



EUROPEAN PARLIAMENT

2009 - 2014

Plenary sitting

A7-0457/2013

10.12.2013

*****I REPORT**

on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) No 638/2004 on Community statistics relating to trading of goods between Member States as regards conferring of delegated and implementing powers upon the Commission for the adoption of certain measures, the communication of information by the customs administration, the exchange of confidential data between Member States and the definition of statistical value
(COM(2013)0578 – C7-0242/2013 – 2013/0278(COD))

Committee on Economic and Monetary Affairs

Rapporteur: Hans-Peter Martin

Symbols for procedures

| | |
|--------|---|
| * | Consultation procedure |
| *** | Consent procedure |
| ***I | Ordinary legislative procedure (first reading) |
| ***II | Ordinary legislative procedure (second reading) |
| ***III | Ordinary legislative procedure (third reading) |

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

Amendments by Parliament set out in two columns

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

Amendments by Parliament in the form of a consolidated text

New text is highlighted in ***bold italics***. Deletions are indicated using either the ■ symbol or strikeout. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) No 638/2004 on Community statistics relating to trading of goods between Member States as regards conferring of delegated and implementing powers upon the Commission for the adoption of certain measures, the communication of information by the customs administration, the exchange of confidential data between Member States and the definition of statistical value (COM(2013)0578 – C7-0242/2013 – 2013/0278(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2013)0578),
 - having regard to Article 294(2) and Article 338(1) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0242/2013),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to Rule 55 of its Rules of Procedure,
 - having regard to the report of the Committee on Economic and Monetary Affairs (A7-0457/2013),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

Amendment 1

Proposal for a regulation Recital 6

Text proposed by the Commission

(6) It is of particular importance that the

Amendment

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Commission carries out the appropriate consultations during its preparatory work, including at expert level. When preparing and drawing up delegated acts, the Commission should ensure the simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and the Council.

Commission carries out the appropriate consultations during its preparatory work, including at *the most efficient* expert level *after informing the Member States who is to be consulted and on what basis the respect of impartiality is to be ensured and possible conflicts of interest are to be avoided*. When preparing and drawing up delegated acts, the Commission should ensure the simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and the Council.

Amendment 2

Proposal for a regulation Recital 7

Text proposed by the Commission

(7) The Commission should ensure that these delegated acts do not impose a significant additional administrative burden on the Member States and on the respondent units.

Amendment

(7) The Commission should ensure that these delegated acts do not impose a significant additional *cost or* administrative burden on the Member States and on the respondent units *and that they remain as economical as possible*.

Amendment 3

Proposal for a regulation Recital 8

Text proposed by the Commission

(8) In order to ensure uniform conditions for the implementation of Regulation (EC) No 638/2004, implementing powers should be conferred on the Commission enabling it to adopt the arrangements for collecting information, particularly concerning the codes to be used, technical provisions for compiling annual statistics on trade by

Amendment

(8) In order to ensure uniform conditions for the implementation of Regulation (EC) No 638/2004, implementing powers should be conferred on the Commission enabling it to adopt the arrangements for collecting information, particularly concerning the codes to be used, technical provisions for compiling annual statistics on trade by

business characteristics and any measures necessary to ensure that the quality of the statistics transmitted is according to the quality criteria. These powers should be exercised in accordance with Regulation (EU) No 182/2011.

business characteristics and any measures necessary to ensure that the quality of the statistics transmitted ***free of charge*** is according to the quality criteria. These powers should be exercised in accordance with Regulation (EU) No 182/2011.

Amendment 4

Proposal for a regulation Recital 10

Text proposed by the Commission

(10) Under the strategy for a new European Statistical System (hereinafter referred to as ‘ESS’) structure intended to improve coordination and partnership in a clear pyramid structure within the ESS, the European Statistical System Committee (hereinafter referred to as ‘ESSC’), established by Regulation (EC) No 223/2009 of the European Parliament and of the Council of 11 March 2009 on European statistics⁹, should have an advisory role and assist the Commission in exercising its implementing powers.

⁹ OJ L 87, 31.3.2009, p. 164.

Amendment

(10) Under the strategy for a new European Statistical System (hereinafter referred to as ‘ESS’) structure intended to improve coordination and partnership in a clear pyramid structure within the ESS, the European Statistical System Committee (hereinafter referred to as ‘ESSC’), established by Regulation (EC) No 223/2009 of the European Parliament and of the Council of 11 March 2009 on European statistics⁹, should have an advisory role and assist the Commission in exercising its implementing powers.

