



*Czech Presidency Report on
Statistical Legislative Dossiers*

30 June 2009

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Overview of Legislative Dossiers

Completed		
<p>European statistics <i>for details, see <u>infra</u></i></p>	<p>COM (2007) 625</p>	<p>Commission adoption: 16.10.2007 Council discussion: 16.11.2007, 12.12.2007, 21.02.2008, 10.04.2008, 19.05.2008, 18.06.2008, 01.10.2008 ECB Opinion: 14.11.2007 (published in OJ C 291/1 of 05.12.2007) Exchange of views in EP ECON Committee: 26.02.2008 Consideration of draft report in EP ECON Committee: 02.06.2008 Consideration of amendments in EP ECON Committee: 16.07.2008 Adoption in EP ECON Committee: 09.09.2008 Coreper adoption: 29.10.2008 EP 1st reading: 19.11.2008 Legal/linguist meeting: 21.01.2009 Coreper adoption: 18.02.2009 Council adoption: 19.02.2009 Publication in OJ: 31.03.2009 (L87/164)</p>
<p>Community statistics relating to the trading of goods between Member States (Intrastat) <i>for details, see <u>infra</u></i></p>	<p>COM (2008) 58</p>	<p>Commission adoption: 07.02.2008 Council discussion: 02.06.2008, 11.07.2008, 03.09.2008, 01.10.2008 Exchange of views in EP ECON Committee: 02.06.2008 Consideration of draft report in EP ECON Committee: 30.06.2008 Adoption in EP ECON Committee: 09.09.2008 EP 1st reading: 22.10.2008 Legal/linguist meeting: 19.01.2009 Coreper adoption: 18.02.2009 Council adoption: 19.02.2009 Publication in OJ: 31.03.2009 (L87/160)</p>

<p>Statistics relating to external trade with non-member countries (Extrastat)</p> <p><i>for details, see infra</i></p>	<p>COM (2007) 653</p>	<p>Commission adoption: 30.10.2007 Council discussion: 15.01.2008, 27.03.2008, 24.04.2008, 03.09.2008, 01.10.2008 First exchange of views in EP INTA Committee: 26.03.2008 Second exchange of views in EP INTA Committee: 08.04.2008 Consideration of draft report in EP INTA Committee: 27.05.2008 Adoption in EP INTA Committee: 24.06.2008 EP 1st reading: 23.09.2008 Coreper adoption of political agreement: 22.10.2008 Council adoption of political agreement: 04.11.2008 Legal/linguist meeting: 18.12.2008 Coreper adoption of Common Position: 11.02.2009 Council adoption of Common Position: 16.02.2009 EP 2nd reading: 02.04.2009 Publication in OJ: 16.06.2009 (L152/23)</p>
<p>Crop statistics</p> <p><i>for details, see infra</i></p>	<p>COM (2008) 210</p>	<p>Commission adoption: 21.04.2008 Council discussion: 11.07.2008, 03.09.2008, 24.10.2008 First exchange of views in EP AGRI Committee: 09.09.2008 Consideration of draft report in EP AGRI Committee: 04.11.2008 Adoption in EP AGRI Committee: 02.12.2008 SCA meeting: 02.02.2009 EP 1st reading: 19.02.2009 Legal/linguist meeting: 24.04.2009 SCA adoption: 01.06.2009 Council adoption: 08.06.2009 Publication in OJ: 29.06.2009 (L167/1)</p>

Final stages		
<p>Proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) No 808/2004 concerning Community statistics on the information society <i>for details, see infra</i></p>	COM (2008) 677	<p>Commission adoption: 30.10.2008 Council discussion: 26.11.2008, 17.12.2008 First exchange of views in the EP ITRE Committee: 19.01.2009 Consideration of draft report in EP ITRE Committee: 04.03.2009 Adoption in EP ITRE Committee: 09.03.2009 Coreper adoption: 17.03.2009 EP 1st reading: 02.04.2009 Legal/linguist meeting: 12.06.2009 Coreper adoption: 08.07.2009 (scheduled) Council adoption: 13.07.2009 (scheduled)</p>

Completed at Council Working Party level so far		
<p>Statistics on plant protection products/pesticides <i>for details, see infra</i></p>	COM (2006) 778	<p>Commission adoption: 11.12.2006 Council discussion: 16.04.2007, 16.11.2007, 12.12.2007, 29.01.2008, 27.03.2008, 24.04.2008, 23.01.2009, 16.02.2009, 16.03.2009 Council discussion (WP AGRI): 26/27.04.2007 Exchange of views in EP ENVI Committee: 08/09.10.2007 Adoption in EP ENVI Committee: 19.12.2007 EP 1st reading: 11/12.03.2008 Coreper adoption of political agreement: 18.06.2008 Council adoption of political agreement: 23.06.2008 Coreper adoption of common position: 12.11.2008 Council adoption of common position: 20.11.2008 Adoption in EP ENVI Committee: 31.03.2009 EP 2nd reading: 24.04.2009 Coreper: 24.06.2009 (information without discussion)</p>

<p>Recommendation for a Council Regulation amending Regulation (EC) No 2533/98 concerning the collection of statistical information by the European Central Bank</p> <p><i>for details, see infra</i></p>	ECB (2008) 9	ECB adoption: 15.09.2008 Publication in the Official Journal C 251/1 of 03.10.2008 Council discussion: 24.10.2008, 26.11.2008, 17.12.2008, 23.03.2009, 29.05.2009 Commission opinion: 13.01.2009 Legal Service opinion: 04.02.2009 EP opinion: 24.03.2009 EDPS opinion: 20.04.2009
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Horizontal Issue – Comitology reform - *for details, see [infra](#)*

Implementation of Comitology reform - *for details, see [infra](#)*

Legislative Dossier – COM (2006) 778 final ("PPP/Pesticides")

Proposal for a Regulation of the European Parliament and of the Council concerning statistics on plant protection products/pesticides

Stages in the procedure:

Commission adoption:	11.12.2006
Council Formation:	Working Party on Statistics (Council Secretariat: Ms Christina Strömholm)
EP Rapporteur:	Mr Bart Staes – Committee on Environment, Public Health and Food Safety (ENVI)
Council Working Party meetings:	16.04.2007, 16.11.2007, 12.12.2007, 29.01.2008, 27.03.2008, 24.04.2008, 23.01.2009, 16.02.2009, 16.03.2009
Council discussion (WP AGRI):	26/27.04.2007
Exchange of views in the EP ENVI Committee:	08/09.10.2007
Adoption in the EP ENVI Committee:	19.12.2007
European Parliament 1 st reading:	11/12.03.2008
Coreper adoption of political agreement:	18.06.2008
Council adoption of political agreement:	23.06.2008
Coreper adoption of the common position:	12.11.2008
Council adoption of the common position:	20.11.2008
Adoption in EP ENVI Committee:	31.03.2009
European Parliament 2 nd reading:	24.04.2009
Coreper:	24.06.2009

Summary:

The Commission adopted the proposal on 11 December 2006 and forwarded it to the European Parliament and the Council. The Council Working Part first met to discuss the proposal on 16 April 2007. As groundwork for this discussion, the German Presidency had carried out a written consultation of the

Member States. The Presidency and the Council Secretariat received numerous written comments from the delegations on the proposal. The Presidency opened the meeting by issuing a Note summarising the general comments. There was general consensus regarding the necessity of more coherence between the following proposals:

1. Directive of the European Parliament and of the Council establishing a framework for Community action to achieve the sustainable use of pesticides, COM (2006) 373;
2. Regulation of the European Parliament and of the Council concerning the placing of plant protection products on the market, COM (2006) 388;
3. Regulation of the European Parliament and of the Council concerning statistics on plant protection products, COM (2006) 778

The discussion on the coherence of these legislative dossiers took place at the “Agriculture” Council Working Party meeting held on 26 and 27 April 2007. Discussion focussed on whether the related regulations and directives were consistent with each other.

The position of the Member States was to have an independent statistical regulation and not to incorporate this regulation within a wider regulatory package. Either way, there were still some remarks from the Member states that remained to be clarified. The points still outstanding included:

- consistency in the dossiers (strengthening of links to Article 14 of the Directive and Article 64 of the Regulation),
- type of data to be collected (sales and use data),
- timetable for data delivery,
- confidentiality of data,
- administrative and financial burdens for respondents and administrative management (especially to collect data on use) in relation to the usefulness of the data,
- subsidiarity (data processing at Member-State level),
- possibility of financial support for the additional costs incurred by Member States.

