Regulation (EU) No 1260/2013 of the European Parliament and of the Council of 20 November 2013 on European demographic statistics (Text with EEA relevance)

REGULATION (EU) No 1260/2013 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

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THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the European Commission,

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

Acting in accordance with the ordinary legislative procedure[(1)],

Whereas:

(1) According to Article 16(4) of the Treaty on European Union (TEU), as from 1 November 2014, a qualified majority of the members of the Council is to be defined, inter alia, on the basis of the population of the Member States.

(2) The Economic and Financial Affairs Council regularly gives a mandate to the Economic Policy Committee to assess the long-term sustainability and quality of public finances on the basis of population projections produced by Eurostat.

(3) In accordance with Regulation (EC) No 1059/2003 of the European Parliament and of the Council[(2)], all Member State statistics transmitted to the Commission which are broken down by territorial units are to use the NUTS classification. Consequently, in order to establish comparable regional statistics, the territorial units should be defined in accordance with the NUTS classification.

(4) In accordance with the second paragraph of Article 175 of the Treaty on the Functioning of the European Union (TFEU), the Commission is to submit a report to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions every three years on the progress made towards achieving economic, social and territorial cohesion. Annual regional data at NUTS 3 regional level is necessary for the preparation of those reports and for the regular monitoring of demographic developments and of possible future demographic challenges in the Union regions, including different types of regions such as border regions, metropolitan regions, rural regions and mountain and island regions. Since demographic ageing exhibits strong regional differences, Eurostat is required to prepare regional projections on a regular

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basis in order to complement the demographic picture of the NUTS 2 regions in the Union.

(5) In accordance with Article 159 TFEU, the Commission is to draw up a report each year on progress in achieving the objectives of Article 151 TFEU, including the demographic situation in the Union.

(6) The Commission in its Communication of 20 October 2009 entitled 'Solidarity in health: reducing health inequalities in the EU' supported the further development and collection of data, and the further development of health indicators, by age, sex, socioeconomic status and geographic dimensions.

(7) The Sustainable Development Strategy of the Union, launched by the European Council in Gothenburg in 2001 and renewed in June 2006, has as its objective the continuous improvement of the quality of life for current and future generations. The Commission (Eurostat) monitoring report, which is published every two years, provides an objective statistical picture of progress, based on a Union set of sustainable development indicators.

(8) Annual demographic statistics are fundamental for the study and definition of a wide range of policies, with particular regard to social and economic issues, at national and regional level. Statistics on population are an important denominator for a wide range of policy indicators.

(9) The strategic objective H.3. of Chapter IV of the Beijing Platform for Action (1995) provides a reference framework for the generation and dissemination of gender-disaggregated data and information for planning and policy evaluation reasons.

(10) Demographic statistics constitute an essential component for the estimation of total population in the framework of the European System of Accounts. It is important to update and revise data when establishing statistics at European level.

(11) In order to ensure the quality, and in particular the comparability, of the data provided by the Member States, and in order for reliable overviews to be drawn up at Union level, the data used should be based on the same concepts, and should refer to the same reference date or period.

(12) Regulation (EC) No 223/2009 of the European Parliament and of the Council[(3)] provides a reference framework for European demographic statistics. In particular, it requires compliance with the principles of professional independence, impartiality, objectivity, reliability, statistical confidentiality and cost effectiveness.

(13) The information on demography should be consistent with the relevant information collected pursuant to Regulation (EC) No 862/2007 of the European Parliament and of the Council[(4)] and Regulation (EC) No 763/2008 of the European Parliament and of the Council[(5)]. To this end, scientifically-based and well-documented statistical estimation methods should be evaluated, and their use should be encouraged.

(14) When developing, producing and disseminating European statistics, the national and European statistical authorities, and, where applicable, other relevant national and regional authorities, should take account of the principles set out in the European

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Statistics Code of Practice, as reviewed and updated by the European Statistical System Committee on 28 September 2011.

(15) This Regulation guarantees the right to respect for private and family life and to the protection of personal data, as set out in Articles 7 and 8 of the Charter of Fundamental Rights of the European Union.

(16) Directive 95/46/EC of the European Parliament and of the Council[(6)] and Regulation (EC) No 45/2001 of the European Parliament and of the Council[(7)] apply with regard to the processing of personal data in the context of this Regulation.

(17) Since the objective of this Regulation, namely the establishment of a common legal framework for the systematic production of European demographic statistics in the Member States, cannot be sufficiently achieved by the Member States but can rather, by reason of the scale and effects of the action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 TEU. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary to achieve that objective.

(18) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council[(8)],

HAVE ADOPTED THIS REGULATION:

Article 1

Subject matter

This Regulation establishes a common legal framework for the development, production and dissemination of European statistics on population and vital events.

Article 2

Definitions

For the purpose of this Regulation, the following definitions apply:

(a) ‘national’ refers to the territory of a Member State within the meaning of Regulation (EC) No 1059/2003 applicable at the reference time;

(b) ‘regional’ means NUTS level 1, NUTS level 2 or NUTS level 3 within the meaning of Regulation (EC) No 1059/2003 applicable at the reference time; where this term is used in connection with countries that are not members of the Union, ‘regional’ means the statistical regions at level 1, 2 or 3, as agreed between those countries and the Commission (Eurostat), at the reference time;

(c) ‘usually resident population’ means all persons having their usual residence in a Member State at the reference time;

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(d) 'usual residence' means the place where a person normally spends the daily period of rest, regardless of temporary absences for purposes of recreation, holidays, visits to friends and relatives, business, medical treatment or religious pilgrimage. The following persons alone shall be considered to be usual residents of a specific geographical area:

(i) those who have lived in their place of usual residence for a continuous period of at least 12 months before the reference time; or

(ii) those who arrived in their place of usual residence during the 12 months before the reference time with the intention of staying there for at least one year.

Where the circumstances described in point (i) or (ii) cannot be established, 'usual residence' can be taken to mean the place of legal or registered residence, except for the purposes of Article 4.

In applying the definition of 'usual residence', Member States shall treat special cases in accordance with the Annex to Commission Regulation (EC) No 1201/2009[(9)];

(e) 'live birth' means the birth of a child who breathes or shows any other evidence of life, such as beating of the heart, pulsation of the umbilical cord or definite movement of voluntary muscles, regardless of gestational age;

(f) 'death' means the permanent disappearance of all evidence of life at any time after live birth has taken place (post-natal cessation of vital functions without capability of resuscitation);

(g) 'vital events' means live births and deaths as defined in points (e) and (f).

Article 3

Data on population and on vital events

1 Member States shall provide the Commission (Eurostat) with data on their usually resident population at the reference time. The data provided shall cover population by age, sex and region of residence.

2 Member States shall provide the Commission (Eurostat) with data on their vital events that occurred during the reference period. Member States shall use the same population definition that they use for the data referred to in paragraph 1. The data provided shall cover the following variables:

a live births by sex, month of occurrence, live birth-order, mother's age, mother's year of birth, mother's country of birth, mother's country of citizenship and mother's region of residence;

b deaths by age, sex, year of birth, region of residence, country of birth, country of citizenship and month of occurrence.

3 Member States shall use the same definition of population for all 'national' and 'regional' levels as defined by this Regulation.

4 The Commission shall adopt implementing acts laying down uniform conditions for the breakdown of data referred to in paragraphs 1 and 2, for deadlines and for revisions of data. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 10(2).