
Changes to legislation: Regulation (EC) No 596/2009 of the European Parliament and of the Council, Division 3, is up to date with all changes known to be in force on or before 04 January 2024. 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

ANNEX

3. EUROSTAT

3.1. **Council Regulation (EC) No 2494/95 of 23 October 1995 concerning harmonised indices of consumer prices⁽¹⁾**

As regards Regulation (EC) No 2494/95, the Commission should be empowered in particular to adopt rules to be followed to ensure the comparability of HICPs and to maintain and improve their reliability and relevance. Since those measures are of general scope and are designed to amend non-essential elements of Regulation (EC) No 2494/95, *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 2494/95 is hereby amended as follows:

1. in Article 3, the words ‘in Article 14’ shall be replaced by the words ‘in Article 14(2)’;
2. the third paragraph of Article 4 shall be replaced by the following:

The Commission (Eurostat) shall adopt rules to be followed to ensure the comparability of HICPs. 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 5(3) shall be replaced by the following:

The Commission shall adopt implementing measures for this Regulation which are necessary in order to ensure the comparability of HICPs and to maintain and improve their reliability and relevance. 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). The Commission shall request the ECB to provide an opinion on the measures which it proposes to submit to the Committee.;
4. in Article 8(3), the words ‘in Article 14’ shall be replaced by the words ‘in Article 14(2)’;
5. Article 9 shall be replaced by the following:

Article 9

Production of results

Member States shall process the data collected in order to produce the HICP, which shall be a Laspeyres-type index, covering the categories of the Coicop international classification (classification of individual consumption by purpose)⁽²⁾, which shall be adapted by the Commission for the purposes of establishing comparable HICPs. The Commission shall determine the methods, procedures and formulae to ensure that the comparability requirements are met. 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 14(3).;

6. in Article 11, the words ‘in Article 14’ shall be replaced by the words ‘in Article 14(2)’;

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7. Article 14 shall be replaced by the following:

Article 14

Committee procedure

- 1 The Commission shall be assisted by the Statistical Programme Committee established by Council Decision 89/382/EEC, Euratom⁽³⁾, hereinafter referred to as “the Committee”.

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

The period laid down 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.;

8. the second paragraph of Article 15 shall be replaced by the following:

In those reports, the Commission shall state its views on the operation of the procedures described in Article 14 and shall propose any amendments it considers appropriate..

- 3.2. **Council Regulation (EC) No 577/98 of 9 March 1998 on the organisation of a labour force sample survey in the Community⁽⁵⁾**

As regards Regulation (EC) No 577/98, the Commission should be empowered in particular to adopt additional variables, to adapt the definitions, the edits to be used and the codification of the variables, and to draw up the list of structural variables, the minimum sample size and the survey frequency. Since those measures are of general scope and are designed to amend non-essential elements of Regulation (EC) No 577/98, *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 577/98 is hereby amended as follows:

1. in the third indent of the fifth paragraph of Article 1, the words ‘in Article 8’ shall be replaced by the words ‘in Article 8(2)’;
2. paragraphs 2, 3 and 4 of Article 4 shall be replaced by the following:
 2. A further set of variables, hereinafter referred to as an “ad hoc module”, may be added to supplement the information described in paragraph 1.

Each year a programme of ad hoc modules covering several years shall be adopted by the Commission.

That programme shall specify, for each ad hoc module, the subject, the reference period, the sample size (equal to or less than the sample size determined according to Article 3) and the deadline for the transmission of the results (which may be different from the deadline according to Article 6).

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The Member States and regions covered and the detailed list of information to be collected in an ad hoc module shall be drawn up at least 12 months before the beginning of the reference period for that module.

The volume of an ad hoc module shall not exceed 11 variables.

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 8(3).

3 The definitions, the edits to be used, the codification of the variables, the adjustment of the list of survey variables made necessary by the evolution of techniques and concepts, and a list of principles for the formulation of the questions concerning the labour status shall be drawn up 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).

