Commission Regulation (EC) No 192/2009 of 11 March 2009 implementing Regulation (EC) No 177/2008 of the European Parliament and of the Council establishing a common framework for business registers for statistical purposes, as regards the exchange of confidential data between the Commission (Eurostat) and Member States (Text with EEA relevance)

COMMISSION REGULATION (EC) No 192/2009

of 11 March 2009

implementing Regulation (EC) No 177/2008 of the European Parliament and of the Council establishing a common framework for business registers for statistical purposes, as regards the exchange of confidential data between the Commission (Eurostat) and Member States

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 177/2008 of the European Parliament and of the Council of 20 February 2008 establishing a common framework for business registers for statistical purposes and repealing Council Regulation (EEC) No 2186/93[(1)], and in particular Article 11(3) thereof,

Whereas:

(1) Regulation (EC) No 177/2008 establishes a new common framework for business registers exclusively for statistical purposes in order to maintain the development of business registers in a harmonised framework.

(2) In accordance with Article 11 of Regulation (EC) No 177/2008, it is necessary to establish the format, the security and confidentiality measures, and the procedure for the transmission of data on individual units to the Commission (Eurostat) and for the transmission of data on the multinational enterprise groups to the appropriate national authorities.

(3) The measures provided for in this Regulation are in accordance with the opinion of the Statistical Programme Committee, established by Council Decision 89/382/EEC, Euratom[(2)],

HAS ADOPTED THIS REGULATION:

Changes to legislation: *There are currently no known outstanding effects for the Commission Regulation (EC) No 192/2009. (See end of Document for details)*

Article 1

Format

The Commission (Eurostat) and the appropriate national authorities shall transmit the data referred to in Article 11 of Regulation (EC) No 177/2008 in the format set out in the Annex, Part A, to this Regulation.

The Commission (Eurostat) and the appropriate national authorities shall provide for each data delivery the necessary metadata information in electronic form in accordance with the standards of the European Statistical System and in the structure defined in the most recent version of the Eurostat Business Registers Recommendations Manual available from the Commission (Eurostat).

Article 2

Confidentiality measures

1 Data transmitted to the Commission (Eurostat) by the appropriate national authorities, or received by the Commission (Eurostat) from other sources, shall be stored in a Community register of multinational enterprise groups and their constituent units (hereinafter referred to as EuroGroups register).

2 When transmitting data to the Commission (Eurostat) in accordance with Article 11(1) of Regulation (EC) No 177/2008, the appropriate national authorities shall flag data which are confidential in accordance with national legislation.

3 In order to ensure a consistent record of data, the Commission (Eurostat) shall, exclusively for statistical purposes, transmit to the appropriate national authorities of Member States other than the reporting country, the characteristics specified in Part B of the Annex, including confidentiality flags, concerning multinational enterprise groups and their constituent units, when at least one unit of the group is located in the territory of that Member State.

Article 3

Security measures

The Commission (Eurostat) and the appropriate national authorities shall store the data that have been flagged as confidential by the national authorities in accordance with Article 2(2) in a secure area with restricted and controlled access. The appropriate national authorities shall on request provide information for the Commission (Eurostat) on the security measures applied in the Member State concerned. The Commission (Eurostat) shall pass on this information to the other Member States. The Commission (Eurostat) shall similarly provide information on its security measures to the national authorities.

The transmission of the data shall be done in an encrypted form via the secure medium used by the Commission (Eurostat) for the exchange of confidential data.

Article 4

Procedure for transmission

1 The data and metadata transmitted pursuant to this Regulation shall be exchanged in electronic form between the appropriate national authorities and the Commission (Eurostat). The transmission format shall conform to appropriate exchange standards specified by the Commission (Eurostat). Data shall be transmitted by electronic means and uploaded at the Commission (Eurostat) through its single entry point for data.

2 Member States shall implement the exchange standards and guidelines supplied by the Commission (Eurostat) according to the requirements of this Regulation.

Article 5

Entry into force

This Regulation shall enter into force on the 20th day following that of its publication in the *Official Journal of the European Union*.

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

Done at Brussels, 11 March 2009.

