



Plenary sitting

A9-0386/2023

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*****I**

REPORT

on the proposal for a regulation of the European Parliament and of the Council
amending Regulation (EC) No 223/2009 on European statistics
(COM(2023)0402 – C9-0246/2023 – 2023/0237(COD))

Committee on Economic and Monetary Affairs

Rapporteur: Johan Van Overtveldt

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

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

Amendments to a draft act

Amendments by Parliament set out in two columns

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

Amendments by Parliament in the form of a consolidated text

New text is highlighted in ***bold italics***. Deletions are indicated using either the ***■*** symbol or strikeout. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a regulation of the European Parliament and of the Council
amending Regulation (EC) No 223/2009 on European statistics
(COM(2023)0402 – C9-0246/2023 – 2023/0237(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2023)0402),
 - having regard to Article 294(2) and Article 338(1) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C9-0246/2023),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Central Bank of 28 September 2023¹,
 - having regard to Rule 59 of its Rules of Procedure,
 - having regard to the report of the Committee on Economic and Monetary Affairs (A9-0386/2023),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

Amendment 1

AMENDMENTS BY THE EUROPEAN PARLIAMENT*

to the Commission proposal

¹ OJ C, C/2023/1032, 20.11.2023, ELI : <http://data.europa.eu/eli/C/2023/1032/oj>.

* Amendments: new or amended text is highlighted in bold italics; deletions are indicated by the symbol ■ .

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

amending Regulation (EC) No 223/2009 on European statistics

(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,

Having regard to the opinion of the European Central Bank of 28 September 2023²,

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

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) Regulation (EC) No 223/2009 of the European Parliament and of the Council³ establishes the legal framework at Union level for the development, production and dissemination of European statistics.
- (2) Regulation (EC) No 223/2009 was amended in 2015 to further strengthen the governance in the European Statistical System (ESS) in particular its professional independence, and since then the strengthened governance has proven to be effective.
- (2a) ***On 6 March 2023, the European Statistical Governance Advisory Board (ESGAB) published its Annual Report 2022. That report puts forward recommendations to improve the legal framework on European statistics, including by further strengthening the independence of the heads of national statistical institutes (NSIs) and the Director-General of the Commission (Eurostat).***
- (3) Digital transformation has ushered in radically different realities and created a new environment with new needs for European statistics. Moreover, the recent Covid-19 crisis and the energy ***and cost-of-living*** crisis triggered by the Russian military aggression against Ukraine have amplified the demands and expectations for timelier, more frequent and more detailed European statistics needed to inform EU decision-making and ensure the best possible Union response to crises.
- (3a) ***Situations can occur in which timely and innovative European statistics are necessary in order to respond to urgent policy needs. An example is the lack of timely data on unit profits and business profits, which hampers policy makers in their effort to comprehensively assess the issue of price surges at a time where research by the***

² OJ C, C/2023/1032, 20.11.2023, ELI : <http://data.europa.eu/eli/C/2023/1032/oj>

³ 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 Programme of the European Communities (OJ L 87, 31.3.2009, p. 164).

European Central Bank and the International Monetary Fund (IMF) suggests that corporate profits have been important temporary drivers of inflation. It is therefore crucial to establish procedures to respond to urgent policy needs for European statistics.

- (4) To address growing expectations for timelier, more frequent and more detailed European statistics as well as for a faster and more coordinated ESS response to urgent statistical demands in times of crisis, it is necessary to amend Regulation (EC) No 223/2009. The purpose of this Regulation is to ensure that European statistics stay relevant by taking into account those changing and more demanding user needs, notably by tapping the full potential of digital data sources and technologies, by enabling their re-use for European statistics, by making the ESS more agile and able to respond effectively and swiftly to crises, and by promoting data sharing and strengthening coordination among ESS partners.
- (5) To reflect today's realities and the digital age in which the ESS operates, new or updated definitions should be introduced into Regulation (EC) No 223/2009 to clarify the concepts of 'data', 'metadata', 'data holders', 'reuse of data', 'data sharing', 'data source', 'multi-source statistics', 'use for statistical purposes', and 'crisis'.
- (6) **Recent developments such as the Covid pandemic, the Russian military aggression against Ukraine and the cost-of-living crisis** demonstrated that timely, reliable and comparable European statistics are vital to the effectiveness of public authorities' response to emergency situations. Therefore, the ESS should be given the possibility to swiftly initiate coordinated actions if urgent data and statistics needs arise outside the regular planning framework, especially in times of crisis. In such situation, a data holder should make, upon request, data available to a national statistical institute (NSI) or the Commission (Eurostat) that demonstrates an exceptional need to use the data requested, in accordance with the rules laid down in the Data Act⁴.
- (7) Accessing and re-using new data sources, which emerge as by-products of digital services and the Internet of Things (IoT), is becoming vital for producing timely, suitably frequent and sufficiently detailed European statistics in a more efficient and less costly way. Therefore, access to new data sources in general and particularly to privately held data for the development and production of European official statistics on a sustainable basis and according to fair, clear, **predictable and proportionate** rules, **in line with the Union's fundamental rights framework**, should be ensured. **Access to privately held data should be ensured in conformity with the principle of cost-effectiveness and should not entail excessive burdens on economic operators as laid down in Article 338(2) of the Treaty on the Functioning of the European Union (TFEU).**
- (8) Access to new data sources, including particularly to privately held data, has been a longstanding request by the ESS as demonstrated by the ESS Position Paper on access to privately held data which are of public interest from November 2017, and the ESS Position Paper on the future Data Act proposal from June 2021.
- (9) The reuse of privately held data and other new data sources should be subject to strict legal, technical and procedural safeguards and guarantees, including applying a high

