



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 13 January 2012**

**5297/12**

**ECOFIN 28  
STATIS 5**

**“I/A” ITEM NOTE**

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from: General Secretariat of the Council  
to: COREPER/Council

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Subject: Draft Commission Decision of [...] amending Decision 2004/452/EC laying down a list of bodies whose researchers may access confidential data for scientific purposes  
- Decision not to oppose the draft measures proposed by the Commission (regulatory procedure with scrutiny)

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1. On 22 November 2011, the Commission submitted to the Council the above draft Decision of [...] amending Decision 2004/452/EC laying down a list of bodies whose researchers may access confidential data for scientific purposes, set out in document 18335/11 ECOFIN 876 STATIS 108, drawn up under the regulatory procedure with scrutiny, introduced by Council Decision 2006/512/EC. The measures provided for in the draft Decision are in accordance with the opinion of the European Statistical System Committee (ESS Committee).

2. Under the procedure in Article 5a(3) of Council Decision 1999/468/EC<sup>1</sup>, such draft measures are submitted for scrutiny by the European Parliament and the Council before being formally adopted by the Commission. Acting by a qualified majority within three months from the date of referral to it, the Council may oppose the adoption of the draft measures by the Commission, if those measures exceed the implementing powers provided for in the basic instrument are not compatible with the aim or content of the basic instrument or do not comply with the principles of subsidiarity and proportionality.
3. Following an informal written procedure, the Working Party on Statistics agreed not to oppose the draft measures in question.
4. COREPER could therefore:
  - confirm the agreement reached by the Working Party, and
  - suggest that the Council decide at a forthcoming meeting not to oppose the draft measures proposed by the Commission, as set out in document 18335/11.

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<sup>1</sup> Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23), as amended by Decision 2006/512/EC (OJ L 200, 22.7.2006, p. 11).