



Council of the  
European Union

Brussels, 7 December 2021  
(OR. en)

14770/21

LIMITE

AGRI 614  
AGRIFIN 155  
AGRIORG 144  
AGRISTR 90  
STATIS 54  
CODEC 1601

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Interinstitutional File:  
2021/0020(COD)

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#### 'I' ITEM NOTE

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From: General Secretariat of the Council  
To: Special Committee on Agriculture

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No. Cion doc.: 5865/21 + ADD1

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Subject: Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on statistics on agricultural input and output and repealing Regulations (EC) No 1165/2008, (EC) No 543/2009, (EC) No 1185/2009 and Council Directive 96/16/EC  
*- Mandate for negotiations with the European Parliament*

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1. With a view to the meeting of the Special Committee on Agriculture taking place on 10 December 2021, delegations will find in the Annex a clean text of the proposal for a Regulation on statistics on agricultural input and output and repealing Regulations (EC) No 1165/2008, (EC) No 543/2009, (EC) No 1185/2009 and Council Directive 96/16/EC as agreed by the Working Party on Statistics on 1 December 2021.
2. The Special Committee on Agriculture is invited to adopt the text without discussion as a mandate for negotiations with the European Parliament.

Proposal for a

**REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**on statistics on agricultural input and output and repealing Regulations (EC) No 1165/2008,  
(EC) No 543/2009, (EC) No 1185/2009 and Council Directive 96/16/EC**

(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) A statistical knowledge base is necessary to design, implement, monitor, evaluate and review policies related to agriculture in the Union, in particular the common agricultural policy ('CAP'), including rural development measures, as well as Union policies relating to, among other things, the environment, climate change, land use, regions, public health and the sustainable development goals of the United Nations.

- (2) The collection of statistical data, in particular on agricultural input and output, should aim, among other things, to inform the decision-making process with updated data to support the European Green Deal with the related ‘farm to fork’ and ‘biodiversity’ strategies and future CAP reforms.
- (3) High quality harmonised statistical data are important to assess the state and trends of agricultural input and output in the Union, the functioning of markets, and food security and to assess the sustainability as well as the environmental, economic and social impacts of Union and national policies. Those data include, but are not limited to, livestock and meat statistics, the production and use of eggs, and the production and use of milk and milk products. Statistics on the area, yield and production of arable crops, vegetables, various permanent crops and grasslands and commodity balances are also important. Increasingly, statistics on the sales and use of plant protection products and fertilisers are needed.
- (4) An international evaluation of agricultural statistics led to the creation of a global strategy to improve agricultural and rural statistics of the Food and Agriculture Organization of the United Nations that was endorsed by the United Nations Statistics Committee in 2010. European agricultural statistics should, where appropriate, follow the recommendations of that global strategy.
- (5) Regulation (EC) No 223/2009 of the European Parliament and of the Council <sup>(1)</sup> provides for a framework to develop, produce and disseminate European statistics based on common statistical principles. Regulation (EC) No 223/2009 establishes quality criteria and refers to the need to minimise the response burden on survey respondents and to contribute to the more general objective of reducing the administrative burdens.

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<sup>1</sup> 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).

- (6) The strategy on agricultural statistics for 2020 and beyond <sup>(2)</sup>, endorsed by the European Statistical System Committee (‘ESSC’) in November 2015, envisages the adoption of two framework regulations covering all aspects of EU legislation on agricultural statistics, with the exception of the economic accounts for agriculture. This Regulation is one of those two framework regulations and should complement the already adopted framework Regulation (EU) 2018/1091<sup>(3)</sup>.
- (7) European statistics on agricultural inputs and outputs are currently collected, produced and disseminated on the basis of a number of legal acts. This structure does not provide proper consistency across the individual statistical domains, nor does it promote an integrated approach towards the development, production and dissemination of agricultural statistics. This Regulation should replace those legal acts for the purposes of harmonisation and comparability of information, and to ensure consistency and coordination across European agricultural statistics, facilitate the integration and streamlining of the corresponding statistical processes, and enable a more holistic approach. It is therefore necessary to repeal Regulations (EC) No 1165/2008 <sup>(4)</sup>, (EC) No 543/2009<sup>(5)</sup> and (EC) No 1185/2009 of the European Parliament and of the Council <sup>(6)</sup>, and Council Directive 96/16/EC <sup>(7)</sup>. The numerous related European Statistical System (ESS) agreements and gentlemen’s agreements on data transmission should be integrated into this Regulation where there has been evidence that the data fulfil user needs, that the agreed methodology works and that the data are of appropriate quality.

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<sup>2</sup> <https://ec.europa.eu/eurostat/web/agriculture/methodology/strategy-beyond-2020>

<sup>3</sup> Regulation (EU) 2018/1091 of the European Parliament and of the Council of 18 July 2018 on integrated farm statistics and repealing Regulations (EC) No 1166/2008 and (EU) No 1337/2011 (OJ L 200, 7.8.2018, p. 1).

<sup>4</sup> Regulation (EC) No 1165/2008 of the European Parliament and of the Council of 19 November 2008 concerning livestock and meat statistics and repealing Council Directives 93/23/EEC, 93/24/EEC and 93/25/EEC (OJ L 321, 1.12.2008, p. 1).

<sup>5</sup> Regulation (EC) No 543/2009 of the European Parliament and of the Council of 18 June 2009 concerning crop statistics and repealing Council Regulations (EEC) No 837/90 and (EEC) No 959/93 (OJ L 167, 29.6.2009, p. 1).

<sup>6</sup> Regulation (EC) No 1185/2009 of the European Parliament and of the Council of 25 November 2009 concerning statistics on pesticides (OJ L 324, 10.12.2009, p. 1).

