

Committee on Economic and Monetary Affairs
The Chair

Minister-Counsellor Arkadiusz Pluciński
Chair of COREPER I
Council of the European Union
Rue de la Loi 175
1040 Brussels

D 100115 17.01.2025

Subject: Council's position in view of the adoption of the proposal for a Regulation of the European Parliament and of the Council on European Union labour market statistics on businesses, repealing Council Regulation (EC) No 530/1999 and Regulations (EC) No 450/2003 and (EC) No 453/2008 of the European Parliament and of the Council (2023/0288(COD)) - Early second reading agreement

Dear Mr Pluciński,

I understand that at its meeting of 18 December 2024, COREPER decided to accept the outcome of the interinstitutional negotiations regarding the abovementioned regulation.

I would like to inform you that, should the Council transmit formally to the Parliament its position in the form as it stands in the annex, I will, in my capacity as Chair of the Committee on Economic and Monetary Affairs, recommend to the Plenary that the Council's position be accepted without amendment, subject to legal-linguistic verification, at Parliament's second reading.

At the same time, I would like to thank the Presidency for the efforts made and the work accomplished to achieve an early second reading agreement on this file.

Yours sincerely,



Aurore Lalucq

Annex: Text agreed: Regulation of the European Parliament and of the Council on European Union labour market statistics on businesses, repealing Council Regulation (EC) No 530/1999 and Regulations (EC) No 450/2003 and (EC) No 453/2008 of the European Parliament and of the Council (2023/0288(COD))

CC: Mariana Kotzeva, Director-General of Eurostat



10.1.2025

PROVISIONAL AGREEMENT RESULTING FROM INTERINSTITUTIONAL NEGOTIATIONS

Subject: Proposal for a regulation of the European Parliament and of the Council on European Union labour market statistics on businesses, repealing Council Regulation (EC) No 530/1999 and Regulations (EC) No 450/2003 and (EC) No 453/2008 of the European Parliament and of the Council (COM(2023)0459 – C9 0316/2023 – 2023/0288(COD))

The interinstitutional negotiations on the aforementioned proposal for a regulation have led to a compromise. In accordance with Rule 75(4) of the Rules of Procedure, the provisional agreement, reproduced below, is submitted as a whole to the Committee on Economic and Monetary Affairs for decision by way of a single vote.

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on European Union labour market statistics on businesses, repealing Council Regulation (EC) No 530/1999 and Regulations (EC) No 450/2003 and (EC) No 453/2008 of the European Parliament and of the Council

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 338(1) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

*Having regard to the opinion of the European Central Bank,*¹

■²

■³

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) *Accurate, timely, reliable and comparable* labour market statistics on businesses in the European Union are required for the design, implementation and evaluation of the Union policies, in particular those addressing economic, social and territorial cohesion, the European employment strategy, *and the principles of* the European

¹ OJ C, C/2024/668, 12.01.2024, ELI: <http://data.europa.eu/eli/C/2024/668/oj>.

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Pillar of Social Rights (*EPSR*). *Those statistics are also relevant in the context of the European Semester, the EPSR action plan and the social economy action plan. They are also important for the Union to fulfil its tasks under the Treaties.*

- (2) The prevention and correction of macroeconomic imbalances according to Regulation (EU) 1176/2011⁴ and the monitoring of adequate minimum wages according to Directive (EU) 2022/2041 of the European Parliament and of the Council⁵ require accurate information on the evolution of hourly labour costs and wage levels, *the coverage of collective pay agreements and the share of workers covered by a minimum wage* across Member States.
- (3) The European Central Bank uses European labour market statistics on businesses, in the context of the single monetary policy, *in particular those on the evolution of labour costs and wage growth*. Therefore, accurate, timely, *reliable* and comparable Union statistics on the evolution of labour costs are necessary.
- (4) It is necessary to extend the coverage of job vacancy statistics and the timeliness of the labour cost index as both indicators are listed among the Principal European Economic Indicators (PEEIs)⁶, needed to monitor monetary and economic policies.
- (4a) *It is important for analytical purposes that an appropriate amount of back data is available to be able to assess labour cost indices over time.*
- (4b) *In order to operationalise the definition of social enterprise, it is important to initiate feasibility and pilot studies with the aim of having specific data on social enterprises.*
- (5) A legal basis is necessary to regulate the transmission of the annual gender pay gap for monitoring the Sustainable Development Goals under the 2030 Agenda of the United Nations (UN), in particular, goal 5 on Gender Equality.

⁴ Regulation (EU) No 1176/2011 of the European Parliament and of the Council of 16 November 2011 on the prevention and correction of macroeconomic imbalances (OJ L 306, 23.11.2011, p. 25).

⁵ Directive (EU) 2022/2041 of the European Parliament and of the Council of 19 October 2022 on adequate minimum wages in the European Union (OJ L 275 of 25.10.2022, p. 33).