⁴ Proposal for a Regulation of the European Parliament and of the Council on harmonised rules on fair access to and use of data (Data Act), (COM/2022/68 final).

level of security, confidentiality and respect for privacy, as already enshrined in Regulation (EC) No 223/2009. The possibility to request access to privately held data should be limited to the national statistical institutes (NSIs), acting on their own or on behalf of another national authority of the ESS, and the Commission (Eurostat) only and should, as a pre-requisite, be established in an annual work programme and restricted to cases where, on the one hand, the data requested is **strictly** necessary for the development and production of European statistics and, on the other hand, the data cannot be obtained otherwise or the data reuse would result in a considerable reduction in the response burden on data holders and other businesses. ***Such privately held data should be made anonymous in accordance with Article 89 of Regulation (EU) 2016/679 and Article 13 of Regulation (EU) 2018/1725.***

- (10) Data requests by the NSIs or the Commission (Eurostat) should be **clear**, transparent and proportionate in terms of their scope and level of detail. In that connection, it is necessary to specify and explain **at least** the purpose of the request, the intended use of the data requested, the frequency with which and deadlines by which the data should be made available as well as the operational arrangements for making them available.
- (11) With the data requests, the NSI or the Commission (Eurostat) should invite the data holder to a dialogue to specify the concrete parameters of data requests, **specific** arrangements, measures to offset potential costs incurred to make data available as well as any organisational and technical measures to protect data confidentiality and trade secrets, with a view to concluding an agreement on those aspects. If no agreement is concluded within three months, the NSI or the Commission should have the possibility to adopt a **justified** decision requiring the private data holder to make data available. If the data holder intentionally or negligently fails to transmit the requested data within the set period or transmits incorrect, incomplete or misleading data, the NSI or the Commission should have the possibility to adopt penalties that should be effective, proportionate and dissuasive, taking into account the nature, gravity, recurrence and duration of the violation, in view of the public interest pursued. The penalties adopted by the NSIs should be equivalent to penalties regarding infringements of similar national rules. All decisions taken by the Commission under this Regulation are subject to review by the Court of Justice of the European Union in accordance with the Treaty on the Functioning of the European Union. The Court of Justice of the European Union should have unlimited jurisdiction in respect of fines adopted by the Commission in accordance with Article 261 of the Treaty on the Functioning of the European Union.
- (12) The further integration of statistics and geospatial information should also be encouraged to enable a more efficient use of resources and improved integration of data by different public organisations and to produce new statistical outputs, such as spatial analysis, and visualisation and dissemination of data. These will support decision-making and the monitoring of policy goals at both Union and national level.
- (12a) ***The Commission (Eurostat), NSIs and other national authorities responsible for the production of European statistics should strive to provide access to their databases and supporting metadata and other documentation relevant for quality assessment using up-to-date and easy-to-use technologies.***
- (12b) ***European statistics are also developed, produced and disseminated by the European System of Central Banks (ESCB) yet under a separate legal framework, reflecting the ESCB's governance structure. Close cooperation and appropriate coordination is required between the ESS and ESCB, in particular to foster the exchange of***

confidential data between the two systems exclusively for statistical purposes, in line with Article 338(1) TFEU and Article 5 of Protocol No 4 on the Statute of the European System of Central Banks and of the European Central Bank. Furthermore, this Regulation should apply without prejudice to Council Regulation (EC) No 2533/98.

- (13) It is necessary to ensure that national public bodies in charge of administrative data sources relevant for development, production and dissemination of European statistics allow national statistical authorities to access, reuse and integrate this data free of charge in time and with sufficient frequency for the purposes of **developing**, producing and **disseminating European** statistics to the Commission (Eurostat) within the deadlines and in accordance with quality requirements defined in Union statistical legislation.
- (14) Where the activities to be carried out under this Regulation involve the processing of personal data, such processing should comply with the relevant EU legislation on personal data protection, namely Regulation (EU) 2018/1725 of the European Parliament and of the Council⁵ and Regulation (EU) 2016/679 of the European Parliament and of the Council⁶. In accordance with the data minimisation principle set out in these regulations, data provided under this Regulation should ■ be aggregated to such a degree that individuals cannot be identified.
- (15) Processing of personal data for the purposes of official statistics by national statistical authorities, which is considered to be in the public interest, should be covered by derogations and subject to appropriate safeguards, in accordance with Regulation (EU) 2016/679. For instance, further processing of personal data for statistical purposes should not be considered to be incompatible with the initial purposes for which they were collected. In that context, the particular safeguards which should be applied when data sharing according to this Regulation requires personal data to be processed, include the principles of purpose limitation, data minimisation, storage limitation and integrity and confidentiality as set out in Regulation (EU) 2016/679. In that regard, the use of privacy enhancing technologies that are specifically designed to implement these principles should be the way to share data.
- (16) To be on the forefront of integrating new technologies and new insights progressively, and thereby to ensure that European statistics continuously stay relevant, rules should be established under which, as part of a collective effort by the ESS, statistics can be developed in specific areas with the aim of integrating them in the regular production of European Statistics. Although not necessarily fulfilling all quality criteria laid down in Article 12(1) of Regulation (EC) No 223/2009, those statistics should be treated as European statistics.
- (17) While striving to continuously innovate and develop new statistical outputs, national statistical authorities should take the utmost account of users' needs as expressed notably by national statistical user councils. At Union level, the European Statistical

⁵ 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).

⁶ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

Advisory Committee (ESAC), established by Decision No 234/2008/EC of the European Parliament and of the Council⁷ as the main Union body representing users, respondents and producers of European statistics, should be informed by the Commission on how it has taken into account the ESAC's opinions, particularly with regard to developing new European statistics.