<sup>7</sup> Council Directive 96/16/EC of 19 March 1996 on statistical surveys of milk and milk products (OJ L 78, 28.3.1996, p. 27).

- (8) The statistics required in accordance with Commission Regulation (EC) No 617/2008 <sup>(8)</sup> have been collected by the ESS, meeting some, but not all of its quality standards. Those statistics support European and national policies in the longer term and should be integrated as European statistics to guarantee the availability and quality of the data. In order to avoid double reporting from the Member States, the statistical requirements under Regulation (EC) No 617/2008 should be removed.
- (9) A large part of the European agricultural area consists of grasslands. The production of those areas was not considered to be important in the past, so no production data have been included in crop statistics. As the impact of grasslands and ruminants on the environment has become more important due to climate change, statistics on grassland production and animal grazing are needed.
- (10) For the purposes of harmonisation and comparability of information on agricultural input and output with information on the structure of agricultural holdings and to further implement the strategy on agricultural statistics for 2020 and beyond, this Regulation should complement Regulation (EU) 2018/1091.
- (11) Regulation (EC) No 138/2004 of the European Parliament and of the Council <sup>(9)</sup> does not cover agricultural price statistics, but their availability and coherence with the economic accounts for agriculture ('EAA') should be ensured. ~~As the EAA are a satellite account of national accounts, it is not appropriate to include agricultural price statistics in Regulation (EC) No 138/2004.~~ Statistics on agricultural input and output should therefore cover statistics on agricultural input prices that are coherent with the EAA. **It is therefore necessary that Absolute** agricultural output price data ~~should be available~~ **are required** in Member States to allow EAA calculations and comparable price indices.

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<sup>8</sup> Commission Regulation (EC) No 617/2008 of 27 June 2008 laying down detailed rules for implementing Regulation (EC) No 1234/2007 as regards marketing standards for eggs for hatching and farmyard poultry chicks (OJ L 168, 28.6.2008, p. 5).

<sup>9</sup> Regulation (EC) No 138/2004 of the European Parliament and of the Council of 5 December 2003 on the economic accounts for agriculture in the Community (OJ L 33, 5.2.2004, p. 1).

- (12) Data regarding the placing on the market and use of pesticides to be submitted pursuant to Directive 2009/128/EC of the European Parliament and of the Council <sup>(10)</sup> and Regulation (EC) No 1107/2009 of the European Parliament and of the Council <sup>(11)</sup> should be used in accordance with the relevant provisions of that Directive and of that Regulation for the purposes of the requirements of this Regulation.
- (13) Comparable statistics from all Member States on agricultural input and output are important to determine the development of the CAP. Standard classifications and common definitions should therefore be used insofar as possible for variables.
- (14) The data needed to compile statistics should, where possible, be collected in a manner with the least costs and administrative burden. It is therefore necessary to identify possible owners of sources of the required data and ensure that these can be used for statistics.
- (15) The datasets to be transmitted cover several statistical domains. In order to maintain a flexible approach that allows the statistics to be adapted when data requirements change, only the domains, topics and detailed topics should be specified in the basic regulation, with the detailed data sets specified in implementing acts.
- (16) Organic production is becoming increasingly important as an indicator of sustainable agricultural production systems. It is therefore necessary to ensure that available statistics on organic farming are consistent with other agricultural production statistics by integrating those in the datasets. Those organic production statistics should also be coherent with and use the administrative information produced under Regulation (EU) 2018/848 of the European Parliament and of the Council <sup>(12)</sup>.

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<sup>10</sup> Directive 2009/128/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for Community action to achieve the sustainable use of pesticides (OJ L 309, 24.11.2009, p. 71).

<sup>11</sup> Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC (OJ L 309, 24.11.2009, p. 1).

<sup>12</sup> Regulation (EU) 2018/848 of the European Parliament and of the Council of 30 May 2018 on organic production and labelling of organic products and repealing Council Regulation (EC) No 834/2007 (OJ L 150, 14.6.2018, p. 1).

- (17) In accordance with Regulation (EC) No 1059/2003 of the European Parliament and of the Council <sup>(13)</sup>, territorial units should be defined in accordance with the Nomenclature of Territorial Units for Statistics (‘NUTS’) classification. **Where regional data should be provided at NUTS2 level, the Commission should be able, in duly justified cases linked to the small size of NUTS2 level territorial units, to grant exemptions to the Member States concerned.**
- (18) It should be possible to collect data on ad- hoc subjects related to agricultural input and output at a specific time in order to supplement the data collected on a regular basis with complementary data on subjects that require more information, emerging phenomena or innovations. **The need for such data should be duly justified.**
- (19) In order to decrease the administrative burden on Member States, exemptions from certain regular transmissions of data should be allowed if Member States’ contributions to the EU total for these data are low **or the observed phenomenon is insignificant in relation to the total production in a particular Member State.**
- (20) In order to improve the efficiency of the statistical production processes of the ESS and to reduce the administrative burden on respondents, national statistical institutes (‘NSIs’) and other national authorities should have the right to access and use, promptly and free of charge, any administrative data that are **gathered needed** for public purposes, irrespective of whether they are held by public, **semi-public** or private bodies. NSIs and other national authorities should also be able to integrate those administrative data with statistics, to the extent that such data are necessary for developing, producing and disseminating European agricultural statistics, in accordance with Article 17a of Regulation (EC) No 223/2009.
- (21) Member States or responsible national authorities should endeavour to modernise data collection modes insofar as possible. The use of digital solutions should be promoted.

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<sup>13</sup> 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) (OJ L 154, 21.6.2003, p. 1).

