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INFORMATION NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
Subject:	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on European Union labour market statistics on businesses, repealing Council Regulation (EC) No 530/1999 and Regulations (EC) No 450/2003 and (EC) No 453/2008 of the European Parliament and of the Council - Outcome of the European Parliament's first reading (Strasbourg, 22 to 25 April 2024)

I. INTRODUCTION

The rapporteur, Irene TINAGLI (S&D, IT), presented a report on the above proposal for a Regulation on behalf of the Committee on Economic and Monetary Affairs (ECON) which contained one amendment (amendment 1) to the proposal.

In addition, the Committee on Employment and Social Affairs (EMPL) tabled four amendments (amendments 2 to 5).

II. VOTE

When it voted on 24 April 2024, the plenary adopted amendments 1 to 5 to the proposal for Regulation.

The Commission's proposal as thus amended constitutes the Parliament's first-reading position which is contained in its legislative resolution as set out in the Annex hereto.

ANNEX
(24.4.2024)

P9_TA(2024)0356

European Union labour market statistics on businesses

European Parliament legislative resolution of 24 April 2024 on the proposal for a regulation of the European Parliament and of the Council on European Union labour market statistics on businesses, repealing Council Regulation (EC) No 530/1999 and Regulations (EC) No 450/2003 and (EC) No 453/2008 of the European Parliament and of the Council (COM(2023)0459 – C9-0316/2023 – 2023/0288(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

– having regard to the Commission proposal to Parliament and the Council (COM(2023)0459),

– having regard to Article 294(2) and Article 338(1) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C9-0316/2023),

– having regard to Article 294(3) of the Treaty on the Functioning of the European Union,

– having regard to the opinion of the European Central Bank of 24 November 2023[1],

– having regard to Rule 59 of its Rules of Procedure,

– having regard to the opinion of the Committee on Employment and Social Affairs,

– having regard to the report of the Committee on Economic and Monetary Affairs (A9-0054/2024),

1. Adopts its position at first reading hereinafter set out;

2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;

3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

[1] OJ C, C/2024/668, 12.01.2024, ELI: http://data.europa.eu/eli/C/2024/668/oj.

[Amendment 1, unless otherwise indicated]

AMENDMENTS BY THE EUROPEAN PARLIAMENT*

to the Commission proposal

2023/0288 (COD)

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on European Union labour market statistics on businesses, repealing Council Regulation (EC) No 530/1999 and Regulations (EC) No 450/2003 and (EC) No 453/2008 of the European Parliament and of the Council

(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,

Having regard to the opinion of the European Central Bank[2],

▌

Acting in accordance with the ordinary legislative procedure,

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* Amendments: new or amended text is highlighted in bold italics; deletions are indicated by the symbol ▌.

2 ***OJ C, C/2024/668, 12.01.2024, ELI: http://data.europa.eu/eli/C/2024/668/oj.***

Whereas:

(1) ***Accurate, timely, reliable and comparable*** labour market statistics on businesses in the European Union are required for the design, implementation and evaluation of the Union policies, in particular those addressing economic, social and territorial cohesion, the European employment strategy, the European Pillar of Social Rights ***(EPSR),*** and the European Semester ***as well as those related to the implementation of the EPSR action plan and the social economy action plan***. ***They are equally important for the Union to fulfil the tasks assigned to it under Articles 2, 3 and 4 of the Treaty on the Functioning of the European Union (TFEU)***. **[Am. 2]**

(2) The prevention and correction of macroeconomic imbalances according to Regulation (EU) 1176/2011[3] and the monitoring of adequate minimum wages according to Directive (EU) 2022/2041 of the European Parliament and of the Council[4] require accurate information on the evolution of hourly labour costs and wage levels¸ ***the rate of collective bargaining coverage, the level of the statutory minimum wage and the share of workers covered by it*** across Member States.

(3) The European Central Bank uses European labour market statistics on businesses, in the context of the single monetary policy, ***in particular those on the evolution of labour costs and wage growth,*** for monitoring inflation and deflation risks arising from labour costs. Therefore, accurate, timely and comparable Union statistics on the evolution of labour costs are necessary. ***It is important that this analysis is complemented by the monitoring of inflation and deflation risks arising from profits.***

(4) It is necessary to extend the coverage of job vacancy statistics and the timeliness of the labour cost index as both indicators are listed among the Principal European Economic Indicators (PEEIs)[5], needed to monitor monetary and economic policies.