Improving coordination between national authorities and the Commission (Eurostat) is key to producing higher quality statistics in the Union.

⁹ OJ L 87, 31.3.2009, p. 164.

Amendment 5

Proposal for a regulation Recital 11

Text proposed by the Commission

(11) Regulation (EC) No 638/2004 should be amended by replacing the reference to

Amendment

(11) Regulation (EC) No 638/2004 should be amended by replacing the reference to

the Intrastat Committee with a reference to the ESSC.

the Intrastat Committee with a reference to the ESSC. *The ESSC should have the same membership structure as that of the Intrastat Committee, namely one member from each Member State.*

Amendment 6

Proposal for a regulation Recital 12

Text proposed by the Commission

(12) Simplifications of customs clearance schemes have led to the non-availability, at customs level, of statistical information about goods under customs processing procedures. To assure coverage of the data, movements of those goods should be included in the Intrastat system.

Amendment

(12) Simplifications of customs clearance schemes have led to the non-availability, at customs level, of statistical information about goods under customs processing procedures. To assure coverage of the data, movements of those goods should be included in the Intrastat system *while any additional costs should be limited to the greatest extent possible. Information should follow the principle of "single-flow reporting", thus in so far as the quality of the data can be guaranteed the data should only be collected by the exporting companies.*

Amendment 7

Proposal for a regulation Recital 13

Text proposed by the Commission

(13) The exchange of confidential data relating to intra-EU trade statistics should be allowed between Member States *with a view to increasing* the efficiency of the development, production and dissemination or to improving the quality

Amendment

(13) The exchange of confidential data relating to intra-EU trade statistics should be allowed between Member States *and should be free of charge if necessary to increase* the efficiency of the development, production and dissemination or to improving the quality of those statistics.

of those statistics.

Such exchanges should be voluntary and should be possible for a transitional period following the entry into force of this Regulation. Such exchange of confidential data should, however, be treated carefully and should not in itself entail increased administrative burden on companies.

Amendment 8

Proposal for a regulation

Recital 14

Text proposed by the Commission

(14) The definition of statistical value should be clarified and aligned with the definition of this data element under the extra-EU trade statistics.

Amendment

(14) The definition of statistical value should be clarified and aligned with the definition of this data element under the extra-EU trade statistics ***in order to enable better comparability between intra-EU and extraEU trade trade statistics.*** ***Uniform definitions are essential for the proper and frictionless functioning of cross-border trade and are especially important as a prerequisite for different national authorities to be able to make concordant interpretations of rules having an impact on the cross-border activities of businesses.***

Amendment 9

Proposal for a regulation

Recital 15

Text proposed by the Commission

(15) In accordance with the principle of proportionality, it is necessary and appropriate to lay down rules on the communication of information by the customs administration, the exchange of confidential data between MS and the

Amendment

(15) In accordance with the principle of proportionality, it is necessary and appropriate to lay down ***harmonised*** rules on the communication of information by the customs administration, the exchange of confidential data between MS and the

definition of statistical value in the domain of intra-EU trade statistics. This Regulation does not go beyond what is necessary to achieve that objective, in accordance with Article 5(4) of the Treaty on the European Union.

definition of statistical value in the domain of intra-EU trade statistics. This Regulation does not go beyond what is necessary to achieve that objective, in accordance with Article 5(4) of the Treaty on the European Union.

Amendment 10

Proposal for a regulation Recital 15 a (new)

Text proposed by the Commission

Amendment

(15a) Data transmission by the national authorities should be free of charge for the Member States and for the Union institutions or agencies.

Amendment 11

Proposal for a regulation Recital 17 a (new)

Text proposed by the Commission

Amendment

(17a) Given the economic situation of the Member States and the stepping up of coordination measures at Union level, there is a need to develop an integrated approach and ever more reliable statistical indicators in order to implement policies more effectively.

Amendment 12

Proposal for a regulation Recital 17 b (new)

Text proposed by the Commission

Amendment

(17b) Following the recent discovery of breaches of the protection of the data of Union citizens and Member States, there is a need to enhance the security of the modes of transmission of sensitive statistical data, including economic data,

Amendment 13

Proposal for a regulation

Article 1 – point 2 – point b

Regulation (EC) No 638/2004

Article 5 – paragraph 2

Text proposed by the Commission

Amendment

2. The statistical information on dispatches and arrivals of goods which are the subject of a single administrative document for customs or fiscal purposes shall be provided directly by customs to the national authorities, ***at least*** once a month.

