

**COMMUNICATION**  
**to the European Parliament and the Council**  
**of 4 February 2015 by the EU Committee of the Austrian Federal Council**  
**under Article 23f(4) of the Austrian Federal Constitutional Law (B-VG)**

**COM(2014) 724 final**

**Proposal for a Regulation of the European Parliament and of the Council on harmonised indices of consumer prices and repealing Regulation (EC) No 2494/95**

Council Regulation (EC) No 2494/95 established a common framework for setting up harmonised indices of consumer prices. Twenty implementing regulations have since been adopted on the basis of this Regulation. It is now time for this legal framework to be consolidated and adapted to current needs and technical progress.

This common legal framework governs the setting-up of harmonised indices of consumer prices (HICP), which involves collecting, compiling, processing and submitting HICP. It also incorporates modernised methods of data collection and index production.

In general, we welcome the fact that the legal framework is being consolidated and modernised. As the HICP is an important economic indicator, we are pleased to see uniform methods and thus results that can be compared across Europe. What is lacking, however, is an accurate impact assessment as regards the proposed modernisation. Listed below are the key elements which the Federal Council regards as necessary for a positive outcome to the negotiations.

➤ Lack of an impact assessment

On page 3 of its explanatory memorandum the Commission states that in drafting the Regulation the national statistical institutes in particular were involved and an impact assessment was not deemed necessary. We do not understand this reasoning. As shown below by some specific examples, the Commission is obliged to present such an impact assessment.

➤ Methodical aspects inadequately explained (e.g. scanners)

We take issue with the way in which Article 5(3) is worded. It lays down a general stipulation for the compulsory provision of scanner data, which in this form will in practice give rise to problems. On the one hand it is likely that the burden on respondents will increase because this obligation might also entail a more comprehensive provision of information. On the other hand, the question of checking the data quality arises. In any case, it should be ascertained which branches do in fact use (barcode) scanners and would therefore be affected by this obligation. The situation of SMEs also needs to be taken into consideration. A rewording will therefore be necessary in order to ensure that the (basically very useful) tool of measuring with the aid of scanner data can in practice be deployed.

➤ Principles of proportionality and subsidiarity

The current proposal will need to be substantially modified in order to comply with the principles of proportionality and subsidiarity.

Under the European Statistical System (ESS), specific roles have been assigned for the implementation of the subsidiarity principle. "Core activities", such as surveys, definitions, use of administrative data and dissemination of data, continue to be carried out by the national statistical institutions. Tools and methods, however, are developed jointly by all the ESS members. Consequently, statistical regulations generally only stipulate the data that are to be supplied (output-based stipulations). Until now, however, it has been left up to the Member States to determine how these obligations to provide data are to be fulfilled (primary statistical surveys, use of administrative data, estimation methods).

A separate, detailed justification should be given for the stipulation in the EU Regulation regarding the direct duty to provide information. No such justification is provided, however. Recital 14 contains no more than the usual standard text.

➤ Rejection of extensive delegation of acts

The draft Regulation provides for extensive delegation of acts to the European Commission. The detailed arrangements for the collection of scanner data are also left to implementing acts, for example under the examination procedure pursuant to Article 5 of Regulation (EU) No 182/2011.

We reject this extensive delegation of legal acts.

➤ Ensuring data protection and statistical confidentiality

In conjunction with a number of new legal provisions (e.g. the PSI Directive) and case-law that has not yet been established it would be appropriate for this draft Regulation also to include provisions ensuring data protection and statistical confidentiality.