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Contents

I *Legislative acts*

REGULATIONS

- ★ **Regulation (EU) 2016/1952 of the European Parliament and of the Council of 26 October 2016 on European statistics on natural gas and electricity prices and repealing Directive 2008/92/EC ⁽¹⁾ 1**
- ★ **Regulation (EU) 2016/1953 of the European Parliament and of the Council of 26 October 2016 on the establishment of a European travel document for the return of illegally staying third-country nationals, and repealing the Council Recommendation of 30 November 1994 13**
- ★ **Regulation (EU) 2016/1954 of the European Parliament and of the Council of 26 October 2016 amending Regulation (EC) No 1365/2006 on statistics of goods transport by inland waterways as regards the conferral of delegated and implementing powers on the Commission for the adoption of certain measures 20**

Corrigenda

- ★ **Corrigendum to Regulation (EU) No 536/2014 of the European Parliament and of the Council of 16 April 2014 on clinical trials on medicinal products for human use, and repealing Directive 2001/20/EC (OJ L 158, 27.5.2014) 25**

⁽¹⁾ Text with EEA relevance

EN

Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

The titles of all other acts are printed in bold type and preceded by an asterisk.

I

(Legislative acts)

REGULATIONS

REGULATION (EU) 2016/1952 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 26 October 2016
on European statistics on natural gas and electricity prices and repealing Directive 2008/92/EC
(Text with EEA relevance)

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) Competitiveness, sustainability and energy security are the overarching goals of a resilient energy union with a forward-looking climate change policy.
- (2) High-quality, comparable, up-to-date, reliable and harmonised data on natural gas and electricity prices charged to final customers are needed in order to draft energy union policy and monitor the Member States' energy markets.
- (3) This Regulation aims to provide for a common framework for European statistics to underpin energy policies in particular towards the creation of a fully integrated internal energy market for customers. Greater transparency on energy costs and prices, as well as on the level of public support, should be made available to improve market integration. This Regulation does not entail any harmonisation of the structure of prices or charges across Member States.
- (4) To date, Directive 2008/92/EC of the European Parliament and of the Council ⁽²⁾ has provided a common framework for producing, transmitting and disseminating comparable statistics on the natural gas and electricity prices charged to industrial customers in the Union.
- (5) The collection of data on natural gas and electricity prices charged to final customers in the household sector has so far been carried out on the basis of a voluntary agreement.
- (6) The growing complexity of the internal energy market makes it increasingly difficult to obtain reliable and up-to-date price data on natural gas and electricity in the absence of legally binding obligations to provide such data, in particular on the household sector.

⁽¹⁾ Position of the European Parliament of 13 September 2016 (not yet published in the Official Journal) and decision of the Council of 13 October 2016.

⁽²⁾ Directive 2008/92/EC of the European Parliament and of the Council of 22 October 2008 concerning a Community procedure to improve the transparency of gas and electricity prices charged to industrial end-users (OJ L 298, 7.11.2008, p. 9).

- (7) In order to guarantee the reporting of high-quality price data for the household sector and for the non-household sector, the collection of both types of data should be covered by a legislative act.
- (8) In most Member States, data on transmission systems are available from energy regulators. However, a much larger number of data compilers are involved in distribution costs and the reporting of data is considered to be more difficult in some Member States. Given the significance of distribution costs and the need for transparency on this matter, the collection of data on natural gas and electricity prices should follow the established practices within the European Statistical System.
- (9) The system of consumption bands used by the Commission (Eurostat) in its price publications should ensure transparency of the market and broad dissemination of non-confidential price data, and should enable the calculation of European aggregates.
- (10) Regulation (EC) No 223/2009 of the European Parliament and of the Council ⁽¹⁾ is the reference framework for European statistics. That Regulation provides for statistics to be collected in accordance with the principles of impartiality, transparency, reliability, objectivity, professional independence and cost-effectiveness, while protecting statistical confidentiality.
- (11) Member States should compile the data on natural gas and electricity prices by using the most appropriate sources and methods to provide the required information.
- (12) Data on prices charged to final customers of natural gas and electricity should enable comparisons with the prices of other energy commodities.
- (13) Information on the collection of data on prices and on the quality of data should be provided as part of standard reporting procedure.
- (14) Detailed data on the breakdown of consumption bands and their respective market shares are an essential part of natural gas and electricity price statistics.
- (15) Price analysis can be carried out only if high-quality official statistics are available from Member States regarding the different components and sub-components of natural gas and electricity prices. A revised methodology for generating a detailed breakdown of the various components and sub-components of the prices of natural gas and electricity charged to final customers will make it possible to analyse the impact of different aspects on the final prices.
- (16) The data provided to the Commission (Eurostat) on prices and conditions of sale to final customers, and the breakdown of the number of final customers by consumption in each consumption band, should contain all the information necessary to enable the Commission to decide on appropriate measures or proposals in relation to energy policy.
- (17) A good understanding of the taxes, fees, levies and charges in each Member State is essential for ensuring price transparency. The importance of a breakdown of the data on network costs, taxes, fees, levies and charges has been identified.
- (18) Member States in which there is low consumption of natural gas as a proportion of the final energy consumption of households should be exempt from the obligation to provide data on natural gas prices for final household customers.