2. The statistical information on dispatches and arrivals of goods which are the subject of a single administrative document for customs or fiscal purposes shall be provided directly by customs to the national authorities once a month.

Amendment 14

Proposal for a regulation

Article 1 – point 5

Regulation (EC) No 638/2004

Article 9a – paragraph 1

Text proposed by the Commission

Amendment

The exchange of confidential data, as defined by Article 3(7) of Regulation (EC) No 223/2009 of the European Parliament and of the Council of 11 March 2009 on European statistics (*), shall for statistical purposes only, be allowed between the respective national authorities of each Member State, where the exchange serves the efficient development, production and

The exchange, ***free of charge***, of confidential data as defined by Article 3(7) of Regulation (EC) No 223/2009 of the European Parliament and of the Council of 11 March 2009 on European statistics (*), shall for statistical purposes only, be allowed between the respective national authorities of each Member State, where ***it is proven that*** the exchange serves the

dissemination of European statistics relating to the trading of goods between Member States or improves their quality.

efficient development, production and dissemination of European statistics relating to the trading of goods between Member States or **significantly** improves their quality. **Any additional administrative burden and costs for the Member States shall be kept to a minimum. Such exchange of confidential information shall be voluntary until ...[OJ please insert date: five years after the entry into force of the Regulation].**

Amendment 15

Proposal for a regulation

Article 1 – point 5

Regulation (EC) No 638/2004

Article 9a – paragraph 2

Text proposed by the Commission

National authorities that have obtained confidential data shall treat this information confidentially and shall use it exclusively for statistical purposes.

Amendment

National authorities that have obtained confidential data shall treat this information confidentially and shall use it exclusively for statistical purposes.
National authorities shall not transmit such data to any international organisation other than as provided in this Regulation.

Amendment 16

Proposal for a regulation

Article 1 – point 6 – point c

Regulation (EC) 638/2004

Article 10 – paragraph 5

Text proposed by the Commission

5. Member States may, under certain conditions that meet quality requirements, simplify the information to be provided for small individual transactions. The Commission shall be empowered to adopt,

Amendment

5. Member States may, under certain conditions that meet quality requirements, simplify the information to be provided for small individual transactions **provided that such simplification has no detrimental**

in accordance with Article 13a, delegated acts to define these conditions.

effects on the quality of the statistics. The Commission shall be empowered to adopt, in accordance with Article 13a, delegated acts to define these conditions.

Amendment 17

Proposal for a regulation

Article 1 – point 6 a (new)

Regulation (EC) No 638/2004

Article 11 – paragraph 1

Present text

Article 11

Statistical confidentiality

Only where the party or parties that have provided information so request shall the national authorities decide whether statistical results which may make it possible to identify the said provider(s) are to be disseminated or are to be amended in such a way that their dissemination does not prejudice statistical confidentiality.

Amendment

(6a) Article 11 is replaced by the following:

“Article 11

Statistical confidentiality

Only where the party or parties that have provided information so request shall the national authorities decide whether statistical results which may make it possible to identify the said provider(s) are to be disseminated or are to be amended in such a way that their dissemination does not prejudice statistical confidentiality. *The national authorities shall ensure that any detrimental effects on a party or parties providing information is clearly outweighed by statistical benefits.*”

Amendment 18

Proposal for a regulation

Article 1 – point 7 – point c

Regulation (EC) No 638/2004

Article 12 – paragraph 4 – subparagraph 3

Text proposed by the Commission

The Commission shall adopt, by means of implementing acts, technical provisions for compiling these statistics.

Amendment

The Commission shall adopt, by means of implementing acts, technical provisions for compiling these statistics *in the most*

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 14(2);

economical way.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 14(2);

Amendment 19

Proposal for a regulation

Article 1 – point 8

Regulation (EC) No 638/2004

Article 13 – paragraph 4 – subparagraph 1

Text proposed by the Commission

(4) The Commission shall adopt, by means of implementing acts, any measures necessary to ensure the quality of the statistics transmitted according to the quality criteria.

