

## ANNEX

## 5. EUROSTAT

5.1. 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<sup>(1)</sup>

As regards Regulation (EEC) No 696/93, the Commission should be empowered to adapt the Annex thereto to economic and technical progress. Since those measures are of general scope and are designed to amend non-essential elements of Regulation (EEC) No 696/93, they must be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.

Accordingly, Regulation (EEC) No 696/93 is hereby amended as follows:

## 1. Articles 5 and 6 shall be replaced by the following:

*Article 5*

After the end of the transitional period referred to in Article 4, the Commission may, in accordance with the management procedure referred to in Article 7(2), authorise a Member State to use other statistical units of the production system.

*Article 6*

Measures for the implementation of this Regulation, including those designed to adapt to economic and technical progress concerning in particular the statistical units of the production system, the criteria used and the definitions specified in the Annex, shall be adopted by the Commission. Those measures, designed to amend non-essential elements of this Regulation, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 7(3).;

## 2. Article 7 shall be replaced by the following:

*Article 7*

1 The Commission shall be assisted by the Statistical Programme Committee.

2 Where reference is made to this paragraph, Articles 4 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

The period provided for in Article 4(3) of Decision 1999/468/EC shall be set at three months.

3 Where reference is made to this paragraph, Article 5a(1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

5.2. Council Directive 95/57/EC of 23 November 1995 on the collection of statistical information in the field of tourism<sup>(2)</sup>

As regards Directive 95/57/EC, the Commission should be empowered to determine the definitions to be applied to data collection characteristics and any adjustments to the list of such characteristics, to adopt the necessary minimum accuracy requirements for results and the procedures for ensuring the harmonised processing of systematic biases, and to adopt detailed rules for the processing of information collected by the Member States. Since those measures are of general scope and are designed to amend non-essential elements of Directive 95/57/EC, *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.

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Accordingly, Directive 95/57/EC is hereby amended as follows:

1. Article 3(2) shall be replaced by the following:
2. The definitions to be applied to the data collection characteristics and any adjustments to the list of data collection characteristics shall be determined by the Commission. Those measures, designed to amend non-essential elements of this Directive, *inter alia*, by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 12(2).;
2. Article 4(1) shall be replaced by the following:
  1. The collection of statistical information shall, where possible, ensure that results meet the necessary minimum accuracy requirements. Those requirements, and the procedures for ensuring the harmonised processing of systematic biases, shall be adopted by the Commission. Those measures, designed to amend non-essential elements of this Directive by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 12(2). The minimum accuracy requirements shall be determined with particular reference to annual overnight stays at national level.;
3. Article 6 shall be replaced by the following:

#### *Article 6*

#### **Data processing**

Member States shall process the information collected under Article 3 in accordance with the accuracy requirements referred to in Article 4 and the detailed rules adopted by the Commission. Those measures, designed to amend non-essential elements of this Directive by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 12(2). The regional level shall be in accordance with the Nomenclature of Territorial Units (NUTS) of the Statistical Office of the European Communities.;

4. in Article 7(3), the words ‘Article 12’ shall be replaced by the words ‘Article 12(1)’;
5. in Article 9, the words ‘Article 12’ shall be replaced by the words ‘Article 12(1)’;
6. the following paragraphs shall be added to Article 11:
 

The measures referred to in Articles 3, 4 and 6, designed to amend non-essential elements of this Directive, *inter alia*, by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 12(2).

The measures referred to in Articles 7 and 9 shall be adopted in accordance with the procedure referred to in Article 12(1).;
7. Article 12(2) shall be replaced by the following:
  2. Where reference is made to this paragraph, Article 5a(1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.
  - 5.3. Regulation (EC) No 1059/2003 of the European Parliament and of the Council of 26 May 2003 on the establishment of a common classification of territorial units for statistics (NUTS)<sup>(3)</sup>

As regards Regulation (EC) No 1059/2003, the Commission should be empowered to adapt the administrative units used for the NUTS classification, deviate from population thresholds in the case of some non-administrative units, amend smaller administrative units for the purposes of NUTS 3, and amend the NUTS classification. Since those measures are of general scope and are designed to amend non-essential elements of Regulation (EC) No 1059/2003, *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.