⁽¹⁾ Regulation (EC) No 223/2009 of the European Parliament and of the Council of 11 March 2009 on European statistics and repealing Regulation (EC, Euratom) No 1101/2008 of the European Parliament and of the Council on the transmission of data subject to statistical confidentiality to the Statistical Office of the European Communities, Council Regulation (EC) No 322/97 on Community Statistics, and Council Decision 89/382/EEC, Euratom establishing a Committee on the Statistical Programmes of the European Communities (OJ L 87, 31.3.2009, p. 164).

- (19) To improve data reliability, the Commission (Eurostat), together with the Member States, should assess and, if required, improve the methodology for collecting and processing data in a precise manner, in accordance with the governance framework for statistics. Therefore, quality reports should be prepared regularly and assessments of the quality of price data should be carried out regularly.
- (20) Based on a reasoned request from a Member State, the Commission should be entitled to grant derogations to that Member State in relation to specific obligations for which the application of this Regulation to the national statistical system of that Member State requires major adaptations or is likely to lead to a significant additional burden on respondents.
- (21) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission as regards the format of and arrangements for the transmission of data, technical quality assurance requirements regarding the content of standard quality reports, and the granting of derogations. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council ⁽¹⁾.
- (22) Since the objective of this Regulation, namely the establishment of a common legal framework for the systematic production of European statistics on natural gas and electricity prices, cannot be sufficiently achieved by the Member States but can rather, by reason of its scale and effects, 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 to achieve that objective.
- (23) Directive 2008/92/EC should therefore be repealed.
- (24) The European Statistical System Committee has been consulted,

HAVE ADOPTED THIS REGULATION:

Article 1

Subject matter

This Regulation establishes a common framework for the development, production and dissemination of comparable European statistics on natural gas and electricity prices for household and final non-household customers in the Union.

Article 2

Definitions

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

- (1) 'autoproducers', 'final energy consumption' and 'household' have the same meaning as that attributed to those terms in Annex A to Regulation (EC) No 1099/2008 of the European Parliament and of the Council ⁽²⁾;
- (2) 'transmission', 'distribution', 'customer', 'final customer', 'household customer', 'non-household customer' and 'supply' have the same meaning as that attributed to those terms in Article 2 of Directive 2009/72/EC of the European Parliament and of the Council ⁽³⁾, when used in relation to electricity;
- (3) 'transmission', 'distribution', 'supply', 'customer', 'household customer', 'non-household customer' and 'final customer' have the same meaning as that attributed to those terms in Article 2 of Directive 2009/73/EC of the European Parliament and of the Council ⁽⁴⁾, when used in relation to natural gas;

⁽¹⁾ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

⁽²⁾ Regulation (EC) No 1099/2008 of the European Parliament and of the Council of 22 October 2008 on energy statistics (OJ L 304, 14.11.2008, p. 1).

⁽³⁾ Directive 2009/72/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in electricity and repealing Directive 2003/54/EC (OJ L 211, 14.8.2009, p. 55).

⁽⁴⁾ Directive 2009/73/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in natural gas and repealing Directive 2003/55/EC (OJ L 211, 14.8.2009, p. 94).

- (4) 'network component' means the combination of transmission and distribution network costs as set out in point 6 of Annex I and in point 5 of Annex II.

Article 3

Data sources

Member States shall compile data on natural gas and electricity prices, and their components and sub-components concerning network costs, taxes, fees, levies and charges, and on consumption volumes, in accordance with Annexes I and II. One or more of the following sources shall be used, after taking into account the principles of reducing burden on respondents and of administrative simplification:

- (a) statistical surveys;
- (b) administrative sources;
- (c) other sources applying statistical estimation methods.

Article 4

Coverage

1. Member States shall ensure that the data collection and compilation in accordance with Annexes I and II provide comprehensible and comparable high-quality data that are representative of their respective natural gas and electricity prices and consumption.
2. Member States shall not be obliged to transmit data on natural gas prices for household customers if the consumption of natural gas in the household sector accounts for less than 1,5 % of national final energy consumption in the household sector.
3. At least every three years, the Commission (Eurostat) shall review which Member States are not obliged to transmit data pursuant to paragraph 2.

Article 5

Data transmission

1. Member States shall provide to the Commission (Eurostat) the data as set out in Annexes I and II.
2. The Commission shall adopt implementing acts establishing the format and arrangements for the transmission of the data as set out in Annexes I and II. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 10(2).
3. Member States shall provide statistics to the Commission (Eurostat) within three months of the end of the relevant reference period.

Article 6

Reference periods and transmission frequency

1. The reference periods for the data specified in Annexes I and II shall be annual (January to December) or biannual (January to June and July to December). The first reference periods shall start in 2017.
2. The transmission frequency shall be:
 - (a) annual (for the period from January to December) for data referred to in points 6(a) and 7 of Annex I and points 5(a) and 6 of Annex II;
 - (b) biannual (for the periods from January to June and from July to December) for data referred to in point 6(b) of Annex I and point 5(b) of Annex II.

Article 7

Quality assurance

1. Member States shall ensure the quality of the data provided in accordance with this Regulation. To that end, the standard quality criteria laid down in Article 12(1) of Regulation (EC) No 223/2009 apply.

2. Member States shall inform the Commission (Eurostat), without delay, of any methodological or other changes that might have a significant impact on natural gas and electricity price statistics, and in any event no later than one month after that change occurs.

