



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 6 September 2013**

---

---

**Interinstitutional File:  
2011/0440 (COD)**

---

---

**13009/13  
ADD 1**

**STATIS 80  
POLGEN 156  
ECOFIN 743  
SOC 629  
REGIO 172  
DATAPROTECT 119  
CODEC 1894**

**ADDENDUM TO "I" ITEM NOTE**

---

From: General Secretariat of the Council  
to: Coreper

---

No Cion doc.: 5469/12 STATIS 6 POLGEN 10 ECOFIN 39 SOC 24 REGIO 12  
DATAPROTECT 4 CODEC 133 - COM(2011) 903 final

---

Subject: Proposal for a Regulation of the European Parliament and of the Council on  
European Statistics on Demography (**First reading**) (**Legislative deliberation**)  
- Approval of the final compromise text

---

Delegations will find the final compromise text of the above proposal, with a view to reaching a first-reading agreement with the European Parliament.

Changes in relation to the Commission proposal are marked by **bold**, deletions by [...].

**Draft**  
**Proposal for a Regulation of the European Parliament and of the Council**  
**on European Statistics on Demography**

(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,

Whereas:

- (1) In accordance with Article 16(4) of the Treaty on European Union, as from 1 November 2014, a qualified majority **of the members of the Council is to** be defined *inter alia* on the basis of the population of the Member States.
- (2) The Economic and Financial Affairs Council regularly gives a mandate to the Economic Policy Committee to assess the long-term sustainability and quality of public finances on the basis of populations projections produced by Eurostat.

- (3) In accordance with Regulation (EC) No 1059/2003 of the European Parliament and of the Council of 26 May 2003 on the establishment of a common classification of territorial units for statistics (NUTS)<sup>1</sup>, all Member States' statistics transmitted to the Commission which are broken down by territorial units must use the NUTS classification. Consequently, in order to establish comparable regional statistics, the territorial units should be defined in accordance with the NUTS classification.
- (4) **In accordance with the second paragraph of** Article 175 of the Treaty on the Functioning of the European Union, the Commission submits [...] a report to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions **every three years** on the progress made towards achieving economic, social and territorial cohesion. The preparation of these reports and the regular monitoring of demographic developments and of possible future demographic challenges in the **Union** regions, including different types of regions such as [...] **border** regions, metropolitan regions, rural regions, mountain and island regions, require annual regional data at NUTS 3 regional level. Since demographic ageing displays strong regional differences, **the Commission** (Eurostat) is requested to prepare regional projections on a regular basis in order to complement the demographic picture of the NUTS 2 regions in the [...] Union.
- (5) In accordance with Article 159 of the Treaty on the Functioning of the European Union the Commission **is to** draw up a report each year on progress in achieving the objectives of Article 151, including the demographic situation in the Union.
- (6) The Commission in its Communication on "Solidarity in health: reducing health inequalities in the EU"<sup>2</sup> supported the further development and collection of data and health indicators by age, sex, socio-economic status and geographic dimensions.

---

<sup>1</sup> OJ L 154, 21.6.2003, p. 1.

<sup>2</sup> COM(2009) 567.

- (7) The EU sustainable development strategy, launched by the European Council in Gothenburg in 2001 and renewed in June 2006, seeks the continuous improvement of the quality of life for current and future generations. The **Commission** (Eurostat) monitoring report, which is published every two years, provides an objective statistical picture of progress, based on the EU set of sustainable development indicators.
- (8) Annual statistical data on demography are fundamental for the study and definition of a wide range of policies, with particular regard to social and economic issues, at national and regional level. Statistics on population are an important denominator for a wide range of policy indicators.
- (8a) The strategic objective of the Beijing Platform for Action (1995) provides a reference framework for the generation and dissemination of gender-disaggregated data and information, for planning and policy evaluation reasons.**
- (9) Demographic statistics on population constitute an essential component for the estimation of total population in the framework of the European System of Accounts (ESA). **The updating and revising of data are important when establishing statistics at European level.**
- (10) In order to ensure the quality, and in particular the comparability, of the data provided by the Member States, and in order for reliable overviews to be drawn up at [...] Union level, the data used should be based on the same concepts and refer to the same reference date or period.

