**REPORT**

on the proposal for a regulation of the European Parliament and of the Council on European Statistics


Committee on Economic and Monetary Affairs

Rapporteur: Andreas Schwab
**Symbols for procedures**

* Consultation procedure  
  majority of the votes cast

**I** Cooperation procedure (first reading)  
  majority of the votes cast

**II** Cooperation procedure (second reading)  
  majority of the votes cast, to approve the common position  
  majority of Parliament’s component Members, to reject or amend the common position

*** Assent procedure  
  majority of Parliament’s component Members except in cases covered by Articles 105, 107, 161 and 300 of the EC Treaty and Article 7 of the EU Treaty

***I** Codecision procedure (first reading)  
  majority of the votes cast

***II** Codecision procedure (second reading)  
  majority of the votes cast, to approve the common position  
  majority of Parliament’s component Members, to reject or amend the common position

***III** Codecision procedure (third reading)  
  majority of the votes cast, to approve the joint text

(The type of procedure depends on the legal basis proposed by the Commission.)

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**Amendments to a legislative text**

In amendments by Parliament, amended text is highlighted in *bold italics*. In the case of amending acts, passages in an existing provision that the Commission has left unchanged, but that Parliament wishes to amend, are highlighted in *bold*. Any deletions that Parliament wishes to make in passages of this kind are indicated thus: […]. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the legislative text for which a correction is proposed, to assist preparation of the final text (for instance, obvious errors or omissions in a given language version). Suggested corrections of this kind are subject to the agreement of the departments concerned.
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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a regulation of the European Parliament and of the Council on European Statistics

(Codecision procedure: first reading)

The European Parliament,

– having regard to the Commission proposal to the European Parliament and the Council (COM(2007)0625),
– having regard to Articles 251(2) and 285(1) of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C6-0346/2007),
– having regard to Rule 51 of its Rules of Procedure,
– having regard to the report of the Committee on Economic and Monetary Affairs (A6-0349/2008),

1. Approves the Commission proposal as amended;

2. Calls on the Commission to refer the matter to Parliament again if it intends to amend the proposal substantially or replace it with another text;

3. Instructs its President to forward its position to the Council and the Commission.

Amendment 1

Proposal for a regulation
Citation 4 a (new)

Text proposed by the Commission

Amendment

Having regard to the opinion of the European Central Bank,

Justification

Article 253 of the Treaty provides that regulations adopted jointly by the European Parliament and the Council must refer to any opinions which were required to be obtained pursuant to the Treaty. The ECB opinion should therefore be mentioned in the citation.
Amendment 2
Proposal for a regulation
Recital 4 a (new)

Text proposed by the Commission

(4a) Taking into account the financial burden-sharing between the European Union and Member State budgets in relation to the implementation of the statistical programme, the Community should also, in accordance with Council Regulation (EC) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities¹, make financial contributions to the national authorities to meet the incremental costs that they may incur in executing the temporary direct statistical actions determined by the Commission.


Amendment 3
Proposal for a regulation
Recital 10 a (new)

Text proposed by the Commission

(10a) In order to align concepts and methodologies in statistics, interdisciplinary adequate cooperation with academic institutions should be developed.

Amendment 4
Proposal for a regulation
Recital 11

Text proposed by the Commission

(11) The operation of the ESS also needs to
be reviewed as more flexible development, production and dissemination methods of European Statistics as well as a clear priority setting are required in order to reduce the burden on respondents and improve the availability and timeliness of European Statistics. The 'European Approach to Statistics' is designed to this effect.

Justification

Reducing the burden on national statistical offices is also one of the aims of the Commission proposal and should therefore also be mentioned.

Amendment 5

Proposal for a regulation
Recital 14 a (new)

Text proposed by the Commission

(14a) At the same time, particular attention should be paid to coherent treatment of data collected from several surveys. To this end, interdisciplinary working groups should be set up.

Justification

An interdisciplinary way of looking at statistics has not yet been sufficiently developed, so that often several statistical working groups are working on the same subject from only slightly differing viewpoints. Alignment of concepts and greater interdisciplinary cooperation would therefore be desirable.

Amendment 6

Proposal for a regulation
Recital 15

Text proposed by the Commission

(15) The proposed improved regulatory environment for European Statistics should in particular respond to the need to minimise the response burdens on businesses and contribute to the more

(15) The proposed improved regulatory environment for European Statistics should in particular respond to the need to minimise the response burdens on survey respondents and contribute to the more
general objective of a reduction of administrative burdens arising at European level, in line with the Presidency Conclusions of the European Council of 8 and 9 March 2007; however, the important role played by the national authorities in minimising burdens on European businesses at national level should also be emphasised.

Justification

Entities other than businesses are subject to the obligation to provide information. The regulation must seek to minimise the burden on them like on businesses.

Amendment 7

Proposal for a regulation
Recital 16

Text proposed by the Commission

(16) In order to enhance trust in European Statistics the statistical authorities must enjoy professional independence and ensure impartiality and high quality in the production of European Statistics, in accordance with Article 285(2) of the Treaty and taking into account the Fundamental Principles of Official Statistics adopted by the United Nations Economic Commission for Europe on 15 April 1992 and by the United Nations Statistical Commission on 14 April 1994 as well as the principles laid down in the European Statistics Code of Practice endorsed by the Commission in its Recommendation on the independence, integrity and accountability of national and Community statistical authorities.

