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Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on European statistics on demography

(Text with EEA relevance)

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

- **Aims and objectives of the proposal**

The aim of this proposal is to develop a Regulation on statistics on demography, which would regulate the harmonisation and provision of data on population and on vital events linked to the population.

- **General context**

Due to increasing and complex demographic challenges, a clear need for common legislation at European level on the subject of demographic statistics has emerged. The European Commission needs high quality information on the population and vital events linked to the population in the Union. In almost every policy area in which the EU is active, be it economic, social or environmental, there is a requirement for high quality demographic statistics to help formulate operational objectives and to evaluate progress, for instance in order to make valid comparisons between Member States. The data might be used either directly or to build indicators of various types (demographic indicators and 'per capita' indicators).

The democratic process within the Union demands annual population estimates of the highest possible quality. Every year, total population data concerning the Member States, which are collected and published by Eurostat, are used during the decision-making process of the Union (qualified majority voting in the Council). Currently one criterion is that, if a Member State so requests, a qualified majority shall represent Member States comprising at least 62 % of the population of the EU calculated according to the population figures. The importance of population weights will be even greater when, under the terms of Article 16(4) of the Treaty on European Union, as from 1 November 2014 a qualified majority shall be defined as at least 55 % of the members of the Council, comprising at least fifteen of them and representing Member States comprising at least 65 % of the population of the EU ('double majority').

The long-term assessment of the sustainability of the public finance of the Member States is conducted, among others, on the basis of Eurostat population projections; these, in turn, require timely, accurate, reliable and consistent time series on population, births and deaths, together with sound assumptions concerning the future development of fertility, life expectancy and migration flows.

The monitoring of the EU sustainable development strategy, launched by the European Council in Gothenburg in 2001 and renewed in 2006, is assessed via the Eurostat monitoring report which uses time series on old-age dependency ratios, fertility rates and life expectancy in the EU.

The monitoring of the progress made in the EU towards achieving economic, social and territorial cohesion is assessed by means of a report based, among others, on Eurostat regional demographic data.

- **Existing provisions on the issue targeted by the proposal**

There are no existing provisions on the issue targeted by the proposal.

- **Consistency with other EU policies and objectives**

EU legislation requires Eurostat to provide population data of the highest possible quality. Moreover, many policy areas in which the EU is active require information on vital events linked to the population in order to help formulate operational objectives and evaluate progress. The data must be timely, accurate, complete, coherent and comparable at EU level, and are often requested at a level of regional detail, variable breakdown and quality that can only be guaranteed by European legislation on demographic statistics.

The proposed Regulation on European statistics on demography enshrines the principles of the European Statistics Code of Practice relating to quality commitment, sound methodology, cost-effectiveness, relevance, accuracy and reliability, coherence and comparability.

Decision No 1578/2007/EC of the European Parliament and of the Council of 11 December 2007 on the Community Statistical Programme 2008 to 2012¹ states that the key objective for demographic statistics will be to provide the comprehensive set of data and analyses necessary to assess the implications of demographic change in Europe.

Data covered under this proposal have already been collected for a number of years on a voluntary basis. This may involve a diversity of demographic definitions, concepts and methods adopted in the Member States and a high risk of heterogeneity, incomparability, inconsistency and lack of timeliness of the data concerned. Additionally, following the adoption of Regulation (EC) No 862/2007 of the European Parliament and of the Council of 11 July 2007 on Community statistics on migration and international protection and repealing Council Regulation (EEC) No 311/76 on the compilation of statistics on foreign workers² and of Regulation (EC) No 763/2008 of 9 July 2008 on population and housing censuses³, the current proposal is intended to complete the harmonisation in the field of human population data.

