**DRAFT REPORT**


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 \textit{bold italics} in the left-hand column. Replacements are indicated in \textit{bold italics} in both columns. New text is indicated in \textit{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 \textit{bold italics}. Deletions are indicated using either the \underline{symbol} or strikeout. Replacements are indicated by highlighting the new text in \textit{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


(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 2023,
– having regard to Rule 59 of its Rules of Procedure,
– having regard to the report of the Committee on Economic and Monetary Affairs (A9-0000/2023),

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

Proposal for a regulation
Citation 2 a (new)

Text proposed by the Commission

Amendment

Having regard to the opinion of the European Central Bank of 28 September 2023,

1 Not yet published in the Official Journal.
Justification

This amendment is necessary in view of the Council's request of 20 July 2023 for the ECB's opinion on the proposal. See the first paragraph of the ECB Opinion (Introduction and legal basis).

Amendment 2

Proposal for a regulation
Recital 9

Text proposed by the Commission

(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 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 necessary for the development and production of European statistics and, on the other hand, the data cannot be readily obtained otherwise or the data reuse would result in a considerable reduction in the response burden on data holders and other businesses.

Amendment

(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 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 necessary for the development and production of European statistics and, on the other hand, the data cannot be readily 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 compliance with Article 89 of Regulation (EU) 2016/679 and Article 13 of Regulation (EU) 2018/1725.
Justification

Anonymous data should enhance trust in European statistics and should avoid breaching other legislation.

Amendment 3

Proposal for a regulation
Recital 12 a (new)

Text proposed by the Commission

(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.

Amendment

Or. en

Amendment 4

Proposal for a regulation
Recital 12 b (new)

Text proposed by the Commission

(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 for statistical purposes, in light of 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.
Or. en

Justification

See paragraph 2.1 of the ECB Opinion.

Amendment 5

Proposal for a regulation
Recital 20

Text proposed by the Commission

(20) Data that is lawfully available to the public should not be considered confidential when used for statistical purposes.

Amendment

(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 that data.

Or. en

Justification

The proposed wording for Article 25 provides that data that is lawfully available to the public should not be considered confidential when used for statistical purposes. However, it should also apply to the dissemination of statistics obtained from that data, which is permitted under the current wording. See paragraph 2.5 of the ECB Opinion.

Amendment 6

Proposal for a regulation
Recital 21 a (new)

Text proposed by the Commission

(21a) The lack of coordination may lead to inefficiencies and inconsistencies and raise issues of quality of European Statistics. Union bodies and agencies should systematically consult 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 policymakers and citizens, in particular because the quality of such
statistics could affect the reputation of European statistics.

Justification

Greater coordination by Eurostat should safeguard the quality and reputation of European statistics.

Amendment 7

Proposal for a regulation
Recital 24

Text proposed by the Commission

(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 Council
text proposed by the Commission

Amendment

(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 Council and delivered an opinion on 6 September 2023.


Amendment 8

Proposal for a regulation
Article 1 – paragraph 1 – point 1 – point d a (new)

Text proposed by the Commission

Amendment

(da) the following point is added:
"12a. 'other core identification and classification variables' means data attributes which compromise entity identifiers, principal economic activity and ESA sector classifications."

**Justification**

*cf. paragraph 2.4 of the ECB opinion it is deemed useful for the ESCB to have this information not only for statistical purposes, but also for performing its prudential supervisory tasks.*

**Amendment 9**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 1 a (new)**

**Regulation (EC) No 223/2009**

**Article 12 – paragraph 3**

*Present text*

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.

*Amendment*

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

“3. Member States shall provide the Commission (Eurostat) with reports on the quality of the data transmitted; including any concerns they have regarding the accuracy of the data. The Commission (Eurostat) shall assess the quality of 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.”

