Commission Regulation (EC) No 364/2008 of 23 April 2008 implementing Regulation (EC) No 716/2007 of the European Parliament and of the Council, as regards the technical format for the transmission of foreign affiliates statistics and the derogations to be granted to Member States

COMMISSION REGULATION (EC) No 364/2008

of 23 April 2008

implementing Regulation (EC) No 716/2007 of the European Parliament and of the Council, as regards the technical format for the transmission of foreign affiliates statistics and the derogations to be granted to Member States

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 716/2007 of the European Parliament and of the Council of 20 June 2007 on Community statistics on the structure and activity of foreign affiliates[(1)], and in particular Article 9(1)(a) and (b) thereof,

Whereas:

(1) Regulation (EC) No 716/2007 established a common framework for the systematic production of Community statistics on the structure and activity of foreign affiliates.

(2) It is necessary to specify the technical format and the procedure for the transmission of foreign affiliates statistics listed in Annexes I, II and III to Regulation (EC) No 716/2007 in order to produce data comparable and harmonised between Member States, to reduce the risk of errors in the transmission of data and to increase the speed with which the data collected can be processed and made available to users. Implementing tools should therefore be laid down, supplemented by the instructions contained in the Eurostat Recommendations Manual on the Production of Foreign Affiliates Statistics, as revised regularly.

(3) It is also necessary to grant derogations from the provisions of Regulation (EC) No 716/2007 to allow Member States to make the necessary adaptations to their national statistical systems. This relates in particular in the development of new statistical registers and the methods of data collection. The particular problem for outward FATS is that the statistical unit of analysis differs from the reporting unit and is not resident in the Member States.

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

HAS ADOPTED THIS REGULATION:

Changes to legislation: *There are outstanding changes not yet made to Commission Regulation (EC) No 364/2008. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Article 1

The technical format referred to in Article 9(1)(a) of Regulation (EC) No 716/2007 for the common module for inward statistics on foreign affiliates shall be as set out in Annex I to this Regulation.

Article 2

Member States shall apply the format referred to in Article 1 for the data concerning the first reference year referred to in Section 4, paragraph 1, of Annex I to Regulation (EC) No 716/2007, and subsequent years.

Article 3

The technical format referred to in Article 9(1)(a) of Regulation (EC) No 716/2007 for the common module for outward statistics on foreign affiliates shall be as set out in Annex II to this Regulation.

Article 4

Member States shall apply the format referred to in Article 3 for the data concerning the first reference year referred to in Section 4, paragraph 1, of Annex II to Regulation (EC) No 716/2007, and subsequent years.

Article 5

The data to be submitted pursuant to Regulation (EC) No 716/2007 shall be transmitted in electronic form from competent national authorities to the Commission (Eurostat). The transmission format shall be in conformity with the interchange standards specified by the Commission (Eurostat). Data shall be transmitted or uploaded by electronic means to the single entry point for data, maintained by the Commission (Eurostat).

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

Article 6

Member States shall, for each data delivery, provide the necessary metadata information to the Commission (Eurostat) in electronic form and in the structure defined in the most recent version of the Eurostat Recommendations Manual on the Production of Foreign Affiliates Statistics.

Article 7

The derogations referred to in Article 9(1)(b) of Regulation (EC) No 716/2007 shall be as specified in Annex III to this Regulation.

Article 8

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.

***Changes to legislation:** There are outstanding changes not yet made to Commission Regulation (EC) No 364/2008. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Done at Brussels, 23 April 2008.

For the Commission

Joaquín ALMUNIA

Member of the Commission

Changes to legislation: *There are outstanding changes not yet made to Commission Regulation (EC) No 364/2008. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

ANNEX I

TECHNICAL SPECIFICATIONS FOR THE TRANSMISSION OF INWARD STATISTICS ON FOREIGN AFFILIATES

1. Introduction

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

Data is sent as a set of records of which a large part describes the characteristics of the data (country, reference year, economic activity, geographical breakdown, etc.). The data itself is a number which can be linked to flags and explanatory footnotes used for adding explanations to data which give users additional information regarding for instance extreme year-to-year changes. One file shall be provided per series of data.

Confidential data have to be sent with the true value being recorded in the value field and a flag indicating the nature of the confidential data being added to the record. Member States have to provide all levels of aggregation of the breakdowns as defined in Regulation (EC) No 716/2007. In addition, data has to contain all secondary confidentiality flags in accordance with the confidentiality rules existing at national level.

Member States have to provide complete sets for all series of data to be provided including records for all data required by Regulation (EC) No 716/2007 which are not available, i.e. which are not collected in the Member State. Data for activities/phenomena not existing in the Member State should be marked in the record as zero (code ‘0’ in the value field). The code ‘0’ in the value field can also be used for activities that do exist but for which the data is small and as a result of rounding equals zero. Monetary data has to be expressed in thousands of national currency units (thousands of euros for the countries of the euro area). Countries acceding to the euro area shall report in euros instead of national currency monetary data due in the year of their accession.

2. Dataset identifier

The following dataset identifier will be used for reporting statistics on inward foreign affiliates:

For series 1G: SBSFATS_1GA1_A.

For series 1G2: SBSFATS_1GB1_A

3. Data structure and definition of fields

This section gives an overview of the data structure, and defines the fields, codes and attributes to be used. The codes to be used are to be found in the most recent version of the Eurostat Recommendations Manual on the Production of Foreign Affiliates Statistics referred to in Article 7 of Regulation (EC) No 716/2007. All fields should be sent, even if they are empty. In order from left to right the fields are:

Field No	Field-id (name)	Type and size	Definition
1	Dataset-id	AN2…3	Alphanumeric code of the series as defined in Section 3 of Annex I to

NB: AN = alphanumeric (e.g. AN…8 – alphanumeric up to eight positions but field can be empty, AN1…8 – alphanumeric with at least one position and up to eight positions, AN1 – alphanumeric one position, exact); N = numeric (e.g. N1 – numeric one position, exact).

***Changes to legislation:** There are outstanding changes not yet made to Commission Regulation (EC) No 364/2008. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

			Regulation (EC) No 716/2007, e.g. 1G for series 1G (geographical breakdown level 2-IN combined with activity breakdown level 3), 1G2 for series 1G2 (geographical breakdown level 3 combined with Business Economy).
2	Reference year	N4	Reference year in four characters, e.g. 2007.
3	Territorial unit	AN2	Corresponds to the code of the declaring country. The code to be used is NUTS0.
4	Size class	N2	Code for the size class, e.g. 30 for total.
5	Economic activity	AN1…4	Alphanumeric or numeric codes for the NACE headings and standard aggregates according to the activity breakdown as specified for activity breakdown level 3 in Annex III to Regulation (EC) No 716/2007. An example for a standard activity code is BUS for Business Economy. Non-standard aggregates should be indicated in field 14. Dots in the NACE codes should be suppressed, e.g. mining and quarrying is coded as C, manufacture of food products and

NB: AN = alphanumeric (e.g. AN…8 – alphanumeric up to eight positions but field can be empty, AN1…8 – alphanumeric with at least one position and up to eight positions, AN1 – alphanumeric one position, exact); N = numeric (e.g. N1 – numeric one position, exact).