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Regulation (EC) No 1099/2008 of the European Parliament and of the Council of 22 October 2008 on energy statistics (Text with EEA relevance)

REGULATION (EC) No 1099/2008 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 22 October 2008

on energy statistics

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 285(1) thereof,

Having regard to the proposal from the Commission,

Acting in accordance with the procedure laid down in Article 251 of the Treaty[(1)],

Whereas:

(1) The Community needs to have precise and timely data on energy quantities, their forms, sources, generation, supply, transformation and consumption, for the purpose of monitoring the impact and consequences of its policy work on energy.

(2) Energy statistics have traditionally been focused on energy supply and on fossil energies. In the coming years, greater focus is needed on increased knowledge and monitoring of final energy consumption, renewable energy and nuclear energy.

(3) The availability of accurate, up-to-date information on energy is essential for assessing the impact of energy consumption on the environment, in particular in relation to the emission of greenhouse gasses. This information is required by Decision No 280/2004/EC of the European Parliament and of the Council of 11 February 2004 concerning a mechanism for monitoring Community greenhouse gas emissions and for implementing the Kyoto Protocol[(2)].

(4) Directive 2001/77/EC of the European Parliament and of the Council of 27 September 2001 on the promotion of electricity produced from renewable energy sources in the internal electricity market[(3)] and Directive 2004/8/EC of the European Parliament and of the Council of 11 February 2004 on the promotion of cogeneration based on a useful heat demand in the internal energy market[(4)] require Member States to report quantitative energy data. In order to monitor progress towards the achievement of the objectives set in those Directives, detailed, up-to-date energy data are required.

(5) Directive 2002/91/EC of the European Parliament and of the Council of 16 December 2002 on the energy performance of buildings[(5)], Directive 2006/32/EC of the European Parliament and of the Council of 5 April 2006 on energy end-use efficiency and energy services[(6)] and Directive 2005/32/EC of the European Parliament and of the Council

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of 6 July 2005 establishing a framework for the setting of ecodesign requirements for energy-using products[7] require Member States to report quantitative energy consumption data. To monitor progress towards the achievement of the objectives set in those Directives, detailed, up-to-date energy data, as well as a better interface between these energy data and related statistical surveys such as the population and housing censuses and transportation data, are required.

(6) The Green Papers of the Commission of 22 June 2005 on Energy Efficiency and of 8 March 2006 on a European Strategy for Sustainable, Competitive and Secure Energy discuss EU energy policies for which the availability of EU energy statistics are required, including for the purpose of establishing a European Energy Market Observatory.

(7) The establishment of a public domain energy forecast model, as called for by the European Parliament in its Resolution of 14 December 2006 on a European Strategy for Sustainable, Competitive and Secure Energy[8] requires detailed, up-to-date energy data.

(8) In the coming years, greater attention should be paid to the security of supply of the most important fuels and more timely and more accurate data at EU level is needed to anticipate and coordinate EU solutions to possible supply crises.

(9) The liberalisation of the energy market and its growing complexity make it increasingly difficult to obtain reliable, timely energy data in the absence, in particular, of a legal basis concerning the provision of such data.

(10) In order for the energy statistics system to assist political decision-making by the European Union and its Member States and promote public debate which includes citizens, it must afford guarantees of comparability, transparency, flexibility and ability to evolve. Thus, in the near future, statistics on nuclear energy should be incorporated and relevant data concerning renewable energy should be developed more. Similarly, with regard to energy efficiency, the availability of detailed statistics on habitat and transport would be extremely useful.

(11) The production of Community statistics is governed by the rules set out in Council Regulation (EC) No 322/97 of 17 February 1997 on Community Statistics[9].

(12) Since the objective of this Regulation, namely establishing a common framework for the production, transmission, evaluation and dissemination of comparable energy statistics in the Community cannot be sufficiently achieved by the Member States and can therefore be better achieved at Community level, the Community may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. 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.

(13) In the production and dissemination of Community statistics under this Regulation, the national and Community statistical authorities should take account of the principles set out in the European Statistics Code of Practice, which was adopted on 24 February 2005 by the Statistical Programme Committee, established by Council Decision 89/382/EEC, Euratom[10] and attached to the Recommendation of the Commission on the

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independence, integrity and accountability of the national and Community statistical authorities.

(14) The measures necessary for the implementation of this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission[11].

(15) In particular, power should be conferred on the Commission to modify the list of data sources, the national statistics and the applicable clarifications or definitions as well as the transmission arrangements and to establish and modify the annual nuclear statistics, once incorporated, to modify the renewable energy statistics, once incorporated, and to establish and modify the final energy consumption statistics. Since those measures are of general scope and are designed to amend non-essential elements of this Regulation, inter alia, by supplementing it with new non-essential elements, they must be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5(a) of Decision 1999/468/EC.

