

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

2013/0226(COD) - 10/08/2016 - Commission communication on Council's position

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 1365/2006<sup>1</sup> 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.