(4a) It is important for analytical purposes that an appropriate amount of back data is available to be able to assess labour cost indices over time. However, in order to reduce the burden imposed on Member States, the transmission should be limited to back data that at least covers the calendar years 2024 and 2025.

(5) A legal basis is necessary to regulate the transmission of the annual gender pay gap for monitoring the Sustainable Development Goals under the 2030 Agenda of the United Nations (UN), in particular, goal 5 on Gender Equality ***and goal 8 on Decent work and economic growth, as well as for monitoring the impact of Directive (EU) 2023/970 of the European Parliament and of the Council[6] (Pay Transparency Directive)***. **[Am. 3]**

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3 Regulation (EU) No 1176/2011 of the European Parliament and of the Council of 16 November 2011 on the prevention and correction of macroeconomic imbalances (OJ L 306, 23.11.2011, p. 25)

4 Directive (EU) 2022/2041 of the European Parliament and of the Council of 19 October 2022 on adequate minimum wages in the European Union (OJ L 275 of 25.10.2022, p. 33).

5 Communication of the Commission to the European Parliament and the Council on eurozone statistics 'towards improved methodologies for eurozone statistics and indicators' – COM/2002/0661 final of 27 November 2002.

6 ***Directive (EU) 2023/970 of the European Parliament and of the Council of 10 May 2023 to strengthen the application of the principle of equal pay for equal work or work of equal***

(6) The implementation***, monitoring and assessment*** of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation[7] requires comparable data on wages received by men and women. Directive (EU) 2023/970 of the European Parliament and of the Council to strengthen the application of the principle of equal pay for equal work or work of equal value between men and women[8] requires Member States to provide the Commission with up-to-date gender pay gap data annually and in a timely manner***, in line with the Directive (EU) 2023/970***. This obligation should be complemented by the appropriate necessary statistical frame for compiling and transmitting gender pay gap data.

(6a) Following the Social Economy Action Plan[9] as well as goals set in the Strategy for the rights of persons with disabilities 2021-2030, particularly following the objective to create equal opportunities and ensure them equal access to participate in society and economy, timely, comparable and accurate data on participation of persons with disabilities in labour market is needed. Such data will provide much needed assessment of progress in common efforts in reducing employment rate gaps and increasing the employment rate of persons with disabilities.

(6b) The implementation of the principle of equal treatment irrespective of racial or ethnic origin requires timely, comparable and accurate data on wages and job characteristics of persons of different racial or ethnic origins. Such data will provide much needed assessment of progress in reducing discrimination in relation to employment and working conditions, including dismissals and pay.

(6c) The gender pension gap is the relative difference between average gross pensions earned by women and men. The gap has its roots in different professional careers; those of women are characterised by lower pay, shorter and interrupted careers, and a lower volume of hours worked. As a result, women are at greater risk of poverty in later life than men. The data collected in the context of the labour market statistics on businesses regarding the structure of earnings, the gender pay gap and the structure of labour costs can also contribute to a better understanding of the gender pension gap in the Member States.

(7) In order to simplify the existing legislation and foster harmonisation in scope, concepts, definitions and quality reporting, this Regulation should cover all European labour market statistics on businesses.

(7a) With the aim of improving labour market statistics on businesses, it is essential that the data meet the quality requirements. Therefore, the Commission (Eurostat) should provide further guidance on managing the data collected from low quality sources.

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value between men and women through pay transparency and enforcement mechanisms (OJ L 132, 17.5.2023, p. 21, http://data.europa.eu/eli/dir/2023/970/oj).

7 Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (OJ L 204 of 26.07.2006, p. 23)

8 Directive (EU) 2023/970 of the European Parliament and of the Council of 10 May 2023 to strengthen the application of the principle of equal pay for equal work or work of equal value between men and women through pay transparency and enforcement mechanisms (OJ L 132 of 17.05.2023, p. 21).

9 ***COM(2021)0778.***

(8) This Regulation should take into account new needs that have emerged with the development and deepening of the Union and the euro area, provided that its provisions do not create a disproportionate burden on respondents or national statistical authorities.

