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**MEETING DOCUMENT**

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From: General Secretariat of the Council  
To: Working Party on Statistics

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Subject: STATIS - Spanish Presidency Flash note (CWPS 6 September 2023)

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Delegations will find attached the Presidency Flash note, in view of the upcoming Working Party on Statistics scheduled on 6 September 2023.

## **Presidency Flash**

### **Meeting of the Council Working Party on Statistics, 6 September 2023**

Dear colleagues,

We are pleased to invite you to the second meeting of the Council Working Party on Statistics (CWPS) under the Spanish Presidency, which will take place on Wednesday 6 September from 9:30 to 17:30 in Brussels (Justus Lipsius Building). The meeting will be chaired by the President of INE Spain, Ms. Elena Manzanera Díaz.

The CWPS will be devoted to the Proposal for a Regulation amending Regulation (EC) 223/2009 of the European Parliament and of the Council on European statistics – 2023/0237 (COD) /ST 11723/23, adopted on 10 July and presented by the Commission on 19 July during the informal Council Working Party on Statistics meeting.

A written consultation was sent out by the Presidency to the Member States on 13 July with a deadline for comments on 25 August. Comments from 25 countries were received and compiled. The Presidency really appreciates the efforts made by the delegations for sending their opinions in time.

Based on the general views expressed at the informal meeting in July and the comments received from the written consultation, we conclude that the majority of the Member States supports the need and content of the proposal. Nevertheless, there are some important issues that need to be discussed in the CWPS in order to reach a broad consensus.

Considering that the amendments proposed on the definitions (article 3) depend very much on the final wording of other articles, the Presidency would proceed with the examination of the proposal article by article, starting with Article 16a, followed by articles 17a to 17g, 18, 25, 26a and 27a, and finalising with the definitions in article 3, as well as with other proposals received from the Member States. If time allows, we could also open the discussion on the recitals.

Finally, under AOB, the Presidency will update on the progress made on other files of interest.

Please do not hesitate to contact us in case of questions.

We look forward to seeing you in Brussels!

The Spanish Presidency Team on Statistics

**ANNEX: WRITTEN CONSULTATION SUMMARY - Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulation (EC) No 223/2009 on European statistics.**

Concerning the **general comments**, some MS have pointed out the need to harmonise the terminology along the text, and also the need to align some concepts or definitions with other related legislation, i.e., the Data Act or ESOP. A reflection on the need of the new concept of reuse has also been highlighted. Besides, there are several comments about considering the ONAs at the same level as the NSIs. Finally, some MS have proposed adding the word “dissemination” wherever the proposal only refers to “development and production”

As regards **Article 16a** about the “**Statistical response to crisis**”, some MS consider that this article might not be necessary and request further clarifications on its relation with Article 14 of the Regulation. Other clarifications are requested on the voluntary nature of participation in temporary actions, the use of implementing acts, and the sufficient coverage of the actions at EU level if MS can participate on a voluntary basis. Other issues relate to the financing of the actions by the EU or the strengthening of the role of the ESSC.

Regarding **Article 17a** on the “**Access, reuse and integration of administrative records for the development and production of European statistics**”, some MS believe that there is no need to modify the current article in the Regulation. There are also some suggestions about the wording of the article, including proposals to broaden the scope of the article and reflections on the need to modify some terms or definitions, such as administrative data holder (instead of owner) or the use/reuse of administrative data. Besides, the implementation of the quality requirements by the administrative data holders might be problematic since the original purpose of these data sources is not the production of statistics.

In **Article 17b** dealing with the “**Obligation of private data holders to make data available for developing and producing European statistics**”, the main concerns are related to the exclusion of small and micro enterprises that will result in significant loss of information. Some MS ask for clarifications about the division of tasks between the Commission and MS. There are also concerns about the references to the annual work programme in this article, and some issues related to the definition of private data holder and its distinction with the business as respondents in the traditional production process. Other suggestions are the inclusion of a reference to national legislation for ensuring that no data holder can disregard national data provision obligations, the deletion of the condition that refers to the obtention of data by alternative means, and the inclusion of a reference about the reduction of burden also to NSIs or other statistical units in general.

As regards **Article 17c** “**Requests for data and arrangements for making data available for development and production of European statistics**”, the main issue

is the cost compensation for the private data holders. Additionally, some MS have pointed out the complexity of the mechanism established in this article, and an important number of countries would like a clarification on the distribution of competences between MS and the Commission as regards the whole process, and especially concerning the possible imposition of fines. The scope and content of the implementing acts foreseen under this article are also questioned. There are some doubts about the concept of “data” in this article.

No comments have been received for **Article 17d** on the “**Review of decisions imposing fines by the Court of Justice of the European Union**”

Concerning **Article 17e** “**Obligations of NSIs and the Commission (Eurostat) in reusing data made available for development and production of European statistics**”, a number of comments have been received asking for clarification about who should be considered as “third parties”

In **Article 17f** about “**Data sharing in the ESS**”, the most relevant issue is the need of this article, since some countries are asking for its deletion or converting the compulsory data sharing into voluntary as regards non-confidential data. As for confidential data, MS are asking for an explanation on the value added of this article taking into account article 21. Finally, there are also some concerns about enabling the Commission to adopt implementing acts as regards the data sharing under this article or at least on the scope and content of those implementing acts.

In respect of **Article 17g** about “**Statistics under development**”, some MS suggest to move the first paragraph of the article to the recitals as it is a declaratory text. Other suggestion is to provide a definition of “statistics under development”. As regards the dissemination of these statistics, there are some proposals related to the consent of each individual NSI involved with the data, the explicit inclusion of NSIs and ONAs for disseminating experimental statistics, or the idea that not all statistics under development could be expected to be fit for dissemination.

With reference to **Article 18** “**Dissemination measures**”, some MS ask for clarifications on the application of this provision and the implications for MS. Other requests are related to the examination of the power given to the Commission to disseminate data before the deadlines set out in sectoral legislation.

Regarding **Article 25** on “**Publicly available data**”, some MS are concerned about this amendment and ask for explanations about the rationale for this change, as well as about the meaning of “lawfully available to the public”

Concerning **Article 26a** “**Contribution to new national data governance frameworks**”, there are some new drafting proposals. The reference to the application of statistical principles in 26a(2) is questioned, since this article is referring to other tasks that NSIs could potentially assume that go beyond the production of official statistics.

With respect to **Article 3** on “**Definitions**”, there are many comments with rewording proposals on most of the definitions and a number of proposals for the inclusion of new definitions. These definitions should be revised in light of the discussions about the rest of the articles.

Finally, some countries have proposed the inclusion of **new articles**, in particular a new one providing for a general derogation from GDPR for the production of European and national official statistics.