



Council of the  
European Union

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#### **"I/A" ITEM NOTE**

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From: General Secretariat of the Council  
To: Permanent Representatives Committee/Council

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Subject: Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No. 223/2009 on European Statistics  
**(First reading)**  
- Adoption  
a) of the Council's position at first reading  
b) of the statement of the Council's reasons  
= Statement

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#### **Statement by the United Kingdom, Finland and Lithuania**

With reference to the proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) no. 223/2009 on European Statistics, the United Kingdom, Finland and Lithuania consider that, while Article 338(1) TFEU is the legal basis for Regulation 223/2009, it does not constitute an appropriate legal basis for Article 12(5) of the proposed regulation. The latter Article provides for a competence of the European Commission to initiate and conduct an investigation where sectoral legislation provides for fines in cases where Member States misrepresent statistical data. The United Kingdom, Finland and Lithuania underline that Article 338 TFEU does not provide for the imposition of fines or other sanctions in the field of statistics in sectoral legislation, therefore article 12(5) is not considered as a legally permissible basis for future sectoral legislation.