The Presidency had already contacted the *European Economic and Social Committee* and the *Committee of the Regions* to poll their opinion on the proposal. A draft opinion of the EESC reached the Presidency in May 2007. The summary of the EESC’s conclusions and recommendations was:

1. The EESC welcomes the proposed regulation as a means of measuring the progress made by Member States towards the objectives of the directive for the thematic strategy on the sustainable use of pesticides.
2. The EESC regrets that this regulation covers only the professional use of plant protection products in agriculture and does not include their potentially environmentally damaging use on hard surfaces.
3. The EESC would stress that, when linking data on use with data on the maximum residue level (MRL), it is not only the quantity of the substances used and the area of crop treated that are important,

but also the crop yield. In order to ensure that data on use are linked to existing EU crop statistics, and in particular crop yields, explicit mention must be made of these crop statistics in the regulation.

The proposal for a Regulation on Plant Protection Product Statistics returned to the Council Working Party on Statistics as part of the agenda of the 16 November 2007 meeting, and the main issues discussed concerned the amendments the European Parliament (EP) rapporteur intends to introduce (draft report dated of 20 September 2007). On this point, the Portuguese Presidency received clear guidelines from the Member States, which have rejected the possibility of extending the scope of the Regulation for non-agricultural uses, as well as the EP amendments aimed towards Commission approval on the methods for data collection (through a comitology procedure) and the establishment of a qualified group of experts to evaluate the data collected.

Moreover, the Member States were in favour of postponing the EP calendar for this dossier, given that consistency and coordination were needed as regards the proposal for a Directive on the sustainable use of pesticides and as regards the proposal for a Regulation concerning the placing of plant protection products on the market. Both these legal acts are expected to be approved in the second reading.

The Presidency met the rapporteur on 20 November 2007, where Eurostat representatives were also present. It reflected the views of the Council on the draft report by the rapporteur, which raised several concerns.

On 4 December 2007, the Presidency received new amendments tabled by other MEPs on the rapporteur's draft report. Considering the vote in the EP ENVI Committee on 19 December 2007 the Presidency decided to put this dossier on the agenda of the WPS held on 12 December 2007, so that Member States could express their views on these new amendments. The Member States welcomed some of the new amendments as they helped make the Regulation clearer and more flexible. The need for ensuring consistency and coherence with other legislative initiatives under consideration was again highlighted. For some other amendments, the Presidency should discuss and seek a possible understanding with the European Parliament, as they focus on important issues which could not however be entirely accommodated by the Member States at this stage. This was, for example, the case of the amendment focused on adapting the list of substances and their classification, and to a certain extent the inclusion of biocides.

However, the Member States did not support the amendments that would lead to broadening the scope of the Regulation, either through its extension into the production, import and distribution of plant protection products or its extension to non-agricultural uses. Moreover, the amendments on monitoring data collection, the reduction of the delay for presenting the first report, the transmission of confidential data to Eurostat and the introduction of the definition of statistics, were also rejected. Concerning these last two groups of amendments, the Member States pointed to the existence of Community legislation on the transmission of confidential data by National Statistical Institutes to Eurostat (Regulation 1588/90) and on the definition of Community statistics (Regulation EC 322/97).

The Portuguese Presidency followed the work led by the EP ENVI Committee, and the necessary contacts with the rapporteur were assured. The ENVI Committee adopted the report on 19 December 2007. Although some of the amendments that raised concern for Member States were dropped, others were approved and therefore further discussion at the WPS was needed, together with negotiations with the EP.

The Slovenian Presidency put the dossier on the agenda of the WPS that took place on 29 January 2008. The aim of the deliberation was to conduct detailed article-by-article discussion on the working document prepared by the Presidency, and to find out what was acceptable for Member States. During the

meeting, delegations expressed their concerns and made several proposals in view of improving the text, mainly regarding the scope and objectives of the regulation, definitions, reporting obligations, confidentiality issues, coverage, and Community financial contribution. The Presidency should prepare a compromise proposal on the basis of the discussions at the Working Party on 27 March 2008.

The Presidency had a meeting with the EP rapporteur Mr Staes on 30 January 2008. The European Parliament approved the Proposal with several amendments not agreed with the Council at the plenary session on 12 March 2008. Since the Council and the European Parliament failed to reach agreement concerning the Proposal during the first reading, the dossier will be dealt with further in a second-reading procedure.

The basis for the fifth discussion on this item at WPS meeting on 27 March 2008 was the Presidency compromise proposal. At the WPS meeting, the delegations expressed general support for the compromise proposal. However, further discussion was still needed on provisions regarding coverage, and some legal clarifications of the text were required.

The Slovenian Presidency prepared a new compromise proposal that reflected the outcome of the discussion at the WPS and subsequent written consultation, a proposal discussed at the WPS meeting on 24 April 2008. The most substantive change introduced was the new criterion for the coverage of statistics on the use of plant protection products. A large majority of delegations expressed their support for the proposal, and a compromise was reached in the Working Party. The Presidency prepared a final compromise text which was issued to the Member States. Political agreement was adopted by the Coreper on 18 June 2008 and by the Council on 23 June 2008.

Coreper adoption of the common position took place on 12 November 2008. Council adoption took place on 20 November 2008. The common position was sent to the European Parliament under the Czech Presidency on 15 January 2009.

After an exchange of views with EP, the Presidency, taking into account the tight timetable for negotiations with the EP, decided to put the dossier on the agenda of the WPS on 23 January 2009. The meeting provided a solid basis for the subsequent discussions with the EP. The rapporteur presented his draft report for the second reading on 26 January 2009.

After the adoption of mandate at the Coreper, the trialogue was held on 2 February 2009, where several EP amendments were discussed in particular the inclusion of biocides and extension of scope to non-agricultural areas. It was agreed to discuss other EP amendments at a separate technical meeting on 12 February 2009. Based on the outcome of the abovementioned meetings with the EP the Presidency prepared two working papers for the WPS meeting on 16 February 2009. As a result of the WPS meeting the Presidency received an improved mandate for subsequent discussions with the EP and Commission. The Agriculture Attachés met on 24 February 2009 in order to examine the proposed text after a discussion with the EP and Commission held on 19 February 2009. Another technical meeting took place also on 24 February 2009 to discuss remaining open issues. After the Coreper's adoption of mandate, the trialogue was held on 3 March 2009 where the main issues such as the inclusion of biocides and the extension of scope to non-agricultural use were discussed. The proposal was on the agenda of the WPS on 16 March 2009 where the Member States presented their opinions on the last open items. This was used for updating document for the Coreper and for the preparation of the final draft proposal for the third trialogue. After the Coreper's adoption of mandate, the trialogue was held on 24 March 2009. The third trialogue discussed the last open questions. The result of this trialogue is a final working version of the proposal concerning statistics on pesticides (instead of original "statistics on plant protection products). The main compromise agreement from this trialogue is the acceptance of the term "pesti-

cides” in the whole text instead of term “plant protection products” with additional explanation stating “pesticides are plant protection products”. The current text binds the Member States to collect data on agricultural uses only, however as there is a strong political requirement to extend the scope of this Regulation in the future to areas where Member States have limited experience at present, the possibility to have proposals designed to further improve the data collection methods with a view to improve the coverage was included into the five-year report.

The rapporteur’s report was adopted by the EP ENVI Committee on 31 March 2009. After this session of the ENVI Committee it was accepted an additional request of France and Germany from COREPER on 27 March by the rapporteur and shadow rapporteurs to add a word “those” in the text of Recital 4, first paragraph: “...The scope of this Regulation should thus be limited by those pesticides which are plant protection products...” The Commission will prepare its Declaration with statement: “The Commission states that the Regulation of the European Parliament and of the Council concerning statistics on pesticides applies only to plant protection products.”

The EP voted on the rapporteur’s report in the second reading at the EP plenary session on 24 April 2009. The voting was divided into two parts (amendments 1-40 and amendment 41). For the amendments 1-40 the result was that 387 MEPs were in favour (2 MEPs were against, 4 MEPs abstained) but for the adoption in the second reading an absolute majority (393 votes) is required. The amendment 41 was adopted. The discussions searching for a solution are held. Coreper was informed by the Presidency about the development of this file on 24 June 2009. It is expected to be adopted in the 3rd reading.

