



**COUNCIL OF
THE EUROPEAN UNION**

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NOTE

from:	Presidency
to:	Delegations
Subject:	Presidency note summarizing the hearing on European Statistics

Delegations will find attached a Presidency document summarizing the outcome on the informal hearing on European Statistics. By mistake the comments from Spain were not included in the document sent out 13 June. Therefore, please note that the document consist of the MS positions as they were on 29 May.

Encl.:

Proposal for a

**REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
amending Regulation (EC) No 223/2009 on European statistics**

Summary of the results of the informal hearing of Member States, deadline 29 May 2012

General comments by Member States (MS)
Member States welcome the Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 223/2009 on European statistics, as the proposal contains important provisions for enhancing the credibility in European Statistics and for the strengthening of European statistics governance. The incorporation of the independence of the NSIs and the reinforcement of the coordinating role of the NSIs is welcomed. At the same time, this task imposes a burden on the NSIs and will increase their responsibility. It is expected that great efforts should be made in order to fulfil entirely their leading role and their role in assuring the quality control. This is made more difficult by the fact that currently most NSIs are part of the governmental competence structure, meaning that one of the members of the government are exercising their the employer's rights over the heads of the NSIs. It is questioned whether a wider coverage of sanctions regarding the manipulations of statistics applicable for all the Member States is needed, as the main objective of the current proposal is to ensure that the data produced by all statistical authorities are of the highest quality, and since (EU) Regulation No 1173/2011 provides for sanctions concerning the manipulation of deficit and debt statistics in the euro area. Some of the recitals of the current Regulation No. 223/2009 should be slightly redrafted in the light of new Regulation, namely: - Recital 20: reference to article 285, paragraph 2 of the treaty should be replaced by reference to article 338, paragraph 2 of the treaty. - Recital 30: reference to Council Decision 1999/468/EC of 28 June 1999 should be replaced by reference to Regulation (EU) No 182/2011.

- Recital 31: reference to regulatory procedure with scrutiny provided for in article 5a of Decision 1999/468/EC should be replaced by reference to the exercise of delegated powers provided for in Regulation (EU) No 182/2011. It is proposed to make amendments to two articles that are not part of the articles which is included in the proposal from the Commission.
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Commission proposal	Summary of Member States comments and amendments
Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulation (EC) No 223/2009 on European statistics (Text with relevance for the EEA and Switzerland) 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	<i>Amendment proposal:</i> <i>It is proposed to insert a section that the European Central Bank has given its opinion.</i> Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulation (EC) No 223/2009 on European statistics (Text with relevance for the EEA and Switzerland) 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, <u>Having regard to the opinion of the European Central Bank,</u> After transmission of the draft legislative act to the national Parliaments, Acting in accordance with the ordinary legislative procedure,

procedure,	
Whereas:	Whereas:
(1) The European Statistical System (the ESS), as a partnership, has in general successfully consolidated its activities to ensure the development, production and dissemination of high-quality European statistics, including by improving the governance of the system.	Amendment proposal: • <i>It is proposed to delete “the” in front of ESS</i> • <i>It is proposed to delete “high-” in front of quality</i>. The European Statistical System (the-ESS), as a partnership, has in general successfully consolidated its activities to ensure the development, production and dissemination of high-quality European statistics, including by improving the governance of the system.
(2) Some weaknesses have, however, recently been identified, in particular with regard to the statistical quality-management framework.	General comment: • <i>The current formulation focus on the negative. Why not send a positive message. This could be done by mentioning “the need of improvement” instead of using the word “weakness”.</i>

(3) The Commission suggested action to address these weaknesses in its Communication of 15 April 2011 to the European Parliament and the Council ‘Towards robust quality management for European Statistics’⁶. In particular, it suggested a targeted amendment of Regulation (EC) No 223/2009 of the European Parliament and the Council of 11 March 2009 on European statistics⁷.	General comment: • <i>The current formulation focus on the negative. Why not send a positive message. This could be done by mentioning “the need of improvement” instead of using the word “weakness”.</i>
(4) In its conclusions of 20 June 2011, the ECOFIN Council welcomed the Commission’s initiative and stressed the importance of continuously improving the governance and efficiency of the ESS.	
(5) In addition, the impact on the statistical domain of recent developments in the context of the economic-governance framework of the Union should be taken into account, in particular aspects related to statistical independence such as transparent recruitment and dismissal processes, budgetary allocations and pre-release calendars, as laid down in Regulation (EU) No 1175/2011 of the European Parliament and the Council of 16	Need for clarification: • <i>It should be clarified to whom the transparent recruitment and dismissal processes should be related.</i> Amendment proposal: • <i>It is proposed to delete the last part of the recital, since it is not clearly linked to the method proposed here to secure independence.</i> (5) In addition, the impact on the statistical domain of recent developments in the context of the economic-governance framework of the Union should be taken into account, in particular aspects related to statistical independence, such as transparent recruitment and dismissal

November 2011 amending Regulation (EC) No 1466/97 on the strengthening of the surveillance of budgetary positions and the surveillance and coordination of economic policies⁸, as well as those related to the requirement for bodies in charge of monitoring the implementation of national fiscal rules to enjoy functional autonomy, as laid down in Regulation (EU) No .../... of the European Parliament and the Council on common provisions for monitoring and assessing draft budgetary plans and ensuring the correction of excessive deficit of the Member States in the euro area.	processes, budgetary allocations and pre-release calendars, as laid down in Regulation (EU) No 1175/2011 of the European Parliament and the Council of 16 November 2011 amending Regulation (EC) No 1466/97 on the strengthening of the surveillance of budgetary positions and the surveillance and coordination of economic policies⁸, as well as those related to the requirement for bodies in charge of monitoring the implementation of national fiscal rules to enjoy functional autonomy, as laid down in Regulation (EU) No .../... of the European Parliament and the Council on common provisions for monitoring and assessing draft budgetary plans and ensuring the correction of excessive deficit of the Member States in the euro area.
(6) Those aspects should not remain limited to the statistics produced for the purposes of the fiscal-surveillance system and the excessive-deficit procedure but should apply to all European statistics developed, produced and disseminated by the ESS.	<i>Amendment proposal:</i> • <i>It is proposed to change the word “should” to “could” or “shall”, since it is not possible to limit those aspects of independence to financial statistics.</i> • <i>It is proposed to delete recital 6 (Alternative 2).</i> <i>Editorial clarification:</i> • <i>It is proposed to change the wording “by the ESS” to “within the ESS”.</i> <u>Alternative 1:</u> (6) Those aspects should <u>could/shall</u> not remain limited to the statistics produced for the purposes of the fiscal-surveillance system and the excessive-deficit procedure but should apply

