Regulation (EU) 2018/974 of the European Parliament and of the Council of 4 July 2018 on statistics of goods transport by inland waterways (codification)

REGULATION (EU) 2018/974 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

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on statistics of goods transport by inland waterways

(codification)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 338(1) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Acting in accordance with the ordinary legislative procedure[(1)],

Whereas:

(1) Regulation (EC) No 1365/2006 of the European Parliament and of the Council[(2)] has been substantially amended several times[(3)]. In the interests of clarity and rationality, that Regulation should be codified.

(2) Inland waterways are an important part of the Union's transport networks and the promotion of inland waterways transport is one of the objectives of the common transport policy, both for reasons of economic efficiency and in order to reduce energy consumption and the environmental impact of transport.

(3) The Commission needs statistics concerning the transport of goods by inland waterways in order to monitor and develop the common transport policy, as well as the transport elements of policies on the regions and on trans-European networks.

(4) European statistics on all modes of transport should be collected according to common concepts and standards, with the aim of achieving the fullest practicable comparability between transport modes.

(5) Inland waterways transport does not occur in all Member States and, therefore, the effect of this Regulation is limited to those Member States where this mode of transport exists.

(6) Regulation (EC) No 223/2009 of the European Parliament and of the Council[(4)] provides a reference framework for the provisions laid down by this Regulation.

(7) In order to take into account economic and technical trends and changes in definitions adopted at international level, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of amending this Regulation to raise the threshold above

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1 000 000 tonnes for statistical coverage of inland waterways transport, to adapt definitions or provide for new ones, as well as to adapt the Annexes to this Regulation to reflect changes in coding and nomenclature at international level or in the relevant Union legislative acts. It is of particular importance that the Commission 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[(5)]. In particular, in order to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

(8) The Commission should ensure that those delegated acts do not impose a significant additional burden on the Member States or on the respondents.

(9) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission so as to enable it to adopt arrangements for transmitting data, including data interchange standards, for the dissemination of results by the Commission (Eurostat) and also to develop and to publish methodological requirements and criteria designed to ensure the quality of the data produced. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council[(6)].

(10) It is necessary for the Commission to arrange for pilot studies to be conducted on the availability of statistical data relating to passenger transport by inland waterways, including by cross border transport services. The Union should contribute to the cost of carrying out those pilot studies. Such contributions should take the form of grants awarded to the national statistical institutes and other national authorities referred to in Article 5 of Regulation (EC) No 223/2009, in accordance with Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council[(7)].

(11) Since the objective of this Regulation, namely the creation of common statistical standards that permit the production of harmonised data, cannot be sufficiently achieved by the Member States but can rather, by reason of the scale of that creation, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective,

HAVE ADOPTED THIS REGULATION:

Article 1

Subject matter

This Regulation establishes common rules for the production of European statistics concerning inland waterways transport.

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Article 2

Scope

1 Member States shall transmit data relating to inland waterways transport on their national territory to the Commission (Eurostat).

2 Member States in which the total volume of goods transported annually by inland waterways as national, international or transit transport exceeds 1 000 000 tonnes shall supply the data referred to in Article 4(1).

3 By way of derogation from paragraph 2, Member States which do not have international or transit inland waterways transport but in which the total volume of goods transported annually by inland waterways as national transport exceeds 1 000 000 tonnes shall supply only the data required under Article 4(2).

4 This Regulation shall not apply to:

a the carriage of goods by vessels of less than 50 deadweight tonnes;

b vessels used principally for the carriage of passengers;

c vessels used for ferrying purposes;

d vessels used solely for non-commercial purposes by port administrations and public authorities;

e vessels used solely for bunkering or storage;

f vessels not used for the carriage of goods such as fishery vessels, dredgers, floating workshops, houseboats and pleasure craft.

5 The Commission is empowered to adopt delegated acts in accordance with Article 10 concerning the amendment of paragraph 2 of this Article in order to raise the threshold for statistical coverage of inland waterways transport referred to therein so as to take economic and technical trends into account.

When exercising that power, the Commission shall ensure that the delegated acts do not impose a significant additional burden on the Member States or on the respondents. Furthermore, the Commission shall duly justify the statistical actions for which those delegated acts provide, using, where appropriate, a cost-effectiveness analysis, including an assessment of the burden on respondents and of the production costs as referred to in Article 14(3)(c) of Regulation (EC) No 223/2009.

