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REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL

on exercising 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 in accordance with Article 10 of that Regulation. The Commission can exercise this power to take account of new developments that require certain technical details to be defined to ensure the harmonisation of statistics. 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;
- lay down additional technical definitions.

When exercising its 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 laid down in those delegated acts, 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) of that Regulation is conferred on the Commission for a period of five years from 13 December 2016. The delegation of power is to be tacitly extended for periods of five years, unless the European Parliament or the Council opposes such extension. The Commission must draw up a report on the delegation of power not later than nine months before the end of the five-year period. The Commission submitted a first report in 2021 ([3]). This is the second report.

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[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; ELI: http://data.europa.eu/eli/reg/2018/643/oj).

[2] Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making (OJ L 123, 12.5.2016, p. 1; ELI: http://data.europa.eu/eli/agree_interinstit/2016/512/oj).

[3] 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

3. EXERCISE OF THE DELEGATION

Since Regulation (EU) 2018/643 entered into force, the Commission has not yet exercised the power to adopt delegated acts in accordance with Article 10 of that Regulation.

Possible improvements to rail transport statistics have been debated, and will be debated in the future, by the Expert Group on Rail Transport Statistics and the Coordinating Group for Statistics on Transport, where the potential costs and burdens for Member States are regularly discussed.

Evolving statistical needs stemming from the Sustainable and Smart Mobility Strategy (2020-2050 targets) ([4]) and other policy initiatives, such as the EU's trans-European transport network (TEN-T) policy ([5]), the electronic freight transport information (eFTI) Regulation ([6]), the EU's high-speed rail plan ([7]) and policies on the use of railway infrastructure capacity in the single European railway area ([8]), may in the future require the Commission to adopt delegated acts in order to adapt or supplement the technical definitions in Regulation (EU) 2018/643.

(COM(2021) 98 final, 2.3.2021; https://eur-lex.europa.eu/legal-content/TXT/?uri=CELEX%3A52021DC0098).

[4] COM(2020) 789 final, 9.12.2020; https://eur-lex.europa.eu/legal-content/TXT/?uri=CELEX%3A52020DC0789.

[5] Regulation (EU) 2024/1679 of the European Parliament and of the Council of 13 June 2024 on Union guidelines for the development of the trans-European transport network, amending Regulations (EU) 2021/1153 and (EU) No 913/2010 and repealing Regulation (EU) No 1315/2013 (OJ L, 2024/1679, 28.6.2024; ELI: http://data.europa.eu/eli/reg/2024/1679/oj).

[6] Regulation (EU) 2020/1056 of the European Parliament and of the Council of 15 July 2020 on electronic freight transport information (OJ L 249, 31.7.2020, p. 33; ELI: http://data.europa.eu/eli/reg/2020/1056/oj).

[7] https://transport.ec.europa.eu/transport-modes/rail/high-speed-rail-plan_en (Available only in English).

[8] COM(2023) 443 final, 11.7.2023; https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:52023PC0443.