- (12) The information on demography should be consistent with the relevant information collected pursuant to Regulation (EC) No 862/2007 of the European Parliament and of the Council of 11 July 2007 on Community statistics on migration and international protection and repealing Council Regulation (EEC) No 311/76 on the compilation of statistics on foreign workers<sup>3</sup> and Regulation (EC) No 763/2008 of the European Parliament and of the Council of 9 July 2008 on population and housing censuses<sup>4</sup>. **To this end scientifically based and well documented statistical estimation methods should be evaluated and their use should be encouraged.**
- (11) Regulation (EC) No 223/2009 of the European Parliament and of the Council of 11 March 2009 on European statistics<sup>5</sup> provides a reference framework for European statistics on demography. In particular, it requires conformity with the principles of professional independence, impartiality, objectivity, reliability, statistical confidentiality and cost effectiveness.
- (13) In the development, production and dissemination of European statistics, the national and European statistical authorities, **and, where applicable, other relevant national and regional authorities**, should take account of the principles set out in the European Statistics Code of Practice as reviewed and updated by the European Statistical System Committee on 28 September 2011.
- (14) This Regulation ensures the right to respect for private and family life and to the protection of personal data, as set out in Articles 7 and 8 of the Charter of Fundamental Rights of the European Union<sup>6</sup>.

---

<sup>3</sup> OJ L 199, 31.7.2007, p. 23.

<sup>4</sup> OJ L 218, 13.8.2008, p. 14.

<sup>5</sup> OJ L 87, 31.3.2009, p. 164.

<sup>6</sup> OJ C 303, 14.12.2007, p. 1.

**(14a) 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<sup>7</sup> and Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data<sup>8</sup> apply in the context of this Regulation.**

(15) Since the objective of this Regulation, namely the establishment of a common legal framework for the systematic production of European statistics on demography in the Member States, cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale and effects of the action, be better achieved at European 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.

(16) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with 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<sup>9</sup>,

HAVE ADOPTED THIS REGULATION:

---

<sup>7</sup> OJ L 281, 23.11.1995, p. 31.

<sup>8</sup> OJ L 8, 12.2.2001, p. 1.

<sup>9</sup> OJ L 55, 28.2.2011, p. 13.

*Article 1*  
*Subject matter*

This Regulation establishes a common framework for the development, production and dissemination of European statistics on population and vital events.

*Article 2*  
*Definitions*

For the purpose of this Regulation, the following definitions shall apply:

- (a) "national" **refers to the territory of a Member State within the meaning of Regulation (EC) No 1059/2003 in the version applicable at the reference time;**
  
- (b) "regional" means **NUTS level 1, NUTS level 2 or NUTS level 3 within the meaning of Regulation (EC) No 1059/2003 in the version applicable at the reference time;** for countries that are not members of the European Union, it means the statistical regions at level 1, 2 or 3 as agreed between those countries and the Commission (Eurostat), according to the version applicable at the reference time;
  
- (c) "usually resident population" means all persons having their usual residence in a Member State at the reference time;
  
- (d) "usual residence" means the same as in Article 2(d) first paragraph of Regulation (EC) No 763/2008. The following persons alone shall be considered to be usual residents of the geographical area in question:
  - i. those who have lived in their place of usual residence for a continuous period of at least 12 months before the reference time; or
  
  - ii. those who arrived in their place of usual residence during the 12 months before the reference time with the intention of staying there for at least one year.

**Where the circumstances described in point (i) or (ii) cannot be established, "usual residence" can be taken to mean the place of legal or registered residence, except in relation to Article 4;**

In applying the definition of "usual residence", Member States shall treat special cases as in the Annex to Commission Regulation (EC) No 1201/2009<sup>10</sup>;

- (e) "live birth" means the birth of a child who breathes or shows any other evidence of life, such as beating of the heart, pulsation of the umbilical cord or definite movement of voluntary muscles, regardless of gestational age;
- (f) "death" means the permanent disappearance of all evidence of life at any time after live birth has taken place (**post-natal cessation of vital functions without capability of resuscitation**);
- (g) "vital events" means live births and deaths as defined in points (e) and (f);
- (h) **Deleted.**

*Article 3*  
*Data on population and on vital events*

1. Member States shall provide the Commission (Eurostat) with data on the population as referred to in Article 2(c) and (d) at the reference time. **The data provided shall cover: population by age, sex and region of residence.**
2. Member States shall provide the Commission (Eurostat) with data on vital events **that occurred during the reference period**. Member States shall use the same population definition as **they use** for data referred to in paragraph 1. **The data provided shall cover the following variables:**

---

<sup>10</sup> OJ L 329, 15.12.2009, p. 29.



