Regulation (EU) No 1350/2013 of the European Parliament and of the Council of 11 December 2013 amending certain legislative acts in the field of agricultural and fishery statistics

REGULATION (EU) No 1350/2013 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 11 December 2013

amending certain legislative acts in the field of agricultural and fishery statistics

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) A number of legislative acts in the field of agricultural and fishery statistics ('the legislative acts') confer powers on the Commission to implement some of the provisions of those legislative acts. As a consequence of the entry into force of the Lisbon Treaty, those implementing powers need to be aligned with the Treaty on the Functioning of the European Union (TFEU).

(2) The Commission has committed itself to review legislative acts which currently contain references to the regulatory procedure with scrutiny in the light of the criteria laid down in Article 290 TFEU.

(3) In order to supplement or amend certain non-essential elements of the legislative acts, in particular to take account of economic, social and technical developments, the Commission should have the power to adopt delegated acts in accordance with Article 290 TFEU.

(4) As regards Council Directive 96/16/EC[(2)], in order to take account of experience acquired and of economic and technical developments, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of the list of milk products covered by the surveys and the standard definitions applicable for the communication of the results for the various products.

(5) As regards Regulation (EC) No 138/2004 of the European Parliament and of the Council[(3)], in order to take account of economic and technical developments, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of amendments to Annexes I and II to that Regulation.

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(6) As regards Regulation (EC) No 1921/2006 of the European Parliament and of the Council[4], in order to take account of technical developments, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of technical amendments to the Annexes to that Regulation.

(7) As regards Regulation (EC) No 762/2008 of the European Parliament and of the Council[5], in order to take account of economic and technical developments, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of amendments to the Annexes to that Regulation.

(8) As regards Regulation (EC) No 1165/2008 of the European Parliament and of the Council[6], in order to take account of economic and technical developments, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of amendments to Annexes I, II, IV and V to that Regulation.

(9) As regards Regulation (EC) No 216/2009 of the European Parliament and of the Council[7], in order to take account of technical developments and international requirements, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of amendments to Annexes I, II, III and IV to that Regulation, with regard to the lists of statistical fishing areas, or the subdivisions thereof, and species.

(10) As regards Regulation (EC) No 217/2009 of the European Parliament and of the Council[8], in order to take account of technical developments and international requirements, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of amendments to Annexes I, II, III and IV to that Regulation, with regard to the lists of species and statistical fishing areas and the descriptions of those areas, as well as the measures, codes and definitions applied to fishing activity, fishing gear, vessel sizes and methods of fishing.

(11) As regards Regulation (EC) No 218/2009 of the European Parliament and of the Council[9], in order to take account of technical developments and international requirements, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of amendments to Annexes I, II and III to that Regulation, with regard to the lists of species and statistical fishing areas, the descriptions of those fishing areas and the permitted degree of aggregation of data.

(12) As regards Regulation (EC) No 543/2009 of the European Parliament and of the Council[10], in order to take account of economic and technical developments, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of the adaptation of the transmission tables set out in the Annex to that Regulation.

(13) When adopting delegated acts, it is particularly important for the Commission to carry out appropriate consultations during its preparatory work, including at expert level. When preparing and drawing up delegated acts, the Commission should ensure the simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council. The Commission should also ensure that the

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delegated acts provided for in the legislative acts do not impose a significant additional burden on the Member States or on the respondents.

(14) In order to ensure uniform conditions for the implementation of the legislative acts, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council[(11)].

(15) The Standing Committee for Agricultural Statistics (SCAS) set up by Council Decision 72/279/EEC[(12)] provides advice to the Commission and assists it in exercising its implementing powers under the legislative acts. Under the strategy for a new European Statistical System (ESS) structure, aimed at improving coordination and partnership in a clear pyramid structure within the ESS, the European Statistical System Committee (ESSC), established by Regulation (EC) No 223/2009 of the European Parliament and of the Council[(13)], should have an advisory role and should assist the Commission in exercising its implementing powers. To that effect, the legislative acts should be amended by replacing the reference to the SCAS by a reference to the ESSC. The Commission should continue to confer with experts in agriculture and fisheries statistics before bringing a matter before the ESSC.

(16) The objectives of this Regulation are to align the existing conferral of powers on the Commission in the legislative acts with the TFEU and with the new legal framework resulting from the entry into force of Regulation (EU) No 182/2011, and, where appropriate, to review the scope of those powers. Since those objectives cannot be sufficiently achieved by the Member States but can rather 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 those objectives.

(17) For reasons of legal certainty, this Regulation should not affect the procedures for the adoption of measures provided for in the legislative acts which have been initiated but which have not been completed before the entry into force of this Regulation.

(18) Since the amendments made to Directive 96/16/EC are technical in nature and concern committee procedure only, those amendments do not need to be transposed by Member States,

HAVE ADOPTED THIS REGULATION:

Article 1

The legislative acts listed in the Annex are amended in accordance with that Annex.

Article 2

This Regulation shall not affect the procedures for the adoption of measures provided for in the legislative acts listed in the Annex which have been initiated but which have not been completed by 10 January 2014.

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Article 3

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Strasbourg, 11 December 2013.

For the European Parliament

The President

M. SCHULZ

For the Council

The President

V. LEŠKEVIČIUS

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ANNEX

1. Directive 96/16/EC is amended as follows:

(a) in Article 1, point 2 is replaced by the following:

2. shall carry out annual surveys of the production of milk and its use among agricultural holdings within the meaning of Article 2(a) of Regulation (EC) No 1166/2008 of the European Parliament and of the Council[(14)]

(b) in Article 3, paragraphs 2 and 3 are replaced by the following:

2. The Commission shall be empowered to adopt delegated acts, in accordance with Article 6a, to amend, the list of milk products covered by the surveys and to lay down the standard definitions applicable for the communication of the results for the various products.

Those delegated acts shall be adopted only where they are necessary in order to take account of economic and technical developments; they do not change the optional nature of the required information and they do not impose a significant additional burden on Member States or on the respondents.

The Commission shall duly justify the statistical actions provided for in those delegated acts, using, where appropriate, input from relevant experts based on a cost-effectiveness analysis, including an assessment of the burden on the 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[(15)].;

(c) in Article 5(2), the second subparagraph is replaced by the following:

The methodological reports, the availability and reliability of data and any other matter related to the implementation of this Directive shall be examined once a year with the Member States. Member States shall notify the Commission annually of the methodological information relating to the information referred to in Article 4(1), using a standard questionnaire. The Commission shall adopt implementing acts drawing up those standard questionnaires. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 7(2).;

(d) in Article 6(1), the first subparagraph is replaced by the following:

1. The Commission shall adopt implementing acts laying down tables for the transmission of data. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 7(2).;

(e) the following Article is inserted:

Article 6a

1 The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2 The power to adopt delegated acts referred to in Article 3(2) shall be conferred on the Commission for a period of five years from 10 january 2014. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-