Accordingly, Regulation (EC) No 1059/2003 is hereby amended as follows:

1. Article 3 shall be amended as follows:
  - (a) paragraph 4 shall be replaced by the following:
    4. The existing administrative units used for the NUTS classification are laid down in Annex II. Measures designed to amend non-essential elements of this Regulation and adapting Annex II shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 7(2).;
  - (b) the third subparagraph of paragraph 5 shall be replaced by the following:

Some non-administrative units may, however, deviate from those thresholds because of particular geographical, socio-economic, historical, cultural or environmental circumstances, especially in the islands and the outermost regions. Those measures, designed to amend non-essential elements of this Regulation by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 7(2).;
2. in Article 4(1), the second subparagraph shall be replaced by the following:

Measures designed to amend non-essential elements of this Regulation and adapting Annex III shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 7(2).;
3. Article 5 shall be amended as follows:
  - (a) the first sentence of paragraph 4 shall be replaced by the following:
    4. Amendments to the NUTS classification shall be adopted in the second half of the calendar year, not more frequently than every three years, on the basis of the criteria laid down in Article 3. Those measures, designed to amend non-essential elements of this Regulation, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 7(2).;
  - (b) paragraph 5 shall be replaced by the following:
    5. When an amendment is made to the NUTS classification, the Member State concerned shall transmit to the Commission the time series for the new regional breakdown, to replace data already transmitted. The list of the time series and their length shall be specified by the Commission, taking into account the feasibility of providing them. Those measures, designed to amend non-essential elements of this Regulation by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny

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referred to in Article 7(2). The time series are to be supplied within two years of the amendment of the NUTS classification.;

4. Article 7 shall be replaced by the following:

*Article 7*

- 1 The Commission shall be assisted by the Statistical Programme Committee.

- 2 Where reference is made to this paragraph, Article 5a(1) to (4) and Article 7 of Decision No 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

- 5.4. Regulation (EC) No 1177/2003 of the European Parliament and of the Council of 16 June 2003 concerning Community statistics on income and living conditions (EU-SILC)<sup>(4)</sup>

As regards Regulation (EC) No 1177/2003, the Commission should be empowered to adopt measures concerning target secondary areas and individuals included in the initial sample and measures taking account of economic and technical changes. Since those measures are of general scope and are designed to amend non-essential elements of Regulation (EC) No 1177/2003, *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.

Accordingly, Regulation (EC) No 1177/2003 is hereby amended as follows:

1. Article 6(2) shall be replaced by the following:

2. Target secondary areas shall be included every year starting from 2005 in the cross-sectional component only. One secondary area shall be covered each year. Measures defining such target areas, designed to amend non-essential elements of this Regulation, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 14(3).;

2. Article 8(3) shall be replaced by the following:

3. In the longitudinal component, individuals included in the initial sample, namely sample persons, shall be followed over the duration of the panel. Every sample person who has moved to a private household within the national boundaries shall be followed up to the new location in accordance with tracing rules and procedures to be defined by the Commission. Those measures, designed to amend non-essential elements of this Regulation by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 14(3).;

3. Article 14(3) shall be replaced by the following:

3. Where reference is made to this paragraph, Article 5a(1) to 4 and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.;

4. Article 15 shall be amended as follows:

- (a) in paragraph 1, the words ‘in accordance with the procedure referred to in Article 14(2)’ shall be deleted;
- (b) the following paragraph shall be added:

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5. The measures referred to in paragraphs 1 and 2, designed to amend non-essential elements of this Regulation, *inter alia*, by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 14(3) at least 12 months before the beginning of the year of the survey.

