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*****I REPORT**

on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) No 91/2003 of the European Parliament and of the Council of 16 December 2002 on rail transport statistics, as regards the collection of data on goods, passengers and accidents
(COM(2013)0611 – C7-0249/2013 – 2013/0297(COD))

Committee on Transport and Tourism

Rapporteur: Michael Cramer

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 91/2003 of the European Parliament and of the Council of 16 December 2002 on rail transport statistics, as regards the collection of data on goods, passengers and accidents
(COM(2013)0611 – C7-0249/2013 – 2013/0297 (COD))**

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2013)0611),
 - 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 (C7-0249/2013),
 - 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 Transport and Tourism (A7-0002/2014),
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 3 a (new)

Text proposed by the Commission

Amendment

(3a) Eurostat should closely cooperate with the European Railway Agency in the collection of rail accident data in order to ensure that the data obtained are consistent and fully comparable. The role of the European Railway Agency in the field of rail safety should be continuously enhanced.

Justification

The efficient cooperation between both institutions is necessary in order to ensure that the collected data is compatible and consistent and to avoid any possible disruptions arising from the transition of responsibilities from Eurostat to the European Railway Agency.

Amendment 2

Proposal for a regulation

Recital 7

Text proposed by the Commission

Amendment

(7) In its report to the European Parliament and the Council on the experience acquired in the application of the Regulation (EC) No 91/2003, the Commission mentions that long term developments will probably mean the suppression or simplification of the data already collected under the Regulation, and that the intention is to reduce the data transmission period for annual data on rail passengers.

(7) In its report to the European Parliament and the Council on the experience acquired in the application of the Regulation (EC) No 91/2003, the Commission mentions that long-term developments will probably mean the suppression or simplification of the data already collected under the Regulation, and that the intention is to reduce the data transmission period for annual data on rail passengers. ***The Commission should continue to provide reports at regular intervals on the way in which this Regulation is implemented.***

Amendment 3

Proposal for a regulation

Recital 10

Text proposed by the Commission

(10) It is particularly important that the Commission carry out the appropriate consultations during its preparatory work, including at expert level. The Commission should, when preparing and drawing up delegated acts, ensure simultaneous, timely and appropriate submission of the relevant documents to the European Parliament and to the Council.

Amendment

(10) It is particularly important that the Commission carry out the appropriate consultations during its preparatory work, including at expert level, ***and that it take into account the position of the rail sector.*** The Commission should, when preparing and drawing up delegated acts, ensure simultaneous, timely and appropriate submission of the relevant documents to the European Parliament and to the Council.

Justification

When preparing and drawing up delegated acts, the Commission should consult the rail sector to ensure that the position of rail companies, as providers and users of rail transport statistics, is sufficiently taken in to account.

Amendment 4

Proposal for a regulation

Recital 12

Text proposed by the Commission

(12) In order to ensure uniform conditions for implementation of Regulation (EC) No 91/2003, implementing powers should be conferred on the Commission as regards the specification of information to be supplied for the reports on the quality and comparability of the results. These powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States

Amendment

(12) In order to ensure uniform conditions for implementation of Regulation (EC) No 91/2003, implementing powers should be conferred on the Commission as regards the specification of information to be supplied for the reports on the quality and comparability of the results, ***and on arrangements for the dissemination of results by the Commission (Eurostat).*** These powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying

of the Commission's exercise of implementing powers⁴.

down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers⁴. ***The examination procedure should be used for the adoption of those acts, given their general scope.***

⁴ OJ L 55, 28.2.2011, p. 13.

⁴ OJ L 55, 28.2.2011, p. 13.

Justification

See amendment to Article 1-paragraph 1 - point 4 (Article 7 of Regulation (EC) 91/2003).

Amendment 5

Proposal for a regulation

Article 1 – point 1 – point a

Regulation (EC) No 91/2003

Article 3 – paragraph 1 – points 24-30

Text proposed by the Commission

Amendment

(a) In paragraph 1, points 24-30 are deleted.

deleted

Justification

In line with the amendment on keeping in the Annex H on statistics on accidents.

Amendment 6

Proposal for a regulation

Article 1 – point 2 – point a

Regulation (EC) No 91/2003

Article 4 – paragraph 1 – points b, d, h

Text proposed by the Commission

Amendment

(a) In paragraph 1, points b, *d and h* are deleted.

(a) In paragraph 1, points b *and d* are deleted.

