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To:	Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union
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Subject:	COMMISSION DELEGATED REGULATION (EU) .../... of 2.9.2024 amending Delegated Regulation (EU) 2023/137 as regards the application of certain data transmission requirements

Delegations will find attached document C(2024) 5984 final.

Encl.: C(2024) 5984 final



EUROPEAN
COMMISSION

Brussels, 2.9.2024
C(2024) 5984 final

COMMISSION DELEGATED REGULATION (EU) .../...

of 2.9.2024

**amending Delegated Regulation (EU) 2023/137 as regards the application of certain data
transmission requirements**

(Text with EEA relevance)

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE DELEGATED ACT

Revision 2 of the common statistical classification of economic activities in the European Union (NACE Rev. 2) was established by Regulation (EC) No 1893/2006, which started to apply on 1 January 2008.

Since NACE Rev. 2 started to apply, globalisation and digitalisation have progressively changed the way in which many economic activities are carried out worldwide. These changes have affected, both internationally and within the EU itself, the statistics that are based on classifications of economic activities.

NACE Rev. 2 needed to be updated because of these changes, to stay comparable and consistent with the standards for classifying economic activities used internationally. Therefore, and also to adapt it to technical and scientific developments, the Commission adopted Commission Delegated Regulation 2023/137 of 10 October 2022 establishing the updated NACE (NACE Rev. 2.1).

Many legal acts concerning various statistical domains contain data transmission requirements referring to specific NACE Rev. 2 sections, divisions, groups or classes. An immediate update of these transmission requirements should not be required, as a certain period of time is necessary to allow data providers to adapt to the new regulatory requirements. For this reason, Delegated Regulation (EU) No 2023/137 sets out different dates of application for different statistical domains.

To better align with practical feasibility, the provisions for application thus set out in Delegated Regulation (EU) No 2023/137 need to be further updated.

2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT

The Commission conducted the relevant consultations while preparing this delegated act. The informal Commission expert group known as the ‘Standards Working Group’ was consulted on 7 and 8 December 2023.

Moreover, the Commission consulted the informal expert group ‘National Statistical Institutes of the European Statistical System’.

The Commission also kept the European Parliament and the Council informed about the preparation of the delegated act.

3. LEGAL ELEMENTS OF THE DELEGATED ACT

Article 6(2) of Regulation (EC) No 1893/2006 sets out the objective of this delegated act, which is to take account of technological or economic developments to ensure the international comparability of economic statistics, by keeping them consistent with the update made to NACE Revision 2 by Commission Delegated Regulation 2023/137.

The delegated act amends Article 2 of Commission Delegated Regulation 2023/137 amending Regulation (EC) No 1893/2006.

The delegated act concerns a matter relating to the European Economic Area (EEA) and its application should therefore be extended to the EEA.

The delegated act has no implication for the EU budget.

COMMISSION DELEGATED REGULATION (EU) .../...

of 2.9.2024

amending Delegated Regulation (EU) 2023/137 as regards the application of certain data transmission requirements

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to 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 domains¹, and in particular Article 6(2) thereof,

Whereas:

- (1) Regulation (EC) No 1893/2006 established a common statistical classification of economic activities in the Union ('NACE Rev. 2'), which started to apply on 1 January 2008.
- (2) After NACE Rev. 2 started to apply, globalisation and digitalisation have progressively changed the way in which many economic activities provide goods and services worldwide.
- (3) As a result of those changes, NACE Rev. 2 had to be updated, to maintain its comparability and consistency with the standards for classifying economic activities used at international level. Accordingly, Commission Delegated Regulation (EU) 2023/137² amended Regulation (EC) No 1893/2006 and established the updated classification ('NACE Rev. 2.1').
- (4) To enable users to assess the detailed content changes in NACE and to compare the previous version of the classification with the updated version thereof, a correspondence table³ was made available to the classification users on 1 August 2023, along with explanatory notes⁴.
- (5) A large body of legislation sets out data transmission requirements which refer to specific NACE sections, divisions, groups or classes. In order to enable data providers to adapt to the amended regulatory requirements, the application of the updated classification (NACE Rev. 2.1) was deferred with regard to certain data transmission requirements set out in several Union legal acts. In order to better align data

¹ OJ L 393, 30.12.2006, p. 1, ELI: <http://data.europa.eu/eli/reg/2006/1893/oj>.

² Commission Delegated Regulation (EU) 2023/137 of 10 October 2022 amending Regulation (EC) No 1893/2006 of the European Parliament and of the Council establishing the statistical classification of economic activities NACE Revision 2 (OJ L 19, 20.1.2023, p. 5, ELI: http://data.europa.eu/eli/reg_del/2023/137/oj).

³ <https://europa.eu/!f6GH9nX>

⁴ <https://europa.eu/!FNRFBB>

transmission requirements with practical feasibility, the time of application of NACE Rev. 2.1 should be further amended for certain statistical domains.

