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ADD 4

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**'I/A' ITEM NOTE**

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From: Presidency

To: Permanent Representatives Committee (Part 2)/Council

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No. Cion doc.: COM(2016) 799 FINAL; COM(2016) 799 FINAL/2

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Subject: Proposal for a Regulation of the European Parliament and of the Council adapting a number of legal acts providing for the use of the regulatory procedure with scrutiny to Articles 290 and 291 of the Treaty on the Functioning of the European Union

- General Approach
- Section VII "Eurostat"

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## VII. EUROSTAT

55. [...]

56. Council Regulation (EEC) No 696/93 of 15 March 1993 on the statistical units for the observation and analysis of the production system in the Community<sup>1</sup>

[...]

**There is no need to empower the Commission to amend the statistical units of the production system, the criteria used and the definitions specified in the Annex to Regulation (EEC) No 696/93. Therefore, the possibility to adopt those implementing measures in accordance with the regulatory procedure with scrutiny should be removed from Regulation (EEC) No 696/93, without replacing it with an empowerment conferred in accordance with Article 290(1) or Article 291(2) of the Treaty.**

Accordingly, Regulation (EEC) No 696/93 is amended as follows:

(1) Article 6 is **deleted**. [...]

(2[...]) in Article 7, paragraph 3 is deleted.

57. [...]

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<sup>1</sup> OJ L 76, 30.3.1993, p. 1.

**58. Council Regulation (EC) No 530/1999 of 9 March 1999 concerning structural statistics on earnings and on labour costs<sup>2</sup>**

[...]

In order to ensure uniform conditions for the implementation of Regulation (EC) No 530/1999 concerning **the definition and breakdown of the information to be provided in relation to labour costs and earnings**, the technical format for the transmission of results **and the quality evaluation criteria**, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011.

Accordingly, Regulation (EC) No 530/1999 is amended as follows:

(1) in Article 6, the following paragraph 3 is added:

"3. The Commission **shall adopt implementing acts [...]** concerning the definition and breakdown of the information to be provided under paragraphs 1 and 2 of this Article. These [...] **implementing acts** shall be adopted for each reference period at least nine months before the beginning of the reference period **and in accordance with the procedure referred to in Article 12(2).**";

(2) Article 9 is replaced by the following:

*"Article 9*  
**Forwarding of results**

The results shall be forwarded to the Commission (Eurostat) within a period of 18 months from the end of the reference year. The Commission shall adopt the appropriate technical format for the transmission of these results by means of implementing act. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 12(2).";

(3) in Article 10, the following paragraph 3 is added:

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<sup>2</sup> OJ L 63, 12.3.1999, p. 6.

"3.The Commission **shall adopt implementing acts** [...] concerning the quality evaluation criteria. Those [...] **implementing acts** shall be adopted for each reference period at least nine months before the beginning of the reference period **and in accordance with the procedure referred to in Article 12(2).**";

[...]

(4[...]) Article 11 is deleted;

(5[...]) in Article 12, paragraph 3 is deleted.

### **59. Regulation (EC) No 2150/2002 of the European Parliament and of the Council of 25 November 2002 on waste statistics<sup>3</sup>**

In order to update Regulation (EC) No 2150/2002 with a view to taking account of economic and technical developments in the collection and statistical processing of waste statistics, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission:

- to amend that Regulation in order to adjust it to economic and technical developments in the collection and statistical processing of data;
- to amend the processing and the transmission of results and the adaptation of the specifications listed in Annexes I, II and III to that Regulation;
- [...]
- to supplement that Regulation by establishing a table of equivalence between the statistical nomenclature of Annex III to that Regulation and the list of waste established by Commission Decision 2000/532/EC<sup>4</sup> [...].

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<sup>3</sup> OJ L 332, 9.12.2002, p. 1.

<sup>4</sup> Commission Decision of 3 May 2000 replacing Decision 94/3/EC establishing a list of wastes pursuant to Article 1(a) of Council Directive 75/442/EEC on waste and Council Decision 94/904/EC establishing a list of hazardous waste pursuant to Article 1(4) of Council Directive 91/689/EEC on hazardous waste (OJ L 226, 6.9.2000, p. 3).

It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making [...]. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

Provisions relating to transitional measures have become obsolete.

In order to ensure uniform conditions for the implementation of Regulation (EC) No 2150/2002 concerning the production of results, the appropriate format for the transmission of results, **the definition of the quality and accuracy conditions** and the contents of the quality reports, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011.

**There is no need to empower the Commission to define the minimum requirement for the coverage. Therefore, the possibility to adopt those implementing measures in accordance with the regulatory procedure with scrutiny should be removed from Regulation (EC) No 2150/2002, without replacing it with an empowerment conferred in accordance with Article 290(1) or Article 291(2) of the Treaty.**

Accordingly, Regulation (EC) No 2150/2002 is amended as follows:

(1) in Article 1, paragraph 5 is replaced by the following:

"5. The Commission is empowered to adopt delegated acts in accordance with Article 5b **in order to supplement this Regulation by establishing** [...] a table of equivalence between the statistical nomenclature of Annex III to this Regulation and the list of waste established by Commission Decision 2000/532/EC.\*

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\* Commission Decision of 3 May 2000 replacing Decision 94/3/EC establishing a list of wastes pursuant to Article 1(a) of Council Directive 75/442/EEC on waste and Council Decision 94/904/EC establishing a list of hazardous waste pursuant to Article 1(4) of Council Directive 91/689/EEC on hazardous waste (OJ L 226, 6.9.2000, p. 3). ";

(2) **in Article 3, paragraph 1, the second subparagraph is replaced by the following:**

[...]

"The Commission **shall adopt implementing acts** [...] concerning the definition of the quality and accuracy conditions. **Those implementing acts shall be adopted in accordance with the procedure referred to in Article 7(2).**";

[...]

(3) Articles 4 and 5 are deleted;

(4) the following Articles 5a and 5b are inserted:

*"Article 5a*

**Adjustment to economic and technical developments**

The Commission is empowered to adopt delegated acts in accordance with Article 5b **amending this Regulation in order to** [...] adjust it[...] to economic and technical developments in the collection and statistical processing of data, as well as **in relation to** the processing and the transmission of results and the adaptation of the specifications listed in the Annexes. **When exercising that power, the Commission shall ensure that the delegated acts do not impose a significant additional burden or cost on the Member States or on the respondents.**

*Article 5b*

**Exercise of the delegation**

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
  
2. The power to adopt delegated acts referred to in Article 1(5)[...] and Article 5a, shall be conferred on the Commission for **a period of five 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.**
  
3. The delegation of power referred to in Article 1(5)[...] and Article 5a, may be revoked at any time by the European Parliament or by the Council. A decision to revoke 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. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement **of 13 April 2016** on Better Law-Making [...]\*.
  