Legislative Dossier – COM (2007) 625 final ("European statistics")

Proposal for a Regulation of the European Parliament and of the Council on European Statistics

Stages in the procedure:

Commission adoption:	16.10.2007
Council Formation:	Working Party on Statistics (Council Secretariat: Mr Pedro San José)
EP Rapporteur:	Mr Andreas Schwab - Committee on Economic and Monetary Affairs (ECON)
Council Working Party meetings:	16.11.2007, 12.12.2007, 21.02.2008, 10.04.2008, 19.05.2008, 18.06.2008, 1.10.2008
ECB Opinion:	14.11.2007 (published in OJ C 291/1 of 05.12.2007)
Exchange of views in the EP ECON Committee:	26.02.2008
Consideration of draft report in the EP ECON Committee:	02.06.2008
Consideration of amendments in the EP ECON Committee:	16.07.2008
Adoption in the EP ECON Committee:	09.09.2008
Coreper adoption:	29.10.2008
European Parliament 1st reading:	19.11.2008
Legal/linguist meeting:	21.01.2009
Coreper adoption:	18.02.2009
Council adoption:	19.02.2009
Publication in OJ:	31.03.2009 (L87/164)

Summary:



On 22 October 2007, the Portuguese Presidency sent the proposal for a Regulation on European Statistics to Member States for comments to be filed for the 2 November 2007 deadline. The Presidency received input from 19 Member States and from one country of the European Economic Area. On the basis of those contributions, the Presidency outlined the main issues for discussion in the Council Working Party of 16 November 2007.

The European Central Bank also issued its opinion, following on from the Coreper's agreement to consult.

In the Council WPS, the Member States in general welcomed the Commission's initiative to revise and modernise the legal framework for the provision of European statistics. The Presidency stressed the opportunity offered to the Member States to improve the basic framework governing statistics at EU level.

Almost all Member States regretted the last minute changes introduced by the Commission in its proposal, which occurred after the consultation of the Statistical Programme Committee, in the meeting held in Budapest on 19 September 2007.

Consequently, a large majority of Member States motioned a proposal to re-include the so-called "Budapest version" of the Regulation, particularly as regards the Statistical Governance chapter. Within this chapter, the provisions related to the European Statistical System (ESS) Committee, to the role of Eurostat within the Commission, and to the Code of Practice, were highlighted as the cornerstone.

The legal service of the Commission invoked institutional and juridical reasons for the split of activities, based on the Comitology Decision 1999/468/EC and on the institutional arrangements for the creation and operational running of Commission-led experts groups (Communication from the President of the Commission, C (2005) 2817 dated 27 July 2007). Therefore, the Commission introduced two bodies, the ESS Partnership Group and the ESS Committee, the first being assigned a strategic role in the governance of European statistics while the second was tasked with assisting the Commission in the implementation measures (comitology matters). For the Commission, this split of activities between two entities does not change the substance of the Regulation, as Member States may designate the same representatives (the Heads of the National Statistical Institutes) for both bodies, which may meet in the same day, one after the other.

The Commission was requested to present its legal advice on this issue in writing, including a statement on the role of Eurostat within the Commission (where the provision included in Budapest version had stated its independence) and on the nature of the Code of Practice.

The Presidency stressed that the legal advice of the Council services had also been requested and was very much anticipated.

A lively and highly fruitful exchange of views took place concerning other provisions of the Regulation, such as the temporary direct statistical actions of the Commission, the European approach to statistics, and the confidentiality articles (those requesting painstaking analysis to guarantee that the confidence of respondents on NSIs would remain intact).

The Council Working Party on Statistics continued discussion on this proposal for a Regulation on 12 December 2007.

Afterwards, several Member States sent the Presidency several written questions to be addressed by the Council Legal Service, which were forwarded to the Council Secretariat.

The Working Party went through other issues of concern for Member States, and some concrete proposals on the confidentiality articles were tabled. The European Central Bank also provided an explanatory memorandum, distributed as a room document, further elaborating on the arguments supporting its opinion.

The WPS also pointed out the need to clarify certain concepts, such as “European Statistics” and the “European Approach to Statistics”, and also noted that the Commission Decision on the role of Eurostat (97/281/EC) was not mentioned in the present Regulation and that such a reference should be included. The Commission agreed with this suggestion. Meanwhile, the European Parliament (EP) rapporteur asked for an informal bilateral meeting with the Presidency, which took place on 29 November 2007.

According to the conclusions of the Working Party session held on 12 December 2007, Member States were asked to send in their questions to the Council Legal Service. The Slovenian Presidency channelled the questions to the Council Legal Service, which prepared its written opinion.

The dossier was discussed for the third time at a WPS meeting held on 21 February 2008. Before the discussion, the Council Legal Service presented its written opinion, which had been previously distributed to the Member States. The Council Legal Service also answered questions raised by the Member States. In the continuation of the meeting, the Working Party went on to conduct an in-depth review on the working document that the Slovenian Presidency had prepared on the basis of a written consultation held in November 2007 as well as on the two previous discussions held on the proposal at the Working party. The Presidency proposed not to discuss Articles 4, 6, 6a and 6b since Member States and the Commission’s positions on these Articles had already been stated. During the discussion, delegations expressed their concerns and made several proposals designed to improve the conditional text on governance issues being formulated as they were in the working document.

After the meeting, the Presidency informed EP rapporteur Mr Schwab on the Council’s position, especially concerning the governance issues. An exchange of views took place in the EP ECON Committee meeting dated 26 February 2008.

The discussion on the proposal continued at the WPS meeting on 10 April 2008, when the WPS finished the first detailed examination of the proposal. During the discussions, the delegations expressed a number of concerns and requested clearer, more detailed provisions, particularly concerning the protection and exchange of confidential data within the European Statistical System, exchanging confidential data with the European System of Central Banks, the European Approach to Statistics, and access to confidential data for research purposes.

At its meeting held on 19 May 2008, the Working Party conducted a detailed review of the first compromise text on European Statistics regulations. The compromise text had been prepared by the Presidency in cooperation with the Commission on the basis of previous discussions and written contributions from Member States. During the discussion, the delegations confirmed a large body of changes made, and proposed further clarifications and suggestions. Although the Working Party had already reached an agreement on some articles, the Commission continues to uphold its reservations on Articles 6 and 6a concerning the role of Eurostat and the European Statistical System Committee. The other main outstanding issues remain the European Approach to Statistics, temporary direct statistical actions, the protection of confidential data, exchange of confidential data between the European Statistical System and the European System of Central Banks, and access to confidential data for research purposes.



Consideration of the draft report took place in the EP ECON Committee session held on 2 June 2008. Based on the discussion of the previous meeting of the Working Party, the Presidency prepared the next compromise text which was discussed at a meeting held on 18 June 2008. The discussions led to agreement being reached on all articles, with the exception of Articles 6, 6a and 12 (1a) concerning the role of Eurostat and the European Statistical System Committee, and concerning temporary direct statistical actions. Based on these discussions, the Presidency prepared a new compromise proposal.

Consideration of the amendments in the EP ECON Committee took place on 16 July 2008. The French Presidency met with EP rapporteur M. Schwab to conduct an exchange of views.

On 9 September 2008, the EP ECON committee approved the full text of the rapporteur's report. The adopted amendments mostly reproduce the same wording as the latest Working Party compromise proposal dated 18 June 2008.

An informal trialogue meeting was held on 16 September 2008 between the Presidency of the Council, the EP ECON committee, and the European Commission (Eurostat). This meeting was able to establish consensus on a certain number of important points that had this far been subject to debate: Community statistical authority, the financing of temporary direct actions, the ESS committee's role in the annual work programme, the publication of European statistics, and the transmission of confidential data.

An amended draft text was drawn up in detail by the Presidency to help consolidate this initial inter-institutional dialogue, and was submitted for approval as a progress document at the Council Working Party meeting on October 1st. The delegations approved with a large majority the "package" of articles and recitals negotiated with the European Parliament. Some modifications were brought to other articles and recitals (in particular to recital 26 concerning the principles of proportionality and subsidiarity applying in dissemination of statistics).

The negotiation with the European Parliament about this slightly modified compromise went on through electronic exchanges. A new negotiated text was accepted by the Parliament and the Commission on the basis of the outcome of October 1st meeting, with some modifications (in particular in article 20.1.a about transmission of confidential data between ESS and ESCB). The delegations were consulted by written procedure and accepted the modifications.

Coreper adoption of the compromise text of the Presidency took place on 29 October 2008. The European Parliament adopted this text with slight formal modifications in 1st reading in its plenary session held on 19 November 2008.

