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REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL

on the exercise of the power to adopt delegated acts conferred on the Commission pursuant to Regulation (EU) 2018/643 on rail transport statistics

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1. INTRODUCTION

Article 3(2) of Regulation (EU) 2018/643 of the European Parliament and of the Council[1] empowers the Commission to adopt delegated acts under Article 10. The Commission can exercise this power to take account of new developments and at the same time ensure harmonisation of statistics by defining certain technical details. More specifically, the Commission can adopt delegated acts in order to:

- adapt the technical definitions set out in points (8), (9), (10), (21), (22) and (23) of paragraph 1 of Article 3;
- provide for additional technical definitions.

When exercising that power, the Commission must ensure that the delegated acts do not impose a significant additional burden on the Member States or respondents. Furthermore, the Commission must justify the statistical actions for which those delegated acts provide, using, where appropriate, a cost-effectiveness analysis that assesses the burden on respondents and the production costs.

As specified in Article 10(4), before adopting a delegated act, the Commission must consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making[2].

2. LEGAL BASIS

Under Article 10(2) of Regulation (EU) 2018/643, the power to adopt delegated acts referred to in Article 3(2) is conferred on the Commission for a period of 5 years from 13 December 2016. The delegation of power is to be tacitly extended for periods of 5 years, unless the European Parliament or the Council opposes such extension.

The Commission must draw up a report in respect of the delegation of power not later than 9 months before the end of the 5-year period. This report fulfils that obligation for the first time.

[1] Regulation (EU) 2018/643 of the European Parliament and of the Council of 18 April 2018 on rail transport statistics (OJ L 112, 2.5.2018, p. 1).

[2] OJ L 123, 12.5.2016, p. 1.

3. EXERCISE OF THE DELEGATION

The Commission has not yet exercised the power to adopt delegated acts conferred on it by Regulation (EU) 2018/643.

The Commission regularly discusses potential improvements to rail transport statistics with the Expert Group on Rail Transport Statistics and the Coordinating Group for Statistics on Transport. These discussions also take into consideration possible costs and burdens on countries and respondents.

Statistical needs in the context of the Sustainable and Smart Mobility Strategy[3] and policy initiatives set out in the Commission Communication on the European Green Deal[4] may require the Commission to adopt delegated acts regarding technical definitions in Regulation (EU) 2018/643.

4. CONCLUSION

The Commission has not yet exercised its power to adopt delegated acts as conferred on it by Regulation (EU) 2018/643.

The Commission considers that it should continue to have these delegated powers, as it may need to adopt delegated acts in the future to support developments in rail transport statistics.

[3] COM(2020) 789 final.

[4] COM(2019) 640 final.