- (18) ***In order to keep up with the most recent academic trends and to improve the quality of statistical data and methods***, statistical authorities should also promote, at both national and European level, a strong, structured and sustained interdisciplinary cooperation with academic and research institutions, especially when developing new statistics, testing new methods and technologies and promoting innovation and experimentation.
- (19) Given the trust granted to NSIs and their high technical expertise in data management, data quality and data protection, Member States should be encouraged, in accordance with the principle of subsidiarity, to assign to the NSIs certain functions in the national data governance frameworks including those foreseen in the Data Governance Act, with the objective of promoting data integration and inter-operability, metadata description, quality assurance and standard setting. In that regard, the involvement of NSIs in the initial design, subsequent development and discontinuation of administrative records should be recalled and reinforced when appropriate, with a view to ensuring, among other things, consistency and data quality and to minimising the reporting burden.
- (20) Data that is lawfully available to the public should not be considered confidential ***data or confidential statistical information*** when used for statistical purposes ***or for the dissemination of statistics obtained from those data***.
- (21) In the interest of increased timeliness at Union level, the Commission (Eurostat) should be allowed to disseminate Member States' European statistics as soon as they have been published nationally, even if this was done ahead of the deadlines for providing the statistics that are set out in the relevant sectoral Union legislation.
- (21a) ***Lack of coordination may lead to inefficiencies and inconsistencies and raise issues of quality of European statistics. Union bodies and agencies should systematically consult the Commission (Eurostat) on statistical methodologies and data quality when developing new statistics in their fields of competence. Coordination should also extend to 'other statistics' that are key to informing policy-makers and citizens, in particular because the quality of such statistics could affect the reputation of European statistics.***
- (22) Since the objective of this Regulation, namely the amendment of the legal framework for developing, producing and disseminating European statistics, cannot be sufficiently achieved by the Member States but can rather, for reasons of consistency and comparability, be better achieved at Union level, the Union may adopt measures to achieve that objective, 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.

⁷ Decision No 234/2008/EC of the European Parliament and of the Council of 11 March 2008 establishing the European Statistical Advisory Committee and repealing Council Decision 91/116/EEC (OJ L 73, 15.3.2008, p. 13).

- (23) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission in respect of the temporary statistical actions to be undertaken, including the relevant timespan, frequency and quality requirements, of the general technical arrangements for making privately held data available to the NSIs and the Commission (Eurostat) and of the technical aspects of data sharing between the statistical authorities. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council⁸.
- (24) 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 Council⁹ and delivered an opinion on **6 September 2023**.
- (25) The European Statistical System (ESS) Committee was consulted,

HAVE ADOPTED THIS REGULATION:

Article 1
Amendments to Regulation (EC) No 223/2009

Regulation (EC) No 223/2009 is amended as follows:

- (1) Article 3 is amended as follows:

- (a) the following points 4a, 4b, 4c, 4d and 4e are inserted:

‘4a. ‘data’ means any digital or non-digital representation of acts, facts and information;

4b. ‘metadata’ means any data that defines and describes other data and processes, or is used in this way;

4c. ‘data holder’ means a legal or natural person who has the right, in accordance with applicable Union or national legislation implementing Union law, or the ability, to make available certain data;

4d. ‘reuse of data’ means the use by national statistical authorities and the Commission (Eurostat) of data held and made available by data holders for the development, production and dissemination of European statistics;

4e. ‘data sharing’ means the provision of data or the permission of data reuse by a statistical authority to another statistical authority for the purpose of joint or individual use of such data for statistical purposes;’;

- (b) the following points 5a, 5b and 5c are inserted:

‘5a. ‘data source’ means a source providing data that is relevant, in itself or in combination with data from other sources, for the development and production of

⁸ 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 the Member States of the Commission’s exercise of implementing powers (OJ L55, 28.2.2011, p. 13).

⁹ 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).

statistics, including surveys, censuses, administrative records or data made available by data holders on request;

5b. ‘data access’ means processing by a national statistical institute or the Commission (Eurostat) of data that has been provided by a private data holder, in accordance with specific technical, legal or organisational requirements, without necessarily requiring the transmission or downloading of such data;

5c. ‘multi-source statistics’ mean statistics developed or produced on the basis of a variety of data sources, including by means of modelling techniques;’;

(ba) the following point is inserted:

‘7a. ‘privately held data’ means data held by private entities, the main aim of which is not the provision of statistics;’;

(c) point 8 is replaced by the following:

‘8. ‘use for statistical purposes’ means the exclusive use for the development, production *and dissemination* of statistical results and analyses, including for related research and scientific activities or the establishment of sampling frames;’;

(d) the following point 8a is inserted:

‘8a ‘crisis’ means a situation of wide-ranging impact or political significance generating an immediate and unforeseen demand for European statistics;’;

(da) the following point is added:

‘12a. ‘other core identification and classification variables’ means data attributes which comprise entity identifiers, principal economic activity and ESA sector classifications.’;

(1a) the following Article is inserted:

‘Article 5b

Selection procedure for heads of NSIs

- 1. Member States shall ensure that the procedure for the selection and recruitment of the heads of NSIs is in line with international best practices, and that appointments are based on clear professional criteria, in particular as regards statistical reputation and a high level of competence in the field of statistics. Member States shall also ensure that the principle of equal opportunities is respected in the procedure, in particular with regard to gender.**
- 2. The heads of NSIs shall be selected for a fixed, non-renewable term of up to 10 years.**
- 3. The heads of the NSIs shall have sole responsibility for deciding on processes, statistical methods, standards and procedures, and on the content and timing of statistical releases and publications for all statistics produced in the context of the ESS. When carrying out those statistical tasks, the heads of NSIs shall act in an independent manner and shall neither seek nor take instructions from their national government or any other government or other institution, body, office or agency, nor from any Union institutions or bodies.**

