

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

**on European business statistics
amending Regulation (EC) No 184/2005 and repealing 10 legal acts in the field of
business statistics**

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 338(1) thereof,

Having regard to the proposal of the European Commission,

Having regard to the opinion of the European Central Bank,

After transmission of the draft legislative act to the national parliaments,

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) The development, production and dissemination of statistical information on the economic activity of the Member States' businesses has so far been based on a number of individual legal acts. Those legal acts cover the short term and structural business statistics, statistics on production, international (intra-Union and extra-Union) trade in goods and services, foreign affiliates, research and development, innovation and ICT usage and e-commerce. Moreover, a common framework for business registers for statistical purposes in the Union was established by Regulation (EC) No 177/2008 of the European Parliament and of the Council¹.
- (2) This structure based on individual legal acts does not provide the necessary consistency across the individual statistical domains, nor does it promote an integrated approach towards the development, production and dissemination of business statistics. A common legal framework should be established to ensure consistency across European business statistics and facilitate the integration of the corresponding statistical processes.
- (3) Better integrated statistical processes based on common methodological principles, definitions and quality criteria should lead to harmonised statistics on the structure, the economic activities, the transactions and the performance of the business sector in the Union which meet the level of relevance and detail required to fulfil the users' needs.

¹ Regulation (EC) No 177/2008 of the European Parliament and of the Council of 20 February 2008 establishing a common framework for business registers for statistical purposes and repealing Council Regulation (EEC) No 2186/93 (OJ L 61, 5.3.2008, p. 6).

- (4) International guidance, such as the Frascati manual regarding R&D statistics and the Oslo manual concerning Innovation data and international agreements adopted by the United Nations, OECD, the International Monetary fund and other international and supranational organisations, are of relevance for European business statistics. Such guidance should, to the extent possible, be followed in the development, production and dissemination of Union statistics and by the European network of statistical business registers, in order to ensure that the Union statistics are comparable with those compiled by the Union's main international partners. However, Union standards, agreements and guidelines should consistently be applied when collecting European business statistics for the topics "Research & Development inputs" and "Innovation".
- (5) The administrative burden on small and medium sized enterprises should be as limited as possible taking into account to the extent possible other data sources than surveys. For the purpose of alleviating the burden on enterprises it should be possible to establish different data requirements depending on the size and importance of the business economies of Member States.
- (6) The European Statistical System (ESS) Vision 2020 stated that data should be used across statistical domains for better analysing emerging phenomena (e.g. globalization) and for better serving Union policies of high impact. The data output should be based on efficient and robust statistical processes of the ESS. The broader scope of the common legal framework for business statistics should enable the integration of interdependent production processes drawing upon multiple sources.
- (7) The Programme for the Modernization of European Enterprise and Trade Statistics (MEETS) adopted under Decision 1297/2008/EC of the European Parliament and of the Council², which ran from 2009 to 2013 aimed at helping business and trade related statistics to adapt to new data needs and adjust the system for the production of business statistics. The conclusions and recommendations resulting from this programme regarding the priorities and new sets of indicators, the streamlining of the framework for business-related statistics, the more efficient production of enterprise and trade statistics and the modernisation of Intrastat should be translated into legally binding provisions.
- (8) There is a need for a more flexible approach within the framework of European business statistics to allow adaptations to methodological developments and a timely response to emerging and duly justified data user needs resulting from the changing economic environment and the increasing globalisation and complexity of the business landscape. Such future adaptations should be supported by adequate cost-benefit analysis and resulting new data requirements should not impose a significant additional burden or cost on the Member States or on the respondents.
- (9) The role of national statistical business registers and the EuroGroups register should be enhanced as basic infrastructure for the collection and compilation of European business statistics. National statistical business registers should be used as source of information for statistical analysis of the business population and its demography, for the definition of the survey population and for establishing the link to administrative data sources.

² Decision No 1297/2008/EC of the European Parliament and of the Council of 16 December 2008 on a Programme for the Modernisation of European Enterprise and Trade Statistics (MEETS), (OJ L 340, 19.12.2008, p. 76).

- (10) To ensure the role of the national statistical business registers and the EuroGroups register, a single identifier for all relevant units should be defined and implemented.
- (11) The proper delineation of enterprise groups in the EuroGroups register with timely and reliable data should be achieved by the use of harmonised criteria and regular updating of the information on links of control between the legal units being part of the enterprise groups.
- (12) In order to improve the efficiency of the statistical production processes of the ESS and to reduce the statistical burden on respondents, national statistical authorities should have the right to access and use, promptly and free of charge, all national administrative records and to integrate these administrative records with statistics, to the extent necessary for the development, production and dissemination of European business statistics, in accordance with the provisions laid down in Article 17 a of Regulation (EC) No 223/2009 of the European Parliament and of the Council³.
- (13) Regulation (EC) No 223/2009 provides a reference framework for European statistics. In particular, it requires compliance with the principles of professional independence, impartiality, objectivity, reliability, statistical confidentiality and cost effectiveness.
- (14) The exchange and access to micro-data by the national statistical authorities producing business statistics and maintaining the European network of statistical business registers should be introduced, for the development, production and dissemination of national or European business statistics or for increasing the quality of European business statistics. The exchange of micro-data should therefore be limited to duly justified cases.
- (15) The creation of an additional data source based on the exchange of micro-data on intra-Union exports of goods, together with the possibility to use innovative methodologies increases the flexibility for the Member States in their compilation of intra-Union trade in goods statistics, thereby enabling the Member States to reduce the response burden of businesses. The purpose of the exchange shall be the efficient development, production and dissemination of European international trade in goods statistics or improvement of their quality.
- (16) The negotiation, implementation and review of trade and investment agreements between the Union and third countries or multilaterally requires that the necessary statistical information on Member States' trade flows with non-member countries should be made available to the Commission.
- (17) A close link should be maintained between the system for collecting statistical information and the fiscal formalities related to the value added tax which exist in the context of trade in goods between Member States. This link makes it possible, in particular, for the purpose of intra-Union trade in goods statistics, to identify exporters and importers and to check the quality of the information collected.
- (18) Cross-border movements of goods, in particular from or to non-member countries, are subject to customs supervision as provided for under Regulation (EU) No 952/2013 of

