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COUNCIL REGULATION (EC) No 1165/98

of 19 May 1998

concerning short-term statistics

(OJ L 162, 5.6.1998, p. 1)

Amended by:

		Official Journal		
		No	page	date
►**M1**	Regulation (EC) No 1882/2003 of the European Parliament and of the Council of 29 September 2003	L 284	1	31.10.2003
►**M2**	Regulation (EC) No1158/2005 of the European Parliament and of the Council of 6 July 2005	L 191	1	22.7.2005
►**M3**	Commission Regulation (EC) No 1503/2006 of 28 September 2006	L 281	15	12.10.2006
►**M4**	Regulation (EC) No 1893/2006 of the European Parliament and of the Council of 20 December 2006	L 393	1	30.12.2006
►**M5**	Commission Regulation (EC) No 1178/2008 of 28 November 2008	L 319	16	29.11.2008

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COUNCIL REGULATION (EC) No 1165/98

of 19 May 1998

concerning short-term statistics

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 213 thereof,

Having regard to the draft Regulation submitted by the Commission [1],

Having regard to the opinion of the European Parliament [2],

Having regard to the opinion of the Economic and Social Committee [3],

Having regard to the opinion of the European Monetary Institute [4],

(1) Whereas Council Directive 72/211/EEC of 30 May 1972 concerning coordinated statistics on the business cycle in industry and small craft industries [5] and Council Directive 78/166/EEC of 13 February 1978 concerning coordinated statistics on the business cycle in building and civil engineering [6] which aimed to provide a body of coherent statistics, have not been able to take account of economic and technical changes;

(2) Whereas the European Union has in the meantime made further progress towards integration; whereas new economic, competition, social, environmental and enterprise policies and guidelines call for initiatives and decisions based on valid statistics; whereas the information provided for under existing Community legislation or available in the various Member States is partly inadequate or insufficiently comparable to serve as a reliable basis for the work of the Communities;

(3) Whereas the future European Central Bank needs rapid short term statistics in order to assess economic development in the Member States in the context of a single European monetary policy;

(4) Whereas standardisation is required to meet Community needs for information concerning economic convergence;

(5) Whereas it is necessary to have reliable and rapid statistics available in order to report on the economic development in each Member State of the Union within the framework of the economic policy of the Union;

(6) Whereas businesses and their professional associations need such information in order to understand their markets and to know their activity and performance relative to their sector, at national and international level;

(7) Whereas the compilation of national accounts according to Council Regulation (EC) No 2223/96 of 25 June 1996 on the European system of national and regional accounts in the

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[1] OJ C 267, 3. 9. 1997, p. 1.
[2] Opinion delivered on 20 February 1998 (OJ C 80, 16.3.1998).
[3] OJ C 19, 21. 1. 1998, p. 125.
[4] Opinion delivered on 11 September 1997 (not yet published in the Official Journal).
[5] OJ L 128, 3. 6. 1972, p. 28.
[6] OJ L 52, 23. 2. 1978, p. 17.

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Community ([1]) requires the development of comparable, complete and reliable statistical sources;

(8) Whereas by Decision 92/326/EEC ([2]) the Council adopted a two-year programme (1992 to 1993) for the development of European statistics on services; whereas this programme includes the compilation of harmonised statistics at national and regional levels, particularly for the distributive trades;

(9) Whereas in accordance with the principle of subsidiarity the creation of common statistical norms that permit the production of harmonised statistics is an action which can only be undertaken efficiently at Community level and whereas they will be applied in each Member State under the authority of the bodies and institutions in charge of compiling official statistics;

(10) Whereas the best method of ascertaining the business cycle consists of compiling statistics which conform to common methodological principles and with common definitions of characteristics; whereas it is only from coordinated compilation that harmonised statistics can be drawn up with reliability, speed, flexibility and the level of detail required to meet the needs of the Commission and of enterprises;

(11) Whereas seasonal adjustment and the calculation of trend-cycle series for national data can best be carried out by the national statistical authorities; whereas the transmission to the Commission (Eurostat) of seasonally adjusted data and trend-cycle series will increase the coherence between data disseminated nationally and at an international level;

(12) Whereas kind-of-activity units (KAU) correspond to one or more operational subdivisions of the enterprise; whereas for a KAU to be observable, the enterprise's information system must be capable of indicating or calculating for each KAU at least the value of production, intermediate consumption, manpower costs, the operating surplus and employment and gross fixed capital formation; whereas KAUs falling within a particular heading in the statistical classification of economic activities in the European Community (NACE Rev.1) can produce products outside the homogeneous group, on account of secondary activities connected with them which cannot be separately identified from available accounting documents; whereas the enterprise and the KAU are identical when it proves impossible for an enterprise to indicate or calculate information on all of the variables listed in this recital for one or more operational subdivisions;

(13) Whereas the statistical data compiled within the Community system must be of a satisfactory quality and this quality, as well as the burden it entails, must be comparable from one Member State to another, and whereas it is therefore necessary to establish jointly the criteria enabling these requirements to be met; whereas short-term statistics must be consistent with the results transmitted in accordance with Council Regulation (EC, Euratom) No 58/97 of 20 December 1996 concerning structural business statistics ([3]);

(14) Whereas Council Regulation (EC) No 322/97 of 17 February 1997 on Community statistics ([4]) constitutes the reference framework for the provisions of this Regulation, in particular those which cover access to administrative data sources and statistical confidentiality;

([1]) OJ L 310, 30. 11. 1996, p. 1.
([2]) OJ L 179, 1. 7. 1992, p. 131.
([3]) OJ L 14, 17. 1. 1997, p. 1.
([4]) OJ L 52, 22. 2. 1997, p. 1.

