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From: Secretary-General of the European Commission,
signed by Mr Jordi AYET PUIGARNAU, Director

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To: Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of
the European Union

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Subject: REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT
AND THE COUNCIL on the exercise of the power to adopt delegated acts
conferred on the Commission under Council Regulation (EC) No 577/98 on
the organisation of a labour force sample survey in the Community

Delegations will find attached document COM(2019) 308 final.

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THE COUNCIL**

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1. BACKGROUND

Regulation (EU) No 545/2014 of the European Parliament and of the Council of 15 May 2014 ⁽¹⁾ modified Council Regulation (EC) No 577/98 on the organisation of a labour force sample survey in the Community ⁽²⁾ in order to align it with the distinction between delegated and implementing acts introduced under the Lisbon Treaty, and introduced a provision on the financing of ad hoc modules.

Article 4(2) and Article 7a of Council Regulation (EC) No 577/98 as amended, empower the Commission to adopt delegated acts in accordance with Article 7c :

- with regard to the adjustment of the list of survey variables, specified in the list of 14 groups of survey characteristics warranted by the evolution of techniques and concepts — Article 4(2);
- establishing a programme of ad hoc modules covering 3 years — Article 7a.

2. LEGAL BASIS

Under Article 7c of Regulation (EC) No 577/98, the power to adopt delegated acts is conferred for a period of 5 years from 18 June 2014. This power is to be tacitly extended for periods of 5 years unless the European Parliament or the Council opposes such extension no later than three months before the end of each period.

The Commission is required to draw up a report on the delegation of power no later than 9 months before the end of the five-year period.

This report fulfils this requirement.

¹ OJ L 163, 29.5.2014, p. 10.

² Council Regulation (EC) No 577/98 on the organisation of a labour force sample survey in the Community (OJ L 77, 14.3.1998, p. 3).

3. COMMISSION EXERCISE OF DELEGATED POWERS UNDER REGULATION (EC) No 577/98

The Commission has adopted the following two delegated acts: Commission Delegated Regulation (EU) No 1397/2014 ⁽³⁾ and Commission Delegated Regulation (EU) 2016/1851 ⁽⁴⁾.

• COMMISSION DELEGATED REGULATION (EU) No 1397/2014

Article 7a(4) of Regulation (EC) No 577/98, as amended by Regulation (EU) No 545/2014, empowers the Commission to adopt a three-year programme of ad hoc modules. For each ad hoc module, the programme shall stipulate its subject and reference period, and shall list its sub-modules, with a description of the specific area each one covers.

Commission Regulation (EU) No 318/2013 ⁽⁵⁾ adopted the programme of ad hoc modules for the labour force sample survey from 2016 to 2018. It stipulates the subject and the reference period for each of the three ad hoc modules.

When aligning the powers conferred on the Commission in Regulation (EC) No 577/98 with the new institutional context, the legislator, among other things, stipulated additional information to be included in the programme of ad hoc modules. As a result, the Commission was required to include additional information in its programme of ad hoc modules. The programme of 2016 to 2018 ad hoc modules was therefore amended.

Commission Delegated Regulation (EU) No 1397/2014 amends Regulation (EU) No 318/2013, providing the additional information that now has to be included in the programme of ad hoc modules, specifically the list of sub-modules and a description of each of them.

The three ad hoc modules are the following:

- a) Young people on the labour market (Reference period: 2016);
- b) Self-employment (Reference period: 2017);
- c) Reconciliation between work and family life (Reference period: 2018).

The Commission has carried out appropriate consultations as part of the preparation of this Delegated Regulation. National experts were invited to the June 2014 meeting of the Labour Market Statistics working group, the conclusions of which were circulated amongst those who attended the meeting.

The Commission has informed both the European Parliament and the Council about the consultation results.

³ Commission Delegated Regulation (EU) No 1397/2014 of 22 October 2014 amending Regulation (EU) No 318/2013 adopting the programme of ad hoc modules, covering the years 2016 to 2018, for the labour force sample survey provided for by Council Regulation (EC) No 577/98 (OJ L 370, 30.12.2014, p. 42).

⁴ Commission Delegated Regulation (EU) 2016/1851 of 14 June 2016 adopting the programme of ad hoc modules, covering the years 2019, 2020 and 2021, for the labour force sample survey provided for by Council Regulation (EC) No 577/98 (OJ L 284, 20.10.2016, p. 1).

⁵ Commission Regulation (EU) No 318/2013 of 8 April 2013 adopting the programme of ad hoc modules, covering the years 2016 to 2018, for the labour force sample survey provided for by Council Regulation (EC) No 577/98 (OJ L 99, 9.4.2013, p. 11).

The Commission adopted the Delegated Regulation on 22 October 2014 and notified the European Parliament and the Council. Neither the European Parliament nor the Council issued any objection to the Delegated Regulation within the standard two-month period allowed. At the end of the two-month period, the Delegated Regulation was published in the *Official Journal of the European Union* on 30 December 2014 and entered into force on 19 January 2015.

- **COMMISSION DELEGATED REGULATION (EU) 2016/1851**

The second Commission Delegated Regulation was adopted in order to specify the components of the new programme of ad hoc modules covering 2019, 2020 and 2021.

The subjects answer the need for a comprehensive and comparable set of data on work organisation and working time arrangements, and more detailed data on labour market participation, to monitor progress towards achieving the common objectives of the Europe 2020 strategy. For each ad hoc module, the programme stipulated the subjects and reference period, and listed its sub-modules, with a description of the specific area each one covers.

The three ad hoc modules are the following:

- a) Work organisation and working time arrangements (Reference period: 2019)
- b) Accidents at work and other work-related health problems (Reference period: 2020)
- c) Labour situation of migrants and their immediate descendants (Reference period: 2021).

The Commission carried out appropriate consultations as part of the preparation of this Delegated Regulation. It consulted national experts invited to expert meetings to discuss the draft delegated act. The consultation took place at the meetings of the Labour Market Statistics working group on 24-25 June 2014, 10-11 December 2014 and 7-8 December 2015.

The European Directors of Social Statistics were also consulted during their meeting on 23-24 February 2016.

Finally, the Directors-General of the Member States' national statistical institutes were also consulted during a meeting held to discuss this matter on 18 May 2016.

The Commission has informed both the European Parliament and the Council about the consultation results.

The Commission adopted the Delegated Regulation on 14 June 2016 and notified the European Parliament and the Council. Neither the European Parliament nor the Council issued any objection to the Delegated Regulation within the standard two-month period allowed. At the end of the two-month period, the Delegated Regulation was published in the *Official Journal of the European Union* on 20 October 2016 and entered into force on 9 November 2016.

CONCLUSION

The Commission has exercised its delegated powers correctly and invites the European Parliament and the Council to take note of this report.

The Commission believes that it should continue to have these powers, as in the future it may need to adopt delegated acts for additional ad hoc modules according to Article 4(2) and Article 7a of Council Regulation (EC) No 577/98.