(16) It is necessary to provide that the Commission may grant exemptions or derogations to Member States from those aspects of the energy data collection that would lead to an excessive burden on respondents. The exemptions or derogations should be granted only upon receipt of a proper justification which indicates the present situation and the excessive burden transparently. The period for which they remain in force should be limited to the shortest time necessary.

(17) The measures provided for in this Regulation are in accordance with the opinion of the Statistical Programme Committee,

HAVE ADOPTED THIS REGULATION:

Article 1

Subject matter and scope

1 This Regulation establishes a common framework for the production, transmission, evaluation and dissemination of comparable energy statistics in the Community.

2 This Regulation shall apply to statistical data concerning energy products and their aggregates in the Community.

Article 2

Definitions

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

(a) ‘Community statistics’ mean Community statistics as defined in the first indent of Article 2 of Regulation (EC) No 322/97;

(b) ‘production of statistics’ means production of statistics as defined in the second indent of Article 2 of Regulation (EC) No 322/97;

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(c) 'Commission (Eurostat)' means the Community authority as defined in the fourth indent of Article 2 of Regulation (EC) No 322/97;

(d) 'energy products' mean combustible fuels, heat, renewable energy, electricity, or any other form of energy;

(e) 'aggregates' mean data aggregated at national level on the treatment or use of energy products, namely production, trade, stocks, transformation, consumption, and structural characteristics of the energy system such as installed capacities for electricity generation or production capacities for oil products;

(f) 'quality of data' means the following aspects of statistical quality: relevance, accuracy, timeliness and punctuality, accessibility and clarity, comparability, coherence and completeness.

Article 3

Data sources

1 While applying the principles of maintaining a reduced burden on respondents and of administrative simplification, Member States shall compile data concerning energy products and their aggregates in the Community from the following sources:

a specific statistical surveys addressed to the primary and transformed energy producers and traders, distributors and transporters, importers and exporters of energy products;

b other statistical surveys addressed to final energy users in the sectors of manufacturing industry, transport, and other sectors, including households;

c other statistical estimation procedures or other sources, including administrative sources, such as regulators of the electricity and gas markets.

2 Member States shall lay down the detailed rules concerning the reporting of the data needed for the national statistics as specified in Article 4 by undertakings and other sources.

3 The list of data sources may be modified in accordance with the regulatory procedure with scrutiny referred to in Article 11(2).

Article 4

Aggregates, energy products and the transmission frequency of national statistics

1 The national statistics to be reported shall be as set out in the Annexes. They shall be transmitted with the following frequencies:

a annual, for the energy statistics in Annex B;

b monthly, for the energy statistics in Annex C;

c short-term monthly, for the energy statistics in Annex D.

2 Applicable clarifications or definitions of the technical terms used are provided in the individual Annexes and also in Annex A (Clarifications of terminology).

3 The data to be forwarded and the applicable clarifications or definitions may be modified in accordance with the regulatory procedure with scrutiny referred to in Article 11(2).

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Article 5

Transmission and dissemination

1 Member States shall transmit to the Commission (Eurostat) the national statistics referred to in Article 4.

2 The arrangements for their transmission, including the applicable time limits, derogations and exemptions therefrom, shall be as set out in the Annexes.

3 The arrangements for the transmission of the national statistics may be modified in accordance with the regulatory procedure with scrutiny referred in Article 11(2).

4 At the duly justified request of a Member State, additional exemptions or derogations may be granted by the Commission in accordance with the regulatory procedure referred to in Article 11(3), for those parts of the national statistics for which the collection would lead to an excessive burden on respondents.

5 The Commission (Eurostat) shall disseminate yearly energy statistics by 31 January of the second year following the reported period.

Article 6

Quality assessment and reports

1 Member States shall ensure the quality of the data transmitted.

2 Every reasonable effort shall be undertaken to ensure coherence between energy data declared in accordance with Annex B and data declared in accordance with Commission Decision 2005/166/EC of 10 February 2005 laying down the rules for implementing Decision No 280/2004/EC of the European Parliament and of the Council concerning a mechanism for monitoring Community greenhouse gas emissions and for implementing the Kyoto Protocol[(12)].

3 For the purposes of this Regulation, the following quality assessment dimensions shall apply to the data to be transmitted:

a ‘relevance’ shall refer to the degree to which statistics meet current and potential needs of the users;

b ‘accuracy’ shall refer to the closeness of estimates to the unknown true values;

c ‘timeliness’ shall refer to the delay between the availability of the information and the event or phenomenon it describes;

d ‘punctuality’ shall refer to the delay between the date of the release of the data and the target date when it should have been delivered;

e ‘accessibility’ and ‘clarity’ shall refer to the conditions and modalities by which users can obtain, use and interpret data;

f ‘comparability’ shall refer to the measurement of the impact of differences in applied statistical concepts and measurement tools and procedures where statistics are compared between geographical areas, sectoral domains or over time;

g ‘coherence’ shall refer to the adequacy of the data to be reliably combined in different ways and for various uses.