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

2013/0279(COD) - 21/06/2016 - Commission communication on Council's position

The Commission adopted a **communication** on the adoption of a Proposal for a Regulation of the European Parliament and of the Council amending Council 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.

The Commission **supported the compromise reached** as it is in line with the Commission's efforts to align pre-Lisbon legislation.

It considered that the Council position reflects, on the one hand, the provisional political agreement reached between the Council, the INTA Committee of the European Parliament and the Commission in the informal tripartite discussion on 8 December 2014 and, on the other hand, the **balance between delegated and implementing acts** as contained in the original proposal by the Commission as well the new Inter-Institutional Agreement on Better law-making (IIA), adopted and entered into force on 13 April 2016.

Indeed, **the main issue blocking** the file was the question of consultation of Member States when the Commission prepares delegated acts. It was decided to await the entry into force of the IIA.

The standard recital and paragraphs prescribed by the new IIA of 13 April 2016 were added. The Commission fully supports this addition.

The amendments introduced by the Council position mainly specify certain specific obligations for Member States (inter alia transmission deadlines) **directly in the basic act**, instead of empowering the Commission to specify them by delegated act as previously proposed. The Commission considered that those legal obligations would, also in the longer run, anyway not need to be changed and that consequently, their move from delegated acts to the basic act does not create any problem of flexibility; it therefore does not object to those Council amendments.

The Commission recalled that in its first reading in 2014, the European Parliament proposed amendments which would essentially have deleted all comitology powers proposed by the Commission. This was not acceptable for the Council or for the Commission.

On the other hand, the Commission`s empowerment to adopt delegated acts, originally proposed for an indeterminate period of time, has been **limited to a five-year period** as proposed by the European Parliament.