	to all European statistics developed, produced and disseminated <u>within</u> by the ESS. <u>Alternative 2:</u> (6) — These aspects should not remain limited to the statistics produced for the purposes of the fiscal surveillance system and the excessive deficit procedure but should apply to all European statistics developed, produced and disseminated by the ESS.
(7) Moreover, the adequacy of resources attributed on an annual or a multiannual basis and available to meet statistical needs is a necessary condition for the professional independence of statistical authorities.	<i>Need for clarification:</i> <i>It should be specified that this refers to national level.</i> <i>Amendment proposals:</i> <i>It is proposed to move recital 8 to the start of recital 7.</i> <i>It is proposed to insert a text on human resource policy at the end.</i> Moreover,<u>The professional independence of statistical authorities should be strengthened and minimum standards should be enforced, in particular as regards the heads of national statistical institutes (NSIs), to whom specific guarantees should be provided in terms of the performance of statistical tasks, organisational management and resource allocation.</u> The adequacy of resources attributed on an annual or a multiannual basis and available to meet statistical needs is a necessary condition for the professional independence of statistical authorities. <u>In this context, the NSIs should be able to shape and implement their own human resources policy based on professional criteria (including capacity to initiate the hiring staff resources), within given financial frames.</u>

(8) To that effect, the professional independence of statistical authorities should be strengthened and minimum standards should be enforced, in particular as regards the heads of national statistical institutes (NSIs), to whom specific guarantees should be provided in terms of the performance of statistical tasks, organisational management and resource allocation.	<i>Amendment proposals:</i> • <i>It is proposed to substitute “implemented” in the text, and leave all “enforcement” matters to recital 13, on ensuring compliance with the Code of Practice.</i> • <i>It is proposed to insert “and their senior responsible statistician”, since the characteristics of independence should be distributed according to the pattern of statistical production in the member state.</i> • <i>It is proposed to move the text to recital 7 (Alternative 2).</i> <u>Alternative 1:</u> (8) To that effect, the professional independence of statistical authorities <u>and their senior responsible statistician</u> should be strengthened and minimum standards should be <u>enforced, in particular as regards the heads of national statistical institutes (NSIs), to whom implemented.</u> <u>S</u>pecific guarantees should be provided <u>to the heads of national statistics institutes (NSIs)</u> in terms of the performance of statistical tasks, organisational management and resource allocation. <u>Alternative 2:</u> (8) To that effect, the professional independence of statistical authorities should be strengthened and minimum standards should be enforced, in particular as regards the heads of national statistical institutes (NSIs), to whom specific guarantees should be provided in terms of the performance of statistical tasks, organisational management and resource allocation.
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(9) Furthermore, the coordinating role already attributed to the NSIs should be clarified as regards its scope, so as to achieve more efficient coordination of statistical activities at national level, including quality management.	Amendment proposals: • <i>It is proposed to insert a text that takes the statistical tasks of the ESCB into account.</i> (9) Furthermore, the coordinating role already attributed to the NSIs should be clarified as regards its scope, so as to achieve more efficient coordination of statistical activities at national level, including quality management, <u>while duly taking into account the statistical tasks performed by the European System of Central Banks (ESCB).</u>
(10) In order to reduce the burden on statistical authorities and respondents, the NSIs and other national authorities should be able to access and use administrative records, including those filled electronically, promptly and free-of-charge, as well as to integrate these records with statistics.	General comment: • <i>The current formulation is not in accordance with the principle of subsidiarity. It should be possible for the owner of administrative data to charge the extraction costs and the data itself should be free of charge.</i> • <i>A definition of administrative records should be included into article 3 (Definitions).</i>
(11) The NSIs should furthermore be consulted at an early stage on the design of new administrative records that could provide data for statistical purposes and on planned changes to, or cessation of, existing administrative sources. They should also receive relevant metadata from the owners of administrative data and coordinate standardisation activities concerning administrative records that	Editorial proposal: • <i>It is proposed to insert “In this respect” at the start of the recital and delete “furthermore”.</i> (11) <u>In this respect</u>, the NSIs should furthermore be consulted at an early stage on the design of new administrative records that could provide data for statistical purposes and on planned changes to, or cessation of, existing administrative sources. They should also receive relevant metadata from the owners of administrative data and coordinate standardisation activities

are relevant for statistical data production.	concerning administrative records that are relevant for statistical data production.
(12) The confidentiality of data obtained from administrative records should be protected under the common principles and guidelines applicable to all confidential data used for the production of European statistics. Quality-assessment frameworks applicable to these data should also be established.	
(13) The quality of European statistics could be strengthened and the confidence of users reinforced, by involving national governments in the responsibility of applying the European Statistics Code of Practice. To this end, a ‘Commitment on Confidence in Statistics’ should be established in each Member State and include specific undertakings by its government to implement the Code and national quality-assurance frameworks, including self-assessments and improvement actions.	Amendment proposals: • Alternative 1: It is proposed to delete the last part of the text from “...and national...”, since the wording suggests that the implementation of the Code and the national quality framework and other activities mentioned herein are different things. • Alternative 2: It is proposed to add at the end of the recital that the ESS is involved in the CoC monitoring procedure. • It is proposed to delete the word “national” in the last sentence and add “at national level” at the end. • Alternative 3: Some countries propose to delete the last sentence, since they are against the compulsory implementation of the CoC. • Alternative 4: It is proposed to delete the recital, since the Commitment of Confidence in Statistics (CoC) is considered unnecessary.

Alternative 1:

(13) The quality of European statistics could be strengthened and the confidence of users reinforced, by involving national governments in the re-responsibility of applying the European Statistics Code of Practice. To this end, a ‘Commitment on Confidence in Statistics’ should be established in each Member State and include specific undertakings by its government to implement the Code ~~and national quality assurance frameworks, including self-assessments and improvement actions.~~

Alternative 2:

(13) The quality of European statistics could be strengthened and the confidence of users reinforced, by involving national governments in the responsibility of applying the European Statistics Code of Practice. To this end, a ‘Commitment on Confidence in Statistics’ should be established in each Member State and include specific undertakings by its government to implement the Code and ~~national~~ quality assurance frameworks, including self-assessments and improvement actions, at the national level. The European Statistical System is involved in the CoC monitoring procedure.