(9) To limit the ***administrative and financial*** burden on enterprises, in particular on ***social enterprises,*** SMEs ***and micro-enterprises***, the national statistical authorities should consider administrative and innovative sources ***already available to national, regional or local authorities***, the main aim of which is not the provision of statistics, as a substitute for or a complement to statistical surveys, subject to the quality requirements for official statistics. The latest technological and digital developments can contribute to this objective. ***However, it is necessary to limit the number of sources from which data may be collected and transmitted, to what is necessary and proportionate to achieve the objective of this Regulation. Therefore, the Commission should be empowered to adopt delegated acts to specify from which sources, other than survey data and administrative records, data may be collected and transmitted under this Regulation. In any event, any processing of data stemming from those other sources should be without prejudice to Directive 2002/58/EC of the European Parliament and of the Council[10].***

(9a) National statistical authorities should take into account the standard on cost-effectiveness and not entailing excessive burden on economic operators as enshrined in Article 338(2) of the Treaty on the Functioning of the European Union in their dealings with businesses. Member States should conduct efforts to ensure relevant data is adequately shared between authorities to ensure the reporting burden on enterprises is as small as possible.

(9b) The framework governing labour market statistics on businesses should be improved continuously. This includes data quality aspects as well as the reduction of undue economic burdens. However, new methods and procedures should be duly tested before they are incorporated in the day-to-day activities of national statistical institutes. For that purpose, the Commission (Eurostat) and national statistical institutes should conduct feasibility and pilot studies. Such studies should be initiated by the Commission and should be open to the participation of national statistical institutes on a voluntary basis. In order to draw the right conclusions, the results of those studies should be carefully analysed by the Commission and national statistical institutes. That analysis should be made available to the statistical community and the wider public.

(10) In order to improve the efficiency of the statistical production processes of labour market statistics 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 those administrative records with statistics, to the extent necessary for the development, production and dissemination of European Union labour market statistics on businesses, in accordance with Article 17a of Regulation (EC) No 223/2009 of the European Parliament and of the Council[11].

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[10] ***Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications) (OJ L 201, 31.7.2002, p. 37, http://data.europa.eu/eli/dir/2002/58/oj).***

[11] 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

(11) Regulation (EC) No 223/2009 constitutes the reference framework for this Regulation, including as regards the protection of confidential data ***and the processing and sharing of personal data, including of privately held data***.

(11a) The use of web scraping techniques to collect data from websites, for their usual nature of an unstructured search on what is public on the internet, might not comply with the data protection principle of accuracy insofar as there is no assessment on the reliability of the sources. The same quality requirements for official statistics (e.g. the principle of statistical accuracy and reliability of source data) might be affected.

(12) Since the objective of this Regulation, namely the establishment of a common framework for systematic production of high quality European Union labour market statistics on businesses, cannot be sufficiently achieved by Member States but can rather, for reasons of consistency 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 as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.

(13) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) 2018/1725 of the European Parliament and of the Council[12] and delivered an opinion on ***25 September 2023***.

(14) For the appropriate implementation of this Regulation in Members States, at least 12 months after the date of entering into force are needed before the first data collection. ***Therefore, it should be applied at the earliest from 1 January 2026.***

(15) The European Statistical System Committee has been consulted.

HAVE ADOPTED THIS REGULATION:

Article 1

Subject matter

This Regulation lays down a common legal framework for the development, production and dissemination of labour market statistics on businesses in the Union.

(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).

12 Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).

Article 2

Definitions

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

(1) 'statistical unit' means the ***natural or legal person*** on which the data are collected or compiled;

(2) 'enterprise' means a set of legal units as defined in Council Regulation (EEC) No 696/93[13]; This includes non-market producers and other institutional units that belong to the general government sector;

(2a) 'social enterprise' means a private law entity, which can be established in a variety of legal forms, that provides goods and services for the market in an entrepreneurial way and in accordance with the principles and features of the social economy, having social or environmental objectives as the reason for its commercial activity[14];

(3) 'local unit' means an enterprise, or a part thereof, situated in a geographically identified place;

(4) 'resident enterprise', respectively 'resident local unit', means an enterprise, respectively a local unit, carrying out economic activities contributing to the gross domestic product (GDP);

(5) 'employee' means any person irrespective of his/her nationality, residency or how long he/she has worked in the Member State who has a direct employment ***relationship*** with an enterprise***, established by a formal contract or an informal*** agreement, and receive remuneration, irrespective of the type of work performed, the number of hours worked (full-time or part-time) and the duration of the contract (fixed or indefinite, including seasonal); the remuneration of an employee can take the form of wages and salaries, including bonuses, pay for piecework and shift work, allowances, fees, commission and remuneration in kind; **[Am. 4]**

(6) 'employer' means an enterprise or a local unit that has a direct employment ***relationship*** with an employee***, established by a formal contract or an informal*** agreement; **[Am. 5]**

(7) 'domain' means one or several data sets that cover one or several topics;

(8) 'topic' means the content of the information to be collected about the statistical units in a data collection, with each topic covering several detailed topics;

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[13] 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), ANNEX-Section III-A.