3. Every three years, Member States shall provide the Commission (Eurostat) with a standard quality report on the data in accordance with the quality criteria laid down in Article 12(1) of Regulation (EC) No 223/2009. Those reports shall include information on the scope and collection of the data, the calculation criteria, the methodology and data sources used, and any changes thereto.

4. The Commission (Eurostat) shall assess the quality of the data provided and shall use that assessment and an analysis of the quality reports referred to in paragraph 3 in order to prepare and publish a report on the quality of European statistics covered by this Regulation.

5. The Commission shall adopt implementing acts establishing technical quality assurance requirements regarding the content of the quality reports referred to in paragraph 3 of this Article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 10(2).

Article 8

Dissemination

The Commission (Eurostat) shall disseminate natural gas and electricity price statistics no later than five months after the end of each reference period.

Article 9

Derogations

1. Derogations may be granted by the Commission by means of implementing acts in relation to specific obligations for which the application of this Regulation to the national statistical system of a Member State requires major adaptations or is likely to lead to a significant additional burden on respondents. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 10(2).

2. For the purposes of paragraph 1, the Member State concerned shall submit a duly reasoned request to the Commission by 8 August 2017.

3. Derogations granted pursuant to paragraph 1 shall remain in force for the shortest period of time possible and in any event for no longer than three years.

4. A Member State that has been granted a derogation pursuant to paragraph 1 shall apply the relevant provisions of Directive 2008/92/EC for the duration of the derogation.

Article 10

Committee procedure

1. The Commission shall be assisted by the European Statistical System Committee established by Regulation (EC) No 223/2009. That Committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

Article 11

Repeal of Directive 2008/92/EC

1. Directive 2008/92/EC is repealed with effect from 1 March 2017.

2. Notwithstanding paragraph 1 of this Article, Directive 2008/92/EC shall continue to apply under the conditions provided for in Article 9 of this Regulation.

3. References to the repealed Directive shall be construed as references to this Regulation.

*Article 12***Entry into force**

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, 26 October 2016.

For the European Parliament

The President

M. SCHULZ

For the Council

The President

I. LESAY

ANNEX I

NATURAL GAS PRICES

This Annex sets out the methodology for the collection and compilation of statistical data on natural gas prices for household and final non-household customers.

1. Prices

Prices shall be those charged to household and final non-household customers buying natural gas for their own use that is distributed through mains.

2. Natural gas

Natural gas shall include natural gas and other gaseous fuels blended with natural gas in the transmission and distribution network, such as biogas. Other gaseous fuels that are distributed through dedicated networks without being blended with natural gas (e.g. gas works gas, coke oven gas, blast furnace gas and biogas) shall be excluded.

3. Reporting units

The data shall include all household and final non-household customers of natural gas, but shall exclude customers who use natural gas only for:

- electricity generation in power plants or in combined heat and power (CHP) plants; or
- non-energy purposes (e.g. for use in the chemicals industry).

4. Units of measurement

Prices shall be the national average prices charged to household and final non-household customers.

Prices shall be expressed in national currency per gigajoule (GJ). The unit of energy used shall be measured on the basis of the gross calorific value (GCV).

Prices shall be weighted according to the market share of natural gas supply undertakings in each consumption band. If it is not possible to calculate weighted average prices, arithmetic average prices may be provided. In either case, the data shall cover a representative share of the national market.

5. Consumption bands

Prices shall be based on a system of standard annual natural gas consumption bands.

(a) For household customers, the following bands shall be applied:

Consumption band	Annual natural gas consumption (GJ)	
	Minimum	Maximum
Band D1		< 20
Band D2	≥ 20	< 200
Band D3	≥ 200	

(b) For final non-household customers, the following bands shall be applied:

Consumption band	Annual natural gas consumption (GJ)	
	Minimum	Maximum
Band I1		< 1 000
Band I2	≥ 1 000	< 10 000
Band I3	≥ 10 000	< 100 000
Band I4	≥ 100 000	< 1 000 000
Band I5	≥ 1 000 000	< 4 000 000
Band I6	≥ 4 000 000	

6. Level of detail

Prices shall include all charges payable: network charges plus energy consumed, minus any rebates or premiums, plus any other charges (e.g. meter rental, standing charges). Initial connection charges shall be excluded.

Detailed data shall be transmitted as specified below.

(a) Level of detail required for components and sub-components

Prices shall be subdivided into three main components and into separate sub-components.

The final customer price for natural gas by consumption band is the sum of the three main components: the energy and supply component, the network component (transmission and distribution) and the component comprising taxes, fees, levies and charges.

Component and sub-component	Description
Energy and supply	This component shall include the commodity price for natural gas paid by the supplier or the price of natural gas at the point of entry into the transmission system, including, if applicable, the following end-user costs: storage costs plus costs relating to the sale of natural gas to final customers.
Network	The network price shall include the following end-user costs: transmission and distribution tariffs, transmission and distribution losses, network costs, after-sale service costs, system service costs and meter rental and metering costs.
Sub-component	The network component shall be subdivided into end-user transmission and distribution network costs, as follows:
	1. Average relative share of transmission costs for household customers and average relative share of transmission costs for final non-household customers, expressed as a percentage of total network costs.
	2. Average relative share of distribution costs for household customers and average relative share of distribution costs for final non-household customers, expressed as a percentage of total network costs.