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(15) Whereas it is necessary to simplify the administrative procedures for enterprises, particularly smaller enterprises, including the promotion of new technologies for data collection and compilation; whereas the use of existing administrative data for statistical purposes is one of the measures to decrease the burden on enterprise; whereas if a direct data collection from businesses is indispensable for compiling the statistics, the methods and techniques must ensure that the data are reliable and up to date, without giving rise for the parties concerned, in particular for small and medium sized businesses, to a burden out of proportion to the results which users of the said statistics can reasonably expect;

(16) Whereas it is necessary to have a legal framework common to all business activities and domains of business statistics covering also the activities and domains for which statistics are not yet developed; whereas the scope of the statistics to be compiled can be defined by reference to 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 ([1]) and Council Regulation (EEC) No 3037/90 of 9 October 1990 on the statistical classification of economic activities in the European Community (NACE Rev.1) ([2]);

(17) Whereas, in order to enable the rules for the collection and statistical processing of data and for processing and transmission of the variables to be clarified further, it is necessary to confer upon the Commission, assisted by the Statistical Programme Committee set up by Council Decision 89/382/EEC, Euratom ([3]), the power to adopt measures for the application of this Regulation;

(18) Whereas the Statistical Programme Committee has been consulted in accordance with Article 3 of Decision 89/382/EEC, Euratom,

HAS ADOPTED THIS REGULATION:

Article 1

General aims

1. The objective of this Regulation is to establish a common framework for the production of short-term Community statistics on the business cycle.

2. The statistics comprise information (variables) necessary to provide a uniform basis for the analysis of the short-term evolution of supply and demand, production factors and prices.

Article 2

Scope

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1. This Regulation shall apply to all market activities in Sections B to N and P to S of the statistical classification of economic activities in the European Community (NACE Rev. 2).

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2. Statistical units of the types listed in Section I of the Annex to Regulation (EEC) No 696/93 and classified under one of the activities referred to in paragraph 1 shall be included in the scope of this Regu-

([1]) OJ L 76, 30. 3. 1993, p. 1.
([2]) OJ L 293, 24. 10. 1990, p. 1. Regulation as amended by Commission Regulation (EEC) No 761/93 (OJ L 83, 3. 4. 1993, p. 1).
([3]) OJ L 181, 28. 6. 1989, p. 47.

▼B

lation. The use of particular units for the compilation of statistics is specified in the Annexes to this Regulation.

Article 3

Annexes

1. The specific requirements for the variables are described in the Annexes.

2. The following information is laid down in each Annex where relevant:

(a) the specific activities for which the statistics are to be compiled;

(b) the types of statistical unit to be used for the compilation of the statistics;

(c) the lists of variables;

(d) the form of the variables;

(e) the reference period of the variables;

(f) the level of detail of the variables;

(g) the deadlines for data transmission;

(h) the list of voluntary pilot studies;

(i) the first reference period;

(j) the length of the transition period which may be conceded.

Article 4

Collection of data

1. Member States shall obtain the necessary data for the compilation of the variables listed in the Annexes.

2. Member States may acquire the necessary data using a combination of different sources specified below, applying the principle of administrative simplification:

(a) compulsory surveys: the legal units as defined in Regulation (EEC) No 696/93, to which the statistical units called upon by the Member States belong or of which they are composed, shall be obliged to give timely, accurate and complete information;

(b) other appropriate sources, including administrative data;

(c) appropriate statistical estimation procedures;

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(d) participation in European sample schemes coordinated by Eurostat in order to produce European estimates.

The details of the schemes referred to in the first subparagraph shall be as specified in the Annexes. Their approval and implementation shall be governed by the procedure laid down in Article 18.

European sample schemes shall be established when national sample schemes do not meet the European requirements. Furthermore, Member States may opt to take part in European sample schemes when such schemes create possibilities for substantial reductions in the cost of the statistical system or the burden on business which meeting the European requirements entails. Participation in a European sample scheme shall satisfy the conditions of a Member State for the supply of the variable concerned according to the objective of such a scheme. European

▼M2

sample schemes may target the conditions, the level of detail and the deadlines for data transmission.

Compulsory surveys shall be used to obtain information that is not already available (within the required timelines) in other sources, such as registers. Surveys shall be performed using electronic questionnaires and web-questionnaires where applicable.

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3. Member States and the Commission within their respective fields of competence shall promote the conditions for increased use of electronic data collection and automatic data processing.

Article 5

Periodicity

All variables shall be produced more frequently than annually. The frequency for each variable is specified in the Annexes.

Article 6

Level of detail

The variables shall be produced in accordance with the prevailing classifications at the level of detail specified in the Annexes.

Article 7

Processing

Member States shall process the completed data acquired in accordance with Article 4(2) into comparable variables following the rules laid down in the Annexes. Member States shall also take account of the guidance provided by the advisory methodological manual referred to in Article 12.

Article 8

Transmission

Member States shall transmit the variables provided for in Article 7, including confidential data, to Eurostat by electronic or other appropriate means within a period of time from the end of the reference period which is laid down in the Annexes. In any case, the variables shall be transmitted to the Commission (Eurostat) not later than the day they are disseminated by the national authority.

Article 9

Treatment of confidential data

The treatment of confidential data and the transmission of such data as provided for in Article 8 shall be carried out in accordance with the existing Community provisions governing statistical confidentiality.

Article 10

Quality

1. Member States shall ensure that the transmitted variables reflect the population of units. For this purpose, the data acquired in

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accordance with Article 4(2) must cover as many units as necessary to ensure a sufficient degree of representativeness.

2. The quality of the variables shall be measured by each Member State according to common criteria.

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3. The quality of the variables shall be tested regularly by comparing them with other statistical information, such comparison to be effected by each Member State and the Commission (Eurostat). In addition they shall be checked for internal consistency.

4. Quality evaluation shall be carried out comparing the benefits of the availability of the data with the costs of collection and the burden on businesses, especially on small enterprises. For the purpose of this evaluation, Member States shall transmit to the Commission, at its request, the necessary information according to a common European methodology developed by the Commission in close cooperation with the Member States.

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Article 11

Change of weightings and base year

1. Member States shall adapt where necessary the weighting system of composite indices at least every five years. The weights used in the adapted weighting systems shall be transmitted to the Commission within three years after the end of the new base year.

