

# EUROPEAN PARLIAMENT

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*Committee on Legal Affairs*

**2007/0288(COD)**

6.6.2008

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## **DRAFT REPORT**

on the proposal for a directive of the European Parliament and of the Council  
on statistical returns in respect of carriage of goods and passengers by sea  
(recast)  
(COM(2007)0859 – C6-0001/2008 – 2007/0288(COD))

Committee on Legal Affairs

Rapporteur: József Szájer

(Recast – Rule 80a of the Rules of Procedure)

### ***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 directive of the European Parliament and of the Council on statistical returns in respect of carriage of goods and passengers by sea (recast) (COM(2007)0859 – C6 0001/2008 – 2007/0288(COD))**

**(Codecision procedure - recast)**

*The European Parliament,*

- having regard to the Commission proposal to the European Parliament and the Council (COM(2007)0859),
  - having regard to Article 251(2) and Article 285(1) of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C6-0001/2008),
  - having regard to the Interinstitutional agreement of 28 November 2001 on a more structured use of the recasting technique for legal acts<sup>1</sup>,
  - having regard to Rules 80a and 51 of its Rules of Procedure,
  - having regard to the report of the Committee on Legal Affairs and the opinion of the Committee on Transport and Tourism (A6-0000/2008),
- 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. Approves the Commission proposal as adapted to the recommendations of the Consultative Working Party of the Legal Services of the European Parliament, the Council and the Commission and as amended hereunder;
  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 the Commission.

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<sup>1</sup> OJ C 77, 28.3.2002, p. 1.

## Amendment 1

### Proposal for a regulation

#### Article 3 - paragraph 4 a (new)

*Text proposed by the Commission*

*Amendment*

***4a. The Commission shall adapt the data collection characteristics and of the content of Annexes I to VIII to economic and technical developments in so far as such adaptation does not involve a substantial increase in cost for the Member States and/or the burden on respondents.***

***Those measures, designed to amend non-essential elements of this Directive by supplementing it, shall be adopted in accordance with the  $\delta$  regulatory procedure with scrutiny referred to in Article 11(3).***

Or. en

#### *Justification*

*The Commission proposes to introduce RPS for Articles 3, 4, 5 as well as for modification of Annexes I to VII, and proposes to keep the management procedure for Article 7 and 9. The repetition of most of these delegations in Article 10, especially in view of its opening sentence (on "measures for adapting [the Directive] to economic and technical developments ") can be confusing and should thus be avoided. In order to maintain the procedure for adapting Article 3 and the Annexes, this amendment is proposed.*

## Amendment 2

### Proposal for a regulation

#### Article 10

*Text proposed by the Commission*

*Amendment*

***Article 10***

***deleted***

***Detailed rules of implementation***

***Detailed rules for implementing this Directive, including measures for adapting it to economic and technical***

***developments shall be adopted, in particular:***

***(a) adaptation of the data collection characteristics (Article 3) and of the content of Annexes I to VIII in so far as such adaptation does not involve a substantial increase in cost for the Member States and/or the burden on respondents;***

***(b) a list of ports, updated on a regular basis by the Commission, coded and classified by country and maritime coastal area (Article 4);***

***(c) accuracy requirement (Article 5);***

***(d) the description of the composition of a data file and codes for transmission of the results to the Commission (Eurostat) (Article 7);***

***(e) the arrangements for publication or dissemination of the data (Article 9).***

***The measures referred to in points (d) and (e) shall be adopted in accordance with the procedure referred to in Article 11(2).***

***The measures referred to in points (a), (b) and (c), designed to amend non-essential elements of this Directive, inter alia, by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 11(3).***

Or. en

#### *Justification*

*The Commission proposes to introduce RPS for Articles 3, 4, 5 as well as for modification of Annexes I to VII, and proposes to keep the management procedure for Article 7 and 9. The repetition of most of these delegations in Article 10, especially in view of its opening sentence (on "measures for adapting [the Directive] to economic and technical developments ") can be confusing and should thus be avoided. In view of the precedent amendment, the Article 10 can be deleted.*

## EXPLANATORY STATEMENT

Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission<sup>1</sup> was amended by Council Decision 2006/512/EC of 17 July 2006<sup>2</sup>. Article 5a of amended Decision 1999/468/EC introduced the new 'regulatory procedure with scrutiny' (RPS) for *'measures of a general scope which seek to amend non-essential elements of a basic instrument adopted in accordance with codecision, inter alia by deleting some of those elements or by supplementing the instrument by the addition of new non-essential elements'*.

Following the screening of the existing legislation and on-going procedures<sup>3</sup>, the European Commission presented inter alia this recast proposal, transformed from a codification in order to incorporate the amendments necessary for the alignment to RPS.

In its decision of 12 December 2007 the Conference of Presidents designated the Committee on Legal Affairs as the lead Committee to deal with this 'comitology alignment' and the specialised committees as opinion-giving committees. The Conference of Committee Chairs agreed on 15 January 2008 on the modalities of cooperation between the Committee on Legal Affairs and the other committees involved.

In view of the proposed alignment to RPS, and having consulted the sectoral committee, the Rapporteur suggests two amendments which aim to clarify the comitology provisions. With regard to the recast technique, the inclusion of the technical adaptations suggested by the Consultative Working Party of the Legal Services is also recommended.

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<sup>1</sup> OJ C 203, 17.7.1999, p. 1.

<sup>2</sup> OJ L 200, 22.7.2006, p. 11.

<sup>3</sup> COM(2007)0740.



**ANNEX: OPINION IN LETTER FORM OF THE LEGAL SERVICES'  
CONSULTATIVE WORKING PARTY**

**OPINION**

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

**Proposal for a directive of the European Parliament and of the Council on statistical returns in respect of carriage of goods and passengers by sea  
COM(2007)0859 of 21.12.2007 - 2007/0288(COD)**

Having regard to the Inter-institutional Agreement of 28 November 2001 on a more structured use of the recasting technique for legal acts, and in particular to point 9 thereof, the Consultative Working Party consisting of the respective legal services of the European Parliament, the Council and the Commission met on 8 January 2008 for the purpose of examining, among others, the aforementioned proposal submitted by the Commission.

At that meeting<sup>1</sup>, an examination of the proposal for a directive of the European Parliament and of the Council recasting Council Directive 95/64/EC of 8 December 1995 on statistical returns in respect of carriage of goods and passengers by sea resulted in the Consultative Working Party's establishing, by common accord, that the two following corrections were introduced into the existing texts of technical annexes:

- 1) in Annex VI, the asterisk following the word "*Fishing*" (item no. 41) was deleted;
- 2) in Annex VIII, Data set C1, in the first line of the footnote the indication "5X" was inserted between the figures "34" and "51".

In consequence, examination of the proposal has enabled the Consultative Working Party to conclude, without dissent, that the proposal does not comprise any substantive amendments other than those identified as such. The Working Party also concluded, as regards the codification of the unchanged provisions of the earlier act with those substantive amendments, that the proposal contains a straightforward codification of the existing text, without any change in its substance.

C. PENNERA  
Jurisconsult

J.-C. PIRIS  
Jurisconsult

M. PETITE  
Director General

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<sup>1</sup> The Consultative Working Party had at its disposal the English, French and German language versions of the proposal and worked on the basis of the English version, being the master-copy language version of the text under discussion.