(6) As the granularity of the updated classification is similar to that of the original version of the classification, the amendment to Delegated Regulation (EU) 2023/137 set out in this Regulation would not impose any significant additional burden on Member States or on respondents.

(7) Delegated Regulation (EU) No 2023/137 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 2 of Delegated Regulation (EU) 2023/137, paragraph 2 is replaced by the following:

‘2. By way of derogation from paragraph 1, this Regulation shall apply as follows:

- (a) for Council Regulation (EC) No 530/1999*, concerning:
 - statistics on the structure and distribution of earnings, from 1 January 2026 as regards the transmission of data relating to each reference period which starts on or after that date;
 - statistics on the level and composition of labour costs, from 1 January 2028, as regards the transmission of data relating to each reference period which starts on or after that date;
- (b) for Regulation (EC) No 2150/2002 of the European Parliament and of the Council**, from 1 January 2026 as regards the transmission of data relating to each reference period which starts on or after that date;
- (c) for Regulation (EC) No 450/2003 of the European Parliament and of the Council***, from 1 January 2027 as regards the transmission of data relating to each reference period which starts on or after that date;
- (d) for Regulation (EC) No 138/2004 of the European Parliament and of the Council****, from 1 January 2028 as regards the transmission of data relating to each reference period which starts on or after that date;
- (e) for Regulation (EC) No 1552/2005 of the European Parliament and of the Council*****, from 1 January 2030 as regards the transmission of data relating to each reference period which starts on or after that date;
- (f) for Regulation (EC) No 453/2008 of the European Parliament and of the Council*****, from 1 January 2026 as regards the transmission of data relating to each reference period which starts on or after that date;
- (g) for Regulation (EC) No 1099/2008 of the European Parliament and of the Council*****, from 1 January 2027 as regards the transmission of data relating to each reference period which starts on or after that date;
- (h) for Regulation (EC) No 1338/2008 of the European Parliament and of the Council*****, concerning:
 - ANNEX II – Domain: Healthcare, subject: ‘healthcare expenditure and financing’, from 1 January 2027 as regards the transmission of data relating to each reference period which starts on or after that date;

- ANNEX IV – Domain: Accidents at work, from 1 January 2027 as regards the transmission of data relating to each reference period which starts on or after that date;
- (i) for Regulation (EU) No 691/2011 of the European Parliament and of the Council*****, concerning:
 - Annex I – MODULE FOR AIR EMISSIONS ACCOUNTS, from 1 January 2026 as regards the transmission of data relating to each reference period which starts on or after that date;
 - Annex II – MODULE FOR ENVIRONMENTALLY RELATED TAXES BY ECONOMIC ACTIVITY, from 1 January 2026 as regards the transmission of data relating to each reference period which starts on or after that date;
 - Annex IV – MODULE FOR ENVIRONMENTAL PROTECTION EXPENDITURE ACCOUNTS, from 1 January 2026 as regards the transmission of data relating to each reference period which starts on or after that date;
 - Annex V – MODULE FOR ENVIRONMENTAL GOODS AND SERVICES SECTOR ACCOUNTS, from 1 January 2026 as regards the transmission of data relating to each reference period which starts on or after that date;
 - Annex VI – MODULE FOR PHYSICAL ENERGY FLOW ACCOUNTS, from 1 January 2026 as regards the transmission of data relating to each reference period which starts on or after that date;
- (j) for Regulation (EU) No 70/2012 of the European Parliament and of the Council*****, from 1 January 2026 as regards the transmission of data relating to each reference period which starts on or after that date;
- (k) for Regulation (EU) No 549/2013 of the European Parliament and of the Council*****, as regards Annex B, it shall apply to data transmissions from 1 September 2029;
- (l) for Article 2 of Regulation (EU) 2018/1091 of the European Parliament and of the Council of 18 July 2018*****, from 1 January 2030 as regards the transmission of data relating to each reference period which starts on or after that date;
- (m) for Regulation (EU) 2019/1700 of the European Parliament and of the Council*****, concerning:
 - the ‘labour force’ and ‘income and living conditions’ domains, from 1 January 2026 as regards the transmission of data relating to each reference period which starts on or after that date;
 - the ‘education and training’ domain, from 1 January 2028 as regards the transmission of data relating to each reference period which starts on or after that date;
 - the ‘consumption’ and ‘time use’ domains, from 1 January 2030 as regards the transmission of data relating to each reference period which starts on or after that date;

- the ‘health’ domain, from 1 January 2031 as regards the transmission of data relating to each reference period which starts on or after that date;
- (n) for Regulation (EU) 2019/2152 of the European Parliament and of the Council*****, concerning:
 - Article 6(1), point (a), from 1 January 2025 as regards the transmission of data rebased on the year 2025;
 - Article 6(2), point (c), from 1 January 2026 as regards the transmission of data relating to each reference period which starts on or after that date;
 - Article 6(2), points (b) and (d), from 31 December 2026 as regards the transmission of data relating to each reference period that ends on or after that date;
- (o) for Article 2 of Regulation (EU) No 2022/2379 of the European Parliament and the Council*****, from 1 January 2030 as regards the transmission of data relating to each reference period which starts on or after that date.