⁶ Communication of the Commission to the European Parliament and the Council on eurozone statistics ‘towards improved methodologies for eurozone statistics and indicators’ – COM/2002/0661 final of 27 November 2002.

- (6) The implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation⁷ requires comparable data on wages received by men and women. **Article 31 of the Directive (EU) 2023/970** of the European Parliament and of the Council to strengthen the application of the principle of equal pay for equal work or work of equal value between men and women⁸ requires Member States to provide the Commission with up-to-date gender pay gap data annually and in a timely manner. This obligation should be complemented by the appropriate necessary statistical frame for compiling and transmitting gender pay gap data, ***that should include the detailed topics, the periodicity of the data provision, the reference periods and the deadline for data transmission.***
- (6a) ***The concept of gender pay gap is defined in Directive (EU) 2023/970. That definition should be adapted for the purpose of compiling and transmitting gender pay gap data under this Regulation. In particular, the term 'employee' is to cover workers in an employment relationship, including paid trainees and apprentices.***
- (6b) ***To complement the picture on pay differences, the Commission (Eurostat) should compile the total annual and monthly earnings, covering all their components, for male and female employees every four years, based on the structure of earnings data.***
- (6e) ***The gender pension gap is the relative difference between average gross pensions earned by women and men. The gap has its roots in different professional careers; those of women are characterised by lower pay, shorter and interrupted careers, and a lower volume of hours worked. As a result, women are at greater risk of poverty in later life than men. The data collected in the context of the labour market statistics on businesses regarding the structure of earnings, the gender pay***

⁷ Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (OJ L 204 of 26.07.2006, p. 23)

⁸ Directive (EU) 2023/970 of the European Parliament and of the Council of 10 May 2023 to strengthen the application of the principle of equal pay for equal work or work of equal value between men and women through pay transparency and enforcement mechanisms (OJ L 132 of 17.05.2023, p. 21).

gap and the structure of labour costs can also contribute to a better understanding of the gender pension gap in the Member States.

(7) In order to simplify the existing legislation and foster harmonisation in scope, concepts, definitions and quality reporting, this Regulation should cover all European labour market statistics on businesses. *Therefore, it is appropriate to repeal Regulation (EC) No 530/1999 and Regulations (EC) No 450/2003 and (EC) No 453/2008 of the European Parliament and of the Council and replace them by this Regulation.*

(7a) *It is essential that statistics collected under this Regulation meet the quality criteria of Regulation 223/2009. Statistical precision is an important measure of quality for data coming from samples. It is therefore needed to specify precision targets that should be aimed at when sampling schemes are defined in the Member State. In addition, for the purposes of quality reporting, the Commission (Eurostat) should include in its quality reporting guidance on how to further improve the quality of the statistics compiled under this Regulation.*

Member States might use innovative techniques to collect data, such as web scraping to collect data from websites. The data collected with those techniques should comply with the applicable quality requirements.

(8) This Regulation should take into account new needs that have emerged with the development and deepening of the Union and the euro area, provided that its provisions do not create a *significant additional cost or* burden on respondents or national statistical authorities.

(9) To limit the *administrative and financial* burden on enterprises, in particular on *social enterprises, small and medium-sized enterprises (SMEs) and micro-enterprises*, the national statistical authorities should consider *all available* administrative, innovative *and other* sources, the main aim of which is not the provision of statistics, as a substitute for or a complement to statistical surveys, subject to the quality requirements for official statistics. The latest technological and digital developments can contribute to this objective.

(9a) *National statistical authorities should take into account the principle of cost-effectiveness and not entailing excessive burden on economic operators. Member*

States should conduct efforts to ensure that relevant data is adequately shared between authorities without prejudice to statistical confidentiality in order to ensure that the reporting burden on enterprises is as small as possible.

- (9b) *Reducing response burden is equally important as incorporating new data needs into the production of European statistics. The Commission (Eurostat) should regularly review the use and usability of data and discontinue variables and detailed topics when they are no longer justified by relevant user need.*
- (9c) *The framework governing labour market statistics on businesses should be improved continuously. This includes data quality aspects as well as the reduction of undue economic burdens. However, new methods and procedures should be duly tested before they are incorporated in the day-to-day activities of national statistical institutes. For that purpose, the Commission (Eurostat) and national statistical institutes should conduct feasibility and pilot studies. Such studies should be initiated by the Commission and should be open to the participation of national statistical institutes on a voluntary basis. In order to draw the right conclusions, the results of those studies should be carefully analysed by the Commission and national statistical institutes. That analysis should be made available to the statistical community and the wider public.*
- (10) In order to improve the efficiency of the statistical production processes of labour market statistics and to reduce the statistical burden on respondents, national statistical authorities should have the right to access and use, promptly and free of charge, all national administrative **data, privately held data and other sources**, and to integrate **these data** with statistics, to the extent necessary for the development, production and dissemination of European Union labour market statistics on businesses, in accordance with Regulation (EC) No 223/2009 of the European Parliament and of the Council⁹.