4. *In the event of early termination of the contract (dismissal) of a head of NSI, Member States shall clearly specify the reasons for the dismissal. However, specifying the reasons for the dismissal shall not compromise the professional or scientific independence of the heads of NSIs or their responsibilities laid down in this Regulation.”;*

(1b) *Article 6a is amended as follows:*

(a) *paragraph 2 is replaced by the following:*

‘2. The Director-General of the Commission (Eurostat) is selected for a fixed, non-renewable term of seven years.’;

(b) *paragraph 3 is replaced by the following:*

‘3. The procedure for the selection and recruitment of the Director-General of the Commission (Eurostat) shall be open and transparent, in line with international best practices, and the appointment shall be based on clear professional criteria, in particular as regards statistical reputation and a high level of competence in the field of statistics. The principle of equal opportunities shall be respected in the procedure, in particular with regard to gender.’;

(c) *paragraph 4 is replaced by the following:*

‘4. The Director-General of of the Commission (Eurostat) shall be responsible for all statistical activities of of the Commission (Eurostat) and for matters regarding internal management and budget execution. The Director-General of of the Commission (Eurostat) shall have sole responsibility for deciding on processes, statistical methods, standards and procedures, and on the content and timing of statistical releases and publications for all statistics produced by the Commission (Eurostat). When carrying out those statistical tasks, the Director-General of the Commission (Eurostat) shall act in an independent manner and shall neither seek nor take instructions from the Union institutions or bodies, including other services of the Commission, from any government or other institution, body, office or agency.’;

(d) *the following paragraphs are added:*

‘4a. In the event of early termination of the contract (dismissal) of the Director-General of the Commission (Eurostat), the reasons for the dismissal shall be clearly specified. However, specifying the reasons for the dismissal shall not compromise the professional or scientific independence or the internal management responsibilities of the Director-General of the Commission (Eurostat) laid down in paragraph 4.’;

4b. The Director-General of of the Commission (Eurostat) shall appear immediately after appointment by the Commission, and annually thereafter, in the framework of the statistical dialogue before the relevant committee of the European Parliament to discuss matters pertaining to statistical governance, methodology and statistical innovation.

4c. The Director-General of of the Commission (Eurostat) shall publish an annual report.

4d. Paragraphs 2, 3 and 4a shall also apply to the deputy Director-General of the Commission (Eurostat).’;

(1c) in Article 12, paragraph 3 is replaced by the following:

‘3. Member States shall provide the Commission (Eurostat) with reports on the quality of data transmitted, including any concerns they have regarding the accuracy of the data. The Commission (Eurostat) shall assess the quality of the data transmitted, on the basis of appropriate analysis, and shall prepare and publish reports and communications on the quality of European statistics. The Commission (Eurostat) shall promptly make publicly available any serious concerns it has on the quality of the data transmitted and disclose any breaches of the European statistics Code of Practice.’

(2) the following Article 16a is inserted:

‘Article 16a

Statistical response to crisis and urgent policy needs

1. The Commission (Eurostat) shall examine temporary statistical actions and undertake them as appropriate, subject to the procedures set out in this Article, where *either* of the following conditions are met:

(a) it is *strictly* necessary to respond to urgent information needs which arise from a crisis and following, existing or future, emergency mechanisms activated in accordance with *one or more of the following* Union legal acts **■ :**

(i) the temporary protection under Council Directive 2001/55/EC¹⁰;

(ii) the Union civil protection mechanism under Decision 1313/2013/EU of the European Parliament and of the Council¹¹;

(iii) the emergency support under Council Regulation (EU) 2016/369¹²

¹⁰ Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof (OJ L 212, 7.8.2001, p. 12).

¹¹ Decision No 1313/2013/EU of the European Parliament and of the Council of 17 December 2013 on a Union Civil Protection Mechanism (OJ L 347, 20.12.2013, p. 924).

¹² Council Regulation (EU) 2016/369 of 15 March 2016 on the provision of emergency support within the Union (OJ L 70, 16.3.2016, p. 1).

- (iv) the emergency framework under Council Regulation (EU) 2022/2372¹³;
 - (v) the market correction mechanism under Council Regulation (EU) 2022/2578¹⁴;
 - (vi) the emergency mode under Regulation of the European Parliament and of the Council (EU) xx/xx (*to be adopted*¹⁵);
- (b) those urgent information needs cannot be met under the European statistical programme.
2. The temporary statistical actions referred to in paragraph 1 shall be carried out by the Commission (Eurostat) at Union level and may include:
 - (a) producing European statistics based on new data collections;
 - (b) providing new statistical indicators and insights based on existing data;
 - (c) developing harmonised statistical methodologies and related methodological guidelines, to ensure that statistics across Member States are comparable and consistent;
 - (d) other coordinated action at Union level that aims to provide a timely and relevant statistical response to the specific situation.
 3. When assessing the need for temporary statistical actions, the Commission (Eurostat) shall promptly inform and ***shall*** consult the ESS Committee and take into account its ***opinion and*** professional guidance.
 4. The ***Member States*** may decide, separately and on a voluntary basis, to participate in these temporary statistical actions. ***The Commission (Eurostat) shall strive towards the relevance of temporary statistical actions and sufficient coverage of the crisis situation in the Union.*** When participating in temporary statistical actions, the ***Member States*** shall comply with the ***agreed*** common timespan, frequency and quality requirements for the national data to be provided to the Commission (Eurostat).
 5. The Commission may, by way of implementing acts, ***specify*** the temporary statistical actions and set out the procedure for undertaking them, including the relevant timespan, frequency and quality requirements to be applied by those ***Member States*** participating ***voluntarily*** in the temporary statistical action. Those implementing acts shall adopted in accordance with the examination procedure referred to in Article 27(2). ***Without prejudice to the prerogative of the budgetary authority, the Union shall provide financial contributions from the general budget of the Union to the NSIs and other national authorities to cover the incremental costs incurred from the implementation of such temporary statistical actions.***
 6. Measures adopted under paragraph 5 shall remain in force for a period ***no longer than the duration of the crisis situation, and in any event*** not exceeding 12 months ***that may***