* Council Regulation (EC) No 530/1999 of 9 March 1999 concerning structural statistics on earnings and on labour costs (OJ L 63, 12.3.1999, p. 6, ELI: <http://data.europa.eu/eli/reg/1999/530/oj>).

** Regulation (EC) No 2150/2002 of the European Parliament and of the Council of 25 November 2002 on waste statistics (OJ L 332, 9.12.2002, p. 1, ELI: <http://data.europa.eu/eli/reg/2002/2150/oj>).

*** Regulation (EC) No 450/2003 of the European Parliament and of the Council of 27 February 2003 concerning the labour cost index (OJ L 69, 13.3.2003, p. 1, ELI: <http://data.europa.eu/eli/reg/2003/450/oj>).

**** Regulation (EC) No 138/2004 of the European Parliament and of the Council of 5 December 2003 on the economic accounts for agriculture in the Community (OJ L 33, 5.2.2004, p. 1, ELI: <http://data.europa.eu/eli/reg/2004/138/oj>).

***** 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 (OJ L 255, 30.9.2005, p. 1, ELI: <http://data.europa.eu/eli/reg/2005/1552/oj>).

***** Regulation (EC) No 453/2008 of the European Parliament and of the Council of 23 April 2008 on quarterly statistics on Community job vacancies (OJ L 145, 4.6.2008, p. 234, ELI: <http://data.europa.eu/eli/reg/2008/453/oj>).

***** Regulation (EC) No 1099/2008 of the European Parliament and of the Council of 22 October 2008 on energy statistics (OJ L 304, 14.11.2008, p. 1, ELI: <http://data.europa.eu/eli/reg/2008/1099/oj>).

***** 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 (OJ L 354, 31.12.2008, p. 70, ELI: <http://data.europa.eu/eli/reg/2008/1338/oj>).

***** Regulation (EU) No 691/2011 of the European Parliament and of the Council of 6 July 2011 on European environmental economic accounts (OJ L 192, 22.7.2011, p. 1, ELI: <http://data.europa.eu/eli/reg/2011/691/oj>).

***** Regulation (EU) No 70/2012 of the European Parliament and of the Council of 18 January 2012 on statistical returns in respect of the carriage of goods by road (OJ L 32, 3.2.2012, p. 1, ELI: <http://data.europa.eu/eli/reg/2012/70/oj>).

***** Regulation (EU) No 549/2013 of the European Parliament and of the Council of 21 May 2013 on the European system of national and regional accounts in the European Union (OJ L 174, 26.6.2013, p. 1, ELI: <http://data.europa.eu/eli/reg/2013/549/oj>).

***** Regulation (EU) 2018/1091 of the European Parliament and of the Council of 18 July 2018 on integrated farm statistics and repealing Regulations (EC) No 1166/2008 and (EU) No 1337/2011(OJ L 200, 7.8.2018, p. 1, ELI: <http://data.europa.eu/eli/reg/2018/1091/oj>).

***** Regulation (EU) 2019/1700 of the European Parliament and of the Council of 10 October 2019 establishing a common framework for European statistics relating to persons and households, based on data at individual level collected from samples, amending Regulations (EC) No 808/2004, (EC) No 452/2008 and (EC) No 1338/2008 of the European Parliament and of the Council, and repealing Regulation (EC) No 1177/2003 of the European Parliament and of the Council and Council Regulation (EC) No 577/98 (OJ L 261 I, 14.10.2019, p. 1, ELI: <http://data.europa.eu/eli/reg/2019/1700/oj>).

***** Regulation (EU) 2019/2152 of the European Parliament and of the Council of 27 November 2019 on European business statistics, repealing 10 legal acts in the field of business statistics (OJ L 327, 17.12.2019, p. 1, ELI: <http://data.europa.eu/eli/reg/2019/2152/oj>).

***** Regulation (EU) 2022/2379 of the European Parliament and of the Council of 23 November 2022 on statistics on agricultural input and output, amending Commission Regulation (EC) No 617/2008 and repealing Regulations (EC) No 1165/2008, (EC) No 543/2009 and (EC) No 1185/2009 of the European Parliament and of the Council and Council Directive 96/16/EC (OJ L 315, 7.12.2022, p. 1, ELI: <http://data.europa.eu/eli/reg/2022/2379/oj>).’

Article 2

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 2.9.2024

For the Commission

The President

Ursula VON DER LEYEN