Regulation (EU) 2016/2032 of the European Parliament and of the Council of 26 October 2016 amending Regulation (EC) No 91/2003 on rail transport statistics, as regards the collection of data on goods, passengers and accidents

REGULATION (EU) 2016/2032 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 26 October 2016

amending Regulation (EC) No 91/2003 on rail transport statistics, as regards the collection of data on goods, passengers and accidents

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 91/2003 of the European Parliament and of the Council[(2)] establishes a common framework for producing, transmitting, evaluating and disseminating comparable rail transport statistics in the Union.

(2) Statistics on the transport of goods and passengers by rail are necessary to enable the Commission to monitor and develop the common transport policy, as well as the transport elements of policies relating to the regions and to trans-European networks.

(3) Statistics on rail safety are also necessary to enable the Commission to prepare and monitor Union action in the field of transport safety. The European Union Agency for Railways collects data on accidents under Annex I to Directive 2004/49/EC of the European Parliament and of the Council[(3)] as regards common safety indicators and common methods of calculating accident costs.

(4) It is important to avoid duplication of work and to optimise the use of existing information that is capable of being used for statistical purposes. To that end, and with a view to providing easily accessible and useful information to Union citizens and other stakeholders on rail transport safety and interoperability of the rail system, including the rail infrastructure, appropriate cooperation agreements on statistical activities should be established between the Commission's services and relevant entities, including at international level.

(5) Most Member States transmitting passenger data to the Commission (Eurostat) under Regulation (EC) No 91/2003 have regularly provided the same data for both the provisional and final datasets.

Changes to legislation: *Regulation (EU) 2016/2032 of the European Parliament and of the Council is up to date with all changes known to be in force on or before 24 December 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(6) A balance should be struck between the needs of the users and the burden on respondents when producing European statistics.

(7) Within its Working Group and Task Force on rail transport statistics, Eurostat has conducted a technical analysis of the existing data on rail transport statistics collected pursuant to relevant binding Union legal acts and of the dissemination policy, in order to simplify as much as possible the various activities necessary for producing statistics, while ensuring that the final output remains in line with the present and future needs of users.

(8) In its report to the European Parliament and to the Council on its experience acquired in applying Regulation (EC) No 91/2003, the Commission referred to the fact that long-term developments will probably result in the suppression or the simplification of the data already collected under that Regulation, and that the aim is to reduce the data transmission period for annual data on rail passengers. The Commission should continue to provide reports at regular intervals on the implementation of that Regulation.

(9) Regulation (EC) No 91/2003 confers powers on the Commission to implement some of its provisions. As a consequence of the entry into force of the Treaty on the Functioning of the European Union ('the Treaty'), the powers conferred on the Commission under that Regulation need to be aligned with Articles 290 and 291 of the Treaty.

(10) In order to reflect new developments in the Member States while, at the same time, maintaining the harmonised collection of rail transport data across the Union, and with a view to maintaining the high quality of the data transmitted by the Member States, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission in respect of amending Regulation (EC) No 91/2003 to adapt the technical definitions and to provide for additional technical definitions. 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[(4)]. In particular, 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.

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

(12) In order to ensure uniform conditions for implementation of Regulation (EC) No 91/2003, implementing powers should be conferred on the Commission as regards the specification of the information to be supplied for the reports on the quality and comparability of the results, and the arrangements for the dissemination of those results by the Commission (Eurostat). Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council[(5)].

(13) The European Statistical System Committee has been consulted.

***Changes to legislation:** Regulation (EU) 2016/2032 of the European Parliament and of the Council is up to date with all changes known to be in force on or before 24 December 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(14) Regulation (EC) No 91/2003 should therefore be amended accordingly,

HAVE ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 91/2003 is amended as follows:

(1) Article 3 is amended as follows:

(a) in paragraph 1, points 24-30 are deleted;

(b) paragraph 2 is replaced by the following:

2. The Commission is empowered to adopt delegated acts in accordance with Article 10 concerning the amendment of the present Article to adapt the technical definitions set out in points 8 to 10 and 21 to 23 of paragraph 1 and to provide for additional technical definitions, when needed to take into account new developments which require a certain level of technical detail to be defined in order to ensure the harmonisation of statistics.

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, cost-effectiveness analysis, including an assessment of the burden on respondents and of the production costs, as referred to in point (c) of Article 14(3) of Regulation (EC) No 223/2009 of the European Parliament and of the Council[(6)].;

(2) Article 4 is amended as follows:

(a) in paragraph 1, points (b), (d) and (h) are deleted;

(b) paragraph 2 is replaced by the following:

2. Member States shall report under Annexes A and C data for undertakings that have:

a a total volume of goods transport of at least 200 000 000 tonne-km or at least 500 000 tonnes;

b a total volume of passenger transport of at least 100 000 000 passenger-km.

Reporting under Annexes A and C shall be optional in respect of undertakings falling below the thresholds referred to in points (a) and (b).;

(c) paragraph 3 is replaced by the following:

3. Member States shall report under Annex L the total data for undertakings falling below the thresholds referred to in paragraph 2 if those data are not reported under Annexes A and C, as specified in Annex L.;

(3) in Article 5(2), point (b) is replaced by the following:

(b) administrative data, including data collected by regulatory authorities, in particular the rail freight waybill if one is available;;

Changes to legislation: *Regulation (EU) 2016/2032 of the European Parliament and of the Council is up to date with all changes known to be in force on or before 24 December 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(4) Article 7 is replaced by the following:

Article 7

Dissemination

Statistics based on the data specified in Annexes A, C, E, F, G and L shall be disseminated by the Commission (Eurostat).

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

(5) Article 8 is amended as follows:

(a) the following paragraph is inserted:

1a. Member States shall take all measures necessary to ensure the quality of the data transmitted.;

(b) the following paragraphs are added:

3. For the purposes of this Regulation, the quality criteria to be applied to the data to be transmitted are those referred to in Article 12(1) of Regulation (EC) No 223/2009.

4 The Commission shall adopt implementing acts specifying the detailed arrangements, structure, periodicity and comparability elements for the standard quality reports. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 11(2).;

(6) Article 9 is replaced by the following:

Article 9

Reports on implementation

By 31 December 2020 and every four years thereafter, the Commission, after consulting the European Statistical System Committee, shall submit a report to the European Parliament and to the Council on the implementation of this Regulation and on future developments.

In that report, the Commission shall take account of relevant information provided by Member States relating to the quality of the data transmitted, the data collection methods used and information on potential improvements and on users' needs.

In particular, that report shall:

(a) assess the benefits, accruing to the Union, the Member States and the providers and users of statistical information, of the statistics produced, in relation to their costs;

(b) assess the quality of the data transmitted, the data collection methods used and the quality of the statistics produced.;

(7) Article 10 is replaced by the following: