Basic information

2013/0279(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure completed
Statistics relating to external trade with non-member countries: Commission delegated and implementing powers **Subject** 6.20.04 Union Customs Code, tariffs, preferential arrangements, rules of origin 8.60 European statistical legislation	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
INTA International Trade	LANGE Bernd (S&D)	15/06/2016

Former committee responsible	Former rapporteur	Appointed
INTA International Trade	MOREIRA Vital (S&D)	16/09/2013

Council of the European Union

Council configuration	Meetings	Date
Employment, Social Policy, Health and Consumer Affairs	3475	2016-06-16

European Commission

Commission DG	Commissioner
Eurostat - European statistics	ŠEMETA Algirdas

Key events

Date	Event	Reference	Summary
08/08/2013	Legislative proposal published	COM(2013)0579	Summary
10/09/2013	Committee referral announced in Parliament, 1st reading		
21/01/2014	Vote in committee, 1st reading		
23/01/2014	Committee report tabled for plenary, 1st reading	A7-0042/2014	Summary
12/03/2014	Decision by Parliament, 1st reading	T7-0226/2014	Summary
12/03/2014	Results of vote in Parliament		

06/11/2014	Committee decision to open interinstitutional negotiations after 1st reading in Parliament		
17/06/2016	Council position published	08536/1/2016	Summary
22/06/2016	Committee referral announced in Parliament, 2nd reading		
14/07/2016	Vote in committee, 2nd reading		
19/07/2016	Committee recommendation tabled for plenary, 2nd reading	A8-0240/2016	Summary
13/09/2016	Decision by Parliament, 2nd reading	T8-0331/2016	Summary
13/09/2016	Results of vote in Parliament		
14/09/2016	Final act signed		
14/09/2016	End of procedure in Parliament		
30/09/2016	Final act published in Official Journal		

Technical information

Procedure reference	2013/0279(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
Legal basis	Treaty on the Functioning of the European Union TFEU 338-p1
Stage reached in procedure	Procedure completed
Committee dossier	INTA/8/06544

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE522.763	04/11/2013	
Amendments tabled in committee		PE524.808	09/12/2013	
Committee report tabled for plenary, 1st reading/single reading		A7-0042/2014	23/01/2014	Summary
Text adopted by Parliament, 1st reading/single reading		T7-0226/2014	12/03/2014	Summary
Committee draft report		PE585.453	21/06/2016	
Committee recommendation tabled for plenary, 2nd reading		A8-0240/2016	19/07/2016	Summary
Text adopted by Parliament, 2nd reading		T8-0331/2016	13/09/2016	Summary

Council of the EU

Document type	Reference	Date	Summary
Council statement on its position	09994/2016	13/06/2016	
Council position	08536/1/2016	17/06/2016	Summary

Draft final act	00036/2016/LEX	14/09/2016	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2013)0579	08/08/2013	Summary
Commission response to text adopted in plenary	SP(2014)455	10/06/2014	
Commission communication on Council's position	COM(2016)0420	21/06/2016	Summary

National parliaments

Document type	Parliament /Chamber	Reference	Date	Summary
Contribution	ES_PARLIAMENT	COM(2013)0579	01/11/2013	

Additional information

Source	Document	Date
National parliaments	IPEX	
European Commission	EUR-Lex	

Final act

Regulation 2016/1724
OJ L 266 30.09.2016, p. 0001 Summary

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.

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

2013/0279(COD) - 23/01/2014 - Committee report tabled for plenary, 1st reading/single reading

The Committee on International Trade adopted the report by Vital MOREIRA (S&D, PT) 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.

The parliamentary committee recommended that the position of the European Parliament adopted at first reading under the ordinary legislative procedure modify the Commission proposal as follows.

Use of delegated acts: the European Commission proposes the use of delegated acts in almost all cases where the regulatory procedure with scrutiny was originally used. The implementing acts are proposed in two cases, for the adoption of:

- measures relating to the codes to be used for statistical data; and
- measures relating to linking the data on imports and exports with the data on business.

Members proposed **that the above implementing acts be changed into delegated acts**, as they consider that the Parliament should be more demanding on the separation of delegated and implementing acts. The provisions relating to the Committee assisting the Commission have therefore been deleted.

The report also suggested **limiting the conferral of powers on the Commission to five years** with the possibility of extending the delegated powers for periods of the same duration.

Consolidated text: to favour the legal certainty and readability of legislation for the public, an amendment aims at having the consolidated version of the amended Regulation published in the Official Journal within three months from the entry into force of the amending Regulation.

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

2013/0279(COD) - 12/03/2014 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 654 votes to 19 with 9 abstentions, a legislative resolution 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.

Parliament's position in first reading following the ordinary legislative procedure amended the Commission proposal as follows :

Use of delegated acts: the European Commission proposes the use of delegated acts in almost all cases where the regulatory procedure with scrutiny was originally used. The implementing acts are proposed in two cases, for the adoption of:

- €€€€€€€ measures relating to the codes to be used for statistical data; and
- €€€€€€€ measures relating to linking the data on imports and exports with the data on business.

Parliament proposed **that the above implementing acts be changed into delegated acts**. The provisions relating to the Committee assisting the Commission have therefore been deleted.

Parliament also suggested **limiting the conferral of powers on the Commission to five years** with the possibility of extending the delegated powers for periods of the same duration.