Component and sub-component	Description
Taxes, fees, levies and charges	This component is the sum of all the sub-components (taxes, fees, levies and charges) listed below.
Sub-component	The following sub-components shall be transmitted as individual items for each consumption band defined in point 5.
	1. Value added tax as defined in Council Directive 2006/112/EC ⁽¹⁾ .
	2. Taxes, fees, levies or charges relating to the promotion of renewable energy sources, energy efficiency and CHP generation.
	3. Taxes, fees, levies or charges relating to strategic stockpiles, capacity payments and energy security; taxes on natural gas distribution; stranded costs and levies on financing energy regulatory authorities or market and system operators.
	4. Taxes, fees, levies or charges relating to air quality and for other environmental purposes; taxes on emissions of CO ₂ or other greenhouse gases.
	5. All other taxes, fees, levies or charges not covered by any of the previous four categories: support for district heating; local or regional fiscal charges; island compensation; concession fees relating to licences and fees for the occupation of land and public or private property by networks or other devices.

⁽¹⁾ Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax (OJ L 347, 11.12.2006, p. 1).

(b) Level of detail based on taxation

Prices shall be broken down into the following three levels:

Level	Description
Prices excluding all taxes, fees, levies and charges	This price level shall include only the energy and supply component and the network component.
Prices excluding value added tax (VAT) and other recoverable taxes	This price level shall include the energy and supply component, the network component and taxes, fees, levies and charges considered as non-recoverable for final non-household customers. For household customers this price level shall include the energy and network components and taxes, fees, levies and charges but excludes VAT.
Prices including all taxes	This price level shall include the energy and supply component, the network component, and all recoverable and non-recoverable taxes, fees, levies and charges, including VAT.

7. Consumption volumes

Member States shall transmit information on the relative share of natural gas in each consumption band based on the total volume to which the prices refer.

The annual consumption volumes for each consumption band shall be transmitted once per year, together with the price data for the second semester.

The data shall not be older than two years.

ANNEX II

ELECTRICITY PRICES

This Annex sets out the methodology for the collection and compilation of statistical data on electricity prices for household and final non-household customers.

1. Prices

Prices shall be those charged to household and final non-household customers buying electricity for their own use.

2. Reporting units

The data shall include all household and final non-household customers of electricity, but electricity generated and subsequently consumed by autoproducers shall be excluded from the reporting obligation.

3. Units of measurement

Prices shall be the national average prices charged to household and final non-household customers.

Prices shall be expressed in national currency per kilowatt-hour (kWh).

Prices shall be weighted according to the market share of electricity supply undertakings in each consumption band. If it is not possible to calculate weighted average prices, arithmetic average prices may be provided. In either case, the data shall cover a representative share of the national market.

4. Consumption bands

Prices shall be based on a system of standard annual electricity consumption bands.

(a) For household customers, the following bands shall be applied:

Consumption band	Annual electricity consumption (kWh)	
	Minimum	Maximum
Band DA		< 1 000
Band DB	≥ 1 000	< 2 500
Band DC	≥ 2 500	< 5 000
Band DD	≥ 5 000	< 15 000
Band DE	≥ 15 000	

(b) For final non-household customers, the following bands shall be applied:

Consumption band	Annual electricity consumption (MWh)	
	Minimum	Maximum
Band IA		< 20
Band IB	≥ 20	< 500

Consumption band	Annual electricity consumption (MWh)	
	Minimum	Maximum
Band IC	≥ 500	< 2 000
Band ID	≥ 2 000	< 20 000
Band IE	≥ 20 000	< 70 000
Band IF	≥ 70 000	< 150 000
Band IG	≥ 150 000	

5. Level of detail

Prices shall include all charges payable: network charges plus energy consumed, minus any rebates or premiums, plus any other charges (e.g. meter rental, standing charges). Initial connection charges shall be excluded.

Detailed data shall be transmitted as specified below.

(a) Level of detail required for components and sub-components

Prices shall be subdivided into three main components and into separate sub-components.

The final customer price for electricity by consumption band is the sum of the three main components: the energy and supply component, the network component (transmission and distribution) and the component comprising taxes, fees, levies and charges.

Component and sub-component	Description
Energy and supply	This component shall include the following end-user costs: generation, aggregation, balancing energy, supplied energy costs, customer services, after-sales management and other supply costs.
Network	The network price shall include the following end-user costs: transmission and distribution tariffs, transmission and distribution losses, network costs, after-sale service costs, system service costs, and meter rental and metering costs.
Sub-component	The network component shall be subdivided into end-user transmission and distribution network costs, as follows:
	1. Average relative share of transmission costs for household customers and average relative share of transmission costs for final non-household customers, expressed as a percentage of total network costs.
	2. Average relative share of distribution costs for household customers and average relative share of distribution costs for final non-household customers, expressed as a percentage of total network costs.
Taxes, fees, levies and charges	This component is the sum of all the sub-components (taxes, fees, levies and charges) listed below.
Sub-component	The following sub-components shall be transmitted as individual items for each consumption band defined in point 4.