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 1(5)[...] and Article 5a shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two 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 of the Council.

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\* OJ L 123, 12.5.2016, p. 1.";

(5) Article 6 is replaced by the following:

*"Article 6*

**Implementing measures**

The Commission shall adopt implementing acts necessary for the implementation of this Regulation concerning in particular:

- (a) the production of results in accordance with Articles 3(2), (3) and (4), taking into account the economic structures and technical conditions in a Member State. Such implementing acts may allow an individual Member State not to report certain items in the breakdown, provided the impact on the quality of the statistics is proven to be limited. In all cases where exemptions are given, the total amount of waste for each item listed in Sections 2(1) and 8(1) of Annex I shall be compiled;
- (b) the appropriate format for the transmission of results by Member States within two years from the date of entry into force of this Regulation;
- (c) the contents of the quality reports as referred to in Section 7 of Annex I and Section 7 of Annex II.

Those implementing acts shall be adopted in accordance with the procedure referred to in Article 7(2)."



(6) in Article 7, paragraph 3 is deleted;

(7) in Article 8, paragraphs 2 and 3 are deleted;

(8) in Annex I, point 1 of Section 7 is **replaced by the following:** [...]

**"1. For each item listed in Section 8 (activities and households), Member States shall indicate the percentage to which the compiled statistics represent the universe of waste of the respective item.";**

(9) in Annex II, point 1 of Section 7 is **replaced by the following:**[...]

**"1. For the characteristics listed in Section 3, and for each item amongst the types of operations listed in Section 8(2), Member States shall indicate the percentage to which the compiled statistics represent the universe of waste of the respective item.".**

**60. Regulation (EC) No 437/2003 of the European Parliament and of the Council of 27 February 2003 on statistical returns in respect of the carriage of passengers, freight and mail by air<sup>5</sup>**

In order to update Regulation (EC) No 437/2003 with a view to taking account of economic and social developments, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to amend the data collection characteristics and the specifications in the Annexes to that Regulation [...]. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of **13 April 2016** on Better Law-Making [...]. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

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<sup>5</sup> OJ L 66, 11.3.2003, p. 1.

In order to ensure uniform conditions for the implementation of Regulation (EC) No 437/2003 concerning the data files for the transmission, the description of the data codes, **the establishment of other standards of accuracy** and the medium to be used for data transmission, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011.

Accordingly, Regulation (EC) No 437/2003 is amended as follows:

(1) in Article 3, paragraph 1 is replaced by the following:

"1. Each Member State shall collect statistical data relating to the following variables:

- (a) passengers;
- (b) freight and mail;
- (c) flight stages;
- (d) passenger seats available ;
- (e) aircraft movements.

The statistical variables in each area, the nomenclatures for their classification, their periodicity of observation and the definitions are set out in the Annexes.

The Commission is empowered to adopt delegated acts in accordance with Article 10a amending the data collection characteristics and the specifications in the Annexes **in order to take account of economic and social developments. When exercising that power, the Commission shall ensure that the delegated acts do not impose significant additional burden or cost on the Member States or on the respondents.**";

(2) Article 5 is replaced by the following:

*"Article 5*

**Accuracy of statistics**

The collection of data shall be based on complete returns.

The Commission **may establish, by means of implementing acts, [...] other standards of accuracy. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 11(2).**"

(3) in Article 7, paragraph 2 is replaced by the following:

"2. The results shall be transmitted according to the data files shown in Annex I for which the description shall be specified by the Commission by means of implementing act.

The Commission shall also specify by means of implementing act the description of the data codes and the medium to be used for transmission.

Those implementing acts shall be adopted in accordance with the procedure referred to in Article 11(2)."

(4) Article 10 is deleted;

(5) the following Article 10a is inserted:

*"Article 10a*

**Exercise of the delegation**

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The power to adopt delegated acts referred to in Article 3(1) [...] shall be conferred on the Commission for a **period of five 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.**

3. The delegation of power referred to in Article 3(1) [...] may be revoked at any time by the European Parliament or by the Council. A decision to revoke 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. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of **13 April 2016** on Better Law-Making [...]\*.

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 3(1) [...] shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two 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 of the Council.

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\* OJ L 123, 12.5.2016, p. 1.";

(6) in Article 11, paragraph 3 is deleted.

## 61. Regulation (EC) No 450/2003 of the European Parliament and of the Council of 27 February 2003 concerning the labour cost index<sup>6</sup>

In order to update Regulation (EC) No 450/2003 with a view to taking account of economic and social developments, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to:

- amend that Regulation by redefining the technical specification of the index and revising the weighting structure, by including certain economic activities;
- supplement that Regulation by **defining the further disaggregations** [...] in which the data is to be broken down and the economic activities in which the index is to be broken down;
- [...].

It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making [...]. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

In order to ensure uniform conditions for the implementation of Regulation (EC) No 450/2003 concerning the content of the quality report, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011.

Accordingly, Regulation (EC) No 450/2003 is amended as follows:

(1) in Article 2, paragraph 4 is replaced by the following:

"4. The Commission is empowered to adopt delegated acts in accordance with Article 11a concerning amendments to redefine the technical specification of the index and revise the weighting structure **in order to take into account economic and social developments. When exercising that power, the Commission shall ensure that the delegated acts do not impose significant additional burden or cost on the Member States or on the respondents.**";

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<sup>6</sup> OJ L 69, 13.3.2003, p. 1.

(2) in Article 3, paragraph 2 is replaced by the following:

"2. The Commission is empowered to adopt delegated acts in accordance with Article 11a concerning the amendments for the inclusion of economic activities defined by NACE Rev.2 sections O to S in the scope of this Regulation, taking into account the feasibility studies defined in Article 10.";

(3) Article 4 is replaced by the following:

*"Article 4*

**Breakdown of variables**

**1. The data shall be broken down by economic activities defined by NACE Rev. 2 sections and by further disaggregations, defined by the Commission, not beyond the level of NACE Rev. 2 divisions (2-digit level) or groupings of divisions, taking account of contributions to total employment and to labour costs at Community and national levels. The Commission is empowered to adopt delegated acts in accordance with Article 11a supplementing this Regulation by defining those further disaggregations.**

[...]