⁹ Regulation (EC) No 223/2009 of the European Parliament and of the Council of 11 March 2009 on European statistics and repealing Regulation (EC, Euratom) No 1101/2008 of the European Parliament and of the Council on the transmission of data subject to statistical confidentiality to the Statistical Office of the European Communities, Council Regulation (EC) No 322/97 on Community Statistics, and Council Decision 89/382/EEC, Euratom establishing a Committee on the Statistical Programmes of the European Communities (OJ L 87, 31.3.2009, p. 164).

- (10a) *Privately held data refers to the vast amount of data held by private data holders obtained as a result of their activity, which could be used by statistical authorities to produce official statistics. It might include data held by civil society organisations, among others.*
- (11) Regulation (EC) No 223/2009 constitutes the reference framework for this Regulation, including as regards the protection of confidential data *including the processing of personal data*.
- (12) Since the objective of this Regulation, namely the establishment of a common framework for systematic production of high quality European Union labour market statistics on businesses, cannot be sufficiently achieved by Member States but can rather, for reasons of consistency and comparability, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.
- (12a) *The power to adopt delegated acts in accordance with Article 290 of the Treaty on the Functioning of the European Union (TFEU) should be delegated to the Commission to amend the list of the detailed topics required to be covered by labour market statistics data on businesses and to supplement this Regulation for the temporary production of additional data for the purpose of addressing additional statistical data needs that cannot be otherwise fulfilled. 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-Making¹⁰. 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.*
- (12b) *In order to ensure uniform conditions for the implementation of this Regulation,*

¹⁰ *OJ L 123, 12.5.2016, p. 1.*

implementing powers should be conferred on the Commission to specify the elements for each topic required to be covered by labour market statistics data on businesses. Likewise, the Commission should be conferred the power to adopt implementing acts to set out the practical arrangements for the quality reports and their content, and to grant derogations to Member States where the application of this Regulation, or the delegated or implementing acts adopted pursuant to it, require major changes to be made to a Member State's national statistical system. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers¹¹.

- (13) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) 2018/1725 of the European Parliament and of the Council¹² and delivered an opinion on **25 September 2023**.
- (14) For the appropriate implementation of this Regulation in Members States, at least 12 months after the date of entering into force are needed before the first data collection.
- (14a) This Regulation is without prejudice to Regulations (EU) 2016/679 and (EU) 2018/1725 and Directive 2002/58/EC of the European Parliament and of the Council. Within their respective scopes of application, the latter Regulations are to apply to the processing of personal data under this Regulation. Anonymised or pseudonymised data should be preferably used for processing, sharing and archiving of personal data for statistical purposes under this Regulation, to guarantee the safeguards as adopted under Article 89 of the Regulation (EU) 2016/679 and Article 13 of the Regulation (EU) 2018/1725.**

¹¹ **Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).**

¹² Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).

(15) The European Statistical System Committee has been consulted.

HAVE ADOPTED THIS REGULATION:

Article 1
Subject matter

This Regulation lays down a common legal framework for the development, production and dissemination of labour market statistics on businesses in the Union.

Article 2
Definitions

For the purposes of this Regulation, the following definitions shall apply:

- (1) ‘statistical unit’ means **an** entity on which **■** data are collected **and statistics are** compiled;
- (2) ‘enterprise’ means **the smallest combination** of legal units as defined in Council Regulation (EEC) No 696/93¹³; This includes non-market producers and other institutional units that belong to the general government sector;
- (2a) **‘social enterprise’ means a private law entity, which can be established in a variety of legal forms, that provides goods and services for the market in an entrepreneurial way and in accordance with the principles and features of the social economy, having social or environmental objectives as the reason for its commercial activity**¹⁴;
- (3) ‘local unit’ means an enterprise, or a part thereof, situated in a geographically identified place **as defined in Council Regulation (EEC) No 696/93**¹⁵;
- (4) ‘resident enterprise’, respectively ‘resident local unit’, means an enterprise, respectively a local unit, carrying out economic activities contributing to the gross domestic product (GDP) **as laid down in Chapter 1 of Annex A to Regulation of the European Parliament and of the Council (EU) No 549/2013**;
- (5) ‘employee’ means any person irrespective of his/her nationality, residency or how long he/she has worked in the Member State who has a direct employment **relationship** with an enterprise, **established by a formal contract or an informal agreement**, and receive remuneration, irrespective of the type of work performed, the number of hours worked (full-time or part-time) and the duration of the contract **or agreement** (fixed or indefinite, including seasonal); the remuneration of an employee can take the form of wages and salaries, including bonuses, pay for piecework and shift work, allowances, fees, commission and remuneration in kind;
- (6) ‘employer’ means an enterprise or a local unit that has a direct employment **relationship** with an employee, **established by a formal contract or an informal**

¹³ 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 (OJ L 76, 30.3.1993, p. 1), ANNEX-Section III-A.

