

## ANNEX

## 4. EUROSTAT

4.1. Council Regulation (EEC) No 3924/91 of 19 December 1991 on the establishment of a Community survey of industrial production<sup>(1)</sup>

As regards Regulation (EEC) No 3924/91, the Commission should be empowered to update the list of products concerned by that Regulation. It should also be empowered to adopt detailed rules as regards representativeness and periodicity for certain products and to establish the arrangements for survey contents and implementing measures, including the measures for adjustment to technical progress concerning the collection of data and the processing of the results. Since those measures are of general scope and are designed to amend non-essential elements of Regulation (EEC) No 3924/91, *inter alia*, by supplementing it with new non-essential elements, they must be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.

Accordingly, Regulation (EEC) No 3924/91 is hereby amended as follows:

1. Article 2(6) shall be replaced by the following:
  6. The Prodcom list and the information actually collected for each heading shall be updated by the Commission. Those measures, designed to amend non-essential elements of this Regulation, *inter alia*, by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 10(3).;
2. Article 3 shall be amended as follows:
  - (a) in paragraph 2 the words ‘in accordance with the procedure laid down in Article 10’ shall be replaced by the words ‘in accordance with the management procedure referred to in Article 10(2).’;
  - (b) paragraph 5 shall be replaced by the following:
    5. Detailed rules for applying paragraph 3, including measures for the adjustment to technical progress, shall be adopted, as necessary, by the Commission. Those measures, designed to amend non-essential elements of this Regulation, *inter alia*, by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 10(3).;
3. Article 4 shall be replaced by the following:

*Article 4*

**Survey periods**

The survey shall cover an annual period of one calendar year.

However, for certain headings in the Prodcom list, the Commission may decide that monthly or quarterly surveys are to be conducted. Those measures, designed to amend non-essential elements of this Regulation, *inter alia*, by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 10(3).;

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**Changes to legislation:** There are currently no known outstanding effects for the Regulation (EC) No 219/2009 of the European Parliament and of the Council, Division 4.. (See end of Document for details)

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4. Article 5(1) shall be replaced by the following:

1. The required information shall be collected by the Member States using survey questionnaires the content of which shall comply with the arrangements defined by the Commission. Those measures, designed to amend non-essential elements of this Regulation, *inter alia*, by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 10(3).;

5. Article 6 shall be replaced by the following:

#### *Article 6*

#### **Processing of results**

Member States shall process the completed questionnaires referred to in Article 5(1) or the information from other sources referred to in Article 5(3) in accordance with the detailed rules adopted by the Commission. Those measures, designed to amend non-essential elements of this Regulation, by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 10(3).;

6. in Article 7(2) the words ‘in accordance with the procedure laid down in Article 10’ shall be replaced by the words ‘in accordance with the management procedure referred to in Article 10(2)’;

7. Article 9 shall be deleted;

8. Article 10 shall be replaced by the following:

#### *Article 10*

#### **Committee procedure**

1 The Commission shall be assisted by the Statistical Programme Committee established by Council Decision 89/382/EEC, Euratom<sup>(2)</sup>.

2 Where reference is made to this paragraph, Articles 4 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at three months.

3 Where reference is made to this paragraph, Article 5a(1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

4.2. Council Directive 96/16/EC of 19 March 1996 on statistical surveys of milk and milk products<sup>(3)</sup>

As regards Directive 96/16/EC, the Commission should be empowered to adopt the definitions for the agricultural holdings among which Member States must conduct surveys of the production of milk and its use, adopt the list of milk products covered by the surveys and draw up standard definitions to be used when communicating the results to the Commission. Since those measures are of general scope and are designed to amend non-essential elements of Directive 96/16/EC by supplementing it with new non-essential elements, they must be adopted

in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.

Accordingly, Directive 96/16/EC is hereby amended as follows:

1. in Article 1, point 2 shall be replaced by the following:
- 2) shall carry out annual surveys of the production of milk and its use among agricultural holdings as defined by the Commission. The measures defining agricultural holdings, designed to amend non-essential elements of this Directive by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 7(3).;
2. Article 3(2) and (3) shall be replaced by the following:
  2. The list of milk products covered by the surveys shall be adopted by the Commission. Those measures, designed to amend non-essential elements of this Directive by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 7(3).
  - 3 The standard definitions to be used when communicating the results for the various products shall be drawn up by the Commission. Those measures, designed to amend non-essential elements of this Directive by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 7(3).;
  3. in Article 5(2) and Article 6(1), the words ‘in accordance with the procedure laid down in Article 7’ shall be replaced by the words ‘in accordance with the regulatory procedure referred to in Article 7(2).’;
  4. Article 7 shall be replaced by the following:
 

*Article 7*

    - 1 The Commission shall be assisted by the Standing Committee on Agricultural Statistics set up by Decision 72/279/EEC.
    - 2 Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.  
The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.
    - 3 Where reference is made to this paragraph, Article 5a(1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.
- <sup>F1</sup>4.3. Directive 2001/109/EC of the European Parliament and of the Council of 19 December 2001 concerning the statistical surveys to be carried out by the Member States in order to determine the production potential of plantations of certain species of fruit trees

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**Textual Amendments**

- F1** Deleted by Regulation (EU) No 1337/2011 of the European Parliament and of the Council of 13 December 2011 concerning European statistics on permanent crops and repealing Council Regulation (EEC) No 357/79 and Directive 2001/109/EC of the European Parliament and of the Council (Text with EEA relevance).