The legal/linguist meeting took place on 21 January 2009. The problems with the jurists-linguists amendments to the Regulation were discussed during the legal/linguist meeting.

The proposal was on the agenda of Coreper on 18 February 2009 and subsequently the Council (TTE) adopted the proposal for a Regulation on 19 February 2009 (only Austria voted against the adoption of this Regulation). After the final legal linguistic revision, the Regulation was published in the Official Journal on 31 March 2009 (L87/164).

Legislative Dossier – COM (2007) 653 final ("Extrastat")

Proposal for a Regulation of the European Parliament and of the Council on Community Statistics relating to the external trade with non-Member countries and repealing Council Regulation (EC) no. 1172/95

Stages in the procedure:

Commission adoption:	30.10.2007
Council Formation:	Working Party on Statistics (Council Secretariat: Mr Philippe Lefébure, Mrs Eleonora Botar)
EP Rapporteur:	Mr Helmuth Markov - Committee on International Trade (INTA)
Council Working Party meeting:	15.01.2008, 27.03.2008, 24.04.2008, 03.09.2008, 01.10.2008
First exchange of views in the EP INTA Committee:	26.03.2008
Second exchange of views in the EP INTA Committee:	08.04.2008
Consideration of draft report in the EP INTA Committee:	27.05.2008
Adoption in the EP INTA Committee:	24.06.2008
European Parliament 1 st reading:	23.09.2008
Coreper adoption of political agreement	22.10.2008
Council adoption of political agreement	04.11.2008
Legal/linguist meeting:	18.12.2008
Coreper adoption of Common Position:	11.02.2009
Council adoption of Common Position:	16.02.2009
European Parliament 2 nd reading:	02.04.2009
Publication in OJ:	16.06.2009 (L152/23)

Summary:

The proposal for a Regulation of the European Parliament and of the Council on community statistics relating to the external trade with non-Member countries (EXTRASTAT) was adopted by the Commission on 30 October 2007. The Portuguese Presidency launched a written consultation asking for Member States to file their comments before 20 December 2007.

During the first discussion at the WPS on 15 January 2008, the Member States generally supported the Proposal but nevertheless expressed some concerns, mainly regarding the provisions for transitional period, responsibilities of institutions in terms of the exchange of data between national administrations, confidentiality provisions, and the list of variables that should be provided within the framework of external trade statistics. The Commission expressed willingness to reach an understanding as regards several issues of concern expressed by Member States. The Slovenian Presidency prepared a compromise proposal and sent it to Member States.

The Presidency held the first meeting with the EP rapporteur Mr Markov on 28 January 2008. At the meeting, the rapporteur expressed the wish for more precise provisions and less comitology. A first exchange of views took place in the EP INTA Committee meeting held on 26 March 2008.

The second discussion at the WPS took place on 27 March 2008, on the basis of the compromise proposal prepared by the Presidency. Discussions led to agreement on a number of articles and recitals. However, provisions regarding tariff statistics and exchange of data still remained open, while provisions on specific goods or movements as well as on goods or movements to be excluded from external trade statistics should be upgraded in line with the current legislation. Member States also expressed the need for more detailed specifications in the article referring to the integration of external trade and business statistics and exclusion of comitology for specification of data sources other than customs declarations.

A second exchange of views took place in the EP INTA Committee meeting held on 8 April 2008. Results from the previous WPS meeting as well as the subsequent written consultation prompted the Presidency to draft a new compromise proposal, which was discussed at the WPS on 24 April 2008. At this meeting, the WPS reached an agreement on all articles, with the exception of articles 3 and 7. Concerning Article 5, it was agreed to delete the order number of the quota from the selection of data that Member States are required to obtain from records on imports and exports. In Article 3, the Commission proposed that the definition of the statistical threshold be brought in line with the Customs Code. Delegations needed some time to reflect on the proposal and to inform the Presidency whether they deemed the measure acceptable. Article 7 on data exchange between customs authorities and statistical authorities remained open and still relatively problematic. Member States were concerned with being unable to provide all statistical data on external trade, since the implementation of the Modernised Customs Code will mean that a significant body of information will no longer be available on customs declarations. The decision was taken that the Commission would examine all the possibilities to provide a legal basis at European level (e. g. implementing measures of the Modernised Customs Code) for the customs data needed for external trade statistics.

Consideration of draft report took place at the EP INTA Committee on 27 May 2008. The EP INTA Committee adopted the report on 24 June 2008.

The French Presidency met with the Commission's DG TAXUD and EUROSTAT who reported on the negotiations held with a view to taking into account statistical needs in the implementing provisions of the Customs Code. The Presidency drafted a compromise text, which was submitted to delegations.



Delegations stated clearly that they were opposed to establishing a specific data collection for statistical needs and favoured instead a data exchange between customs authorities.

At the meeting of the Statistics Working Group on 3 September 2008, the Commission put forward potential solutions for data exchange and self-assessment. It indicated that the future data exchange system would be based on customs data and that the implementing provisions were under consideration. Member States are satisfied with this proposal, but are unsure about the practical details, which have yet to be defined. A compromise proposal incorporating these elements will be drafted by the Presidency and the Commission and discussed at the next meeting of the Statistics Working Group.

The Presidency has informed the rapporteur of the European Parliament of the Council's position. However, it was not possible to postpone the vote in the European Parliament and the report was adopted in plenary on 23 September 2008. The report that was adopted does not take account of the last compromise package submitted to the Council's statistics Working Group. Since the Council and the European Parliament were unable to reach an agreement on the proposal at first reading, a second reading of the proposal was needed from then on.

The Presidency's compromise document served as a basis for the 5th round of discussions on this issue at the meeting of the Statistics Working Group on 1 October 2008. The delegations generally approved the compromise submitted by the Presidency. In case of self assessment, the implementing measures shall take the utmost account of the necessity to set up an efficient system which would minimize the administrative burden on economic operators and administrations.

Coreper adoption of the political agreement took place on 22 October 2008. Council adoption of the political agreement took place on 4 November 2008.

The legal/linguist meeting took place on 18 December 2008.

Coreper approved the Council's Common Position and statement of the Council's reasons on 11 February 2009. The Council adopted its Common Position and statement of reasons on 16 February 2009.

In the second reading the European Parliament adopted a legislative resolution of 2 April 2009 on the common position adopted by the Council with a view to the adoption of a regulation of the European Parliament and of the Council on Community statistics relating to external trade with non-member countries and repealing Council Regulation (EC) No 1172/95.

After the signature, the Regulation was published in the Official Journal on 16 June 2009 (L152/23).

Legislative Dossier – COM (2008) 58 final ("Intrastat")

Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 638/2004 on Community statistics relating to the trading of goods between Member States

Stages in the procedure:

Commission adoption:	07.02.2008
Council Formation:	Working Party on Statistics (Council Secretariat: Mr Philippe Lefébure, Mrs Eleonora Botar)
EP Rapporteur:	Mr Ryan Eoin – Committee on Economic and Monetary Affairs (ECON)
Council Working Party meeting:	02.06.2008, 11.07.2008, 03.09.2008, 01.10.2008
Exchange of views in the EP ECON Committee:	02.06.2008
Consideration of draft report in the EP ECON Committee:	30.06.2008
Adoption in the EP ECON Committee:	09.09.2008
European Parliament 1 st reading:	22.10.2008
Legal/linguist meeting:	19.01.2009
Coreper adoption:	18.02.2009
Council adoption:	19.02.2009
Publication in OJ:	31.03.2009 (L87/160)

Summary:

The Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No. 638/2004 on Community statistics relating to the trading of goods between Member States (Intrastat) was adopted by the Commission on 7 February 2008.

The Slovenian Presidency invited Member States to submit preliminary comments and remarks by 7 March 2008. The first exchange of views between the Presidency and the European Parliament (EP rapporteur) took place at the meeting held on 6 May 2008.

The WPS discussed the proposal for the first time on 2 June 2008. During the discussions, a large majority of Member States supported the Commission's proposal with some amendments: concerning the criteria for the estimates, only the quality criteria regarding the results should be defined; the list of business characteristics and the standard quality article should be added. In addition, it was proposed that Article 11 of Regulation 638/2004 regarding statistical confidentiality should be amended. The Member States need to inform the Presidency of any disagreement with this proposed amendment in a week's time. The Member States also agreed not to consult the European Economic and Social Committee. Based on the discussion, the Presidency prepared the final compromise text.