Alternative 3:

(13) The quality of European statistics could be strengthened and the confidence of users reinforced, by involving national governments in the responsibility of applying the European Statistics Code of Practice. ~~To this end, a ‘Commitment on Confidence in Statistics’ should be established in each Member State and include specific undertakings by its government to implement the Code and national quality assurance frameworks, including self-assessments~~

	and improvement actions: Alternative 4: 13) The quality of European statistics could be strengthened and the confidence of users reinforced, by involving national governments in the responsibility of applying the European Statistics Code of Practice. To this end, a ‘Commitment on Confidence in Statistics’ should be established in each Member State and include specific undertakings by its government to implement the Code and national quality assurance frameworks, including self-assessments and improvement actions:
(14) As the production of European statistics must be based on long-term operational and financial planning in order to ensure a high degree of independence, the European statistical programme should cover the same period as the multiannual financial framework.	Need for clarification: How will the harmonization of periods be achieved? The current statistical programme is for 2013-2017, the financial framework ends in 2013.
(15) Regulation (EC) No 223/2009 confers powers on the Commission to implement some of the provisions of that Regulation; as a consequence of the entry into force of the Lisbon Treaty, the powers conferred under this Regulation upon the Commission need to be aligned to Articles 290 and 291 of the Treaty.	Editorial clarification: It is proposed to change the wording “some of” to “determined” since the Regulation 223/2009 gives the Commission right to implement the provisions of the Regulation only in three strictly specified areas. (15) Regulation (EC) No 223/2009 confers powers on the Commission to implement <u>determined</u> some of the provisions of that Regulation; as a consequence of the entry into force

	of the Lisbon Treaty, the powers conferred under this Regulation upon the Commission need to be aligned to Articles 290 and 291 of the Treaty.
(16) The Commission should have the power to adopt delegated acts in accordance with Article 290 of the Treaty in order to supplement or amend certain non-essential elements of Regulation (EC) No 223/2009 so as to specify quality requirements, such as target values and minimum standards for the statistical production, when sectoral statistical legislation does not provide for these. The Commission should ensure that these delegated acts do not impose a significant additional administrative burden on the Member States and on the respondent units.	General comment: • <i>It is proposed that the Commission should use implementing acts instead of delegated acts.</i>
(17) It is of particular importance that the Commission carry out the appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing-up delegated acts, should ensure simultaneous, timely and appropriate submission of the relevant documents to the European Parliament	Editorial proposal: • <i>It is proposed to insert “on delegated act”.</i> (17) It is of particular importance that the Commission carries out the appropriate consultations during its preparatory work <u>on delegated acts</u>, including at expert level. The Commission, when preparing and drawing-up delegated acts, should ensure simultaneous, timely and appropriate submission of the relevant documents to the European Parliament and

and Council.	Council.
(18) There is a need for uniform conditions for implementing access to confidential data for scientific purposes. Implementing powers should be conferred on the Commission with a view to establishing the arrangements, rules and conditions governing such access at Union level, in accordance with the examination procedure laid down in Article 5 of Regulation (EU) No 182/2011 of the European Parliament and the Council laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers ⁹ .	
(19) Since the objective of this Regulation cannot be sufficiently achieved by the Member States and can 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	General comment: • <i>It is pointed out, that the draft proposal entirely lacks appraising statements regarding the principles of subsidiarity and proportionality. According to the “subsidiarity protocol” of the Lisbon treaty, draft European legislative acts shall be justified with regard to the principles of subsidiarity and proportionality.</i>

Article, this Regulation does not go beyond what is necessary in order to achieve that objective.	
(20) The European Statistical System Committee has been consulted,	
HAVE ADOPTED THIS REGULATION:	

Article 1	
Regulation (EC) No 223/2009 is amended as follows:	
(1) In Article 2(1), point (a) is replaced by the following:	(1) In Article 2(1), point (a) is replaced by the following:
‘(a) ‘professional independence’, meaning that statistics must be developed, produced and disseminated in an independent manner, particularly as regards the selection of techniques, definitions, methodologies and sources to be used, and the timing and content of all forms of dissemination, free from any pressures from political or interest groups or from Union or national authorities;’	General comment: • <i>Independence still remains a concept limited to professional independence. According to recital 5, coherence to a broader concept as “statistical independence” could be provided.</i> Need for clarification: • <i>Several countries ask for clarification on why the last sentence of the present Regulation has been deleted?</i> Amendment proposal: • <i>It is proposed to extent the scope of the independence so that it includes both professional and institutional independence.</i> • <i>It is proposed to add an additional text that would allow for simplification of the text of</i>

	<i>Article 5a and other articles.</i> ‘(a) ‘professional <u>and institutional</u> independence’, meaning that statistics must be developed, produced and disseminated in an independent manner, particularly as regards the selection of techniques, definitions, methodologies and sources to be used, and the timing and content of all forms of dissemination, <u>and that the performance of these tasks is free from any pressures from political or interest groups or from Union or national authorities, and free from seeking or taking any statistical instructions from any government or other institution, body, office or entity.</u>’
(2) In Article 5, paragraph 1 is replaced by the following:	(2) In Article 5, paragraph 1 is replaced by the following:
‘1. The national statistical authority designated by each Member State as the body having the responsibility for coordinating all activities at national level for the development, production and dissemination of European statistics (the NSI) shall act in this regard as the sole contact point for the Commission (Eurostat) on statistical matters. The coordinating responsibility of the NSI shall cover all other national authorities responsible for the development, production and dissemination of European statistics. The NSI shall, in particular, be responsible at national level for coordinating	<i>Need for clarification:</i> • <i>Clarification is requested on what is meant by “sole” contact point. And what the difference is from the present Regulation?</i> • <i>Clarification is asked on responsibilities between the NSI's and the other national authorities responsible for European statistics</i> • <i>Clarification is asked by several countries on what coordinating exactly means.</i> • <i>Clarification is asked on what implications of the proposed amendments will have on Regulation (EC) No 951/2009 and Regulation (EC) No 2533/98.</i> <i>Amendment proposal:</i> • <i>It is proposed to delete “all” in front of “activities” and “other”.</i> • <i>It is proposed to replace “sole” by “main”.</i>

statistical programming and reporting, quality monitoring, methodology, data transmission and communication on ESS statistical actions.’	• <i>It is proposed to add “on the coordination of”, since there has to be direct contacts between Eurostat and other statistical authorities for exchanges about statistics produced by these authorities.</i> • <i>It is proposed to replace “responsibility” by “role”.</i> • <i>It is proposed to replace “be responsible” by “coordinate”.</i> • <i>It is proposed to delete “for coordinating” and “and reporting”.</i> • <i>It is proposed to add a section that the NSI’s should have the necessary legal instruments and financial resource to fulfil their coordinating responsibilities.</i> • <i>It is proposed supplementing the second sub paragraph by a text, inspired by the first paragraph of Article 5a.</i> • <i>It is proposed to introduce an independent body to be in charge of securing the professional independence of statistics: National Statistical Governance Advisory Board (NSGAB).</i> ‘1. The national statistical authority designated by each Member State as the body having the responsibility for coordinating all activities at national level for the development, production and dissemination of European statistics (the NSI) shall act in this regard as the sole <u>main</u> contact point for the Commission (Eurostat)) <u>on the coordination of</u> en statistical matters. The coordinating responsibility <u>role</u> of the NSI shall cover all other national authorities responsible for the development, production and dissemination of European statistics. The NSI shall, in particular, be responsible <u>coordinate</u> at national level for coordinating statistical programming and reporting, quality monitoring, methodology, data transmission and communication on ESS statistical actions. <u>In order to take up the coordinating responsibility,</u>
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	<u>the NSI shall be provided with the respective legal instruments and financial resources.</u> <u>NSI and other national authorities shall have the sole responsibility for deciding on processes, statistical methods, standards and procedures, and on the content and timing of statistical releases and publications for European statistics in their sphere of competence. They shall be empowered to decide on all matters regarding the internal management of the NSI. When carrying out these tasks, the NSI shall act in an independent manner; it shall neither seek nor take instructions from any government or other institution, body, office or entity; it shall refrain from any action incompatible with the performance of these tasks.</u> <u>A National Statistical Governance Advisory Board (NSGAB) can be set up at the initiative of each Member State on the model of the ESGAB to monitor and guarantee the professional independence of the development, production and dissemination of European statistics.</u>
(3) The following Article 5a is inserted: <i>‘Article 5a</i> Heads of NSIs	(3) The following Article 5a is inserted: General comments: • <i>It is pointed out that it has to be taken into account that within NSIs planning statistical activities for national needs are also included. Therefore, a specific reference to statistical activities devoted to the development, production and dissemination of European statistics has to be foreseen.</i> • <i>It is pointed out that there is a different organizational structure and national statistical law in the countries. The head of NSIs is in some countries President in other Director General. This has to be carefully considered during the final translation process into languages.</i>

