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From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
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To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union
No. Cion doc.:	COM(2016) 420 final
Subject:	COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT pursuant to Article 294(6) of the Treaty on the Functioning of the European Union concerning the position of the Council on the adoption of a Proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 471/2009 on Community statistics relating to external trade with non-member countries as regards conferring of delegated and implementing powers upon the Commission for the adoption of certain measures

Delegations will find attached document COM(2016) 420 final.

Encl.: COM(2016) 420 final

EUROPEAN
COMMISSION

Brussels, 21.6.2016
COM(2016) 420 final

2013/0279 (COD)

**COMMUNICATION FROM THE COMMISSION
TO THE EUROPEAN PARLIAMENT**

pursuant to Article 294(6) of the Treaty on the Functioning of the European Union

concerning the

position of the Council on the adoption of a Proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 471/2009 on Community statistics relating to external trade with non-member countries as regards conferring of delegated and implementing powers upon the Commission for the adoption of certain measures

(Text with EEA relevance)

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1. BACKGROUND

Date of transmission of the proposal to the European Parliament and to the Council (document COM(2013) 0579 final – 2013/0279(COD):	8 August 2013.
Date of the opinion of the European Economic and Social Committee:	NA.
Date of the position of the European Parliament, first reading:	12 March 2014.
Date of transmission of the amended proposal:	NA.
Date of adoption of the position of the Council:	16 June 2016.

2. OBJECTIVE OF THE PROPOSAL FROM THE COMMISSION

The objective of the Commission's proposal is to modify Regulation (EC) No 471/2009 in order to align it to the new institutional context following the entry into force of the Treaty on the Functioning of the European Union.

It was proposed:

- to empower the Commission to adopt delegated acts to supplement or amend rules in respect of certain provisions, in order to take account of changes in the Customs Code or provisions deriving from international conventions, changes necessary for methodological reasons and the need to set up an efficient system for the collection of data and the compilation of statistics,

- to confer implementing powers on the Commission enabling it to adopt measures, in accordance with the examination procedure, relating to certain provisions, in order to ensure uniform conditions for the implementation of Regulation (EC) No 471/2009,

and additionally

- to replace the reference to the Extrastat Committee by a reference to the European Statistical System Committee (ESSC), in the context of a general restructuring and streamlining of the European Statistical System (ESS).

3. COMMENTS ON THE POSITION OF THE COUNCIL

3.1 General comments

The position of the Council reflects, on the one hand, the provisional political agreement reached between the Council, the INTA Committee of the European Parliament and the Commission in the informal tripartite discussion on 8 December 2014 and, on the other hand, the new Inter-Institutional Agreement on Better law-making (IIA), adopted and entered into force on 13 April 2016[1].

Indeed, the main issue blocking the file was the question of consultation of Member States when the Commission prepares delegated acts. It was decided to await the entry into force of the IIA.

The Council adopted its position at first reading on 16 June 2016. The amendments mainly specify certain specific obligations for Member States (inter alia transmission deadlines) directly in the basic act, instead of empowering the Commission to specify them by delegated act as previously proposed. The Commission considers that those legal obligations would, also in the longer run, anyway not need to be changed and that consequently, their move from delegated acts to the basic act does not create any problem of flexibility; it therefore does not object to those Council amendments.

3.2 Comments on the amendments adopted by the European Parliament

3.2.1. European Parliament amendments included in full, in part or in principle in Council's position at first reading

The Commission`s empowerment to adopt delegated acts, originally proposed for an indeterminate period of time, has been limited to a five-year period as proposed by amendment 7 of the European Parliament.

3.2.2. European Parliament amendments not included in Council position at first reading

In its first reading in 2014, the European Parliament proposed amendments which would essentially have deleted all comitology powers proposed by the Commission. This was not acceptable for the Council or for the Commission.

[1] OJ L 123, 12.5.2016, p.1.

3.3 New provisions introduced by the Council and the Commission's position

The standard recital and paragraphs prescribed by the new IIA of 13 April 2016 were added. The Commission fully supports this addition.

4. CONCLUSION

The Commission supports the compromise reached as it is in line with the Commission's efforts to align pre-Lisbon legislation. It reflects well the balance between delegated and implementing acts as contained in the original proposal by the Commission. Furthermore, it is a successful case of application of the new Inter Institutional Agreement on Better Law-Making.