Labour cost indices shall be provided separately for the following labour cost categories:

(a) total labour costs;

(b) wages and salaries, defined by reference to item D.11 in Annex II to Regulation (EC) No 1726/1999;

(c) employers' social contributions plus taxes paid by the employer less subsidies received by the employer, as defined by the sum of items D.12 and D.4 less D.5 in Annex II to Regulation (EC) No 1726/1999.

2. An index estimating total labour costs, excluding bonuses, where bonuses are defined by D.11112 in Annex II to Regulation (EC) No 1726/1999, shall be provided broken down by economic activities determined by the Commission, and shall be based on the NACE Rev. 2 classification.

The Commission is empowered to adopt delegated acts in accordance with Article 11a **supplementing this Regulation by determining** [...] these economic activities, taking into account the feasibility studies defined in Article 10.

3. The Commission **may establish, by means of implementing** [...] acts [...] the methodology for chaining the index. **Those implementing acts shall be adopted in accordance with the procedure referred to in Article 12(2).**";

(4) Article 8 is replaced by the following:

*"Article 8*

### **Quality**

1. The Commission **shall**[...] **define, by means of implementing** [...] acts [...] separate quality criteria. The current data and back data transmitted shall satisfy these quality criteria. **Those implementing acts shall be adopted in accordance with the procedure referred to in Article 12(2).**

2. The Member States shall provide annual quality reports to the Commission, beginning in 2003. The content of the reports shall be defined by the Commission by means of implementing act. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 12(2).";

(5) Article 10 is amended as follows:

(a) paragraph 5 is replaced by the following:

"5. The Commission shall adopt measures pursuant to the results of the feasibility studies by means of implementing act. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 12(2). Those measures shall respect the principle of cost-effectiveness, as defined in Article 2 of Regulation (EC) No 223/2009, including the minimisation of the burden on respondents."

(b) paragraph 6 is deleted;

(6) Article 11 is deleted;

(7) the following Article 11a is inserted:

*"Article 11a*

**Exercise of the delegation**

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The power to adopt delegated acts referred to in Article 2(4), Article 3(2) and Article 4(1) **and (2)** shall be conferred on the Commission for a **period of five 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.**

3. The delegation of power referred to in Article 2(4), Article 3(2) and Article 4(1) **and (2)** may be revoked at any time by the European Parliament or by the Council. A decision to revoke 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. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making [...]\*.

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 2(4), Article 3(2) and Article 4(1) and (2) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two 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 of the Council.

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\* OJ L 123, 12.5.2016, p. 1."

(8) in Article 12, paragraph 3 is deleted;

(9) in the Annex, point 3 is deleted.

62. [...]

**63. Regulation (EC) No 1161/2005 of the European Parliament and of the Council of 6 July 2005 on the compilation of quarterly non-financial accounts by institutional sector<sup>7</sup>**

In order to ensure the quality of the quarterly non-financial accounts for the Union and the euro area compiled under Regulation (EC) No 1161/2005, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to:

- amend that Regulation to adapt the time-period of transmission for certain items;
- amend that Regulation to adapt the proportion of the Union total;
- [...].

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<sup>7</sup> OJ L 191, 22.7.2005, p. 22.

It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making [...]. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

**In order to ensure uniform conditions for the implementation of Regulation (EC) No 1161/2005 concerning the adoption of common quality standards, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011.**

**There is no need to empower the Commission concerning the timetable for the transmission of items P.1, P.2, D.42, D.43, D.44, D.45, and B.4G, and any decision to require a breakdown of the transactions listed in the Annex by counterpart sector. Therefore, the possibility to adopt those implementing measures in accordance with the regulatory procedure with scrutiny should be removed from Regulation (EC) No 1161/2005, without replacing it with an empowerment conferred in accordance with Article 290(1) or Article 291(2) of the Treaty.**

Accordingly, Regulation (EC) No 1161/2005 is amended as follows:

(1) Article 2, is amended as follows:

(a) paragraph 2 **is deleted**; [...]

[...]

(b) paragraph 4 is replaced by the following:

"4. The Commission is empowered to adopt delegated acts in accordance with Article 7a to amend paragraph 3 to adjust, by a maximum of five days, the time of transmission specified in that paragraph.";

(2) in Article 3, paragraph 3 is replaced by the following:

"3. The Commission is empowered to adopt delegated acts in accordance with Article 7a amending paragraph 1 of this Article as regards the proportion of the Union total." ;

(3) in Article 6, paragraph 1 is replaced by the following:

"1. The Commission **shall adopt, by means of implementing** [...] acts [...] common quality standards. **Those implementing acts shall be adopted in accordance with the procedure referred to in Article 8(2).**

Member States shall take all measures necessary to ensure that the quality of transmitted data improves over time to meet these common quality standards.";

(4) the following Article 7a is inserted:

*"Article 7a*

**Exercise of the delegation**

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The power to adopt delegated acts referred to in Article 2[...] (4) **and** Article 3(3)[...] shall be conferred on the Commission for **a period of five 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.**

3. The delegation of power referred to in Article 2[...] (4) **and** Article 3(3)[...] may be revoked at any time by the European Parliament or by the Council. A decision to revoke 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. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement **of 13 April 2016** on Better Law-Making [...]\*.

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 2(2) [...] **and** Article 3(3)[...] shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two 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 of the Council.

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\* OJ L 123, 12.5.2016, p. 1.";

(5) in Article 8, paragraph 3 is deleted.

#### **64. Regulation (EC) No 1552/2005 of the European Parliament and of the Council of 7 September 2005 on statistics relating to vocational training in enterprises<sup>8</sup>**

In order to update Regulation (EC) No 1552/2005 with a view to taking account of economic and technical developments, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to supplement that Regulation [...]

- [...];
- [...];
- [...];
- [...];
- by [...]the measures necessary concerning the collection, transmission and processing of the data.

It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement **of 13 April 2016** on Better Law-Making [...]. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

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<sup>8</sup> OJ L 255, 30.9.2005, p. 1.

In order to ensure uniform conditions for the implementation of Regulation (EC) No 1552/2005 implementing powers should be conferred on the Commission concerning:

- **the sampling and precision requirements, the sample sizes needed to meet those requirements, and the detailed specifications of the NACE Rev. 2 and size categories into which the results can be broken down;**
- **the specific data to be collected with respect to training and non-training enterprises and to the different forms of vocational training;**
- **the quality requirements for the data to be collected and transmitted for European statistics on vocational training in enterprises and any measures necessary for assessing or improving the quality of the data;**
- the structure of the quality reports., Those powers should be exercised in accordance with Regulation (EU) No 182/2011.

