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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 Directive 2009/42/EC on statistical returns in respect of carriage of goods and passengers by sea

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1. INTRODUCTION

Regulation (EU) No 1090/2010 of the European Parliament and of the Council[1] aligned the powers conferred on the Commission by Directive 2009/42/EC[2] with the Treaty on the Functioning of the European Union (TFEU).

Directive 2009/42/EC as amended empowers the Commission to adopt delegated acts for the following purposes:

- adapting the data collection requirements in its Annexes I to VIII to reflect economic and technical developments, provided this does not substantially increase costs for Member States and/or the burden on respondents (see Article 3(4));
- drawing up a list of ports, coded and classified by country and maritime coastal area (see Article 4(1)); and
- amending non-essential elements of the Directive so as to ensure that data collection methods are such that the statistical datasets on sea transport (Annex VIII) meet the standards of accuracy set by the Commission (Article 5).

As laid down in Recital (8) of Regulation (EU) No 1090/2010, "it is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level".

2. LEGAL BASIS

This report is required under Article 10a(1) of the Directive, which conferred on the Commission the power to adopt delegated acts for a period of 5 years from 29 December 2010 onward. The Commission submitted a first Report in 2015[3]. The delegation of power was automatically extended for another 5 years (from December 2015 to December 2020), as the Parliament and the Council did not revoke it pursuant to Article 10b. Article 10a requires

[1] Regulation (EU) No 1090/2010 of the European Parliament and of the Council of 24 November 2010 amending Directive 2009/42/EC on statistical returns in respect of carriage of goods and passengers by sea (OJ L 325, 9.12.2010, p. 1).

[2] Directive 2009/42/EC of the European Parliament and of the Council of 6 May 2009 on statistical returns in respect of carriage of goods and passengers by sea (OJ L 141, 6.6.2009, p. 29).

[3] Report from the Commission to the European Parliament and to the Council on the exercise of the power to adopt delegated acts conferred on the Commission pursuant to Regulation (EU) No 1090/2010 of the European Parliament and of the Council amending Directive 2009/42/EC on statistical returns in respect of goods and passengers by sea (COM(2015) 362 final, 28.7.2015).

the Commission to issue a report in respect of the delegation at the latest 6 months before the end of each 5-year period.

3. EXERCISE OF THE DELEGATION

Since the entry into force of the Regulation, the Commission has adopted two delegated acts:

a) Commission Delegated Decision 2012/186/EU[4] – this adapted certain aspects of the data collection requirements in Annexes I to VIII to the Directive, to reflect economic and technical developments.

In its report for the first 5-year period, the Commission concluded that it had exercised its delegated powers correctly and invited the Parliament and the Council to take note of the report; and

b) Commission Delegated Decision (EU) 2018/1007[5] – this updated the list of ports in order to ensure the accuracy and relevance of European maritime transport statistics in accordance with Article 4(1) of the Directive.

When preparing the Decision, the Commission consulted:

- national experts in the annual meetings of the Working Group on Maritime Transport Statistics (23-24 May 2016) and the Coordinating Group for Statistics on Transport (24-25 November 2016);
- the directors of sectoral and environmental statistics and accounts (DIMESA) in writing in December 2016 and January 2017.

It informed the Parliament and the Council of all expert group meetings and sent them all relevant documents promptly and in an appropriate form.

The draft Decision was discussed and favourably received by the directors-general of the national statistical institutes in February 2018.

The Commission adopted the Decision on 25 April 2018 and notified the Parliament and the Council, neither of which objected within the standard 2-month period. The Decision was published in the *Official Journal of the European Union* on 17 July 2018[6] and entered into force on 6 August 2018.

4. CONCLUSION

[4] Commission Delegated Decision 2012/186/EU of 3 February 2012 amending Directive 2009/42/EC of the European Parliament and of the Council on statistical returns in respect of carriage of goods and passengers by sea (OJ L 101, 11.4.2012, p. 5).

[5] Commission Delegated Decision (EU) 2018/1007 of 25 April 2018 supplementing Directive 2009/42/EC of the European Parliament and of the Council as regards the list of ports and repealing Commission Decision 2008/861/EC (OJ L 180, 17.7.2018, p. 29).

[6] OJ L 180, 17.7.2018, p. 29.

The Commission considers that it should continue to have these delegated powers, as it may need to adopt delegated acts in the future to reflect economic and technical developments and changes in Europe's port infrastructure.

The Commission has exercised its delegated powers correctly and invites the European Parliament and the Council to take note of this report.