2. Every five years, Member States shall rebase the indices using as base years the years ending with a 0 or a 5. All indices must be rebased on the new base year within three years after the end of this new base year.

Article 12

Methodological manual

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1. The Commission, after consulting the Statistical Programme Committee, shall publish by 11 February 2006 an advisory methodological manual which explains the rules set out in the Annexes and also contains guidance concerning short-term statistics.

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2. The manual shall be revised at regular intervals.

Article 13

Transition period and derogations

1. Transition periods may be conceded, not extending more than five years from the date of entry into force of this Regulation.

2. During the transition periods derogations from the provisions of this Regulation may be accepted by the Commission in so far as the national statistical systems require major adaptations.

Article 14

Reports

1. Member States shall transmit to the Commission, at its request, any relevant information with regard to the implementation of this Regulation in the Member States.

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2. The Commission shall, by 11 August 2008 and again every three years thereafter, submit a report to the European Parliament and the Council on the statistics compiled pursuant to this Regulation and in particular on their relevance and quality and the revision of indicators. The report shall also specifically address the cost of the statistical system and the burden on business arising from this Regulation in relation to its benefits. It shall report on best practices for lessening the burden on business and shall indicate ways of reducing the burden and costs.

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Article 15

Coordination in the Member States

In each Member State one national authority shall coordinate:

1. the transmission of variables (Article 8),

2. the quality measurement (Article 10),

3. the transmission of relevant information (Article 14(1)).

Article 16

Pilot studies

1. The Commission shall, in accordance with the procedure laid down in Article 18, institute a series of voluntary pilot studies to be carried out by Member States. These pilot studies are specified in the Annexes.

2. The pilot studies shall be carried out in order to assess the relevance and feasibility of obtaining data, taking into account the benefits of the availability of the data in relation to the cost of collection and the burden on business.

3. The Commission shall inform the Council of the results of the pilot studies.

Article 17

Implementation

The Commission shall determine, in accordance with the procedure laid down in Article 18, the measures for implementing this Regulation, including the measures to accommodate economic and technical developments concerning the collection and statistical processing of data and the transmission of the variables. In doing so, consideration shall be given to the principle that the benefits of the measure must outweigh its cost, and to the principle that major additional resources are not involved either for Member States or for enterprises as compared with the original provisions of this Regulation. In particular the measures for implementing this Regulation shall include:

(a) the use of particular units (Article 2);

(b) the updating of the list of variables (Article 3);

(c) the definitions and the appropriate forms of the transmitted variables (Article 3);

(d) the frequency of compilation of the statistics (Article 5);

(e) the levels of breakdown and aggregation to be applied to the variables (Article 6);

(f) the transmission deadlines (Article 8);

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(g) the criteria for the measurement of quality (Article 10);

(h) the transition periods and derogations granted during the transition period (Article 13);

(i) the institution of pilot studies (Article 16);

▼M2

(j) the establishment of European sample schemes (Article 4);

▼M4

(k) the first base year to be applied for time series in NACE Rev. 2;

(l) for time series prior to 2009, to be transmitted according to NACE Rev. 2, the level of detail, the form, the first reference period, and the reference period.

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Article 18

1. The Commission shall be assisted by the Statistical Programme Committee, hereinafter referred to as 'the Committee'.

2. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC [1] shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

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Article 19

Repealing provisions

Directives 72/211/EEC and 78/166/EEC are hereby repealed.

Article 20

Entry into force

This Regulation shall enter into force on the 20th day following its publication in the *Official Journal of the European Communities*.

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

[1] Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).

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ANNEX A

INDUSTRY

▼M4

(a) **Scope**

This Annex applies to all activities listed in Sections B to E of NACE Rev. 2, or as the case may be, to all products listed in Sections B to E of the CPA. The information is not required for 37, 38.1, 38.2 and 39 of NACE Rev. 2. The list of activities may be revised in accordance with the procedure laid down in Article 18.

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(b) **Observation unit**

1. Unless otherwise stated in paragraph 2 or decided otherwise according to the procedure in paragraph 3, the observation unit for all variables in this Annex is the kind-of-activity unit.

2. For enterprises with few persons employed in secondary activities the local unit or the enterprise may be used as the observation unit.

3. The use of other observation units can be decided in accordance with the procedure laid down in Article 18.

(c) **List of variables**

1. The statistics in this Annex comprise the following variables:

Variable	Name
110	Production
120	Turnover
121	Domestic turnover
122	Non-domestic turnover
130	New orders received
131	Domestic new orders
132	Non-domestic new orders
210	Number of persons employed
220	Hours worked
230	Gross wages and salaries
310	Output prices
311	Output prices of the domestic market
312	Output prices of the non-domestic market
▼M2	
340	Import prices

2. The information on output prices for non-domestic markets (No 312) and import prices (No 340) may be compiled using unit values for products originating from foreign trade or other sources only if there is no significant deterioration in quality compared to specific price information. The Commission shall determine, in accordance with the procedure laid down in Article 18, the conditions for assuring the necessary data quality.

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3. Starting from the beginning of the first reference period the information on new orders (Nos 130, 131, 132) may be approximated by an alternative leading indicator, which may be calculated from business opinion survey data. This approximation is permitted for a period of five years from the date of entry into force of the Regulation. This period shall be extended for up to five more years unless decided differently in accordance with the procedure laid down in Article 18.

4. Starting from the beginning of the first reference period the information on persons employed (No 210) may be approximated by the number of employees (No 211). This approximation is permitted for a peirod of five years from the date of entry into force of the Regulation. This period

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shall be extended by up to five more years unless decided differently in accordance with the procedure laid down in Article 18.

5. The term 'domestic' means the territorial area of the Member State in question.

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6. The information on production (No 110) is not required for Division 36 and Groups 35.3 and 38.3 of NACE Rev. 2.

7. The information on turnover (No 120, 121, 122) is not required for NACE Rev. 2, Section D and E.

8. The information on orders (No 130, 131, 132) is only required for the following Divisions of NACE Rev. 2: 13, 14, 17, 20, 21, 24, 25, 26, 27, 28, 29, 30. The list of activities may be revised in accordance with the procedure laid down in Article 18.