¹⁴ **Council Recommendation of 27 November 2023 on developing social economy framework conditions (C/2023/1344) (OJ C, C/2023/1344, 29.11.2023, ELI: <http://data.europa.eu/eli/C/2023/1344/oj>).**

¹⁵ **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 (OJ L 76, 30.3.1993, p. 1), ANNEX-Section III-A**

- agreement ■ ;
- (7) 'domain' means one or several data sets that cover *particular* topics;
 - (8) 'topic' means the content of the information to be *compiled*, with each topic covering *one or more* detailed topics;
 - (9) 'detailed topic' means the detailed content of the information to be *compiled* related to a topic, each detailed topic *covering* one or *more* variables;
 - (10) 'variable' means a characteristic of a unit *or a set of units* that may assume more than one of a set of values;
 - (11) 'breakdown' means a predefined discrete, exhaustive and mutually exclusive set of values which can be assigned to a variable characterising statistical units;
 - (12) 'microdata' means *individual observations or measurements of characteristics of statistical units* without a direct identifier;
 - (13) 'aggregated data' means data concerning a set of several statistical units;
 - (14) 'statistical population' means the set of statistical units about which information is ■ required;
 - (15) 'sampling frame' means a list, map or other specification of the units which determine a statistical population that is to be completely enumerated or sampled;
 - (16) 'sample' means a subset of a sampling frame whose elements are selected based on a process with a known probability of selection, designed so as to allow for deriving valid estimations for the statistical population;
 - (17) 'respondent' means the ■ unit that supplies *data*;
 - (18) '*statistical survey* ■ ' means *collecting data from* a sample of respondents, *which can be* extrapolated to the statistical population by using appropriate *statistical* methods;
 - (19) 'administrative *data*' mean data generated by *a non-statistical source*, usually *a register held by* a public body, the main aim of which is not the provision of statistics;
 - (20) 'other sources' *mean data that derive from sources other than the ones listed in points (a), (b) and (c) of Article 3(1), such as* websites and databases, the main aim of which is not the provision of official statistics;
 - (21) 'statistical classification' means an ordered list, with one or more levels of detail, of related though mutually exclusive categories used to structure information in a given statistical domain according to its similarities;
 - (22) 'reference period' means the *time interval* to which *statistics* refer;
 - (24) 'metadata' means information that is needed to use and interpret statistics and that describes the data in a structured way;
 - (25) 'pre-checked data' means data verified by Member States based on agreed common validation rules;
 - (26) 'quality report' means a report conveying information about the quality of a statistical product or process.
 - (26b) '*gender pay gap*' means *the difference in average gross hourly earnings of male and female employees expressed as a percentage of the average gross hourly earnings of the male employees.*

Article 3

Sources and methods

1. ■ Member States shall use ■ one or a combination of the following *data* sources, provided they *allow for producing statistics that* meet the quality *requirements laid down* in Article 8:

- (a) *statistical surveys or other statistical data collections;*
- (b) *administrative data;*
- (c) *data made available by private data holders;*
- (d) *other sources.*

1a. Member States and the Commission (Eurostat) shall endeavour to use innovative methods and data sources to improve statistics compiled pursuant to this Regulation and to reduce response burden, provided that those methods and sources allow for the production of statistics that meet the quality requirements laid down in Article 8.

1b. In the event that a request submitted by a national statistical institute or the Commission (Eurostat) to a private data holder in accordance with Regulation (EC) No 223/2009 on European statistics concerns personal data, that request shall be limited to the personal data categories covered by the domains and topics specified in Article 4.

2. Surveys used for the purpose of labour market statistics on businesses shall be based on samples which are representative of the statistical population. Samples of enterprises or local units shall be drawn from the national statistical business registers as defined in Article 8(4) of Regulation (EU) 2019/2152.

3. Member States shall provide the Commission (Eurostat) with detailed information on the sources and methods used through the quality reports referred to in Article 8(4).

Article 4

Data requirements

1. Labour market statistics on businesses shall cover the following domains and topics:

- (a) earnings:
 - (i) structure of earnings;
 - (ii) gender pay gap;
- (b) labour costs:
 - (i) structure of labour costs;
 - (ii) labour cost index;
- (c) labour demand:
 - (i) job vacancies.

The topics labour cost index, referred to in point (b)(ii), and job vacancies, referred to in point (c)(i), include their respective early estimates referred to in Article 5.

