

**P7\_TA(2014)0226**

**Statistics relating to external trade with non-member countries (delegated and implementing powers) \*\*\*I**

**European Parliament legislative resolution of 12 March 2014 on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) No 471/2009 on Community statistics relating to external trade with non-member countries as regards conferring of delegated and implementing powers upon the Commission for the adoption of certain measures (COM(2013)0579 – C7-0243/2013 – 2013/0279(COD))**

**(Ordinary legislative procedure: first reading)**

*The European Parliament,*

- having regard to the Commission proposal to Parliament and the Council (COM(2013)0579),
  - 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 (C7-0243/2013),
  - 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 International Trade (A7-0042/2014),
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.

**P7\_TC1-COD(2013)0279**

**Position of the European Parliament adopted at first reading on 12 March 2014 with a view to the adoption of Regulation (EU) No .../2014 of the European Parliament and of the Council amending Regulation (EC) No 471/2009 on Community statistics relating to external trade with non-member countries as regards conferring of delegated and implementing powers upon the Commission for the adoption of certain measures**

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 338(1) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Acting in accordance with the ordinary legislative procedure<sup>1</sup>,

Whereas:

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<sup>1</sup> Position of the European Parliament of 12 March 2014.

- (1) As a consequence of the entry into force of the Treaty on the Functioning of the European Union (TFEU), the powers conferred upon the Commission should be aligned with Articles 290 and 291 TFEU.
- (2) In connection with the adoption of Regulation (EU) No 182/2011 of the European Parliament and of the Council<sup>1</sup>, the Commission has committed itself<sup>2</sup> to reviewing, in the light of the criteria laid down in the TFEU, legislative acts which currently contain references to the regulatory procedure with scrutiny.
- (3) Regulation (EC) No 471/2009 of the European Parliament and of the Council<sup>3</sup> confers powers upon the Commission in order to implement some of the provisions of that Regulation.
- (4) In the context of the alignment of Regulation (EC) No 471/2009 with the new rules of the TFEU, implementing powers currently conferred upon the Commission should be provided for by conferring powers on the Commission to adopt delegated and implementing acts.

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<sup>1</sup> 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 of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

<sup>2</sup> OJ L 55, 28.2.2011, p. 19.

<sup>3</sup> Regulation (EC) No 471/2009 of the European Parliament and of the Council of 6 May 2009 on Community statistics relating to external trade with non-member countries and repealing Council Regulation (EC) No 1172/95 (OJ L 152, 16.6.2009, p. 23).

- (5) In order to take into account changes in the Customs Code or provisions deriving from international conventions, changes necessary for methodological reasons and the necessity to set up an efficient system for the collection of data and the compilation of statistics, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of the adaptation of the list of customs procedures or customs-approved treatment or use, specific goods or movements and different or specific provisions applicable to them, the exclusion of goods or movements from external trade statistics, the data collection according to Article 4(2) and (4) of Regulation (EC) No 471/2009, the further specification of the statistical data, the requirement for limited sets of data for specific goods or movements and data provided in accordance with Article 4(2) thereof, the characteristics of the sample, the reporting period and the level of aggregation for partner countries, goods and currencies for statistics on trade by invoicing currency, the adaptation of the deadline for transmitting statistics and of the content, coverage and revision conditions for statistics already transmitted, the deadline for transmitting statistics on trade by business characteristics and statistics on trade broken down by invoicing currency.

- (6) It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. 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 to the Council.
- (7) The Commission should ensure that those delegated acts do not impose a significant additional administrative burden on the Member States and on the respondent units.
- ~~(8) In order to ensure uniform conditions for the implementation of Regulation (EC) No 471/2009, implementing powers should be conferred upon the Commission enabling it to adopt measures relating to the codes to be used for data referred to in Article 5(1) of that Regulation and measures relating to the linking of the data on business characteristics with data recorded in accordance with the same Article. These powers should be exercised in accordance with Regulation (EU) No 182/2011. [Am. 1]~~
- ~~(9) The Committee on statistics relating to the trading of goods with non-member countries (Extrastat Committee) referred to in Article 11 of Regulation (EC) No 471/2009 provides advice to the Commission and assists it in exercising its implementing powers. [Am. 2]~~

- (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 statistics<sup>†</sup>, should have an advisory role and assist the Commission in exercising its implementing powers. [Am. 3]~~
- (11) ~~Regulation (EC) No 471/2009 should be amended by replacing the reference to the Extrastat Committee with a reference to the ESSC. [Am. 4]~~
- (12) To ensure legal certainty, procedures for adopting measures that have been initiated but not completed before the entry into force of this Regulation should not be affected by this Regulation.
- (13) Regulation (EC) No 471/2009 should therefore be amended accordingly,

HAVE ADOPTED THIS REGULATION:

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<sup>†</sup> ~~OJ L 87, 31.3.2009, p. 164.~~

## Article 1

Regulation (EC) No 471/2009 is amended as follows:

(1) Article 3 is amended as follows:

(a) Paragraph 2 is replaced by the following:

‘2. In order to take into account changes in the Customs Code or provisions deriving from international conventions, the Commission shall be empowered to adopt, in accordance with Article 10a, delegated acts, to adapt the list of customs procedures or customs-approved treatment or use referred to in paragraph 1.’;

(b) In paragraph 3, the second subparagraph is replaced by the following:

‘The Commission shall be empowered to adopt, in accordance with Article 10a, delegated acts relating to specific goods or movements and to different or specific provisions applicable to them.’;

(c) In paragraph 4, the second subparagraph is replaced by the following:

‘The Commission shall be empowered to adopt, in accordance with Article 10a, delegated acts, relating to the exclusion of goods or movements from external trade statistics.’.

(2) In Article 4, paragraph 5 is replaced by the following:

‘5. The Commission shall be empowered to adopt, in accordance with Article 10a, delegated acts relating to the data collection according to paragraphs 2 and 4 of this Article.’.

(3) Article 5 is amended as follows:

(a) Paragraph 2 is replaced by the following:

‘2. The Commission shall be empowered to adopt, in accordance with Article 10a, delegated acts relating to the *adoption of rules with respect to the* further specification of the data referred to in paragraph 1 *and with respect to the measures relating to the codes to be used for those data.*

~~The Commission shall adopt, by means of implementing acts, measures relating to the codes to be used for these data.~~

~~These implementing acts shall be adopted in accordance with the examination procedure referred to in Article 11(2).’; [Am. 5]~~

(b) In paragraph 4, the second subparagraph is replaced by the following:

‘The Commission shall be empowered to adopt, in accordance with Article 10a, delegated acts relating to these limited sets of data.’.



(4) Article 6 is amended as follows:

(a) In paragraph 2, the last subparagraph is replaced by the following:

‘The Commission shall ***be empowered to*** adopt, ~~by means of implementing acts,~~  
~~measures~~ ***in accordance with Article 10a, delegated acts*** relating to ***the adoption of***  
***rules on*** the linking of the data and these statistics to be compiled.

~~Those implementing acts shall be adopted in accordance with the examination  
procedure referred to in Article 11(2).’; [Am. 6]~~

(b) In paragraph 3, the last subparagraph is replaced by the following:

‘The Commission shall be empowered to adopt, in accordance with Article 10a,  
delegated acts relating to the characteristics of the sample, the reporting period and  
the level of aggregation for partner countries, goods and currencies.’.

(5) Article 8 is amended as follows:

(a) In paragraph 1, the last subparagraph is replaced by the following:

‘The Commission shall be empowered to adopt, in accordance with Article 10a,  
delegated acts to adapt the deadline for transmitting statistics, content, coverage and  
revision conditions for the statistics already transmitted.’;

(b) Paragraph 2 is replaced by the following:

‘2. The Commission shall be empowered to adopt, in accordance with Article 10a,  
delegated acts relating to the deadline for transmitting statistics on trade by  
business characteristics referred to in Article 6(2) and statistics on trade broken  
down by invoicing currency referred to in Article 6(3).’.

(6) The following Article is inserted:

*Article 10a*

*Exercise of the delegation*

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
2. When exercising the power to adopt delegated acts referred to in Article 3(2), (3) and (4), Article 4(5), Article 5(2) and (4), Article 6(3) and Article 8(1) 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.
3. The power to adopt delegated acts referred to in Article 3(2), (3) and (4), Article 4(5), Article 5(2) and (4), Article 6(3) and Article 8(1) and (2) shall be conferred on the Commission for an ~~indeterminate period of time~~ ***from 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 later than three months before the end of each period. [Am. 7]***

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

4. The delegation of power referred to in Article 3(2), (3) and (4), Article 4(5), Article 5(2) and (4), Article 6(3) and Article 8(1) and (2) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the powers 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.
5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
6. A delegated act adopted pursuant to Article 3(2), (3) and (4), Article 4(5), Article 5(2) and (4), Article 6(3) and Article 8(1) 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.’.

(7) Article 11 is replaced by the following: *deleted*.

*Article 11*

*Committee*

1. — ~~The Commission shall be assisted by the European Statistical System Committee established by Regulation (EC) No 223/2009 of the European Parliament and of the Council of 11 March 2009 on European statistics (\*) This committee shall be a committee within the meaning of 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 of the Commission's exercise of implementing powers (\*\*).~~

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

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(\*) OJ L 87, 31.3.2009, p. 164.

(\*\*) OJ L 55, 28.2.2011, p. 13.<sup>2</sup> [Am. 8]

## Article 2

This Regulation shall not affect the procedures for the adoption of measures provided for in Regulation (EC) No 471/2009 that have been initiated but not completed before the entry into force of this Regulation.

## Article 3

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union* **and shall be consolidated with the Regulation amended by it within three months of its entry into force.** [Am. 9]

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at ...,

*For the European Parliament*

*The President*

*For the Council*

*The President*