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NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee
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 - *Presidency compromise text*

Following a written informal consultation of delegations concluded on 14 February 2024, delegations will find attached a compromise text on the proposal for a Regulation on European Union labour market statistics on businesses.

ANNEX

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 Economic and Social Committee[1]~~

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

~~Having regard to the opinion of the Committee of the Regions[3],~~

Acting in accordance with the ordinary legislative procedure,

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~~[1] OJ C , , p. .~~

[2] **16053/23**

~~[3] OJ C , , p. .~~

Whereas:

(1) 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 and the European Semester.

(2) The prevention and correction of macroeconomic imbalances according to Regulation (EU) 1176/2011[4] and the monitoring of adequate minimum wages according to Directive (EU) 2022/2041 of the European Parliament and of the Council[5] require accurate information on the evolution of hourly labour costs and wage levels across Member States.

(3) The European Central Bank uses European labour market statistics on businesses, in the context of the single monetary policy, 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.

(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)[6], needed to monitor monetary and economic policies.

(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.

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4 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)

5 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).

6 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) The implementation 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. **Article 31 of the** 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. This obligation should be complemented by the appropriate necessary statistical frame for compiling and transmitting gender pay gap data, **that should include the detailed topics, the periodicity of the data provision, the reference periods and the deadline for data transmission**.

(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.

(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 burden on enterprises, in particular on SMEs, the national statistical authorities should consider administrative and innovative sources, 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.

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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).

(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~~ **sources and other sources, including privately held data** and to integrate **these data** ~~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[9].

(11) Regulation (EC) No 223/2009 constitutes the reference framework for this Regulation, including as regards the protection of confidential data.

(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.

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9 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).

(12a) The power to adopt delegated acts in accordance with Article 290 of the Treaty on the Functioning of the European Union (TFEU) should be delegated to the Commission to amend the list of the detailed topics required to be covered by labour market statistics data on businesses. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making[10]. The Commission, when preparing and drawing up delegated acts, should ensure simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.

(12b) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission to specify the elements for each topic required to be covered by labour market statistics data on businesses. Likewise, the Commission should be conferred the power to adopt implementing acts to set out the practical arrangements for the quality reports and their content, and to grant derogations to Member States where the application of this Regulation, or the delegated or implementing acts adopted pursuant to it, require major changes to be made to a Member State's national statistical system. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers[11].

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10 **OJ L 123, 12.5.2016, p. 1.**

11 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).

(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 Member States, at least 12 months after the date of entering into force are needed before the first data collection.

(14a) This Regulation is without prejudice to Regulations (EU) 2016/679 and (EU) 2018/1725 and Directive 2002/58/EC of the European Parliament and of the Council. Within their respective scopes of application, the latter Regulations are to apply to the processing of personal data under this Regulation. Anonymised or pseudonymised data should be preferably used for processing, sharing and archiving of personal data for statistical purposes under this Regulation, to guarantee the safeguards as adopted under Article 89 of the Regulation (EU) 2016/679 and Article 13 of the Regulation (EU) 2018/1725.

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

HAVE ADOPTED THIS REGULATION:

[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 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.

Article 2

Definitions

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

(1) 'statistical unit' means **statistical units within the meaning of Regulation (EEC) No 696/93 as regards enterprise and local unit or employees** ~~the entity~~ on which the data are collected ~~or~~ **and statistics are** compiled;

(2) 'enterprise' means ~~a set~~ **the smallest combination** 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;

(3) 'local unit' means an enterprise, or a part thereof, situated in a geographically identified place **as defined in Council Regulation (EEC) No 696/93[14].**

(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) **as laid down in Chapter 1 of Annex A to Regulation of the European Parliament and of the Council (EU) No 549/2013;**

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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 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**

PUBLIC

(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 ~~contract~~ **agreement** with an enterprise (whether the agreement is formal or informal) 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~~ **agreement** (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;

(6) ‘employer’ means an enterprise or a local unit that has a direct employment **agreement** with an employee (whether the agreement is formal or informal);

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

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

(9) ‘detailed topic' means the detailed content of the information to be ~~collected~~ **compiled** ~~about the statistical units~~ related to a topic, each detailed topic covering one or ~~several~~ **more** 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~~ **individual observations or measurements of characteristics of indirectly identifiable statistical units.**

PUBLIC

(13) ‘aggregated data’ means **statistics** ~~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 **data** ~~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~~ **statistical** methods;

(19) ‘administrative **data sources** ~~records~~’ mean data generated by **a non-statistical source** ~~an administrative entity~~, usually **a register held by a** public body, the main aim of which is not the provision of statistics;

(19a) ‘privately held data’ refers to the vast amount of data held by private entities obtained as a result of their activity, which could be used by statistical authorities to produce official statistics. It may include data held by Civil Society Organisations (CSOs), among others.