[14] ***Council Recommendation of 27 November 2023 on developing social economy framework conditions (C/2023/1344) (OJ C, C/2023/1344, 29.11.2023, ELI: http://data.europa.eu/eli/C/2023/1344/oj).***

(9) ‘detailed topic’ means the detailed content of the information to be collected about the statistical units related to a topic; each detailed topic covers one or several variables;

(10) ‘variable’ means a characteristic of a unit that may assume more than one of a set of values, which can be an absolute figure, a proportion, or a reference to a position in a classification;

(11) ‘breakdown’ means a predefined discrete, exhaustive and mutually exclusive set of values which can be assigned to a variable characterising statistical units;

(12) ‘microdata’ means data concerning only one statistical unit without a direct identifier;

(13) ‘aggregated data’ means data concerning a set of several statistical units;

(14) ‘statistical population’ means the set of statistical units about which information is wanted and estimates are required;

(15) ‘sampling frame’ means a list, map or other specification of the units which determine a statistical population that is to be completely enumerated or sampled;

(16) ‘sample’ means a subset of a sampling frame whose elements are selected based on a process with a known probability of selection, designed so as to allow for deriving valid estimations for the statistical population;

(17) ‘respondent’ means the reporting unit that supplies information to the authority conducting the survey;

(18) ‘survey data’ means data collected on a sample of respondents and extrapolated to the statistical population by using appropriate mathematical methods;

(19) ‘administrative records’ mean data generated by an administrative entity, usually a public body, the main aim of which is not the provision of statistics;

(20) ‘other sources’ means ***quality and reliable*** data generated by a non-administrative entity including private records, websites and databases, the main aim of which is not the provision of official statistics;

(21) ‘statistical classification’ means an ordered list, with one or more levels of detail, of related though mutually exclusive categories used to structure information in a given statistical domain according to its similarities;

(22) ‘reference period’ means the period to which the data refer;

(23) ‘data collection period’ means the time period at which the data are collected.

(24) ‘metadata’ means information that is needed to use and interpret statistics and that describes the data in a structured way;

(25) ‘pre-checked data’ means data verified by Member States based on agreed common validation rules;

(26) ‘quality report’ means a report conveying information about the quality of a statistical product or process***;***

(26a) 'back data' means data covering a period of at least two years prior to the date of application of this Regulation.

Article 3

Sources and methods

1. For the purpose of compiling statistics under this Regulation, Member States shall use or reuse one or a combination of the following sources provided they meet the quality standards referred to in Article 8:

(a) survey data;

(b) administrative records;

(c) other sources.

1a. The Commission is empowered to adopt delegated acts in accordance with Article 13 to supplement this Regulation by specifying from which other sources referred to in paragraph 1, point (c) of this Article data may be collected and transmitted. When exercising the power to adopt such delegated acts, the Commission shall ensure that the use of those other sources is necessary and proportionate to achieve the objective under this Regulation, having due regard to the sensitivity of the data at issue and without prejudice to Directive 2002/58/EC.

2. Surveys used for the purpose of labour market statistics on businesses shall be based on samples which are representative of the statistical population. Samples of enterprises or local units shall be drawn from the national statistical business registers as defined in Article 8(4) of Regulation (EU) 2019/2152.

3. Member States shall provide the Commission (Eurostat) with detailed information on the sources and methods used through the quality reports referred to in Article 8(4).

Article 3a

Requirement for the processing of personal data

1. Where the activities to be carried out under this Regulation involve the processing of personal data, such processing shall be proportionate and shall comply with Regulation (EU) 2018/1725

of the European Parliament and of the Council[15] and Regulation (EU) 2016/679 of the European Parliament and of the Council[16]. In accordance with the data minimisation principle set out in those Regulations, data provided under this Regulation shall be aggregated to such a degree that individuals cannot be identified.

