



Council of the
European Union

Brussels, 14 October 2016
(OR. en)

13281/16

Interinstitutional File:
2016/0265 (COD)

ECOFIN 903
STATIS 80
CODEC 1441
IA 88

NOTE

From: General Secretariat of the Council
To: Delegations

Subject: Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND
OF THE COUNCIL amending Regulation (EU) No 99/2013 of the
European Parliament and of the Council on the European statistical
programme 2013-17, by extending it to 2018-2020
- Member State's views on the Commission's Impact Assessment (IA)

Introduction

In 2014, the Council supported ex-post evaluation¹, in the form of impact assessment, of legislative proposals in order to identify potential areas for cost savings and to have information, which could ensure that the adopted legislation provided a maximum benefit for stakeholders.

In line with that commitment, and taking into account the indicative guidelines for working party Chairs on how to handle impact assessments, the working party on statistics has been consulted on the Commission impact assessment on its proposal for a statistical programme 2018-20.

Nineteen delegations replied to the Presidency's invitation to assess the proposal. Four delegations did not provide comments on the basis of the indicative checklist provided².

¹ 10882/14

² See document 9790/16

Policy context, problem identification and policy objective

A large majority of delegations considered the *policy context* being clearly explained in the IA (one delegation expressed doubts). A majority of the delegations considered that the IA resulted in the identification of a potential gap in existing policy measures (the *existence, scale and consequences of a problem*). Whilst most delegations acknowledged that the right *methodology* had been used for the analysis, a number of delegations, however, considered that a gap in the evidence necessary to analyse the problem hadn't been taken into consideration in the process.

A large majority of delegations found that the *policy objectives* of the proposed initiatives, i.e. addressing statistical gaps, were clearly spelt out. Some delegations had the opinion that the policy objective wasn't clearly identified.

Legal basis, subsidiarity/proportionality, policy options and costs

As regards Article 338 TFEU, no delegation contested that article as the appropriate *legal basis* of the initiative. Delegations considered that the *competence of the EU* was well established, although several delegations queried the proposed initiative's potential conflict with the *principles of subsidiarity and proportionality*.

Concerning *policy options*, delegations recognises that different options had been examined. Overall, delegations agreed that the appropriate stakeholders had been consulted and involved in the process. Two delegations found that the impact on those stakeholders had not been analysed sufficiently. A number of delegations found that the short- and long term costs were not analysed properly.

Regarding the economic impact (costs), several delegations considered that element appropriately analysed, whilst other delegations found that the analysis only partly met its objective.

Overall assessment³ and conclusion

The analysis of delegations remarks indicates generally that the Commission has identified a gap in the existing legislation, e.g. an in-sufficient ability of the current systems to adapt to a changing environment, and that the consequences of the proposed measures were analysed. A number of delegations, however, queries the Commission's reasoning for not prioritising existing and proposed initiatives (the IA does not look into that issue). That argument has to be seen in the context of low economic activity and scared public resources.

In conclusion, a majority of delegations recognise that the Commission's impact assessment has no major omissions or factual mistakes.

³ in the "overall assessment", general written comments provided by delegations are taken into account