9. The information on variables No 210, 220, 230 is not required for Group 38.3 of NACE Rev. 2.

▼M5

10. The information on output prices and import prices (Nos 310, 311, 312 and 340) is not required for the following groups or classes of NACE Rev. 2 respectively CPA: 07.21, 24.46, 25.4, 30.1, 30.3, 30.4 and 38.3. In addition, the information on import prices (No 340) is not required for divisions 09, 18, 33 and 36 of CPA. The list of activities not required may be revised in accordance with the procedure laid down in Article 18.

11. The variable on import prices (No 340) is calculated on the basis of CPA products. The importing kind-of-activity units may be classified outside the activities of Sections B to D of NACE Rev. 2.

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(d) **Form**

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1. All of the variables are to be transmitted in unadjusted form, if available.

2. In addition, the production variable (No 110) and the hours-worked variable (No 220) are to be transmitted in working-day adjusted form. Wherever other variables show working-day effects, Member States may also transmit those variables in working-day adjusted form. The list of variables to be transmitted in working-day adjusted form may be amended in accordance with the procedure laid down in Article 18.

3. In addition, Member States may transmit the variables seasonally adjusted and may also transmit the variables in the form of trend cycles. Only if data are not transmitted in these forms, may the Commission (Eurostat) produce and publish seasonally adjusted and trend-cycle series for these variables.

4. Variables Nos 110, 310, 311, 312 and 340 are to be transmitted as an index. All other variables are to be transmitted either as an index or as absolute figures.

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(e) **Reference period**

The following reference periods shall apply:

Variable	Reference period
110	month
120	month
121	month
122	month
130	month
131	month
132	month

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Variable	Reference period
210	at least quarter
220	at least quarter
230	at least quarter
310	month
311	month
312 or 313	month
▼M2	
340	month

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(f) **Level of detail**

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1. All variables, except the import price variable (No 340), are to be transmitted at the Section (1 letter) and Division 2-digit level of NACE Rev. 2. The variable 340 is to be reported at the Section (1 letter) and Division 2-digit level of CPA.

2. In addition, for Section C of NACE Rev. 2, the index of production (No 110) and the index of output prices (No 310, 311, 312) are to be transmitted at the 3-digit and 4-digit levels of NACE Rev. 2. The transmitted indices for production and output prices at the 3-digit and 4-digit levels must represent at least 90 % of the total value added for each Member State of Section C of NACE Rev. 2. in a given base year. The variables need not be transmitted at these detailed levels by those Member States whose total value added of Section C of NACE Rev. 2 in a given base year represents less than 4 % of the European Community total.

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3. The variables transmitted at the 3-digit and 4-digit levels of ►M4 NACE Rev. 2 ◄ are used to produce aggregated indicators at these levels for the Community as a whole and for the group of Member States participating in the single currency. These indicators may also be disseminated at 3-digit and 4-digit levels for individual Member States and other groupings of Member States, where the Member States concerned have indicated that the data are of sufficient quality.

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4. In addition, all variables except for the turnover and new orders variables (No 120, 121, 122, 130, 131, 132) are to be transmitted for total industry defined as NACE Rev. 2 Sections B to E and the main industrial groupings (MIGs) as defined in Commission Regulation (EC) No 586/2001 ([1]).

5. The turnover variables (No 120, 121, 122) are to be transmitted for total industry defined as NACE Rev. 2 Sections B and C and the MIGs with the exception of the main industrial grouping defined for energy-related activities.

6. The new orders variables (Nos 130, 131, 132) are to be transmitted for total manufacturing, Section C of NACE Rev. 2 and a reduced set of MIGs calculated from covering the list of NACE Rev. 2 Divisions defined in paragraph 8 under heading (c) (‘List of variables’) of this Annex.

▼M5

7. The import price variable (No 340) is to be transmitted for total industrial products, Sections B to D of CPA and MIGs defined in accordance with Regulation (EC) No 586/2001 as amended by Regulation (EC) No 656/2007 from product groups of the CPA. This variable does not need to be transmitted by those Member States that have not adopted the euro as their currency.

([1]) OJ L 86, 27.3.2001, p. 11.

▼M2

8. For the import price variable (No 340), the Commission may determine, in accordance with the procedure laid down in Article 18, the terms for applying a European sample scheme as defined in point (d) of the first subparagraph of Article 4(2).

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9. The variables on the non-domestic markets (Nos 122, 132 and 312) are to be transmitted according to the distinction into euro-zone and non-euro-zone. The distinction is to be applied to the total industry defined as NACE Rev. 2 Sections B to E, the MIGs, the Section (1 letter) and Division 2-digit level of NACE Rev. 2. The information on NACE Rev. 2 D and E is not required for variable 122. In addition, the import price variable (No 340) is to be transmitted according to the distinction into euro-zone and non-euro-zone. The distinction is to be applied to the total industry defined as CPA Sections B to D, the MIGs, the Section (1 letter) and Division 2-digit level of CPA. For the distinction into the euro-zone and non-euro-zone, the Commission may determine, in accordance with the procedure laid down in Article 18, the terms for applying European sample schemes as defined in point (d) of the first subparagraph of Article 4(2). The European sample scheme may limit the scope of the import price variable to the import of products from non-euro-zone countries. The distinction into the euro-zone and non-euro-zone for the variables 122, 132, 312 and 340 does not need to be transmitted by those Member States that have not adopted the euro as their currency.

10. Those Member States whose value added in Sections B, C, D and E of NACE Rev. 2 (respectively in Sections B, C and D of CPA for import prices) in a given base year represents less than 1 % of the European Community total only need to transmit data for total industry, MIGs, and NACE Rev. 2 Section level, or CPA Section level.