2. The processing of personal data for statistical purposes, which is considered to be in the public interest, shall be subject to appropriate safeguards in accordance with Article 89 of Regulation (EU) 2016/679 and Article 13 of Regulation (EU) 2018/1725. In particular, compliance with the principle that personal data are to be rendered anonymous shall be ensured.

Article 4

Data requirements

1. Labour market statistics on businesses shall cover the following domains and topics:

(a) earnings:

– (i) structure of earnings;

– (ii) gender pay gap;

– ***(iii) collective bargaining coverage;***

– ***(iv) level of statutory minimum wage, if applicable;***

– ***(v) statutory minimum wage coverage, if applicable;***

(b) labour costs:

– (i) structure of labour costs;

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15 ***Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39, http://data.europa.eu/eli/reg/2018/1725/oj).***

16 ***Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1, http://data.europa.eu/eli/reg/2016/679/oj).***

– (ii) labour cost index;

(c) labour demand:

– (i) job vacancies.

The topics labour cost index, referred to in point (b)(ii), and job vacancies, referred to in point (c)(i), include their respective early estimates referred to in Article 5.

2. For each topic listed in paragraph 1, the detailed topics, their corresponding periodicity, reference periods and transmission deadlines shall be as set out in the Annex.

3. The Commission shall be empowered to adopt delegated acts in accordance with Article 13 to amend the list of the detailed topics, the periodicity, the reference periods and the transmission deadlines set out in the Annex.

4. When exercising power to adopt delegated acts pursuant to paragraph 3, the Commission shall ensure that the amendments do not impose significant and disproportionate burden on Member States and respondents. For this purpose, feasibility studies as set out in Article 9 shall be launched and their results ***shall be*** duly assessed and taken into account ***before the adoption of the delegated acts***.

5. The data shall be transmitted to the Commission (Eurostat) in the form of aggregated data, except for the topic structure of earnings, referred to in paragraph 1, point (a)(i), for which microdata shall be transmitted for individual employees and local units.

6. Member States shall provide pre-checked data and related metadata using a technical format specified by the Commission (Eurostat) for each data set. The single entry point services shall be used to provide the data to the Commission (Eurostat).

7. The Commission shall adopt implementing acts specifying the following elements for each topic:

(a) the list and description of variables;

(b) statistical classifications and data breakdowns;

(c) precision targets;

(d) the metadata to be transmitted with the same periodicity, reference period and deadlines as the data they refer to;

(e) the data collection periods.

These implementing acts shall be adopted in accordance with the examination procedure referred to in Article 14(2) at least 12 months before the beginning of the relevant reference period.

Article 5

Early estimates

1. Early estimates for the labour cost index referred to in Article 4(1), point (b)(ii) and job vacancies referred to in Article 4(1), point (c)(i) shall be transmitted:

(a) by Member States whose annual number of employees represents more than 3% of the EU total, for each of the 3 latest consecutive years; and

(b) by Member States of the euro area whose annual number of employees represents more than 3% of the euro area total, for each of the 3 latest consecutive years;

2. The shares of employees in the EU total and euro area total mentioned in paragraph 1 shall be assessed by the Commission (Eurostat) based on the available EU labour force survey annual data.

3. Should there be any change in the list of Member States whose annual number of employees is higher than the thresholds referred to in points (a) and (b) of paragraph 1, the Commission (Eurostat) shall notify the Member State(s) concerned within 6 months after the end of the period used to assess the 3% threshold. If the updated shares of employees fall below the respective thresholds referred to in points (a) and (b) of paragraph 1, the Member State(s) concerned shall be allowed to stop transmitting early estimates as from the reference quarter of the first calendar year following the date of the notification. If the updated shares fall above those thresholds, the Member State(s) concerned shall transmit the early estimates from the first reference quarter of the third calendar year following the date of the notification.

Article 6

Statistical units and statistical population

1. Statistics under this Regulation shall be compiled for one or more of the following statistical units:

(a) enterprises;

(b) local units;

(c) employees.

2. For topics labour cost index, referred to in Article 4(1), point (b)(ii) and job vacancies, referred to in Article 4(1), point (c)(i), the statistical population shall consist of all enterprises or all local units that are resident of the Member State and which fulfil the following conditions:

(a) their main economic activity is included in any section of the NACE classification[17], except 'Agriculture, forestry and fishing', 'Activities of households as employers and undifferentiated goods – and services – producing activities of households for own use' and 'Activities of extraterritorial organisations and bodies' and

(b) they have 1 or more employees.