2. For each topic listed in paragraph 1, the detailed topics, their corresponding periodicity, reference periods ***including the first reference period*** and transmission deadlines shall be as set out in the Annex.

3. The Commission shall be empowered to adopt delegated acts in accordance with Article 13 to amend the list of the detailed topics ***as set out in the Annex. For new detailed topics only, those delegated acts may also include*** the periodicity, the reference periods and the transmission deadlines. ***The delegated acts shall be adopted at least 18 months before the beginning of the relevant reference period.***

4. When exercising ***the*** power to adopt delegated acts pursuant to paragraph 3, the Commission shall ensure that:

- (a) ***the delegated acts do not, in any case, impose a significant additional cost or burden on the Member States or on the respondents;***
- (b) ***feasibility or pilot studies as set out in Article 9 shall be carried out and their results shall be duly assessed and taken into account before the adoption of any delegated act.***

The studies referred to in paragraph 4, point (c), shall be financed in accordance

with Article 10.

5. The data shall be transmitted to the Commission (Eurostat) in the form of aggregated data, except for the topic structure of earnings, referred to in paragraph 1, point (a)(i), for which microdata shall be transmitted for individual employees and local units.
6. Member States shall provide pre-checked data and related metadata using a technical format specified by the Commission (Eurostat) for each data set. The single entry point services shall be used to provide the data to the Commission (Eurostat).
7. The Commission shall adopt implementing acts specifying the following elements for each topic:
 - (a) the list and description of variables *and their technical specifications*;
 - (b) statistical classifications and *breakdowns whereas geographical breakdowns cannot go below NUTS1 level*;
 - (c) precision targets;
 - (d) the metadata to be transmitted with the same periodicity, reference period and deadlines as the data they refer to;

These implementing acts shall be adopted in accordance with the examination procedure referred to in Article 14(2) at least **18** months before the beginning of the relevant reference period, *except for the first reference period as mentioned in the Annex for which 12 months shall apply. The implementing act for the topic Structure of Earnings shall be adopted before 1 September 2025 for the first reference period beginning in 2026. The Commission shall ensure that the implementing acts adopted pursuant to this paragraph comply with the principle of proportionality and do not impose a significant additional burden or cost on the Member States or on businesses.*

11. *Feasibility or pilot studies as set out in Article 9 shall be carried out and their results shall be duly assessed and taken into account before any modification of the data breakdowns referred to in paragraph 7(b) of this Article.*
- 11a. *The Commission is empowered to adopt delegated acts supplementing this Regulation in accordance with Article 13 by setting out the information to be provided by Member States for a maximum period of three reference years, where, within the scope of this Regulation, the production of additional data is deemed necessary for the purpose of addressing additional statistical data needs that cannot be otherwise fulfilled. In particular the delegated acts referred to in this paragraph shall not result in an obligation for a new statistical survey on businesses. Those delegated acts shall set out:*
 - (a) *the detailed topics to be provided according to this paragraph, related to the domains and topics specified in Article 4 and the reasons for such additional needs;*
 - (b) *the periodicity, reference periods and transmission deadlines. The delegated acts referred to in this paragraph shall not apply to reference periods before 2029 and shall have a minimum of 2 years between each additional data production starting from the deadline for transmitting the data of the latest additional data production.**Feasibility or pilot studies as set out in Article 9 shall be carried out and their results shall be duly assessed and taken into account before the adoption of any delegated act. The studies referred to in this paragraph, subparagraph 5, shall be financed in*

accordance with Article 10.

- 11b.** *The Commission shall adopt implementing acts to specify the additional information referred to in paragraph 11a and metadata. Those implementing acts shall specify the following technical elements, where appropriate: (a) the list and description of variables and their technical specifications; (b) statistical classifications and data breakdowns whereas geographical breakdowns cannot go below NUTS1 level; (c) detailed specifications of the statistical units covered; (d) precision targets; (e) the metadata to be transmitted.*

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 14(2) not later than 18 months before the beginning of the relevant reference period.

Feasibility or pilot studies as set out in Article 9 shall be carried out and their results shall be duly assessed and taken into account before the adoption of any implementing act.

Article 5

Early estimates

1. Early estimates for the labour cost index referred to in Article 4(1), point (b)(ii) and job vacancies referred to in Article 4(1), point (c)(i) shall be transmitted:
 - (a) by Member States whose annual number of employees represents more than 3% of the EU total, for each of the 3 latest consecutive years; and
 - (b) by Member States of the euro area whose annual number of employees represents more than 3% of the euro area total, for each of the 3 latest consecutive years;
2. The shares of employees in the EU total and euro area total mentioned in paragraph 1 shall be assessed by the Commission (Eurostat) based on the available EU labour force survey annual data.
3. Should there be any change in the list of Member States whose annual number of employees is higher than the thresholds referred to in points (a) and (b) of paragraph 1, the Commission (Eurostat) shall notify the Member State(s) concerned within 6 months after the end of the period used to assess the 3% threshold. If the updated shares of employees fall below the respective thresholds referred to in points (a) and (b) of paragraph 1, the Member State(s) concerned **may cease** transmitting early estimates as from the reference quarter of the first calendar year following the date of the notification. If the updated shares fall above those thresholds, the Member State(s) concerned shall transmit the early estimates from the first reference quarter of the third calendar year following the date of the notification.