Justification

In line with the amendment on keeping in the Annex H on statistics on accidents.

Amendment 7

Proposal for a regulation

Article 1 – point 2 – point a a (new)

Regulation (EC) No 91/2003

Article 4 – paragraph 1 – point g a (new)

Text proposed by the Commission

Amendment

(aa) In paragraph 1, the following point is inserted:

'(ga) statistics on rail infrastructure (Annex Ga);'.

Amendment 8

Proposal for a regulation

Article 1 – point 2 – point a b (new)

Regulation (EC) No 91/2003

Article 4 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

(ab) In paragraph 1, the following point is inserted:

'1a. Eurostat shall closely cooperate with the European Railway Agency (ERA) in the collection of accident data, including data qualifications, in order to ensure that the rail accident data collected by ERA under the Annex to Directive 2009/149/EC on railway safety is fully comparable to the accident data collected by Eurostat on other transport modes.'

Justification

Statistics on railway accidents should in the future be collected only by ERA in order to avoid double reporting. But close cooperation between Eurostat and ERA on accident data is needed, especially with respect to data qualifications.

Amendment 9

Proposal for a regulation

Article 1 – point 2 – point d

Regulation (EC) No 91/2003

Article 4 – paragraph 5

Text proposed by the Commission

5. The Commission shall be empowered to adopt delegated acts, in accordance with Article 10, concerning the adaptation of the contents of the Annexes and the thresholds for reporting as referred to in paragraphs 1 and 3, in order to take account of economic and technical developments.

Amendment

5. The Commission shall be empowered to adopt delegated acts, **where necessary** in accordance with Article 10, concerning the adaptation of the contents of the Annexes and the thresholds for reporting as referred to in paragraphs 1 and 3, in order to take account of economic and technical developments.

Amendment 10

Proposal for a regulation

Article 1 – point 4

Regulation (EC) No 91/2003

Article 7

Text proposed by the Commission

Statistics based on the data specified in Annexes A, C, E, F, G and L shall be disseminated by the Commission (Eurostat).

Amendment

Statistics based on the data specified in Annexes A, C, E, F, G, **Ga, H** and L shall be disseminated by the Commission (Eurostat) **no later than 12 months after the end of the period to which the results relate.**

The arrangements for the dissemination of results shall be adopted by the Commission in accordance with the examination procedure referred to in Article 11(2).

Amendment 11

Proposal for a regulation

Article 1 – point 4 a (new)

Regulation (EC) No 91/2003

Article 8 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

(4a) In Article 8, the following paragraph is inserted:

'1a. Member States shall take all measures necessary to ensure the quality of the data transmitted.'

Amendment 12

Proposal for a regulation

Article 1 – paragraph 1 – point 6

Regulation (EC) No 91/2003

Article 9

Text proposed by the Commission

Amendment

(6) Article 9 is ***deleted***.

(6) Article 9 is ***replaced by the following:***

‘Article 9

Report

By [dd/mm/yyyy] [three years after the date of entry into force of this Regulation] and every three years thereafter, the Commission, after consulting the Statistical Programme Committee, shall submit a report to the European Parliament and the Council on the implementation of this Regulation. In particular, that report shall:

(a) assess the benefits accruing to the Union, the Member States and the providers and users of statistical information of the statistics produced, in relation to their costs;

(b) assess the quality of the statistics produced, especially with regards to data losses, resulting from the deletion of simplified reporting;

(c) identify areas for potential improvement and any amendments considered necessary in the light of the results obtained.’.

Justification

It must be ensured that efforts to lower the burden on data providers does not result in a substantial loss of data quality, especially those resulting from the deletion of the simplified reporting.

Amendment 13

Proposal for a regulation

Article 1 – point 7

Regulation No 91/2003

Article 10 – paragraph 2

Text proposed by the Commission

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

Amendment

The power to adopt delegated acts referred to in Articles 3(2) and 4(5) shall be conferred on the Commission for ***a*** period of ***five years*** from [Publications 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 no 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 no later than three months before the end of each period.***

Amendment 14

Proposal for a regulation

Article 1 – point 9 a (new)

Regulation (EC) No 91/2003

Annex A – column 2 – row 1 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

(9a) In Annex A, column 2, row 1

the following paragraph is added:

'Silent freight wagons equipped or retro-fitted with composite brake blocks in:

- number'.