For the Commission

Joaquín ALMUNIA

Member of the Commission

Changes to legislation: *There are currently no known outstanding effects for the Commission Regulation (EC) No 192/2009. (See end of Document for details)*

ANNEX

A.STRUCTURE AND FORMAT FOR THE TRANSMISSION

1. Introduction

Standardisation of data record structures is fundamental for efficient data processing. It is a necessary step towards providing data conforming to the exchange standards specified by the Commission (Eurostat).

Data is sent as a set of records (data set).

Confidential data has to be sent with the true value being recorded in the value field and a flag indicating that the data is confidential in accordance with Article 2(2).

Monetary data has to be expressed in thousands of national currency units (euro for the countries of the euro area). Countries acceding to the euro area shall report monetary data in euro instead of national currency as from the year of their accession.

2. Data set identifier

All data sets that the Commission (Eurostat) and the national authorities transmit shall be identified by applying the naming convention specified in the detailed documentation and guidelines regarding the exchange standards that the Commission (Eurostat) makes available.

3. Data sets, structure and definition of fields

This section gives the contents of the data sets that the Commission (Eurostat) and the national authorities shall transmit. The data set technical names, structure, fields, codes and attributes to be used shall be included in the most recent version of the Eurostat Business Registers Recommendations Manual referred to in Article 7 of Regulation (EC) No 177/2008.

The data processing of the EuroGroups register is a cyclical process, which the Commission (Eurostat) starts centrally. At the end of each cycle a population frame shall be available for compilers of statistics in Member States.

At the beginning of each cycle the Commission (Eurostat) transmits data sets with metadata, e.g. NACE classification, to the appropriate national statistical authorities (hereinafter referred to as NSAs) to ensure that in all countries the same metadata is available and used.

3.1. First data exchange

The first data exchange takes place after the start of the processing of new data on legal units received from private providers of basic register data. If there is more than one provider, data referring to the same legal units is linked. The Commission (Eurostat) transmits to the NSAs the following data sets with information on the results of this linkage process and information on legal units. NSAs transmit back the same data sets with the corrected and completed information including confidentiality flags.

DATA SET WITH RESULTS OF THE LINKAGE PROCESS

Contents	Identity number (1.1) Name (1.2a) Value Added Tax (VAT) registration number or, failing that, other administrative identity number (1.3)

***Changes to legislation:** There are currently no known outstanding effects for the Commission Regulation (EC) No 192/2009. (See end of Document for details)*

DATA SETS WITH INFORMATION ON LEGAL UNITS

Contents	Identity number (1.1) Name (1.2a) Address (including postcode) at the most detailed level (1.2b) *Optional:* Telephone and fax numbers, electronic mail address, and information to permit electronic collection of data (1.2c) Value Added Tax (VAT) registration number or, failing that, other administrative identity number (1.3) Date of incorporation for legal persons or date of official recognition as an economic operator for natural persons (1.4) Date on which the legal unit ceased to be part of an enterprise (as identified in 3.3) (1.5) Legal form (1.6) Reference to the register of intra-Community operators, and to customs files or to the register of extra-Community operators (1.7a) *Optional:* Reference to balance sheet data, and to the balance of payments or foreign direct investment register, and to the farm register (1.7b) Identity number of the truncated enterprise group (4.1), to which the unit belongs (1.8)

3.2. Integration of data sources from different Member States

The next step of the data processing is the integration of information coming from different Member States centrally at the Commission (Eurostat). This information refers to control and ownership of legal units and to the statistical unit enterprise, which is defined by the Member States and may consist of one or several legal units. The Commission (Eurostat) shall transmit the results of this integration to the NSAs, which transmit back the data sets with the corrected and completed information including confidentiality flags.

DATA SETS WITH INFORMATION ON CONTROL AND OWNERSHIP OF UNITS

Contents	Identity numbers of resident legal units, which are controlled by the legal unit (1.11a) Identity number of the resident legal unit, which controls the legal unit (1.11b) Countries of registration of the non-resident legal units, which are controlled by the legal unit (1.12a) Identity numbers or names and addresses of the non-resident legal units, which are controlled by the legal unit (1.12a) *Conditional:* VAT numbers of non-resident legal units, which are controlled by the legal unit (1.12b)