Article 6

Statistical units and statistical population

1. Statistics under this Regulation shall be compiled for one or more of the following statistical units:
 - (a) enterprises;
 - (b) local units;
 - (c) employees.
2. For topics labour cost index, referred to in Article 4(1), point (b)(ii) and job vacancies, referred to in Article 4(1), point (c)(i), the statistical population shall consist of all enterprises or all local units that are resident of the Member State and which fulfil the following conditions:
 - (a) their main economic activity is included in any section of the NACE

classification¹⁶, except ‘Agriculture, forestry and fishing’, ‘Activities of households as employers and undifferentiated goods – and services – producing activities of households for own use’ and ‘Activities of extraterritorial organisations and bodies’ and

(b) they have 1 or more employees.

3. For topics structure of earnings, referred to in Article 4(1), point (a)(i), and gender pay gap, referred to in Article 4(1), point (a)(ii), as regards data on the employer, the statistical population shall consist of all local units that are resident of the Member State and which fulfil the following conditions:

(a) their economic activity is included in any section of the NACE classification, except ‘Agriculture, forestry and fishing’, ‘Activities of households as employers and undifferentiated goods – and services – producing activities of households for own use’, ‘Activities of extraterritorial organisations and bodies’ **and any data within the Public administration and defence, compulsory social security sector related to defence and national security that is deemed confidential in a Member State in accordance with its national law**; and

(b) they have 1 or more employees.

For the topics structure of earnings and the gender pay gap, as regards data on the employee, the statistical population shall consist of all employees whose local unit belongs to the statistical population defined under points (a) and (b) of the first subparagraph.

5. For the topic structure of labour costs, referred to in Article 4(1), point (b)(i), the statistical population shall consist of all local units that are resident of the Member State and which fulfil the following conditions:

(a) their economic activity is included in any section of the NACE classification, except ‘Agriculture, forestry and fishing’, ‘Activities of households as employers and undifferentiated goods – and services – producing activities of households for own use’ and ‘Activities of extraterritorial organisations and bodies’; and

(b) they are part of enterprises with 10 or more employees.

Article 8

Quality requirements and quality reporting

1. Member States shall take the necessary measures to ensure the quality of the data and metadata transmitted.
2. Member States shall ensure that the data **produced under this Regulation** provide a full coverage of and give accurate estimates on the statistical units and population defined in Article 6.
3. For the purpose of this Regulation, the quality criteria defined in Article 12(1) of Regulation (EC) No 223/2009 shall apply.
4. Member States shall transmit quality reports on the sources and methods for each of the topics listed in Article 4.

¹⁶ 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 (OJ L 393, 30.12.2006, p. 1)

5. The Commission shall adopt implementing acts to set out the practical arrangements for the quality reports and their content. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 14(2) **and shall not impose a significant additional burden or costs on the Member States.**
6. Member States shall inform the Commission (Eurostat) about any relevant information or change with regard to the implementation of this Regulation that would influence the quality of the data transmitted. The information shall be given as soon as possible and no later than 3 months after any such change enters into force.
7. Upon a duly reasoned request from the Commission (Eurostat), Member States shall provide additional information necessary to evaluate the quality of the statistical information.
8. The Commission (Eurostat) shall assess the quality of the data transmitted, the sources and methods used and the sampling frames. **The Commission (Eurostat) shall prepare and publish reports on the quality of the data transmitted, sources and methods used. In those reports, the Commission (Eurostat) shall provide guidance on how to further improve the quality of the statistics compiled under this Regulation.**

Article 9

Feasibility and pilot studies

1. In order to improve the labour market statistics on businesses or to limit the **administrative and financial** burden on enterprises, **in particular SMEs and micro-enterprises**, the Commission (Eurostat) may initiate feasibility and pilot studies. The purpose of such studies shall include **at least one of the following elements:** (a) improving **the** quality and comparability **of data;** (b) exploring new possibilities and implementing new features to respond to user needs, **including in particular to provide data on social enterprises;** (c) improving integration between surveys and other data sources; (d) reducing the burden on respondents; (e) **improving the cost-effectiveness of data collection;** and (f) **ensuring feasibility of the matters covered by the delegated and implementing acts.** The studies shall take into account technological and digital developments.
2. Member States may participate in those studies on a voluntary basis. In cooperation with the Commission (Eurostat), they shall ensure the studies are representative at Union level.
3. The results of those studies shall be evaluated by the Commission (Eurostat) in cooperation with Member States and the main stakeholders, **including social partners.** The Commission (Eurostat) shall prepare reports on the findings of the studies, **including the possible future use of the results,** in cooperation with the Member States. **Those reports shall be made publicly available.**