5.5. Regulation (EC) No 138/2004 of the European Parliament and of the Council of 5 December 2003 on the economic accounts for agriculture in the Community<sup>(5)</sup>

As regards Regulation (EC) No 138/2004, the Commission should be empowered to update the methodology of the economic accounts for agriculture (EAA) in the Community, the list of variables and the time limits for the transmission of data for these accounts. Since those measures are of general scope and are designed to amend non-essential elements of Regulation (EC) No 138/2004, they must be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.

Accordingly, Regulation (EC) No 138/2004 is hereby amended as follows:

1. Article 2(2) shall be replaced by the following:
2. The EAA methodology shall be updated by the Commission. Those measures, designed to amend non-essential elements of this Regulation, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 4(2).;
2. Article 3(3) shall be replaced by the following:
3. The Commission shall update the list of variables and the time limits for the transmission of data set out in Annex II. Those measures, designed to amend non-essential elements of this Regulation, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 4(2).;
3. Article 4 shall be amended as follows:
  - (a) paragraph 2 shall be replaced by the following:
    2. Where reference is made to this paragraph, Article 5a(1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.;
  - (b) paragraph 3 shall be deleted.

5.6. Regulation (EC) No 808/2004 of the European Parliament and of the Council of 21 April 2004 concerning Community statistics on the information society<sup>(6)</sup>

As regards Regulation (EC) No 808/2004, the Commission should be empowered to adopt measures for implementing the modules concerning elements such as the selection and specification, adjustment and modification of subjects and their characteristics and the coverage and periodicity provided for in that Regulation. Since those measures are of general scope and are designed to amend non-essential elements of Regulation (EC) No 808/2004, *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.

Accordingly, Articles 8 and 9 of Regulation (EC) No 808/2004 shall be replaced by the following:

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## Article 8

### Implementing measures

1 The measures for implementing the modules of this Regulation shall concern the selection and specification, adjustment and modification of subjects and their characteristics, the coverage, reference periods and breakdowns of characteristics, the periodicity and timing of data provision and the deadlines for transmission of results.

2 The implementing measures, including adjustment and updating measures to take account of economic and technical changes, shall be adopted by the Commission. Those measures, designed to amend non-essential elements of this Regulation, *inter alia*, by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 9(2), taking into account Member States' resources and the burden on respondents, technical and methodological feasibility and reliability of results.

[<sup>X13</sup> Implementing measures shall be drawn up at least nine months before the start of a data collection period.]

## Article 9

### Committee procedure

1 The Commission shall be assisted by the Statistical Programme Committee.

2 Where reference is made to this paragraph, Article 5a(1) to 4 and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

#### Editorial Information

**X1** Substituted by [Corrigendum to Regulation \(EC\) No 1137/2008 of the European Parliament and of the Council of 22 October 2008 adapting a number of instruments subject to the procedure laid down in Article 251 of the Treaty to Council Decision 1999/468/EC, with regard to the regulatory procedure with scrutiny — Adaptation to the regulatory procedure with scrutiny — Part One \(Official Journal of the European Union L 311 of 21 November 2008\)](#).

5.7. Regulation (EC) No 184/2005 of the European Parliament and of the Council of 12 January 2005 on Community statistics concerning balance of payments, international trade in services and foreign direct investment<sup>(7)</sup>

As regards Regulation (EC) No 184/2005, the Commission should be empowered to specify common quality standards and the content and periodicity of the quality reports and to adapt the Annexes to economic and technical changes. Since those measures are of general scope and are designed to amend non-essential elements of Regulation (EC) No 184/2005, *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.

Accordingly, Regulation (EC) No 184/2005 is hereby amended as follows:

1. Article 4(3) shall be replaced by the following:

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3. The common quality standards, as well as the content and periodicity of the quality reports, shall be specified by the Commission, taking into account the implications as regards the cost of collecting and compiling the data as well as important changes concerning data collection.

Those measures, designed to amend non-essential elements of this Regulation by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 11(3).

