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ADDENDUM TO "I" ITEM NOTE

From: General Secretariat of the Council
to: Coreper

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Subject: Proposal for a Regulation of the European Parliament and of the Council
amending Council Regulation (EC) No 577/98 on the organisation of a labour
force sample survey in the Community
- *Approval of the final compromise text*

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

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

Proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 577/98 on the organisation of a labour force sample survey in the Community

(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 order to effectively combat discrimination in accordance with Article 10 of the Treaty on the Functioning of the European Union (TFEU), to assist in ensuring compliance with Article 21 of the Charter of Fundamental Rights of the European Union, and to pursue the aim of full employment and social progress, in accordance with Article 3 of the Treaty on European Union, as well as in order to monitor progress towards Union policy objectives, such as the Europe 2020 headline targets, it is necessary to have comparable, reliable and objective statistics on the situation of employed persons, unemployed persons and persons outside the labour market, while respecting statistical confidentiality, privacy and protection of personal data.

- (1) As a consequence of the entry into force of the Treaty on the Functioning of the European Union (TFEU), the powers conferred upon the Commission need to be aligned **with its Article 290 and with the new legal framework resulting from the entry into force of 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.**
- (2) The Commission has committed itself¹, under 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 powers², to reviewing legislative acts which currently contain references to the regulatory procedure with scrutiny in the light of the criteria laid down in the Treaty.
- (3) DELETED
- (4) Council Regulation (EC) No 577/98 of 9 March 1998 on the organisation of a labour force sample survey in the Community³ contains references to the regulatory procedure with scrutiny and should therefore be reviewed in the light of the criteria laid down in the Treaty.
- (5) **In order notably to take account of economic, social and technical developments, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of the adjustment of the list of survey variables, specified within the list of 14 groups of survey characteristics referred to in Article 4 paragraph 1, to establish a programme of ad hoc modules and to determine the variables to be included in each ad hoc module.** In addition, the Commission should be empowered to adopt delegated acts in order to adopt the list of structural variables, including the minimum sample size and the survey frequency. **The Commission should ensure that these delegated acts do not impose a significant additional burden on the Member States or on the respondent units.**

¹ OJ L 55, 28.2.2011, p. 19.

² OJ L 55, 28.2.2011, p. 13.

³ OJ L 77, 14.3.1998, p. 3.

- (6) It is of particular importance that the Commission carry out 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 transmission of relevant documents to the European Parliament and the Council.
- (7) 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.
- (8) In view of the importance of the Labour Force Survey ad hoc modules **for** Union policies, a contribution by the Union to the financing of their implementation **shall be awarded, in accordance with the principle of reasonable financial-burden-sharing between the budgets of the Union and the Member States. Grants should be provided**, without calls for proposals, **in accordance with the second subparagraph of Article 128(1) of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union⁴**. The grants **should** be awarded, **subject to the actual implementation of the ad hoc modules**, to the national statistical institutes and other national authorities referred to in Article 5(2) of Regulation (EC) No 223/2009 of the European Parliament and of the Council of 11 March 2009 on European statistics⁵. Grants that are provided for **the purpose** of carrying out labour force surveys may take the form of lump sums. In this context, the use of lump sums should be **one of the** principal means of simplifying grant management.
- (9) By derogation from Article 126(3)(e) of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union, in view of the increased [...] burden related to the additional information to be collected for the Labour Force Survey **ad hoc modules** which will contribute to providing the indicators for **the Union policy** targets, it is necessary to co-finance the salary costs of the personnel of national administrations even if the relevant public authority would have carried out the supported action without an EU grant, **as well as other relevant eligible costs**.

⁴ OJ L 298, 26.10.2012, p. 1.

⁵ OJ L 87, 31.3.2009, p. 164.

- (10) **As regards conferral of powers on the Commission, the Regulation is limited to aligning the existent conferral of powers on the Commission in the Regulation 577/98 to Article 290 TFEU and to the new legislative framework resulting from the entry into force of Regulation no 182/2011, as well as, where appropriate, to reviewing the scope of those powers. Since it remains the case that the objectives of Regulation 577/98 cannot be sufficiently achieved by the Member States and can therefore 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 Article 5 of the Treaty on European Union, this Regulation does not go beyond what is necessary in order to achieve its objectives.**
- (11) In order to ensure legal certainty, it is necessary **to ensure** that procedures for the adoption of measures which have been initiated but not completed before the entry into force of this Regulation are not affected by this Regulation.
- (12) Regulation (EC) No 577/98 should therefore be amended accordingly,

HAVE ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 577/98 is amended as follows:

- (1) Article 4 is amended as follows:
- (a) paragraphs 2 and 3 are replaced by the following:

2. The Commission shall be empowered to adopt delegated acts in accordance with Article 7c, **in respect of the** adjustment of the list of survey variables, **specified within the list of 14 groups of survey characteristics referred to in Article 4 paragraph 1 made necessary by the evolution of techniques and concepts. A delegated act adopted in accordance with this provision may not transform optional variables into compulsory variables. The compulsory variables to be covered continuously must be within the survey characteristics in Article 4(1), a-j and l-n. These variables shall be within the 94 survey characteristics. The respective delegated act shall be adopted at least 15 months before the beginning of the reference period for the survey.**

The Commission shall be empowered to adopt delegated acts in accordance with Article 7c, concerning a list of variables (hereinafter referred to as 'structural variables'), including the minimum sample size (**not exceeding the sample size determined according to Article 3**) from among the survey characteristics specified in paragraph 1 which need to be surveyed only as annual averages with reference to 52 weeks rather than as quarterly averages.

3. The Commission shall, by means of implementing acts, adopt rules on the edits to be used, the codification of the variables and the list of principles for formulation of the questions concerning labour status. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 8(2).'

(b) paragraph 4 is deleted.

(2) The following Articles 7a, 7b and 7c are inserted:

Article 7a
Ad hoc modules

- 1a. A further set of variables to supplement the information described in Article 4(1) may be added** (hereinafter referred to as "ad hoc module"). The Commission shall be empowered to adopt delegated acts in accordance with Article 7c **establishing a programme of ad hoc modules covering three years. This programme shall specify for each ad hoc module the subject, the reference period and the sample size (not exceeding the sample size determined according to Article 3). The programme shall be adopted at least 24 months before the beginning of the reference period of the programme. The Commission shall be empowered to adopt delegated acts in accordance with Art. 7c in order to determine the variables to be included in each ad hoc module.**
- 1b. In order to ensure the uniform application of the programme referred to in paragraph 1a, the Commission shall by means of implementing acts, specify the filters and the codes of the variables to be used for data transmission, and the deadline for transmission of the results (which may be different from the deadline according to Article 6). Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 8(2).**
2. The detailed list of information to be collected in an ad hoc module shall be drawn up at least 12 months before the beginning of the reference period for that module. The volume of an ad hoc module shall not exceed 11 variables.

Article 7b
Financing provision

The Union **shall** award financial support to the national statistical institutes and other national authorities referred to as designated beneficiaries in Article 5(2) of Regulation (EC) No 223/2009, for the implementation of the ad hoc modules as referred to in Article 7a in accordance with Article X of Regulation (EU) No XX/XX of the European Parliament and of the Council on a European Union Programme for **Employment and Social Innovation ("EaSI")**⁶. **In accordance with the second subparagraph of Article 128(1) of Regulation (EU, Euratom) No 966/2012**, the Union may award **grants, without a call for proposals**, to the national statistical institutes and other national authorities **mentioned above**. **The grants may take the form of lump-sum payments and shall be made on condition that Member States actually participate in the implementation of ad hoc modules.**

Article 7c
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.
2. When exercising the powers delegated in accordance with Article 4(2) and Article 7a, the Commission shall ensure that the delegated acts do not impose a significant additional [...] burden on the Member States and on the respondents.

Those delegated acts shall be adopted only where they are necessary in order to take account of social and economic developments; they do not change the optional nature of the required information.

The Commission shall duly justify the statistical actions provided for in those delegated acts, using, where appropriate, input from relevant experts based on a cost-effectiveness analysis, including an assessment of the burden on the respondents and of the production costs, as referred to in point (c) of Article 14(3) of Regulation (EC) No 223/2009 of the European Parliament and of the Council of 11 March 2009 on European statistics and repealing Regulation (EC, Euratom) No 1101/2008 of the European Parliament and of the Council on the transmission of data subject to statistical confidentiality to the Statistical Office of the European Communities, Council Regulation (EC) No 322/97 on Community Statistics, and Council Decision 89/382/EEC, Euratom establishing a Committee on the Statistical Programmes of the European Communities (OJ L 87, 31.3.2009, p. 164).

3. The power to adopt delegated acts referred to in Article 4(2) and Article 7a shall be conferred on the Commission for a **period of 5 years from ...*** (*OJ: please insert the date of entry into force of **this** Regulation*). **The Commission shall draw up a report in respect of the delegation of power not later than 9 months before the end of the 5 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 3 months before the end of each period.**
4. The delegation of power referred to in Article 4(2) and Article 7a 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 on 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.

5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

6. A delegated act adopted pursuant to Article 4(2) and Article 7a shall enter into force only if no objection has been expressed either by the European Parliament or by 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.’

(3) Article 8 is replaced by the following:

‘Article 8
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 2

This Regulation shall not affect the procedures for the adoption of measures provided for in Regulation (EC) No 577/98 which have been initiated but not completed before the entry into force of this Regulation.

Article 3

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.

Done at Brussels,

For the European Parliament

The President

For the Council

The President
