Regulation (EC) No 295/2008 of the European Parliament and of the Council of 11 March 2008 concerning structural business statistics (recast) (Text with EEA relevance) (repealed)

REGULATION (EC) No 295/2008 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 11 March 2008

concerning structural business statistics

(recast)

(Text with EEA relevance) (repealed)

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,

Having regard to the opinion of the European Economic and Social Committee[(1)],

Acting in accordance with the procedure laid down in Article 251 of the Treaty[(2)],

Whereas:

(1) Council Regulation (EC, Euratom) No 58/97 of 20 December 1996 concerning structural business statistics[(3)] has been significantly amended on several occasions[(4)]. Now that new amendments are being made to that Regulation, it is desirable, for reasons of clarity and rationalisation, that the provisions in question should be recast.

(2) Regulation (EC, Euratom) No 58/97 established a common framework for the collection, compilation, transmission and evaluation of Community statistics on the structure, activity, competitiveness and performance of businesses in the Community.

(3) Decision No 2367/2002/EC of the European Parliament and the Council of 16 December 2002 on the Community statistical programme 2003 to 2007[(5)] adopted the programme to be guided by the principal Community policy priorities of economic and monetary union, European Union enlargement and competitiveness, regional policy, sustainable development and the social agenda. Statistics on the economic activity of enterprises form an essential part of this programme.

(4) This Regulation should provide for the continuation of existing statistical support for decisions in current policy areas and to satisfy the additional requirements arising from new Community policy initiatives, and from the ongoing review of statistical priorities and of the relevance of the statistics produced, with a view to making best use of available resources and minimising response burdens. Special attention should be paid to the impact on business caused by Community energy and environmental policies,

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such as those embodied by the REACH Regulation (EC) No 1907/2006[(6)]. Cooperation and the exchange of best practices between national statistical institutes should be encouraged in order to ensure a more efficient use of administrative data sources.

(5) There is an increasing need for data on services, in particular business services. Statistics are needed for the economic analysis and policy formulation on what is the most dynamic sector of modern economies, especially in terms of its potential for growth and employment creation. The Lisbon European Council meeting of 23 and 24 March 2000 highlighted the importance of services. The measurement of turnover broken down to detailed service products is a necessary prerequisite for a true understanding of the services' role in the economy. The Stockholm European Council meeting of 23 and 24 March 2001 concluded that the creation of effectively functioning internal markets for services is one of Europe's highest priorities. Statistics by detailed service products on cross-border trade are essential for monitoring the functioning of internal markets for services, evaluating the competitiveness of services and assessing the impact of barriers on trade in services.

(6) There is a need for data on business demography, particularly since they are an element of the structural indicators established for monitoring the achievements concerning the goals set by the Lisbon Strategy. In addition, harmonised data on business demography and on its impact on employment are necessary to substantiate policy recommendations for the support of entrepreneurship.

(7) There is also a need for a flexible tool within the statistical framework which can bring about a quick and timely response to emerging user needs resulting from the increasingly dynamic, innovative and complex characteristics of the knowledge-based economy. Linking such ad hoc data collections with the ongoing collection of data on structural business statistics would bring added value to the information gathered in both surveys and could reduce the total burden on respondents by avoiding the duplication of data collection.

(8) It is necessary to provide for a procedure for the adoption of measures for the implementation of this Regulation in order to enable the rules for the collection and statistical processing of data and for the processing and transmission of the results to be clarified further.

(9) 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[(7)].

(10) In particular, the Commission should be empowered to: update the list of characteristics in the Annexes; establish the frequency of the compilation of the statistics, the rules for flagging data as contributions to European totals only (CETO), the first reference year for the compilation of the results, and the breakdown of results, in particular the classifications to be used and the combination of the size classes; update the periods of time for the transmission of data; adapt the breakdown of activities and products to amendments or revisions of the statistical classification of economic activities in the European Community (NACE) and classification of products by activity (CPA); adopt measures on the basis of the evaluation of pilot studies; change the lower limit

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for the reference population in Annex VIII; and establish criteria for the evaluation of quality. 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 5a of Decision 1999/468/EC.

(11) Since the objective of this Regulation, namely to provide harmonised data on the structure, activity, competitiveness and performance of businesses 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 in order to achieve that objective,

HAVE ADOPTED THIS REGULATION:

Article 1

Subject matter

This Regulation establishes a common framework for the collection, compilation, transmission and evaluation of Community statistics on the structure, activity, competitiveness and performance of businesses in the Community.

The purpose of the compilation of statistics shall be, in particular, to analyse:

(a) the structure and evolution of the activities of businesses;

(b) the factors of production used and other elements allowing business activity, competitiveness and performance to be measured;

(c) the regional, national, Community and international development of businesses and markets;

(d) business conduct;

(e) small and medium-sized enterprises; and

(f) specific characteristics of enterprises related to particular breakdown of activities.