¹³ Council Regulation (EU) 2022/2372 of 24 October 2022 on a framework of measures for ensuring the supply of crisis-relevant medical countermeasures in the event of a public health emergency at Union level (OJ L 314, 6.12.2022, p. 64).

¹⁴ Council Regulation (EU) 2022/2578 of 22 December 2022 establishing a market correction mechanism to protect Union citizens and the economy against excessively high prices (OJ L 335, 29.12.2022, p. 45).

¹⁵ Proposal for a Regulation of the European Parliament and of the Council establishing a Single Market emergency instrument and repealing Council Regulation (EC) No 2679/98 (COM(2022)459 final).

be extended by way of an implementing act for an additional 12-month period in duly justified cases.’;

- (3) in Article 17a, the title is replaced by the following:

‘Access, reuse and integration of administrative records for the development and production of European statistics’;

- (4) in Article 17a, paragraph 1 is replaced by the following:

- ‘1. National public bodies in charge of administrative data sources relevant for development, production and dissemination of European statistics shall allow the NSIs and other national authorities (hereafter ‘ONA’) referred to in Article 4, to access, reuse and integrate, free of charge, this data and the relevant metadata, in timely manner and with sufficient frequency for the purpose of **development, production and dissemination of European** statistics to the Commission (Eurostat) within the deadlines and in accordance with quality requirements laid down in Union statistical legislation.’;

- (5) in Article 17a, the following paragraph 2a is inserted:

- ‘2a. For the purpose of this Regulation, the Commission (Eurostat) shall be allowed, upon request, to access, reuse and integrate in a timely manner relevant data and metadata from databases and interoperability systems maintained by Union bodies and agencies, and without prejudice to the Union acts establishing these databases and interoperability systems. For this purpose, the Commission (Eurostat) shall cooperate with the relevant Union bodies and agencies to specify the customised data and metadata required, the operational modalities for data reuse and the necessary physical and logical safeguards.’;

- (6) in Article 17a, paragraph 5 is replaced by the following:

- ‘5. The NSIs and owners of administrative records shall establish the necessary cooperation mechanisms. Those mechanisms shall also provide the possibility for the NSIs to perform data quality checks and build statistical frames based on relevant administrative records.’;

- (7) the following Articles 17b, 17c, 17d, 17e and 17f are inserted:

‘Article 17b

Obligation of private data holders to make data available for developing and producing European statistics

1. Without prejudice to reporting obligations laid down in sectoral statistical legislation of the Union nor to the obligation for data holders to make data available based on exceptional need in accordance with the Data Act, an NSI or the Commission (Eurostat) may request a private data holder to make data and the relevant metadata available for the development and production of European statistics if the annual work programme has established the following conditions:
- (a) the data requested is **strictly** necessary for the development and production of European statistics; and

- (b) the data cannot be ■ obtained by alternative means such as surveys or reuse of administrative records, or their reuse will result in a considerable reduction in the response burden on data holders and other businesses.
2. As coordinator of the national statistical system, an NSI may submit a request for data to a private data holder on behalf of an ONA, when the data requested is necessary for European statistics developed and produced by that ONA.
 3. The NSIs and the Commission (Eurostat) shall cooperate and mutually assist each other in order to avoid excessive requests on private data holders and to determine who is to submit requests for data. In particular, the request for data shall be submitted to a private data holder by the Commission (Eurostat), in agreement with the NSIs, when such an approach is more efficient, for instance in the case of data holders operating on a Union wide scale.
 4. The Commission (Eurostat) may, in agreement with the NSIs, set up a secure infrastructure to facilitate the further sharing with the NSIs of data that has been accessed in accordance with paragraph 2.
The secure infrastructure shall be based on technologies that are specifically designed to comply with Regulations (EU) 2016/679 and (EU) 2018/1725.
 - 4a. ***Where data under paragraph 1 need specific processing, the Member States or the Commission (Eurostat) shall provide the private data holder with compensation for that specific processing service.***
 5. This Article shall not apply to small and micro enterprises as defined in Article 2 of the Annex to Commission Recommendation 2003/361/EC¹⁶.

Article 17c

Requests for data and arrangements for making data available for development and production of European statistics

1. When requesting data in accordance with Article 17b, the NSIs or the Commission (Eurostat) shall:
 - (a) specify what data is required;
 - (b) demonstrate the statistical need for which the data is requested in accordance with Article 17b(1);
 - (c) specify the frequency with which and the deadlines by which the data is to be made available;
 - (d) specify the operational arrangements for making the data available;
 - (e) invite the data holder to the dialogue under paragraph 3;

¹⁶ Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ L 124, 20.5.2003, p. 36).

(ea) clarify that any processing of data in connection with a request for data under this Article is without prejudice to Directive 2002/58/EC of the European Parliament and of the Council¹⁷.