**There is no need to empower the Commission concerning the extension of the definition of statistical unit. Therefore, the possibility to adopt those implementing measures in accordance with the regulatory procedure with scrutiny should be removed from Regulation (EC) No 1552/2005, without replacing it with an empowerment conferred in accordance with Article 290(1) or Article 291(2) of the Treaty.**

Accordingly, Regulation (EC) No 1552/2005 is amended as follows:

(1) in Article 5, paragraph 2 is replaced by the following:

"2. Having regard to the specific national size distribution of enterprises and the evolution of policy needs, Member States may extend the definition of the statistical unit in their country."

[...]

(2) in Article 7, paragraph 3 is replaced by the following:

"3. The Commission **shall determine, by means of implementing acts** [...] the sampling and precision requirements, the sample sizes needed to meet those requirements, and the detailed specifications of the NACE Rev. 2 and size categories into which the results can be broken down. **Those implementing acts shall be adopted in accordance with the procedure referred to in Article 14(2).**"

(3) in Article 8, paragraph 2 is replaced by the following:

"2. The Commission **shall determine, by means of implementing acts** [...] the specific data to be collected with respect to training and non-training enterprises and to the different forms of vocational training. **Those implementing acts shall be adopted in accordance with the procedure referred to in Article 14(2).**"

(4) Article 9 is amended as follows:

(a) paragraph 4 is replaced by the following:

"4. The Commission **shall determine, by means of implementing acts** [...] the quality requirements for the data to be collected and transmitted for European statistics on vocational training in enterprises, and any measures necessary for assessing or improving the quality of the data. **Those implementing acts shall be adopted in accordance with the procedure referred to in Article 14(2).**"

(b) the following paragraph 5 is added:

"5. The Commission shall determine the structure of the quality reports referred to in paragraph 2 by means of implementing act. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 14(2)."

(5) in Article 10, paragraph 2 **is deleted**. [...]

[...]

(6) in Article 13, the first paragraph is replaced by the following:

" The Commission is empowered to adopt delegated acts in accordance with Article 13a to supplement this Regulation to take account of economic and technical developments concerning the collection, transmission and processing of the data. **When exercising that power, the Commission shall ensure that the delegated acts do not impose significant additional burden or cost on the Member States or on the respondents.**"

(7) the following Article 13a is inserted:

*"Article 13a*

**Exercise of the delegation**

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The power to adopt delegated acts referred to in [...] Article 13 shall be conferred on the Commission for **a period of five 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.**

3. The delegation of power referred to in [...] Article 13 may be revoked at any time by the European Parliament or by the Council. A decision to revoke 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. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of **13 April 2016** on Better Law-Making [...]\*.

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 13 shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two 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 of the Council.

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\* OJ L 123, 12.5.2016, p. 1.";

(8) in Article 14, paragraph 3 is deleted.

**65. Regulation (EC) No 1893/2006 of the European Parliament and of the Council of 20 December 2006 establishing the statistical classification of economic activities NACE Revision 2 and amending Council Regulation (EEC) No 3037/90 as well as certain EC Regulations on specific statistical domains<sup>9</sup>**

In order to adapt Regulation (EC) No 1893/2006 to technological and economic developments and to align NACE Rev. 2 with other economic and social classifications, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to amend the Annex to that Regulation. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of **13 April 2016** on Better Law-Making [...]. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

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<sup>9</sup> OJ L 393, 30.12.2006, p. 1.



Accordingly, Regulation (EC) No 1893/2006 is amended as follows:

(1) in Article 6, paragraph 2 is replaced by the following:

"2. The Commission is empowered to adopt delegated acts in accordance with Article 6a amending the Annex to take account of technological or economic developments or to align it with other economic and social classifications."

(2) the following Article 6a is inserted:

*"Article 6a*

**Exercise of the delegation**

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The power to adopt delegated acts referred to in Article 6(2) shall be conferred on the Commission for **a period of five 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.**

3. The delegation of power referred to in Article 6(2) may be revoked at any time by the European Parliament or by the Council. A decision to revoke 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. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement **of 13 April 2016** on Better Law-Making [...]\*.

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 6(2) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two 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 of the Council.

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\* OJ L 123, 12.5.2016, p. 1.";

(3) in Article 7, paragraph 3 is deleted.

**66. Regulation (EC) No 458/2007 of the European Parliament and of the Council of 25 April 2007 on the European system of integrated social protection statistics (ESSPROS)<sup>10</sup>**

In order to adapt Regulation (EC) No 458/2007 to technological and economic developments, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to amend that Regulation by updating the rules on dissemination [...]. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making [...]. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

**In order to ensure uniform conditions for the implementation of Regulation (EC) No 458/2007 implementing powers should be conferred on the Commission concerning the first year for which full data should be collected, the measures relating to the detailed classification of data covered and the definitions to be used, and the data covered (with reference to detailed classification). Those powers should be exercised in accordance with Regulation (EU) No 182/2011.**

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<sup>10</sup> OJ L 113, 30.4.2007, p. 3.

Accordingly, Regulation (EC) No 458/2007 is amended as follows:

(1) Article 5, paragraph 2 is deleted.

(2) in Article 7, paragraph 3 is replaced by the following:

"3. The Commission **shall establish, by means of implementing acts** [...] the first year for which full data shall be collected, and adopt[...] measures relating to the detailed classification of data covered and the definitions to be used. **Those implementing acts shall be adopted in accordance with the procedure referred to in Article 8(2).**

The Commission is empowered to adopt delegated acts in accordance with Article 7a amending this Regulation to update the rules for dissemination."

(3) the following Article 7a is inserted:

*"Article 7a*

**Exercise of the delegation**

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The power to adopt delegated acts referred to in **the second subparagraph of Article 7(3)** [...] shall be conferred on the Commission for **a period of five 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.**

3. The delegation of power referred to in **the second subparagraph of Article 7(3)** [...] may be revoked at any time by the European Parliament or by the Council. A decision to revoke 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. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement **of 13 April 2016** on Better Law-Making [...]\*.

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 **the second subparagraph of Article 7(3)** [...] shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two 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 of the Council.

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\* OJ L 123, 12.5.2016, p. 1.";

(4) in Article 8, paragraph 3 is deleted;

(5) in Annex I, point '1.1.2.4. Other receipts' is replaced by the following:

"The Commission **may establish, by means of implementing acts** [...] **the data covered (with reference to detailed classification). Those implementing acts shall be adopted in accordance with the procedure referred to in Article 8(2).**"

67. [...]