Amendment 15

Proposal for a regulation

Article 1 – point 10

Regulation (EC) No 91/2003

Annexes B, D, H, I

Text proposed by the Commission

Amendment

(10) Annexes B, D, **H** and I are deleted.

(10) Annexes B, D and I are deleted.

Justification

The requirement to collect data on accidents should stay with both Eurostat and European Rail Agency.

Amendment 16

Proposal for a regulation

Article 1 – point 11 a (new)

Regulation (EC) No 91/2003

Annex F – column 2 – row 1 – paragraphs 1 and 2

Text proposed by the Commission

Amendment

(11a) Annex F is amended as follows:

(a) In column 2, row 1, paragraph 1 the following indent is added:

'– tonne-km';

(b) In column 2, row 1, paragraph 2 the following indent is added:

'– passenger-km'.

Amendment 17

Proposal for a regulation

Article 1 – point 11 b (new)

Regulation (EC) No 91/2003

Annex F – column 2 – row 1

Text proposed by the Commission

Amendment

(11b) Annex F is amended as follows:

(a) In column 2, row 1 the following paragraph is inserted:

‘– distance-based rail freight modal shares based on tonne-km according to the following distance breakdown:

- $d \leq 50$ km*
- $50 \text{ km} < d \leq 150 \text{ km}$*
- $150 \text{ km} < d \leq 300 \text{ km}$*
- $300 \text{ km} < d \leq 500 \text{ km}$*
- $500 \text{ km} < d \leq 750 \text{ km}$*
- $750 \text{ km} < d \leq 1000 \text{ km}$*
- $d > 1000 \text{ km}$;’*

Amendment 18

Proposal for a regulation

Article 1 – point 11 c (new)

Regulation (EC) No 91/2003

Annex F – column 2 – row 3

Text proposed by the Commission

Amendment

(11c) Annex F is amended as follows:

(b) In column 2, row 3 is amended as follows:

- ‘– For ‘tonnes’ and ‘tonne-km’: Every year’;*
- For ‘number of passengers’ and ‘passenger-km’: Every five years’.*

Amendment 19

Proposal for a regulation

Article 1 – point 11 d (new)

Regulation (EC) No 91/2003

Annex H

(11d) Annex H is amended as follows:

(a) In column 2, row 1 the following indent is added:

'– number of incidents (Table H2)';

(b) In column 2, row 4, paragraph 2 is replaced by the following:

'Table H2: number of accidents and incidents involving the transport of dangerous goods';

(c) In column 2, row 7, paragraph 1, the third indent is replaced by the following:

'– accidents involving level crossings and those not caused by trains';

(d) In column 2, row 7, paragraph 2, the first indent is replaced by the following:

'– total number of accidents and incidents involving at least one railway vehicle transporting dangerous goods, as defined by the list of goods covered by Annex K';

(e) In column 2, row 7, paragraph 2, the second indent is replaced by the following:

'– number of such accidents and incidents in which dangerous goods are released'.

Amendment 20

Proposal for a regulation

Article 1 – point 12

Regulation (EC) No 91/2003

Annexes L and G a (new)

(12) **Annex L** is added as set out in the Annex to this Regulation.

(12) **Annexes Ga and L** are added as set out in the Annex to this Regulation.

Amendment 21

Proposal for a regulation

Article 2 – paragraph 1

Regulation (EC) No 91/2003

Article 13 – paragraph 1

Text proposed by the Commission

This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.

Amendment

This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union. ***It shall be consolidated with Regulation (EC) No 91/2003 within three months of its publication.***

Amendment 22

Proposal for a regulation

Annex C – column 2 – row 1 – paragraph 2 a (new)

Regulation (EC) No 91/2003

Annex C

Text proposed by the Commission

Amendment

***Locomotives equipped with ERTMS in:
– number***

Amendment 23

Proposal for a regulation

Annex C a (new)

Regulation (EC) No 91/2003

Annex G a (new)

Text proposed by the Commission

Amendment

***(11b) The following Annex is inserted:
‘Annex Ga***

Rail infrastructure data

***1. Number of kilometres of rail
infrastructure, equipped with ERTMS;***

***1a. Length in kilometres of the rail
network continuously equipped with
ERTMS (in the Member State);***

2. Number of cross-border rail infrastructure points, used more frequently for passenger transport than every hour, than every two hours and less frequently than every two hours;

3. Number of cross-border rail points, abandoned for use of passengers or freight transport or dismantled rail infrastructure;

4. Number of stations, barrier-free, accessible for persons with reduced mobility (PRMs) and disabled persons. '.

EXPLANATORY STATEMENT

Background

Regulation (EC) No 91/2003, which the Commission proposes to amend, establishes common rules for the production of Union rail transport statistics. Data collected within this framework cover goods and passenger transport, as well as data collected on traffic flows on the rail network and on accidents.