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(g) **Deadlines for data transmission**

1. The variables shall be transmitted by the following deadlines after the end of the reference period:

Variable	Deadlines
▼M2	
110	1 month and 10 calendar days
▼B	
120	2 months
121	2 months
122	2 months
130	1 month and 20 calendar days
131	1 month and 20 calendar days
132	1 month and 20 calendar days
▼M2	
210	2 months
▼B	
220	3 months
230	3 months
310	1 month and 15 calendar days
311	1 month and 5 calendar days
312	1 month and 5 calendar days
313	1 month and 15 calendar days
▼M2	
340	1 mois et 15 jours calendaires

▼M4

2. The deadline may be up to 15 calendar days longer for data on the NACE Rev. 2 Group and Class levels or the CPA Group and Class levels. For those Member States whose value added in Sections B, C, D and E of NACE Rev. 2 in a given base year represents less than 3 % of the

▼M4

European Community total, the deadline may be up to 15 calendar days longer for data on total industry, MIGs, NACE Rev. 2 Section and Division level or CPA Section and Division level.

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(h) **Pilot studies**

The priorities for the pilot studies are as follows:

1. assess the possibilities of earlier data transmission;

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4. collect short-term information concerning births and deaths of enterprises;
5. produce monthly employment information;
6. collect data on inventories;
7. provide information for more activities than listed in paragraphs 6 to 9 of Section C;
8. collect short-term investment information;
9. collect data on the stock of orders.

(i) **First reference period**

The first reference period for which all variables are to be transmitted is January 1998 for monthly data and the first quarter for quarterly data.

▼M2

The first reference period for the transmission of the distinction of the variables on the non-domestic markets into euro-zone and non-euro-zone is not later than January 2005.

The first reference period for the variable 340 is not later than January 2006 on condition that a base year not later than 2005 is applied.

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The first reference period for which all variables are to be transmitted in NACE Rev. 2 is January 2009 for monthly data and the first quarter 2009 for quarterly data.

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(j) **Transition period**

1. For the production variable (No 110), persons employed and the hours worked variables (Nos 210, 220) and the domestic output prices variable (No 311) a transition period of no longer than three years from the date of entry into force of the Regulation may be conceded in accordance with the procedure laid down in Article 18. This transition period may be extended by a further two years in accordance with the procedure laid down in Article 18.
2. For all other variables a transition period of no longer than five years from the date of entry into force of the Regulation may be conceded in accordance with the procedure laid down in Article 18.

▼M2

3. A transition period ending on 11 August 2007 may be granted for the variable 340 and the distinction into the euro-zone and non-euro-zone for the variables 122, 132, 312 and 340 in accordance with the procedure laid down in Article 18.
4. A transition period ending on 11 August 2007 may be granted for the changing of the deadlines for data transmission for variable 110 in accordance with the procedure laid down in Article 18.
5. A transition period ending on 11 August 2006 may be granted for the changing of the deadlines for data transmission for variable 210 in accordance with the procedure laid down in Article 18.

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ANNEX B

CONSTRUCTION

▼M4

(a) **Scope**

This Annex applies to all activities listed in Section F of NACE Rev. 2.

▼B

(b) **Observation unit**

1. Unless otherwise stated in paragraph 2 or 3 or decided otherwise according to the procedure in paragraph 4, the observation unit for all variables in this Annex is the kind-of-activity unit.

2. For enterprises with few persons employed in secondary activities the local unit or the enterprise may be used as the observation unit.

3. Where appropriate, the statistics may be derived from information produced according to the classification of constructions (CC).

4. The use of other observation units can be decided in accordance with the procedure laid down in Article 18.

(c) **List of variables**

1. The statistics in this Annex comprise the following variables:

Variable	Name
110	Production
115	Production of building construction
116	Production of civil engineering

▼M3

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▼B

210	Number of persons employed
220	Hours worked
230	Gross wages and salaries
320	Construction costs
321	Material costs
322	Labour costs
411	Building permits: number of dwellings
412	Building permits: square metres of useful floor area or alternative size measure

▼M3

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▼B

3. Starting from the beginning of the first reference period the information on persons employed (No 210) may be approximated by the number of employees (No 211). This approximation is permitted for a period of five years from the date of entry into force of the Regulation. The procedure shall be extended for up to five more years unless decided differently in accordance with the procedure laid down in Article 18.

▼M3

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▼M2

5. Only if construction costs variables (Nos 320, 321, 322) are not available, may they beapproximated by the output prices variable (No 310). This practice shall be permitted until 11 August 2010.

6. Member States shall carry out studies instituted by the Commission and set up in consultation with the Member States. The studies shall be carried out taking into account the benefits of collecting the data in relation to the cost of collection and burden on business, in order to:

(a) assess the feasibility of a quarterly variable of output prices (No 310) in construction;

▼M2

(b) define a suitable methodology for data collection and index calculation.

The Commission shall no later than 11 August 2006 propose a definition to be applied to the output price variable.

Member States shall submit a report to the Commission on the results of the studies no later than 11 August 2007.

Acting in accordance with the procedure laid down in Article 18, the Commission shall decide no later than 11 August 2008 whether to invoke Article 17(b) to replace the construction costs variable with the output price variable with effect from base year 2010.

▼B

(d) **Form**

▼M2

1. All of the variables are to be transmitted in an unadjusted form, if available.

2. In addition, the variables on production (Nos 110, 115, 116) and the hours worked variable (No 220) are to be transmitted in working-day adjusted form. Wherever other variables show working-day effects, Member States may also transmit those variables in working-day adjusted form. The list of variables to be transmitted in working-day adjusted form may be amended in accordance with the procedure laid down in Article 18.

3. In addition, Member States may transmit the variables seasonally adjusted and may also transmit the variables in the form of trend cycles. Only if data are not transmitted in these forms, may the Commission (Eurostat) produce and publish seasonally adjusted and trend-cycle series for the variables.

4. Variables 110, 115, 116, 320, 321 and 322 are to be transmitted as an index. Variables 411 and 412 are to be transmitted as absolute values. All other variables are to be transmitted either as an index or as absolute figures.