1. Within their national statistical system, the heads of NSIs shall have the sole responsibility for deciding on processes, statistical methods, standards and procedures, and on the content and timing of statistical releases and publications for all European statistics. They shall be empowered to decide on all matters regarding the internal management of the NSI. They shall coordinate the statistical activities of all national authorities that contribute to the development, production and dissemination of European statistics. When carrying out these tasks, the heads of NSIs shall act in an independent manner; they shall neither seek nor take instructions from any government or other institution, body, office or entity; they shall refrain from any action incompatible with the performance of these tasks.	General comments: • <i>It is pointed out that the government decides, under the Constitution, the overall objectives for public authorities, including the NSI. Therefore, the current wordings regarding the sole responsibility for heads of NSIs need to be modified so that it is possible to retain a decentralized system in which the Director General of each statistical authority decides on the content and timing of statistical releases and publications.</i> • <i>It is pointed out that if the head of the NSI would be given the sole responsibility for all European statistics, it would lead to a subordination of all other authorities producing statistics (e.g. Central Bank, Finance Ministries, regional authorities) to the head of the NSI. It is assumed that this is not intended by this Regulation. The Commission is asked to give a clarification on this.</i> • <i>The head of NSI can't be the sole representative of the Member States within the whole ESS.</i> • <i>Will this Article establish a hierarchy in the National Statistical Systems? And is this compatible with Article 4?</i> Need for clarification: • <i>It is pointed out that the choice of statistical methods and processes can be influenced by the budget which – as regards institutions other than NSI – is not in the hands of the NSIs and their heads. It is therefore not clear how the responsibility on processes, methods etc. can be linked to the budget possibilities.</i> • <i>It is pointed out that there appears to be an incongruence between sentence 1 and sentence 3 as the heads of the NSIs are given the sole responsibility to decide on statistical processes (sentence 1) but to merely coordinate all statistical activities (sentence 3).</i> • <i>It is pointed out that it should be explained what functions are contained in “internal management matters” and if they may be limited by legal or general administrative Regulations. We suggest to move this aspect to the end of the paragraph as it refers to a</i>
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	<i>different context. Could the Commission please extend on what is meant by “internal management” matters.</i> • <i>It is pointed out that in this Article it is the head of the NSI assuming responsibility but in Article 6 it is the Commission as an institution assuming responsibility.</i> <i>Amendment proposals:</i> The amendment proposals can be divided into 4 different alternatives. <u>Alternative 1:</u> • <i>It is proposed to delete “heads of” in front of NSIs.</i> • <i>It is proposed to change “sole responsibility” with “final responsibility” or “ultimate responsibility” since the heads of NSIs should take these decisions after broad consultations with all actors in the national statistical system.</i> • <i>It is proposed to add “produced by the NSI”, since that the heads of NSIs can only be the sole responsible for statistics produced by the NSI.</i> • <i>It is proposed to change “They” to “The Heads of NSI”.</i> • <i>It is proposed to add “within their given budgetary framework and respecting the role of their supervisory bodies”, since the internal management needs to be restricted to the powers delegated to the heads of NSIs.</i> • <i>It is proposed to change “contribute to” to “are responsible for”.</i> • <i>It is proposed to delete the word “all” before “national authorities”.</i> • <i>It is proposed to include in article 2(1)(a) – the definition of professional independence – that the head of NSI shall not take advice from anybody. Thus the description can be omitted in this article.</i>
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	• Alternative 2: <i>It is proposed to widen the scope of this paragraph to NSIs and other national authorities. The division of work and responsibilities between different authorities inside the National Statistical System is a national matter and cannot be enacted at European level. The head of NSI can coordinate statistical activities of other national authorities but cannot decide on matters that fall under responsibility of other organisations.</i> • Alternative 3: <i>It is proposed to widen the applicability of the definition of acting with professional independence to all the senior responsible statisticians for the producers of European statistics. The national statistical authorities for a Member State are already designated to the Commission. Under this proposal the senior responsible statistician for each NSA would also be designated. These statisticians would be subject to the requirements of professional independence.</i> • Alternative 4: <i>It is proposed to include NSGAB in the provisions.</i> • Alternative 5: <i>It is proposed to delete paragraph 1. From institutional and functional subordination point of view the Head of NSI can take a decision only regarding his/her institution and not the whole national statistical system.</i> <u>Alternative 1:</u> 1. Within their national statistical system, the heads of NSIs shall have the sole <u>final/ultimate</u> responsibility for deciding on processes, statistical methods, standards and procedures, and on the content and timing of statistical releases and publications for all European statistics <u>produced by the NSI. They</u> <u>The Heads of NSI</u> shall be empowered, <u>within their given budgetary framework and respecting the role of their supervisory bodies</u>, to decide on all matters regarding the internal management of the NSI. They shall coordinate the statistical activities of all national authorities that contribute to <u>are responsible for</u> the
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	development, production and dissemination of European statistics. When carrying out these tasks, the heads of NSIs shall act <u>with professional independence in an independent manner</u>; they shall neither seek nor take instructions from any government or other institution, body, office or entity; they shall refrain from any action incompatible with the performance of these tasks. <u>Alternative 2:</u> <i>‘Article 5a</i> Heads of NSIs <u>and other national authorities</u> 1. Within their national statistical system, the heads of NSIs <u>and other national authorities</u> shall have the sole responsibility for deciding on processes, statistical methods, standards and procedures, and on the content and timing of statistical releases and publications for all those European statistics for which <u>they are responsible</u>. They <u>The heads of NSIs</u> shall be empowered to decide on all matters regarding the internal management of the NSI. They shall coordinate the statistical activities of all national authorities that contribute to the development, production and dissemination of European statistics. When carrying out these tasks, the heads of NSIs <u>and other national authorities</u> shall act in an independent manner; they shall neither seek nor take instructions from any government or other institution, body, office or entity; they shall refrain from any action incompatible with the performance of these tasks. <u>Alternative 3:</u> <i>‘Article 5a</i>
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	<u>Heads of NSIs and national statistical authorities</u> 1. Within their national statistical system, the heads of NSIs shall <u>designate the senior statistician in each national statistical authority who shall</u> have the sole responsibility for deciding on processes, statistical methods, standards and procedures, <u>internal statistical management</u>, and on the content and timing of statistical releases and publications for all European statistics. They shall be empowered to decide on all matters regarding the internal management of the NSI. They <u>The Head of the NSI</u> shall coordinate the statistical activities of all the NSI and the national authorities that contribute to the development, production and dissemination of European statistics. When carrying out these tasks, the heads of NSIs and the senior responsible statisticians shall act in an independent manner; they shall neither seek nor take instructions from any government or other institution, body, office or entity; they shall refrain from any action incompatible with the performance of these tasks. <u>Alternative 4:</u> <i>Article 5a</i> <u>Heads of NSIs and NSGABs</u> 1. Within their national statistical system, the heads of NSIs shall have the sole responsibility for deciding on processes, statistical methods, standards and procedures, and on the content and timing of statistical releases and publications for all European statistics. They shall be empowered to decide on all matters regarding the internal management of the NSI. They shall coordinate the statistical activities of all national authorities that contribute to the development, production and dissemination of European statistics, <u>without prejudice to the</u>
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tasks performed by the European System of Central Banks (ESCB), as laid down by Regulation n°951/2009 of the European Parliament and of the Council of 9 October 2009, as to the pursuance of the cooperation between the ESS and the ESCB on common statistical issues, which is provisioned for in Article 9 of the present Regulation and in the Council Decision 2006/856

