Council of the European Union

Brussels, 23 February 2024
(OR. en)

6293/24

Interinstitutional File:
2023/0288(COD)

LIMITE

SOC 85
EMPL 51
CODEC 339
STATIS 23
ECOFIN 149

PUBLIC

'I' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee (Part 1)
No. Cion doc.:	12258/23
No. prev. doc.:	6097/24
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 *- Mandate for negotiations with the European Parliament*

I. INTRODUCTION

1. On 28 July 2023, the Commission submitted a proposal for a Regulation 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[1].

2. The legal base of the proposal is Article 338(1) of the Treaty on the Functioning of the European Union; therefore it is subject to the ordinary legislative procedure.

[1] 12258/23 + ADD 1-4

3. This proposal regards statistics on earnings, labour costs, the gender pay gap and job vacancies in the EU which the European Statistical System publishes regularly and aims at making statistics more comparable across Member States while ensuring annual collection of data on gender pay gap.

4. The European Data Protection Supervisor and the European Central Bank issued Opinions[2] [3] on the proposal on 25 September and 24 November 2023, respectively.

5. Ms Irene Tinagli (IT, S&D) has been appointed Rapporteur for this file. The European Parliament (ECON Committee) adopted the Rapporteur's report on 22 February 2024.

II. STATE OF PLAY

6. The proposal and the relevant impact assessment were presented at the meeting of the Working Party on Statistics on 22 November 2023.

7. The Working Party on Statistics continued examining the proposal on 5 December 2023 as well as on 11 and 31 January 2024.

8. Following an informal written consultation, which was concluded on 14 February 2024, the delegations could agree on a third Presidency compromise text as set out in document 6097/24.

III. MAIN CHANGES TO THE COMMISSION PROPOSAL

9. The Presidency compromise includes two additional definitions on “Privately held data” and on “Gender pay gap”. Where deemed necessary, other definitions are aligned with existing legislation on statistics.

10. Safeguard clauses both for delegated and implementing acts are added to ensure necessary predictability for the Member States regarding additions of and changes to variables and detailed topics.

[2] 13363/23
[3] 16053/23 + ADD1

11. The delegations considered that other legal instruments, such as Article 14(2) and future Article 16a of Regulation (EC) No 223/2009, can accommodate the need for ad hoc data collections, Article 7 is therefore deleted.

12. The text foresees that financing shall be made available from the Single Market Programme in order to support the national statistical institutes and other national authorities to improve sources and methods as well as to facilitate the participation of the Member States in representative pilot and feasibility studies.

13. In case this Regulation requires major changes to national statistical systems, Member States have the possibility to ask for a derogation with a maximum of four years instead of two years as foreseen by the Commission proposal. Where justified, the derogation may be extended by one year.

IV. CONCLUSION

14. In view of the above, it the Committee of Permanent Representatives is asked to:

- agree on the negotiating mandate with regard to the proposed Regulation 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, as set out in document 6097/24;

- invite the Presidency to start negotiations with the European Parliament, on the basis of this mandate, with a view to reaching an agreement at first reading.

15. In accordance with the approach to legislative transparency endorsed by Coreper on 14 July 2020[4], and in full consistency with Regulation (EC) 1049/2001 and the Council's Rules of Procedure, the text of the mandate thus agreed will be made public unless the Permanent Representatives Committee objects.

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[4] 9493/20