68. Regulation (EC) No 862/2007 of the European Parliament and of the Council of 11 July 2007 on Community statistics on migration and international protection and repealing Council Regulation (EEC) No 311/76 on the compilation of statistics on foreign workers<sup>11</sup>  
[...]

**In order to ensure uniform conditions for the implementation of Regulation (EC) No 862/2007 implementing powers should be conferred on the Commission for determining the groupings of data and additional disaggregations and for laying down rules on accuracy and quality standards. Those powers should be exercised in accordance with Regulation (EU) No 182/2011.**

**There is no need to empower the Commission to update certain definitions in Regulation (EC) No 862/2007. Therefore, the possibility to adopt those implementing measures in accordance with the regulatory procedure with scrutiny should be removed from Regulation (EC) No 862/2007, without replacing it with an empowerment conferred in accordance with Article 290(1) or Article 291(2) of the Treaty.**

Accordingly, Regulation (EC) No 862/2007 is amended as follows:

[...]

(1[...]) in Article 10, paragraph 2 is replaced by the following: [...]

**"The Commission shall adopt, by means of implementing acts, measures:**

**(a) defining the categories of groups of country of birth, groups of country of previous and next usual residence and groups of citizenship as provided for in Article 3(1);**

**(b) defining the categories of the reasons for the permit as provided for in Article 6(1)(a);**

**(c) defining the additional disaggregations and the levels of disaggregations to be applied to the variables as provided for in Article 8;**

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<sup>11</sup> OJ L 199, 31.7.2007, p. 23.

**(d) laying down the rules on accuracy and quality standards.**

**Those implementing acts shall be adopted in accordance with the procedure referred to in Article 11(2)."**

[...]

(24) in Article 11, paragraph 3 is deleted.

**69. Regulation (EC) No 1445/2007 of the European Parliament and of the Council of 11 December 2007 establishing common rules for the provision of basic information on Purchasing Power Parities and for their calculation and dissemination<sup>12</sup>**

In order to update Regulation (EC) No 1445/2007 with a view to taking account of economic and technical changes for the calculation and dissemination of Purchasing Power Parities, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission [...] to amend the **list of basic headings in Annex II of that Regulation [...]**. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of **13 April 2016** on Better Law-Making [...]. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

In order to ensure uniform conditions for the implementation of Regulation (EC) No 1445/2007 implementing powers should be conferred on the Commission to **lay down the common criteria on which the quality control is based and to adopt the structure of the quality reports**. Those powers should be exercised in accordance with Regulation (EU) No 182/2011.

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<sup>12</sup> OJ L 336, 20.12.2007, p. 1.

**There is no need to empower the Commission to adapt the definitions in Regulation (EC) No 1445/2007. Therefore, the possibility to adopt those implementing measures in accordance with the regulatory procedure with scrutiny should be removed from Regulation (EC) No 1445/2007, without replacing it with an empowerment conferred in accordance with Article 290(1) or Article 291(2) of the Treaty.**

Accordingly, Regulation (EC) No 1445/2007 is amended as follows:

(1) in Article 3, the following paragraph is added:

"The Commission is empowered to adopt delegated acts in accordance with Article 10a [...] amending the list of basic headings in Annex II to take account of economic and technical changes. **When exercising that power, the Commission shall ensure that the delegated acts do not impose a significant additional burden or cost on the Member States or on the respondents [...].**"

(2) Article 7 is amended as follows:

(a) paragraph 4 is replaced by the following:

"4. The Commission **shall lay down, by means of implementing acts, [...]** common criteria on which the quality control is based. **Those implementing acts shall be adopted in accordance with the procedure referred to in Article 11(2).**";

(b) the following paragraph 5 is added:

"5. The Commission shall adopt the structure of the quality reports, as specified in point 5.3 of Annex I, by means of implementing acts. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 11 (2)."

(3) the following Article 10a is inserted:

### Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
  
2. The power to adopt delegated acts referred to in Article 3 [...] shall be conferred on the Commission for a **period of five 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.**
  
3. The delegation of power referred to in Article 3 [...] may be revoked at any time by the European Parliament or by the Council. A decision to revoke 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. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of **13 April 2016** on Better Law-Making [...]\*.
  
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 3 [...] shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two 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 of the Council.

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\* OJ L 123, 12.5.2016, p. 1.";

(4) in Article 11, paragraph 3 is deleted;

(5) in Article 12, paragraph 3 is deleted.

70. [...]

71. [...]

**72. Regulation (EC) No 451/2008 of the European Parliament and of the Council of 23 April 2008 establishing a new statistical classification of products by activity (CPA) and repealing Council Regulation (EEC) No 3696/93<sup>13</sup>**

In order to adapt Regulation (EC) No 451/2008 to technological or economic developments and align it with other economic and social classifications, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to amend the Annex to that Regulation. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of **13 April 2016** on Better Law-Making [...]. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

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<sup>13</sup> OJ L 145, 4.6.2008, p. 65.

Accordingly, Regulation (EC) No 451/2008 is amended as follows:

(1) in Article 6, paragraph 2 is replaced by the following:

"2. The Commission is empowered to adopt delegated acts in accordance with Article 6a amending the Annex:

(a) to take account of technological or economic developments;

(b) to align it with other economic and social classifications.";

**When exercising that power, the Commission shall ensure that the delegated acts do not impose a significant additional burden or cost on the Member States or on the respondents.**

(2) the following Article 6a is inserted:

*"Article 6a*

**Exercise of the delegation**

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The power to adopt delegated acts referred to in Article 6(2) shall be conferred on the Commission for a **period of five 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.**

3. The delegation of power referred to in Article 6(2) may be revoked at any time by the European Parliament or by the Council. A decision to revoke 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. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making [...]\*.

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 6(2) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two 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 of the Council.

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\* OJ L 123, 12.5.2016, p. 1.";

(3) in Article 7, paragraph 3 is deleted.

**73. Regulation (EC) No 452/2008 of the European Parliament and of the Council of 23 April 2008 concerning the production and development of statistics on education and lifelong learning<sup>14</sup>**

[...]

In order to ensure uniform conditions for the implementation of Regulation (EC) No 452/2008, implementing powers should be conferred on the Commission concerning **the selection and specification of the subjects of the statistics, their characteristics, the breakdown of characteristics, the observation period and deadlines for transmission of results, the quality requirements including the required precision, and the quality reporting framework.** Those powers should be exercised in accordance with Regulation (EU) No 182/2011.

Accordingly, Regulation (EC) No 452/2008 is amended as follows:

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<sup>14</sup> OJ L 145, 4.6.2008, p. 227.