**(21a) In order to reduce the administrative burden on respondents, NSIs and other national authorities and to ensure the coordination of the programme of statistical surveys within European agricultural statistics, provision should be made as regards the first reference years of reference periods.**

- (22) In order to ensure flexibility and to reduce the administrative burden on respondents, NSIs and other national authorities, Member States should be allowed to use statistical surveys, administrative records and any other sources, methods or innovative approaches, including scientifically based and well documented methods such as imputation, estimation and modelling. The quality, and in particular the accuracy, timeliness and comparability of statistics based on these sources, should always be ensured.
- (23) Regulation (EC) No 223/2009 includes provisions on the transmission of data from Member States to the Commission (Eurostat) and on the use of such data, including on the transmission and protection of confidential data. Measures taken in accordance with this Regulation are to ensure that confidential data are transmitted and used exclusively for statistical purposes in accordance with Articles 21 and 22 of Regulation (EC) No 223/2009.
- (24) Regulation (EC) No 223/2009 provides for a reference framework for European statistics and requires Member States to comply with the statistical principles and quality criteria specified in that Regulation. Quality reports are essential for assessing, improving and communicating the quality of European statistics. The ESSC has endorsed the single integrated metadata structure as the ESS standard for quality reporting, thereby helping to satisfy, through uniform standards and harmonised methods, the statistical quality requirements laid down in Article 12 (3) of Regulation (EC) No 223/2009. That ESS standard is to contribute to the harmonisation of quality **assurance and** reporting under this Regulation.



**(24a) In accordance with the objectives of this Regulation and where new data requirements or improvements to data sets covered by this Regulation are needed, the Commission should assess their feasibility by launching feasibility and pilot studies. Within a feasibility study, the Commission should also be able to launch pilot studies to be carried out by the Member States on a voluntary basis and the Union should contribute to the costs of carrying out those pilot studies by providing financial support for their implementation.**

(25) An impact assessment has been carried out in accordance with the principle of sound financial management, in order to focus the statistical programme established by this Regulation on the need for effectiveness in achieving the objectives and in order to incorporate budgetary constraints.

(26) Since the objective of this Regulation, namely the systematic production of European statistics on agricultural input and output in the Union, cannot be sufficiently achieved by the Member States because a coordinated approach is required, but can rather, by 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.

- (27) In order to take into account emerging data needs mainly stemming from new developments in agriculture, from revised legislation and from changing policy priorities, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in order to amend the detailed topics listed in this Regulation, to establish the topics and detailed topics to be provided and other practical arrangements for the collection of ad hoc data as laid down in this Regulation, **to amend the coverage rates as laid down in this Regulation and to amend the transmission frequency of data on plant protection products set out in the Annex.** It is of particular importance that the Commission carry out appropriate consultations during the preparatory work, including at expert level, and that those consultations are conducted in accordance with the principles laid down in the Inter-institutional Agreement of 13 April 2016 on Better Law-Making <sup>14</sup>. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member State experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.
- (28) In order to ensure uniform conditions for this Regulation's implementation, the Commission should be given implementing powers to specify the datasets linked to the topics and detailed topics listed in the Annex and the technical elements of the data to be provided, to establish the lists and descriptions of the variables and other practical arrangements for the collection of ad hoc data, and to set out the practical arrangements for and contents of the quality reports. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council <sup>(15)</sup>.

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<sup>14</sup> OJ L 123, 12.5.2016, p. 1.

<sup>15</sup> 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.).

(29) Where this Regulation's implementation would require major adaptations to the national statistical system of a Member State, the Commission should, in duly justified cases and for a limited period of time, be able to grant derogations to the Member States concerned. Such major adaptations may arise in particular from the need to adapt the data collection systems to include the new data requirements, including the access to administrative sources **and other relevant sources**.

**(29a) Funding should be required from both Member States and the Union in order to carry out the data collection. Provision should therefore be made for a Union financial contribution in the form of grants.**

(30) The financial interests of the Union should be protected through proportionate measures throughout the expenditure cycle, including the prevention, detection and investigation of irregularities, the recovery of funds lost, wrongly paid or incorrectly used and, where appropriate, administrative and financial penalties.

~~(31) This Regulation should apply without prejudice to both Directive 2003/4/EC<sup>(46)</sup> and Regulation (EC) No 1367/2006<sup>(47)</sup>.~~

(32) Collaboration and coordination between the authorities within the framework of the ESS should be strengthened to ensure coherence and comparability of European agricultural statistics produced in accordance with the principles laid down in Article 338(2) of the Treaty on the Functioning of the European Union. Data is also collected by other Union bodies beyond those referred to in this Regulation and by other organisations. Cooperation between such organisations and those involved in the ESS should therefore be reinforced in order to take advantage of synergies.

(33) The ESSC has been consulted,

HAVE ADOPTED THIS REGULATION:

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<sup>46</sup> Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information and repealing Council Directive 90/313/EEC (OJ L 41, 14.2.2003, p. 26).

<sup>47</sup> Regulation (EC) No 1367/2006 of the European Parliament and of the Council of 6 September 2006 on the application of the provisions of the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters to Community institutions and bodies (OJ L 264, 25.9.2006, p. 13).

## Article 1

### Subject matter

This Regulation establishes a framework for aggregated European statistics related to the inputs and outputs of agricultural activities, as well as the intermediate use of such output within agriculture and its collection and **industrial** processing.

## Article 2

### Definitions

For the purposes of this Regulation, the definitions of ~~‘agricultural activity‘~~, ‘utilised agricultural area‘, ‘livestock unit‘, ‘agricultural holding‘ and ‘common land agricultural unit‘, as laid down in Article 2, points (a), (b), (d), and (e) of Regulation (EU) 2018/1091 shall apply.