- (a) **live births by sex, month of occurrence, live birth-order, mother's age, mother's year of birth, mother's country of birth, mother's country of citizenship and mother's region of residence;**
  - (b) **deaths by age, sex, year of birth, region of residence, country of birth, country of citizenship and month of occurrence.**
3. Member States shall use the same [...] definition **of population** for all national and regional levels, as **referred to in point (a) of Article 2 as regards "national" and in point (b) of Article 2 as regards "regional"**.
4. **The Commission shall adopt implementing acts laying down** uniform conditions for the breakdown of data referred to in paragraphs 1 and 2, [...] deadlines and revisions of data. **Those implementing acts** shall be adopted in accordance with the examination procedure referred to in Article 9(2).

*Article 4*  
*Total population for specific Union purposes*

1. For the purposes of qualified majority voting in Council, Member States shall provide the Commission (Eurostat) with data on the total population at national level at the reference time, as referred to in Article 2(c), within 8 months from the end of the reference year. [...]
2. **The total population referred to in paragraph 1 may be estimated from the legal or registered population using scientifically based, well documented, and publicly available statistical estimation methods.**

*Article 5*  
*Frequency and reference time*

- 1. Each year Member States shall provide the Commission (Eurostat) with data on the population and on vital events for the previous year referred to in Article 3(1) and in points (a) and (b) of Article 3(2).
  
- 1a. Each year Member States shall provide the Commission (Eurostat) with data on the total population at national level referred to in Article 4.
  
- 1b. For the purposes of this Regulation, the reference time shall mean either the reference date referred to in paragraph 1 or the reference period referred to in paragraph 2, as appropriate.
  - 1. The reference **date** for population data shall be the **end of the reference period** (midnight 31 December). **The first reference date shall be in 2013 and the last reference date shall be in 2027.**
  
  - 2. The reference **period** for vital events data shall be the calendar year in which the events occurred. **The first reference period shall be 2013 and the last reference period shall be 2027.**
  
  - 3. **Deleted.**

*Article 6*  
*Provision of data and metadata*

Member States shall **make available** to the Commission (Eurostat) the data and metadata required by this Regulation in accordance with the data and metadata exchange standards specified by the Commission (Eurostat). Member States shall **provide** these data and metadata through the Single Entry Point **service** [...] so that the Commission (Eurostat) can retrieve them **or shall transmit them using the Single Entry Point services.**

*Article 7*  
*Data sources*

The data shall be based on the data sources chosen by the Member State in accordance with national laws and practices. Scientifically based and well documented statistical estimation methods shall be used where appropriate.

*Article 7a (new)*  
*Feasibility studies*

1. **Member States shall carry out feasibility studies on the use of the definition of "usual residence" for population and vital events as referred to in Article 3(1) and 3(2).**
2. **The results shall be transmitted to the Commission, at the latest, three years after the entry into force of this Regulation.**
3. **In order to facilitate the carrying out of the feasibility studies referred to in paragraph 1 of this Article, the Union may provide financial support to the national statistical institutes and other national authorities referred to in Article 5 of Regulation (EC) No 223/2009.**

*Article 8*  
*Quality requirements*

1. Member States shall ensure the quality of the data transmitted.
2. For the purposes of this Regulation, the quality criteria referred to in Article 12(1) of Regulation (EC) No 223/2009 shall apply to the data to be transmitted.
3. Member States shall report to the Commission (Eurostat) on reference metadata **using the European Statistical System (ESS) standards**, reporting in particular on the data sources, definitions and estimation methods used for the first reference year and Member States shall keep the Commission (Eurostat) informed of any changes thereto.

4. At the request of the Commission (Eurostat), Member States shall provide it with all the information necessary to evaluate the quality of the statistical information.
5. Member States shall ensure that the population data as required by Article 3 of this Regulation are consistent with those required by **point (c) of Article 3(1)** of Regulation (EC) No 862/2007.

*Article 9  
Committee*

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 9a (new)  
Report*

- (1) The Commission shall submit a report to the European Parliament and to the Council on the implementation of this Regulation by 31 December 2018, and every five years thereafter. In that report taking account of relevant information provided by Member States, the Commission shall evaluate the quality of the data transmitted, the data collection methods, the additional burden on the Member States and on the respondent units, and the comparability of those statistics. This report shall evaluate the use of scientifically based, well documented statistical estimation methods, for the estimation of the "usually resident population" from the legal or registered population and the results of the feasibility studies referred to in Article 7a.**
- (2) If appropriate, the report shall be accompanied by proposals designed to further improve the functioning of this Regulation.**

*Article 10*  
*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.

This Regulation shall cease to apply on 31 **August 2028**.

Done at [...],

For the European Parliament  
The President

For the Council  
The President

---