Component and sub-component	Description
	1. Value added tax as defined in Directive 2006/112/EC.
	2. Taxes, fees, levies or charges relating to the promotion of renewable energy sources, energy efficiency and CHP generation.
	3. Taxes, fees, levies or charges relating to capacity payments, energy security and generation adequacy; taxes on coal industry restructuring; taxes on electricity distribution; stranded costs and levies on financing energy regulatory authorities or market and system operators.
	4. Taxes, fees, levies or charges relating to air quality and for other environmental purposes; taxes on emissions of CO ₂ or other greenhouse gases.
	5. Taxes, fees, levies or charges relating to the nuclear sector, including nuclear decommissioning, inspections and fees for nuclear installations.
	6. All other taxes, fees, levies or charges not covered by any of the previous five categories: support for district heating; local or regional fiscal charges; island compensation; concession fees relating to licences and fees for the occupation of land and public or private property by networks or other devices.

(b) Level of detail based on taxation

Prices shall be broken down into the following three levels:

Level	Description
Prices excluding all taxes, fees, levies and charges	This price level shall include only the energy and supply component and the network component.
Prices excluding value added tax (VAT) and other recoverable taxes	This price level shall include the energy and supply component, the network component and taxes, fees, levies and charges considered as non-recoverable for final non-household customers. For household customers this price level shall include the energy and the network components and taxes, fees, levies and charges but excludes VAT.
Prices including all taxes	This price level shall include the energy and supply component, the network component, and all recoverable and non-recoverable taxes, fees, levies and charges, including VAT.

6. Consumption volumes

Member States shall transmit information on the relative share of electricity in each consumption band based on the total volume to which the prices refer.

The annual consumption volumes for each consumption band shall be transmitted once per year, together with the price data for the second semester.

The data shall not be older than two years.

**REGULATION (EU) 2016/1953 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 26 October 2016**

on the establishment of a European travel document for the return of illegally staying third-country nationals, and repealing the Council Recommendation of 30 November 1994

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 79(2)(c) 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) The return of third-country nationals who do not fulfil or no longer fulfil the conditions for entry, stay or residence in the Member States, with full respect for their fundamental rights, in particular for the principle of non-refoulement, and in compliance with Directive 2008/115/EC of the European Parliament and of the Council ⁽²⁾, is an essential part of the comprehensive efforts to ensure the credibility and the proper and effective functioning of the Union migration policy and to reduce and deter irregular migration.
- (2) The national authorities of the Member States experience difficulties in returning illegally staying third-country nationals who possess no valid travel documents.
- (3) Improving cooperation on return and readmission with the main countries of origin and transit of illegally staying third-country nationals is essential for increasing rates of return, which are unsatisfactory. An improved European travel document for the return of illegally staying third-country nationals is relevant in that regard.
- (4) The current standard travel document for the return of third-country nationals, established by the Council Recommendation of 30 November 1994 ⁽³⁾, is not widely accepted by authorities of third countries, for reasons including its inadequate security standards.
- (5) It is therefore necessary to promote the acceptance by third countries of an improved and uniform European travel document for the return of illegally staying third-country nationals as the reference document for return purposes.
- (6) A more secure and uniform European travel document for the return of illegally staying third-country nationals (European travel document for return) should be established to facilitate the return and readmission of third-country nationals staying illegally on the territory of the Member States. The enhanced security features and technical specifications of the European travel document for return should facilitate its recognition by third countries. That document should therefore facilitate the carrying out of returns in the context of readmission agreements or other arrangements concluded by the Union or by the Member States with third countries, as well as in the context of return-related cooperation with third countries not covered by formal agreements.
- (7) The readmission of own nationals is an obligation under international customary law, with which all States are required to comply. The identification of illegally staying third-country nationals and the issuance of documents

⁽¹⁾ Position of the European Parliament of 15 September 2016 (not yet published in the Official Journal) and decision of the Council of 13 October 2016.

⁽²⁾ Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals (OJ L 348, 24.12.2008, p. 98).

⁽³⁾ Council Recommendation of 30 November 1994 concerning the adoption of a standard travel document for the expulsion of third-country nationals (OJ C 274, 19.9.1996, p. 18).

including the European travel document for return should, where appropriate, be subject to cooperation with diplomatic representations and negotiations with third countries entering into readmission agreements, either with the Union or with the Member States.

- (8) Readmission agreements concluded by the Union with third countries should seek the recognition of the European travel document for return. Member States should seek the recognition of the European travel document for return in bilateral agreements and other arrangements as well as in the context of return-related cooperation with third countries not covered by formal agreements. Member States should make efforts to ensure the effective use of the European travel document for return.
- (9) The European travel document for return should contribute to reducing the administrative and bureaucratic burdens on the administrations of Member States and third countries, including consular services, and the length of the administrative procedures necessary for ensuring the return and readmission of illegally staying third-country nationals.
- (10) This Regulation should only harmonise the format, security features and technical specifications of the European travel document for return and should not harmonise the rules concerning its issuance.
- (11) The content and technical specifications of the European travel document for return should be harmonised in order to ensure high technical and security standards, in particular as regards safeguards against counterfeiting and falsification. The European travel document for return should bear recognisable harmonised security features. The security features and technical specifications set out in Council Regulation (EC) No 333/2002 ⁽¹⁾ should therefore be applied to the European travel document for return.
- (12) In order to amend certain non-essential elements of the model for the European travel document for return, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union (TFEU) should be delegated to the Commission. 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 ⁽²⁾. 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.
- (13) With regard to the processing of personal data within the framework of this Regulation, the competent authorities shall carry out their tasks for the purposes of this Regulation in accordance with the national laws, regulations or administrative provisions transposing Directive 95/46/EC of the European Parliament and of the Council ⁽³⁾.
- (14) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark annexed to the Treaty on European Union (TEU) and to the TFEU, Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application. Given that this Regulation builds, to the extent that it applies to third-country nationals who do not fulfil or who no longer fulfil the conditions of entry in accordance with Regulation (EU) 2016/399 of the European Parliament and of the Council ⁽⁴⁾, upon the Schengen *acquis*, Denmark shall, in accordance with Article 4 of that Protocol, decide within a period of six months after the Council has decided on this Regulation whether it will implement it in its national law.
- (15) To the extent that it applies to third-country nationals who do not fulfil or who no longer fulfil the conditions of entry in accordance with Regulation (EU) 2016/399, this Regulation constitutes a development of the provisions of the Schengen *acquis* in which the United Kingdom does not take part, in accordance with Council Decision

