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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) No 1090/2010 of the European Parliament and of the Council amending Directive 2009/42/EC on statistical returns in respect of carriage of goods and passengers by sea**

# **REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL**

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## **1. INTRODUCTION**

Regulation (EU) No 1090/2010 of the European Parliament and of the Council<sup>1</sup> was adopted with two main purposes – to bring data collection on goods transported by maritime transport into line with that for goods transported by other forms of transport, and to align the powers conferred on the Commission by Directive 2009/42/EC of the European Parliament and of the Council<sup>2</sup> with the Treaty on the Functioning of the European Union.

The Regulation therefore:

1. introduced the requirement for Member States to provide data on seaborne transport in the main European ports by type of goods, in accordance with the NST 2007 classification,<sup>3</sup> thus bringing data collection on goods transported by maritime transport into line with the approaches and standards used for statistics on road transport, rail transport and inland waterway transport; and
2. aligned the powers conferred on the Commission by Directive 2009/42/EC with Article 290 of the Treaty on the Functioning of the European Union.

Directive 2009/42/EC empowers the Commission to adopt delegated acts serving the following purposes:

- adapting the data collection requirements set out in Annexes I to VIII to reflect economic and technical developments, in so far as such changes do not entail a substantial increase in costs for Member States and/or in the burden placed on respondents (as described in Article 3(4) of Directive 2009/42/EC);
- drawing up a list of ports, coded and classified by country and by maritime coastal area (as described in Article 4(1) of Directive 2009/42/EC); and

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<sup>1</sup> 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).

<sup>2</sup> 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).

<sup>3</sup> Standard goods classification for transport statistics, 2007.

- amending non-essential elements of Directive 2009/42/EC, in order to ensure that the methods of collecting data used for producing the statistical datasets on sea transport described in Annex VIII are such that these datasets meet the standards of accuracy set by the Commission (in Article 5 of Directive 2009/42/EC).

Regulation (EU) No 1090/2010 emphasises the importance of the Commission carrying out appropriate consultations when preparing delegated acts, including at expert level.

## **2. LEGAL BASIS**

This report is required under Article 10a(1) of Directive 2009/42/EC. This provision confers on the Commission the power to adopt delegated acts for a period of five years from 29 December 2010. It requires the Commission to prepare a report in respect of the delegation of power at the latest six months before the end of the five-year period.

## **3. EXERCISE OF THE DELEGATION**

Since Regulation (EU) No 1090/2010 entered into force, the Commission has adopted one delegated decision, Commission Delegated Decision 2012/186/EU<sup>4</sup>. This adapted certain parts of the data collection requirements set out in Annexes I to VIII of Directive 2009/42/EC, in order to reflect economic and technical developments.

The Commission deemed it necessary to exercise the power conferred on it by Directive 2009/42/EC in order to implement a set of recommendations for adapting and simplifying data collection proposed by the Task Force on Maritime Transport Statistics<sup>5</sup> and later approved by the Working Group on Maritime Transport Statistics.<sup>6</sup> As stated in Article 3(4) of Directive 2009/42/EC, the Commission may adopt these measures by means of delegated acts.<sup>7</sup>

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<sup>4</sup> 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).

<sup>5</sup> The Task Force on Maritime Transport Statistics, in operation from 2006 to 2009, included experts from five Member States' statistical authorities and representatives from maritime industry organisations and the Commission.

<sup>6</sup> The Working Group on Maritime Transport Statistics consists of experts from the national authorities with competency for maritime transport statistics in all EU Member States and European Free Trade Agreement countries and representatives from candidate countries, maritime industry organisations and the Commission. It approved these recommendations in April 2008 and March 2010.

<sup>7</sup> In accordance with Article 10a and subject to the conditions set out in Articles 10b and 10c of Directive 2009/42/EC (as amended by Regulation (EU) No 1090/2010).

Commission Delegated Decision 2012/186/EU introduced the following adaptations and simplifications of the data collection requirements set out in Annexes I to VIII of Directive 2009/42/EC:

- 1) Technical change to the classification of type of cargo in Annex II: the former cargo category 63 was divided into the three new cargo categories: 64 *Rail wagons engaged in goods transport*, 65 *Shipborne port-to-port trailers engaged in goods transport* and 66 *Shipborne barges engaged in goods transport*.
- 2) Technical change to the nomenclature for maritime coastal areas in Annex IV: the former maritime coastal area code for Mexico was split into the two separate codes: MX01 *Mexico: Atlantic* and MX02 *Mexico: Pacific*.
- 3) Simplification of the data collection for vessel traffic in the main European ports in datasets F1 and F2 in Annex VIII: the variable *Direction* was deleted (as only data on inwards movement into ports is to be collected).
- 4) Formalisation of the legal status of datasets F1 and F2 in Annex VIII: collection of data for dataset F1 is now voluntary and for dataset F2 it is now mandatory.
- 5) Introduction of a new dataset, C2, in Annex VIII: specifications have been added for the voluntary collection of data on Ro-Ro container units in the main European ports.
- 6) Technical change to the classification of type of cargo in Annex II: a set of codes has been introduced for collecting data on Ro-Ro container units for the dataset C2 (RX *Large Ro-Ro containers*, R1 *20 ft freight units*, R2 *40 ft freight units*, R3 *Freight units > 20 ft and < 40 ft*, and R4 *Freight units > 40ft*).
- 7) In addition, the descriptions of statistical variables and definitions given in Annex I were updated to reflect the technical changes listed above.

When preparing the Delegated Decision, the Commission consulted national experts at the annual meetings of the Coordinating Group for Statistics on Transport that took place in December 2010 and December 2011. The European Parliament and the Council were duly informed of all expert group meetings and received all relevant documents promptly and in an appropriate form. The draft Commission Delegated Decision was discussed and favourably received by Directors General of National Statistical Institutes of the European Union in November 2011.

The Commission adopted the Delegated Decision on 3 February 2012 and notified the European Parliament and the Council. Neither the European Parliament nor the Council issued any objection to the Delegated Decision within the standard two-month period allowed. On the expiry of the two-month period, the Delegated Decision was published in the *Official Journal of the European Union* on 11 April 2012. It entered into force on 12 April 2012.

#### **4. CONCLUSION**

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