The exchange of views took place in the EP ECON Committee meeting held on 2 June 2008. Consideration of draft report took place in the EP ECON Committee meeting held on 30 June 2008.

The Council Working Party on Statistics conducted the second discussion on the proposal on 11 July 2008 under the French Presidency. The compromise text on INTRASTAT prepared by the Slovenian Presidency was supported by a majority of Member States. The amendments of the European Parliament were also discussed. The French Presidency asked Member States to file their view on the proposed amendments, notably concerning the inclusion of the levels of coverage rates in the regulation itself.

Following consultations, the French Presidency drafted a new compromise text. It notified the EP rapporteur, Mr. Ryan Eoin, of the terms and conditions governing this compromise. This one was widely approved at the meeting of the Statistics Working Group on 3 September 2008, especially as regards the setting of coverage rates and the exemption thresholds for declarations.

The EP's ECON committee adopted the rapporteur's report dated 9 September 2008. The amendment N°8, which sets out the compulsory coverage rates for total dispatches and arrivals within a band ranging from 90% to 95%, is maintained. The French Presidency opened negotiations on this point within an "e-trialogue" (run by electronic way).

During the meeting of the Working Party on Statistics held on 1 October 2008, the delegations approved the Presidency approach for negotiating with the European Parliament. In particular they agreed in maintaining Article 1.4.a on thresholds, as modified during the Working Party on Statistics on 3 September, and accepting in return the rewording of Recital 3a on the burden reduction of enterprises.

In mid October 2008, the "e-trialogue" resulted in a writing of recital 3a and article 1.4.a which satisfied all parties.

At the plenary session held on 22 October 2008, the European Parliament adopted the agreed text of the Proposal for the Regulation.

The legal/linguist meeting took place on 19 January 2009.

The proposal was on the agenda of Coreper on 18 February 2009 and subsequently the Council adopted the proposal for a Regulation by unanimity on 19 February 2009.

The Regulation was published in the Official Journal of the European Union on 31 March 2009 (L87/160).

Legislative Dossier – COM (2008) 210 final ("Crop")

Proposal for a Regulation of the European Parliament and of the Council on Crop Statistics

Stages in the procedure:

Commission adoption:	21.04.2008
Council Formation:	Working Party on Statistics (Council Secretariat: Ms Christina Strömholm)
EP Rapporteur:	Ms Jeggle Elisabeth – Committee on Agriculture and rural Development (AGRI)
Council Working Party meetings:	11.07.2008, 03.09.2008, 24.10.2008
First exchange of views in the EP AGRI Committee:	09.09.2008
Consideration of draft report in EP AGRI Committee:	04.11.2008
Adoption in the EP AGRI Committee:	02.12.2008
SCA meeting:	02.02.2009
European Parliament 1 st reading:	19.02.2009
Legal/linguist meeting:	24.04.2009
SCA adoption:	01.06.2009
Council adoption:	08.06.2009
Publication in OJ:	29.06.2009 (L167/1)

Summary:

The Proposal for a Regulation of the European Parliament and of the Council concerning crop statistics was adopted by the Commission on 21 April 2008. It would repeal Council Regulation (EEC) No. 837/90 dated 26 March 1990 governing statistical information to be supplied by the Member States on production of cereals and Council Regulation (EEC) No 959/93 concerning statistical information to be supplied by the Member States on production of crop products other than cereals.

The Slovenian Presidency invited Member States to submit their preliminary comments and remarks by 26 June 2008. The Council Working Party on Statistics conducted the first discussion on the proposal on 11 July 2008 under the French Presidency. All Member States showed an interest in the text for taking up existing legislation. Nevertheless most of them underlined an increasing burden due to introduction of requested data on fruits and vegetables. Many Member States argued on difficulties regarding the details of requested information, the deadlines to send it to the Commission and some definitions. The French Presidency asked Member States to file written comments, especially regarding the tables of the annexes, before 21 July 2008.

The French Presidency launched a written consultation that ended on 21 July. A summarised version of the remarks made by Member States in response to the written consultation was discussed at the meeting of the Statistics Working Group on 3 September 2008. A majority of Member States stated they were in favour of simplifying rules on products, transmission deadlines, accuracy and thresholds. The



Commission expressed reservations about some of the simplifications that have been requested. A compromise proposal is to be drafted by the Presidency and the Commission and discussed by the Statistics Working Group in October 2008.

During the first exchange of views in the EP AGRI Committee, held on 9 September 2008, the Commission presented its proposal.

During the meeting of the Statistics Working Group held on 24 October 2008, delegations broadly approved the given compromise. The compromise took on board a great many of the concerns expressed by Member States as well as a large number of the amendments tabled in the European Parliament's draft report. Compared to the initial proposal, this compromise reduced the number of estimates to be calculated, increased the thresholds and the length of the transitional period. Member States once again discussed the coefficient of variation for the precision requirement, as well as the details in the tables and the transmission deadlines. Comitology was to be examined in conjunction with the Council legal services. In the compromise discussed at the meeting, the only procedure provided for was comitology with scrutiny: this would apply to aspects that are not of a general nature, such as the transitional period, as well as to the whole of the article on quality. The new recital, which makes reference to organic production, was also discussed. In the light of these exchanges of views and with the help of the Council legal service, the Presidency drafted a new version of the compromise and sent it out to the Member States.

Consideration of draft report in the EP AGRI Committee took place on 4 November 2008 and its adoption at this Committee on 2 December 2008. A trilogue held on 10 December 2008 between the Presidency, the Commission and the European Parliament led to a compromise text, which satisfied all parties.

The meeting of Special Committee on Agriculture (SCA) was held on 2 February 2009. SCA adopted the compromise text and gave the Czech Presidency mandate to inform the chairman of the EP AGRI Committee. The European Parliament's first reading was held on 19 February 2009 and EP approved the agreed text. The jurists-linguists meeting took place on 24 April 2009. The proposal for a regulation was adopted by the SCA on 1 June 2009 and adopted by the Council on 8 June 2009.

The Regulation was published in the Official Journal of the European Union on 29 June 2009 (L167/1).

Legislative Dossier – ECB (2008) 9 ("ECB statistics")

Recommendation for a Council Regulation amending Regulation (EC) No 2533/98 concerning the collection of statistical information by the European Central Bank

Stages in the procedure:

ECB adoption:	15.09.2008
Publication in the Official Journal:	OJ C 251/1 of 03.10.2008
Council Formation:	Working Party on Statistics (Council Secretariat: Mr Pedro San José)
EP Rapporteur:	Mrs Sirpa Pietikäinen- Committee on Economic and Monetary Affairs (ECON)
Council Working Party meetings:	24.10.2008, 26.11.2008, 17.12.2008, 23.03.2009, 29.05.2009
Commission opinion:	13.01.2009
Legal Service opinion:	04.02.2009
EP opinion:	24.03.2009
EDPS opinion:	20.04.2009

Summary:

The ECB adopted on 15 September 2008 a Recommendation for a Council Regulation amending Regulation (EC) No 2533/98 concerning the collection of statistical information by the European Central Bank. The recommendation was published in the Official Journal C 251/1 of 3 October 2008

During the meeting of the Statistics Working Group held on 24 October 2008, the legal framework which applies to the ECB's recommendation in this area was presented by the Council legal service and the ECB: examination of this recommendation follows the adoption procedure set out in Article 107(6) of the Treaty, which stipulates that the Council acts by a qualified majority and pursuant to the provisions of Article 5.4 of the Statute of the ECB which indicates that the Council has authority in three areas: defining the natural and legal persons subject to reporting requirements, the confidentiality regime and the appropriate provisions for enforcement. The European Central Bank pointed out that the scope of the recommendation is narrower than that of the Regulation on European Statistics. It is seeking to modernise its legal framework by allowing itself to use the same data for several purposes and by mirroring as faithfully as possible the principles of quality and confidentiality laid down in the Regulation on European Statistics.

Delegations welcomed the ECB's initiative, but pointed out that there were ambiguities and uncertainties in the text as regards the following essential points: the exchange of individual data between the ESS and ESCB systems, confidentiality, cost-benefit analyses and mirror provisions. It has been suggested that transmissions between the ESS and the ESCB should be dealt with in a separate article. The ECB indicated that it was willing to work together with the Council to find new wordings. It had endeavoured to mirror as far as possible the principles underpinning European statistics. However their

governance systems are different and it is difficult to use exactly the same provisions in certain cases: for instance, the use of data for exclusively statistical purposes would imply that the data could be collected several times, which would be in contradiction with the explicit requests of respondents. With a view to discussing a new proposal with the ECB, the Presidency asked Member States to send in their remarks and suggested amendments by the end of October 2008.