In addition, the following definitions shall apply:

- (1) ‘dairy enterprise‘ means an enterprise or agricultural holding that purchases **whole** milk or, in certain cases, milk products, in order to transform them into milk products; and enterprises that collect milk or cream in order to transfer it in whole or in part, without any processing, to other dairy enterprises;
- (2) ‘slaughterhouse‘ means an officially registered and approved enterprise with permission to slaughter and dress animals, the meat of which is intended for human consumption;
- (3) ‘hatchery‘ means an enterprise for incubating eggs, hatching and supplying chicks;
- ~~(4) ‘reporting unit‘ means the unit that supplies the statistical data;~~
- (5) ‘observation unit‘ means an identifiable entity about which data can be obtained;
- (6) ‘domain‘ means one or several data sets that cover particular topics;
- (7) ‘topic‘ means the content of the information to be compiled about the observation units, each topic covering one or more detailed topics;

- (8) ‘detailed topic‘ means the detailed content of the information to be compiled about the observation units related to a topic, each detailed topic covering one or more variables;
- (9) ‘data set‘ means one or several aggregated variables organised ~~as a table~~ **in a structured form**;
- (10) ‘variable‘ means a characteristic of a unit being observed that may assume more than one of a set of values;
- (11) ‘pre-checked data‘ means data verified by the Member States, based on agreed common validation rules, wherever available;
- (12) ‘ad hoc data‘ means data that are of a particular interest for users at a specific point in time but that are not included in the regular data sets;
- (13) ‘administrative data‘ means data generated by a non-statistical source, usually held by a public or private body, the main aim of which is not to provide statistics;
- (14) ‘metadata‘ means information that is needed to ~~be able to~~ use and interpret statistics and which describes data in a structured way;
- (15) ‘professional user‘ means any person who uses plant protection products in the course of their professional activities, including operators, technicians, employers and self-employed people, in the farming sector;
- (16) ‘Use of plant protection products in agriculture‘ means any type of application of a plant protection product associated directly or indirectly with the plant production in the context of agricultural activity;**
- (17) ‘Plant protection products‘ are products, in the form in which they are supplied to the user, consisting of or containing active substances, safeners or synergists, and intended for one of the uses described in Article 2(1) of Regulation (EC) No 1107/2009;**

**(18) ‘agricultural activity’ means the economic activities undertaken in agriculture in accordance with Regulation (EC) No 1893/2006 falling within the scope of groups A.01.1, A.01.2, A.01.3, A.01.4, A.01.5 or within the scope of the ‘maintenance of agricultural land in good agricultural and environmental condition’ of group A.01.6 in the economic territory of the Union, either as its primary or secondary activity. Regarding activities of class A.01.49, only the activities ‘Raising and breeding of semi-domesticated or other live animals’ (with the exception of raising of insects) and ‘Bee-keeping and production of honey and beeswax’ are included;**

**(19) ‘minimum deadline for transmitting non-provisional data’ means the minimum period of time after the end of the reference period by the end of which Member States shall transmit non-provisional data to the Commission.**

### Article 3

#### Statistical population and observation units

- 1 The statistical population to be described shall consist of statistical units such as agricultural holdings, common land agricultural units, enterprises providing goods and services **related** to **agricultural activities** or buying or collecting products from agricultural activities, and enterprises processing these agricultural products, especially hatcheries, dairy enterprises and slaughterhouses.
2. The observation units to be represented in the statistical frame shall be the statistical units referred to in paragraph 1 and, depending on the statistics to be reported, the following:
  - (a) land used for agricultural activity;
  - (b) animals used for agricultural activity;
  - (c) imports and exports of products from agricultural activities by non-agricultural enterprises;
  - (d) transactions and flows of production factors, of goods and services to and from agricultural activities.

~~3. The reporting units shall be the statistical units referred to in paragraph 1 and other enterprises and institutions handling information about the data requirements referred to in Articles 5 and 6.~~

#### Article 4

##### Coverage requirements

1. The statistics shall be representative of the statistical population that they describe.
2. For the domain of animal production statistics as referred to in Article 5(1), point (a), the data shall cover 95 % of the livestock units of each Member State and the related activities or outputs.
3. For the domain of crop production statistics as referred to in Article 5(1), point (b), and the topic of nutrients as referred to in Article 5(1), point (d)(i), the data shall cover 95% of the total utilised agricultural area (excluding kitchen gardens) of each Member State and the related production volumes.
4. For the topic of plant protection products as referred to in Article 5(1), point (d)(iii), the data shall cover:
  - (a) plant protection products placed on the market as defined in Article 3, point 9 of Regulation (EC) No 1107/2009; and
  - (b) active substances, as listed in Commission Implementing Regulation (EU) No 540/2011<sup>(18)</sup>, contained in plant protection products used by professional users in agricultural activity.

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<sup>18</sup> *Commission Implementing Regulation (EU) No 540/2011 of 25 May 2011 implementing Regulation (EC) No 1107/2009 of the European Parliament and of the Council as regards the list of approved active substances (OJ L 153, 11.6.2011, p. 1).*

5. The Commission may adopt implementing acts **taking into account economic and technical trends to** further specifying the coverage requirements referred to in paragraphs 2, 3 and 4. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 15(2) **not later than 18 months before the beginning of the reference year.**
- 6. The Commission is empowered to adopt delegated acts in accordance with Article 14 in order to amend the coverage requirements referred to in paragraphs 2 and 3 by reducing the respective coverage rate, taking into account methodological limitations.**

## Article 5

### Regular data requirements

- 1 The statistics ~~referred~~ related to the inputs and outputs of agricultural activities shall cover the following domains and topics:
- (a) animal production statistics
    - (i) livestock and meat
    - (ii) eggs and chicks
    - (iii) milk and milk products
  - (b) crop production statistics
    - (i) crop production
    - (ii) crop balances
    - (iii) grasslands ~~and grazing~~
  - (c) agricultural price statistics
    - (i) agricultural price indices
    - (ii) absolute input prices
    - (iii) agricultural land prices and rents