3. For topics structure of earnings, referred to in Article 4(1), point (a)(i), and gender pay gap, referred to in Article 4(1), point (a)(ii), as regards data on the employer, the statistical population shall consist of all local units that are resident of the Member State and which fulfil the following conditions:

(a) their economic activity is included in any section of the NACE classification, except 'Agriculture, forestry and fishing', 'Activities of households as employers and undifferentiated goods – and services – producing activities of households for own use' and 'Activities of extraterritorial organisations and bodies'; and

(b) they have 1 or more employees.

For the topics structure of earnings and the gender pay gap, as regards data on the employee, the statistical population shall consist of all employees whose local unit belongs to the statistical population defined under points (a) and (b) of the first subparagraph.

4. By derogation to points (a) and (b) of paragraph 3, as regards gender pay gap data for reference period 2026, the transmission shall cover all local units that are part of enterprises with 10 or more employees and that, in addition to the activities excluded in paragraph 3 point (a), do not belong to

[17] Regulation (EC) No 1893/2006 of the European Parliament and of the Council of 20 December 2006 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)

the section ‘Public administration and defence; compulsory social security’ of the NACE classification.

5. For the topic structure of labour costs, referred to in Article 4(1), point (b)(i), the statistical population shall consist of all local units that are resident of the Member State and which fulfil the following conditions:

(a) their economic activity is included in any section of the NACE classification, except ‘Agriculture, forestry and fishing’, ‘Activities of households as employers and undifferentiated goods – and services – producing activities of households for own use’ and ‘Activities of extraterritorial organisations and bodies’; and

(b) they are part of enterprises with 10 or more employees.

5a. For all the topics listed in the Annex, Member States shall collect and provide separate data in respect of social enterprises.

Article 7

Ad hoc data requirements

1. The Commission is empowered to adopt delegated acts supplementing this Regulation in accordance with Article 13 by specifying the information to be provided by Member States on an ad hoc basis, where, within the scope of this Regulation, the collection of additional data is deemed necessary for the purpose of addressing additional statistical data needs ***that cannot be otherwise fulfilled***. Those delegated acts shall specify:

(a) the detailed topics to be provided in the ad hoc data collection related to the domains and topics specified in Article 4 and the reasons for such additional needs;

(b) the reference periods and transmission deadlines.

2. The Commission is empowered to adopt delegated acts referred to in paragraph 1 starting with reference year 2028 and with a minimum of 2 years between each ad hoc collection.

3. The Commission shall adopt implementing acts to specify the ad hoc information referred to in paragraph 1 and metadata. Those implementing acts shall specify the following technical elements, where appropriate:

(a) the list and description of variables;

(b) statistical classifications and data breakdowns;

(c) detailed specifications of the statistical units covered;

(d) the metadata to be transmitted;

(e) the data collection periods.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 14(2) not later than 24 months before the beginning of the relevant reference period.

Article 8

Quality requirements and quality reporting

1. Member States shall take the necessary measures to ensure the quality of the data and metadata transmitted.

2. Member States shall ensure that the data***, including back data,*** obtained using the sources laid down in Article 3 provide a full coverage of and give accurate estimates on the statistical units and population defined in Article 6.

3. For the purpose of this Regulation, the quality criteria defined in Article 12(1) of Regulation (EC) No 223/2009 shall apply.

4. Member States shall transmit quality reports on the sources and methods for each of the topics listed in Article 4.

5. The Commission shall adopt implementing acts to set out the practical arrangements for the quality reports and their content. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 14(2).

6. Member States shall inform the Commission (Eurostat) about any relevant information or change with regard to the implementation of this Regulation that would influence the quality of the data

transmitted. The information shall be given as soon as possible and no later than 3 months after any such change enters into force.

7. Upon request from the Commission (Eurostat), Member States shall provide additional information necessary to evaluate the quality of the statistical information.