Consolidated text: to ensure legal certainty and readability of legislation for the public, an amendment aims at having the consolidated version of the amended Regulation published in the Official Journal within three months from the entry into force of the amending Regulation.

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

2013/0279(COD) - 14/09/2016 - Final act

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 on delegated and implementing powers conferred on the Commission for the adoption of certain measures.

LEGISLATIVE ACT: Regulation (EU) 2016/1724 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.

CONTENT: this Regulation aligns Regulation (EC) No 471/2009 with Articles 290 and 291 of the Treaty on the Functioning of the EU. The implementing powers conferred on the Commission by that Regulation are replaced by the power to adopt delegated acts and implementing acts.

Delegated acts: the Commission has the power to adopt acts in accordance with Article 290 of the Treaty with regard to:

- 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;
- collection of certain data ;
- the further specification of the statistical data;
- the requirement for limited sets of data for the specific goods or movements referred to in the Regulation;
- the level of aggregation for partner countries, goods and currencies for statistics on trade by invoicing currency.

The power to adopt such acts is conferred on the Commission **for a period of five years from 20 October 2016** (which may be tacitly extended for the same period). The European Parliament or the Council may raise objections to a delegated act within **three months** of the date of notification of that act. That period may be extended by three months.

Implementing acts: in order to ensure uniform conditions for the implementation of Regulation (EC) No 471/2009, implementing powers are conferred on the Commission enabling it to adopt measures relating to:

- the codes and their format to be used in respect of the data referred to in Article 5(1) of that Regulation;
- the linking of the data on business characteristics with data recorded in accordance with that Article, and
- the uniform content and coverage of transmitted statistics.

Under the strategy for a new European Statistical System (ESS), the European Statistical System Committee (ESSC), established by Regulation (EC) No 223/2009 of the European Parliament and of the Council will have an advisory role and assist the Commission in exercising its implementing powers. To that effect, Regulation (EC) No 471/2009 is amended by replacing the reference to the Extrastat Committee with a reference to the ESSC.

ENTRY INTO FORCE: 20.10.2016.

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

2013/0279(COD) - 13/09/2016 - Text adopted by Parliament, 2nd reading

The European Parliament adopted a legislative resolution on the Council position at first reading with a view to the adoption of 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 the conferral of delegated and implementing powers on the Commission for the adoption of certain measures.

In line with the recommendation for second reading made by the Committee on International Trade, Parliament **approved, unamended, the Council position at first reading**.

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

2013/0279(COD) - 19/07/2016 - Committee recommendation tabled for plenary, 2nd reading

The Committee on International Trade adopted the recommendation for second reading contained in the report by Bernd LANGE (S&D, DE) on the Council position at first reading with a view to the adoption of 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 the conferral of delegated and implementing powers on the Commission for the adoption of certain measures.

The committee recommended the European Parliament to **approve the Council reading at first reading** without amendments.

In the explanatory memorandum accompanying the recommendation, it is recalled that the informal negotiations started under the Italian Presidency, following the adoption of Parliament's first reading position by the plenary on 12 March 2014, with a view to reaching an early second reading agreement.

After several rounds of trilogues the negotiations were suspended while awaiting the adoption of the new Inter-institutional Agreement on Better Law-making which provides, inter alia, for a horizontal solution regarding the consultation of Member States' experts in preparation of delegated acts.

The adoption of the new Inter-institutional agreement in December 2015 thus enabled the Parliament's and Council's negotiating teams to reach an agreement on the Regulation in question.

The agreed text was presented to the INTA Committee for a vote of approval on 21 April 2016, and was approved by an overwhelming majority.

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.

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

2013/0279(COD) - 17/06/2016 - Council position

The Council adopted its position at first reading with a view to the adoption of 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 the conferral of delegated and implementing powers on the Commission for the adoption of certain measures.

The purpose of the draft regulation is to align the Regulation (EC) No 471/2009 of the European Parliament and of the Council as regards **conferring of delegated and implementing powers** upon the Commission for the adoption of certain measures.

Delegated acts: under the Council position, the Commission shall:

- be empowered to adopt delegated acts adapting the list of customs procedures or customs-approved treatment in order to take account of changes in the Customs Code or provisions deriving from international conventions, changes necessary for methodological reasons and the need to set up an efficient system for the collection of data and the compilation of statistics;
- carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making;
- ensure that those delegated acts do not impose a significant additional burden on the Member States or on the respondents and that they remain as economical as possible.

The power to adopt delegated acts shall be conferred on the Commission for a **limited period of five years**.

Implementing acts: in order to ensure uniform conditions for the implementation of Regulation (EC) No 471/2009, implementing powers should be conferred on the Commission enabling it to adopt measures relating to the linking of the data and the uniform content and coverage of transmitted statistics.

Transmission of statistics: the position of the Council specifies certain specific obligations for Member States (inter alia transmission deadlines) directly in the basic act. Member States shall transmit to the Commission (Eurostat) the statistics no later than 40 days after the end of each monthly reference period. The Commission shall adopt, by means of implementing acts, measures relating to the uniform technical specifications for the content and coverage of the transmitted statistics. Those implementing acts shall be adopted in accordance with the examination procedure.

European Statistical System Committee (ESSC): the reference to the Extrastat Committee shall be replaced by a reference to the European Statistical System Committee (ESSC), in the framework of the general restructuration and streamlining of the European Statistical System (ESS) structure.