Amendment

(16) In order to enhance trust in European Statistics the national statistical authorities in each Member State and the Community statistical authority in the Commission must enjoy professional independence and ensure impartiality and high quality in the production of European Statistics, in accordance with the principles laid down in Article 285(2) of the Treaty as well as the principles further elaborated in the European Statistics Code of Practice endorsed by the Commission in its Recommendation on the independence, integrity and accountability of national and Community statistical authorities on 25 May 2005. The Fundamental Principles of Official Statistics adopted by the United Nations Economic Commission for Europe on 15 April 1992 and by the United Nations Statistical Commission on 14 April 1994, should also be taken into account.
Proposal for a regulation
Recital 24

Text proposed by the Commission

(24) The use of confidential data for administrative, legal or tax purposes or for verification against the statistical data subjects should be strictly prohibited.

Amendment

(24) The use of confidential data for purposes that are not exclusively statistical or for the verification against the statistical units should be strictly prohibited.

Amendment 9

Proposal for a regulation
Article 1 – paragraph 2

Text proposed by the Commission

In compliance with the principle of subsidiarity and in accordance with the independence, integrity and accountability of the national and the Community authorities, European Statistics are relevant statistics necessary for the performance of the activities of the European Community. They shall be developed, produced and disseminated in conformity with the statistical principles set out in Article 285(2) of the Treaty and in Article 2 of this Regulation and within the framework of the European Statistical Programme.

Amendment

In compliance with the principle of subsidiarity and in accordance with the independence, integrity and accountability of the national and the Community authorities, European Statistics are relevant statistics necessary for the performance of the activities of the European Community. European Statistics shall be developed, produced and disseminated in accordance with the European Statistical Programme and in conformity with the statistical principles set out in Article 285(2) of the Treaty and implemented in accordance with the provisions of this Regulation.

Justification

European Statistics are intended to cover the outcome of gentlemen agreements (voluntary agreements among Eurostat and MS) which are not Community Law, but they are implemented in the framework of the 5-year Statistical Programme which is adopted by the EP and the Council.
Amendment 10

Proposal for a regulation
Article 2 – paragraph 1 – point a

_Text proposed by the Commission_

(a) 'professional independence' meaning that statistics must be developed, produced and disseminated in an independent manner, _free from any pressures from political or interest groups_ particularly as regards the selection of techniques, definitions, methodologies and sources to be used, and the timing and content of all forms of dissemination;

_Amendment_

(a) 'professional independence' meaning that statistics must be developed, produced and disseminated in an independent manner, particularly as regards the selection of techniques, definitions, methodologies and sources to be used, and the timing and content of all forms of dissemination, _free from any pressures from political or interest groups or national or Community authorities, without prejudice to institutional requirements, such as national institutional or budgetary provisions or the definition of statistical needs;_

_Justification_

Clarification of the definition of 'professional independence'.

Amendment 11

Proposal for a regulation
Article 2 – paragraph 1 – point b

_Text proposed by the Commission_

(b) 'impartiality' meaning that statistics must be developed, produced and disseminated in a neutral manner, and that all users must be given equal treatment;

_Amendment_

(b) 'impartiality' meaning that statistics must be developed, produced and disseminated in a neutral manner, and that all users must be given equal treatment, _particularly as regards their simultaneous access to statistics;_

_Justification_

The simultaneous access of all users to statistical information is a cornerstone of modern statistical law, which differs from the earlier principle that State organs should enjoy privileged access. This should be spelt out.

Amendment 12
Proposal for a regulation
Article 2 – paragraph 1 – point e

Text proposed by the Commission

(e) 'statistical confidentiality' meaning the protection of confidential data related to single statistical data subjects which are obtained directly for statistical purposes or indirectly from administrative or other sources; it implies the prohibition of use for non statistical purposes of the data obtained and of their unlawful disclosure;

Amendment

(e) 'statistical confidentiality' meaning the protection of confidential data related to single statistical units which are obtained directly for statistical purposes or indirectly from administrative or other sources; it implies the prohibition of use for non statistical purposes of the data obtained and of their unlawful disclosure. In particular, data shall not be displayed in such a way as to allow the direct or indirect identification of statistical units;

Justification

Clarification concerning the publication of statistical results.

Amendment 13

Proposal for a regulation
Article 2 – paragraph 2 a (new)

Text proposed by the Commission

2a. The statistical principles referred to in paragraph 1 shall be further elaborated in the European Statistics Code of Practice as referred to in Article 6a.

Amendment

2a. The statistical principles referred to in paragraph 1 shall be further elaborated in the European Statistics Code of Practice as referred to in Article 6a.

Justification

To emphasise the particular role of the European Code of Practice in defining statistical principles. The reference to the Code of Practice in this article is, however, not to be equated with making it binding.

Amendment 14
Proposal for a regulation

Article 3 – point 8

Text proposed by the Commission

8. 'confidential data' means data used by the national authorities and Eurostat for statistical purposes which allow statistical data subjects to be identified, either directly or indirectly, thereby disclosing individual information. To determine whether a statistical data subject is identifiable, account shall be taken of all relevant means that might reasonably be used by a third party to identify the statistical data subject;

Amendment

8. 'confidential data' means data used by the national authorities and Eurostat for statistical purposes which allow statistical units to be identified, either directly or indirectly, thereby disclosing individual information. To determine whether a statistical data subject is identifiable, account shall be taken of all relevant means that might reasonably be used by a third party to identify the statistical data subject;

Justification

In order to align the text of the Directive with Directive 95/46/CE. Identical references in recital 24, article 2, 1.e) , and article 19 point 2 are correspondingly amended.