During the second meeting of the Statistics Working Group, held on 26 November 2008, the articles and recitals were examined. Delegations asked for clarification regarding the reference reporting population and greater consistency with the provisions set out in the Regulation on European Statistics. The question of opening up articles 4 to 7 and incorporating a work programme for the collection of statistics by the ECB into the recommendation was also raised. The Presidency drafted a compromise text after consulting the ECB.

During the third discussion of the Statistics Working Group, held on 17 December 2008, the Presidency presented its proposed amendments to the recommendation. These amendments were designed in particular to create provisions that mirror those in the Regulation on European Statistics, especially as regards the definition of European statistics and confidentiality, as well as to enhance cooperation between both systems.

Delegations asked for some time to think about the consequences of the proposed amendments as well as other possible wordings to the amendments. The ECB stated that it had reservations about most of the proposed amendments. During the meeting, the Council legal service was asked for their opinion on a number of occasions. The Presidency requested that they submit a written opinion.

The Commission adopted its opinion on the recommendation on 13 January 2009 (COM(2008) 898).

The EP rapporteur presented her draft report to the EP ECON Committee on 20 January 2009. The amendments to the report were introduced by the members of ECON Committee and the voting of the Committee on the draft report with amendments was held on 2 March 2009.

The Coreper, having regard to the Regulation (EC) No 45/2001, and taking into account the fact that the Recommendation contains several amendments to the confidentiality regime covering statistical information, agreed to consult the European Data Protection Supervisor on the Recommendation (on 4 February 2009).

The Council Legal Service issued its opinion regarding the powers of the Council to amend the Recommendation on 4 February 2009.

The proposal was on the agenda of WPS on 23 March 2009 where the discussion was based on the Presidency proposals. The discussion focused on the main issues such as: recital on minimising reporting burden, confidentiality, definitions, statistical principles and recommendations, cooperation between the ESS and the ESCB and reference reporting population.

The draft report of rapporteur was adopted at the EP plenary session on 24 March 2009.

The European Data Protection Supervisor issued its opinion on the Recommendation on 20 April 2009.

The proposal was on the agenda of WPS on 29 May 2009. The purpose of the meeting was to discuss the Presidency compromise that developed from the negotiations among the Presidency, European Central Bank, Commission/Eurostat and from the previous meetings of the Council Working Party. The discussion resulted in further improvement of the compromise text. The enhanced text was sent to the



Delegations to obtain their final approval and thus complete discussions about this dossier at the Council Working Party. The text was generally agreed at the Council Working Party level.

Legislative Dossier – COM (2008) 677 ("Information society")

Proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) No 808/2004 concerning Community statistics on the information society

Stages in the procedure:

Commission adoption:	30.10.2008
Council Formation:	Working Party on Statistics (Council Secretariat: Mrs Eleonora Botar)
EP Rapporteur:	Mrs Niebler Angelika - Committee on Industry, Research and Energy (ITRE)
Council Working Party meetings:	26.11.2008, 17.12.2008
First exchange of views in the EP ITRE Committee:	19.01.2009
Consideration of draft report in EP ITRE Committee:	04.03.2009
Adoption in the EP ITRE Committee:	09.03.2009
Coreper adoption:	17.03.2009
European Parliament 1 st reading:	02.04.2009
Legal/linguist meeting:	12.06.2009
Coreper adoption:	08.07.2009 (scheduled)
Council adoption:	13.07.2009 (scheduled)

Summary:

The Commission adopted the proposal on 23 February 2007 and forwarded it to the European Parliament and the Council.

The first discussion of the Council Working Group on the proposal was held on 26 November 2008. It was used to take a general look at the text and to go through the articles, annexes and recitals. Delegations stated that they were broadly in favour of the proposal. Some of them, however, expressed their desire to limit the burden and to clarify certain aspects of the issues dealt with in the text. The Presidency drafted a compromise with the help of the Commission.

The second discussion of the Council Working Group on 17 December 2008 was used to take a quick look at the compromise text negotiated with the European Commission. Delegations gave their agreement to this compromise.



The first exchange of views in the EP ITRE Committee was held on 19 January 2009. On 22 January 2009 the exchange of views between the Presidency and the EP took place.

The draft report was considered in the EP ITRE Committee on 4 March 2009 and no new amendments were tabled by the members of the ITRE Committee. The report was adopted in the Committee on 9 March 2009. The file was on the agenda of Coreper on 17 March 2009 (the approval of the final compromise text with a view to an agreement). The draft report of rapporteur was adopted in the first reading at the European Parliament on 2 April 2009.

The jurists-linguists meeting took place on 12 June 2009. The adoption of file at Coreper is scheduled for 8 July 2009 and at the Council for 13 July 2009.

Horizontal Issue – Comitology Reform

The horizontal issue “comitology reform” has been a continuous issue since the UK Presidency in 2005. The German Presidency mainly dealt with the question of quality and comitology and the formulation of an appropriate standard article on quality.

Negotiations with the European Parliament regarding a new comitology procedure were initiated under the UK Presidency. The aim of these negotiations was to draw up a procedure that would grant the EP a scrutiny right regarding quasi-legislative measures that corresponded to its powers as a legislator.

Negotiations continued under the Austrian Presidency. A compromise was found and adopted at the COREPER meeting of 8/9 June 2006. The compromise added a fourth type to the existing comitology procedures, namely “the regulatory procedure with scrutiny”.

The EP plenary approved the negotiated texts on 5 July 2006. The Council adopted the new procedure on 17 July 2006 and the Decision came into force on 23 July 2006. Its implications were analysed in the Presidency Note of 25 July 2006 to the Working Party on Statistics (Council document No. 11974/06).

The EP has withdrawn its claims for sunset clauses, which had been introduced into two statistical files. Instead, reference(s) to this new procedure will be inserted into statistical regulations where necessary.

This was done previously for the NACE Rev. 2 regulation in September. An agreement was also reached with the EP rapporteur and the Commission concerning draft regulations on FATS in October.

The application of the comitology decision of 17 July 2006 in all other open dossiers, where relevant, was discussed at the Council Working Party meeting on 10 November 2006 on the basis of a Presidency proposal (Council document No. 14695/06). The Working Party approved the proposal. The Council’s Legal Service was represented at the meeting. Based on these results, an agreement was also reached with the EP rapporteurs and the Commission concerning draft regulations on Business Registers, ESSPROS, Migration, and Landings of Fishery Products (November).

Following on from the WP meeting, the EP rapporteur on FATS, after further legal analysis and negotiations with the political groups, changed the comitology procedure governing implementation measures for “the common quality standards as well as the content and periodicity of the quality reports” to be “the regulatory procedure with scrutiny”. This contradicts the opinion of the Working Party. In the meantime, the EP has adopted the ESSPROS regulation in the plenary of 29 to 30 November 2006 with the corresponding implementation measure written into normal regulatory procedure.

In early December 2006, the EP rapporteur on Migration and international protection reconsidered her position on the form of comitology for “quality measures” and adopted the same position as the FATS rapporteur. The LIBE Committee adopted this opinion in late December.

On 28 November 2006, the Council’s Legal Service issued an opinion and revised it on 1st December (Council document No. 15917/1/06).

Finally, all three legal services having issued their position, the treatment of all quality aspects should be effected in the regulatory procedure with scrutiny. Meanwhile, the Member states favour the application of the “normal” regulatory procedure (without) scrutiny.

The consensus of the three legal services with regard to the application of the regulatory procedure with scrutiny had immediate consequences for the following proposals:

- Business Registers
- FATS
- Regulation on migration and international protection
- Structural business statistics regulation
- Purchasing Power Parities (PPP)
- Regulation on Education and Life Long Learning

The issue was discussed again at the Working Party meeting on 12 December 2006 in the light of the latest developments (Council document No. 16128/06). The Working Party gave the German Presidency a mandate to negotiate further with the EP rapporteurs on this subject.

The item was discussed again in the meeting of the Working Party on Statistics on 22 January 2007, now for the first time under German Presidency.

The German Presidency proposed a three-step approach to take account of the results of the Council Working Group on Statistics:

- long-term-strategy – standardised approach for new statistics;

The aim of the Presidency was in the long term to establish a standardised approach for quality within the revised Regulation on Community Statistics and all new statistical legal acts.