**Justification**

*Statistics published by public authorities must be trustworthy. It is therefore essential to let Eurostat have some control on the data it receives.*
Amendment 10

Proposal for a regulation
Article 1 – paragraph 1 – point 2
Regulation (EC) No 223/2009
Article 16a – paragraph 1 – point a

Text proposed by the Commission

(a) it is necessary to respond to urgent information needs which arise from a crisis and following, existing or future, emergency mechanisms activated in accordance with Union legal acts, such as:

Amendment

(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:

Or. en

Justification

An exceptional regime should be based on a well defined legal basis.

Amendment 11

Proposal for a regulation
Article 1 – paragraph 1 – point 7
Regulation (EC) No 223/2009
Article 17b – paragraph 4 – subparagraph 1 a (new)

Text proposed by the Commission

The secure infrastructure shall be based on technologies that are specifically designed to comply with Regulations (EU) 2016/679 and (EU) 2018/1725.

Amendment

cf. EDPS opinion

Justification

Amendment 12

Proposal for a regulation
Article 1 – paragraph 1 – point 7
Regulation (EC) No 223/2009
Article 17c – paragraph 1 – point e a (new)
Amendment

(1a) 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 Council\(^1\).


Or. en

Justification

cf. EDPS opinion

Amendment 13

Proposal for a regulation

**Article 1 – paragraph 1 – point 7**

Regulation (EC) No 223/2009

Article 17c – paragraph 2 – point b

Text proposed by the Commission

(b) concern, *insofar as possible*, non-personal data.

Amendment

(b) concern non-personal data.

Or. en

Amendment 14

Proposal for a regulation

**Article 1 – paragraph 1 – point 7**

Regulation (EC) No 223/2009

Article 17c – paragraph 5a (new)
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 a secure infrastructure.

Or. en

Justification

cf. EDPS opinion

Amendment 15

Proposal for a regulation
Article 1 – paragraph 1 – point 7
Regulation (EC) No 223/2009
Article 17c – paragraph 11 a (new)

Text proposed by the Commission

11a. The Commission shall adopt a delegated act in accordance with Article 26b in order to supplement this Regulation by defining, for the purposes of requesting data from private data holders under specific circumstances, a clear and comprehensive overview of the categories of personal data that may be requested and of the types of sources from which those categories of personal data may be obtained.

Or. en

Justification

cf. EDPS opinion

Amendment 16

Proposal for a regulation
Article 1 – paragraph 1 – point 7
Regulation (EC) No 223/2009
Article 17e – paragraph 1 – point c

*Text proposed by the Commission*

(c) with the obligation not to share them with third parties unless the data holder has agreed.

*Amendment*

(c) *in compliance* with the obligation, not to share them with third parties unless the data holder has agreed, *subject to paragraph 1a of this Article*.

*Or. en*

*Justification*

See paragraph 2.2 of the ECB Opinion.

Amendment 17

*Proposal for a regulation*

Article 1 – paragraph 1 – point 7

Regulation (EC) No 223/2009
Article 17e – paragraph 1 a (new)

*Text proposed by the Commission*

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.

Nevertheless, 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 when this necessity has been justified.

*Or. en*

*Justification*

See paragraph 2.2 of the ECB Opinion.
Amendment 18

Proposal for a regulation
Article 1 – paragraph 1 – point 7
Regulation (EC) No 223/2009
Article 17e – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Paragraph 3 of this Article shall apply to an ESCB member that has received data in accordance with paragraph 1a of this Article.

Or. en

Justification

See paragraph 2.2 of the ECB Opinion.

Amendment 19

Proposal for a regulation
Article 1 – paragraph 1 – point 7
Regulation (EC) No 223/2009
Article 17f – title

Text proposed by the Commission

Amendment

Data sharing in the ESS

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

Or. en

Amendment 20

Proposal for a regulation
Article 1 – paragraph 1 – point 7
Regulation (EC) No 223/2009
Article 17f – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Data sharing shall take place between the ESS and a member of the
ESCB in areas of shared responsibility of common interest and where the data is used exclusively for statistical purposes and for improving the quality of European statistics developed and produced by that member of the ESCB.