Amendment 15

Proposal for a regulation

Article 4 – paragraph 2

Text proposed by the Commission

2. The Heads of NSIs of the Member States and the Commission (Eurostat) shall meet as the ESS Partnership Group at least three times a year in order to provide professional guidance to the ESS for the development, production and dissemination of European Statistics in line with the statistical principles.

Amendment

deleted

2. The Heads of NSIs of the Member States and the Commission (Eurostat) shall meet as the ESS Partnership Group at least three times a year in order to provide professional guidance to the ESS for the development, production and dissemination of European Statistics in line with the statistical principles.

Justification

Parliament’s Legal Service takes the view that the Commission’s proposal to set up two different bodies (ESS Committee and ESS Partnership Group) to deal with comitology and non-comitology matters is not required by law. A single body, the ‘ESS Committee’ should therefore deal with all relevant comitology and non-comitology matters.
Amendment 16

Proposal for a regulation
Article 4 – paragraph 3

Text proposed by the Commission

3. The ESS Partnership Group shall examine the following issues:

(a) measures for the development, production and dissemination of European Statistics, including the European Approach to Statistics, their justification on a cost effectiveness basis, the means and timetables for achieving them, the reporting burden on survey respondents;

(b) the outline of the European Statistical Programme;

(c) developments and priorities in the European Statistical Programme, in particular on the basis of the intermediate evaluation report established by the Commission (Eurostat) according to Article 11(2);

(d) issues concerning statistical confidentiality;

(e) any other questions, in particular issues of methodology, arising from the establishment or implementation of statistical programmes.

Justification

Parliament’s Legal Service takes the view that the Commission’s proposal to set up two different bodies (ESS Committee and ESS Partnership Group) to deal with comitology and non-comitology matters is not required by law. A single body, the ‘ESS Committee’ should therefore deal with all relevant comitology and non-comitology matters.
Amendment 17
Proposal for a regulation
Article 4 – paragraph 4

Text proposed by the Commission

4. A Code of Practice for the development, production and dissemination of European Statistics shall be established by the ESS Partnership Group and shall be published by the Commission. The purpose of the Code shall be to ensure public trust in European Statistics by establishing how European Statistics are to be developed, produced and disseminated in conformity with the statistical principles and best international statistical practice. The Code shall be reviewed and updated as necessary.

Amendment

deleted

Justification

The Commission recommendation COM(2005)0217 already introduced a Code of Practice. There is no need to introduce a new code. The existing Code of Practice should be further developed, pursuant to Article 6 e (new).

Amendment 18
Proposal for a regulation
Article 5 – paragraph 1

Text proposed by the Commission

1. The NSI of each Member State shall have responsibility for coordinating all activities at national level for the development, production and dissemination of European Statistics. The Member States shall take the necessary measures to ensure the application of this provision.

Amendment

1. Each Member States shall designate a body to take responsibility for coordinating all activities at national level for the development, production and dissemination of European Statistics and thereby acting as the contact point for the Commission (Eurostat) on statistical matters. That body shall be referred to as the NSI in this Regulation. The Member States shall take the necessary measures to ensure the application of this provision.
Justification

The Commission’s concern to have a single national contact point to provide information on technical questions with regard to all activities to be carried out is expressly to be welcomed. The regulation of national coordination responsibilities and procedures should be left to the Member States, in the spirit of subsidiarity.

Amendment 19

Proposal for a regulation
Article 6 – paragraph -1 (new)

Text proposed by the Commission

Amendment

The Commission, within its structure, shall designate a body entrusted with the development, production and dissemination of European Statistics pursuant to this Regulation and the applicable rules and procedures of the Commission. That body shall be referred to as the Commission (Eurostat) in this Regulation.

Amendment 20

Proposal for a regulation
Article 6 a (new)

Text proposed by the Commission

Amendment

Article 6a
European Statistical System Committee
1. The European Statistical System Committee referred to in Article 27 (ESS Committee) shall provide professional guidance to the ESS for developing, producing and disseminating European Statistics in line with the statistical principles.
2. The ESS Committee shall be composed of the representatives of NSIs, who are national specialists for statistics. It shall be chaired by the Commission (Eurostat).
3. The ESS Committee shall adopt its rules of procedure, which shall reflect its tasks.
4. The Commission shall consult the ESS Committee in regard to
(a) the measures which the Commission intends to take for the development, production and dissemination of European Statistics, their justification on a cost effectiveness basis, the means and timetables for achieving them, and the reporting burden on survey respondents;
(b) proposed developments and priorities in the European Statistical Programme;
(c) initiatives to bring into practice reprioritisation and a reduction of the response burden;
(d) issues concerning statistical confidentiality;
(e) the further development of the Code of Practice attached to the Commission Recommendation of 25 May 2005 on the independence, integrity and accountability of the national and Community statistical authorities;
(f) any other questions, in particular issues methodology, arising from the establishment or implementation of statistical programmes that are raised by its Chair, either on his or her own initiative or at the request of a Member State.