(1) in Article 6, paragraph 1 is replaced by the following:

"1. The Commission **shall adopt [...], by means of implementing acts, measures [...]**concerning:

- (a) the selection and specification of subjects covered by the domains and their characteristics in response to policy or technical needs;
- (b) the breakdown of characteristics;
- (c) the observation period and deadlines for transmission of results;
- (d) the quality requirements, including the required precision;
- (e) **the quality reporting framework.**

Where those **measures [...]** require a significant enlargement of existing data collections or new data collections or surveys, [...] **implementing acts** shall be based on a cost-benefit analysis as part of a comprehensive analysis of the effects and implications, taking into account the benefit of the measures, the costs for the Member States and the burden on respondents.

[...] Those implementing acts shall be adopted in accordance with the procedure referred to in Article 7(2)."

[...]

(2[...]) in Article 7, paragraph 3 is deleted.

#### **74. Regulation (EC) No 453/2008 of the European Parliament and of the Council of 23 April 2008 on quarterly statistics on Community job vacancies<sup>15</sup>**

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<sup>15</sup> OJ L 145, 4.6.2008, p. 234.

[...]

In order to ensure uniform conditions for the implementation of Regulation (EC) No 453/2008 concerning **fixing of certain reference dates, setting out the framework for feasibility studies and adopting any appropriate acts based on the results of those studies**, the format, **the deadlines and the first reference quarter** for transmission of data and metadata, , implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011.

**There is no need to empower the Commission to define the concepts ‘active steps to find a suitable candidate’ and ‘specific period of time’. Therefore, the possibility to adopt those implementing measures in accordance with the regulatory procedure with scrutiny should be removed from Regulation (EC) No 453/2008, without replacing it with an empowerment conferred in accordance with Article 290(1) or Article 291(2) of the Treaty.**

Accordingly, Regulation (EC) No 453/2008 is amended as follows:

(1) **in Article 2, point 1 is replaced by the following [...]** :

[...]

"1. ‘job vacancy’ shall mean a paid post that is newly created, unoccupied, or about to become vacant:

(a) for which the employer is taking active steps and is prepared to take further steps to find a suitable candidate from outside the enterprise concerned; and

(b) which the employer intends to fill either immediately or within a specific period of time.

The statistics provided shall distinguish, on an optional basis, between vacancies for fixed-term and permanent jobs.";

[...]

(2) in Article 3, paragraph 1 is replaced by the following:

"1. Member States shall compile the quarterly data with reference to specific reference dates, **which shall be determined by the[...] Commission by means of implementing acts [...]. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 9(3).**";

(3) in Article 5, paragraph 1 is replaced by the following:

"1. The Commission **shall determine, by means of implementing [...]** acts, [...] the date of the first reference quarter as well as the transmission deadlines. Any revision of quarterly data for previous quarters shall be transmitted at the same time.

Member States shall transmit the data and metadata to the Commission (Eurostat) according to a format determined by the Commission by means of implementing act.

Those implementing acts shall be adopted in accordance with the procedure referred to in Article 9(3).";

(4) in Article 7, paragraphs 1, 2 and 3 are replaced by the following:

"1. The Commission **shall set up, by means of implementing acts, [...]** the appropriate framework for the establishment of a series of feasibility studies.

Those studies shall be undertaken by those Member States that have difficulties in providing data for:

- (a) units with fewer than 10 employees; and/or
- (b) the following activities:
  - (i) public administration and defence; compulsory social security;
  - (ii) education;
  - (iii) human health and social work activities;
  - (iv) arts, entertainments and recreation;
  - (v) activities of membership organisations, repair of computers and personal and household goods and other personal service activities.

**Those implementing acts shall be adopted in accordance with the procedure referred to in Article 9(3).**

2. Member States undertaking feasibility studies shall each submit a report on the results of those studies within 12 months of the entry into force of the [...] **implementing** acts referred to in paragraph 1.

3. The Commission **shall adopt, by means of implementing** [...] acts, [...] the necessary measures as soon as possible after the results of the feasibility studies become available, in dialogue with the Member States, and within a reasonable time frame. **Those implementing acts shall be adopted in accordance with the procedure referred to in Article 9(3)."**

[...]

(5[...]) in Article 9, paragraph 2 is deleted.

**75. Regulation (EC) No 763/2008 of the European Parliament and of the Council of 9 July 2008 on population and housing censuses<sup>16</sup>**

[...]

**In order to ensure uniform conditions for the implementation of Regulation (EC) No 763/2008, implementing powers should be conferred on the Commission concerning the establishment of subsequent reference years and the adoption of the programme of the statistical data and the metadata. Those powers should be exercised in accordance with Regulation (EU) No 182/2011.**

Accordingly, Regulation (EC) No 763/2008 is amended as follows:

(1) Article 5 is amended as follows:

(a) paragraph 1 is replaced by the following:

"1. Each Member State shall determine a reference date. The reference date shall fall in a year specified on the basis of this Regulation (reference year). The first reference year shall be 2011.

The Commission **shall establish, by means of implementing acts**, [...] the subsequent reference years. Reference years shall fall during the beginning of every decade. **Those implementing acts shall be adopted in accordance with the procedure referred to in Article 8(2).**";

(b) paragraph 3 is replaced by the following:

"3. The Commission **shall adopt, by means of implementing acts**, [...] a programme of the statistical data and of the metadata to be transmitted to fulfil the requirements of this Regulation. **Those implementing acts shall be adopted in accordance with the procedure referred to in Article 8(2).**";

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<sup>16</sup> OJ L 218, 13.8.2008, p. 14.



(2) in Article 7, paragraph 2 is deleted;

[...]

(3[...]) in Article 8, paragraph 3 is deleted.

**76. Regulation (EC) No 1099/2008 of the European Parliament and of the Council of 22 October 2008 on energy statistics<sup>17</sup>**

In order to adapt Regulation (EC) No 1099/2008 to technical progress and new needs, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission

- to amend the list of data sources and the applicable clarifications [...] in that Regulation;
- to amend the arrangements for the transmission of the national data in that Regulation;
- to **amend** [...] that Regulation **as regards** [...] the annual nuclear statistics;
- to [...] **amend the set of** [...] renewable energy statistics, as well as the **set of** final energy consumption statistics **established in that Regulation**.

It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making [...]. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

**There is no need to empower the Commission to amend the definitions in Regulation (EC) No 1099/2008. Therefore, the possibility to adopt those implementing measures in accordance with the regulatory procedure with scrutiny should be removed from Regulation (EC) No 1099/2008, without replacing it with an empowerment conferred in accordance with Article 290(1) or Article 291(2) of the Treaty.**

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<sup>17</sup> OJ L 304, 14.11.2008, p.1.

