voluntary pilot studies on the availability of statistical data relating to passenger transport by inland waterways, including by cross-border transport services. The Union shall contribute to the financing of those pilot studies;
- by 8 December 2020, submit a report to the European Parliament and to the Council on the results of such pilot studies. Depending on the results of that report, the Commission shall submit a legislative proposal to amend this Regulation.

By 31 December 2020 and every five years thereafter, the Commission, after consulting the European Statistical System Committee, shall submit a report on the implementation of this Regulation and on future developments.

**ENTRY INTO FORCE:** 7.12.2016.

**DELEGATED ACTS:** the power to adopt delegated acts shall be conferred on the Commission for a period of five years (may be tacitly extended) from 7 December 2016. The European Parliament or the Council shall have the right to object to a delegated act within a period of two months (extendable for two months) from the date of notification.