Justification

Parliament’s Legal Service takes the view that the Commission’s proposal to set up two different bodies (ESS Committee and ESS Partnership Group) to deal with comitology and non-comitology matters is not required by law. A single body, the ‘ESS Committee’ should therefore deal with all relevant comitology and non-comitology matters
Amendment 21

Proposal for a regulation
Article 9

Text proposed by the Commission
Without prejudice to the position of individual Member States, the position of the ESS as regards issues of particular relevance to European Statistics at international level as well as the specific arrangements for representation in the international statistical bodies shall be coordinated by the Commission (Eurostat).

Amendment
Without prejudice to the position of individual Member States, the position of the ESS as regards issues of particular relevance to European Statistics at international level as well as the specific arrangements for representation in the international statistical bodies shall be prepared by the ESS Committee and coordinated by the Commission (Eurostat).

Justification
Coordination of standpoints before meetings of international bodies (UN, OECD, etc) is to be welcomed, but there is no Community competence for coordination by the Commission.

Amendment 22

Proposal for a regulation
Article 9 a (new)

Text proposed by the Commission

European Statistics Code of Practice

1. A European Statistics Code of Practice shall aim at ensuring public trust in European statistics by establishing how European Statistics are to be developed, produced and disseminated in conformity with the statistical principles and best international statistical practice.

2. The European Statistics Code of Practice has been established and shall be reviewed and updated as necessary by the ESS Committee. The Commission shall publish amendments thereto.

Amendment 23
Proposal for a regulation
Article 11 – paragraph 1

Text proposed by the Commission

1. The European Statistical Programme shall provide the framework for the development, production and dissemination of European Statistics, the main fields and the objectives of the actions envisaged for a period not exceeding five years. It shall be decided by the European Parliament and the Council.

Amendment

1. The European Statistical Programme shall provide the framework for the development, production and dissemination of European Statistics, the main fields and the objectives of the actions envisaged for a period not exceeding five years. The impact and cost effectiveness of the European Statistical Programme shall be assessed by external institution and it shall be decided by the European Parliament and the Council.

Justification

It necessary to include impact assessment in the evaluation of The European Statistical programme in order to assess effectiveness. External institution should ensure that the results presented will as much transparent and independent as possible.

Amendment 24

Proposal for a regulation
Article 11 – paragraph 1 a (new)

Text proposed by the Commission

1a. The European Statistical Programme shall lay down priorities concerning the need for information for the purpose of carrying out the tasks of the Community. Needs should be weighed against resources required at Community and national level to provide the required statistics, and also against the response burden and respondents' associated costs.

Amendment

1a. The European Statistical Programme shall lay down priorities concerning the need for information for the purpose of carrying out the tasks of the Community. Needs should be weighed against resources required at Community and national level to provide the required statistics, and also against the response burden and respondents' associated costs.

Justification

To avoid additional administrative costs arising from the collection of statistics, the issue of priority-setting should be taken into account in the European Statistical Programme.
Amendment 25
Proposal for a regulation
Article 11 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. The Commission shall introduce initiatives to set priorities and reduce the burden on respondents for all or part of the European Statistical Programme.

Justification

The introduction of instruments to reduce administrative costs in the European Statistics Regulation would ensure that they are established at Community level on a long-term basis.

Amendment 26
Proposal for a regulation
Article 11 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The Commission shall submit the draft European Statistical Programme to the ESS Committee for prior examination.

Justification

The ESS Committee shall be able to check a draft programme of the European Statistical programme to address properly the issue of priority-setting.

Amendment 27
Proposal for a regulation
Article 12 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) in exceptional cases, by the Commission under the conditions laid down in Article 15; or

(b) by the Commission in specific and duly justified cases, in particular to meet unexpected needs, in accordance with paragraph 1a; or

Amendment 28
Proposal for a regulation
Article 12 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The Commission may decide on a temporary direct statistical action in accordance with the regulatory procedure referred to in Article 27(2) provided that:

(a) the action does not foresee data collection covering more than three reference years;

(b) the data are already available or accessible in the national authorities responsible, or can be obtained directly, using the appropriate samples for the observation of the statistical population at Community level on the basis of the adequate coordination with the national authorities;

The Community shall, in accordance with Regulation (EC) No 1605/2002, make financial contributions to fully cover the incremental costs incurred relating to such temporary direct statistical actions.

Amendment 29

Proposal for a regulation
Article 12 – paragraph 2

Text proposed by the Commission

Amendment

2. In pursuing an action referred to in paragraphs 1(a) and 1(b), the Commission shall provide the objectives for the action and a cost effectiveness analysis, including an assessment of the burden on respondents;

(a) reasons justifying the action, notably in the light of the aims of the Community policy concerned;

(b) the objectives for the action and the expected results;
(c) a cost-effectiveness analysis, including an assessment of the burden on respondents and of the production costs;
(d) a description of how the action is to be carried out, including the duration of the action and the respective roles of the Commission and the national authorities in carrying it out.

Justification

The definition of temporary statistical actions should be included in the provision dealing with the other individual statistical actions. While limited to specific and duly justified cases, temporary statistical actions should be implemented with some flexibility, in particular to meet in a timely and responsive manner unexpected or fast-growing political needs for statistical data expressed at European Union level.

Amendment 30

Proposal for a regulation
Article 14 – paragraph 1

Text proposed by the Commission

1. The European Approach to Statistics aims at:

(a) maximising the availability and timeliness of European totals where the production and dissemination of European Statistics may rely entirely or not on national data produced and disseminated by the national authorities of all Member States;
(b) optimising the transmission of data and the release and revision of statistics where a coordinated policy and approach need to be established.