- (d) statistics on nutrients and plant protection products
  - (i) nutrients in ~~agricultural~~ fertilisers **for agriculture**
  - (ii) nutrient balances
  - (iii) plant protection products
- 2. The detailed topics **and the corresponding transmission frequencies, reference periods, minimum deadlines for non-provisional data transmissions and their dimensions (national data excluding organic and regional data, organic data, regional data)** shall be as set out in the Annex.
- 3. The data shall be transmitted to the Commission in the form of aggregated data sets.
- 4. The data on organic production and products that comply with Regulation (EU) 2018/848 shall be integrated into the data sets **on the following domains:**
  - a) Animal Production Statistics (Article 5(1)(a)); and**
  - b) Crop Production Statistics (Article 5(1)(b)).**
- 5. Regional data shall be provided at NUTS2 level as defined in Regulation (EC) No 1059/2003.  
**In duly justified cases, Member States with an average size of NUTS2 level territorial units of less than 10.000 square kilometres may be exempted from the requirement to transmit data at NUTS2 level.**  
**The Members State concerned shall submit a request to the Commission, justifying the need for being granted an exemption from transmission of the data at NUTS2 level and to transmit data only at NUTS1 level instead, by [insert a deadline].**  
**The Commission shall examine the requests for exemptions and shall adopt implementing acts in accordance with the examination procedure referred to in Article 15(2).**  
**Such an exemption should cease to apply if the average size of NUTS2 level territorial units in a Member State exceeds the above threshold due to an amendment of Regulation (EC) No 1059/2003.**

6. Where a variable has low or zero prevalence in a Member State, the values of that variable may be excluded from the transmitted data sets, if the Member State concerned has duly justified its exclusion to the Commission (Eurostat).
7. Relevant price information on agricultural input and output, including the characteristics and weights of the goods and services, shall be collected by Member States for compiling comparable price indices and for the variables necessary for the economic accounts for agriculture covered by Regulation (EC) No 138/2004.
8. The Commission is empowered to adopt delegated acts in accordance with Article 14 amending **by replacing or deleting the detailed topics and their transmission frequencies, reference periods, minimum deadlines for non-provisional data transmissions and dimensions (national data excluding organic and regional data, organic data, regional data) as** set out in the Annex.

**When exercising its power to adopt delegated acts, the Commission shall ensure that:**

- (a) **the delegated acts are duly justified and do not impose significant additional burdens or costs on the Member States or on the respondents;**
  - (b) **a maximum of [10 %] of the number of the detailed topics in total for all domains listed in the Annex are replaced over a period of five consecutive years;**
  - (c) **the results of feasibility and pilot studies as set out in Article 10a are duly taken into account.**
9. The Commission ~~may~~ **shall** adopt implementing acts to define the data sets to be transmitted to the Commission (Eurostat). Those implementing acts shall specify the following technical elements of the data to be provided, where appropriate:
    - (a) the list of variables, **with the exception of the topic ‘Plant protection products’, for which the variables comprise the active substances, as listed in Commission Implementing Regulation (EU) No 540/2011, to be covered and their classification in categories of products and chemical classes;**

- (b) the description of variables, **including all of the following:**
  - (i) the characteristics of the unit being observed;**
  - (ii) the measurement unit for the characteristics of the unit being observed;**
  - (iii) the dimension for the characteristics of the unit being observed;**
- ~~(c) the variables on organic production and products;~~
- ~~(d) the variables at regional level;~~
- ~~(e) (c) the observation and reporting units;~~
- ~~(f) (d) the precision requirements, **with the exception of ‘Crop balances’ (Article 5(1)(b)(ii)), ‘Agriculture Price Statistics’ (Article 5(1)(c)) and ‘Nutrient Balances’ (Article 5(1)(d)(ii));**~~
- ~~(g) the methodological rules;~~
- ~~(h) (e) the deadlines for transmitting the data, **taking into account the minimum deadlines for non-provisional data as defined in the Annex.**~~

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 15(2) not later than **9 18** months before the beginning of the reference year.

**9a. In case the Commission adopts a delegated act pursuant to paragraph 8, it may, when preparing implementing acts referred to in paragraph 9, change or replace a maximum of 2% of variables in total in all domains (excluding topic plant protection products) determined in the first implementing act adopted pursuant to paragraph 9 over a period of five consecutive years. In addition, the Commission may add a total number of variables for all domains (excluding topic plant protection products), never exceeding by more than 20 the number of variables determined in the first implementing act adopted pursuant to paragraph 9.**

**Prior to the exercise of its implementing powers, the Commission shall present to Member States a calculation of the current and the planned number of variables where the transmission of each combination of a characteristic of a unit being observed with the corresponding measurement unit and dimension is counted as one variable.**

10. Member States shall transmit 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 transmit the data to the Commission (Eurostat).