2. RESULTS OF CONSULTATIONS WITH THE INTERESTED PARTIES AND IMPACT ASSESSMENTS

- **Internal exchanges/discussions between Commission services**

The main Commission services concerned during the development process were DG SG, DG EMPL, DG REGIO, DG SANCO, DG ECFIN and DG AGRI. Their opinions were officially requested through written consultation during the preparatory phase (ex-ante evaluation) of the proposal. There has been frequent and regular communication throughout the development process, including both bilateral discussions and regular attendance in the Demography Working Group. All of the services consulted expressed a favourable opinion on the project, underlining their needs as well as the legal and political basis for these needs.

- **Consultation of interested parties**

¹ OJ L 344, 28.12.2007, p. 15.

² OJ L 199, 31.7.2007, p. 23.

³ OJ L 218, 13.8.2008, p. 14.

Member States have been aware for some time already that Eurostat is planning a legislative initiative in the area of demographic data. Preparatory work of various kinds for a draft framework Regulation on annual demographic statistics has been going on in the Commission's Annual Statistical work Programmes since 2007.

Since March 2008, Eurostat has actively provided information to the Member States at the meetings of the Demography Working Group. In November 2009, the Demography Working Group acknowledged the need for European legislation on the collection of demographic data. On that occasion, an ex-ante evaluation of the proposal was presented and discussed together with the first draft version of the Regulation. Comments on the first draft were received from Member States and incorporated in the revised draft that was sent at the end of 2010 for further comments. This second round of comments was incorporated in the second version of the Regulation that was discussed in the Demography Working Group in April 2011. The European Directors of Social Statistics were kept regularly informed of the state of progress.

The proposal was also presented to the European Statistical System Committee on 17 November 2011.

In addition to regular meetings, information was circulated via a dedicated CIRCA website.

- **Collection and use of expertise**

The international recommendations of the United Nations on Population and Housing Censuses and on Vital Statistics are the reference source for the proposed definitions.

- **Analysis of effects and implications**

The proposed framework for European Union statistics on demography ensures that the data are timely, more coherent, comparable, consistent and thus more relevant for users at both European and national levels, in particular with the aim of counting each resident/birth/death only once in the statistics.

3. LEGAL ELEMENTS OF THE PROPOSAL

- **Summary of the proposed action**

The objective of this Regulation is to establish a common framework for the systematic production of European Union statistics on demography, through the collection, compilation, processing and transmission by the Member States of harmonised European statistics on population and vital events.

- **Legal basis**

Article 338 of the Treaty on the Functioning of the European Union provides the legal basis for European statistics. Acting in accordance with the ordinary legislative procedure, the European Parliament and the Council shall adopt measures for the production of statistics where necessary for the performance of the activities of the Union. It sets out the requirements relating to the production of European statistics, stating that they must conform to standards of impartiality, reliability, objectivity, scientific independence, cost-effectiveness and statistical confidentiality. It must not entail excessive burdens on economic operators.

- **Subsidiarity principle**

The subsidiarity principle applies insofar as the proposal does not fall within the exclusive competence of the European Union.

The objectives of the proposal cannot be sufficiently achieved by the Member States for the following reason.

Two central quality concerns with any statistical data are coherence and comparability. Given that data on population and vital events are used to help to comply with EU legislation, to evaluate EU policies and/or to compare the results of national policies at a European level, it is clearly essential that the underlying data must be comparable at a European level. The Member States cannot achieve this result to the necessary extent without a clear EU framework, i.e. EU legislation laying down common statistical concepts and quality requirements. To this end, a Regulation on demography is proposed for adoption. Without such statistics, collected and compiled using a common EU framework, the relevance and effectiveness of the national systems of demographic statistics would be diminished.

Action by Member States alone would adversely affect the Member States' interests for the following reason:

The lack of a common EU framework using common concepts and definitions would jeopardise or completely exclude the possibility of using demographic statistics of high quality. Past experience clearly shows that an informal understanding without an agreed, clear and supervised framework does not result in statistical output of the quality needed in the future.