8. The Commission (Eurostat) shall assess the quality of the data transmitted, the sources and methods used and the sampling frames. ***The Commission (Eurostat) shall prepare and publish reports on the quality of the data transmitted, sources and methods used. In those reports, the Commission (Eurostat) shall recommend how to manage the sources considered to be of low quality, and the data collected through those sources.***

Article 9

Feasibility and pilot studies

1. In order to improve the labour market statistics on businesses or to limit the ***administrative and financial*** burden on enterprises, ***in particular SMEs and micro-enterprises,*** the Commission (Eurostat) may initiate feasibility and pilot studies. The purpose of such studies shall include ***at least one of the following elements:***

(a) improving ***the*** quality and comparability ***of data;***

(b) exploring new possibilities and implementing new features to respond to user needs;

(c) improving integration between surveys and other data sources;

(d) reducing the burden on respondents***;***

(e) improving the cost-effectiveness of data collection.

The studies shall take into account technological and digital developments.

1a. Data collected as part of the pilot studies referred to in paragraph 1 of this Article shall be limited to the domains and topics listed in Article 4(1) and the detailed topics specified in the Annex.

2. Member States may participate in those studies on a voluntary basis. In cooperation with the Commission (Eurostat), they shall ensure the studies are representative at Union level.

3. The results of those studies shall be evaluated by the Commission (Eurostat) in cooperation with Member States and the main stakeholders***, including social partners***. The Commission (Eurostat) shall prepare reports on the findings of the studies in cooperation with the Member States. ***Those reports shall be made publicly available.***

In the reports referred to in the first subparagraph, the Commission (Eurostat) may recommend how pilot studies should be integrated as permanent solutions.

3a. The Commission is empowered to adopt delegated acts in accordance with Article 13 to supplement this Regulation by specifying the roles and responsibilities of the actors conducting the studies referred to in paragraph 1 of this Article insofar processing of personal data takes place for the purpose of those studies.

Article 10

Financing

1. A financial contribution may be provided from the general budget of the Union to the national statistical institutes and other national authorities, referred to in Article 5(2) of Regulation (EC) No 223/2009, to:

(a) improve sources, including sampling frames, for the labour market statistics on businesses, from the date this Regulation enters into force until 31 December 2029 at the latest;

(b) improve methods for the labour market statistics on businesses, including the feasibility and pilot studies referred to in Article 9.

The Union shall not finance costs for the regular compilation of statistics to be transmitted under this Regulation.

2. The Union financial contribution shall not exceed ***80***% of the eligible costs.

Article 11

Protection of the financial interests of the Union

1. The Commission shall take appropriate measures to ensure that, when actions financed under this Regulation are implemented, the financial interests of the Union are protected by the application of preventive measures against fraud, corruption and any other illegal activities, by effective checks and, if irregularities are detected, by the recovery of the amounts wrongly paid and, where appropriate, by effective, proportionate and dissuasive administrative and financial penalties.

2. The Commission or its representatives and the Court of Auditors shall have the power of audit, on the basis of documents and on-the-spot checks, over all grant beneficiaries, contractors and subcontractors who have received Union funds under this Regulation.

3. The European Anti-Fraud Office (OLAF) may carry out investigations, including on-the-spot checks and inspections, in accordance with the provisions and procedures laid down in Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council[18] and Council Regulation (Euratom, EC) No 2185/96[19] with a view to establishing whether there has been fraud, corruption or any other illegal activity affecting the financial interests of the Union in connection with a grant agreement or grant decision or contract funded under this Regulation.

4. Without prejudice to paragraphs 1, 2 and 3, cooperation agreements with third countries and with international organisations, contracts, grant agreements and grant decisions resulting from the implementation of this Regulation shall contain provisions expressly empowering the Commission,

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[18] Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) and repealing Regulation (EC) No 1073/1999 of the European Parliament and of the Council and Council Regulation (Euratom) No 1074/1999 (OJ L 248, 18.9.2013, p. 1).

[19] Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities (OJ L 292, 15.11.1996, p. 2.).

the Court of Auditors, the European Public Prosecutor and OLAF to conduct such audits and investigations, in accordance with their respective competences.

Article 12

Derogations

1. Where the application of this Regulation, or the delegated or implementing acts adopted pursuant thereto, requires major changes to be made to a Member State's national statistical system, the Commission may grant, by means of implementing acts, ***duly justified*** derogations to the Member State, for a maximum duration of ***one year***. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 14(2).

When granting the derogations, the Commission shall take into account the comparability of Member States' statistics and the timely calculation of the required representative and reliable European aggregates. The Commission shall also ensure that the requirements related to statistics, metadata and quality covered under this Regulation that were previously covered under the repealed regulations continue to be met without interruption.