4 On a proposal from the Commission, a list of variables, hereinafter referred to as “structural variables”, may be identified from among the survey characteristics specified in paragraph 1 which need to be surveyed only as annual averages with reference to 52 weeks rather than as quarterly averages. That list of structural variables, the minimum sample size and the survey frequency shall be drawn up 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 8(3). Spain, Finland and the United Kingdom may survey the structural variables with reference to a single quarter during a transition period until the end of 2007.;

3. Article 8 shall be replaced by the following:

Article 8

Committee procedure

1 The Commission shall be assisted by the Statistical Programme Committee established by Council Decision 89/382/EEC, Euratom⁽⁶⁾.

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

The period laid down 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..

3.3. **Council Regulation (EC) No 1165/98 of 19 May 1998 concerning short-term statistics⁽⁸⁾**

As regards Regulation (EC) No 1165/98, the Commission should be empowered in particular to approve and implement the European sample schemes, to adapt the Annexes and to determine the measures for implementing this Regulation, including the measures to accommodate

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economic and technical developments concerning the collection and statistical processing of data and the transmission of the variables. Since those measures are of general scope and are designed to amend non-essential elements of Regulation (EC) No 1165/98, *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 1165/98 is hereby amended as follows:

1. Article 4(2)(d) shall be replaced by the following:
 - (d) participation in European sample schemes coordinated by Eurostat in order to produce European estimates.

The details of the schemes referred to in the first subparagraph shall be as specified in the Annexes. Measures for their approval and implementation 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 18(3).

European sample schemes shall be established when national sample schemes do not meet the European requirements. Furthermore, Member States may opt to take part in European sample schemes when such schemes create possibilities for substantial reductions in the cost of the statistical system or the burden on business which meeting the European requirements entails. Participation in a European sample scheme shall satisfy the conditions of a Member State for the supply of the variable concerned in accordance with the objective of such a scheme. European sample schemes may target the conditions, the level of detail and the deadlines for data transmission.;
2. in Article 16(1), the words ‘in Article 18’ shall be replaced by the words ‘in Article 18(2)’;
3. Articles 17 and 18 shall be replaced by the following:

Article 17

Implementing measures

The Commission shall determine the measures for implementing this Regulation, including the measures to accommodate economic and technical developments concerning the collection and statistical processing of data and the transmission of the variables. In doing so, consideration shall be given to the principle that the benefits of the measure must outweigh its cost, and to the principle that major additional resources are not involved either for Member States or for enterprises as compared with the original provisions of this Regulation. In particular, the measures for implementing this Regulation shall include:

- (a) the use of particular units (Article 2);
- (b) the updating of the list of variables (Article 3);
- (c) the definitions and the appropriate forms of the transmitted variables (Article 3);

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- (d) the establishment of European sample schemes (Article 4);
- (e) the frequency of compilation of the statistics (Article 5);
- (f) the levels of breakdown and aggregation to be applied to the variables (Article 6);
- (g) the transmission deadlines (Article 8);
- (h) the criteria for the measurement of quality (Article 10);
- (i) the transition periods (Article 13(1));
- (j) derogations granted during the transition periods (Article 13(2));
- (k) the institution of pilot studies (Article 16);
- (l) the first base year to be applied for time series in NACE Rev. 2;
- (m) for time series prior to 2009, to be transmitted according to NACE Rev. 2, the level of detail, the form, the first reference period, and the reference period.

The measures referred to in points (j) and (k) shall be adopted in accordance with the regulatory procedure referred to in Article 18(2).

The measures referred to in points (a) to (i) and (l) and (m), 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 18(3).

Article 18

Committee procedure

1 The Commission shall be assisted by the Statistical Programme Committee established by Council Decision 89/382/EEC, Euratom⁽⁹⁾.