Article 10

Financing

1. **As regards the implementation of this Regulation,** financial contribution **shall be made available** from the **Single Market Programme established by Regulation (EU) No 2021/690 of the European Parliament and the Council and in accordance with Regulation (EU, Euratom) 2024/2509 of the European Parliament and of the Council** to the national statistical institutes and other national authorities, referred to in Article 5(2) of Regulation (EC) No 223/2009, to:
 - (a) improve sources, **methods,** including sampling frames, for the labour market statistics on businesses **■** ;
 - (b) **support the participation of the Member States in pilot and feasibility ■**

studies referred to in Article 9 *of this Regulation*.

Financial contribution may also be provided from the general budget of the Union.

- 1a.** *The amount of the Union financial contribution under subparagraph 1 of paragraph 1 shall be established in accordance with the rules of the Single Market Programme as part of the annual budgetary procedure, subject to the availability of funding. The budgetary authority shall determine the appropriations available each year.*
2. The Union financial contribution shall not exceed 90% of the eligible costs.

Article 11

Protection of the financial interests of the Union

1. The Commission shall take appropriate measures to ensure that, when actions financed under this Regulation are implemented, the financial interests of the Union are protected by the application of preventive measures against fraud, corruption and any other illegal activities, by effective checks and, if irregularities are detected, by the recovery of the amounts wrongly paid and, where appropriate, by effective, proportionate and dissuasive administrative and financial penalties.
2. The Commission or its representatives and the Court of Auditors shall have the power of audit, on the basis of documents and on-the-spot checks, over all grant beneficiaries, contractors and subcontractors who have received Union funds under this Regulation.
3. The European Anti-Fraud Office (OLAF) may carry out investigations, including on-the-spot checks and inspections, in accordance with the provisions and procedures laid down in Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council¹⁷ and Council Regulation (Euratom, EC) No 2185/96¹⁸ with a view to establishing whether there has been fraud, corruption or any other illegal activity affecting the financial interests of the Union in connection with a grant agreement or grant decision or contract funded under this Regulation.
4. Without prejudice to paragraphs 1, 2 and 3, cooperation agreements with third countries and with international organisations, contracts, grant agreements and grant decisions resulting from the implementation of this Regulation shall contain provisions expressly empowering the Commission, the Court of Auditors, the European Public Prosecutor and OLAF to conduct such audits and investigations, in accordance with their respective competences.

Article 12

Derogations

1. Where the application of this Regulation, or the delegated or implementing acts adopted pursuant thereto, requires major changes to be made to a Member State's national statistical system, the Commission may grant, by means of implementing

¹⁷ Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) and repealing Regulation (EC) No 1073/1999 of the European Parliament and of the Council and Council Regulation (Euratom) No 1074/1999 (OJ L 248, 18.9.2013, p. 1).

¹⁸ Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities (OJ L 292, 15.11.1996, p. 2.).

acts, *duly justified* derogations to the Member State, for a maximum duration of *1 year for data with a quarterly periodicity, of 2 years for data with an annual periodicity, and of 4 years for data with a multiannual periodicity*. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 14(2). *The relevant Member State shall submit a duly justified request to the Commission within 3 months after the date of entry into force of this Regulation or the delegated or implementing acts adopted pursuant thereto*. When granting the derogations, the Commission shall take into account the comparability of Member States' statistics and the timely calculation of the required representative and reliable European aggregates. The Commission shall also ensure that the requirements related to statistics, metadata and quality covered under this Regulation that were previously covered under the repealed regulations continue to be met without interruption.

3. *Where a derogation remains justified at the end of the period for which it was granted, the Commission may adopt an implementing act granting a further derogation for a maximum period of one year. The relevant Member State shall submit a request setting out the reasons and detailed grounds in support of such an extension to the Commission not later than six months before the end of the period of validity of the derogation granted pursuant to paragraph 1.*

Article 13

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 Articles 4(3) and *4(11a)* shall be conferred on the Commission for a period of *5 years* from [Publications Office: please insert exact date of entry into force of the 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 5-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.*
3. The delegation of power referred to in Articles 4(3) and *4(11a)* 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 on the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.
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 Articles 4(3) and *4(11a)* shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of *three* 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 *three* months at the initiative of the

European Parliament or the Council.