³ Regulation (EC) No 223/2009 of the European Parliament and of the Council of 11 March 2009 on European statistics and repealing Regulation (EC, Euratom) No 1101/2008 of the European Parliament and of the Council on the transmission of data subject to statistical confidentiality to the Statistical Office of the European Communities, Council Regulation (EC) No 322/97 on Community Statistics, and Council Decision 89/382/EEC, Euratom establishing a Committee on the Statistical Programmes of the European Communities (OJ L 87, 31.3.2009, p. 164)

the European Parliament and of the Council⁴. Customs authorities keep or have access to information or records pertaining to such movements. The information or records, which are related to or based on customs declarations, should be used for the production of statistics on Union trade in goods.

- (19) In order to produce statistics on international trade in goods and to improve the quality of those statistics, the national statistical authorities in the Member States should be able to exchange data on imports and exports of goods which involve the customs authorities of more than one Member State.
- (20) In order to carry out its tasks deriving from the Treaties, especially tasks related to the functioning of the internal market, the Commission should have full, up-to-date and reliable information on the production of goods and services in the Union and on international trade flows. The enterprises also need such information in order to monitor their markets and their international dimension.
- (21) There is a need to provide business statistics structured by sector of activity, in order to measure the productivity of businesses in the Union. In particular, there is an increasing demand of statistics on the services sector, which is the most dynamic sector of modern economies, especially in terms of that sector's potential for growth and employment creation and taking into account the relations with the manufacturing sector. Statistics on trade in services are essential for monitoring the functioning of the internal market for services and assessing the impact of barriers on trade in services.
- (22) The monitoring of the progress towards the goals set by the Europe 2020 strategy at Member State and Union level requires harmonised statistics for the Union economy regarding research and development, innovation, the information society covering both market and non-market activities and on the business landscape as a whole, in particular on business demography and employment related to market activities. Such information allows decision makers to take informed policy decisions in order to develop an economy based on knowledge and innovation, to improve access to the single market for small and medium sized enterprises, develop entrepreneurship and improve competitiveness.
- (23) The coordination of economic policies within the Union and the euro area and the provision of information to economic agents within the single market requires comparable data on labour market developments including statistics on labour costs, earnings and on the number of occupied and vacant posts. In addition, lifelong learning is a key element in developing and promoting a skilled, trained and adapted workforce, and particular attention should be given to vocational training in enterprises as a crucial contributor to lifelong learning. Such data are mainly collected from businesses and should in the future be legislated and better integrated with other business statistics. Data on the level and composition of labour costs and on the structure and distribution of earnings are needed to assess medium-term developments of Union economies. Data on labour cost developments and job vacancies are needed for the short-term monitoring of Union economies, including for monetary policy purposes. Data on enterprises' investment in continuing vocational training, the characteristics and volume of such training as well as information on enterprises' strategies for vocational training are needed to monitor the implementation of the Union's strategy for enhanced cooperation in vocational education and training.

⁴ Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code (OJ L 269, 10.10.2013, p. 1)

- (24) Statistics on innovation, research and development activities are needed for the development and monitoring of policies that aim to strengthen the competitiveness of Member States and increase their medium and long term potential for smart growth and employment. An expanding digital economy and the increased use of information and communication technologies are also among the important drivers of competitiveness and growth in the Union, and statistical data are needed to support the related strategies and policies.
- (25) Business statistics are also needed for the compilation of national and regional accounts according to Regulation (EU) No 549/2013 of the European Parliament and of the Council⁵.
- (26) Statistics on international trade in services as required for the compilation of the balance of payments of the Union and of the euro area, are defined by the Commission (Eurostat) and the European Central Bank in close co-operation.
- (27) Reliable and timely statistics are necessary in order to report on the economic development in each Member State within the framework of the economic policy of the Union. The European Central Bank needs rapid short term statistics in order to assess economic development in the Member States in the context of the Single Monetary Policy.
- (28) While maintaining the principle of providing business statistics on the entire economy, the data requirements should take into account to the extent possible, simplifying measures for alleviating the burden on business economies of Member States which are relatively small, in accordance with the principle of proportionality.
- (29) International standards, such as the Statistical Data and Metadata Exchange (SDMX) initiative, and statistical or technical standards elaborated within the ESS, such as metadata and validation standards should be used to the extent relevant also for European business statistics. The European Statistical System Committee (ESSC) has endorsed an ESS Standard for Quality Reports, in accordance with Article 12 of Regulation (EC) No 223/2009. These standards should contribute to the harmonisation of quality assurance and reporting under this Regulation.
- (30) In order to take account of economic and technical developments, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission in respect of the detailed topics set out in Annexes I and II as well as the coverage rate for intra-Union exports of goods. The Commission should also have the power to supplement the detailed topics with subjects and characteristics for the dynamic business statistics on ICT, Innovation and Global value chains and exact information to be provided by tax authorities and custom authorities. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016⁶. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and Council receive all documents at the same time as Member States' experts, and their experts have

⁵ Regulation (EU) No 549/2013 of the European Parliament and of the Council of 21 May 2013 on the European system of national and regional accounts in the European Union (OJ L 174, 26.6.2013, p. 1).