2 Where reference is made to this paragraph, Articles 5 and 7 of Council Decision 1999/468/EC⁽¹⁰⁾ shall apply, having regard to the provisions of Article 8 thereof.

The period laid down 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. Annex A (Industry) shall be amended as follows:

(a) point (a) (Scope) shall be replaced by the following:

(a) Scope

This Annex applies to all activities listed in Sections B to E of NACE Rev. 2, or, as the case may be, to all products listed in Sections B to E of the CPA. The information is not required for 37, 38.1, 38.2 and 39 of NACE Rev. 2. The list of activities may be revised by the Commission. Those measures, designed

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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 18(3).;

(b) paragraph 3 of point (b) (Observation unit) shall be replaced by the following:

3. The use of other observation units may be decided 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 18(3).;

(c) point (c) (List of variables) shall be amended as follows:

(i) the last sentence of paragraph 2 shall be replaced by the following:

‘The Commission shall determine the conditions for assuring the necessary data quality. 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 18(3).’;

(ii) paragraphs 3 and 4 shall be replaced by the following:

3. Starting from the beginning of the first reference period the information on new orders (Nos 130, 131, 132) may be approximated by an alternative leading indicator, which may be calculated from business opinion survey data. This approximation is permitted for a period of five years from the date of entry into force of the Regulation. This period shall be extended by up to five years more unless decided differently 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 18(3).

4. Starting from the beginning of the first reference period the information on persons employed (No 210) may be approximated by the number of employees (No 211). This approximation is permitted for a period of five years from the date of entry into force of the Regulation. This period shall be extended by up to five years more unless decided differently 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 18(3).;

(iii) the last sentence of paragraph 8 shall be replaced by the following:

‘The list of activities may be revised by the Commission. Those measures, designed to amend non-essential elements of this Regulation by supplementing it, shall be adopted in accordance

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with the regulatory procedure with scrutiny referred to in Article 18(3).’;

- (iv) the last sentence of paragraph 10 shall be replaced by the following:

‘The list of activities may be revised 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 18(3).’;

- (d) paragraph 2 of point (d) (Form) shall be replaced by the following:

2. In addition, the production variable (No 110) and the hours-worked variable (No 220) are to be transmitted in working-day adjusted form.

Wherever other variables show working-day effects, Member States may also transmit those variables in working-day adjusted form. The list of variables to be transmitted in working-day adjusted form may be amended 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 18(3).;

- (e) paragraphs 8 and 9 of point (f) (Level of detail) shall be replaced by the following:

8. For the import price variable (No 340), the Commission may determine the terms for applying a European sample scheme as defined in point (d) of the first subparagraph of Article 4(2). 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 18(3).

9. The variables on the non-domestic markets (Nos 122, 132 and 312) are to be transmitted according to the distinction into euro-zone and non-euro-zone. The distinction is to be applied to the total industry defined as NACE Rev. 2 Sections B to E, the MIGs, the Section (1 letter) and Division 2-digit level of NACE Rev. 2. The information on NACE Rev. 2 D and E is not required for variable 122. In addition, the import price variable (No 340) is to be transmitted according to the distinction into euro-zone and non-euro-zone. The distinction is to be applied to the total industry defined as CPA Sections B to E, the MIGs, the Section (1 letter) and Division 2-digit level of CPA. For the distinction into the euro-zone and non-euro-zone, the Commission may determine the terms for applying European sample schemes as defined in point (d) of the first subparagraph of Article 4(2). 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 18(3). The European sample scheme may limit the scope of the import price variable to the import of products from non-euro-zone countries. The distinction

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into the euro-zone and non-euro-zone for the variables 122, 132, 312 and 340 does not need to be transmitted by those Member States that have not adopted the euro as their currency.;

- (f) in point (j) (Transition period), all references to Article 18 shall be replaced by references to Article 18(2);

5. Annex B (Construction) shall be amended as follows:

- (a) paragraph 4 of point (b) (Observation unit) shall be replaced by the following:

