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*****I** **REPORT**

on the proposal for a regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1172/98 on statistical returns in respect of the carriage of goods by road as regards the implementing powers conferred on the Commission – Adaptation to the regulatory procedure with scrutiny (COM(2007)0778 – C6-0451/2007 – 2007/0269(COD))

Committee on Transport and Tourism

Rapporteur: Georg Jarzembowski

Symbols for procedures

- * Consultation procedure
majority of the votes cast
- **I Cooperation procedure (first reading)
majority of the votes cast
- **II Cooperation procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- *** Assent procedure
*majority of Parliament's component Members except in cases
covered by Articles 105, 107, 161 and 300 of the EC Treaty and
Article 7 of the EU Treaty*
- ***I Codecision procedure (first reading)
majority of the votes cast
- ***II Codecision procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- ***III Codecision procedure (third reading)
majority of the votes cast, to approve the joint text

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

Amendments to a legislative text

In amendments by Parliament, amended text is highlighted in ***bold italics***. In the case of amending acts, passages in an existing provision that the Commission has left unchanged, but that Parliament wishes to amend, are highlighted in **bold**. Any deletions that Parliament wishes to make in passages of this kind are indicated thus: [...]. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the legislative text for which a correction is proposed, to assist preparation of the final text (for instance, obvious errors or omissions in a given language version). Suggested corrections of this kind are subject to the agreement of the departments concerned.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1172/98 on statistical returns in respect of the carriage of goods by road as regards the implementing powers conferred on the Commission – Adaptation to the regulatory procedure with scrutiny (COM(2007)0778 – C6-0451/2007 – 2007/0269(COD))

(Codecision procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2007)0778),
 - having regard to Article 251(2) and Article 285(1) of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C6-0451/2008),
 - having regard to Rule 51 of its Rules of Procedure,
 - having regard to the report of the Committee on Transport and Tourism (A6-0258/2008),
1. Approves the Commission proposal as amended;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend the proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council and Commission.

Amendment 1

Proposal for a regulation – amending act

Article 1 – point 5

Regulation (EC) No 1172/98

Article 9

Text proposed by the Commission

Amendment

(5) Article 9 *is amended as follows:*

(5) Article 9 *shall be deleted*

(a) The first sentence is replaced by the following:

The procedures for implementing this Regulation, including the measures for adapting it to economic and technical progress, shall be laid down, insofar as this does not involve a disproportionate

increase in costs for the Member States and/or the burden on the respondents, in accordance with the procedures specified in Article 10.

(b) The following second and third subparagraphs are added:

The measures referred to in the first and second indents, which amend non-essential elements of this Regulation, including those which supplement it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 10(3)."

The measures referred to in the third and fourth indents shall be adopted in accordance with the procedure referred to in Article 10(2):

EXPLANATORY STATEMENT

The purpose of this Commission proposal is to adapt Regulation 1172/98 on statistical returns in respect of the carriage of goods by road to introduce the new regulatory procedure with scrutiny (RPS), as provided for in Article 5a of Decision 1999/468/EC as amended. This is done in the form of a legislative amendment.

In fact, the Commission proposes to introduce RPS for two cases:

- Article 3(4) for data collection characteristics and contents of the Annexes;
- Article 4 for the precision requirements for the methods for the collection and processing of data.

Your Rapporteur agrees with these proposals, as they concern measures of general scope designed to amend non-essential elements of the Regulation in question or to supplement it by the addition of new non-essential elements, which is the criterion for the application of RPS.

The Commission proposes to keep the management procedure for two other cases:

- Article 5(2) Arrangements for transmitting data, including where appropriate the statistical tables based on those data;
- Article 6 Provisions on the dissemination of statistical results, including the structure and content of these results.

Your Rapporteur agrees with these proposals as well, as these measures are more of an administrative and technical nature, and therefore do not really supplement the basic act by adding new non-essential elements.

Finally, the Commission repeats these modifications by introducing them also in Article 9. In fact, Article 9 itself seems to be a repetition of what is stated in the above mentioned articles, although a somewhat different wording is used, in particular in the opening sentence, which speaks in more general terms of "the procedures for implementing this Regulation, including the measures for adapting it to economic and technical progress". Your Rapporteur considers this confusing or even redundant and therefore proposes to delete Article 9. If the Council and/or the Commission consider Article 9 in this form nevertheless necessary, it would be more logical to apply RPS for all measures listed in its indents. Articles 5(2) and 6 would then have to be modified accordingly.

PROCEDURE

Title	Statistical returns in respect of the carriage of goods by road
References	COM(2007)0778 – C6-0451/2007 – 2007/0269(COD)
Date submitted to Parliament	6.12.2007
Committee responsible Date announced in plenary	TRAN 19.2.2008
Committee(s) asked for opinion(s) Date announced in plenary	JURI 19.2.2008
Not delivering opinions Date of decision	JURI 8.4.2008
Rapporteur(s) Date appointed	Georg Jarzembowski 22.1.2008
Date adopted	29.5.2008
Result of final vote	+: 22 -: 0 0: 1
Members present for the final vote	Inés Ayala Sender, Paolo Costa, Arūnas Degutis, Petr Duchoň, Saïd El Khadraoui, Robert Evans, Emanuel Jardim Fernandes, Francesco Ferrari, Brigitte Fouré, Mathieu Grosch, Georg Jarzembowski, Timothy Kirkhope, Sepp Kusstatscher, Jörg Leichtfried, Marian-Jean Marinescu, Willi Piecyk, Paweł Bartłomiej Piskorski, Luís Queiró, Reinhard Rack, Brian Simpson
Substitute(s) present for the final vote	Nathalie Griesbeck, Zita Gurmai, Leopold Józef Rutowicz