1a. ~~When carrying out these tasks, the heads of NSIs shall act in an independent manner; they~~
~~The heads of NSIs or when they exist, the heads of NSGAB shall guarantee the professional independence of these statistics. Those in charge of guaranteeing independence shall neither~~
~~seek nor take instructions from any government or other institution, body, office or entity; they~~
~~shall refrain from any action incompatible with the performance of these tasks.~~

Alternative 5:

~~1. Within their national statistical system, the heads of NSIs shall have the sole responsibility for deciding on processes, statistical methods, standards and procedures, and on the content and timing of statistical releases and publications for all European statistics. They shall be empowered to decide on all matters regarding the internal management of the NSI. They shall coordinate the statistical activities of all national authorities that contribute to the development, production and dissemination of European statistics. When carrying out these tasks, the heads of NSIs shall act in an independent manner; they shall neither seek nor take instructions from any government or other institution, body, office or entity; they shall refrain from any action incompatible with the performance of these tasks.~~

2. The procedures for recruitment, transfer and dismissal of heads of NSIs shall be transparent and based on professional criteria only.	General comment: - It is pointed out that it is not necessary to decree on recruitment and dismissal of the heads of NSIs again in this act, since Regulation (EU) No 1175/2011 of the European Parliament and of the Council amending Council Regulation (EC) No 1466/97 already sets the criteria for recruitment and dismissal. Need for clarification: - A clarification is needed on what is meant by “transfer”. Amendment proposal: - It is proposed to replace the word “transfer” by “appointment”. - It is proposed to add “top management” to the current proposal on transparent rules for the appointment / dismissal of the heads of NSIs. - In line with alternative 3 (paragraph 1) it is proposed to widen the applicability. - It is proposed to add a sentence on the involvement of NSGAB – in line with alternative 4 (paragraph 1). - It is proposed to add the reasons for terminating the incumbency from the Code of Practice. 2. The procedures for recruitment, <u>appointment transfer</u> and dismissal of <u>top management</u> and heads of NSIs <u>and the senior statistician in national statistical authorities</u> shall be transparent and based on professional criteria only. <u>When they exist, heads of NSGABs must be involved in these procedures. The reasons on the basis of which the incumbency can be</u>
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	<u>terminated are specified in the legal framework.</u>
3. The heads of NSIs shall be accountable for the statistical activities and budget execution of the NSI; they shall publish an annual report and may express comments on budget allocation issues related to the statistical activities of the NSI.	<i>Need for clarification:</i> <i>A clarification is requested on the contents of the annual report as well as to whom comments can be expressed by NSIs on budget allocation.</i> <i>A clarification is requested on what is expected from the possibility to “express comments on budget allocation issues related to statistical activities of the NSI”.</i> <i>Amendment proposal:</i> <i>Alternative 1:</i> <i>In line with alternative 3 (paragraph 1) it is proposed to widen the applicability.</i> <i>It is proposed to specify that the activities mentioned only concern “European” activities.</i> <i>Alternative 2:</i> <i>In line with alternative 4 (paragraph 1) it is proposed to add a sentence on the inclusion of the head of NSGAB.</i> <i>It is proposed to delete the text “shall be accountable for the statistical activities and budget execution of the NSI; they” since it is considered not in line with the principle of subsidiarity.</i> <i>The following two amendments are applicable to both alternatives:</i>

	• <i>It is proposed to delete “shall publish an annual report” , since it should remain in the discretion of the respective NSI.</i> • <i>It is proposed to replace “NSI” with “national statistical system” at the end of the paragraph.</i> • <i>Alternative 3: It is proposed to delete paragraph 3, since it, to some extent, violates the principle of subsidiarity, proportionality and principle of conferred powers.</i> <u>Alternative 1:</u> 3. The heads of NSIs, <u>and senior statistician in national statistical authorities</u> shall be accountable for the <u>European</u> statistical activities and budget execution of the NSI; they <u>Alternative 2:</u> 3. The heads of NSIs <u>or heads of NSGABs shall be accountable for the statistical activities and budget execution of the NSI; they</u> <u>shall publish an annual report and</u> may express comments on budget allocation issues related to the <u>European</u> statistical activities of the NSI <u>national statistical system</u>.
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	<u>Alternative 3:</u> 3. The heads of NSIs shall be accountable for the statistical activities and budget execution of the NSI; they shall publish an annual report and may express comments on budget allocation issues related to the statistical activities of the NSI.
4. The heads of NSIs shall represent their national statistical systems within the ESS.’	<u>Amendment proposal:</u> • <i>It is proposed to add “formally” or “officially” since some activities within the ESS are performed on the levels different from the heads of NSIs (e.g. directors).</i> • <i>It is proposed to replace “national statistical systems” with “Member State”.</i> • <i>It is proposed to add a sentence.</i> 4. The heads of NSIs shall <u>officially/formally</u> represent their national statistical systems <u>Member State</u> within the ESS <u>without prejudice of the possible delegation to national statistical experts, when necessary.</u>
(4) In Article 6, paragraph 2 is replaced by the following:	(4) In Article 6, paragraph 2 is replaced by the following:
‘2. At Union level, the Commission (Eurostat) shall act independently in ensuring the production of European statistics according to established rules and statistical principles. In this respect, it	<u>Need for clarification:</u> • <i>A clarification is requested from the Commission with regard to the progress on the amending Commission Decision 97/281/EC on the role of Eurostat as regards the production of community statistics.</i> • <i>It is pointed out that in this Article it is the Commission as an institution assuming</i>