2. Requests for data referred to in paragraph 1 shall:
 - (a) follow the principle of data minimisation and be proportionate to the statistical need in terms of the level of detail, volume and frequency of the data;
 - (b) concern non-personal data.
3. Following a request for data referred to in paragraph 1, a dialogue shall take place between the NSI or the Commission (Eurostat) and the concerned data holder to discuss aspects such as the level of aggregation of the data, the deadline and arrangements for the provision of the data, the security and confidentiality protection measures as well as **the** cost compensation aspects, with the aim of concluding an agreement on those aspects.
4. If no agreement is concluded within three months following the notification of the request for data referred to in paragraph 1, the NSI or the Commission may, by **means of a justified** decision, require the private data holder to make the data available. The decision shall be specific as required under paragraph 1 letters (a) to (d) and shall take into account issues on which views may have converged during the dialogue with the data holder. The decision may also include compensation for the private data holder that shall not exceed the marginal costs related to the preparation required for making the data available. The period for making the data available may not be shorter than 15 days. Before adopting the decision, the NSI or the Commission shall give the data holder the opportunity of being heard on the measures that the NSI or the Commission intend to take. The decision shall indicate the fines provided for under paragraph 6 and the means of redress against it.
5. Without prejudice to reporting obligations laid down in sectoral statistical legislation of the Union, a data holder shall make the relevant data available to the NSI or the Commission (Eurostat) within the period specified in the decision pursuant to paragraph 4 of this Article.
- 5a. *Sharing of data by private data holders shall be based on technologies that are specifically designed to comply with Regulations (EU) 2016/679 and (EU) 2018/1725 and shall take place using secure infrastructure.***
6. The Member States and the Commission shall take appropriate measures to ensure the effective enforcement of the decisions adopted in accordance with paragraph 4. Those measures may include the adoption of fines where the private data holder intentionally or negligently fails to supply the data requested by decision within the set period or supplies incorrect, incomplete or misleading data. In fixing the amount of the fines, the Member State and the Commission shall have regard to the nature, gravity, duration and recurrence of the infringement.
7. In order to comply with paragraph 6, the Commission may adopt decisions imposing fines of maximum EUR 25 000. In case of recurrence within three years the fine may

¹⁷ *Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications) (OJ L 201, 31.7.2002, p. 37).*

reach EUR 50 000. The Commission may issue guidelines on the calculation of the fine.

8. The Commission may adopt a decision imposing a fine within one year following the deadline for the submission of data laid down in its decision under paragraph 4 where the data holder fails to submit any data or within one year of the submission of incorrect, incomplete or misleading data.

The power of the Commission to enforce decisions imposing a fine shall be subject to a limitation period of five years. Time shall begin to run on the day on which the decision becomes final.

9. Before adopting a decision pursuant to paragraph 6 of this Article, the Member States and the Commission shall give the data holder the opportunity of being heard on preliminary findings and measures that the Member State or the Commission may intend to take in view of the preliminary findings.
10. The Commission shall establish, by way of implementing acts, the general technical arrangements for making data available under this Article, ***in particular for the purposes of requesting data from private data holders under specific circumstances, detailing the categories of personal data that may be requested and the types of sources from which those categories of personal data may be obtained.*** Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 27(2).

Article 17d

Review of decisions imposing fines by the Court of justice of the European Union

In accordance with Article 261 TFEU, the Court of Justice of the European Union has unlimited jurisdiction to review decisions by which the Commission has imposed fines. It may cancel, reduce or increase the fine imposed.

Article 17e

Obligations of NSIs and the Commission (Eurostat) in reusing data made available for development and production of European statistics

1. The NSIs and the Commission (Eurostat) shall use data made available in accordance with Article 17b for the development, production ***and dissemination*** of European statistics:
 - (a) exclusively for statistical purposes;
 - (b) in conformity with principles of statistical confidentiality and cost-effectiveness; and
 - (c) ***in compliance*** with the obligation not to share them with third parties unless the data holder has agreed ***to do so, subject to paragraph 1a of this Article.***
- 1a. ***The NSIs and the Commission (Eurostat) shall put in place appropriate safeguards relating to the processing of personal data for statistical purposes in accordance with Article 89 of Regulation (EU) 2016/679 and Article 13 of Regulation (EU) 2018/1725, in particular in order to ensure compliance with the principle that data is to be rendered anonymous.***

The ESS shall share the data with ESCB members, without the prior agreement of

the data holder, where necessary for the development, production and dissemination of European statistics, within the respective spheres of competence of the ESS and the ESCB, and where such necessity has been duly established.

2. The NSIs and the Commission (Eurostat) shall:
 - (a) take appropriate measures to protect statistical confidentiality and trade secrets and to preserve other legitimate concerns of private data holders including the cost and effort required to make the data available;
 - (b) implement, insofar as the processing of personal data is necessary, technical and organisational measures which safeguard the rights and freedoms of data subjects.
3. Paragraphs 1 and 2 of this Article shall apply to an ONA that has received data following a request submitted on its behalf by a NSI in accordance with Article 17b(2).
- 3a. ***Paragraph 3 shall apply to an ESCB member that has received data in accordance with paragraph 1a.***
4. The Commission (Eurostat) shall publish a description of the main categories of costs related to the data processing for which compensation may be granted to the data holder and the methodology for calculating these costs, ***taking into account the principle of cost-effectiveness and not entailing excessive burdens on economic operators as laid down in Article 338(2) TFEU.***