## Article 6

### Ad hoc data requirements

1. The Commission is empowered to adopt delegated acts supplementing this Regulation in accordance with Article 14 ~~concerning for~~ specifying the information to be provided on an ad hoc basis, where, **within the scope of this Regulation and within the domains as specified in Article 5,** collection of additional information is ~~deemed~~ necessary **for the purpose of reflecting relevant developments and responding to the new data needs of users.** Those delegated acts shall specify:
  - (a) the topics and detailed topics to be provided in the ad hoc data collection and the reasons for such additional statistical needs;
  - (b) the reference periods.
- 1a. The adoption of delegated acts referred to in paragraph 1 shall duly take into account feasibility and pilot studies as set out in Article 10a. When exercising the power to adopt delegated acts referred to in paragraph 1, the Commission shall ensure that such delegated acts are duly justified and do not impose significant additional burdens or costs on the Member States or on the respondents.**
2. The Commission is empowered to adopt delegated acts referred to in paragraph 1 starting with the reference year [insert 2 years after entering into force of the regulation] and with a minimum of 2 years between each ad hoc data collection, **starting from the transmission deadline of the latest ad hoc data collection.**

3. The Commission ~~may~~ **shall, where appropriate,** adopt implementing acts to provide:
- (a) a list of the variables, ~~to be transmitted to the Commission (Eurostat),~~ **not exceeding more than 2% of the number of variables for each domain as set out in the first implementing acts adopted according to Article 5(9);**
  - (b) ~~the descriptions of the variables~~ **a maximum 20 variables for the topic plant protection products;**
  - (c) ~~the precision requirements~~ **the description of variables, including all of the following:**
    - (i) **the characteristics of the unit being observed;**
    - (ii) **the measurement unit for the characteristics of the unit being observed;**
    - (iii) **the dimension for the characteristics of the unit being observed;**
  - (~~e~~) (d) ~~the precision requirements;~~
  - (~~d~~) (e) ~~the data transmission deadlines~~ **the deadlines for transmitting the data;**
  - (f) **the observation units;**
  - (g) **the description of the reference period as set out in the delegated act defined in paragraph 1.**

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 15(2) not later than 12 months before the beginning of the reference year.

**Those implementing acts shall not impose significant additional administrative burden or costs on respondents and Member States.**

## Article 7

### Transmission frequency of the data sets

1. The transmission frequency of the data sets shall be as set out in the Annex. The Commission may adopt implementing acts to further specify each transmission frequency. **Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 15(2), not later than 18 months before the beginning of the reference year.**

1a. **The Commission is empowered to adopt delegated acts in accordance with Article 14 to amend the transmission frequency for the detailed topic ‘Use of plant protection products in agriculture’ set out in the Annex, if:**

(a) **uniform conditions for an appropriate administrative source containing data on the use of plant protection products in agriculture are laid down in EU legislation, and**

(b) **the change of the transmission frequency is assessed in respect of its feasibility in all Member States by means of feasibility and pilot studies launched by the Commission in accordance with Article 10a.**

**If these criteria are met, the Commission is empowered to amend the transmission frequency set out in the Annex starting 5 years after the last transmission year of the data collection on plant protection products used in agricultural activity implemented by this Regulation.**

~~2. A Member State may be exempted from certain regular transmissions of the data where the impact of the Member State on the EU total of a variable is limited. The Commission may adopt implementing acts defining thresholds for variables according to specific methodology in such a way that the application of those thresholds does not reduce the information on the expected EU total of the variable in the reference year by more than 5%. The thresholds shall be revised so that they correspond to the trends of EU totals, initiated by the Commission (Eurostat).~~

3. ~~The Commission may adopt implementing acts to further specify the following:~~
- ~~(a) the threshold under which the production of a variable is considered to have a limited impact on the expected EU total aggregate;~~
  - ~~(b) the source of the data and the methodology to be used for defining the threshold;~~
  - ~~(c) the variables to which this exemption applies.~~

~~The implementing acts referred to in paragraphs 1, 2 and 3 shall be adopted in accordance with the examination procedure referred to in Article 15(2).~~

new Article 7a

Thresholds for transmission of data

1. A Member State may be exempted from certain regular transmissions of the data as defined in Article 7(1) where the impact of the Member State on the EU total of a variable is limited or if the impact of the variable is limited in relation to the total production at national level.

2. The Commission shall adopt implementing acts to specify:

(a) thresholds from data transmission;

(b) the source of the data and the methodology to be used for defining the threshold; and

(c) the variables to which this exemption applies.

Those implementing acts shall define thresholds for variables according to specific methodology in such a way that the application of those thresholds does not significantly reduce the information on the expected EU total of the variable in the reference period.

The thresholds shall be revised so that they correspond to the trends of EU totals, initiated by the Commission (Eurostat).

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 15(2), not later than 18 months before the beginning of the reference year.

## Article 8

### Data sources and methods

1. For the purpose of obtaining statistics related to the inputs and outputs of agricultural activities, Member States shall use one or more of the following sources or methods, provided that the information allows for the production of statistics that meet the quality requirements laid down in Article 10:
  - (a) statistical surveys or other statistical data collection methods;
  - (b) the administrative data sources specified in paragraph 2 **or administrative data sources based on national law**;
  - (c) other sources, methods or innovative approaches.
2. Member States may use any information from the integrated administration and control system ('IACS') established by Regulation (EU) No 1307/2013 of the European Parliament and of the Council <sup>(19)</sup>, the system for the identification and registration of bovine animals established by Regulation (EC) No 1760/2000 of the European Parliament and of the Council <sup>(20)</sup> and the system for the identification and registration of ovine and caprine animals established by Council Regulation (EC) No 21/2004 <sup>(21)</sup>, the vineyard register implemented in accordance with Article 145 of Regulation (EU) No 1308/2013 of the European Parliament and of the Council <sup>(22)</sup>, and the organic farming registers set up pursuant to Regulation (EU) 2018/848 **or any other relevant administrative data defined in Union law**.

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<sup>19</sup> Regulation (EU) No 1307/2013 of the European Parliament and of the Council of 17 December 2013 establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy and repealing Council Regulation (EC) No 637/2008 and Council Regulation (EC) No 73/2009 (OJ L 347, 20.12.2013, p. 608).

