



Brussels, 22.7.2025
COM(2025) 412 final

**REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND
THE COUNCIL**

**on the exercise of the power to adopt delegated acts conferred on the Commission
pursuant to Regulation (EC) 184/2005 on Community statistics concerning balance of
payments, international trade in services and foreign direct investment**

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1. INTRODUCTION

Regulation (EU) 2016/1013 of the European Parliament and of the Council¹ aligned, among other things, the powers conferred on the Commission by Regulation (EC) No 184/2005² with the Treaty on the Functioning of the European Union (TFEU).

Under Regulation (EC) No 184/2005, as amended, the Commission can adopt delegated acts in accordance with Article 290 TFEU for the following purposes:

- to update the geographical breakdown levels, institutional sector breakdown levels and economic activity breakdown levels, set out in Tables 6, 7 and 8 of its Annex I, to reflect economic or technical changes (Article 2(3));
- to eliminate or reduce certain requirements of data flows in its Annex I, provided that such an elimination or reduction does not reduce the quality of the statistics produced in accordance with that regulation (Article 2(3));
- to extend the deadline for the report under Article 5(5) of that regulation as regards the findings of the pilot studies on foreign direct investment (FDI) statistics based on the ultimate ownership concept and FDI statistics distinguishing greenfield FDI transactions from takeovers (Article 5(6)).

When exercising these powers, the Commission should ensure that the delegated acts adopted under these provisions do not impose a significant additional burden on Member States or on the respondent units, exceeding what is necessary for the purposes of Regulation (EC) No 184/2005, nor modify the applicable underlying conceptual framework. Article 10(4) of that regulation provides for systematic consultations of Member State experts by the Commission during its preparatory work on delegated acts, in accordance with the Interinstitutional Agreement of 13 April 2016 on Better Law-Making³. Under Article 10(5) of that regulation, the Commission must notify the European Parliament and the Council as soon as it adopts a delegated act.

¹ [Regulation \(EU\) 2016/1013](#) of the European Parliament and of the Council of 8 June 2016 amending Regulation (EC) No 184/2005 on Community statistics concerning balance of payments, international trade in services and foreign direct investment (OJ L 171, 29.6.2016, p. 144).

² [Regulation \(EC\) No 184/2005](#) of the European Parliament and of the Council of 12 January 2005 on Community statistics concerning balance of payments, international trade in services and foreign direct investment (OJ L 35, 8.2.2005, p. 23).

³ [Interinstitutional Agreement](#) between the European Parliament, the Council of the European Union and the European Commission of 13 April 2016 on Better Law-Making (OJ L 123, 12.5.2016, p. 1).

2. LEGAL BASIS

Under Article 10(2) of Regulation (EC) No 184/2005, the power to adopt delegated acts is conferred on the Commission for a period of five years from 19 July 2021. The delegation of power is to be extended tacitly for periods of five years, unless the European Parliament or the Council opposes such an extension not later than three months before the end of each period.

The Commission is required to draw up a report on the delegation of power no later than nine months before the end of the five-year period. This report fulfils that obligation.

3. COMMISSION'S EXERCISE OF THE DELEGATION

In a 2020 report⁴, the Commission reviewed the use of the delegation of powers during the first five years of application of Regulation (EC) No 184/2005. Since the entry into force of Regulation (EU) 2016/1013, the Commission has adopted one delegated act, namely the Commission Delegated Regulation (EU) 2019/505⁵. This act, which is based on Article 2(3) of Regulation (EC) No 184/2005, updated the geographical breakdown levels set out in Annex I to Regulation (EC) No 184/2005 to reflect economic and technical developments.

During the following period, starting on 19 July 2021 as per the tacit extension of the delegation of powers, it was considered that the existing regulatory framework underpinned by Regulation (EC) No 184/2005 was fully adequate to meet the statistical and methodological needs of the balance of payments, international trade in services, and FDI domains during the reporting period. This was confirmed through extensive consultations with the balance of payments expert group and other relevant expert groups, ensuring stakeholder involvement to monitor any potential need for delegated acts.

On the other hand, the Commission exercised its power to adopt delegated acts conferred by Article 10 of Regulation (EC) No 184/2005 to adapt references to the classification of economic activities (NACE) through Commission Delegated Regulation (EU) 2024/3104⁶.

⁴ European Commission, Report from the Commission to the European Parliament and the Council on the exercise of the power to adopt delegated acts conferred on the Commission pursuant to Regulation (EC) 184/2005 on Community statistics concerning balance of payments, international trade in services and foreign direct investment, COM(2020) 490 final, 10.9.2020, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52020DC0490>.

⁵ [Commission Delegated Regulation \(EU\) 2019/505](#) of 19 December 2018 amending Annex I to Regulation (EC) No 184/2005 of the European Parliament and of the Council, as regards the geographical breakdown levels (OJ L 85, 27.3.2019, p. 1).

⁶ [Commission Delegated Regulation \(EU\) 2024/3104](#) of 2 September 2024 amending Regulation (EC) No 184/2005 of the European Parliament and of the Council, as regards references to the statistical classification of economic activities NACE established by Regulation (EC) No 1893/2006 of the European Parliament and of the Council (OJ L, 2024/3104, 12.12.2024, ELI: http://data.europa.eu/eli/reg_del/2024/3104/oj).

4. CONCLUSION

Since 19 July 2021, the Commission has exercised the power to adopt delegated acts conferred under Regulation (EC) No 184/2005 to adapt references to the classification of economic activities (NACE).

The Commission considers that it should retain the delegated powers provided by the Regulation. These powers remain essential to address potential future needs, such as updates to classifications, methodologies or variables, and to ensure that EU statistics in the fields of balance of payments, international trade in services and FDI continue to meet high quality standards.

The Commission invites the European Parliament and the Council to take note of this report.