



EUROPEAN PARLIAMENT

2009 - 2014

Plenary sitting

A7-0212/2011

14.7.2011

*****I**

REPORT

on the proposal for a regulation of the European Parliament and of the Council
on statistical returns in respect of the carriage of goods by road (recast)
(COM(2010)0505 – C7-0286/2010 – 2010/0258(COD))

Committee on Transport and Tourism

Rapporteur: Brian Simpson

(Recast – Rule 87 of the Rules of Procedure)

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

In amendments by Parliament, amendments to draft acts are highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the draft act which may require correction when the final text is prepared – for instance, obvious errors or omissions in a language version. Suggested corrections of this kind are subject to the agreement of the departments concerned.

The heading for any amendment to an existing act that the draft act seeks to amend includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend. Passages in an existing act that Parliament wishes to amend, but that the draft act has left unchanged, are highlighted in **bold**. Any deletions that Parliament wishes to make in such passages are indicated thus: [...].

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the proposal for a regulation of the European Parliament and of the Council on statistical returns in respect of the carriage of goods by road (recast)
(COM(2010)0505 – C7-0286/2010 – 2010/0258(COD))**

(Ordinary legislative procedure – recast)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2010)0505),
 - 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,
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the Interinstitutional Agreement of 28 November 2001 on a more structured use of the recasting technique for legal acts,
 - having regard to the letter of 15 April 2011 from the Committee on Legal Affairs to the Committee on Transport and Tourism in accordance with Rule 87(3) of its Rules of Procedure,
 - having regard to Rule 87 and 55 of its Rules of Procedure,
 - having regard to the report of the Committee on Transport and Tourism (A7-0212/2011),
- A. whereas, according to the Consultative Working Party of the legal services of the European Parliament, the Council and the Commission, the proposal in question does not include any substantive amendments other than those identified as such in the proposal and whereas, as regards the codification of the unchanged provisions of the earlier acts together with those amendments, the proposal contains a straightforward codification of the existing texts, without any change in their substance,
1. Adopts its position at first reading hereinafter set out, taking into account the recommendations of the Consultative Working Party of the legal services of the European Parliament, the Council and the Commission;
 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, the Commission and the national parliaments.

Amendment 1

Proposal for a regulation

Recital 9

Text proposed by the Commission

(9) The measures necessary for the implementation of this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission.

Amendment

(9) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers*.

**** OJ L 55, 28.2.2011, p.13.***

Justification

A set of amendments is proposed with a view to adjusting provisions on implementing acts to the new regulation on implementing acts.

Amendment 2

Proposal for a regulation

Recital 10

Text proposed by the Commission

(10) Power should be conferred on the Commission to adopt delegated acts in accordance with Article 290 of the Treaty as regards the adoption of the data collection characteristics and the contents of the Annexes and to lay down the minimum precision requirements for the statistical returns transmitted by the Member States and the implementing procedures for this Regulation,

Amendment

(10) In order to ensure proper collection of statistical data the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of adopting the data collection characteristics and the contents of the Annexes and laying down the minimum precision requirements for the statistical returns transmitted by the

including measures for adapting it to economic and technical progress of,

Member States. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level.

Justification

The Commission should make proper consultations before it adopts a delegated act. This is in line with the Parliament's approach to the regulation on tourism statistics.

Amendment 3

Proposal for a regulation
Recital 10 a (new)

Text proposed by the Commission

Amendment

(10a) The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and Council.

Justification

In line with delegating powers to the Commission, it is in turn important to ensure that the Commission keeps the Parliament appropriately informed and provides the relevant documents.

Amendment 4

Proposal for a regulation
Article 3 – paragraph 4

Text proposed by the Commission

Amendment

4. The Commission ***shall adopt*** delegated acts in accordance with Article 8 ***in order to lay down*** the data collection characteristics and the contents of Annexes I to VII.

4. The Commission ***shall be empowered to adopt*** delegated acts in accordance with Article 8 ***concerning laying down*** the data collection characteristics and ***adopting amendments to*** the contents of Annexes I to VII, ***except any modifications to the optional nature of the required information, where necessary to take account of economic, social or technical***

developments. In exercising its power pursuant to this provision, the Commission shall ensure that any delegated acts adopted do not impose significant additional administrative burdens on the Member States and on the respondents.

Justification

The delegation of powers as proposed by the Commission is too broad and should be limited. Moreover, when delegating powers to the Commission, the Parliament should set a condition that respondents would not be excessively overburdened by the application of delegated acts. This is in line with the Parliament's approach to the regulation on tourism statistics.