Accordingly, Regulation (EC) No 1099/2008 is amended as follows:

(1) in Article 3, paragraph 3 is replaced by the following:

"3. The Commission is empowered to adopt delegated acts in accordance with Article 10a amending the list of data sources.";

(2) in Article 4, paragraphs 2 and 3 are replaced by the following:

"2. Applicable clarifications or definitions of the technical terms used are provided in the individual Annexes and also in Annex A (Clarifications of terminology).

The Commission is empowered to adopt delegated acts in accordance with Article 10a **amending this Regulation in order to** further clarify[...] the terminology by adding relevant NACE references after a revision of the NACE classification has entered into force.

3. The Commission is empowered to adopt delegated acts in accordance with Article 10a amending the data to be forwarded and the applicable clarifications."

(3) in Article 5, paragraph 3 is replaced by the following:

"3. The Commission is empowered to adopt delegated acts in accordance with Article 10a amending the arrangements for the transmission of the national statistics. **When exercising that power, the Commission shall ensure that the delegated acts do not impose a significant additional burden or cost on the Member States or on the respondents.**"

(4) in Article 8, the second paragraph is replaced by the following:

"The Commission is empowered to adopt delegated acts in accordance with Article 10a **amending this Regulation as regards** [...] the set of annual nuclear statistics."

(5) Article 9 is amended as follows:

(a) paragraph 2 is replaced by the following:

"2. The Commission is empowered to adopt delegated acts in accordance with Article 10a **amending** [...] the set of renewable energy statistics and the set of final energy consumption statistics **established in this Regulation.**";

(b) paragraph 3 is deleted;

(6) in Article 10, paragraph 1 is deleted;

(7) the following Article 10a is inserted:

*"Article 10a*

**Exercise of the delegation**

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The power to adopt delegated acts referred to in Article 3(3), Article 4(2) and (3), Article 5(3), Article 8, and Article 9(2) shall be conferred on the Commission for a **period of five 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.**

3. The delegation of power referred to in Article 3(3), Article 4(2) and (3), Article 5(3), Article 8 and Article 9(2) may be revoked at any time by the European Parliament or by the Council. A decision to revoke 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. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making [...]\*.

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 3(3), Article 4(2) and (3), Article 5(3), Article 8 and Article 9(2) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two 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 of the Council.

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\* OJ L 123, 12.5.2016, p. 1.";

(8) in Article 11, paragraph 2 is deleted;

(9) in Annex A, the 'Note' in point 2 is deleted.

**77. Regulation (EC) No 1338/2008 of the European Parliament and of the Council of 16 December 2008 on Community statistics on public health and health and safety at work<sup>18</sup> [...]**

**In order to ensure uniform conditions for the implementation of Regulation (EC) No 1338/2008, implementing powers should be conferred on the Commission concerning the establishment of the variables, definitions and classifications of the subjects, referred to in Annexes I to V and their breakdown as well as the reference periods, intervals and time limits for the provision of data and the provision of metadata. Those powers should be exercised in accordance with Regulation (EU) No 182/2011.**

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<sup>18</sup> OJ L 354, 31.12.2008, p. 70.

Accordingly, Regulation (EC) No 1338/2008 is amended as follows:

(1) in Article 6, paragraph 2 is replaced by the following:

"2. Whenever the adoption of [...] **an implementing** act is envisaged in accordance with Article **10(3)** [...], a cost-benefit analysis, taking into account the benefits of the availability of the data in relation to the cost of the data collection and the burden on Member States, shall be carried out."

(2) in Article 7, paragraph 2 is replaced by the following:

"2. Member States shall transmit the data and metadata required by this Regulation in electronic form, in accordance with an interchange standard agreed between the Commission (Eurostat) and the Member States.

The data shall be provided in accordance with the time limits set out, at the intervals provided for, and in respect of the reference periods which are indicated in the Annexes or in **the [...] implementing acts adopted in accordance with the procedure referred to in Article 10(3) [...]**".

(3) in Article 9, paragraph 1 is replaced by the following:

"1. The Commission **shall lay down, by means of implementing acts [...]**:

- (a) the characteristics, namely variables, definitions and classifications of the subjects, referred to in Annexes I to V;
- (b) the breakdown of those characteristics;
- (c) the reference periods, intervals and time limits for data provision;
- (d) the provision of metadata.

Those acts shall take account of, in particular, the provisions of Article 5, Article 6(2) and (3) and Article 7(1), as well as the availability, suitability and the legal context of existing Union data sources after examination of all sources related to the respective domains and subjects.

**Those implementing acts shall be adopted in accordance with the procedure referred to in Article 10(3)."**

[...]

(4[...]) in Article 10, paragraph 2 is deleted;

(5[...]) Annex I is amended as follows:

(a) point (c) is replaced by the following:

*"(c) Reference periods, intervals and time limits for data provision*

Statistics shall be provided every five years from the EHIS; a different frequency may be needed for other data collections, such as those on morbidity or accidents and injuries, as well as for some specific survey modules. The Commission **shall establish, by means of implementing acts**, [...] the measures relating to the first reference year, the interval and the time limit for provision of the data. **Those implementing acts shall be adopted in accordance with the procedure referred to in Article 10(3).**"

(b) in point (d), the second paragraph is replaced by the following:

"Not all subjects are necessarily to be covered at the time of each data provision. The Commission **shall establish, by means of implementing acts**, [...] the measures relating to the characteristics, namely variables, definitions and classifications of the subjects listed above, and the breakdown of characteristics. **Those implementing acts shall be adopted in accordance with the procedure referred to in Article 10(3).**"

(c) point (e) is replaced by the following:

*"(e) Metadata*

The Commission **shall establish, by means of implementing acts**, [...] the measures relating to the provision of metadata, including metadata concerning characteristics of surveys and other sources used, population covered and information about any national specificity essential for the interpretation and compilation of comparable statistics and indicators. **Those implementing acts shall be adopted in accordance with the procedure referred to in Article 10(3).**"

(6[...]) Annex II is amended as follows:

(a) point (c) is replaced by the following:

*"(c) Reference periods, intervals and time limits for data provision*

Statistics shall be provided annually. The Commission **shall establish, by means of implementing acts**, [...] measures relating to the first reference year, the interval and the time limit for provision of the data. **Those implementing acts shall be adopted in accordance with the procedure referred to in Article 10(3).**"

