Commission Regulation (EC) No 19/2009 of 13 January 2009 implementing Regulation (EC) No 453/2008 of the European Parliament and of the Council on quarterly statistics on Community job vacancies, as regards the definition of a job vacancy, the reference dates for data collection, data transmission specifications and feasibility studies (Text with EEA relevance)

COMMISSION REGULATION (EC) No 19/2009

of 13 January 2009

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(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 453/2008 of the European Parliament and of the Council of 23 April 2008 concerning quarterly statistics on Community job vacancies[(1)], and in particular the second subparagraph of Article 2(1) and Articles 3(1), 5(1) and 7(1) thereof,

Whereas:

(1) Regulation (EC) No 453/2008 established a common framework for the systematic production of quarterly statistics on Community job vacancies.

(2) Implementing measures are necessary concerning the definition of the information to be provided and the reference dates for which the information will be collected.

(3) It is also necessary to specify the format, the deadlines for the transmission of the required data and the date of the first reference quarter to be transmitted.

(4) In accordance with Article 7 of Regulation (EC) No 453/2008, it is necessary to establish the appropriate framework of a series of feasibility studies to be carried out by those Member States with difficulties in providing data for small units and for certain activities.

(5) The European Central Bank has been consulted.

(6) 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: *Commission Regulation (EC) No 19/2009 is up to date with all changes known to be in force on or before 25 December 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Article 1

Definitions related to 'job vacancy'

For the purposes of applying Article 2(1) of Regulation (EC) No 453/2008:

(a) 'active steps to find a suitable candidate' shall include:

(i) notifying the job vacancy to the public employment services;

(ii) contacting a private employment agency/head hunters;

(iii) advertising the vacancy in the media (for example internet, newspapers, magazines);

(iv) advertising the vacancy on a public notice board;

(v) approaching, interviewing or selecting possible candidates/potential recruits directly;

(vi) approaching employees and/or personal contacts;

(vii) using internships.

(b) 'specific period of time' shall refer to the maximum time the vacancy is open and intended to be filled. That period shall be unlimited; all vacancies for which active steps are continuing on the reference date shall be reported.

Article 2

Reference dates

Member States shall provide data on the number of job vacancies and the number of occupied posts, as defined in Article 2(1) and (2) of Regulation (EC) No 453/2008 that can be considered representative for the reference quarter. The preferred methods to achieve this are data collection on a continuous basis or the calculation of a representative average of data collected for specific reference dates.

Article 3

Data transmission

1 Within 70 days after the end of the reference quarter, Member States shall transmit data broken down as specified in Article 1(2) of Regulation (EC) No 453/2008, together with the corresponding metadata.

Those Member States whose number of employees represents more than 3 % of the European Community total shall transmit the aggregate number of vacancies and occupied posts and the corresponding metadata within 45 days after the end of the reference quarter.

Each Member State's share of the total number of employees in the EC shall be calculated every five years on the basis of the average of the four quarters of the previous calendar year. In the event of accession of new Member States, ad hoc calculations shall

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be carried out. The first calculation shall refer to the calendar year previous to the year of the adoption of this Regulation. The source for the data on employees shall be the European Union Labour Force Survey provided for by Council Regulation (EC) No 577/98[(2)]. Data shall refer to business units covered by Article 1 of Regulation (EC) No 453/2008.

Any changes in the transmission deadline for countries exceeding the 3 % threshold for the first time shall be applicable from the first reference quarter of the year following the calculation.

2 Corresponding metadata shall refer specifically to information regarding methodological or technical events in the quarter that is needed to interpret the results, and information about data cells that are deemed not to be sufficiently reliable or must not be disclosed.

3 The Member States shall send the quarterly data and corresponding metadata to the Commission (Eurostat) in electronic form. Transmission shall comply with appropriate interchange standards approved by the Statistical Programme Committee. The Commission (Eurostat) shall make available detailed documentation in relation to approved standards and shall supply guidelines on how to implement these standards.

4 The first data transmission shall relate to the first quarter of the year following that of the entry into force of this Regulation.

The data series shall be transmitted in the following forms:

a unadjusted;

b seasonally adjusted, in accordance with the Commission Regulation implementing Regulation (EC) No 453/2008 as regards seasonal adjustment procedures and quality reports; and

c on a voluntary basis, in the form of trend-cycle series.

Article 4

Feasibility studies

The framework for the feasibility studies provided for in Article 7 of Regulation (EC) No 453/2008 is set out in the Annex.

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.

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Done at Brussels, 13 January 2009.

For the Commission

Joaquín ALMUNIA

Member of the Commission