▼B

(e) **Reference period**

▼M2

A reference period of a month shall apply to variables 110, 115 and 116. A reference period of at least a quarter shall apply to all other variables in this Annex.

▼M3

Those Member States whose value added in Section F of ►M4 NACE Rev 2 ◄ in a given base year represents less than 2 % of the European Community total need only supply variables 110, 115 and 116 with a reference period of a quarter.

▼B

(f) **Level of detail**

▼M4

1. The variables No 110, 210, 220 and 230 are to be transmitted at least at the Section level of NACE Rev. 2.

2. The new orders variables (Nos 130, 135 and 136) are required only for Group 41.2 and Division 42 of NACE Rev. 2.

▼B

3. Construction costs variables (Nos 320, 321 and 322) are only mandatory for new residential buildings excluding residencies for communities.

4. The building permits variable (No 411) covers only new residential buildings (excluding residencies for communities) and is to be broken down between:

   (i) one-dwelling residential buildings;

   (ii) two- and more dwelling residential buildings.

5. The building permits variable (No 412) covers only buildings and is to be broken down between:

   (i) one-dwelling residential buildings;

▼B

(ii) two- and more dwelling residential buildings;

(iii) residencies for communities;

(iv) office buildings;

(v) other buildings.

▼M2

6. Those Member States whose value added in Section F of ►M4 NACE Rev. 2 ◄ in a given base year represents less than 1 % of the European Community total only need to transmit data for total construction (►M4 NACE Rev. 2 ◄ Section level).

▼B

(g) **Deadlines for data transmission**

1. The variables shall be transmitted by the following deadlines after the end of the reference period:

Variable	Deadline
▼M2	
110	1 month and 15 calendar days
115	1 month and 15 calendar days
116	1 month and 15 calendar days
▼M3	
———————	
▼M2	
210	2 months
▼B	
220	3 months
230	3 months
320	3 months
321	3 months
322	3 months
411	3 months
412	3 months

2. The deadline may be up to 15 calendar days longer for those Member States whose total value added in Section F of ►M4 NACE Rev. 2 ◄ in a given base year represents less than 3 % of the Community total.

(h) **Pilot studies**

The priorities for the pilot studies are as follows:

▼M2

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▼B

2. break down production (No 110) into new work and repair and maintenance;

▼M2

———————

▼B

4. break down the variables Nos 210, 220 and 230 into building and civil engineering;

5. provide cost information (Nos 320, 321 and 322) for other types of construction than residential buildings as well as for repair and maintenance work;

6. break down the production of building construction (No 115) into residential and non-residential buildings;

7. provide short-term investment information;

8. provide short-term information concerning births and deaths of enterprises.

▼B

(i) **First reference year**

The first reference period for which all variables are to be transmitted is January 1998 for monthly data and the first quarter 1998 for quarterly data.

▼M2

The first reference period for the transmission of variables 110, 115, and 116 with a monthly reference period is not later than January 2005.

▼M4

The first reference period for which all variables are to be transmitted in NACE Rev. 2 is January 2009 for monthly data and the first quarter 2009 for quarterly data.

▼B

(j) **Transition period**

1. For the production variable (No 110) and the persons employed and hours worked variables (Nos 210 and 220) a transition period of no longer than three years from the date of entry into force of the Regulation may be conceded in accordance with the procedure laid down in Article 18. This transition period may be extended by a further two years in accordance with the procedure laid down in Article 18.

2. For all other variables a transition period of no longer than five years from the date of entry into force of the Regulation may be conceded in accordance with the procedure laid down in Article 18.

▼M2

3. A transition period ending on 11 August 2007 may be granted for the amendment of the reference period for variables 110, 115, and 116 in accordance with the procedure laid down in Article 18.

4. A transition period ending on 11 August 2007 may be granted for the changing of the deadlines for data transmission for variables 110, 115, 116 and 210 in accordance with the procedure laid down in Article 18.

▼B

ANNEX C

RETAIL TRADE AND REPAIR

▼M4

(a) **Scope**

This Annex applies to the activities listed in Division 47 of NACE Rev. 2.

▼B

(b) **Observation unit**

1. The observation unit for all variables in this Annex is the enterprise.

2. The use of other observation units can be decided in accordance with the procedure laid down in Article 18.

(c) **List of variables**

1. The statistics in this Annex comprise the following variables:

Variable	Name
120	Turnover
210	Number of persons employed
330	Deflator of sales

2. The information on the volume of sales (No 123) may be produced instead of the deflator of sales (No 330).

3. Starting from the beginning of the first reference period the information on persons employed (No 210) may be approximated by the number of employees (No 211). This approximation is permitted for a period of five years from the date of entry into force of the Regulation. This period shall be extended for up to five more years unless decided differently in accordance with the procedure laid down in Article 18.

▼M2

4. Member States shall carry out studies instituted by the Commission and set up in consultation with the Member States. The studies shall be carried out taking into account the benefits of collecting the data in relation to the cost of collection and burden on business, in order to:

   (a) assess the feasibility of transmitting a quarterly variable of hours worked (No 220) for retail trade and repair;

   (b) assess the feasibility of transmitting a quarterly variable of gross wages and salaries (No 230) for retail trade and repair;

   (c) define a suitable methodology for data collection and index calculation.

   Member States shall submit a report on the results of the studies to the Commission no later than 11 August 2007.

   Acting in accordance with the procedure laid down in Article 18, the Commission shall decide no later than 11 August 2008 whether to invoke Article 17(b), so as to include the variable hours worked (No 220) and the variable gross wages and salaries (No 230) with effect from the base year 2010.

▼B

(d) **Form**

▼M2

1. All of the variables are to be transmitted in an unadjusted form, if available.

2. The turnover variable (No 120) and the volume of sales variable (No 123) are also to be transmitted in a working-day adjusted form. Wherever other variables show working-day effects, Member States may also transmit those variables in working-day adjusted form. The list of variables to be transmitted in working-day adjusted form may be amended in accordance with the procedure laid down in Article 18.