shall have the sole responsibility for deciding on processes, statistical methods, standards and procedures, and on the content and timing of statistical releases.’	<i>responsibility, but in Article 5a the head of the NSI is assuming responsibility.</i> <i>Amendment proposal:</i> • <i>It is proposed to add a wording indicating that as a partner of the ESS, the Commission (Eurostat) should also be clearly committed to the implementation of the Code of Practice.</i> • <i>It is proposed to add a wording that the independence applying to NSI’s should also apply to Eurostat.</i> • <i>It is proposed to add a section that the head of Eurostat has the same role and obligation to professional independence as the head of the NSI.</i> • <i>It is proposed to add two new paragraphs (2b and 2c) stating that the provisions applied to the Heads of NSIs should also be applied to the Head of Eurostat.</i> ‘2. At Union level, the Commission (Eurostat) shall act independently in ensuring the production of European statistics according to established rules and statistical principles <u>and in accordance with the full implementation of the Code of Practice</u>. In this respect, it shall have the sole responsibility for deciding on processes, statistical methods, standards and procedures, and on the content and timing of statistical releases. <u>All aspects of independence applying to NSIs apply also to Eurostat.</u>’ <u>The head of Eurostat shall have the sole responsibility for deciding on processes, statistical methods, standards and procedures, internal statistical management, and on the content and timing of statistical releases and publications for European statistics at Union level. The head of Eurostat shall act with professional independence.</u>
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	<u>2(b) The procedure for recruitment, transfer and dismissal of the head of Eurostat shall be transparent and based on professional criteria only.</u> <u>2(c) The head of Eurostat shall publish an annual report and may express comments on budget allocation issues related to the statistical activities of Eurostat.</u>
(5) In Article 11, the following paragraph 3 is added:	(5) In Article 11, the following paragraph 3 is added:
‘3. Member States shall take all necessary measures to implement the Code of Practice in order to maintain confidence in their statistics. To this effect, each Member State, represented by its government, shall sign and implement a ‘Commitment on Confidence in Statistics’ whereby specific policy commitments are made to implement the Code and to establish a national quality assurance framework, including self-assessments and improvement actions. The Commitment shall be counter-signed by the Commission. These commitments shall be regularly monitored by the Commission on the basis of annual reports sent by Member States. The Commission shall	General comment: • <i>It is pointed out that the details of the policy commitments (signing and implementation of a “Commitment on Confidence in Statistics”) ought to be modified to suit the public administration system to all Member States.</i> • <i>It is mentioned that Commitments on Confidence should be mentioned only in the recitals taking into account the not-binding nature of this statements.</i> Need for clarification • <i>Clarifications are requested on the following questions:</i> ○ <i>What is the legal nature of the intended Commitment of Confidence?</i> ○ <i>Can Member States be legally obligated to sign a Commitment of Confidence, since Commitment of Confidence can be considered as a soft-law instrument?</i> ○ <i>What is the basis of the monitoring process that should be carried out?</i> ○ <i>Who will draft the Commitment of Confidence as regards its content?</i> ○ <i>Which role is expected to be played by ESGAB?</i>

report to the European Parliament and the Council on the implementation of these commitments within 3 years of the entry into force of this Regulation.’	<i>Amendments proposals:</i> • <i>It is proposed to insert “The Commission (Eurostat) and the” in front of “Member States”.</i> • <i>It is proposed to insert “European Statistics” in front of “Code of Practice”.</i> • <i>It is proposed to replace “their” by “European” in front of statistics</i> • <i>It is proposed to insert that the Commitment of Confidence should not only be signed by the government but also the Head of NSI.</i> • <i>A number of countries propose to replace “shall sign” by “may sign”.</i> • <i>It is proposed to delete the sentence which instructs the Member States to establish a national quality assurance framework – in line with alternative 1 of recital 13.</i> <i>There are two different alternatives concerning the last sentence of the first part of the paragraph.</i> • <i>Alternative 1:</i> <i>It is proposed to insert ‘and the Head of the Commission (Eurostat)’.</i> • <i>Alternative 2:</i> <i>It is proposed to replace the last sentence of the first paragraph. The new sentence will make NSGAB monitor the implementation of the Code of Practice. See Article 5 for an explanation on NSGAB</i> <i>There are the following amendment proposals to the second part of the paragraph</i> • <i>It is proposed to add “submit a” in front of “report”.</i> • <i>It is proposed to add a new sentence at the end. The wording should introduce the</i>
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	<i>possibility of modifying the Commitment of Confidence.</i> <i>Three different alternatives on deleting text in the Article 11 paragraph 3 are suggested.</i> • Alternative 3: <i>It is proposed to replace the second and third sentence of the first part by a new wording.</i> • Alternative 4: <i>It is proposed to delete the second and third sentence of the first part and the second part of the paragraph.</i> • Alternative 5: <i>It is proposed to delete the whole Article 11 paragraph 3.</i> ‘3. <u>The Commission (Eurostat) and the Member States</u> shall take all necessary measures to implement the <u>European Statistics</u> Code of Practice in order to maintain confidence in their <u>European</u> statistics. To this effect, each Member State, represented by its government <u>and the Head of the NSI</u>, shall <u>may</u> sign and implement a ‘Commitment on Confidence in Statistics’ whereby specific policy commitments are made to implement the Code and to establish a national quality assurance framework, including self-assessments and improvement actions. <u>Alternative 1:</u> The Commitment shall be counter-signed by the Commission <u>and the Head of the Commission (Eurostat).</u> <u>Alternative 2:</u> The Commitment shall be counter-signed by the Commission. <u>When they exist, the heads of</u> <u>NSGABs shall monitor the implementation of the Code of Practice</u>
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	‘These commitments shall be regularly monitored by the Commission on the basis of annual reports sent by Member States. The Commission shall <u>submit a</u> report to the European Parliament and the Council on the implementation of these commitments within 3 years of the entry into force of this Regulation.’ <u>In the process of implementing the commitments or arising needs, ‘Commitment on Confidence in Statistics’ may be modified on mutual agreement of contracting parties.</u> <u>Alternative 3:</u> ‘3. Member States shall take all necessary measures to implement the Code of Practice in order to maintain confidence in their statistics. <u>All necessary measures referred above shall particularly address but not be limited to – establishment of a national quality assurance framework, self-assessments and improvement actions. To this effect, each Member State, represented by its government, shall sign and implement a ‘Commitment on Confidence in Statistics’ whereby specific policy commitments are made to implement the Code and to establish a national quality assurance framework, including self-assessments and improvement actions. The Commitment shall be counter-signed by the Commission. These commitments</u> <u>These measures implemented</u> shall be regularly monitored by the Commission on the basis of annual reports sent by Member States. The Commission shall report to the European Parliament and the Council on the implementation of these measures within 3 years of the entry into force of this Regulation.’
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Alternative 4:

‘3. Member States shall take all necessary measures to implement the Code of Practice in order to maintain confidence in their statistics. ~~To this effect, each Member State, represented by its government, shall sign and implement a ‘Commitment on Confidence in Statistics’ whereby specific policy commitments are made to implement the Code and to establish a national quality assurance framework, including self-assessments and improvement actions. The Commitment shall be counter-signed by the Commission.~~ These commitments shall be regularly monitored by the Commission on the basis of annual reports sent by Member States. The Commission shall report to the European Parliament and the Council on the implementation of these commitments within 3 years of the entry into force of this Regulation.’

Alternative 5:

‘3. — Member States shall take all necessary measures to implement the Code of Practice in order to maintain confidence in their statistics. ~~To this effect, each Member State, represented by its government, shall sign and implement a ‘Commitment on Confidence in Statistics’ whereby specific policy commitments are made to implement the Code and to establish a national quality assurance framework, including self-assessments and improvement actions. The Commitment shall be counter-signed by the Commission.~~ These commitments shall be regularly monitored by the Commission on the basis of annual reports sent by Member States. The Commission shall report to the European Parliament and the Council on the implementation of these commitments within 3 years of the entry into force

	of this Regulation.’
(6) In Article 12(2), the second sub-paragraph is replaced by the following:	(6) In Article 12(2), the second sub-paragraph is replaced by the following:
‘Specific quality requirements, such as target values and minimum standards for the production of statistics, may be laid down in sectoral legislation. Where sectoral legislation does not so provide, the Commission may adopt, by means of delegated acts in accordance with Article 26a, such specific quality requirements.’	Amendment proposal: • <i>It is proposed to delete the wording “such as target values and minimum standards” , since quality refers to a broader scope of issues.</i> • <i>It is proposed to replace “delegated” by “implementing” , since specific quality requirement should be adopted by implementing acts and not delegated acts.</i> • <i>It is proposed to add “the examination procedure referred to in” and to replace reference to article 26a by 27(2). This will bring consistency with the change of “delegated” to “implementing” .</i> ‘Specific quality requirements, such as target values and minimum standards for the production of statistics, may be laid down in sectoral legislation. Where sectoral legislation does not so provide, the Commission may adopt, by means of delegated <u>implementing</u> acts in accordance with <u>the examination procedure referred to in Article 26a 27 (2)</u>, such specific quality requirements.’
(7) In Article 13, paragraph 1 is replaced by the following:	(7) In Article 13, paragraph 1 is replaced by the following:
‘1. The European statistical programme shall	General comment:

provide the framework for the development, production and dissemination of European statistics, setting out the main fields and the objectives of the actions envisaged for a period corresponding to that of the multiannual financial framework. It shall be decided upon by the European Parliament and the Council. Its impact and cost effectiveness shall be assessed with input from independent experts.’	• <i>The impact of this proposal should be analysed and its consequences in the ESP 2013-2017, currently under discussion.</i> Need for clarification • <i>A clarification is requested on how the harmonization of periods will be achieved when the current statistical programme is for 2013-2017 and the financial framework ends in 2013.</i>
(7a) Article 17	(7a) Article 17
	General comment: • <i>The annual work Programme should no longer be “the Commissions Programme” but “the ESS annual Programme”. Therefore, it is proposed to amend Article 17 mentioning the approval of these programmes by comitology.</i> Amendment proposal: • <i>It is proposed to replace the first paragraph in Article 17 in Regulation 223/2009, since , there is a need for more guarantees to the NSIs considering that the multiannual programme is described in a much more global way.</i> <u>‘Each year, before the end of May, the Commission shall define the annual European Statistical programme in accordance with the procedure referred to in article 27(2). That work programme</u>

	<u>shall be based on the European statistical programme and shall indicate, in particular:’</u>
(8) The following Article 17a is inserted:	(8) The following Article 17a is inserted:
<i>‘Article 17a</i> Access, use and integration of administrative records ‘1. In order to reduce the burden on respondents, the NSIs, other national authorities as referred to in Article 4 and the Commission (Eurostat) shall have the right to access and use, promptly and free of charge, all administrative records and to integrate these administrative records with statistics, to the extent necessary for the development, production and dissemination of European statistics.	General comment: • <i>It is suggested that it should be possible for the owner of administrative data to charge the extraction costs and the data itself should be free of charge. The current formulation is not in accordance with the principle of subsidiarity</i> Need for clarification: • <i>Further clarification is needed, through discussion in Council, of the intention and effect of the amendments to the access to administrative data article.</i> • <i>Clarification is needed on what is meant by administrative records.</i> Amendment proposal: • <i>Some Member States have proposed to clarify that access to administrative records at the national and Union levels is a matter for the national statistical agencies and the Commission (Eurostat), respectively.</i> • <i>Some Member States have proposed that “shall have the right to access” should be replaced by “may have access”.</i> • <i>It is proposed to clarify that national legislation cannot be used to refuse access to administrative data.</i> ‘1. <u>In order to reduce the burden on respondents, the Member States and the Commission (Eurostat), within their respective spheres of competence, shall ensure that NSIs, other national</u>

	authorities as referred to in Article 4 and the Commission (Eurostat) shall <u>may</u> have the right to access <u>to</u> and use <u>of</u>, promptly and free of charge, all administrative records and to integrate these administrative records with statistics, to the extent necessary for the development, production and dissemination of European statistics. <u>Administrative data owners shall not refer to national Regulations and refuse to give access to administrative data.</u>
2. The NSIs and the Commission (Eurostat) shall be consulted on and involved in the initial design, subsequent development and discontinuation of administrative records built up and maintained by other bodies, thus facilitating the further use of these records for statistical purposes. They shall have the right to coordinate standardisation activities concerning administrative records relevant for statistical data production.	<i>Amendment proposal:</i> • <i>Some Member States have proposed to clarify that access to administrative records at the national and Union levels is a matter for the national statistical agencies and the Commission (Eurostat), respectively.</i> • <i>It is proposed to add “including any modification” as a specification to “subsequent development”.</i> • <i>It is proposed to specify that “other bodies” are “other public administration bodies”.</i> • <i>It is proposed to limit the scope to domains where EU statistics have already been adopted.</i> <i>There are two different proposals for rephrasing the last sentence:</i> • <i>Alternative 1:</i> <i>It is proposed to rephrase the last sentence, so that NSIs and Eurostat “be involved in” standardisation activities etc., not “have the right to coordinate”. The reason is that Administrative records will always remain a principle responsibility of administrative authorities.</i> • <i>Alternative 2:</i> <i>It is proposed to replace “They shall have the right to coordinate” by “This includes the”.</i>