Amendment 5

Proposal for a regulation Article 5 – paragraph 2

Text proposed by the Commission

2. The arrangements for transmitting the data referred to in paragraph 1, including, where appropriate, the statistical tables based on those data, shall be ***laid down*** in accordance with the procedure referred to in Article 11(2).

Amendment

2. The arrangements for transmitting the data referred to in paragraph 1, including, where appropriate, the statistical tables based on those data, shall be ***adopted*** in accordance with the ***examination*** procedure referred to in Article 11(2).

Justification

A set of amendments is proposed with a view to adjusting provisions on implementing acts to the new regulation on implementing acts.

Amendment 6

Proposal for a regulation Article 6

Text proposed by the Commission

The provisions on the dissemination of statistical results in respect of the carriage of goods by road, including the structure and content of the results to be disseminated, shall be ***laid down*** in

Amendment

The provisions on the dissemination of statistical results in respect of the carriage of goods by road, including the structure and content of the results to be disseminated, shall be ***adopted*** in

accordance with the **management**
procedure referred to in Article 11 (2).

accordance with the **examination**
procedure referred to in Article 11(2).

Justification

A set of amendments is proposed with a view to adjusting provisions on implementing acts to the new regulation on implementing acts.

Amendment 7

Proposal for a regulation Article 6 a (new)

Text proposed by the Commission

Amendment

Article 6a

Publication of results

The data shall be published no later than 12 months after the year and quarter that those data refer to.

Amendment 8

Proposal for a regulation Articles 8-10

Text proposed by the Commission

Amendment

1. The power to adopt the delegated acts referred to in this Regulation shall be conferred on the Commission for an indefinite period.

2. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The delegation of power referred to in Articles 3(4) and 4 shall be conferred on the Commission for a period of five years from ...*. 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

3. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in Articles 9 and 10.

Article 9

Revocation of the delegation

1. The delegation of power referred to in Article 8 may be revoked by the European Parliament or by the Council.

2. The institution which has commenced an internal procedure for deciding whether to revoke the delegation of power shall endeavour to inform the other institution and the Commission, at the latest one month before a final decision is taken, indicating the delegated powers which could be subject to a revocation and the possible reasons for a revocation.

3. The decision of revocation shall put an end to the delegation of powers specified in that decision. It shall take effect immediately or at a later date specified therein. It shall not affect the validity of the delegated acts already in force. It shall be published in the Official Journal of the European Union.

Article 10

Objection to the delegated acts

later than three months before the end of each period.

3. The delegation of power referred to in Article 3(4) and Article 4 may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

5. A delegated act adopted pursuant to Articles 3(4) and Article 4 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.

**** Date of entry into force of this Regulation.***

1. The European Parliament and the Council may object to a delegated act within a period of two months from the date of notification. At the initiative of the European Parliament or the Council, that period shall be extended by one month.

2. If, on the expiry of that period, neither the European Parliament nor the Council has objected to the delegated act, or if, before that date, the European Parliament and the Council have both informed the Commission of their intention not to raise objections, the delegated act shall enter into force on the date specified therein.

3. If the European Parliament or the Council objects to the delegated act, it shall not enter into force. The institution which objects shall state the reasons for objecting to the delegated act.

Justification

Amendments on Articles 8, 9 and 10 have been merged with the aim to reflect a new standard wording on delegated acts which was approved after original amendments had been tabled.

Amendment 9

Proposal for a regulation Article 11 – paragraph 1

Text proposed by the Commission

1. The Commission shall be assisted by the Statistical **Programme** Committee **set up** by Article 7 of Regulation (EC) No 223/2009.

Amendment

1. The Commission shall be assisted by the **European Statistical System** Committee **established** by Article 7 of Regulation (EC) No 223/2009. **That committee is a committee within the meaning of Regulation (EU) No 182/2011.**

Justification

A set of amendments is proposed with a view to adjusting provisions on implementing acts to the new regulation on implementing acts.

Amendment 10

Proposal for a regulation Article 11 – paragraph 2

Text proposed by the Commission

Amendment

2. Where reference is made to this paragraph, **Articles 4 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.**

2. Where reference is made to this paragraph, **Article 5 of Regulation (EU) No 182/2011 shall apply.**

Justification

A set of amendments is proposed with a view to adjusting provisions on implementing acts to the new regulation on implementing acts.

Amendment 11

Proposal for a regulation Article 11 – paragraph 3

Text proposed by the Commission

Amendment

3. The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at three months.

deleted

Justification

A set of amendments is proposed with a view to adjusting provisions on implementing acts to the new regulation on implementing acts.