4. The use of other observation units may be decided 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 18(3).;

- (b) point (c) (List of variables) shall be amended as follows:

- (i) paragraph 3 shall be replaced by the following:

3. Starting from the beginning of the first reference period the information on persons employed (No 210) may be approximated by the number of employees (No 211). This approximation is permitted for a period of five years from the date of entry into force of the Regulation. This period shall be extended for up to five years more unless decided differently 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 18(3).;

- (ii) the last subparagraph of paragraph 6 shall be replaced by the following:

The Commission shall decide no later than 11 August 2008 whether to invoke Article 17(b) so as to replace the construction costs variable with the output price variable with effect from base year 2010. 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 18(3).;

- (c) paragraph 2 of point (d) (Form) shall be replaced by the following:

2. In addition, the variables on production (Nos 110, 115, 116) and the hours-worked variable (No 220) are to be transmitted in working-day adjusted form. Wherever other variables show working-day effects, Member States may also transmit those variables in working-day adjusted form. The list of variables to be transmitted in working-day adjusted form may be amended by the Commission. Those measures, designed to amend non-essential elements of this Regulation by supplementing it, shall be adopted

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in accordance with the regulatory procedure with scrutiny referred to in Article 18(3).;

- (d) in point (j) (Transition period), all references to Article 18 shall be replaced by references to Article 18(2);

6. Annex C (Retail trade and repair) shall be amended as follows:

- (a) paragraph 2 of point (b) (Observation unit) shall be replaced by the following:

2. The use of other observation units may be decided 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 18(3).;

- (b) point (c) (List of variables) shall be amended as follows:

- (i) paragraph 3 shall be replaced by the following:

3. Starting from the beginning of the first reference period the information on persons employed (No 210) may be approximated by the number of employees (No 211). This approximation is permitted for a period of five years from the date of entry into force of the Regulation. This period shall be extended for up to five years more unless decided differently 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 18(3).;

- (ii) the last subparagraph of paragraph 4 shall be replaced by the following:

The Commission shall decide no later than 11 August 2008 whether to invoke Article 17(b) so as to include the variable hours worked (No 220) and the variable gross wages and salaries (No 230) with effect from the base year 2010. 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 18(3).;

- (c) paragraph 2 of point (d) (Form) shall be replaced by the following:

2. The turnover variable (No 120) and the volume of sales variable (No 123) are also to be transmitted in a working-day adjusted form. Wherever other variables show working-day effects, Member States may also transmit those variables in working-day adjusted form. The list of variables to be transmitted in working-day adjusted form may be amended 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 18(3).;

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- (d) paragraph 2 of point (g) (Deadlines for data transmission) shall be replaced by the following:
 - 2. The variables shall be transmitted for turnover (No 120) and the deflator of sales/volume of sales (No 330/123) within one month for the level of detail specified in paragraph 3 under heading (f) of this Annex. Member States may choose to participate for the turnover and deflator of sales/volume of sales variables No 120 and 330/123 with contributions according to the allocation of a European sample scheme as defined in point (d) of the first subparagraph of Article 4(2). The terms of the allocation are to be determined 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 18(3).;
 - (e) in point (j) (Transition period), all references to Article 18 shall be replaced by references to Article 18(2);
7. Annex D (Other services) shall be amended as follows:
- (a) paragraph 2 of point (b) (Observation unit) shall be replaced by the following:
 - 2. The use of other observation units may be decided 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 18(3).;
 - (b) point (c) (List of variables), is amended as follows:
 - (i) paragraph 2 shall be replaced by the following:
 - 2. Starting from the beginning of the first reference period the information on persons employed (No 210) may be approximated by the number of employees (No 211). This approximation is permitted for a period of five years from the date of entry into force of the Regulation. The period shall be extended by up to five years more unless decided differently 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 18(3).;
 - (ii) the last subparagraph of paragraph 4 shall be replaced by the following:

The Commission shall decide no later than 11 August 2008 whether to invoke Article 17(b) so as to include the variable hours worked (No 220) and the variable gross wages and salaries (No 230) with effect from base year 2010. Those measures, designed to amend non-essential elements of this Regulation

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by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 18(3).;

- (c) paragraph 2 of point (d) (Form) shall be replaced by the following:
 - 2. The turnover variable (No 120) is also to be transmitted in working-day adjusted form. Wherever other variables show working-day effects, Member States may also transmit those variables in working-day adjusted form. The list of variables to be transmitted in working-day adjusted form may be amended 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 18(3).;
- (d) the last paragraph of point (e) (Reference period) shall be replaced by the following:

The Commission shall decide no later than 11 August 2008 whether to invoke Article 17(e) in connection with a revision of the frequency of compilation of the turnover variable. 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 18(3).;
- (e) paragraph 6 of point (f) (Level of detail) shall be replaced by the following:
 - 6. The Commission may amend the list of activities and groupings no later than 11 August 2008. 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 18(3).;
- (f) in points (i) (First reference period) and (j) (Transition period), all references to Article 18 shall be replaced by references to Article 18(2).

3.4. **Council Regulation (EC) No 530/1999 of 9 March 1999 concerning structural statistics on earnings and on labour costs⁽¹¹⁾**

As regards Regulation (EC) No 530/1999, the Commission should be empowered in particular to adapt the definition and breakdown of the information to be provided, and to lay down the quality evaluation criteria. Since those measures are of general scope and are designed to amend non-essential elements of Regulation (EC) No 530/1999, *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 530/1999 is hereby amended as follows:

- 1. Articles 11 and 12 shall be replaced by the following:

Article 11

Implementation measures

The following measures necessary for the implementation of this Regulation, including measures to take account of economic and technical changes, shall be

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adopted by the Commission for each reference period at least nine months before the beginning of the reference period:

- (i) the definition and breakdown of the information to be provided (Article 6),
- (ii) the appropriate technical format for the transmission of the results (Article 9),
- (iii) quality evaluation criteria (Article 10),
- (iv) derogations, in duly justified cases, for the years 2004 and 2006 respectively (Article 13(2)).

The measures referred to in points (ii) and (iv) shall be adopted in accordance with the regulatory procedure referred to in Article 12(2).

The measures referred to in points (i) and (iii), 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 12(3).

Article 12

Committee procedure

1 The Commission shall be assisted by the Statistical Programme Committee established by Council Decision 89/382/EEC, Euratom⁽¹²⁾.

2 Where reference is made to this paragraph, Articles 5 and 7 of Council Decision 1999/468/EC⁽¹³⁾ shall apply, having regard to the provisions of Article 8 thereof.

The period laid down 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.;

2. Article 13(2) shall be replaced by the following:

2. For the years 2004 and 2006 respectively, derogations from Articles 3 and 6 may be decided in so far as the national statistical system requires major adaptations, in accordance with the regulatory procedure set out in Article 12(2)..

3.5. **Regulation (EC) No 450/2003 of the European Parliament and of the Council of 27 February 2003 concerning the labour cost index⁽¹⁴⁾**

As regards Regulation (EC) No 450/2003, the Commission should be empowered in particular to adapt the definitions and amend the technical specifications, include new sections in the survey, adapt the breakdown of indices by economic activities, define the quality criteria, establish feasibility studies and take decisions pursuant to their results, and determine the methodology to be used for chaining the index. Since those measures are of general scope and are designed to amend non-essential elements of Regulation (EC) No 450/2003, *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 450/2003 is hereby amended as follows:

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1. Article 2(4) shall be replaced by the following:
4. The Commission may take measures to redefine the technical specification of the index and revise the weighting structure. 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 12(3).;
2. Article 3(2) shall be replaced by the following:
2. The inclusion of economic activities defined by NACE Rev.2 sections O to S in the scope of this Regulation shall be determined by the Commission, taking into account the feasibility studies defined in Article 10. 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 12(3).;
3. Article 4 shall be replaced by the following:

Article 4

Breakdown of variables

1. The data shall be broken down by economic activities defined by NACE Rev. 2 sections and by further disaggregations, defined by the Commission, not beyond the level of NACE Rev. 2 divisions (2-digit level) or groupings of divisions, taking account of contributions to total employment and to labour costs at Community and national levels. 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 12(3).