⁶ OJ L 123, 12.5.2016, p. 1.

systematic access to meetings of Commission expert groups dealing with the preparation of delegated acts.

- (31) In order to ensure uniform conditions for the technical implementation of certain elements of requirements including for business registers, the format, security and confidentiality measures and the procedure for the exchange of confidential data for the purpose of the European network of statistical business registers, the data and metadata transmission, data quality and metadata reports and derogations implementing powers should be conferred on the Commission. With the same purpose additional implementing powers should be conferred on the Commission with regards to the modalities of and the format, security and confidentiality measures and the procedure for the exchange of confidential data for the purpose of the intra-Union trade in goods statistics, the specifications of the relevant metadata, the timetable, the modalities of the collection and compilation of the statistical information on intra-Union exports of goods provided to the Member State of import, the modalities for the application of the coverage rate of the total intra-Union exports of goods, the statistical data elements for the micro-data collected through surveys on intra-Union trade in goods to be provided to the Member State of import and the related simplifications. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and the Council⁷.
- (32) Where appropriate the Commission should conduct cost-benefit analysis and ensure any action it puts forward does not impose a significant additional burden on Member States or respondents taking into account the expected user benefits.
- (33) The Commission may grant derogations to the application of this Regulation, or of delegated and implementing acts adopted in the context thereof, where such application results in major adaptations to a national statistical system of a Member State in terms of organising additional surveys or making major adaptations to their statistical production system to accommodate new data sources or to allow for a combination of different sources.
- (34) Since the objective of this Regulation, namely the establishment of a common framework for European business statistics cannot be sufficiently achieved by the Member States but can rather, for reasons of harmonisation and comparability, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.
- (35) The measures set out in Regulation (EC) No 184/2005 of the European Parliament and of the Council⁸ should be amended as regards the references to international trade in services.
- (36) The measures set out in this Regulation should replace those of Council Regulation (EEC) No 3924/91⁹, Council Regulation (EC) No 1165/98¹⁰, Decision (EC) No

⁷ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13)

⁸ 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 (OJ L 35, 8.2.2005, p. 23).

1608/2003 of the European Parliament and of the Council¹¹, Regulation (EC) No 48/2004 of the European Parliament and of the Council¹², Regulation (EC) No 638/2004 of the European Parliament and of the Council¹³, Regulation (EC) 808/2004 of the European Parliament and of the Council¹⁴, Regulation (EC) No 716/2007 of the European Parliament and of the Council¹⁵, Regulation (EC) No 177/2008 of the European Parliament and of the Council¹⁶, Regulation (EC) No 295/2008 of the European Parliament and of the Council¹⁷, and Regulation (EC) No 471/2009 of the European Parliament and of the Council¹⁸. Those acts should therefore be repealed.

(37) The European Data Protection Supervisor has been consulted.

(38) The European Statistical System Committee has been consulted,

HAVE ADOPTED THIS REGULATION:

⁹ Council Regulation (EEC) No 3924/91 of 19 December 1991 on the establishment of a Community survey of industrial production (OJ L 374, 31.12.1991, p. 1)

¹⁰ Council Regulation (EC) No 1165/98 of 19 May 1998 concerning short-term statistics (OJ L 162, 5.6.1998, p. 1)

¹¹ Decision No 1608/2003/EC of the European Parliament and of the Council of 22 July 2003 concerning the production and development of Community statistics on science and technology (OJ L 230, 16.9.2003, p. 1)

¹² Regulation (EC) No 48/2004 of the European Parliament and of the Council of 5 December 2003 on the production of annual Community statistics on the steel industry for the reference years 2003-2009 (OJ L 7, 13.1.2004, p. 1).

¹³ Regulation (EC) No 638/2004 of the European Parliament and of the Council of 31 March 2004 on Community statistics relating to the trading of goods between Member States and repealing Council Regulation (EEC) No 3330/91 (OJ L 102, 7.4.2004, p. 1)

¹⁴ Regulation (EC) No 808/2004 of the European Parliament and of the Council of 21 April 2004 concerning Community statistics on the information society (OJ L 143, 30.4.2004, p. 49)

¹⁵ Regulation (EC) No 716/2007 of the European Parliament and of the Council of 20 June 2007 on Community statistics on the structure and activity of foreign affiliates (OJ L 171, 29.6.2007, p. 17)

¹⁶ Regulation (EC) No 177/2008 of the European Parliament and of the Council of 20 February 2008 establishing a common framework for business registers for statistical purposes and repealing Council Regulation (EEC) No 2186/93 (OJ L 61, 5.3.2008, p. 6)

¹⁷ Regulation (EC) No 295/2008 of the European Parliament and of the Council of 11 March 2008 concerning structural business statistics (recast) (OJ L 97, 9.4.2008, p. 13)

¹⁸ Regulation (EC) No 471/2009 of the European Parliament and of the Council of 6 May 2009 on Community statistics relating to external trade with non-member countries and repealing Council Regulation (EC) No 1172/95 (OJ L 152, 16.6.2009, p. 23)

CHAPTER I

GENERAL PROVISIONS

Article 1

Subject matter

This Regulation establishes a common legal framework for:

- (a) the development, production and dissemination of European statistics related to the structure, the economic activities and the performance of businesses, as well as on the international transactions and research and development activities of the Union economy (European business statistics);
- (b) the European network of national statistical business registers and the EuroGroups Register.