Amendment

(4) The Commission shall adopt, by means of implementing acts, any measures necessary to ensure the quality of the statistics transmitted according to the quality criteria, ***avoiding excessive costs for the national authorities.***

Amendment 20

Proposal for a regulation

Article 1 – point 9

Regulation (EC) No 638/2004

Article 13a – paragraph 2

Text proposed by the Commission

(2) When exercising the powers delegated in Articles 3(4), 6(2), 10(3) (4) and (5), 12(1)(a) and (2), the Commission shall ensure that the delegated acts do not impose ***a*** significant additional administrative burden on the Member States and on the respondents.

Amendment

(2) When exercising the powers delegated in Articles 3(4), 6(2), 10(3) (4) and (5), 12(1)(a) and (2), the Commission shall ensure that the delegated acts do not impose significant additional ***costs or*** administrative burden on the Member States and on the respondents. ***The Commission shall pursue reductions of costs and administrative burden where possible. In addition, the Commission shall duly justify the actions in those intended delegated acts and provide information, with input from Member States, on any associated burden and***

production costs in accordance with Article 14(3) of Regulation (EC) No 223/2009.

Amendment 21

Proposal for a regulation

Article 1 – point 9

Regulation (EC) 638/2004

Article 13a – paragraph 3

Text proposed by the Commission

3. The power to adopt delegated acts referred to in Articles 3(4), 6(2), 10(3) (4) and (5), 12(1)(a) and (2) shall be conferred on the Commission for *an indeterminate* period of *time* from [(Publication office: please insert the exact date of the entry into force of the amending Regulation)].

Amendment

3. The power to adopt delegated acts referred to in Articles 3(4), 6(2), 10(3) (4) and (5), 12(1)(a) and (2) shall be conferred on the Commission for *a* period of *five years* from [(Publication office: please insert the exact date of the entry into force of the amending Regulation)]. *The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.*

Justification

The Commission should not be given the power to adopt delegated acts for an indeterminate period of time.

Amendment 22

Proposal for a regulation

Article 1 – point 9

Regulation (EC) No 638/2004

Article 13a – paragraph 6

Text proposed by the Commission

6. A delegated act adopted pursuant to Articles 3(4), 6(2), 10(3) (4) and (5), 12(1)(a) and (2) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of **two** months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by **two** months at the initiative of the European Parliament or the Council.

Amendment

6. A delegated act adopted pursuant to Articles 3(4), 6(2), 10(3) (4) and (5), 12(1)(a) and (2) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of **three** months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by **three** months at the initiative of the European Parliament or the Council.

PROCEDURE

| | | | |
|---|---|---------------|-----------|
| Title | Statistics relating to trading of goods between Member States as regards conferring of delegated and implementing powers upon the Commission for the adoption of certain measures, the communication of information by the customs administration, the exchange of confidential data between Member States and the definition of statistical value. | | |
| References | COM(2013)0578 – C7-0242/2013 – 2013/0278(COD) | | |
| Date submitted to Parliament | 8.8.2013 | | |
| Committee responsible Date announced in plenary | ECON 10.9.2013 | | |
| Rapporteur(s) Date appointed | Hans-Peter Martin 10.9.2013 | | |
| Discussed in committee | 5.11.2013 | 2.12.2013 | 9.12.2013 |
| Date adopted | 2.12.2013 | | |
| Result of final vote | +: –: 0: | 26 0 11 | |
| Members present for the final vote | Marino Baldini, Burkhard Balz, Jean-Paul Basset, Sharon Bowles, Udo Bullmann, George Sabin Cutaş, Diogo Feio, Markus Ferber, Elisa Ferreira, Ildikó Gáll-Pelcz, Jean-Paul Gauzès, Sven Giegold, Syed Kamall, Othmar Karas, Jürgen Klute, Philippe Lamberts, Werner Langen, Astrid Lulling, Ivana Maletić, Hans-Peter Martin, Arlene McCarthy, Peter Simon, Peter Skinner, Theodor Dumitru Stolojan, Ivo Strejček, Sampo Terho, Marianne Thyssen, Corien Wortmann-Kool | | |
| Substitute(s) present for the final vote | Sophie Auconie, Fabrizio Bertot, Philippe De Backer, Saïd El Khadraoui, Anne E. Jensen, Olle Ludvigsson, Thomas Mann, Nils Torvalds, Oleg Valjalo | | |
| Date tabled | 10.12.2013 | | |