Amendment 21

Proposal for a regulation
Article 1 – paragraph 1 – point 7
Regulation (EC) No 223/2009
Article 17f – paragraph 3

Text proposed by the Commission

3. The NSIs, and when relevant the ONAs, 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, may use that secure data sharing infrastructure for the purpose specified in paragraph 1.

Amendment

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.

Amendment 22

Proposal for a regulation
Article 1 – paragraph 1 – point 7
Regulation (EC) No 223/2009
Article 17f – paragraph 3 a (new)

Text proposed by the Commission

3a. Researchers shall have access to databases constituted by the Commission 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.

Or. en

Amendment 23
Proposal for a regulation
Article 1 – paragraph 1 – point 9 a (new)
Regulation (EC) No 223/2009
Article 21 – paragraph 2

Present text

Amendment

(9a) Article 21 is amended as follows:
(a) paragraph 2 is replaced by the following:

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

Or. en

Justification

The ESS and the ESCB should be required to enhance their cooperation in the field of the exchange of confidential data, to avoid double reporting and to strengthen the prudential supervisory tasks of the ESCB, cf. point 2.4 ECB opinion.

Amendment 24
Proposal for a regulation
Article 1 – paragraph 1 – point 9 a (new) – point b (new)
Regulation (EC) No 223/2009
Article 21 – paragraph 4

Text proposed by the Commission

Amendment

(b) paragraph 4 is deleted.

Or. en
Amendment 25

Proposal for a regulation
Article 1 – paragraph 1 – point 9 a (new) – point c (new)
Regulation (EC) No 223/2009
Article 21 – paragraph 6 a (new)

Text proposed by the Commission

(c) the following paragraph is added:

6a. This Article shall not apply if the data to be transmitted are key attributes on individual companies that Member States are required to make publicly available under Directive (EU) 2019/1024 of the European Parliament and of the Council\(^a\) 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.


Or. en

Amendment 26

Proposal for a regulation
Article 1 – paragraph 1 – point 11 a (new)
Regulation (EC) No 223/2009
Article 26a a (new)

Text proposed by the Commission

(11a) the following article is inserted:

"Article 26aa

Exercise of the delegation

1. The power to adopt delegated acts is conferred to the Commission subject to the conditions laid down in this Article."
2. The power to adopt delegated acts referred to in Article 17c shall be conferred on the Commission for a period of five years from ... [the date of entry into force of this amending Regulation]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period of time.

3. The delegation of power referred to in Article 17c may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect on the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.

5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

6. A delegated act adopted pursuant to Article 17c shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of three months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will
not object. That period shall be extended by three months at the initiative of the European Parliament or of the Council."

Or. en

Justification

cf. justification of Amendment 15
EXPLANATORY STATEMENT

Official statistics play a fundamental role in our society. Impartial and objective statistical information is quintessential for both policy makers and the broader public. They are the foundation of an open and transparent administration. Official statistics are therefore of general interest and one of the key pillars of the functioning of our democracies.

As far as the EU is concerned, European statistics have become increasingly important for the development, execution, control and evaluation of EU policies. European statistics hence provide an essential contribution to the information capacity needed for the strategic targets of the EU, its policies and supporting instruments.

However, statistics only work as long as they enjoy the trust of those who consult them. If that is no longer the case, policies risk to fail ultimately as well. Official statistics should therefore be trustworthy, all the more in times where people at times seem to have lost trust in its democratic institutions and information is easily labelled as ‘fake news’. Your rapporteur therefore supports the proposal by the Commission and its aim to adapt Regulation (EC) No 223/2009 to the needs of our time.

Your rapporteur saw, however, some room for improvement in the Commission proposal in terms of enforcing Eurostat statistics as a quality label, as well as in increasing the efficiency of the European statistical system by enhancing the exchange of information between the ESCB and the ESS and by strengthening the legal base when private data are requested by the statistical authorities.