Article 2

Definitions

1. For the purposes of this Regulation, the following definitions shall apply:
 - (a) 'statistical unit' means the statistical units as defined in the Annex to Council Regulation (EEC) No 696/93¹⁹ ;
 - (b) 'reporting unit' means the unit that supplies the data;
 - (c) 'subject area' means one or several data sets organised in order to cover specific topics;
 - (d) 'topic' and 'detailed topic' mean the content of the information to be compiled about the statistical units. Detailed topics include a higher level of details than that of the topics. A topic covers a number of detailed topics;
 - (e) 'variable' means a characteristic of a unit being observed that may assume more than one of a set of values;
 - (f) 'characteristic' means an abstraction of a property of an object or of a set of objects;
 - (g) 'market activity' and 'non-market activity' mean activities as defined in Regulation (EU) No 549/2013;
 - (h) 'market producer' and 'non-market producers' mean producers as defined in Regulation (EU) No 549/2013;
 - (i) 'national statistical authorities' mean the national statistical institutes designated by the Member States and the other national authorities responsible for the development, production and dissemination of European statistics referred to in Article 5(1) and (2) of Regulation (EC) No 223/2009;
 - (j) 'authoritative source' means the sole provider of data records containing national statistical business register and EuroGroups register data in accordance with quality standards referred to in Article 16;
 - (k) 'micro-data' means individual observations or measurements of characteristics of identifiable reporting units or statistical units;
 - (l) 'use for statistical purposes' means the exclusive use for the development and production of statistical results and analyses as defined in Article 3(8) of Regulation (EC) No 223/2009;
 - (m) 'confidential data' means data as defined in Article 3(7) of Regulation (EC) No 223/2009;
 - (n) 'tax authority' means the national authority in the Member State responsible for applying Council Directive 2006/112/EC²⁰;
 - (o) 'customs authorities' means the customs authorities as referred to in Article 5(1) of Regulation (EU) No 952/2013.

¹⁹ 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 (OJ L 76, 30.3.1993, p. 1).

²⁰ Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax (OJ L 347, 11.12.2006, p. 1)

2. For the purposes of Articles 11 to 15, the following definitions shall apply:
- (a) 'Member State of export' means the Member State from the statistical territory of which goods are exported to their destination in the Member State of import;
 - (b) 'Member State of import' means the Member State in the statistical territory of which goods are imported from the Member State of export;
 - (c) 'goods' means all movable property, including electrical energy and natural gas.

Article 3

Scope

1. European business statistics shall cover:
 - (a) the structure, economic activities and performance of the statistical units, their research and development and innovation activities, their ICT-usage and e-commerce, as well as global value chains;
 - (b) the production of manufactured goods and services and the international trade in goods and services.
2. The European network of statistical business registers shall cover the national business registers and the EuroGroups Register, as well as the exchanges between them.
 - (a) The national statistical business registers shall comprise:
 - (i) all enterprises carrying out economic activities contributing to the gross domestic product (GDP), and their local units;
 - (ii) the legal units of which those enterprises consist;
 - (iii) the Kind-of-Activity-Units (KAU) or the NACE code as laid down in Regulation (EC) No 1893/2006 of the European Parliament and of the Council²¹ and size of each KAU of which those enterprises consist restricted to those enterprises which due to their size have a significant influence on the aggregated (national) data;
 - (iv) enterprise groups ;
 - (b) The EuroGroups Register shall comprise:
 - (i) all enterprises carrying out economic activities contributing to the gross domestic product (GDP) which form part of a multinational enterprise group;
 - (ii) the legal units of which those enterprises consist;
 - (iii) multinational enterprise groups.
 - (c) Households shall not fall within the scope of the European network of statistical business registers insofar as the goods and services they produce are destined to their own consumption, or involve letting out of own property.
 - (d) Local units of foreign enterprises not constituting separate legal entities (branches), and classified as quasi-corporations in accordance with Regulation (EU) No 549/2013, shall be deemed to be enterprises for the purposes of the national statistical business registers and the EuroGroups Register.
 - (e) Enterprise groups shall be identified through the links of control between their legal units in accordance with Regulation (EU) No 549/2013.

²¹ Regulation (EC) No 1893/2006 of the European Parliament and of the Council establishing the statistical classification of economic activities NACE Revision 2 and amending Council Regulation (EEC) No 3037/90 as well as certain EC Regulations on specific statistical domains (OJ L 393, 30.12.2006, p. 1)

- (f) When referring to national statistical business registers and the EuroGroups Register, this Regulation shall apply only to units which, wholly or partially, exercise an economic activity. For the purposes of the European network of statistical business registers any activity comprising the offer of goods and services on a given market shall be regarded as an economic activity. Holding assets and/or liabilities may also be considered to be an activity. In addition, non-market services contributing to the GDP, as well as direct and indirect holdings of active legal units shall be regarded as economic activities for the purposes of the European network of statistical business registers. Economically inactive legal units are part of an enterprise only in combination with economically active legal units.
- (g) Statistical units within the European network of statistical business registers shall be defined as in the Annex to Regulation (EEC) 696/93 of the Council, subject to the limitations specified in this article.

CHAPTER II

DATA SOURCES

Article 4

Data sources and methods

1. Member States shall produce the statistics referred to in Articles 6 and 7 as well as the national statistical business registers referred to in Article 9, using any relevant data sources while avoiding excessive burden on respondents and taking due account of the cost effectiveness of the national statistical authorities. The national statistical authorities may use the following data sources for the production of the statistics and the national statistical business registers required under this Regulation:
 - (a) surveys: reporting units called upon by the Member States shall be obliged to provide timely, accurate and complete information needed for the production of the statistics and the national statistical business registers required under this Regulation;
 - (b) administrative records, including information from tax and customs authorities;
 - (c) exchanged micro-data;
 - (d) other relevant sources of information which comply with the quality criteria referred to in Article 16, including combinations of existing data sources.
2. When the required statistics cannot be produced by means of the data sources referred to in paragraph 1 which comply with the quality criteria referred to in Article 16, Member States may use scientifically based and well documented statistical estimation and imputation methods to produce those statistics.