Action at European level will better achieve the objectives of the proposal for the following reasons:

The objectives of the proposal can be better achieved at European level on the basis of an EU legal act because only the Commission can coordinate the harmonisation of statistical information at EU level. However, the collection of data and compilation of comparable statistics on demography can be organised by the Member States by using the most appropriate sources and methods to provide the required information. The EU may therefore take action to this end in accordance with the principle of subsidiarity, as set out in Article 5 of the Treaty.

The aim of the proposal is to harmonise concepts, subjects covered and characteristics of the required information, coverage, quality criteria and reporting deadlines and results, to achieve relevant, timely, comparable and coherent European statistics.

The Member States will compile the data using their own national sources and practices, but are obliged to ensure the quality of the data and metadata transmitted, and to ensure that the chosen data sources and methodology meet common definitions. The Member States have to report on the data sources, definitions and estimation methods used to fulfil the obligations and must provide information on any changes thereto. They shall provide Eurostat with all the information necessary to evaluate the quality of the statistical information.

The proposal therefore complies with the subsidiarity principle.

- **Proportionality principle**

The proposal complies with the proportionality principle for the following reason:

The Regulation is limited to the minimum required to achieve its objective and does not go beyond what is necessary for that purpose. The free choice of data sources in accordance with national laws and principles, together with the possibility of using estimation techniques and statistical methods, should reduce the financial and administrative burden on respondents, national, regional or local authorities and on citizens.

- **Choice of instruments**

Proposed instrument: Regulation of the European Parliament and of the Council.

Other means would not be adequate for the following reason:

The selection of the appropriate instrument depends on the legislative goal. Given the information needs at European level, the trend in European statistics has been to use regulations rather than directives as the basic acts. A regulation is preferable because it lays down the same law throughout the EU, leaving the Member States with no leeway to apply it incompletely or selectively. It is directly applicable, which means that it does not need to be transposed into national law. Directives, on the other hand, aim to harmonise national laws, are binding on Member States as regards their objectives, but leave it up to the national authorities to choose the form used to achieve these objectives. They also have to be transposed into national law. The use of a regulation is in line with other European statistical legal acts adopted since 1997.

4. BUDGETARY IMPLICATION

The proposal has no implication for the Union budget.

5. ADDITIONAL INFORMATION

- **Repeal of existing legislation**

The adoption of the proposal will not lead to the repeal of existing legislation.

- **European Economic Area**

The proposed act concerns an EEA matter and should therefore be extended to the European Economic Area.

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

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(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 from the European Commission,

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

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) In accordance with Article 16(4) of the Treaty on European Union, as from 1 November 2014, a qualified majority shall be defined on the basis of the population of the Member States.
- (2) The Economic and Financial Affairs Council regularly gives a mandate to the Economic Policy Committee to assess the long-term sustainability and quality of public finances on the basis of populations projections produced by Eurostat.
- (3) In accordance with Regulation (EC) No 1059/2003 of the European Parliament and of the Council of 26 May 2003 on the establishment of a common classification of territorial units for statistics (NUTS)⁴, all Member States' statistics transmitted to the Commission which are broken down by territorial units must use the NUTS classification. Consequently, in order to establish comparable regional statistics, the territorial units should be defined in accordance with the NUTS classification.
- (4) Pursuant to Article 175 of the Treaty on the Functioning of the European Union, the Commission submits every three years a report to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions on the progress made towards achieving economic, social and territorial cohesion. The preparation of these reports and the regular monitoring of demographic developments and of possible future demographic challenges in the EU regions, including different types of regions such as cross-border regions, metropolitan regions, rural regions, mountain and island regions, require annual regional data at NUTS 3 regional level. Since demographic ageing displays strong regional differences, Eurostat is requested

⁴ OJ L 154, 21.6.2003, p.1.

to prepare regional projections on a regular basis in order to complement the demographic picture of the NUTS 2 regions in the European Union.