	2. The NSIs and the Commission (Eurostat) <u>within their respective spheres of competence</u> shall be consulted on and involved in the initial design, subsequent development <u>(including any modification)</u> and discontinuation of administrative records built up and maintained by other <u>public administration</u> bodies, thus facilitating the further use of these records for statistical purposes <u>in the domains where an EU legal text has been adopted or a Commission Communication has been published</u>. <u>Alternative 1:</u> They shall <u>be involved in the</u> have the right to co-ordinate standardisation activities concerning administrative records relevant for statistical data production. <u>Alternative 2:</u> They shall have the right to co-ordinate <u>This includes the</u> standardisation activities concerning administrative records relevant for statistical data production.
3. Access by and involvement of the NSIs, other national authorities and the Commission (Eurostat) pursuant to paragraphs 1 and 2 shall be limited to administrative records within their own respective public administrative system.	<i>Amendment proposal:</i> • <i>It is proposed to interchange paragraphs 3 and 4 in order to refer to paragraphs 1, 2, and (new) 3 in the new paragraph 4.</i> • <i>It is proposed to specify that other national authorities mean national “statistical” authorities.</i> • <i>It is proposed to specify that other national authorities are those referred to in article 4.</i> • <i>Some Member States suggest that “and the Commission (Eurostat)” is deleted.</i>

	• <i>It is proposed to clarify the meaning of administrative records covered by this article.</i> • <i>It is proposed to specify that the Commission shall only have access to administrative records in Member States after consent of the Member State.</i> <u>43.</u> Access by and involvement of the NSIs, other national <u>statistical</u> authorities <u>as referred to in Article 4 and the Commission (Eurostat)</u> pursuant to paragraphs 1, <u>and 2 and 3</u> shall be limited to administrative records <u>that are maintained in connection with the performance of a statutory duty by public authorities, institutions and bodies</u>, within their own respective <u>spheres of competence public administrative system</u>. <u>Access by the Commission (Eurostat) to administrative records within the administrative systems of Member States shall be subject to the consent of the given Member State.</u>
4. The NSIs shall receive relevant metadata from the owners of administrative records used for statistical purposes.	<i>Amendment proposal:</i> • <i>It is proposed to interchange paragraphs 3 and 4 in order to refer to paragraphs 1, 2, and (new) 3 in the new paragraph 4.</i> • <i>It is proposed to clarify that the administrative data should not necessarily originally be used for statistical purposes.</i> <u>34.</u> The NSIs shall receive relevant metadata from the owners of administrative records <u>used for statistical purposes</u>.

5. The NSIs and owners of administrative records shall establish the necessary cooperation mechanisms. ’	<i>Amendment proposal:</i> • <i>It is proposed to add a clarifying remark that the provision in this paragraph refers to paragraphs 2 and 4.</i> • <i>It is proposed to specify that the Member States shall establish the legal framework for the provisions in this article.</i> 5. The NSIs and owners of administrative records shall establish the necessary cooperation mechanisms <u>regarding fulfilment of paragraphs 2 and 4. Member States shall establish the legal framework necessary for implementing the provisions above.</u>
(9) In Article 23, the second sub-paragraph is replaced by the following:	(9) In Article 23, the second sub-paragraph is replaced by the following:
‘The arrangements, rules and conditions for access at Union level shall be established in accordance with the examination procedure referred to in Article 27(2).’	
(10) Article 24 is deleted.	(10) Article 24 is deleted.
(10a) Article 26	(10a) Article 26
	<i>Amendment proposal:</i> • <i>It is proposed to add a sentence to the paragraph in Article 26 in Regulation 223/2009. This provides for sufficient legal basis when designing sanctions in the case of confidential data disclosure.</i>

	‘These measures may concern the person having violated statistical confidentiality and the institution to which he/she belongs.’
(11) The following Article 26a is inserted:	(11) The following Article 26a is inserted:
<i>‘Article 26a</i> Exercise of delegated powers 1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.	General comments: It is suggested that article 12(2) should deal with implementing acts. It is pointed out that in case this is adopted, article 26a would be superfluous.
2. The delegation of power referred to in Article 12(2) shall be conferred on the Commission for a period of 5 years from the entry into force of this Regulation. 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	Editorial clarification: It is suggested to clarify that the relevant point in article 12(2) is second sub-paragraph. 2. The delegation of power referred to in Article 12(2) <u>second sub-paragraph</u> shall be conferred on the Commission for a period of 5 years from the entry into force of this Regulation. 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.

before the end of each period.	
3. The delegation of power referred to in Article 12(2) may be revoked at any time by the European Parliament or by the Council. A revocation decision 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.	Editorial clarification: • <i>It is suggested to clarify that the relevant point in article 12(2) is second sub-paragraph.</i> 3. The delegation of power referred to in Article 12(2) <u>second sub-paragraph</u> may be revoked at any time by the European Parliament or by the Council. A revocation decision 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. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.	
5. A delegated act adopted pursuant to Article 12(2) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of 2 months of notification of that act to the European Parliament	Editorial clarification: • <i>It is suggested to clarify that the relevant point in article 12(2) is second sub-paragraph.</i> 5. A delegated act adopted pursuant to Article 12(2) <u>second sub-paragraph</u> shall enter into force only if no objection has been expressed either by the European Parliament or the Council

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.’	within a period of 2 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.’
(12) Article 27 is replaced by the following:	(12) Article 27 is replaced by the following:
‘Article 27 Committee 1. The Commission shall be assisted by the European Statistical System Committee. 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 of the European Parliament and the Council laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission’s exercise of implementing powers shall apply.’	General comment: • <i>It is pointed out that the possible new organisational structure and reinforced governance of the ESSC (under discussion) should be taken into account.</i>

	<i>Amendment proposal:</i> • <i>It is proposed to add a new paragraph aiming at reinforcing the comitology procedure by introducing the option of “non-adoption” in cases where the Committee delivers no opinion, because of the scope of comitology envisaged in this proposal for Regulation, namely as regards the access to confidential data for scientific purposes.</i> <u>3. Where the committee delivers no opinion, the Commission shall not adopt the draft implementing act and the third subparagraph of Article 5(4) of Regulation (EU) No 182/2011 shall apply.</u>

<i>Article 2</i>	<i>Article 2</i>
Entry into force	
This Regulation shall enter into force on the twentieth day following that of its publication in the <i>Official Journal of the European Union</i>. This Regulation shall be binding in its entirety and directly applicable in all Member States. Done at Brussels, 17.4.2012	

<i>For the European Parliament The President</i>	<i>For the Council The President</i>	
END	END	END