Article 5

Access to administrative records and communication of information

1. In accordance with the principles set out in Article 17a of Regulation (EC) No 223/2009, the national statistical authorities and the Commission (Eurostat) shall have the right to access and use, promptly and free of charge, all administrative records and to integrate those records with other data sources to meet the statistical requirements under this Regulation and update the national statistical business registers and the EuroGroups Register. Access by the national statistical authorities and the Commission (Eurostat) shall be limited to administrative records within their own respective public administrative systems.
2. Without prejudice to paragraph 1, the tax authority in each Member State shall provide the national statistical authority with information related to exports and imports of goods.

The Commission shall be empowered to adopt delegated acts in accordance with Article 21 to determine the exact information to be provided by the tax authorities.
3. Without prejudice to paragraph 1, the customs authority in each Member State shall provide the national statistical authority with information related to exports and imports of goods.

The Commission shall be empowered to adopt delegated acts in accordance with Article 21 to determine the exact information to be provided by the customs authorities.
4. In order to produce statistics on international trade in goods and to improve the quality of those statistics, the national statistical authorities of the Member States concerned may exchange data received from their customs authorities related to the exports or imports of goods, in particular where those exports or imports involve the customs authorities of more than one Member State.
5. The Commission shall be empowered to adopt implementing acts in accordance with the examination procedure referred to in Article 22(2) for the purpose of specifying the modalities for the data exchanges according to this Article.

CHAPTER III

BUSINESS STATISTICS

Article 6

Data requirements

1. The European business statistics shall cover the following subject areas:
 - (a) Short term business statistics;
 - (b) Country-level business statistics;
 - (c) Regional business statistics;
 - (d) Statistics on international activities.
2. The subject areas shall include one or more of the following topics as further detailed in Annex I:
 - (a) Business population;
 - (b) Global value chains;
 - (c) ICT-usage and e-commerce;
 - (d) Innovation;
 - (e) International trade in goods;
 - (f) International trade in services;
 - (g) Investments;
 - (h) Labour inputs;
 - (i) Outputs and performance;
 - (j) Permits;
 - (k) Prices;
 - (l) Purchases;
 - (m) Research & Development inputs.
3. The periodicity of each topic shall be as specified in Annex II.
4. The Commission shall be empowered to adopt delegated acts in accordance with Article 21 for the purpose of amending the detailed topics specified in Annex I and for the purpose of specifying subjects and characteristics covered by the detailed topics of Innovation and ICT usage and e-commerce and Global value chains.
5. When exercising its power to adopt delegated acts, the Commission shall ensure that the following three conditions are fulfilled:
 - (a) delegated acts aim at cost and burden neutrality or reduction and do not, in any case, impose a significant additional cost or burden on the Member States or on the respondents;
 - (b) not more than a maximum of one detailed topic for the subject area "short term business statistics", five detailed topics for the subject area "country-level

business statistics", two detailed topics for the subject area "regional business statistics" and two detailed topics for the subject area "statistics on international activities" in an existing delegated act are added or replaced by another detailed topic over a period of five consecutive years. The maximum does not apply to amendments that result from agreements, Treaties and conventions and from other international institutions in which the Union is a member, and to changes that result from the changes to accounting frameworks of national and regional accounts in accordance with Regulation (EC) No 549/2013 and of balance of payments statistics in accordance with Regulation (EC) No 184/2005. The number of characteristics for detailed topics of dynamic business statistics shall not increase significantly between two consecutive reference periods and shall not exceed the number of characteristics of the first year of implementation of this Regulation;

- (c) delegated acts are adopted at least 15 months before the end of the reference period of the data except for the topics of "Innovation" and "ICT usage and e-commerce" for which the delegated acts shall be adopted at least six and twelve months respectively before the end of the reference period of the data.

Article 7

Technical specifications of data requirements

1. For the detailed topics listed in Annex I, Member States shall compile data relevant to each detailed topic. The Commission shall be empowered to adopt implementing acts for the purpose of further specifying the following elements of the data to be transmitted under this Regulation, their technical definitions and simplifications:
 - (a) variables (except for the detailed topics of Innovation and ICT usage and e-commerce and Global value chains);
 - (b) statistical unit;
 - (c) measurement unit;
 - (d) reference period;
 - (e) statistical population (including the requirements in terms of market/non-market activities or producers);
 - (f) classifications (including the product, countries and territories as well as nature of transaction lists) and breakdowns;
 - (g) transmission of individual records of data on a voluntary basis;
 - (h) use of approximations and quality requirements;
 - (i) data transmission deadline;
 - (j) first reference period;
 - (k) weighting and change of base year for the subject area "short term business statistics";
 - (l) technical specifications for the topic "international trade in goods".
2. When exercising the powers referred to in paragraph 1 with regard to the simplifications, the Commission shall take into account the size and importance of the business economies, in accordance with the principle of proportionality, in order to alleviate the burden on enterprises. In addition, the Commission shall ensure that the input needed for compiling the accounting frameworks of national and regional accounts according to Regulation (EC) No 549/2013 and of balance of payments statistics according to Regulation (EC) No 184/2005 is maintained. Implementing acts, except for those that regulate the first implementation of this Regulation, shall be adopted at least 15 months before the end of the reference period of the data for the topics listed in Annex I. For the topics "Innovation" and "ICT usage and e-commerce" the implementing acts shall be adopted at least six and twelve months respectively before the end of the reference period of the data.
3. The implementing acts referred to in paragraph 1 shall be adopted in accordance with the examination procedure referred to in Article 22(2).