Amendment

1. In specific and duly justified cases and within the framework of the European Statistical Programme, the European Approach to Statistics aims at:

(a) maximising the availability of statistical aggregates at Community level and ensuring that European Statistics are more up-to-date;
(b) reducing the response burden on the respondent and the burden on the NSIs on the basis of a cost-benefit analysis.

Justification

The European Approach to Statistics is clarified. In particular, it can only be implemented through one of the individual statistical actions listed in Article 12 and is limited to specific and duly justified cases. The aim of reducing the burden on respondents and the national
statistical institutes should be clearly stated.

Amendment 31
Proposal for a regulation
Article 14 – paragraph 1 a (new)

Text proposed by the Commission

1a. Cases in which the European Approach to Statistics is relevant include:

(a) the production of European Statistics by use of:
- non-published national contributions or national contributions from a group of Member States;
- specifically designed survey schemes; and
- partial information by modelling techniques;

(b) the dissemination of statistical aggregates at the Community level by applying specific statistical disclosure control techniques.

Justification

The European Approach to Statistics is clarified. In particular, it can only be implemented through one of the individual statistical actions listed in Article 12 and is limited to specific and duly justified cases.

Amendment 32
Proposal for a regulation
Article 14 – paragraph 2

Text proposed by the Commission

2. The measures to take shall be determined in the individual statistical actions laid down in Article 12(1) for the sectoral statistical domains or in

Amendment

2. Measures to implement the European Approach shall be carried out with full involvement of Member States. Those measures shall be laid down in the
accordance with the regulatory procedure with scrutiny.

individual statistical actions referred to in Article 12(1).

Justification

The European Approach to Statistics is clarified. In particular, it can only be implemented through one of the individual statistical actions listed in Article 12 and is limited to specific and duly justified cases.

Amendment 33

Proposal for a regulation
Article 14 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. If necessary, a coordinated release and revision policy shall be established in cooperation with Member States.

Justification

The European Approach to Statistics is clarified. In particular, it can only be implemented through one of the individual statistical actions listed in Article 12 and is limited to specific and duly justified cases.

Amendment 34

Proposal for a regulation
Article 15

Text proposed by the Commission

Amendment

Article 15 deleted

Temporary direct statistical actions of the Commission (Eurostat)

The Commission may decide on a temporary direct statistical action in accordance with the regulatory procedure referred to in Article 27(2) provided that:

(a) the action does not exceed the duration of the European Statistical Programme in force at that time;

(b) the data to be collected are already available or accessible within the national...
authorities responsible, or the data can be obtained directly, using the appropriate samples for the observation of the statistical population at European level.

Justification

The definition of temporary statistical actions have been moved to Article 12 that lists all the different possible individual statistical actions.

Amendment 35

Proposal for a regulation
Article 16 – paragraph 1 – introductory part

Text proposed by the Commission
Each year, before the end of May, the Commission shall submit for examination by the ESS Committee its work programme for the following year. This work programme shall indicate in particular:

Amendment
Each year, before the end of May, the Commission shall submit to the ESS Committee, for information, its internal work programme for the following year. The Commission shall take the utmost account of the comments of the ESS Committee. The Commission’s internal work programme shall be based on the European Statistical programme and shall indicate in particular:

Justification

This work programme is a measure of internal organisation of the Commission. In these circumstances it is necessary to make clear that the role of the ESS is purely advisory.

Amendment 36

Proposal for a regulation
Article 16 – point a a (new)

Text proposed by the Commission

Amendment

(aa) initiatives regarding prioritisation and the reduction of the response burden;

Justification

In order to better align the text with the current good practice.
Amendment 37
Proposal for a regulation
Article 16 – paragraph 2

Text proposed by the Commission
The Commission shall take the utmost account of the comments of the ESS Committee.

Amendment
The ESS Committee may submit comments to the Commission on the work programme.

Justification
This work programme is a measure of internal organisation of the Commission. In these circumstances it is necessary to make clear that the role of the ESS is purely advisory.

Amendment 38
Proposal for a regulation
Article 17 – paragraph 1

Text proposed by the Commission
1. The dissemination of European Statistics shall be undertaken in full compliance with the statistical principles, particularly in respect of protecting statistical confidentiality and ensuring equality of access as required under the principle of impartiality.

Amendment
1. The dissemination of European Statistics shall be undertaken in full compliance with the statistical principles, as set out in Article 2, particularly in respect of protecting statistical confidentiality and ensuring equality of access as required under the principle of impartiality.

Justification
Clarification of the text.

Amendment 39
Proposal for a regulation
Article 17 – paragraph 2

Text proposed by the Commission
2. The dissemination of European Statistics shall be carried out by the Commission (Eurostat), the NSIs and other national authorities within their respective spheres of competence.

Amendment
2. The Commission (Eurostat), the NSIs and other national authorities shall be required, within their respective spheres of competence, to make available to the public in an appropriate manner
Amendment 40
Proposal for a regulation
Article 17 – paragraph 3

Text proposed by the Commission 3. Member States and the Commission shall provide the necessary support to ensure equality of access to European Statistics for all users.

Amendment 3. Member States and the Commission shall, within their respective sphere of competence, provide the necessary support to ensure equality of access to European Statistics for all users.

Justification
Clarification.