▼B

3. In addition Member States may transmit the variables seasonally adjusted and may also transmit the variables in the form of trend-cycles. Only if

▼B

data are not transmitted in these forms, then Eurostat may produce seasonally adjusted and trend-cycle series for these variables.

4. All variables are to be transmitted either as an index or as absolute figures.

(e) **Reference period**

The following reference periods shall apply:

Variable	Reference period
120	month
210	quarter
330 or 123	month

(f) **Level of detail**

▼M4

1. The turnover variable (No 120) and the deflator of sales/volume of sales variables (No 330/123) are to be transmitted according to the levels of detail defined in paragraphs 2 and 3. The number of persons employed variable (No 210) is to be transmitted according to the level of detail defined in paragraph 4.

2. Detailed level regrouping NACE Rev. 2 classes and groups:

   Class 47.11;

   Class 47.19;

   Group 47.2;

   Group 47.3;

   sum of Classes (47.73, 47.74 and 47.75);

   sum of Classes (47.51, 47.71 and 47.72);

   sum of Classes (47.43, 47.52, 47.54, 47.59 and 47.63);

   sum of Classes (47.41, 47.42, 47.53, 47.61, 47.62, 47.64, 47.65, 47.76, 47.77 and 47.78);

   Class 47.91.

3. Aggregate levels regrouping NACE Rev. 2 classes and groups:

   sum of Class and Group (47.11 and 47.2);

   sum of Groups and Classes (47.19, 47.4, 47.5, 47.6, 47.7, 47.8 and 47.9);

   Division 47

   Division 47 without 47.3

4. Division 47

   Division 47 without 47.3

5. Those Member States whose turnover in Division 47 of NACE Rev. 2 in a given base year represents less than 1 % of the European Community total, need only transmit the turnover variable (No 120) and the deflator of sales/volume of sales variables (No 330/123) according to the levels of detail defined in paragraph 3.

▼B

(g) **Deadlines for data transmission**

▼M4

1. The variables shall be transmitted for turnover (No 120) and the deflator of sales/volume of sales (No 330/123) within two months at the levels of detail specified in paragraph 2 under heading (f) of this Annex. The deadline may be up to 15 days longer for those Member States whose turnover in Division 47 of NACE Rev. 2 in a given base year represents less than 3 % of the European Community total.

2. The variables shall be transmitted for turnover (No 120) and the deflator of sales/volume of sales (No 330/123) within one month for the level of detail specified in paragraph 3 under heading (f) of this Annex. Member States may choose to participate for the turnover and deflator of sales/-

▼M4

volume of sales variables No 120 and 330/123 with contributions according to the allocation of a European sample scheme as defined in point (d) of the first subparagraph of Article 4(2). The terms of the allocation are to be determined in accordance with the procedure laid down in Article 18.

3. The number of persons employed variable shall be transmitted within 2 months after the end of the reference period. The deadline may be up to 15 days longer for those Member States whose turnover in Division 47 of NACE Rev. 2 in a given base year represents less than 3 % of the European Community total.

▼B

(h) **Pilot studies**

The priorities for the pilot studies are as follows:

1. provide a more detailed activity breakdown;

▼M2

_____

▼B

3. collect information on the number of employees;

▼M2

_____

▼B

5. use the kind-of-activity unit as observation unit;

6. collect short-term information on the births and deaths of enterprises.

(i) **First reference year**

The first reference period for which all variables are to be transmitted is January 1998 for monthly data and the first quarter 1998 for quarterly data.

▼M4

The first reference period for which all variables are to be transmitted in NACE Rev. 2 is January 2009 for monthly data and the first quarter 2009 for quarterly data.

▼B

(j) **Transition period**

1. For the persons employed variable (No 210) a transition period of no longer than three years may be conceded in accordance with the procedure laid down in Article 18. This transition period may be extended by a further two years in accordance with the procedure laid down in Article 18.

2. For the turnover variable (No 120) at the levels of detail specified in paragraph 3 of Section F a transition period of no longer than two years may be conceded in accordance with procedures laid down in Article 18.

3. For the turnover variable (No 120) at the level of detail specified in paragraphs 2 and 4 of Section F and the deflator of sales/volume of sales (No 330/123) a transition period of no longer than five years may be conceded from the date of entry into force of the Regulation in accordance with the procedure laid down in Article 18.

▼M2

4. A transition period ending no later than 11 August 2006 may be granted for the changing of the deadlines for data transmission of the variable 210 in accordance with the procedure laid down in Article 18.

▼B

ANNEX D

OTHER SERVICES

▼M4

(a) **Scope**

This Annex applies to all activities listed in Divisions 45 and 46 and Sections H to N and P to S of NACE Rev. 2.

▼B

(b) **Observation unit**

1. The observation unit for all variables in this Annex is the enterprise.

2. The use of other observation units can be decided in accordance with the procedure laid down in Article 18.

(c) **List of variables**

1. The statistics in this Annex comprise the following variables:

Variables	Name
120	Turnover
210	Number of persons employed
310	Output prices

▼B

2. Starting from the beginning of the first reference period the information on persons employed (No 210) may be approximated by the number of employees (No 211). This approximation is permitted for a period of five years from the date of entry into force of the Regulation. The period shall be extended by up to five more years unless decided differently in accordance with the procedure laid down in Article 18.

▼M2

3. The output price variable (No 310) covers services delivered to customers that are enterprises or persons representing enterprises.

4. Member States shall carry out studies instituted by the Commission and set up in consultation with the Member States. The studies shall be carried out taking into account the benefits of collecting the data in relation to the cost of collection and burden on business, in order to:

(a) assess the feasibility of transmitting a quarterly variable of hours worked (No 220) for other services;

(b) assess the feasibility of transmitting a quarterly variable of gross wages and salaries (No 230) for other services;

(c) define a suitable methodology for data collection and index calculation;

(d) define a suitable level of detail. The data shall be broken down by economic activities defined by ►M4 NACE Rev 2 ◄ Sections and by further dis-aggregations, not beyond the level of ►M4 NACE Rev 2 ◄ Divisions (two-digit level) or groupings of Divisions.