- (5) In accordance with Article 159 of the Treaty on the Functioning of the European Union the Commission shall draw up a report each year on progress in achieving the objectives of Article 151, including the demographic situation in the Union.
- (6) The Commission in its Communication on "Solidarity in health: reducing health inequalities in the EU"⁵ supported the further development and collection of data and health indicators by age, sex, socio-economic status and geographic dimensions.
- (7) The EU sustainable development strategy, launched by the European Council in Gothenburg in 2001 and renewed in June 2006, seeks the continuous improvement of the quality of life for current and future generations. The Eurostat monitoring report, which is published every two years, provides an objective statistical picture of progress, based on the EU set of sustainable development indicators.
- (8) Annual statistical data on demography are fundamental for the study and definition of a wide range of policies, with particular regard to social and economic issues, at national and regional level. Statistics on population are an important denominator for a wide range of policy indicators.
- (9) Demographic statistics on population constitute an essential component for the estimation of total population in the framework of the European System of Accounts (ESA).
- (10) In order to ensure the quality, and in particular the comparability, of the data provided by the Member States, and in order for reliable overviews to be drawn up at European Union level, the data used should be based on the same concepts and refer to the same reference date or period.
- (11) The information on demography should be consistent with the relevant information collected pursuant Regulation (EC) No 862/2007 of the European Parliament and of the Council of 11 July 2007 on Community statistics on migration and international protection and repealing Council Regulation (EEC) No 311/76 on the compilation of statistics on foreign workers⁶ and Regulation (EC) No 763/2008 of the European Parliament and of the Council of 9 July 2008 on population and housing censuses⁷.
- (12) Regulation (EC) No 223/2009 of the European Parliament and of the Council of 11 March 2009 on European statistics⁸ provides a reference framework for European statistics on demography. In particular, it requires conformity with the principles of professional independence, impartiality, objectivity, reliability, statistical confidentiality and cost effectiveness.
- (13) In the development, production and dissemination of European statistics, the national and European statistical authorities should take account of the principles set out in the

⁵ COM(2009) 567

⁶ OJ L 199, 31.7.2007, p.23.

⁷ OJ L 218, 13.8.2008, p.14.

⁸ OJ L 87, 31.3.2009, p. 164.

European Statistics Code of Practice as reviewed and updated by the European Statistical System Committee on 28 September 2011.

- (14) This Regulation ensures the right to respect for private and family life and to the protection of personal data, as set out in Articles 7 and 8 of the Charter of Fundamental Rights of the European Union⁹.
- (15) Since the objective of this Regulation, namely the establishment of a common legal framework for the systematic production of European statistics on demography in the Member States, cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale and effects of the action, be better achieved at European 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, as set out in that Article, this Regulation does not go beyond what is necessary to achieve that objective.
- (16) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with 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 powers¹⁰,

HAVE ADOPTED THIS REGULATION:

Article 1

Subject matter

This Regulation establishes a common framework for the development, production and dissemination of European statistics on population and vital events.

Article 2

Definitions

For the purpose of this Regulation, the following definitions shall apply:

- (a) 'national' means the same as in Article 2(f) of Regulation (EC) No 763/2008, where the territory is as defined in Regulation (EC) No 1059/2003 in the version applicable at the reference time;
- (b) 'regional' means the same as in Article 2(g) of Regulation (EC) No 763/2008 ; for countries that are not members of the European Union, it means the statistical regions at level 1, 2 or 3 as agreed between those countries and the Commission (Eurostat), according to the version applicable at the reference time;

⁹ OJ C 303, 14.12.2007, p. 1.

¹⁰ OJ L 55, 28.2.2011, p. 13.

- (c) 'usually resident population' means all persons having their usual residence in a Member State at the reference time;
- (d) 'usual residence' means the same as in Article 2(d) first paragraph of Regulation (EC) No 763/2008. The following persons alone shall be considered to be usual residents of the geographical area in question:
 - i those who have lived in their place of usual residence for a continuous period of at least 12 months before the reference time; or
 - ii those who arrived in their place of usual residence during the 12 months before the reference time with the intention of staying there for at least one year.