Amendment 41
Proposal for a regulation
Article 19 – paragraph 2

Text proposed by the Commission 2. National authorities and the Commission (Eurostat) shall ensure that the confidential data are used exclusively for statistical purposes unless the statistical data subjects have consented in writing to their use for any other specified purposes.

Amendment 2. Confidential data obtained by the national authorities or the Commission (Eurostat) exclusively for the production of European Statistics shall be used exclusively for statistical purposes unless the statistical unit has given its unambiguous consent to their use for any other purposes.

Justification
This proposal is based on the formulation of Article 15 of Regulation 322/97.

Amendment 42
Proposal for a regulation  
Article 19 – paragraph 3

Text proposed by the Commission

3. Statistical results which may make it possible to identify a statistical **data subject** may be disseminated by the national authorities and the Commission (Eurostat) in exceptional cases: **the specific conditions shall be determined by Community Law.**

These results shall be amended in such a way that their dissemination does not prejudice statistical confidentiality whenever the statistical **data subject** has so requested.

Amendment

3. Statistical results which may make it possible to identify a statistical **unit** may be disseminated by the national authorities and the Commission (Eurostat) in **the following exceptional cases:**

(a) where specific conditions and modalities are determined by an act of the European Parliament and of the Council acting in accordance with the procedure laid down in Article 251 of the Treaty. Statistical results shall be amended in such a way that their dissemination does not prejudice statistical confidentiality whenever the statistical **unit** has so requested; or

(b) where the statistical unit has unambiguously agreed to the disclosure of data.

Justification

This proposal includes the content of previous Article 25 of this proposed Regulation, as both cases refer to the dissemination of data which may make it possible to identify a statistical **unit**.

Amendment 43

Proposal for a regulation  
Article 19 – paragraph 4

Text proposed by the Commission

4. National authorities and the Commission (Eurostat) shall take all necessary regulatory, administrative, technical and organisational measures to ensure the **harmonisation of methods, criteria and practices within the ESS as regards the**

Amendment

4. **Within their respective spheres of competence,** national authorities and the Commission (Eurostat) shall take all necessary regulatory, administrative, technical and organisational measures to ensure the physical and logical protection
physical and logical protection of confidential data (Statistical Disclosure Control).

Measures to ensure the implementation of the first subparagraph shall be adopted by the Commission in accordance with the regulatory procedure referred to in Article 27(2).

National authorities and the Commission (Eurostat) shall apply all necessary measures to ensure the harmonisation of principles and guidelines as regards the physical and logical protection of confidential data. Such measures shall be adopted by the Commission in accordance with the regulatory procedure referred to in Article 27(2).

Justification

Clarification of text.

Amendment 44

Proposal for a regulation
Article 20 – paragraph 1

Text proposed by the Commission

1. Transmission between the national authorities and between the national authorities and the Commission (Eurostat), of confidential data may take place provided that this transmission is necessary for the development, production and dissemination of European Statistics. Any further transmission must be explicitly authorised by the national authority that collected the data.

Amendment

1. Transmission of confidential data from an ESS authority, as referred to in Article 4, that collected the data to another ESS authority may take place provided that such transmission is necessary for the efficient development, production and dissemination of European Statistics or for increasing their quality.

Amendment 45

Proposal for a regulation
Article 20 – paragraph 1 a (new)

Text proposed by the Commission

1a. Transmission of confidential data between an ESS authority that collected the data and a member of the European System of Central Banks (ESCB) may
take place provided that this transmission is necessary for the efficient development, production and dissemination of European Statistics or for increasing the quality of European Statistics within the respective spheres of competence of the ESS and the ESCB.

Justification

Enabling clauses allow the transmission of confidential data within the ESS and between the ESS and the ESCB in principle but transmission is not obligatory unless provided for in an act decided by the European Parliament and the Council. The authority which has received confidential data cannot transmit them further without the explicit approval of the authority that collected the data. The protection of confidentiality and the use exclusively for statistical purposes are guaranteed.

Amendment 46

Proposal for a regulation
Article 20 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. Any further transmission beyond the first transmission must be explicitly authorised by the authority that collected the data.

Justification

Enabling clauses allow the transmission of confidential data within the ESS and between the ESS and the ESCB in principle but transmission is not obligatory unless provided for in an act decided by the European Parliament and the Council. The authority which has received confidential data cannot transmit them further without the explicit approval of the authority that collected the data. The protection of confidentiality and the use exclusively for statistical purposes are guaranteed.

Amendment 47

Proposal for a regulation
Article 20 – paragraph 2

Text proposed by the Commission

Amendment

2. National rules on statistical

2. National rules on statistical
confidentiality may not be invoked to prevent the transmission of confidential data where an act of Community law provides for the transmission of such data.

confidentiality may not be invoked to prevent the transmission of confidential data under paragraphs 1 and 1a where an act of the European Parliament and of the Council acting in accordance with the procedure laid down in Article 251 of the Treaty provides for the transmission of such data.

Justification

Enabling clauses allow the transmission of confidential data within the ESS and between the ESS and the ESCB in principle but transmission is not obligatory unless provided for in an act decided by the European Parliament and the Council. The authority which has received confidential data cannot transmit them further without the explicit approval of the authority that collected the data. The protection of confidentiality and the use exclusively for statistical purposes are guaranteed.