Article 14

Committee procedure

1. The Commission shall be assisted by the European Statistical System Committee established by Regulation (EC) No 223/2009. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.
2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

Article 15

Repeal

1. **Regulation** (EC) No 530/1999 **is repealed with effect from 1 January 2026 and Regulations** (EC) No 450/2003 and (EC) No 453/2008 are repealed with effect from 1 January 2027, **without prejudice to the obligations set out in those regulations concerning the transmission of data and metadata, including quality reports, with regard to reference periods that fall, in whole or in part, before that date.**
2. References to the repealed Regulations shall be construed as references to this Regulation.

Article 16

Entry into force and application

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

It shall apply from 1 January 2026.

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

Done at Brussels,

For the European Parliament

For the Council

The President

The President

Annex

Domains, topics and detailed topics; periodicity of the data provision, reference periods and deadline for data transmission per topic

Do mai n	Topi c	Detaile d topic	Perio dicity	Referen ce period	Data transm ission deadli ne (1) (2)	First Refer ence Perio d
Earn ings	Struc ture of Earn ings	Earnin gs Total annual and monthl y earnin gs and all their compo nents, as well as hourly earnin gs paid to each employ ee sample d.	Every four years	Calend ar year <i>and a represe ntative month in that year</i>	T+16 month s	2026
		Emplo yer's charact eristics Econo mic, legal, geogra phical and employ ment inform ation				

Do mai n	Topi c	Detaile d topic	Perio dicity	Referen ce period	Data transm ission deadli ne (1) (2)	First Refer ence Perio d
		<p>on the local unit to which each sampled employee is attached, and on its enterprise, <i>including collective pay agreements.</i></p>				
		<p>Employee's characteristics Individual demographic, educational, contractual and occupational information on each employee sampled.</p>				
		<p>Workin</p>				

Do mai n	Topi c	Detaile d topic	Perio dicity	Referen ce period	Data transm ission deadli ne (1) (2)	First Refer ence Perio d
		g periods Inform ation on paid workin g periods , for each employ ee sample d.				
		Techni cal items of the survey Sampli ng and data collecti on inform ation for each employ ee sample d and his/her employ er (e.g., weights).				
	Gen der Pay Gap	Hourly earning s Hourly earning s of	Every year	Calend ar year	T+13 month s	2027

Do mai n	Topi c	Detaile d topic	Perio dicity	Referen ce period	Data transm ission deadli ne (1) (2)	First Refer ence Perio d
		male and female employ ees by main charact eristics of the employ er and of the employ ee and corresp onding relative differe nces betwee n hourly earnin gs of male and female employ ees.				
		Emplo yees Numbe r of male and female employ ees by charact eristics of the employ er and				

Do mai n	Topi c	Detaile d topic	Perio dicity	Referen ce period	Data transm ission deadli ne (1) (2)	First Refer ence Perio d
		of the employ ee.				
Lab our cost s	Struc ture of labo ur costs	Labour costs Total costs borne by the employ er for employ ing labour and compo nents of these costs.	Every four years	Calend ar year	T+18 month s	2028
		Hours worked Hours actuall y worked by main types of employ ees.				
		Hours paid Hours paid by main types of employ ees.				
		Emplo yees				

Do mai n	Topi c	Detaile d topic	Perio dicity	Referen ce period	Data transm ission deadli ne (1) (2)	First Refer ence Perio d
		Numbe r of employ ees by main types.				
		Local units Inform ation on local units in the sample.				
	Labo ur cost inde x	Quarter ly index of labour costs per hour worked Quarter ly index of labour costs per hour worked , by type of costs; unadjus ted and adjuste d time series.	Every quart er	Calend ar quarter	— Early estima tes: T+45 days — Final data: T+65 days	First quart er of year 2027
		Quarter				

Do mai n	Topi c	Detaile d topic	Perio dicity	Referen ce period	Data transm ission deadli ne (1) (2)	First Refer ence Perio d
		ly index of total labour costs Unadju sted and adjuste d time series. ¹ To be provide d on a volunta ry basis.				
		Quarter ly index of hours worked Unadju sted and adjuste d time series. ² To be provide d on a volunta ry basis.				
		Annual labour costs Annual labour	Every year	Calend ar year	T+155 days	

¹ **To be provided on a voluntary basis.**

² **To be provided on a voluntary basis.**

Do mai n	Topi c	Detaile d topic	Perio dicity	Referen ce period	Data transm ission deadli ne (1) (2)	First Refer ence Perio d
		costs levels (weight s) by type of costs.				
Lab our dem and	Job vaca ncies	Vacant posts Inform ation on vacant posts recorde d; unadjus ted and adjuste d time series.	Every quart er	Calend ar quarter	— Early estima tes: T+45 days — Final data: T+70 days	First quart er of year 2027
		Occupi ed posts Inform ation on occupie d posts recorde d; unadjus ted and adjuste d time series.				

(1) After the end of the reference period “T”.

(2) When the above-mentioned deadlines fall on a Saturday or a Sunday, the effective deadline shall be the following Monday before 12:00 am (CET).