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- <sup>F2</sup>4.4. Regulation (EC) No 91/2003 of the European Parliament and of the Council of 16 December 2002 on rail transport statistics
- .....

**Textual Amendments**

- F2** Deleted by [Regulation \(EU\) 2018/643 of the European Parliament and of the Council of 18 April 2018 on rail transport statistics \(recast\)](#).

- 4.5. Regulation (EC) No 437/2003 of the European Parliament and of the Council of 27 February 2003 on statistical returns in respect of the carriage of passengers, freight and mail by air<sup>(4)</sup>

As regards Regulation (EC) No 437/2003, the Commission should be empowered to establish standards of accuracy, specify data files and adopt certain implementing measures. Since those measures are of general scope and are designed to amend non-essential elements of Regulation (EC) No 437/2003, *inter alia*, by supplementing it with new non-essential elements, they must be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.

Accordingly, Regulation (EC) No 437/2003 is hereby amended as follows:

1. Article 5 shall be replaced by the following:

*Article 5*

**Accuracy of statistics**

The collection of data shall be based on complete returns, unless other standards of accuracy are established by the Commission. Those measures, designed to amend non-essential elements of this Regulation by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 11(3).;

2. Article 7(2) shall be replaced by the following:

2. The results shall be transmitted according to the data files shown in Annex I. The files shall be specified by the Commission. Those measures, designed to amend non-essential elements of this Regulation, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 11(3).

The medium to be used for transmission shall be specified by the Commission in accordance with the regulatory procedure referred to in Article 11(2).;

3. Article 10 shall be replaced by the following:

*Article 10*

**Implementing measures**

- 1 The following implementing measures shall be adopted in accordance with the regulatory procedure referred to in Article 11(2):
- the list of Community airports covered by Article 3(2),

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- description of the data codes and the medium to be used for transmission of results to the Commission (Article 7),
  - dissemination of statistical results (Article 8),
- 2 The Commission shall adopt the following implementing measures:
- adaptation of the specifications in the Annexes to this Regulation,
  - adaptation of the data collection characteristics (Article 3),
  - accuracy of statistics (Article 5),
  - description of the data files (Article 7),

Those measures, designed to amend non-essential elements of this Regulation by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 11(3).;

4. Article 11 shall be replaced by the following:

*Article 11*

**Committee procedure**

- 1 The Commission shall be assisted by the Statistical Programme Committee established by Decision 89/382/EEC, Euratom.
- 2 Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.
- The time limit laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.
- 3 Where reference is made to this paragraph, Article 5a(1) to (4) and (5)(a) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof..
- 4.6. Regulation (EC) No 48/2004 of the European Parliament and of the Council of 5 December 2003 on the production of annual Community statistics on the steel industry for the reference years 2003-2009<sup>(5)</sup>

As regards Regulation (EC) No 48/2004, the Commission should be empowered to update the list of characteristics concerned by that Regulation. Since those measures are of general scope and are designed to amend non-essential elements of Regulation (EC) No 48/2004, *inter alia*, by supplementing it with new non-essential elements, they must be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.

Accordingly, Regulation (EC) No 48/2004 is hereby amended as follows:

1. Article 7 shall be replaced by the following:

*Article 7*

**Implementing measures**

- 1 The measures for the implementation of this Regulation concerning transmission formats and the first transmission period shall be adopted in accordance with the regulatory procedure referred to in Article 8(2).

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- 2           The measures for the implementation of this Regulation concerning the updating of the list of characteristics, designed to amend non-essential elements of this Regulation, *inter alia*, by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 8(3), provided that no significant additional burden is imposed upon the Member States.;
2.       Article 8(3) shall be replaced by the following:
3.           Where reference is made to this paragraph, Article 5a(1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

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- (1) OJ L 374, 31.12.1991, p. 1.
- (2) OJ L 181, 28.6.1989, p. 47.’
- (3) OJ L 78, 28.3.1996, p. 27.
- (4) OJ L 66, 11.3.2003, p. 1.
- (5) OJ L 7, 13.1.2004, p. 1.

**Changes to legislation:**

There are currently no known outstanding effects for the Regulation (EC) No 219/2009 of the European Parliament and of the Council, Division 4..