<sup>20</sup> Regulation (EC) No 1760/2000 of the European Parliament and of the Council of 17 July 2000 establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products and repealing Council Regulation (EC) No 820/97 (OJ L 204, 11.8.2000, p. 1).

<sup>21</sup> Council Regulation (EC) No 21/2004 of 17 December 2003 establishing a system for the identification and registration of ovine and caprine animals and amending Regulation (EC) No 1782/2003 and Directives 92/102/EEC and 64/432/EEC (OJ L 5, 9.1.2004, p. 8).

<sup>22</sup> Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 (OJ L 347, 20.12.2013, p. 671).



3. The statistics on plant protection products as referred to in Article 5(1), point (d)(iii) **shall may** be provided using the records kept ~~and made available~~ in accordance with Article 67(1) of Regulation (EC) No 1107/2009 **and made available for statistical purposes as administrative records to the national statistical authorities on their request.**
- ~~4. For that purpose, the Member States shall request from professional users of plant protection products, in electronic format, records covering at least the name of the plant protection product, the dose of application, the main area and the crop where the plant protection product was used in accordance with this Regulation.~~
5. Member States which decide to use the sources, methods or innovative approaches referred to in point (c) of paragraph 1 shall inform the Commission (Eurostat) during the year preceding the reference year during which the source, method or innovative approach will be introduced, and shall provide details concerning the quality of the data obtained.
6. National authorities responsible for complying with the requirements of this Regulation shall have the right to access and use, promptly and free of charge, data, including individual data on enterprises and agricultural holdings in administrative files compiled on their national territory pursuant to Article 17a of Regulation (EC) No 223/2009. The national authorities and the owners of the administrative records shall establish the necessary cooperation mechanisms for such access. That access shall also be granted in cases where the competent authority has delegated tasks to be carried out on its behalf to private or semi-public bodies.

## Article 9

### Reference period

- 1.** The information collected shall refer to a single reference period that is common to all Member States by a reference to the situation during a specified timeframe.
- 2.** The reference period for each detailed topic shall be as specified in the Annex. The first reference periods shall begin in calendar year [insert the year starting on 1 January following 18 months after adoption].

- 3. For the detailed topics with a transmission frequency of five years within the domain of statistics on nutrients and plant protection products as referred to in Article 5(1), point (d), the first reference period shall not be before the calendar year [2027].**
- 4. For the topic of agricultural price indices as referred to in Article 5(1), point (c)(i), the first base year shall be the calendar year [2025].**
- 5. The Commission may adopt implementing acts to further specify the reference periods. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 15(2) not later than 18 months before the beginning of the reference period.**

## Article 10

### Quality 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 obtained using the sources and methods laid down in Article 8 give accurate estimates on the statistical population defined in Article 3 at national level, and, where required, at regional level.
3. For the purpose of this Regulation, the quality criteria defined in Article 12(1) of Regulation (EC) No 223/2009 shall apply.
4. The Commission (Eurostat) shall assess the quality of the data and metadata transmitted in a transparent and verifiable way.
5. For that purpose, **with the exception of ‘agricultural price indices’ (Article 5(1)(c)(i)),** Member States shall transmit a quality report describing the statistical processes to the Commission (Eurostat), for the first time by 31 December of the year [insert the year starting 1 January following 30 months after adoption], and thereafter every ~~3~~ **5** years, for the data sets transmitted during the period, including in particular:
  - (a) metadata describing the methodology used and how technical specifications were achieved by reference to those laid down by this Regulation;

- (b) information on compliance with the coverage requirements as described in Article 4, including in developing and updating it.
6. ~~Separate methodological reports for the detailed topic~~ **For the ‘agricultural price indices’ (Article 5(1)(c)(i)) the quality report shall be transmitted every 5 years together with the ‘W-weights and re-based indices’ shall be transmitted at the same time as the data. The first transmission year for the quality report shall not be before the 31 December [2028].**
7. The Commission may adopt implementing acts setting out the practical arrangements for the quality reports and their contents. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 15(2) **and shall not impose a significant additional cost or burden on the Member States.**
8. Member States shall, where necessary, inform the Commission (Eurostat) about any relevant information or changes with regard to the implementation of this Regulation that could significantly influence the quality of the data transmitted.
9. At the request of the Commission (Eurostat), Member States shall provide necessary additional clarification to evaluate the quality of the statistical information.

#### **new Article 10a**

##### **Feasibility and pilot studies**

- 1. In accordance with the objectives of this Regulation and where new regular data requirements or the need for significant improvement of regular data requirements are identified, the Commission (Eurostat) shall launch feasibility studies, in order to:**
- a) evaluate the availability of appropriate new data sources and production techniques in Member States,**
- b) assess the feasibility of new regular data requirements and production techniques in data collection,**
- c) estimate the financial impact and burden on respondents.**

- 2. In accordance with the objectives of this Regulation and where ad hoc data requirements are identified, the Commission (Eurostat) shall launch feasibility studies, in order to evaluate the feasibility of ad hoc data requirements and to estimate their financial impact and burden on respondents.**
- 3. Within each particular feasibility study, the Commission (Eurostat) shall assess whether the new statistics can be produced by using the information available in the relevant administrative sources at Union level in order to minimise additional burdens on national statistical institutes and other national authorities and enhance the use of existing data in accordance with Article 17a of Regulation (EC) No 223/2009.**
- 4. Within a particular feasibility study on new regular and ad hoc data requirements and production techniques the Commission (Eurostat) may, where necessary, launch pilot studies, to be carried out on a voluntary basis by the Member States, in order to test the implementation of new requirements in different organisational environments by conducting that implementation on a smaller scale.**
- 5. The results of the feasibility and pilot studies accompanied, where appropriate, by proposals for introducing new regular and ad hoc data requirements referred to in paragraph 1 and 2 shall be evaluated by the Commission (Eurostat) in cooperation with Member States and the main users of the data sets.**