(20) ‘other sources’ means**ing** data **that derive from sources other than the ones listed in points (18), (19), (19a) of this Article, such as** ~~generated by a non-administrative entity including private records~~, websites and databases, the main aim of which is not the provision of official statistics;

PUBLIC

(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~~ **time interval to which statistics 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.

(27) 'gender pay gap’ means the difference in average gross hourly earnings of male and female employees as a percentage of the average gross hourly earnings of the male employees.

PUBLIC

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 **data** sources, provided they **allow for producing statistics that** meet the quality **requirements** ~~standards referred to~~ **laid down** in Article 8:

   (a) ~~Survey data~~ **statistical surveys or other statistical data collections;**

   (b) administrative ~~records~~ **data sources**;

   (c) ~~other sources~~ **including privately held data.**

   (d) other sources

1a. Member States shall endeavour to use innovative methods to improve statistics, compiled under this Regulation provided that they allow for producing statistics that meet the quality requirements laid down in Article 8.

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).

PUBLIC

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;

   (b) labour costs

   – (i) structure of labour costs;

   – (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 **including the first reference period** and transmission deadlines shall be as set out in the Annex.

3. The Commission shall be empowered to adopt delegated acts in accordance with Article13 to amend the list of the detailed topics ~~the periodicity, the reference periods and the transmission deadlines~~ **as** set out in the Annex. **The delegated acts shall be adopted at least 24 months before the beginning of the relevant reference period.**

PUBLIC

4. When exercising the 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 duly assessed and taken into account.~~

(a) the delegated acts aim to achieve cost and burden neutrality or reduction and do not, in any case, impose a significant additional cost or burden on the Member States or on the respondents;

(b) Over a period of ten consecutive years, a maximum of two detailed topics for a domain listed in the annex to this Regulation may be replaced by another detailed topic within the same domain and a maximum of one detailed topic in any one of the ~~all~~ domains listed in the Annex is added;

(c) any new detailed topic shall be assessed with respect to its feasibility by means of pilot studies carried out by the Commission (Eurostat) and the Member States in accordance with Article 9.

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 **pseudonomised** 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).

PUBLIC

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

(a) the list and description of variables **and their technical specifications, taking into account that a variable shall be counted as a combination of characteristics of an observation unit with the corresponding measurement unit and geographical breakdown counting as one;**

(b) statistical classifications and ~~data~~ breakdowns **whereas geographical breakdowns cannot go below NUTS1 level**;

~~(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.~~

8. These implementing acts shall be adopted in accordance with the examination procedure referred to in Article 14(2) at least ~~12~~ **24** months before the beginning of the relevant reference period**, except for the first reference period as mentioned in the Annex for which 12 months shall apply. The Commission shall ensure that the implementing acts adopted pursuant to this paragraph comply with the principle of proportionality and do not impose a significant additional burden or cost on the Member States or on businesses.**

9. When a new detailed topic is added in accordance with paragraph ~~3~~ 4(b) of this Article, the overall number of variables as defined in paragraph 7(a) for the domains referred to in paragraph 1 of this Article shall not be increased by more than the average number of variables within the existing detailed topics of this domain.

PUBLIC

10. When adopting implementing acts pursuant to paragraph 7:

(a) the overall number of variables as defined in paragraph 7(a) of this Article for the topics structure of earnings ~~and~~, structure of labour cost, labour cost index and job vacancies shall not exceed by more than 5% the number of variables already required, on a mandatory basis, on the date of entry into force of this Regulation. If the 5% threshold of the number of variables described above results in an unrounded number, the overall number of variables will be rounded to the next integer.