CHAPTER IV

BUSINESS REGISTERS

Article 8

The European network of statistical business registers

1. The Commission (Eurostat) shall set up the EuroGroups Register of multinational enterprise groups for statistical purposes at Union level.
2. Member States shall set up at national level one or more harmonized national statistical business registers, as a basis for the preparation and coordination of surveys, as a source of information for the statistical analysis of the business population and its demography, for the use of administrative data, and for the identification and construction of statistical units.
3. The Member States and the Commission (Eurostat) shall exchange data for the purposes of the European network of statistical business registers as set out in Article 10.
4. National statistical business registers and the EuroGroups Register shall be the authoritative source for deriving high quality, consistent and coordinated register populations according to Article 16 of this Regulation, for the production of European statistics.

National statistical business registers shall be the authoritative source for national register populations. The EuroGroups Register shall be the authoritative source for the European Statistical System register population for business statistics requiring the coordination of cross-border information.

Article 9

Requirements for the European network of statistical business registers

1. The statistical and legal units covered in the European network of statistical business registers in accordance with Article 8 shall be characterised by the following elements as further specified in Annex III:
 - (a) the register detailed topics and unique identifier;
 - (b) the time reference and periodicity.
2. The Commission shall be empowered to adopt delegated acts in accordance with Article 21 to amend the register detailed topics included in Annex III to relevant technical and economic developments and new user needs.
3. In exercising its power to modify Annex III, the Commission shall ensure that the following two conditions are fulfilled:
 - (a) delegated act does not impose a significant additional cost or burden on the Member States or on the respondent;
 - (b) not more than a maximum of one detailed topic is added or replaced by delegated act over a period of five consecutive years.
4. The Commission shall be empowered to adopt implementing acts in accordance with the examination procedure referred to in Article 22(2) for the purpose of further specifying the descriptive details for each of the register detailed topics.

Article 10

Exchange of and access to confidential data for the purpose of the European network of statistical business registers

1. Confidential data shall be exchanged between Member States as follows:
 - (a) The exchange of confidential data of multinational enterprise groups and of the units belonging to those groups, in accordance with Article 9(4), shall take place, exclusively for statistical purposes, between the staff contributing to the production of the EuroGroups Register in the national statistical authorities of different Member States, where the exchange is to ensure the quality of the multinational enterprise groups information in the Union. Such exchanges may also take place with the purpose of reducing response burden.
 - (b) Where the exchange is to ensure the quality of the multinational enterprise groups information in the Union, national central banks may be parties to the exchange of confidential data, exclusively for statistical purposes.
2. Confidential data shall be exchanged between the Commission (Eurostat) and Member States as follows:
 - (a) National statistical authorities shall transmit data of multinational enterprise groups and of the units belonging to those groups, in accordance with Article 9(4), to the Commission (Eurostat), to provide information, exclusively for statistical purposes, on multinational enterprise groups in the Union.
 - (b) In order to ensure a consistent record of data, exclusively for statistical purposes, the Commission (Eurostat), shall transmit to the appropriate national statistical authorities of each Member State, data on multinational enterprise groups, including the units belonging to those groups, when at least one legal unit of the group is located in the territory of that Member State.
 - (c) In order to ensure efficiency and high quality in the production of the EuroGroups Register, exclusively for statistical purposes, the Commission (Eurostat), shall transmit to the staff contributing to the production of the EuroGroups Register in the national statistical authorities, data on all multinational enterprise groups recorded in the EuroGroups Register, including the units belonging to those groups.
3. Confidential data shall be exchanged between the Commission (Eurostat) and Member States for identification of legal units as follows:
 - (a) National statistical authorities shall transmit data on incorporated legal units, in accordance with Article 9(4), to the Commission (Eurostat), exclusively for the purpose of unique identification of legal units in the Union.
 - (b) In order to ensure efficiency and high quality in the production of the EuroGroups Register, the Commission (Eurostat), shall transmit to the national statistical authorities of each Member State, data on legal units, in accordance with Article 9(4), exclusively for the purpose of identification of legal units in the Union.
4. Confidential data may be exchanged between the Commission (Eurostat) and central banks as follows:

The exchange of confidential data may take place, exclusively for statistical purposes, between the Commission (Eurostat) and national central banks, and between the Commission (Eurostat) and the European Central Bank, where the exchange is to ensure the quality of multinational enterprise groups information in the Union, and the exchange is explicitly authorised by the appropriate national statistical authority.

5. In order to ensure that the data exchanged under this Article is used exclusively for statistical purposes, the Commission shall be empowered to adopt implementing acts setting out the format, security and confidentiality measures for such data, as well as the procedure for the data exchange, in accordance with the examination procedure referred to in Article 22(2).
6. When the Commission (Eurostat), national statistical authorities, national central banks and the European Central Bank receive confidential data on units located inside or located outside the national territory, pursuant to this Article they shall treat that information confidentially in accordance with Regulation (EC) No 223/2009.

Transmission of confidential data between national statistical authorities and the Commission (Eurostat) shall take place to the extent that such transmission is necessary for the production of European statistics. Any further transmission must be explicitly authorised by the national authority that collected the data.

CHAPTER V

EXCHANGE OF CONFIDENTIAL DATA FOR THE PURPOSE OF INTRA-UNION TRADE IN GOODS STATISTICS

Article 11

Exchange of confidential data

1. The exchange of confidential data between Member States on intra-Union exports of goods shall take place, exclusively for statistical purposes, between the national statistical authorities contributing to the development, production and dissemination of intra-Union trade in goods statistics.