⁽¹⁾ Council Regulation (EC) No 333/2002 of 18 February 2002 on a uniform format for forms for affixing the visa issued by Member States to persons holding travel documents not recognised by the Member State drawing up the form (OJ L 53, 23.2.2002, p. 4).

⁽²⁾ OJ L 123, 12.5.2016, p. 1.

⁽³⁾ Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (OJ L 281, 23.11.1995, p. 31).

⁽⁴⁾ Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code) (OJ L 77, 23.3.2016, p. 1).

2000/365/EC ⁽¹⁾; the United Kingdom is therefore not taking part in the adoption of this Regulation and is not bound by it or subject to its application. Moreover, in accordance with Articles 1 and 2 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the TEU and to the TFEU, and without prejudice to Article 4 of that Protocol, the United Kingdom is not taking part in the adoption of this Regulation and is not bound by or subject to its application.

- (16) To the extent that it applies to third-country nationals who do not fulfil or who no longer fulfil the conditions of entry in accordance with Regulation (EU) 2016/399, this Regulation constitutes a development of the provisions of the Schengen *acquis* in which Ireland does not take part, in accordance with Council Decision 2002/192/EC ⁽²⁾; Ireland is therefore not taking part in the adoption of this Regulation and is not bound by it or subject to its application. Moreover, in accordance with Articles 1 and 2 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the TEU and to the TFEU, and without prejudice to Article 4 of that Protocol, Ireland is not taking part in the adoption of this Regulation and is not bound by or subject to its application.
- (17) As regards Iceland and Norway, this Regulation constitutes, to the extent that it applies to third-country nationals who do not fulfil or who no longer fulfil the conditions of entry in accordance with Regulation (EU) 2016/399, a development of the provisions of the Schengen *acquis* within the meaning of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the latter's association with the implementation, application and development of the Schengen *acquis* ⁽³⁾, which fall within the area referred to in Article 1 of Council Decision 1999/437/EC ⁽⁴⁾.
- (18) As regards Switzerland, this Regulation constitutes, to the extent that it applies to third-country nationals who do not fulfil or who no longer fulfil the conditions of entry in accordance with Regulation (EU) 2016/399, a development of the provisions of the Schengen *acquis* within the meaning of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* ⁽⁵⁾, which fall within the area referred to in Article 1 of Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2008/146/EC ⁽⁶⁾.
- (19) As regards Liechtenstein, this Regulation constitutes, to the extent that it applies to third-country nationals who do not fulfil or who no longer fulfil the conditions of entry in accordance with Regulation (EU) 2016/399, a development of the provisions of the Schengen *acquis* within the meaning of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* ⁽⁷⁾, which fall within the area referred to in Article 1 of Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2011/350/EU ⁽⁸⁾.
- (20) Since the objectives of this Regulation cannot be sufficiently achieved by the Member States but can rather, by reason of the effects of the envisaged action, be better achieved at Union level, the Union may adopt measures, in

⁽¹⁾ Council Decision 2000/365/EC of 29 May 2000 concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen *acquis* (OJ L 131, 1.6.2000, p. 43).

⁽²⁾ Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen *acquis* (OJ L 64, 7.3.2002, p. 20).

⁽³⁾ OJ L 176, 10.7.1999, p. 36.

⁽⁴⁾ Council Decision 1999/437/EC of 17 May 1999 on certain arrangements for the application of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those two States with the implementation, application and development of the Schengen *acquis* (OJ L 176, 10.7.1999, p. 31).

⁽⁵⁾ OJ L 53, 27.2.2008, p. 52.

⁽⁶⁾ Council Decision 2008/146/EC of 28 January 2008 on the conclusion, on behalf of the European Union, of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* (OJ L 53, 27.2.2008, p. 1).

⁽⁷⁾ OJ L 160, 18.6.2011, p. 21.

⁽⁸⁾ Council Decision 2011/350/EU of 7 March 2011 on the conclusion, on behalf of the European Union, of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis*, relating to the abolition of checks at internal borders and movement of persons (OJ L 160, 18.6.2011, p. 19).

accordance with the principle of subsidiarity as set out in Article 5 TEU. 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.