In applying the definition of 'usual residence', Member States shall treat special cases as in the Annex to Commission Regulation (EC) No 1201/2009¹¹.

- (e) 'live birth' means the birth of a child who breathes or shows any other evidence of life, such as beating of the heart, pulsation of the umbilical cord or definite movement of voluntary muscles, regardless of gestational age;
- (f) 'death' means the permanent disappearance of all evidence of life at any time after live birth has taken place;
- (g) 'vital events' means live births and deaths as defined in points (e) and (f);
- (h) 'validated data' means data that fulfil a set of quality criteria for data compilation, including all the checks made in terms of the quality of the data to be published or already published.

Article 3

Data on population and on vital events

1. Member States shall provide the Commission (Eurostat) with data on the population as referred to in Article 2(c) and (d) at the reference time. Where the circumstances described in Article 2 (d)i. or (d)ii. cannot be established, Member States shall provide the Commission (Eurostat) with data on population at their place of legal or registered residence at the reference time; in this case, they shall undertake proportionate efforts to compute data which are the closest possible approximation to the population referred to in Article 2(c) and (d).
2. Member States shall provide the Commission (Eurostat) with data on vital events at the reference time, regardless of the place where the events occurred. Member States shall use the same population definition as for the data referred to in paragraph 1.
3. Member States shall use the same population definition for all national and regional levels as defined in Article 2 (a) and (b).

¹¹ OJ L 329, 15.12.2009, p. 29.

4. Uniform conditions related to the breakdown of data referred to in paragraphs 1 and 2, as well as to the frequency, deadlines and revisions of data, shall be adopted in accordance with the examination procedure referred to in Article 9(2).

Article 4

Total population for specific Union purposes

For the purposes of qualified majority voting in the Council, Member States shall provide the Commission (Eurostat) with data on the total population at national level at the reference time, as referred to in Article 2(c), within 8 months from the end of the reference year. For the purposes of this Article, Member States shall not provide data on population at their place of legal or registered residence at the reference time.

Article 5

Reference time

1. The reference time for population data shall be the midnight of 31 December .
2. The reference time for vital events data shall be the calendar year in which the events occurred.
3. The first reference time to be taken into account for the purposes of this regulation shall be 2013. The last reference time shall be 2027.

Article 6

Provision of data and metadata

Member States shall transmit to the Commission (Eurostat) the data and metadata required by this Regulation in accordance with the data and metadata exchange standards specified by the Commission (Eurostat). Member States shall transmit these data and metadata through the Single Entry Point or shall make them available so that the Commission (Eurostat) can retrieve them by electronic means.

Article 7

Data sources

The data shall be based on the data sources chosen by the Member State in accordance with national laws and practices. Scientifically based and well documented statistical estimation methods shall be used where appropriate.

Article 8

Quality requirements

1. Member States shall ensure the quality of the data transmitted.
2. For the purposes of this Regulation, the quality criteria referred to in Article 12(1) of Regulation (EC) No 223/2009 shall apply to the data to be transmitted.
3. Member States shall report to the Commission (Eurostat) on reference metadata in accordance with the Euro SDMX Metadata Structure, reporting in particular on the data sources, definitions and estimation methods used for the first reference year and Member States shall keep the Commission (Eurostat) informed of any changes thereto.
4. At the request of the Commission (Eurostat), Member States shall provide it with all the information necessary to evaluate the quality of the statistical information.
5. Member States shall ensure that the population data as required by Article 3 of this Regulation are consistent with those required by Article 3 of Regulation (EC) No 862/2007.

Article 9

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 10

Entry into force

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

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

This Regulation shall cease to apply on 31 December 2027.

Done at [...],

For the European Parliament
The President

For the Council
The President