To ensure transparency in the future, it was necessary to have exact definitions of the terms “quality standards”, “quality requirements” and “quality reports” that were frequently used in the discussion. Attempts were made to fix standard definitions of those terms and, on that basis, to make proposals as to what legislative procedure could be appropriate for any configuration.

As a long-term solution, these clarifications should explicitly be **integrated in the proposal for a Regulation on European Statistics**, which should include a common framework for all future quality reports.

- Medium-term strategy – progressive phase-in approach to harmonisation;

As the long-term proposal will not be enforceable in the near future, the Commission was asked to try to find a harmonised formulation regarding quality aspects in drafting the legal acts which would be discussed in the Council Working Party in the near future (medium-term).

- short-term strategy – approach for the dossiers currently under discussion;

As a second reading for the proposals currently under discussion with the European Parliament would possibly lead to long delays, a pragmatic solution had to be found. Based on the outcome of the last Council Working Party and on the opinion of the Legal Services of the Council and the Commission, the Presidency proposed to accept the EP's view (regulatory procedure with scrutiny for quality aspects with regard to these proposals) in order to avoid further delay.

The Council Working Party approved the long and medium-term approach proposed by the Presidency but rejected the short-term strategy in its meeting of 22 January 2007. Of particular pertinence for the content of quality reports, the Council Working Party would favour the normal regulatory procedure. In order to find a solution, which would be acceptable for all sides, the German Presidency was asked to discuss the issue again with the responsible Rapporteurs of the European Parliament.

The Chair undertook to establish new contact with the EP Rapporteurs and reported back to the Working Group in the meeting of 6 February 2007. While the European Parliament welcomed further discussions on the medium and long-term strategy as proposed by the Presidency, it announced a policy to maintain its view on the comitology issue for the proposals currently under discussion.

Based on this report, on 6 February 2007 the Working Party finally agreed on the short-term solution proposed by the Presidency as an interim solution, i.e. to accept the European Parliament's position on the comitology qualification for implementing measures related to quality standards and reporting for the proposals currently under discussion. As this agreement has opened the way forward for the files that had been held back because of this issue, the adoption of these files could be promoted. At the same time, the Working Party endorsed the aim of the Presidency to draft a standardised article on quality for all future statistics regulations, also favouring a standard solution for comitology with regard to quality aspects as proposed with the long-term solution presented by the Presidency.

The German Presidency, in accordance with the mandate of the Council Working Group, drafted a standard article on quality, which also covered quality aspects of comitology.

The article on quality consists of 2 parts:

1. The first part lists the most important **quality dimensions** (e.g. relevance, accuracy, timeliness) and defines them. These definitions were worked out by the Working Group "Assessment of quality in statistics" in October 2003, and among other things became part of the Code of Practice.
2. The second part of the Article (paragraphs 2 and 3) relates to the **quality reports** to be written by the Member States and to be submitted to Eurostat. These quality reports must not be required in every statistical area or every statistical legal act. However, if in a concrete case quality reports are foreseen, they will be seen as mandatory from a legal point of view.

Structure and periodicity of the quality reports shall be laid down in the framework of the normal regulatory procedure (without scrutiny by the European Parliament). The Commission (Eurostat) shall assess the quality of the data transmitted.

The article on quality requirements deals with the concrete quality requirements that are imposed on statisticians within the framework of a regulation. It defines the target values or minimum standards of statistical production. The article on quality requirements does not have to be integrated by force in all statistical legal acts by the European Parliament and the Council, but will depend on the specific statistical subject or area. However, once those quality requirements are integrated, they are mandatory and legally binding.

The German Presidency took up contacts with all relevant players in this regard: an informal meeting with the Commission was held on 25 April 2007 and a meeting with representatives of the EP was held on 2 May 2007 directly before the meeting of the Council Working Party on Statistics.

Further discussion of the standard article on quality took place in the Working Party on Statistics on 3 May 2007. In this meeting, the German Presidency informed about the outcomes of the consultations with the European Parliament on the day before. The Working Party was of the opinion that mainly the definitions of the quality dimensions contained in the Presidency proposal should be slightly reformulated. In this regard, the Working Party gave a mandate to the German Presidency. On 23 May 2007, these concerns were addressed in the discussions of the Task Force “Revision of the Basic Statistical Law”. The Task Force drafted some new formulations. The German Presidency then consulted Member States via Presidency Note DS 505/07 dated 31 May 2007. The majority of Member States approved the text elaborated by the Task Force. There were only few but diverging wishes for amendments by the Member States

The standard article was integrated for the first time under German Presidency into the Regulation on Population and Housing Censuses which was pending before the European Parliament and the Council.

The standard article will be part of the consultations with the European Parliament, mainly with regard to each respective legal act.

The Portuguese Presidency introduced this standard article in the proposals for a Regulation on Public Health and Health and Safety at Work Statistics, on Aquaculture Statistics and on Meat & Livestock Statistics. The Presidency discussed including this standard article in the Regulation with the rapporteur of the Regulation on Energy Statistics, and it was part of the compromise text on which Member States were consulted by written procedures that closed on 20 December 2007.

The article on quality is now part of the Regulation No. 223/2009 on European Statistics (Article 12).

Implementation of the Comitology Reform

Following the adoption of the new comitology procedure, more than two hundred basic instruments subject to the procedure referred to in Article 251 of the Treaty will have to be adapted to the new procedure. With the exception of the instruments falling under the codification programme or forming the subject of a legislative amendment going beyond the comitology aspect alone, the adaptation will be performed by means of so called “omnibus” amending regulations:

- The first step in this direction was the adoption on 23 November 2007 of *the Proposal for a Regulation of the European Parliament and of the Council adapting a number of instruments subject to the procedure referred to in Article 251 of the Treaty to Council Decision 1999/468/EC as amended by Decision 2006/512/EC with regard to the regulatory procedure with scrutiny (Part One)*¹, which covers 59 instruments.
- *Proposal for a Regulation of the European Parliament and of the Council adapting a number of instruments subject to the procedure referred to in Article 251 of the Treaty to Council Decision 1999/468/EC, as amended by Decision 2006/512/EC, with regard to the regulatory procedure with scrutiny (Part Two)*² was adopted by the Commission on 19 December 2007, covering 47 instruments.

¹ COM (2007) 741

² COM (2007) 824

- *Proposal for a Regulation of the European Parliament and of the Council adapting a number of instruments subject to the procedure referred to in Article 251 of the Treaty to Council Decision 1999/468/EC, as amended by Decision 2006/512/EC, with regard to the regulatory procedure with scrutiny (Part Three)*³ was adopted by the Commission on 19 December 2007, covering 4 instruments.
- *Proposal for a Regulation of the European Parliament and of the Council adapting a number of instruments subject to the procedure referred to in Article 251 of the Treaty to Council Decision 1999/468/EC as amended by Decision 2006/512/EC with regard to the regulatory procedure with scrutiny (Part Four)*⁴ was adopted by the Commission on 11 February 2008, covering 42 instruments.

Among 59 instruments that are covered by the first (“**omnibus 1**”) Commission proposal mentioned, COM (2007) 741, there are 8 instruments in the field of statistics:

- Council Regulation (EEC) No 696/93 on the statistical units for the observation and analysis of the production system in the Community;
- Council Directive 95/57/EC on the collection of statistical information in the field of tourism;
- Regulation (EC) No 1059/2003 of the European Parliament and of the Council on the establishment of a common classification of territorial units for statistics (NUTS);
- Regulation (EC) No 1177/2003 of the European Parliament and of the Council concerning Community statistics on income and living conditions (EU-SILC);
- Regulation (EC) No 138/2004 of the European Parliament and of the Council on the economic accounts for agriculture in the Community;
- Regulation (EC) No 808/2004 of the European Parliament and of the Council concerning Community statistics on the information society;
- Regulation (EC) No 184/2005 of the European Parliament and of the Council on Community statistics concerning balance of payments, international trade in services and foreign direct investments;
- Regulation (EC) No 1161/2005 of the European Parliament and of the Council on the compilation of quarterly non-financial accounts by institutional sector.