Amendment 48

Proposal for a regulation
Article 20 – paragraph 2 a (new)

Text proposed by the Commission

2a. Confidential data transmitted in accordance with the provisions of this Article shall be used exclusively for statistical purposes and shall be accessible only to staff working in statistical activities within their specific domain of work.

Amendment

2a. Confidential data transmitted in accordance with the provisions of this Article shall be used exclusively for statistical purposes and shall be accessible only to staff working in statistical activities within their specific domain of work.

Justification

Enabling clauses allow the transmission of confidential data within the ESS and between the ESS and the ESCB in principle but transmission is not obligatory unless provided for in an act decided by the European Parliament and the Council. The authority which has received confidential data cannot transmit them further without the explicit approval of the authority that collected the data. The protection of confidentiality and the use exclusively for statistical purposes are guaranteed.

Amendment 49
Proposal for a regulation
Article 20 – paragraph 3

Text proposed by the Commission

3. The exchange of confidential data for statistical purposes between the ESS and the ESCB may take place where deemed necessary for the development, production and dissemination of European or ESCB Statistics and if explicitly provided for in Community law.

Amendment

3. The exchange of confidential data for statistical purposes between the ESS and the ESCB may take place where deemed necessary for the development, production and dissemination of European or ESCB Statistics and if explicitly provided for in legislation adopted by the European Parliament and the Council.

Justification

The term ‘act of Community law’ is too broad. In any case, transmission of such sensitive data, should be regulated by the legislator.

Amendment 50

Proposal for a regulation
Article 20 – paragraph 4

Text proposed by the Commission

4. The protection measures provided for in this Regulation shall apply to all confidential data transmitted within the ESS and between the ESS and the ESCB.

Amendment

4. The provisions on statistical confidentiality set out in this Regulation shall apply to all confidential data transmitted within the ESS and between the ESS and the ESCB.

Justification

‘Protection measures’ is a technical term (see Article 17 of the Data Protection Directive). It would therefore be better and simpler to refer to the provisions on statistical confidentiality in the Regulation.

Amendment 51

Proposal for a regulation
Article 21 – paragraph 3

Text proposed by the Commission

Persons having access to confidential data

Amendment

Persons having access to confidential data
shall use *these* data *only for the* purposes *laid down in this Regulation*. They shall be subject to this restriction even after cessation of their functions.

shall use *those* data *exclusively for statistical* purposes. They shall be subject to this restriction even after cessation of their functions.

**Justification**

The Commission’s proposed wording of paragraph 3 is not in line with paragraph 1. As there appears to be no objective reason for this difference, it seems sensible to use the same wording, ‘exclusively for statistical purposes’, in both paragraphs 1 and 3.

**Amendment 52**

**Proposal for a regulation**

**Article 24**

**Text proposed by the Commission**

Data obtained from sources lawfully available to the public shall not be considered confidential *for the purpose of dissemination of statistical information obtained from these data*.

**Amendment**

Data obtained from sources lawfully available to the public *and which remain available to the public at the national authorities according to national legislation*, shall not be considered confidential.

**Amendment 53**

**Proposal for a regulation**

**Article 25**

**Text proposed by the Commission**

Statistical confidentiality shall not prevent dissemination when the statistical data subject has agreed to the disclosure of the data.

**Amendment**

Statistical confidentiality shall not prevent dissemination when the statistical data subject has agreed *unambiguously* to the disclosure of the data.

**Justification**

*In line with Article 15 of the existing Community Statistics Regulation, under which the respondents must unambiguously give their consent.*
Amendment 54

Proposal for a regulation
Article 27 – paragraph 1

Text proposed by the Commission

1. The Commission shall be assisted by a European Statistical System Committee, hereinafter referred to as the ESS Committee.

Amendment

1. The Commission shall be assisted by the ESS Committee, in accordance with Article 6a.

Justification

This amendment follows from the changes in Article 6a (new).
EXPLANATORY STATEMENT

Your rapporteur expressly welcomes the Commission proposal for a regulation on European statistics, forming the legal backbone for collecting statistics at European level and revising the existing basic legal framework for producing statistics at European level.

The draft regulation is one of a number of legislative proposals that the Commission has issued in the current legislative period concerning the production and dissemination of statistics, which were considered by the ECON committee. The proposal contributes to better legislation, as it amalgamates several provisions.

The importance of statistics in the EU
The task of statistics is to deliver objective and quantifiable data as a basis for political opinion-forming and decision-making processes. Statistics help the EU and Member States directly with political and administrative decisions. Harmonisation of statistical systems in the EU must therefore take appropriate account of their significance.

Content of the draft regulation
The draft regulation contains the following changes in comparison to the existing Regulation:
- it defines the European statistical system (ESS) and enshrines it and its activities in Community law;
- it establishes the functions of the national statistical institutes in the ESS;
- it refers to the European Statistics Code of Conduct in Community law;
- it extends the exceptions to the principle of statistical confidentiality;
- it establishes an ESS Partnership Group and an ESS Committee, replacing the current Statistical Programme Committee;
- it defines the quality dimension of European statistics.

Principles
The scope of statistical principles should be limited and aligned with article 285 ECT in order to avoid contradictions, lack of legal clarity and unnecessary conflicts when the law is applied.

The scientific and methodological independence of statistics production for the EU must be safeguarded. The rules must also comply with the subsidiarity principle.

European Statistical System
Article 4(1) defines the European Statistical System as a ‘partnership’ between the Commission (Eurostat) and the national statistical institutes (NSIs) and other authorities in each Member State that are responsible for developing, providing and disseminating European statistics (national authorities).

