Statistics relating to external trade with non-member countries: Commission delegated and implementing powers

2013/0279(COD) - 08/08/2013 - Legislative proposal

PURPOSE: to align Regulation (EC) No 471/2009 of the European Parliament and the Council on Community statistics relating to external trade with non-member countries to new rules under the Treaty on the Functioning of the European Union (delegated and implementing powers of the Commission).

PROPOSED ACT: Regulation of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: the Treaty on the Functioning of the European Union (TFEU) makes a distinction between:

- powers which may be delegated to the Commission to adopt non-legislative acts of general application to supplement or amend certain non-essential elements of a particular legislative act, as laid down in Article 290(1) of the TFEU (**delegated acts),** and
- the implementing powers which shall be conferred on the Commission where uniform conditions for implementing legally binding Union acts are needed, as laid down in Article 291(2) of the TFEU (**implementing acts**).

In connection with the adoption of Regulation (EU) No 182/2011 of the European Parliament and of the Council laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers, the Commission has committed itself 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 (previously known as "comitology").

The overall objective is to remove all provisions referring to the regulatory procedure with scrutiny from all legislative instruments by the end of Parliament's seventh term (June 2014).

IMPACT ASSESSMENT: the Commission did not undertake an impact assessment.

LEGAL BASIS: Article 338(1) of the Treaty on the Functioning of the European Union (TFEU).

CONTENT: the proposal seeks to amend Regulation (EC) No 471/2009 in order to align it with the new institutional context.

It is proposed to:

- **empower the Commission to adopt delegated acts** in respect of the adaptation of the list of customs procedures 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;

- **confer implementing powers** on the Commission enabling it to adopt measures relating to the codes to be used for data referred to in Article 5(1) and also measures relating to the linking of the data on business characteristics with data recorded in accordance with the same Article.

The Commission is also proposing to **restructure the European Statistical System (ESS)** to improve coordination and partnership in a clear pyramid structure, with the European Statistical System Committee (ESSC) as the highest strategic body.

One aspect of this streamlining is to concentrate comitology powers in the hands of the ESSC. In February 2012, the ESSC supported this new approach.

BUDGETARY IMPLICATION: the proposal has no implications for the Union's General Budget.