- (21) In order to establish uniform conditions and ensure clarity of concepts, it is appropriate to adopt this act in the form of a regulation.
- (22) Member States should respect their respective obligations under international and Union law, notably the Charter of Fundamental Rights of the European Union, in particular the protection in the event of removal, expulsion or extradition provided for in Article 19 and the duty referred to in Article 24(2).
- (23) The Council Recommendation of 30 November 1994 should therefore be repealed,

HAVE ADOPTED THIS REGULATION:

Article 1

Subject matter

This Regulation establishes a uniform European travel document for the return of illegally staying third-country nationals (European travel document for return), in particular its format, security features and technical specifications.

Article 2

Definitions

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

- (1) 'third-country national' means a third-country national as defined in point 1 of Article 3 of Directive 2008/115/EC;
- (2) 'return' means return as defined in point 3 of Article 3 of Directive 2008/115/EC;
- (3) 'return decision' means return decision as defined in point 4 of Article 3 of Directive 2008/115/EC.

Article 3

European travel document for return

1. The format of the European travel document for return shall correspond to the model set out in the Annex. The European travel document for return shall contain the following information:
 - (a) the name, surname, date of birth, sex, nationality, distinguishing marks and, if known, the address in the third country of return of the third-country national;
 - (b) a photograph of the third-country national;
 - (c) the issuing authority, date and place of issue and period of validity;
 - (d) information about the departure and arrival of the third-country national.
2. The European travel document for return shall be issued in one or more official languages of the Member State that issues the return decision and, where appropriate, shall also be provided in English and French.
3. The European travel document for return shall be valid for a single journey up until the time of arrival in the third country of return of the third-country national subject to a return decision issued by a Member State.
4. Where applicable, additional documents necessary for the return of third-country nationals may be attached to the European travel document for return.

5. The Commission is empowered to adopt delegated acts in accordance with Article 6 in order to amend the format of the European travel document for return.

Article 4

Technical specifications

1. The security features and technical specifications of the European travel document for return shall be those set out in Article 2 of Regulation (EC) No 333/2002.
2. Member States shall forward to the Commission and to the other Member States a specimen of the European travel document for return drawn up in accordance with this Regulation.

Article 5

Issuing fees

The European travel document for return shall be issued free of charge for the third-country national.

Article 6

Exercise of the delegation

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(5) shall be conferred on the Commission for an indeterminate period of time from 7 December 2016.
3. The delegation of power referred to in Article 3(5) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.
4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.
5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
6. A delegated act adopted pursuant to Article 3(5) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or the Council.

Article 7

Repeal

The Council Recommendation of 30 November 1994 is repealed.

Article 8

Review and reporting

By 8 December 2018, the Commission shall review and report on the effective implementation of this Regulation. The review of this Regulation shall be incorporated into the assessment as provided for in Article 19 of Directive 2008/115/EC.

*Article 9***Entry into force**

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

It shall apply from 8 April 2017.

This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.

Done at Strasbourg, 26 October 2016.

For the European Parliament

The President

M. SCHULZ

For the Council

The President

I. LESAY

ANNEX



Name of the Member State

European travel document for the return of illegally staying third-country nationals

Issuing authority:

Document No:

Valid for one journey from:

to:

Name(s):

Surname(s):

Date of birth:

Sex:

Nationality(-ies):

Distinguishing marks:

Address in the country of return (if known):

Issued at:

Date:

Signature:

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**REGULATION (EU) 2016/1954 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 26 October 2016**

amending Regulation (EC) No 1365/2006 on statistics of goods transport by inland waterways as regards the conferral of delegated and implementing powers on the Commission for the adoption of certain measures

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) 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 need to be aligned to Articles 290 and 291 of the Treaty.
- (2) In connection with the adoption of Regulation (EU) No 182/2011 of the European Parliament and of the Council ⁽²⁾, the Commission committed itself, by means of a statement ⁽³⁾, to reviewing, in the light of the criteria laid down in the Treaty, legislative acts which were not adapted to the regulatory procedure with scrutiny before the entry into force of the Lisbon Treaty.
- (3) Regulation (EC) No 1365/2006 of the European Parliament and of the Council ⁽⁴⁾ confers powers on the Commission in order to implement some of its provisions.
- (4) In order to align Regulation (EC) No 1365/2006 with Articles 290 and 291 of the Treaty, implementing powers conferred on the Commission by that Regulation should be replaced by powers to adopt delegated and implementing acts.
- (5) As regards Regulation (EC) No 1365/2006, 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 should be delegated to the Commission in respect of amending that Regulation to raise the threshold above 1 000 000 tonnes for statistical coverage of inland waterway transport, to adapt definitions or provide for new ones, as well as to adapt the Annexes to Regulation (EC) No 1365/2006 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, 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.

⁽¹⁾ Position of the European Parliament of 11 March 2014 (not yet published in the Official Journal) and position of the Council at first reading of 18 July 2016 (not yet published in the Official Journal). Position of the European Parliament of 26 October 2016 (not yet published in the Official Journal).

⁽²⁾ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

⁽³⁾ OJ L 55, 28.2.2011, p. 19.

⁽⁴⁾ Regulation (EC) No 1365/2006 of the European Parliament and of the Council of 6 September 2006 on statistics of goods transport by inland waterways and repealing Council Directive 80/1119/EEC (OJ L 264, 25.9.2006, p. 1).

⁽⁵⁾ OJ L 123, 12.5.2016, p. 1.