The Commission proposes dividing the ESS Committee into two bodies: firstly the partnership group of the European Statistical System (ESS Partnership Group) made up of the heads of the national statistical institutes and of the Commission (Eurostat); this would provide professional guidance to the authorities in the Member States and the Community.
which are responsible for producing Community statistics. The Partnership Group would have
the task of considering various questions relating to coordination, methodology, priority-
setting, etc. Secondly a (comitology) European Statistical System Committee (ESS
Committee) would be set up, to assist the Commission in adopting the implementing
provisions which are entrusted to it in the proposed regulation.

Your rapporteur takes the view that this separation is not necessary and – as the opinion of the
European Parliament's Legal Service shows – although legally possible, is not obligatory.
The comitology decision does not imply any need for a division into two bodies.

For the sake of legal clarity and better legislation, your rapporteur proposes setting up only
one body (ESS Committee), to fulfil the functions of the Commission’s proposed ESS
Partnership Group and ESS Committee. Legal clarity leads to better political control and
transparency.

Pursuant to the comitology decision, comitology committees are made up of representatives
of the Member States. The Member States can decide freely who is to represent them in the
committee. The European Parliament and the Council have no legal authority to decide on a
Member State's behalf how it is represented in a comitology committee. For this reason it is
legally not possible to stipulate that the members of the ESS Partnership Group must be the
heads of the national statistical institutes and the Commission (Eurostat).

Your rapporteur therefore proposes wording that leaves the Member States free to decide who
represents them on this body, while admitting that a high level of personal continuity would
be desirable.

In addition your rapporteur expressly endorses the idea (Article 5) of setting up a single
national contact point, which could provide information on technical questions with regard to
all the activities to be carried out.

**Code of Practice**
The Code of Practice for the development, production and dissemination of European
statistics, which was drawn up and published in Commission recommendation
(COM(2005)0217), should increase public confidence in European statistics, as it lays down
how European statistics are to be developed, produced and disseminated, in compliance with
statistical principles and following the model of international statistical practice. Your
rapporteur takes the view that the Code should be revised and further developed as necessary,
and that the reference to the Code of Practice in the regulation does not imply that it is legally
binding, which some Member States reject and which would also be against the intention and
purpose of the Code of Practice.

**Eurostat/ Commission**
The professional independence of Eurostat within the European Commission must be
safeguarded to ensure that statistics are used exclusively for statistical purposes. Therefore
your rapporteur proposes amendments to ensure that Eurostat is separate from other
Commission departments and to strengthen Eurostat's coordinating function. The Commission
has organisational authority over Eurostat.
Your rapporteur welcomes the fact that Article 6(2) points out Eurostat’s function to advise other Commission services.

**Scientific and research concerns**

Your rapporteur considers that the draft regulation does not take sufficient account of the interests of science and research. The contribution of science and research is essential for the preparation of background papers for political decision-making, and their access to statistical data should be regulated accordingly.

**Avoiding additional administrative burdens from statistics**

The definition of the statistical principle of cost effectiveness in Article 2 should expressly also include the smallest possible burden on the respondent, as is stated in the current Regulation. Your rapporteur proposes appropriate amendments.

To keep the burden on the respondent as well as the costs for the statistical institutes as low as possible, the issue of priority-setting should have a higher profile in the European Statistical Programme. This is the only way to ensure that the Commission has an enduring duty to take this into account. Amendments to Article 11 are therefore proposed, to ensure that the Commission sets priorities and that the ESS Committee can examine the European Statistical Programme in the draft phase.

A cost effectiveness analysis (Article 12) should be carried out not just when individual statistical measures are implemented, but, as under Article 4 of the existing Regulation, in the context of a prior examination of the Statistical Programme. Your rapporteur has proposed relevant amendments. Tightening up the official statistics production programme is also desirable, taking account of the existing burdens.

In conclusion, concepts should be brought into line and there should be stronger interdisciplinary cooperation, to ensure that several statistical working groups are not working on the same subject from often only slightly different perspectives. An appropriate amendment is proposed.

The Commission's proposed European Approach to Statistics (Article 14) is structurally unclear and needs further clarification as to its content. Your rapporteur reserves the right to propose amendments on this point at a later stage in the procedure.

Your rapporteur also considers that clarification of the rules on statistical confidentiality is needed. For example, the definition of ‘confidential data’ should indicate whether it is possible to remove anonymity or not. The Commission's proposed criterion of ‘means that might reasonably be used’ is too relative. Also with regard to access to confidential data for research purposes, certain requirements should be stated, including the need for access and a limitation to data that has actually been made anonymous. Your rapporteur also reserves the right to propose amendments on this point at a later stage in the procedure.

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1 Commission services must consult Eurostat on statistical work. Its recommendations must be taken into account.
2 The German Statistical Institute has estimated that EU demands for statistics account for 65% of undertakings' entire statistical reporting burden.
**PROCEDURE**

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<td>13.11.2007</td>
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<tr>
<td>Rapporteur(s)</td>
<td>Andreas Schwab</td>
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<td>Date appointed</td>
<td>13.11.2007</td>
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<td>Harald Ettl, Ján Hudacký, Vladimír Maňka, Gianni Pittella, Bilyana Ilieva Raeva, Margaritis Schinas, Andreas Schwab</td>
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