Article 17f

Data sharing in the ESS and between the ESS and the ESCB

1. ***Non-confidential*** data shall be shared between NSIs and between NSIs and the Commission (Eurostat) exclusively for statistical purposes and for improving the quality of European statistics.
2. Data sharing shall take place upon request by an NSI or the Commission (Eurostat) where this is relevant and necessary. Data sharing shall also take place when the request is put forward by an NSI on behalf of an ONA and the data is used exclusively for statistical purposes and for improving the quality of European statistics developed and produced by that ONA.
- 2a. ***Data sharing shall take place between the ESS and a member of the ESCB in areas of shared responsibility or common interest and where the data are used exclusively for statistical purposes and for improving the quality of European statistics developed and produced by that member of the ESCB.***
3. The NSIs, and when relevant the ONAs ***or members of the ESCB***, participating in the data sharing within the ESS shall provide all necessary safeguards with regard to the physical and logical protection of data confidentiality. The Commission (Eurostat) shall set up a secure infrastructure to facilitate data sharing. The NSIs, and when relevant the ONAs ***or members of the ESCB***, may use that secure data sharing infrastructure for the purpose specified in paragraph 1.
- 3a. ***Researchers shall have access to databases constituted by the Commission (Eurostat) that include data from private sources, in particular access to microdata. Private data owners shall be informed about the use of their data by researchers and given the opportunity to deny access, if such access would unduly harm their interests.***

4. When the data concerned is confidential data within the meaning of Article 3 of this Regulation or is personal data as defined in Regulations (EU) 2016/679 and (EU) 2018/1725, the sharing of such data shall be allowed and may take place on a voluntary basis provided it fulfils all of the following conditions:
 - (a) it is based on a request justifying the necessity to share the data in each individual case, in particular with regard to the quality issues that are to be specifically addressed;
 - (b) it is based on privacy-enhancing technologies that are specifically designed to comply with Regulations (EU) 2016/679 and (EU) 2018/1725, with particular regard to purpose limitation, data minimisation, storage limitation, integrity and confidentiality;
 - (c) it does not affect Chapter V of this Regulation.
5. The data requested under this Article shall not pertain to issues of national security and military matters.
6. The Commission shall, by means of implementing acts, set out the technical aspects of data sharing between the statistical authorities referred to in this Article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 27(2).
7. This Article is without prejudice to Article 21 of this Regulation.’;
- (8) the following Chapter IIIa is inserted:

‘CHAPTER IIIa

DEVELOPMENT OF EUROPEAN STATISTICS

Article 17g

Statistics under development

1. The NSIs, the ONAs and the Commission (Eurostat) shall endeavour to continuously innovate and develop new statistical outputs and insights based on all available data sources and to use state of the art technologies, with the aim of integrating them in the regular production of European statistics.
 2. European statistics shall be developed in full compliance with the statistical principles, as set out in Article 2(1). Statistics under development may not necessarily fulfil all the quality criteria set out in Article 12(1).
 3. The Commission (Eurostat) shall disseminate European statistics under development with the agreement of the NSIs and shall explicitly indicate that these statistics are under development.
 4. The Commission (Eurostat) may initiate, in close cooperation with the ESS Committee, the development of new statistical outputs and insights in a coordinated manner across the ESS. Those statistical outputs and insights shall be included in the annual work programme and implemented through individual statistical actions referred to in Article 14(1).’;
- (9) in Article 18, the following paragraph 4 is inserted:

‘4. The Commission (Eurostat) may use European statistics published at national level by the Member States ahead of the deadlines set out in the relevant sectoral legislation and disseminate these statistics before the time envisaged in that sectoral legislation, providing it complies with the definitions and classification.’;

(9a) Article 21 is amended as follows:

(a) paragraph 1 is replaced by the following:

‘1. Transmission of confidential data from an ESS authority, as referred to in Article 4, that collected the data to another ESS authority shall 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.’;

(b) paragraph 2 is replaced by the following:

‘2. Transmission of confidential data between an ESS authority that collected the data and an ESCB member shall 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, and that this necessity has been justified.’;

(c) the following paragraph is added:

‘6a. This Article shall not apply if the data to be transmitted are key attributes of individual companies that Member States are required to make publicly available under Directive (EU) 2019/1024 of the European Parliament and of the Council¹⁸ and the implementing acts adopted pursuant to that Directive, or other core identification and classification variables, which are not considered confidential data for the purposes of this Article.’;

(9b) Article 23 is amended as follows:

(a) the title is replaced by the following:

‘Access to confidential data for research purposes’;

(b) paragraph 3 is replaced by the following:

‘The Commission shall establish, by means of implementing acts, the arrangements, rules and conditions for access at Union level. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 27(2). For the purpose of this Regulation, research purposes shall be interpreted in a broad manner including, for

¹⁸ Directive (EU) 2019/1024 of the European Parliament and of the Council of 20 June 2019 on open data and the re-use of public sector information (OJ L 172, 26.6.2019, p. 56).

example, technological development and demonstration, fundamental research, applied research and privately funded research.’;

- (10) Article 25 is replaced by the following:

*‘Article 25
Publicly available data*

Data that is lawfully available to the public shall not be considered confidential ***data or confidential statistical information*** when used for statistical purposes ***or for the dissemination of statistics obtained from those data.***’;

- (11) the following Article 26a is inserted:

*‘Article 26a
Contribution to new national data governance frameworks*

1. In compliance with the principle of subsidiarity, the NSIs may assume at national level functions as laid down in the national data governance frameworks with the goal of promoting data integration and inter-operability, metadata description, quality assurance and standard setting, as well as other tasks and functions laid down in Regulation (EU) 2022/868 of the European Parliament and of the Council,¹⁹ and identify new data sources to be used for the development and production of statistics.
2. The performance of such functions by the NSIs shall be compatible with the statistical principles, as set out in Article 2(1).’;

- (12) the following Article 27a is inserted:

*‘Article 27a
Evaluation and review*

By [*five years after the entry into force of this amending Regulation*], the Commission shall carry out an evaluation of this Regulation and submit a report on its main findings to the European Parliament and to the Council. That evaluation shall assess, in particular:

- (a) the statistical response to crisis under Article 16a;
- (b) the obligation of data holders to allow their data to be reused for European statistics in accordance with Articles 17b, 17c, 17d and 17e;
- (c) the data sharing in the ESS under Article 17f;
- (d) the development of European statistics under Chapter IIIa.’.