- (6) The Commission should ensure that those delegated acts do not impose a significant additional burden on the Member States or on the respondents.
- (7) In order to ensure uniform conditions for the implementation of Regulation (EC) No 1365/2006, implementing powers should be conferred on the Commission enabling 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 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.
- (8) In accordance with the principle of proportionality, it is necessary and appropriate for the achievement of the basic objective of the alignment of the powers conferred on the Commission with Articles 290 and 291 of the Treaty to lay down rules on such alignment in the field of transport statistics. This Regulation does not go beyond what is necessary in order to achieve the objective pursued, in accordance with Article 5(4) of the Treaty on European Union.
- (9) 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 of the European Parliament and of the Council ⁽¹⁾, in accordance with Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council ⁽²⁾.

- (10) In order to ensure legal certainty, the procedures for adopting measures that have been initiated but not completed before the entry into force of this Regulation are not affected by this Regulation.
- (11) Regulation (EC) No 1365/2006 should therefore be amended accordingly,

HAVE ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1365/2006 is amended as follows:

- (1) in Article 2, the following paragraph is added:

‘5. The Commission is empowered to adopt delegated acts, in accordance with Article 9, concerning the amendment of paragraph 2 of this Article to raise the threshold for statistical coverage of inland waterways transport referred to therein in order to take account of economic and technical trends. 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 (*).

(*) Regulation (EC) No 223/2009 of the European Parliament and of the Council of 11 March 2009 on European statistics and repealing Regulation (EC, Euratom) No 1101/2008 of the European Parliament and of the Council on the transmission of data subject to statistical confidentiality to the Statistical Office of the European Communities, Council Regulation (EC) No 322/97 on Community Statistics, and Council Decision 89/382/EEC, Euratom establishing a Committee on the Statistical Programmes of the European Communities (OJ L 87, 31.3.2009, p. 164).’;

⁽¹⁾ Regulation (EC) No 223/2009 of the European Parliament and of the Council of 11 March 2009 on European statistics and repealing Regulation (EC, Euratom) No 1101/2008 of the European Parliament and of the Council on the transmission of data subject to statistical confidentiality to the Statistical Office of the European Communities, Council Regulation (EC) No 322/97 on Community Statistics, and Council Decision 89/382/EEC, Euratom establishing a Committee on the Statistical Programmes of the European Communities (OJ L 87, 31.3.2009, p. 164).

⁽²⁾ Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002 (OJ L 298, 26.10.2012, p. 1).

- (2) in Article 3, the following paragraphs are added:

‘The Commission is empowered to adopt delegated acts in accordance with Article 9, concerning the amendment of the present Article to adapt the definitions contained therein or provide for new ones in order to take into account relevant definitions amended or adopted at international level.

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.’;

- (3) in Article 4, the following paragraph is added:

‘4. The Commission is empowered to adopt delegated acts in accordance with Article 9, 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, 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.’;

- (4) the following article is inserted:

‘Article 4a

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.’;

- (5) in Article 5, paragraph 2 is replaced by the following:

‘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 10(2).’;

- (6) in Article 6, the following paragraph is added:

‘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 10(2).’;

(7) in Article 7, paragraph 1 is replaced by the following:

‘1. The Commission shall adopt implementing acts laying down the methodological requirements and criteria designed to ensure the quality of the data produced. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 10(2).’;

(8) in Article 7, the following paragraphs are added:

‘4. 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.

5. The Commission shall adopt implementing acts laying down the detailed arrangements, structure, periodicity and comparability elements for the quality reports. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 10(2).’;

(9) Article 8 is replaced by the following:

‘Article 8

Reports on implementation

By 31 December 2020 and every five 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 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 and the data collection methods used.’;

(10) Article 9 is replaced by the following:

‘Article 9

Exercise of the delegation

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 2(5), Article 3 and Article 4(4) shall be conferred on the Commission for a period of five years from 7 December 2016. 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-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

3. The delegation of power referred to in Article 2(5), Article 3 and Article 4(4) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making (*).

5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

6. A delegated act adopted pursuant to Article 2(5), Article 3 or Article 4(4) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

(*) OJ L 123, 12.5.2016, p. 1.;

(11) Article 10 is replaced by the following:

'Article 10

Committee procedure

1. The Commission shall be assisted by the European Statistical System Committee established by Regulation (EC) No 223/2009. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011 of the European Parliament and of the Council (*).

2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

(*) Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13);

(12) Annex G is deleted.

Article 2

This Regulation shall not affect the procedures for the adoption of measures provided for in Regulation (EC) No 1365/2006 which have been initiated but not completed before the entry into force of this Regulation.

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, 26 October 2016.

For the European Parliament

The President

M. SCHULZ

For the Council

The President

I. LESAY

CORRIGENDA**Corrigendum to Regulation (EU) No 536/2014 of the European Parliament and of the Council of 16 April 2014 on clinical trials on medicinal products for human use, and repealing Directive 2001/20/EC**

(Official Journal of the European Union L 158 of 27 May 2014)

On page 28, Article 23(5):

for:

‘Where the conclusion ... is that the substantial modification is not acceptable, that conclusion shall be deemed to be the conclusion of the Member State concerned.’,

read:

‘Where the conclusion ... is that the substantial modification is not acceptable, that conclusion shall be deemed to be the conclusion of all Member States concerned.’.

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