(b) in point (d) the fourth paragraph is replaced by the following:

"The Commission **shall establish, by means of implementing acts**, [...] the measures relating to the characteristics, namely variables, definitions and classifications of the subjects listed above, and the breakdown of characteristics. **Those implementing acts shall be adopted in accordance with the procedure referred to in Article 10(3).**"

(c) point (e) is replaced by the following:

*"(e) Metadata*

The Commission **shall establish, by means of implementing acts**, [...] the measures relating to the provision of metadata, including metadata concerning characteristics of sources and compilations used, population covered and information about any national specificity essential for the interpretation and compilation of comparable statistics and indicators. **Those implementing acts shall be adopted in accordance with the procedure referred to in Article 10(3).**"

(7[...]) Annex III is amended as follows:

(a) point (c) is replaced by the following:

*"(c) Reference periods, intervals and time limits for data provision*

Statistics shall be provided annually. The Commission **shall establish, by means of implementing acts**, [...] the measures relating to the first reference year. The data shall be submitted no later than 24 months after the end of the reference year. Provisional or estimated data can be provided earlier. In the case of public-health incidents, additional special data collections may be established, either for all deaths or for specific causes of death. **Those implementing acts shall be adopted in accordance with the procedure referred to in Article 10(3).**";

(b) in fourth paragraph of point (d) is replaced by the following:

"The Commission **shall establish, by means of implementing acts**, [...] the measures relating to the characteristics, namely variables, definitions and classifications of the subjects listed above, and the breakdown of characteristics. **Those implementing acts shall be adopted in accordance with the procedure referred to in Article 10(3).**";

(c) point (e) is replaced by the following:

*"(e) Metadata*

The Commission **shall establish, by means of implementing acts**, [...] the measures relating to the provision of metadata, including metadata concerning population covered and information about any national specificity essential for the interpretation and compilation of comparable statistics and indicators. **Those implementing acts shall be adopted in accordance with the procedure referred to in Article 10(3).**";

(8[...]) Annex IV is amended as follows:

(a) point (c) is replaced by the following:



"(c) *Reference periods, intervals and time limits for data provision*

Statistics shall be provided annually. The Commission **shall establish, by means of implementing acts**, [...] the measures relating to the first reference year. The data shall be submitted no later than 18 months after the end of the reference year. **Those implementing acts shall be adopted in accordance with the procedure referred to in Article 10(3).**";

(b) in point (d) the fourth paragraph is replaced by the following:

"The Commission **shall establish, by means of implementing acts**, [...] the measures relating to the characteristics, namely variables, definitions and classifications of the subjects listed above, and the breakdown of characteristics. **Those implementing acts shall be adopted in accordance with the procedure referred to in Article 10(3).**";

(c) point (e) is replaced by the following:

" (e) *Metadata*

The Commission **shall establish, by means of implementing acts**, [...] the measures relating to the provision of metadata, including metadata concerning population covered, the declaration rates for accidents at work and, when relevant, sampling characteristics, as well as information about any national specificity essential for the interpretation and compilation of comparable statistics and indicators. **Those implementing acts shall be adopted in accordance with the procedure referred to in Article 10(3).**";

(9[...]) Annex V is amended as follows:

(a) point (c) is replaced by the following:

"(c) *Reference periods, intervals and time limits for data provision*

For occupational diseases, statistics shall be provided annually and submitted no later than 15 months after the end of the reference year. The Commission **shall establish, by means of implementing acts, [...]** the measures relating to the reference periods, the intervals and the time limits for provision of the other data collections. **Those implementing acts shall be adopted in accordance with the procedure referred to in Article 10(3).**";

(b) in point (d) the fourth paragraph is replaced by the following:

"The Commission **shall establish, by means of implementing acts, [...]** the measures relating to the characteristics, namely variables, definitions and classifications of the subjects listed above, and the breakdown of characteristics. **Those implementing acts shall be adopted in accordance with the procedure referred to in Article 10(3).**";

(c) point (e) is replaced by the following:

"(e) Metadata

The Commission **shall establish, by means of implementing acts, [...]** the measures relating to the provision of metadata, including metadata concerning population covered and information about any national specificity essential for the interpretation and compilation of comparable statistics and indicators. **Those implementing acts shall be adopted in accordance with the procedure referred to in Article 10(3).**".

**78. Regulation (EC) No 1185/2009 of the European Parliament and of the Council of 25 November 2009 concerning statistics on pesticides<sup>19</sup>**

In order to update Regulation (EC) No 1185/2009, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to amend [...] the list of substances to be covered and their classification in categories of products and chemical classes as set out in Annex III [...]. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making [...]. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

**In order to ensure uniform conditions for the implementation of Regulation (EC) No 1185/2009, implementing powers should be conferred on the Commission concerning the definition of the 'area treated' as referred to in Section 2 of Annex II. Those powers should be exercised in accordance with Regulation (EU) No 182/2011.**

**There is no need to empower the Commission to amend the requirements relating to the provision of the quality reports referred to in Section 6 of Annexes I and II to Regulation (EC) No 1185/2009. Therefore, the possibility to adopt those implementing measures in accordance with the regulatory procedure with scrutiny should be removed from Regulation (EC) No 1185/2009, without replacing it with an empowerment conferred in accordance with Article 290(1) or Article 291(2) of the Treaty.**

Accordingly, Regulation (EC) No 1185/2009 is amended as follows:

- (1) Article 5 is amended as follows:

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<sup>19</sup> OJ L 324, 10.10.2009, p 1.

(a) in paragraph 1, the second subparagraph is deleted;

[...]

(b[...]) paragraphs 2 and 3 are replaced by the following:

2. The Commission **shall adopt, by means of implementing acts, [...]** the definition of 'area treated' **as referred to in Section 2 of Annex II. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 6(2).**

3. The Commission is empowered to adopt delegated acts in accordance with Article 5a amending the list of substances to be covered and their classification into categories of products and chemical classes as set out in Annex III on a regular basis and at least every five years.";

(2) the following Article 5a is inserted:

*"Article 5a*

**Exercise of the delegation**

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The power to adopt delegated acts referred to in Article 5 [...] (3) shall be conferred on the Commission for **a period of five 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.**

3. The delegation of power referred to in Article 5 [...] (3) may be revoked at any time by the European Parliament or by the Council. A decision to revoke 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. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of **13 April 2016** on Better Law-Making [...] \*.

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 5 [...] (3) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two 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 of the Council.

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\* OJ L 123, 12.5.2016, p. 1.";

(3) in Article 6, paragraph 3 is deleted.