Article 2
Entry into force

This Regulation shall enter into force on the twentieth day following that of its publication in

¹⁹ Regulation (EU) 2022/868 of the European Parliament and of the Council of 30 May 2022 on European data governance and amending Regulation (EU) 2018/1724 (Data Governance Act) (*OJ L 152*, 3.6.2022, p. 1).

the *Official Journal of the European Union*.

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

Done at Brussels,

For the European Parliament

For the Council

The President

The President

ANNEX: LIST OF ENTITIES OR PERSONS FROM WHOM THE RAPPORTEUR HAS RECEIVED INPUT

Pursuant to Article 8 of Annex I to the Rules of Procedure, the rapporteur declares that he has received input from the following entities or persons in the preparation of the report, until the adoption thereof in committee:

Entity and/or person
President of the Spanish Statistical Institute, Ms Elena Manzanera
European Statistical Governance Advisory Board (ESGAB), Mr. Aurel Schubert
European Central Bank (ECB), staff
Eurostat (Commission)
European Data Protection Supervisor (EDPS), opinion
Belgian Permanent Representation to the EU, written opinion
Centraal Bureau voor Statistiek (Nederland), Daniel von Berg
German Bundesrat - Opinion on the proposal

The list above is drawn up under the exclusive responsibility of the rapporteur.

PROCEDURE – COMMITTEE RESPONSIBLE

Title	Amending Regulation (EC) No 223/2009 on European statistics			
References	COM(2023)0402 – C9-0246/2023 – 2023/0237(COD)			
Date submitted to Parliament	10.7.2023			
Committee responsible Date announced in plenary	ECON 11.9.2023			
Committees asked for opinions Date announced in plenary	ENVI 11.9.2023	ITRE 11.9.2023	IMCO 11.9.2023	LIBE 11.9.2023
Not delivering opinions Date of decision	ENVI 12.10.2023	ITRE 19.9.2023	IMCO 19.9.2023	LIBE 7.9.2023
Rapporteurs Date appointed	Johan Van Overtveldt 19.7.2023			
Date adopted	28.11.2023			
Result of final vote	+: 50 -: 1 0: 2			
Members present for the final vote	Rasmus Andresen, Anna-Michelle Asimakopoulou, Gunnar Beck, Marek Belka, Isabel Benjumea Benjumea, Stefan Berger, Engin Eroglu, Markus Ferber, Jonás Fernández, Frances Fitzgerald, José Manuel García-Margallo y Marfil, Claude Gruffat, José Gusmão, Enikő Győri, Eero Heinäluoma, Danuta Maria Hübner, Stasys Jakeliūnas, France Jamet, Othmar Karas, Billy Kelleher, Ondřej Kovařík, Georgios Kyrtos, Aurore Lalucq, Philippe Lamberts, Pedro Marques, Denis Nesci, Luděk Niedermayer, Lefteris Nikolaou-Alavanos, Kira Marie Peter-Hansen, Eva Maria Poptcheva, Antonio Maria Rinaldi, Dorien Rookmaker, Alfred Sant, Joachim Schuster, Ralf Seekatz, Pedro Silva Pereira, Paul Tang, Irene Tinagli, Inese Vaidere, Johan Van Overtveldt, Roberts Zīle			
Substitutes present for the final vote	Ivars Ijabs, Janusz Lewandowski, Andželika Anna Możdżanowska, Erik Poulsen, René Repasi			
Substitutes under Rule 209(7) present for the final vote	Barry Andrews, Alessandra Basso, Theresa Bielowski, Carlos Coelho, Francisco Guerreiro, Fabienne Keller, Liudas Mažylis			
Date tabled	4.12.2023			

FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

50	+
ECR	Andželika Anna Mozdżanowska, Denis Nesci, Dorien Rookmaker, Johan Van Overtveldt, Roberts Zīle
ID	Alessandra Basso, Gunnar Beck, Antonio Maria Rinaldi
PPE	Anna-Michelle Asimakopoulou, Isabel Benjumea Benjumea, Stefan Berger, Carlos Coelho, Markus Ferber, Frances Fitzgerald, José Manuel García-Margallo y Marfil, Danuta Maria Hübner, Othmar Karas, Janusz Lewandowski, Liudas Mažylis, Luděk Niedermayer, Ralf Seekatz, Inese Vaidere
Renew	Barry Andrews, Engin Eroglu, Ivars Ijabs, Billy Kelleher, Fabienne Keller, Ondřej Kovařík, Georgios Kyrtos, Eva Maria Poptcheva, Erik Poulsen
S&D	Marek Belka, Theresa Bielowski, Jonás Fernández, Eero Heinäluoma, Aurore Lalucq, Pedro Marques, René Repasi, Alfred Sant, Joachim Schuster, Pedro Silva Pereira, Paul Tang, Irene Tinagli
The Left	José Gusmão
Verts/ALE	Rasmus Andresen, Claude Gruffat, Francisco Guerreiro, Stasys Jakeliūnas, Philippe Lamberts, Kira Marie Peter-Hansen

1	-
NI	Lefteris Nikolaou-Alavanos

2	0
ID	France Jamet
NI	Enikő Győri

Key to symbols:

+ : in favour

- : against

0 : abstention