The Commission proposal

The proposal simplifies Regulation (EC) No 91/2003 by preserving only 'detailed' reporting requirements and abandoning the current concept of 'simplified' reporting, thus reducing the burden on Member States and respondents, with no significant loss in the quality of data for the transport of goods and passengers by rail, and shortening the timelines for disseminating passenger rail data.

For smaller undertakings below the specified thresholds, Member States would have to report an 'overall' figure for aggregated indicators in a separate Annex.

The Commission proposes to delete the requirement to collect data on accidents, as these statistics are also collected by the European Rail Agency (ERA).

Finally, the proposed amendment of Regulation (EC) No 91/2003 takes into account the adjustments to the Treaty on the Functioning of the European Union, as regards granting the Commission delegated and implementing powers.

Rapporteur's view

Your Rapporteur welcomes the Commission's intention to simplify rules for the generation of Union rail transport statistics, and to align the existing comitology provisions to delegated and implementing acts.

However, the Rapporteur is of the opinion that data collection should be extended further to rail infrastructure data, and that more measurement variables in statistics on passenger transport should be included, in particular with regard to cross-border connections that should be at the heart of the EU's transport policy. He proposes to add a few classes of data, such as the number and type of trains, bicycles carried (based on Article 6 of the Rail Passenger Regulation), the number of new and retro-fitted silent freight waggon equipped with composite brake blocks (based on the new Connecting Europe Facility (CEF) Regulation).

Your Rapporteur is also of the opinion that there is a need for streamlining the powers delegated to the Commission to safeguard the Parliament's prerogatives.

Your Rapporteur believes that the requirement to collect data on accidents should not be taken away from Eurostat. Instead, cooperation on data collected has to be ensured and put in place with the European Rail Agency. Moreover, a requirement to collect data on incidents has to be added, since this contributes to a higher level of rail safety.

PROCEDURE

| | |
|---|---|
| Title | Proposal for a regulation amending Regulation (EC) No 91/2003 of the European Parliament and of the Council of 16 December 2002 on rail transport statistics, as regards the collection of data on goods, passengers and accidents |
| References | COM(2013)0611 – C7-0249/2013 – 2013/0297(COD) |
| Date submitted to Parliament | 30.8.2013 |
| Committee responsible Date announced in plenary | TRAN 10.9.2013 |
| Committee(s) asked for opinion(s) Date announced in plenary | JURI 10.9.2013 |
| Not delivering opinions Date of decision | JURI 11.9.2013 |
| Rapporteur(s) Date appointed | Michael Cramer 25.9.2013 |
| Discussed in committee | 14.11.2013 16.12.2013 |
| Date adopted | 17.12.2013 |
| Result of final vote | +: 40 –: 5 0: 1 |
| Members present for the final vote | Magdi Cristiano Allam, Inés Ayala Sender, Georges Bach, Erik Bánki, Izaskun Bilbao Barandica, Antonio Cancian, Michael Cramer, Joseph Cuschieri, Philippe De Backer, Luis de Grandes Pascual, Christine De Veyrac, Saïd El Khadraoui, Ismail Ertug, Carlo Fidanza, Knut Fleckenstein, Jacqueline Foster, Franco Frigo, Mathieu Grosch, Jim Higgins, Juozas Imbrasas, Dieter-Lebrecht Koch, Georgios Koumoutsakos, Werner Kuhn, Jörg Leichtfried, Bogusław Liberadzki, Marian-Jean Marinescu, Gesine Meissner, Mike Nattrass, Hubert Pirker, Dominique Riquet, Petri Sarvamaa, David-Maria Sassoli, Vilja Savisaar-Toomast, Olga Sehnalová, Brian Simpson, Silvia-Adriana Țicău, Giommara Uggias, Peter van Dalen, Patricia van der Kammen, Roberts Zīle |
| Substitute(s) present for the final vote | Jean-Jacob Bicep, Bogdan Kazimierz Marcinkiewicz, Alfreds Rubiks, Sabine Wils, Karim Zérifi |
| Substitute(s) under Rule 187(2) present for the final vote | Ivo Strejček |
| Date tabled | 6.1.2014 |