2. The relevant Member State shall submit a duly justified request to the Commission within 3 months after the date of entry into force of this Regulation or the delegated or implementing acts adopted pursuant thereto.

Article 13

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 ***3(1a),*** 4(3)***,*** 7(1) ***and 9(3a)*** shall be conferred on the Commission for ***a*** period of ***5 years*** from [Publications Office: please insert exact date of entry into force of the Regulation]. ***The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the 5-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the***

European Parliament or the Council opposes such extension not later than three months before the end of each period.

3. The delegation of power referred to in Articles ***3(1a),*** 4(3)***,*** 7(1) ***and 9(3a)*** 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 on 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 of 13 April 2016 on Better Law-Making.

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 ***3(1a),*** 4(3)***,*** 7(1) ***and 9(3a)*** shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of ***three*** 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 ***three*** months at the initiative of the European Parliament or the Council.

Article 14

Committee procedure

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 15

Repeal

1. Regulations (EC) No 530/1999, (EC) No 450/2003 and (EC) No 453/2008 are repealed with effect from 1 January 2026.

2. References to the repealed Regulations shall be construed as references to this Regulation.

Article 16

Entry into force and application

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

It shall apply from 1 January 2026.

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

Done at …,

For the European Parliament	*For the Council*
The President	*The President*

ANNEX

Domains, topics and detailed topics; periodicity of the data provision, reference periods and deadline for data transmission per topic

Domain	Topic	Detailed topic	Periodicity	Reference period	Data transmission deadline (1) (2)	First Reference Period
Earnings	Structure of Earnings	Earnings *Total annual and monthly earnings and all their components, as well as hourly earnings paid to each employee sampled*.	Every four years	Calendar year	T+16 months	2026
		Employer's characteristics *Economic, legal, geographical and employment information on the local unit to which each sampled employee is attached, and on its enterprise.*				
		Employee's characteristics *Individual demographic,* ***geographic including whether the employee is a migrant or cross-border worker,*** *educational, contractual and occupational information on each employee sampled.*				
		Working periods *Information on paid working periods, for*				

		each employee sampled.				
		Technical items of the survey *Sampling and data collection information for each employee sampled and his/her employer (e.g., weights).*				
	Gender Pay Gap	Hourly earnings *Hourly earnings of male and female employees by main characteristics of the employer and of the employee and corresponding relative differences between hourly earnings of male and female employees.*	Every year	Calendar year	T+13 months	2026
		Employees *Number of male and female employees by characteristics of the employer and of the employee.*				
	Minimum Wage	***Level of the statutory minimum wage***	***Every two years***	***Calendar year***	***T+13 months***	***2026***
		Number and share of workers covered by the statutory minimum wage	***Every two years***	***Calendar year***	***T+13 months***	***2026***
	Collective Bargaining Coverage	***Number of employees covered by collective agreements***	***Every two years***	***Calendar year***	***T+13 months***	***2026***
Labour costs	Structure of labour costs	Labour costs *Total costs borne by the employer for employing labour and components of these costs.*	Every four years	Calendar year	T+18 months	2028
		Hours worked				

		Hours actually worked by main types of employees.				
		Hours paid *Hours paid by main types of employees.*				
		Employees *Number of employees by main types.*				
		Local units *Information on local units in the sample.*				
	Labour cost index	Quarterly index of labour costs per hour worked *Quarterly index of labour costs per hour worked, by type of costs; unadjusted and adjusted time series.*	Every quarter	Calendar quarter	- Early estimates: T+45 days - Final data: T+65 days	First quarter of year 2026
		Quarterly index of total labour costs *Unadjusted and adjusted time series.*				
		Quarterly index of hours worked *Unadjusted and adjusted time series.*				
		Annual labour costs *Annual labour costs levels (weights) by type of costs.*	Every year	Calendar year	End of the first quarter of year T+1 + 65 days	
Labour demand	Job vacancies	Vacant posts *Information on vacant posts recorded; unadjusted and adjusted*	Every quarter	Calendar quarter	- Early estimates: T+45 days - Final data:	First quarter of year 2026

		time series.			T+70 days	
		Occupied posts *Information on occupied posts recorded; unadjusted and adjusted time series.*				

(1) After the end of the reference period "T".

(2) When the above-mentioned deadlines fall on a Saturday or a Sunday, the effective deadline shall be the following Monday before 12:00 am (CET).