Article 3

Definitions

For the purposes of this Regulation, the following definitions shall apply:

(a) ‘navigable inland waterway’ means a watercourse, not part of the sea, which by natural or man-made features is suitable for navigation, primarily by inland waterway vessels;

(b) ‘inland waterway vessel’ means a floating craft designed for the carriage of goods or public transport of passengers which navigates predominantly in navigable inland waterways or in waters within, or closely adjacent to sheltered waters or areas where port regulations apply;

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(c) 'nationality of the vessel' means the country where the vessel is registered;

(d) 'inland waterways transport' means any movement of goods and/or passengers using inland waterways vessels which is undertaken wholly or partly in navigable inland waterways;

(e) 'national inland waterways transport' means inland waterways transport between two ports of a national territory irrespective of the nationality of the vessel;

(f) 'international inland waterways transport' means inland waterways transport between two ports located in different national territories;

(g) 'transit inland waterways transport' means inland waterways transport through a national territory between two ports both located in another national territory or national territories provided that in the total journey within the national territory there is no transshipment;

(h) 'inland waterways traffic' means any movement of a vessel on a given navigable inland waterway.

The Commission is empowered to adopt delegated acts in accordance with Article 10 concerning the amendment of the first paragraph of this Article to adapt the definitions contained therein or to provide for new ones in order to take relevant definitions amended or adopted at international level into account.

When exercising that power, the Commission shall ensure that the delegated acts do not impose a significant additional burden on the Member States or on the respondents. Furthermore, the Commission shall duly justify the statistical actions for which those delegated acts provide, using, where appropriate, a cost-effectiveness analysis, including an assessment of the burden on respondents and of the production costs as referred to in Article 14(3)(c) of Regulation (EC) No 223/2009.

Article 4

Data collection

1 Data shall be collected in accordance with the tables set out in Annexes I to IV.

2 In the case referred to in Article 2(3), data shall be collected in accordance with the table set out in Annex V.

3 For the purposes of this Regulation, goods shall be classified in accordance with Annex VI.

4 The Commission is empowered to adopt delegated acts in accordance with Article 10 concerning the amendment of the Annexes to reflect changes in coding and nomenclature at international level or in the relevant Union legislative acts.

When exercising that power, the Commission shall ensure that the delegated acts do not impose a significant additional burden on the Member States or on the respondents. Furthermore, the Commission shall duly justify the statistical actions for which those delegated acts provide, using, where appropriate, a cost-effectiveness analysis, including an assessment of the burden on respondents and of the production costs as referred to in Article 14(3)(c) of Regulation (EC) No 223/2009.

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Article 5

Pilot studies

1 By 8 December 2018, the Commission, in cooperation with the Member States, shall develop the appropriate methodology for compiling statistics on passenger transport by inland waterways, including by cross-border transport services.

2 By 8 December 2019, the Commission shall launch voluntary pilot studies to be carried out by Member States that provide data within the scope of this Regulation on the availability of statistical data relating to passenger transport by inland waterways, including by cross-border transport services. Those pilot studies shall aim to assess the feasibility of those new data collections, the costs of the related data collections and the statistical quality implied.

3 By 8 December 2020, the Commission shall submit a report to the European Parliament and to the Council on the results of such pilot studies. Depending on the results of that report, and within a reasonable period, the Commission shall submit, if appropriate, a legislative proposal to the European Parliament and to the Council to amend this Regulation with regard to statistics on passenger transport by inland waterways, including by cross-border transport services.

4 The general budget of the Union shall, where appropriate and taking into account the Union's added value, contribute to the financing of those pilot studies.

Article 6

Transmission of data

1 The transmission of data shall take place as soon as possible and no later than five months after the end of the relevant period of observation.

2 The Commission shall adopt implementing acts laying down the arrangements for transmitting data to the Commission (Eurostat), including data interchange standards. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 11(2).

Article 7

Dissemination

European statistics based on the data referred to in Article 4 shall be disseminated with a frequency similar to that laid down for the transmission of data by the Member States.

The Commission shall adopt implementing acts laying down the arrangements for disseminating results. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 11(2).