Among 47 instruments that are covered by the second (“**omnibus 2**”) Commission proposal mentioned, COM (2007) 824, there are 6 instruments in the field of statistics:

- Council Regulation (EEC) No 3924/91 of 19 December 1991 on the establishment of a Community survey of industrial production;
- Council Directive 96/16/EC of 19 March 1996 on statistical surveys of milk and milk products;
- Directive 2001/109/EC of the European Parliament and of the Council of 19 December 2001 concerning the statistical surveys to be carried out by the Member States in order to determine the production potential of plantations of certain species of fruit trees;
- Regulation (EC) No 91/2003 of the European Parliament and of the Council of 16 December 2002 on rail transport statistics;

³ COM (2007) 822

⁴ COM (2008) 71

- Regulation (EC) No 437/2003 of the European Parliament and of the Council of 27 February 2003 on statistical returns in respect of the carriage of passengers, freight and mail by air;
- Regulation (EC) No 48/2004 of the European Parliament and of the Council of 5 December 2003 on the production of annual Community statistics on the steel industry for the reference years 2003-2009.

Among 42 instruments that are covered by the fourth (“**omnibus 4**”) Commission proposal mentioned, COM (2008), 71 there are 6 instruments in the field of statistics:

- Council Regulation (EC) No 2494/95 of 23 October 1995 concerning harmonized indices of consumer prices
- Council Regulation (EC) No 577/98 of 9 March 1998 on the organisation of a labour force sample survey in the Community
- Council Regulation (EC) No 1165/98 of 19 May 1998 concerning short-term statistics
- Council Regulation (EC) No 530/1999 of 9 March 1999 concerning structural statistics on earnings and on labour costs
- Regulation (EC) No 450/2003 of the European Parliament and of the Council of 27 February 2003 concerning the labour cost index
- Regulation (EC) No 1552/2005 of the European Parliament and of the Council of 7 September 2005 on statistics relating to vocational training in enterprises

Furthermore, some instruments will be adapted to the new procedure with scrutiny either by means of legislative amendment or by recasting the codified proposal, depending on the stage reached in the codification procedure:

- o 1) adapted via legislative amendments
 - Proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 2223/96 on **the European system of national and regional accounts** in the Community as regards the implementing powers conferred on the Commission⁵;
 - Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 2150/2002 on **waste statistics**, as regards the implementing powers conferred on the Commission⁶;
 - Proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1172/98 on **statistical returns in respect of the carriage of goods by road** as regards the implementing powers conferred on the Commission⁷;
- o 2) adapted via a recast version of the codified proposal
 - Proposal for a Regulation No 2597/95 of the European Parliament and of the Council on **the submission of nominal catch statistics by Member States fishing in certain areas other than those of the North Atlantic** (Recast)⁸;

⁵ COM (2007) 776

⁶ COM (2007) 777

⁷ COM (2007) 778

⁸ COM (2007) 760

- Proposal for a Regulation No 2018/93 of the European Parliament and of the Council on **the submission of catch and activity statistics by Member States fishing in the Northwest Atlantic** (Recast)⁹;
- Proposal for a Regulation No 3880/91 of the European Parliament and of the Council on **the submission of nominal catch statistics by Member States fishing in the North-east Atlantic** (Recast)¹⁰.
- Proposal for a Directive 95/64/CE of the European Parliament and of the Council on **statistical returns in respect of carriage of goods and passengers by sea** (Recast)¹¹.

The Slovene Presidency dealt with the alignment in the following way:

- establishment of the Council Working Group "Friends of the Presidency for Comitology" at the Coreper meeting held on 17 January 2008;
- meeting of the Council Working Group "Friends of the Presidency for Comitology" for the first time on 31 January 2008 and agreement on a working method;
- after the legal alignment achieved by the Working Group "Friends of the Presidency for Comitology" and the Council Legal Service, handing over the instruments to the Chairs of the sectoral working groups to deal with technical details;
- discussion at the WPS on 10 April 2008.

During the meeting held on 10 April 2008, the Working Party on Statistics confirmed the alignment of legal acts included in omnibus 1 (8 statistical legal acts) and the alignment of the legal acts adapted either by means of legislative amendments or by recasting the codified proposal (all together, a total of 7 legal acts in the area of statistics). The COM (2007) 741 **Omnibus 1** « package » of legislative acts was adopted by the European Parliament on 17 June 2008. It was adopted by the Coreper on 24 September 2008 and by the Competitiveness Council on 25 September 2008. The formal adoption by the EP and the Council took place on 22 October 2008. The package was published on 21 November 2008.

The Presidency conducted the examination of the statistical legal instruments in COM (2007) 824 **Omnibus 2** « package » by written consultation. A large majority of Member States supported the alignments as proposed by the Presidency in document 10585/08. The Omnibus 2 « package » of legislative acts was on the agenda of Coreper on 16 July 2008 and a triilogue was held on 23 July between the Friends of the Presidency Group, the EP and the Commission. A second triilogue organised in early September 2008 enabled to reach a consensus. The project stemmed from that discussion was adopted at the plenary session of the EP on 23 September 2008. The Legal/Linguist meeting took place on 16 January 2009. Omnibus 2 was approved by Coreper on 11 February 2009 and adopted by Council on 16 February 2009. The package was published in the Official Journal of the EU on 31 March 2009 (L87/109).

The French Presidency put forward a draft opinion on how to proceed with the COM (2008) 71 **Omnibus 4** « package » of legislative acts in the light of the comments made by the EP, the legal services of the Council and the Commission. It launched a written consultation, which ended on 29 August 2008. It then sent a report to the Friends of the Presidency Group on 4 September 2008. The Friends of the

⁹ COM (2007) 762

¹⁰ COM (2007) 763

¹¹ COM (2007) 859

Presidency Group filed a negotiation mandate with the Parliament to the Coreper on 1 October 2008. A trialogue was held on 20 October 2008. Other trialogues were held in November 2008. An agreement was reached on the whole text. The « package » was adopted by the European Parliament on 16 December 2008. The package was approved by Coreper on 20 May 2009 and adopted by Council on 28 May 2009.

State of play with the legal acts adapted by means of legislative amendments of the codified proposal:

Proposal COM (2007) 777 for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 2150/2002 on **waste statistics**, as regards the implementing powers conferred on the Commission: on 23 June 2008, the Committee on the Environment, Public Health and Food Safety (ENVI) of the European Parliament adopted the report by the rapporteur. This report contains one single technical amendment which the Working Party on Statistics did not discuss. The French Presidency launched a written consultation on 8 July 2008, inviting delegations to file their comments on this amendment by Friday 15 July 2008. The Regulation on waste statistics was adopted by Coreper on 23 July. It was adopted by the EP in its plenary session held on 23 September 2008. The Legal/Linguist meeting was held on 30 January 2009. The Regulation on waste statistics was adopted by Coreper on 25 February 2009. Subsequently the Council adopted the Regulation on 26 February 2009. The Regulation was published in the Official Journal of the EU on 31 March 2009 (L87/157).

Proposal COM (2007) 776 for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 2223/96 on **the European system of national and regional accounts in the Community**: a first consideration on draft text took place in the ECON Committee on 9 September 2008. The text was approved without amendment in the plenary session of the EP held on 18 November 2008. The proposal was adopted by Coreper on 4 March 2009 and then by the Council on 5 March 2009. The Regulation was published in the Official Journal of the EU on 21 May 2009 (L126/11).

Proposal COM (2007) 778 for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1172/98 on **statistical returns in respect of the carriage of goods by road**: the EP adoption took place on 23 September 2008. The proposal was on the agenda of Coreper on 11 March 2009 and it was adopted by the Council on 23 March 2009. The Regulation was published in the Official Journal of the EU on 21 May 2009 (L126/9).

State of play with the legal acts amended via a recast version of the codified proposal:

The EP adoption of the proposals COM (2007) 760, COM (2007) 762, COM (2007) 763 amending the **three « fisheries » Regulations** (North, Northwest and North-east Atlantic) took place on 17 June 2008. The Legal/Linguist meeting took place on 26 January 2009. The Regulations were adopted by Coreper on 25 February 2009. Subsequently the Council adopted the Regulations on 26 February 2009. The Regulations were published in the Official Journal of the EU on 31 March 2009 (L87/1, L87/42, L87/70).

Proposal COM (2007) 859 for a Directive of the European Parliament and of the Council **on statistical returns in respect of carriage of goods and passengers by sea**: the EP adoption took place on 21 October 2008. The proposal was approved by Coreper on 21 April 2009 and adopted by the Council on 23 April 2009. The Directive was published in the Official Journal of the EU on 6 June 2009 (L141/29).