Amendment 12

Proposal for a regulation Annex 1 – part A1 – paragraph 2 – point 3 a (new)

Text proposed by the Commission

Amendment

3a. Euro class of the vehicles;

Amendment 13

Proposal for a regulation

Annex 1 – part A1 – paragraph 2 – point 9 a (new)

Text proposed by the Commission

Amendment

9a. equipped with (digital) tachograph;

EXPLANATORY STATEMENT

The Commission proposal:

The Commission proposed this recast for a regulation on statistical returns in respect of the carriage of goods by road with the aim to 1) codify various acts applicable to road statistics and 2) to set new conditions for the delegation of powers by the legislator to the Commission. This latter is in line Article 290 of the Treaty on the Functioning of the European Union.

Rapporteur's view:

Your rapporteur finds that the scope of the delegation of powers to the Commission is too broad in the proposed recast. At the same time, the rapporteur believes that it is necessary to ensure that the application of delegated powers would not cause any additional substantial financial burden on statistical respondents. Therefore, and in line with the similar approach taken for the regulation on tourism statistics, for which the rapporteur is also responsible, the rapporteur would recommend to the Committee to adopt amendments aiming at limiting the scope of powers delegated to the Commission and setting further conditions to the exercising of those powers.

Moreover, it is necessary to adjust some provisions on implementing acts with the new Regulation on implementing acts which entered into force on 1 March 2011.

Your rapporteur believes that the proposed amendments would be a good basis for further negotiations with the Council and the Commission.

The recast procedure is governed by Rule 87 of the Rules of Procedure.

ANNEX: LETTER FROM THE COMMITTEE ON LEGAL AFFAIRS

Committee on Legal Affairs
The Chairman

Ref.: D(2011)20317

Mr Brian SIMPSON
Chair of the Committee on Transport and Tourism
ASP 13G306
Brussels

Subject: *Proposal for a directive of the European Parliament and of the Council on statistical returns in respect of the carriage of goods by road (recast) (COM(2010)0505 – C7-0286/2010 – 2010/0258(COD))*

Dear Chair,

The Committee on Legal Affairs, which I am honoured to chair, has examined the proposal referred to above, pursuant to Rule 87 on Recasting, as introduced into the Parliament's Rules of Procedure.

Paragraph 3 of that Rule reads as follows:

"If the committee responsible for legal affairs considers that the proposal does not entail any substantive changes other than those identified as such in the proposal, it shall inform the committee responsible.

In such a case, over and above the conditions laid down in Rules 156 and 157, amendments shall be admissible within the committee responsible only if they concern those parts of the proposal which contain changes.

However, if in accordance with point 8 of the Interinstitutional Agreement, the committee responsible intends also to submit amendments to the codified parts of the proposal, it shall immediately notify its intention to the Council and to the Commission, and the latter should inform the committee, prior to the vote pursuant to Rule 54, of its position on the amendments and whether or not it intends to withdraw the recast proposal.

Following the opinion of the Legal Service, whose representatives participated in the meetings of the Consultative Working Party examining the recast proposal, and in keeping with the recommendations of the draftsman, the Committee on Legal Affairs considers that the proposal in question does not include any substantive changes other than those identified as such in the proposal and that, as regards the codification of the unchanged provisions of the earlier acts with those changes, the proposal contains a straightforward codification of the existing texts, without any change in their substance.

However, the Committee on Legal Affairs also takes note of the remarks in the opinion of the Consultative Working Party made by the legal services of the Parliament and the Council to the effect that certain provisions need to be updated in order for the proposal to take full account of the application of Articles 290 and 291 TFEU.

There is no *a priori* correlation between the regulatory procedure with scrutiny and delegated acts under Article 290 TFEU, and with the entry into force on 1 March 2011 of the implementing acts regulation, adopted on the basis of Article 291 TFEU, the comitology decision was repealed. The provisions of the proposal which include the wordings used for the regulatory procedure with scrutiny in accordance with the repealed comitology decision should consequently be aligned to correspond to the new system of power of legislative delegation.

In conclusion, after discussing it at its meeting of 11 April 2011, the Committee on Legal Affairs, by 21 votes in favour and no abstentions¹, recommends that your Committee, as the committee responsible, proceed to examine the above proposal in accordance with Rule 87.

Yours faithfully,

Klaus-Heiner LEHNE

Encl.: Opinion of the Consultative Working Party.