(b) the overall number of variables as defined in paragraph 7(a) of this Article for the topic gender pay gap shall not exceed by more than 5% the number of variables within the existing detailed topics of this domain. If the 5% threshold of the number of variables described above results in an unrounded number, the overall number of variables will be rounded to the next integer.

(c) Where new data are required, the Commission may only change a maximum of 5% of the variables required in accordance with the implementing acts referred to in paragraph 7 of this Article, for each domain listed in paragraph 1, every 5 years.

11. Any modification of the data breakdowns referred to in paragraph 7(b) of this Article shall be assessed with respect to its feasibility by means of a pilot study carried out by the Commission (Eurostat) and the Member States in accordance with Article 9.

PUBLIC

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 **may discontinue** ~~shall be allowed~~ to **transmit** ~~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.

PUBLIC

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[15], 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.

[15] 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)

PUBLIC

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 any data in 'Public administration and defence, compulsory social security' that is deemed confidential due to defence and internal security purposes by the member state**; 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 sub~~ **this** paragraph.

PUBLIC

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 the section 'Public administration and defence; compulsory social security' of the NACE classification, **until the Structure of Earnings for reference period 2026 has been transmitted to the Commission (Eurostat) as data source for the revision of the Gender Pay Gap for reference period 2026.**

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.

~~**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. Those delegated acts shall specify:~~

PUBLIC

(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.

PUBLIC

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~~ **aim to** ensure that the 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) **and shall not impose a significant additional burden or costs on the Member States.**

6. Member States shall inform the Commission (Eurostat) **as soon as possible** 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 a duly reasoned 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.

PUBLIC

Article 9

Feasibility and pilot studies

1. In order to improve the labour market statistics on businesses or to limit the burden on enterprises, the Commission (Eurostat) may initiate feasibility and pilot studies. The purpose of such studies shall include:

   (a) improving quality and comparability**;**

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

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

   (d) reducing the burden on respondents.

   The studies shall take into account technological and digital developments.

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. The Commission (Eurostat) shall prepare reports on the findings of the studies in cooperation with the Member States.

PUBLIC

Article 10

Financing

1. **As regards the implementation of this Regulation**, ~~A~~ financial contribution ~~may~~ **shall** be **made available** ~~provided~~ from the ~~general budget~~ ~~of the Union~~ **Single Market Programme established by Regulation (EU) No 2021/690 of the European Parliament and the Council and in accordance with Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council** 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, **methods**, 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~~ **support the participation of the Member States in representative pilot and feasibility studies referred to in Article 9 of this Regulation**.

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

1a. The amount of the Union financial contribution under this Article shall be established in accordance with the rules of the Single Market Programme as part of the annual budgetary procedure, subject to the availability of funding. The budgetary authority shall determine the appropriation available each year.

2. The Union financial contribution shall not exceed 90% of the eligible costs.

PUBLIC

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 Council16 and Council Regulation (Euratom, EC) No 2185/9617 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.

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16 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).

17 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, 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, derogations to the Member State, for a maximum duration of ~~2~~ **4** years. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 14(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.**

   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. [Text merged to paragraph 1]

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3. Where a derogation remains justified at the end of the period for which it was granted, the Commission may adopt an implementing act granting a further derogation for a maximum period of one year.

The relevant Member State shall submit a request setting out the reasons and detailed grounds in support of such an extension to the Commission not later than six months before the end of the period of validity of the derogation granted pursuant to paragraph 1.

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 Article~~s~~ 4(3) ~~and 7(1)~~ shall be conferred on the Commission for **a** ~~an indeterminate~~ period of ~~time~~ **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.**

3. The delegation of power referred to in Article~~s~~ 4(3) ~~and 7(1)~~ 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.

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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 Article~~s~~ 4(3) ~~and 7(1)~~ 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 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.

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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 Brussels,

For the European Parliament *For the Council*

The President *The President*

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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 **and a representative month in that 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, educational, contractual and occupational information on each*				

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		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 **and a representative month in that year**	T+13 months	2026
		Employees *Number of male and female employees by characteristics of the employer and of the employee.*				

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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

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		~~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 **year** + 65 days	**First quarter of year 2026**
Labour demand	Job vacancies	Vacant posts *Information on vacant posts recorded; unadjusted and adjusted time series.*	Every quarter	Calendar quarter	- Early estimates: T+45 days - Final data: T+70 days	First quarter of year 2026
		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).

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