The technical specifications for data requirements as referred to in the Article 7(1) and (2) shall also apply to the exchange of confidential data in accordance with this Chapter.
2. The national statistical authority of the Member State of export shall provide to the national statistical authority of the Member State of import the statistical information on its intra-Union exports of goods to that Member State as set out in Article 12.
3. The national statistical authority of Member States of export shall provide to the national statistical authority of the Member State of import, metadata relevant for the use of the exchanged data in the compilation of statistics.
4. The Commission shall be empowered to adopt implementing acts for the purpose of specifying the information to be considered as relevant metadata as referred to in paragraph 3 as well as the timetable for providing this information and the statistical information referred to in paragraph 2, in accordance with the examination procedure referred to in Article 22(2).
5. At the request of the national statistical authority of the Member State of export, the Member State of import may provide to the national statistical authority of the Member State of export, the micro-data collected on its intra-Union imports of goods, imported from that Member State of export.

Article 12

Statistical information to be exchanged

1. The statistical information referred to in Article 11(2) shall consist of:
 - (a) micro-data collected through surveys,
 - (b) data compiled on specific goods or movements by using other data sources than surveys, and
 - (c) data compiled by using the particulars of customs declarations.
2. The statistical information referred to in Article 11(2) shall cover at least 95 % of the value of the total intra-Union exports of goods of each Member State to all other Member States together.

The Commission is empowered to adopt delegated acts in accordance with Article 21 to amend this Regulation by reducing this coverage rate in the light of technical and economic developments, while maintaining statistics which meet the quality standards in force.

3. The Commission shall be empowered to adopt implementing acts in accordance with the examination procedure referred to in Article 22(2) for the purpose of specifying the modalities of the collection respectively compilation of the information referred to under paragraph 1 and for the purpose of further specifying the modalities for the application of the coverage rate referred to under paragraph 2.

Article 13

Statistical data elements

1. The micro-data referred to in point (a) of Article 12(1) shall contain the following statistical data elements:
 - (a) the individual identification number allocated to the partner operator in the Member State of import, in accordance with Article 214 of Directive 2006/112/EC²²;
 - (b) the reference period;
 - (c) the flow;
 - (d) the commodity;
 - (e) the partner Member State;
 - (f) the country of origin;
 - (g) the value of the goods;
 - (h) the quantity of the goods;
 - (i) the nature of the transaction.

The micro-data referred to in point (a) of Article 12(1) may contain the mode of transport, provided that Member State of export collects it.

The Commission shall be empowered to adopt implementing acts in accordance with the examination procedure referred to in Article 22(2) for the purpose of specifying the statistical data elements referred to in points (a) to (i), and for specifying the list of statistical data elements applicable for the specific goods or movements and the data compiled by using the particulars of customs declarations referred to in points (b) and (c) of Article 12(1).

2. Member States may, under certain conditions that meet quality requirements, simplify the information to be provided for small individual transactions provided that such simplification has no detrimental effects on the quality of the statistics.

In specific cases, Member States may collect a reduced set of statistical data elements as referred to in paragraph 1 or collect the information related to certain of these data elements at a less detailed level.

The Commission shall be empowered to adopt implementing acts in accordance with the examination procedure referred to in Article 22(2) for the purpose of specifying the modalities of this simplification and the maximum value of the intra-Union exports benefitting from this simplification.

²² Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax (OJ L 347, 11.12.2006, p. 1)

Article 14

Protection of exchanged confidential data

1. The following confidentiality rules shall apply:
 - (a) Micro-data records related to an exporter whose request for statistical confidentiality, in accordance with Article 18, was accepted by the national statistical authority of the Member State of export, shall be provided by the national statistical authority of the Member State of export, to the national statistical authority of the Member State of import, with the true value and all statistical data elements referred to in Article 13(1), and with a flag indicating that this micro-data record is subject of confidentiality.
 - (b) The national statistical authority of the Member State of import may make use of micro-data records on exports which are subject to confidentiality, in the compilation of statistical results of intra-Union imports. If the national statistical authority of the Member State of import makes use of micro-data records on exports subject to confidentiality, it shall ensure that the dissemination of statistical results on intra-Union imports, by the national statistical authority of the Member State of import, respects the statistical confidentiality granted by the national statistical authority of the Member State of export.
2. The Commission shall be empowered to adopt implementing acts, in order to ensure the protection of the confidential data exchanged under this Chapter specifying the format, security and confidentiality measures for such data, including the modalities of application of the rules in paragraph 1, as well as the procedure for the exchange of data, in accordance with the examination procedure referred to in Article 22(2).
3. Member States and the Commission shall take appropriate measures to prevent and penalise any violations of statistical confidentiality of the exchanged data. The penalties provided for shall be effective, proportionate and dissuasive.

Article 15

Access to exchanged confidential data for scientific purposes

Access to the exchanged confidential data may be granted to researchers carrying out statistical analyses for scientific purposes, in accordance with Article 23 of Regulation (EC) No 223/2009. The approval of the national statistical authority of the Member State of export which provided the data is required.

CHAPTER VI

QUALITY, TRANSMISSION AND DISSEMINATION

Article 16

Quality

1. Member States shall take all necessary measures to ensure the quality of the European business statistics transmitted and of the national statistical business registers and the EuroGroups Register.
2. For the purposes of this Regulation, the quality criteria set out in Article 12(1) of Regulation (EC) No 223/2009 shall apply.
3. The Commission (Eurostat) shall assess the quality of the data and metadata transmitted.
4. For this purpose, Member States shall transmit :
 - (a) annual quality and metadata reports for the data transmitted. In case of multiannual statistics, the periodicity of the reports shall be the same as for the statistics;
 - (b) annual quality and metadata reports related to the national statistical business registers.
5. The Commission (Eurostat) shall provide annual metadata and quality reports related to the EuroGroups Register to Member States.
6. The Commission shall be empowered to adopt implementing acts specifying the modalities, content and deadlines for the transmission of the metadata and quality reports. These implementing acts shall be adopted in accordance with the examination procedure referred to in Article 22(2).
7. Member States shall inform the Commission (Eurostat) as soon as possible of any relevant information or change with regard to the implementation of this Regulation that would influence the quality of the data transmitted. Member States shall inform the Commission (Eurostat) of major methodological or other changes impacting the quality of the national statistical business registers. The information shall be given as soon as possible and not later than six months after any such change enters into force.
8. At the request of the Commission (Eurostat), Member States shall provide the additional information necessary to evaluate the quality of the statistical information.