¹ The following Members were present: Klaus-Heiner Lehne, Evelyn Regner, Sebastian Valentin Bodu, Antonio López-Istúriz White, Alajos Mészáros, Rainer Wieland, Tadeusz Zwiefka, Lidia Joanna Geringer de Oedenberg, Antonio Masip Hidalgo, Bernhard Rapkay, Alexandra Thein, Diana Wallis, Cecilia Wikström, Christian Engström, Piotr Borys, Kurt Lechner, Angelika Niebler, Sergio Gaetano Cofferati, Arlene McCarthy, Eva Lichtenberger, Sajjad Karim.

ANNEX: OPINION OF THE CONSULTATIVE WORKING PARTY OF THE LEGAL SERVICES OF THE EUROPEAN PARLIAMENT, THE COUNCIL AND THE COMMISSION



CONSULTATIVE WORKING PARTY
OF THE LEGAL SERVICES

Brussels, 2 December 2010

OPINION

**FOR THE ATTENTION OF THE EUROPEAN PARLIAMENT
OF THE COUNCIL
OF THE COMMISSION**

**Proposal for a directive of the European Parliament and of the Council on statistical returns in respect of the carriage of goods by road
COM(2010)0505, 24.9.2010 – 2010/0258(COD)**

Having regard to the Interinstitutional Agreement of 28 November 2011 on a more structured use of the recasting technique for legal acts, notably paragraph 9, the Consultative Working Group composed of the Legal Services of the European Parliament, the Council and the Commission met on 7 and 19 October 2010 to examine, *inter alia*, the above proposal presented by the Commission.

While examining¹ the proposal for a Council regulation aimed at recasting Council Regulation (EC) No 1172/98 of 25 May 1998 on statistical returns in respect of the carriage of goods by road, the Group agreed, by common accord, that the proposal does not contain any substantive amendments other than those already identified as such in the text. With regard to codification of the provisions of the previous act not changed by the substantive amendments, the Group also noted that the proposal is simply a codification, without any substantive amendments to the acts to which it refers.

The Council's Legal Service considers that Article 3(4) and Article 4 in the text of the proposal should have been entirely highlighted in grey in order to include in these grey sections the elements subject to delegation. That would help to prevent any doubt regarding the legislator's ability to determine the scope of the delegation, including whether or not to delegate its powers, in accordance with Article 290 TFEU.

¹The Group had the German, English and French versions of the proposal and used the French text, the original version of the working document, as the basis for its work.

In addition, the European Parliament's Legal Service considers that, in the light of the probable changes to the legislation on the implementing acts, as required of that institution under Article 291 TFEU, it may be necessary to adapt recital 9 and Article 11 (unchanged in the proposal), in accordance with paragraph 8 of the Interinstitutional Agreement.

C. PENNERA
Jurisconsult

J.-C. PIRIS
Jurisconsult

L. ROMERO REQUENA
Director-General

PROCEDURE

Title	Statistical returns in respect of the carriage of goods by road (recast)
References	COM(2010)0505 – C7-0286/2010 – 2010/0258(COD)
Date submitted to Parliament	24.9.2010
Committee responsible Date announced in plenary	TRAN 7.10.2010
Committee(s) asked for opinion(s) Date announced in plenary	JURI 7.10.2010
Rapporteur(s) Date appointed	Brian Simpson 26.10.2010
Discussed in committee	16.3.2011 23.5.2011
Date adopted	24.5.2011
Result of final vote	+: 41 -: 0 0: 0
Members present for the final vote	Inés Ayala Sender, Georges Bach, Izaskun Bilbao Barandica, Michael Cramer, Ryszard Czarnecki, Luis de Grandes Pascual, Christine De Veyrac, Saïd El Khadraoui, Ismail Ertug, Knut Fleckenstein, Jacqueline Foster, Mathieu Grosch, Jim Higgins, Juozas Imbrasas, Ville Itälä, Dieter-Lebrecht Koch, Georgios Koumoutsakos, Werner Kuhn, Jörg Leichtfried, Bogusław Liberadzki, Eva Lichtenberger, Marian-Jean Marinescu, Gesine Meissner, Hubert Pirker, Vilja Savisaar-Toomast, Olga Sehnalová, Debora Serracchiani, Brian Simpson, Dirk Sterckx, Keith Taylor, Silvia-Adriana Țicău, Giommara Uggias, Thomas Ulmer, Dominique Vlasto, Artur Zasada, Roberts Zīle
Substitute(s) present for the final vote	Philip Bradbourn, Guido Milana, Dominique Riquet, Alfreds Rubiks, Laurence J.A.J. Stassen
Date tabled	14.7.2011