Article 2

Scope

1 This Regulation shall cover all market activities in Sections B to N and P to S of the common statistical classification of economic activities in the European Community as established by Regulation (EC) No 1893/2006 (hereinafter referred to as NACE Rev. 2).

2 Statistical units of the types listed in Section I of the Annex to Council Regulation (EEC) No 696/93 of 15 March 1993 on the statistical units for the observation and analysis of the production system in the Community[8] which are classified under one of the activities referred to in paragraph 1 shall be included in the scope of this Regulation. The use of particular units for the compilation of statistics is specified in the Annexes to this Regulation.

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Article 3

Modules

1 The statistics to be compiled for the areas referred to in Article 1 shall be grouped as modules.

2 The modules in this Regulation shall be:

a a common module for annual structural statistics, as defined in Annex I;

b a detailed module for structural statistics in industry, as defined in Annex II;

c a detailed module for structural statistics in trade, as defined in Annex III;

d a detailed module for structural statistics in construction, as defined in Annex IV;

e a detailed module for structural statistics in insurance, as defined in Annex V;

f a detailed module for structural statistics on credit institutions, as defined in Annex VI;

g a detailed module for structural statistics on pension funds, as defined in Annex VII;

h a detailed module for structural statistics on business services, as defined in Annex VIII;

i a detailed module for structural statistics on business demography, as defined in Annex IX;

j a flexible module for the conduct of a specific and limited ad hoc data collection of enterprise characteristics.

3 The following information shall be laid down in each module:

a the activities for which the statistics are to be compiled, drawn from the coverage indicated in Article 2(1);

b the types of statistical unit to be used for the compilation of the statistics, drawn from the list of statistical units referred to in Article 2(2);

c lists of characteristics for which statistics are to be compiled for the areas referred to in Article 1 and the reference periods for those characteristics;

d the frequency of the compilation of the statistics, which shall be annual or multiannual. If multiannual, compilation shall take place at least once every 10 years;

e the timetable showing the first reference years for the statistics to be compiled;

f the standards relating to representativeness and quality evaluation;

g the period of time starting from the end of the reference period within which the statistics are to be transmitted;

h the maximum length of the transitional period which may be conceded.

4 The use of the flexible module referred to in paragraph 2(j) shall be planned in close cooperation with Member States. Its scope, list of characteristics, reference period, activities to be covered and quality requirements shall be decided by the Commission in accordance with the regulatory procedure referred to in Article 12(2) at least 12 months before the beginning of the reference period. The Commission shall also specify the need for the information and the impact of the data collection in respect of the burden on businesses and the costs to the Member States.

In order to limit the burden on businesses and the costs to the Member States, the size of the data collection shall be restricted to a maximum of 20 enterprise characteristics or questions, to a maximum of 25 000 respondent enterprises across the European Union, and to a maximum average individual respondent input of 1,5 hours. Ad hoc data collection shall include a representative number of Member States. When only results at European level are needed, the Commission may set up a European sampling approach to ensure a minimum burden and minimum costs.

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The costs of ad hoc data collection may be co-financed by the Commission using established procedures.

Article 4

Pilot studies

1 A series of pilot studies shall be instituted by the Commission and carried out by Member States on a voluntary basis as specified in the Annexes. The Commission shall award grants to national authorities within the meaning of Article 2 of Council Regulation (EC) No 322/97 of 17 February 1997 on Community Statistics[9], following a call for proposals.

2 The pilot studies shall be carried out in order to assess the relevance and feasibility of obtaining data. The results of the pilot studies shall be evaluated by the Commission, taking into account the benefits of the availability of the data in relation to the cost of collection and the burden on businesses.

3 The Commission shall inform the European Parliament and the Council of the results of pilot studies.

4 The measures designed to amend non-essential elements of this Regulation by supplementing it on the basis of the evaluation of the pilot studies, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 12(3).

Article 5

Acquisition of data

1 Member States shall acquire the necessary data for the observation of the characteristics in the lists referred to in the modules in Article 3.

2 Member States may acquire the necessary data using a combination of the different sources specified below, applying the principle of administrative simplification:

a compulsory surveys: the legal units, to which the statistical units called on by the Member States belong or of which they are composed, shall be obliged to give accurate and complete information within the prescribed deadlines;

b other sources which are at least equivalent as regards accuracy and quality;

c statistical estimation procedures where some of the characteristics have not been observed for all of the units.

3 In order to reduce response burdens, the national authorities and the Commission (Eurostat) shall, under the limits and the conditions fixed by each Member State and by the Commission in their respective spheres of competence, have access to administrative data sources covering the fields of activity of their own public administrations to the extent that these data are necessary to meet the accuracy requirements referred to in Article 6. In addition, wherever feasible, appropriate administrative data shall be used to meet the reporting requirements of this Regulation.

4 Member States and the Commission, within their respective fields of competence, shall promote the conditions for increased use of electronic data transmission and automatic data-processing.