Article 17

Data and metadata transmission

1. Member States shall provide the Commission (Eurostat) with the data and metadata required by this Regulation in accordance with data and metadata exchange standards. The Commission shall be empowered to adopt implementing acts in accordance with the examination procedure referred to in Article 22(2) for the purpose of establishing such standards as well as a procedure for the transmission of the data and metadata. When the data transmitted is confidential, the true value will be sent with a flag indicating that it is the subject of confidentiality and cannot be disseminated.
2. Member States shall carry out statistical analyses of the national statistical business registers and transmit the information to the Commission (Eurostat), following a format and a procedure, which shall be specified in implementing acts adopted in accordance with the examination procedure referred to in Article 22(2).
3. Member States shall transmit to the Commission (Eurostat), at its request, any relevant information with regard to the implementation of this Regulation in the Member States.

Article 18

Confidentiality regarding statistical data dissemination on international trade in goods

The national statistical authorities, upon request of the importer or the exporter, shall decide whether to disseminate the statistical results which may make it possible to identify the said importer or exporter, or whether the statistical results are to be amended in order not to prejudice statistical confidentiality, in accordance with Article 20(3)(a) of Regulation (EC) No 223/2009.

CHAPTER VII

PILOT STUDIES AND FINANCING

Article 19

Pilot studies

1. Where the Commission (Eurostat) identifies a need for significant new data requirements or improvements to the data sets covered by this Regulation, it may launch pilot studies to be carried out by the Member States on a voluntary basis before any new data collection.
2. Such pilot studies shall be carried out in order to assess the relevance and feasibility of obtaining data, 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 first pilot studies to be launched shall cover the modes of supply of international trade in services and the international trade in services by enterprise characteristics.

Article 20

Financing

1. For the implementation of this Regulation, the Union may provide financial support to the national statistical institutes and other national authorities referred to in the list established pursuant to Article 5(2) of Regulation (EC) No 223/2009, towards the cost of:
 - (a) the development or implementation of data requirements in the field of business statistics;
 - (b) developing methodologies aiming at higher quality or lower costs and administrative burden of collecting and producing business statistics and improving the European network of statistical business registers.
2. The Union financial contribution shall be provided in accordance with Article 7 of Regulation (EU) No 99/2013 of the European Parliament and of the Council, and Article 6 of Regulation (EU) No 1291/2013 of the European Parliament and of the Council.
3. This Union financial contribution shall not exceed 95% of the eligible costs.

CHAPTER VIII

FINAL PROVISIONS

Article 21

Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
2. The power to adopt delegated acts referred to in Articles 5, 6, 9 and 12 shall be conferred on the Commission for an indeterminate period of time.
3. The delegation of power referred to in Articles 5, 6, 9 and 12 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.
4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016.
5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
6. A delegated act adopted pursuant to Articles 5, 6, 9 and 12 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or the Council.

Article 22

Committee

1. The Commission shall be assisted by the European Statistical System Committee established by Regulation (EC) No 223/2009. That Committee shall be a committee within the meaning of Regulation (EU) No 182/2011.
2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

Article 23

Cooperation with other committees

On all matters falling within the competence of the Committee on Monetary, Financial and Balance of Payments Statistics established by Council Decision 2006/856/EC, the Commission shall request the opinion of that Committee in accordance with that Decision.

Article 24

Derogations

1. Where the application of this Regulation in a national statistical system of a Member State necessitates major adaptations, the Commission may grant, by means of implementing acts, derogations from its application for a maximum duration of three years, provided that these derogations do not hamper either the comparability of Member States' data or the calculation of the required timely and representative European aggregates.
2. The Commission shall adopt these implementing acts in accordance with the examination procedure referred to in Article 22(2).

Article 25

Amendment of Regulation (EC) No184/2005

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

- (a) Article 1 is replaced by the following:

"Article 1

Subject matter

This Regulation establishes a common framework for the systematic production of Community statistics on balance of payments and foreign direct investment.";

- (b) in Article 2, paragraph 1 is replaced by the following:

"1. Member States shall submit to the Commission (Eurostat) data on balance of payments and foreign direct investment as referred to in Annex I. The data shall be as defined in Annex II.";

- (c) in Article 5(1), point (c) is deleted;

- (d) in Article 12, point (a) is replaced by the following:

"(a) evaluate the quality of data on balance of payments and FDI;"

- (e) in Annex I, table 3 (International trade in services) is amended in accordance with Annex IV to this Regulation.

Article 26

Repeal

1. Regulations (EEC) No 3924/91, (EC) No 48/2004, (EC) No 716/2007, (EC) No 177/2008 and (EC) No 295/2008 and Decision (EC) No 1608/2003 are repealed with effect from 1 January 2019.
2. Regulation (EC) No 1165/1998 is repealed with effect from 1 January 2024.
3. Regulation (EC) No 808/2004 is repealed with effect from 1 January 2020.
4. Regulations (EC) No 638/2004 and (EC) No 471/2009 are repealed with effect from 1 January 2020.
5. References to the repealed acts shall be construed as being made to this Regulation.

Article 27

Entry into force and application

1. This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.
2. It shall apply from 1 January 2019.
3. However, Articles 11 to 15 shall apply from 1 January 2020.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the European Parliament
The President

For the Council
The President