Labour cost indices shall be provided separately for the three labour cost categories identified below:
 - a total labour costs;
 - b wages and salaries, defined by reference to item D.11 in Annex II to Regulation (EC) No 1726/1999;
 - c employers' social contributions plus taxes paid by the employer less subsidies received by the employer, as defined by the sum of items D.12 and D.4 less D.5 in Annex II to Regulation (EC) No 1726/1999.
2. An index estimating total labour costs, excluding bonuses, where bonuses are defined by D.11112 in Annex II to Regulation (EC) No 1726/1999, shall be provided, broken down by economic activities defined by the Commission, and shall be based on the NACE Rev. 2 classification, taking into account the feasibility studies defined in Article 10. 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 12(3).;
4. Article 8 shall be replaced by the following:

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Article 8

Quality

- 1 The current data and back data transmitted shall satisfy separate quality criteria to be defined by the Commission. That measure, 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 12(3).
- 2 The Member States shall provide annual quality reports to the Commission, beginning in 2003. The content of the reports shall be defined by the Commission. That measure, 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 12(3).;
5. Articles 11 and 12 shall be replaced by the following:

Article 11

Implementing measures

The following measures for implementing this Regulation, including measures to take account of economic and technical changes, shall be laid down by the Commission:

- (a) the definition, in accordance with Article 4(1), of the disaggregations to be included in the fixed structure;
- (b) the technical specification of the index (Article 2);
- (c) the inclusion of NACE Rev. 2 sections O to S (Article 3);
- (d) the breakdown of indices by economic activities (Article 4);
- (e) the format for transmission of results and the adjustment procedures to be applied (Article 6);
- (f) the separate quality criteria for current and back data transmitted and contents of quality reports (Article 8);
- (g) the transition period (Article 9);
- (h) the establishment of feasibility studies and decisions pursuant to their results (Article 10); and
- (i) the methodology to be used for chaining the index (Annex).

The measures referred to in points (e), (g) and (h) shall be adopted in accordance with the regulatory procedure referred to in Article 12(2).

The measures referred to in points (a), (b), (c), (d), (f) and (i), 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 12(3).

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Article 12

Committee procedure

1 The Commission shall be assisted by the Statistical Programme Committee established by Council Decision 89/382/EEC, Euratom⁽¹⁵⁾.

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 laid down 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.;

6. point 3 of the Annex shall be replaced by the following:

3. The methodology for chaining the index will 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 12(3)..

3.6. **Regulation (EC) No 1552/2005 of the European Parliament and of the Council of 7 September 2005 on statistics relating to vocational training in enterprises⁽¹⁶⁾**

As regards Regulation (EC) No 1552/2005, the Commission should be empowered in particular to adapt the definitions and sampling methods, to define the specific data to be collected and to determine the quality requirements for the data and the transmission arrangements. Since those measures are of general scope and are designed to amend non-essential elements of Regulation (EC) No 1552/2005, *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 1552/2005 is hereby amended as follows:

1. Article 5(2) shall be replaced by the following:

2. Having regard to the specific national size distribution of enterprises and the evolution of policy needs, Member States may extend the definition of the statistical unit in their country. The Commission may also decide to extend that definition, if such extension would substantially enhance the representativeness and the quality of the result of the survey in the Member States concerned. 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).;