**Following the evaluation, the Commission shall prepare a report on the findings of the feasibility and pilot studies. Those reports shall be made public.**

- 6. While preparing a delegated act referred to Article 5(8), Article 6(1) and Article 7(1a), the Commission shall duly take into account the results of the feasibility and pilot studies, in particular on the feasibility of implementation of new or ad hoc data requirements in all Member States.**

## Article 11

### Union contribution

1. For the implementation of this Regulation, the Union ~~may~~ **shall** provide grants to the national statistical institutes and other national authorities referred to in Article 5(2) of Regulation (EC) No 223/2009 in order to cover: ~~the implementation costs of an ad hoc data collection.~~
  - a) the development of methodologies to adapt the data collection systems, including the access to administrative data, for the requirements of this regulation;**
  - b) the development or enhancement of processes, IT systems and similar support functions that aim to produce statistics under this Regulation of higher quality or to reduce the administrative and financial burden;**
  - c) the implementation costs of ad hoc data collections;**
  - d) the implementation costs of pilot studies, when carried out within the scope of feasibility and pilot studies as defined in Article 10a.**

**The Union financial contribution shall be provided by the Single Market Programme under Article 4(2), point (g), of Regulation (EU) 2021/690 of the European Parliament and of the Council <sup>(23)</sup> or by the European Agricultural Guarantee Fund under Article 5(3), point (d), of Regulation (EU) 2021/... of the European Parliament and of the Council<sup>(24)</sup> <sup>(25)</sup>.**

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<sup>23</sup> Regulation (EU) 2021/690 of the European Parliament and of the Council of 28 April 2021 establishing a programme for the internal market, competitiveness of enterprises, including small and medium-sized enterprises, the area of plants, animals, food and feed, and European statistics (Single Market Programme) and repealing Regulations (EU) No 99/2013, (EU) No 1287/2013, (EU) No 254/2014 and (EU) No 652/2014 (OJ L 153, 3.5.2021, p. 1).

<sup>24</sup> *Regulation (EU) .../... of the European Parliament and of the Council of ... on the financing, management and monitoring of the common agriculture policy and repealing Regulation (EU) No 1306/2013 (OJ L ..., ..., p. ....).*

<sup>25</sup> *OJ: Please insert in the text the number of the Regulation in document PE-CONS 65/21 (2018/0217 (COD)) and in the corresponding footnote the number, date of adoption and publication reference of that Regulation.*

2. The Union financial contribution **relating to paragraphs 1(a) and 1(b)** shall not exceed ~~90%~~**75%** of the eligible costs.
- 3. The Union financial contribution relating to paragraphs 1(c) and 1(d) shall not exceed 95% of the eligible costs.**

## Article 12

### 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 the programme.
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 <sup>(26)</sup> and Council Regulation (Euratom, EC) No 2185/96 <sup>(27)</sup> 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 the programme.

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<sup>26</sup> 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).

<sup>27</sup> 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.)

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

### **Article 13**

#### Derogations

1. Where the application of this Regulation or of the implementing measures and delegated acts adopted pursuant to them necessitates major adaptations in a national statistical system of a Member State, the Commission may adopt implementing acts granting derogations to Member States for a maximum duration of two years.
- 2. Where a derogation is still justified by sufficient evidence at the end of the period for which it was granted, the Commission may grant a subsequent derogation for a maximum period of two years, by means of implementing acts.**
- 3. For the purpose of a derogation as referred to in paragraphs 1 and 2, ~~The relevant~~ Member State concerned shall submit a duly reasoned request ~~for the such a derogation~~ to the Commission within three months of the date of the entry into force of the act concerned or six months before the end of the period for which a current derogation has been granted.**

The impact of such derogations on the comparability of Member States' data or on the calculation of the required timely and representative European aggregates shall be kept to a minimum. The burden on respondents **and on Member States** shall be taken into account when granting the derogation.

- 24.** The implementing acts referred to in paragraphs **1 and 2** ~~first subparagraph~~ shall be adopted in accordance with the examination procedure referred to in Article 15(2).

## Article 14

### Exercise of 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 **Article 4(6)**, Article 5(8), Article 6(1 ~~and 2~~) **and Article 7(1a)** shall be conferred on the Commission for ~~an undetermined~~ period **of five 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 five-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 of the empowerment conferred upon the Commission.**
- 3 The delegation of power referred to in **Article 4(6)**, Article 5(8), Article 6(1 ~~and 2~~) **and Article 7(1a)** 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 Inter-institutional 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 **Article 4(6)**, Article 5(8), Article 6(1 ~~and 2~~) **and Article 7(1a)** shall enter into force only if no objection has been expressed either by the European Parliament or by 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 of the Council.

## **Article 15**

### 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 16**

### Amendment to Regulation (EC) No 617/2008

Regulation (EC) No 617/2008 is amended as follows:

- (1) in Article 8, paragraphs 3, 4 and 5 are deleted;
- (2) Article 11 is deleted;
- (3) Annex III and IV are deleted.

This amendment shall apply from 1 January [of the year following 18 months after adoption].

## Article 17

### Repeals

1. Regulations (EC) No 1165/2008, (EC) No 543/2009 (~~EC) No 1185/2009~~ and Directive 96/16/EC are repealed with effect from 1 January [of the first calendar year starting at least 18 months after adoption].

**1a. Regulation (EC) No 1185/2009 is repealed with effect from 1 January [2026].**

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

## Article 18

### 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.

It shall apply from 1 January [of the year following 18 months after adoption].

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

Done at Brussels,

For the European Parliament

For the Council

The President

The President