Member States shall submit a report on the results of the studies to the Commission not later than 11 August 2007.

Acting in accordance with the procedure laid down in Article 18, the Commission shall decide no later than 11 August 2008 whether to invoke Article 17(b) so as to include the variable hours worked (No 220) and the variable gross wages and salaries (No 230) with effect from base year 2010.

▼B

(d) **Form**

▼M2

1. All of the variables are to be transmitted in unadjusted form, if available.

2. The turnover variable (No 120) is also to be transmitted in working-day adjusted form. Wherever other variables show working-day effects, Member States may also transmit those variables in working-day

▼M2

adjusted form. The list of variables to be transmitted in working-day adjusted form may be amended in accordance with the procedure laid down in Article 18.

▼B

3. In addition Member States may transmit the variables seasonally adjusted and may also transmit the variables in the form of trend cycles. Only if data are not transmitted in these forms, may the Commission (Eurostat) produce seasonally adjusted and trend-cycle series for these variables.

▼M2

4. The output price variable (No 310) is to be transmitted as an index. All other variables are to be transmitted as an index or as absolute figures.

▼B

(e) **Reference period**

A reference period of a quarter shall apply to all variables in this Annex.

▼M2

Member States shall carry out studies instituted by the Commission and set up in consultation with the Member States. The studies shall be carried out taking into account the benefits of a reduced reference period in relation to the cost of collection and burden on business in order to assess the feasibility of reducing the reference period of a quarter for the turnover variable (No 120) to a reference period of a month.

Member States shall submit a report on the results of the studies to the Commission no later than 11 August 2007.

Acting in accordance with the procedure laid down in Article 18, the Commission shall decide no later than 11 August 2008 whether to invoke Article 17(d) in connection with a revision of the frequency of compilation of the turnover variable.

▼B

(f) **Level of detail**

▼M4

1. The turnover variable (No 120) is to be transmitted according to the following groupings of NACE Rev. 2:

   46 at three-digit;

   45, 45.2, 49, 50, 51, 52, 53, 58, 59, 60, 61, 62, 63, 71, 73, 74, 78, 79, 80, 81.2, 82;

   sum of (45.1, 45.3 and 45.4);

   sum of (55 and 56);

   sum of (69 and 70.2).

2. The persons employed variable (No 210) is to be transmitted according to the following groupings of NACE Rev. 2:

   Divisions 45, 46, 49, 50, 51, 52, 53, 58, 59, 60, 61, 62, 63;

   sum of (69, 70.2, 71, 73 and 74);

   sum of (55 and 56);

   sum of (78, 79, 80, 81.2 and 82).

3. For Divisions 45 and 46 of NACE Rev. 2, the turnover variable need only be transmitted at the 2 digit level by those Member States whose turnover in those Divisions of NACE Rev. 2 in a given base year represents less than 4 % of the European Community total.

4. For Sections H and J of NACE Rev. 2, the number of persons employed variable (No 210) need only be transmitted at Section level by those Member States whose total value added in Sections H and J of NACE Rev. 2 in a given base year represents less than 4 % of the European Community total.

5. The output price variable (No 310) is to be transmitted according to the following activities and groupings of NACE Rev. 2:

   49.4, 51, 52.1, 52.24, 53.1, 53.2, 61, 62, 63.1, 63.9, 71, 73, 78, 80, 81.2;

   sum of (50.1 and 50.2);

▼M4

sum of (69.1, 69.2 and 70.2).

NACE Rev. 2 Division 78 covers the total price of labour recruited and personnel provided.

▼M2

6. The list of activities and groupings may be amended no later than 11 August 2008 in accordance with the procedure laid down in Article 18.

▼M4

7. For Division 63 of NACE Rev. 2, the output price variable (No 310) need only be transmitted at the 2 digit level by those Member States whose turnover in this Division of NACE Rev. 2 in a given base year represents less than 4 % of the European Community total.

▼B

(g) **Deadlines for data transmission**

▼M2

The variables shall, after the end of the reference period, be transmitted within the following deadlines:

Variable	Deadlines
120	2 months
210	2 months
310	3 months

▼B

(h) **Pilot studies**

The priorities for the pilot studies are as follows:

1. collect wages and salary information;

2. collect information on deflators;

▼M4

3. assess the feasibility and relevance of collection data on:

   (i) management activities of holding companies NACE Rev. 2 Groups 64.2 and 70.1;

   (ii) real estate NACE Rev. 2 Division 68;

   (iii) research and development NACE Rev. 2 Division 72;

   (iv) renting activity NACE Rev. 2 Division 77;

   (v) NACE Rev. 2 Sections K, P, Q, R, S.

▼B

4. produce a more detailed breakdown;

5. assess the possibility of earlier data transmission;

6. collect information on the number of employees;

7. use the kind-of-activity unit as observation unit;

8. collect short-term information on the births and deaths of enterprises.

(i) **First reference period**

The first reference period for which all variables are to be transmitted is the first quarter 1998.

▼M2

The first reference period for transmission of the output price variable No 310 is not later than the first quarter of 2006. A derogation of a further year may be granted for the first reference period in accordance with the procedure laid down in Article 18, on condition that a base year not later than 2006 is applied.

▼M4

The first reference period for which all variables are to be transmitted in NACE Rev. 2 is the first quarter 2009.

(j) **Transition period**

A transition period ending no later than 11 August 2008 may be granted for variable No 310 in accordance with the procedure laid down in Article 18. A further transition period of one year may be granted for the implementation

▼M4

of variable No 310 for the NACE Rev. 2 Divisions 52, 69, 70, 71, 73, 78, 80 and 81 in accordance with the procedure laid down in Article 18. In addition to those transition periods, a further transition period of one year may be granted, in accordance with the procedure laid down in Article 18, to those Member States whose turnover in the NACE Rev. 2 activities referred to under heading (a) Scope in a given base year represents less than 1 % of the European Community total.