2. Article 7(3) shall be replaced by the following:

3. Sampling and precision requirements, the sample sizes needed to meet those requirements, and the detailed specifications of the NACE Rev. 2 and size categories into which the results can be broken down shall be determined 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).;

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3. Article 8(2) shall be replaced by the following:
 2. The specific data to be collected with respect to training and non-training enterprises and to the different forms of vocational training shall be determined 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).;
4. Article 9(4) shall be replaced by the following:
 4. The quality requirements for the data to be collected and transmitted for Community statistics on vocational training in enterprises, the structure of the quality reports referred to in paragraph 2 and any measures necessary for assessing or improving the quality of the data shall be determined 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).;
5. Article 10(2) shall be replaced by the following:
 2. The Commission shall determine the first reference year for which the data are to be collected. That measure, 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).;
6. Articles 13 and 14 shall be replaced by the following:

Article 13

Implementing measures

The measures necessary to take account of economic and technical developments concerning the collection, transmission and processing of the data 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 14(3).

Other measures for the implementation of this Regulation, including the appropriate technical format and interchange standard of the electronically transmitted data, shall be adopted by the Commission in accordance with the regulatory procedure referred to in Article 14(2).

Article 14

Committee procedure

1. The Commission shall be assisted by the Statistical Programme Committee established by Council Decision 89/382/EEC, Euratom⁽¹⁷⁾.
 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 laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

Changes to legislation: Regulation (EC) No 596/2009 of the European Parliament and of the Council, Division 3, is up to date with all changes known to be in force on or before 04 January 2024. 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](#)

- 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..

Changes to legislation: Regulation (EC) No 596/2009 of the European Parliament and of the Council, Division 3. is up to date with all changes known to be in force on or before 04 January 2024. 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](#)

- (1) [OJ L 257, 27.10.1995, p. 1.](#)
- (2) Published by the United Nations, series F No 2, revision 3, table 6.1, amended by the OECD (DES/NI/86,9), Paris 1986.?’;
- (3) [OJ L 181, 28.6.1989, p. 47.](#)
- (4) [OJ L 184, 17.7.1999, p. 23.?’;](#)
- (5) [OJ L 77, 14.3.1998, p. 3.](#)
- (6) [OJ L 181, 28.6.1989, p. 47.](#)
- (7) [OJ L 184, 17.7.1999, p. 23.?’.](#)
- (8) [OJ L 162, 5.6.1998, p. 1.](#)
- (9) [OJ L 181, 28.6.1989, p. 47.](#)
- (10) [OJ L 184, 17.7.1999, p. 23.?’;](#)
- (11) [OJ L 63, 12.3.1999, p. 6.](#)
- (12) [OJ L 181, 28.6.1989, p. 47.](#)
- (13) [OJ L 184, 17.7.1999, p. 23.?’;](#)
- (14) [OJ L 69, 13.3.2003, p. 1.](#)
- (15) [OJ L 181, 28.6.1989, p. 47.?’;](#)
- (16) [OJ L 255, 30.9.2005, p. 1.](#)
- (17) [OJ L 181, 28.6.1989, p. 47.?’.](#)

Changes to legislation:

Regulation (EC) No 596/2009 of the European Parliament and of the Council, Division 3. is up to date with all changes known to be in force on or before 04 January 2024. 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.

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Changes and effects yet to be applied to :

- Regulation partial repeal by [EUDN 2013/1082](#) Decision
- Regulation partial repeal by [EUDR 2014/24](#) Directive
- Regulation partial repeal by [EUDR 2014/25](#) Directive
- Regulation partial repeal by [EUDR 2014/40](#) Directive
- Regulation partial repeal by [EUDR 2014/53](#) Directive
- Regulation partial repeal by [EUDR 2014/90](#) Directive
- Regulation partial repeal by [EUR 2011/1169](#) Regulation
- Regulation partial repeal by [EUR 2014/376](#) Regulation
- Regulation partial repeal by [EUR 2014/536](#) Regulation