The quality of the data transmitted shall be assessed, on the basis of the quality reports, by the Commission with the assistance of the Balance of Payments Committee referred to in Article 11(1).

This assessment of the Commission shall be sent to the European Parliament for information.;

2. Articles 10 and 11 shall be replaced by the following:

#### *Article 10*

#### **Adaptation to economic and technical changes**

The following measures designed to amend non-essential elements of this Regulation, *inter alia*, by supplementing it, and necessary to take account of economic and technical changes shall be adopted by the Commission in accordance with the regulatory procedure with scrutiny referred to in Article 11(3):

- (a) measures updating data requirements, including submission deadlines as well as revisions, extensions and eliminations of data flows set out in Annex I;
- (b) measures updating the definitions set out in Annex II.

#### *Article 11*

#### **Committee procedure**

- 1 The Commission shall be assisted by the Balance of Payments Committee (the Committee).

- 2 Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

The period provided for in Article 5(6) of Decision 1999/468/EC shall be set at three months.

- 3 Where reference is made to this paragraph, Article 5a(1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

- 4 The ECB may attend the meetings of the Committee as an observer.

- 5.8. Regulation (EC) No 1161/2005 of the European Parliament and of the Council of 6 July 2005 on the compilation of quarterly non-financial accounts by institutional sector<sup>(8)</sup>

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*Changes to legislation:* There are currently no known outstanding effects for the Regulation (EC) No 1137/2008 of the European Parliament and of the Council, Division 5.. (See end of Document for details)

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As regards Regulation (EC) No 1161/2005, the Commission should be empowered to establish timetables and the breakdown of transactions, to adjust the time of data transmission, to adjust the proportion of the Community total and to define common quality standards. Since those measures are of general scope and are designed to amend non-essential elements of Regulation (EC) No 1161/2005, *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.

Accordingly, Regulation (EC) No 1161/2005 is hereby amended as follows:

1. Article 2 shall be amended as follows:
  - (a) paragraph 2 shall be replaced by the following:
    2. A timetable for the transmission of items P.1, P.2, D.42, D.43, D.44, D.45, and B.4G, and any decision to require a breakdown of the transactions listed in the Annex by counterpart sector, shall be adopted by the Commission. Those measures, designed to amend non-essential elements of this Regulation, *inter alia*, by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 8(3). Any such decision shall not be adopted before the Commission has reported to the European Parliament and the Council on the implementation of this Regulation pursuant to Article 9.;
  - (b) paragraph 4 shall be replaced by the following:
    4. The Commission may adjust, by a maximum of five days, the time of transmission specified in paragraph 3. That measure, designed to amend non-essential elements of this Regulation, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 8(3).;
2. Article 3(3) shall be replaced by the following:
3. The Commission may adjust the proportion (1 %) of the Community total referred to in paragraph 1. That measure, designed to amend non-essential elements of this Regulation, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 8(3).;
3. Article 6(1) shall be replaced by the following:
  1. Member States shall take all measures necessary to ensure that the quality of transmitted data improves over time to meet common quality standards to be defined by the Commission. Measures establishing those common quality standards, designed to amend non-essential elements of this Regulation by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 8(3).;
4. Article 7 shall be deleted;
5. Article 8 shall be replaced by the following:

#### *Article 8*

#### **Committee procedure**

- 1 The Commission shall be assisted by the Statistical Programme Committee.



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2                   Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

The period provided for in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3                   Where reference is made to this paragraph, Article 5a(1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

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- (1) OJ L 76, 30.3.1993, p. 1.
- (2) OJ L 291, 6.12.1995, p. 32.
- (3) OJ L 154, 21.6.2003, p. 1.
- (4) OJ L 165, 3.7.2003, p. 1.
- (5) OJ L 33, 5.2.2004, p. 1.
- (6) OJ L 143, 30.4.2004, p. 49.
- (7) OJ L 35, 8.2.2005, p. 23.
- (8) OJ L 191, 22.7.2005, p. 22.

**Changes to legislation:**

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