

RULES OF PROCEDURE

OF THE EUROPEAN STATISTICAL SYSTEM COMMITTEE

**as adopted in the 45th meeting of the European Statistical System Committee
on 11/12 February 2021**

THE EUROPEAN STATISTICAL SYSTEM COMMITTEE,

Having regard to Regulation (EC) No 223/2009 of the European Parliament and of the Council of 11 March 2009 on European Statistics¹, and in particular Article 7 thereof,

Having regard to 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 powers², and in particular Article 9(1) thereof,

Having regard to the standard rules of procedure published by the Commission³,

HAS ADOPTED THE FOLLOWING RULES OF PROCEDURE:

Article 1

Convening a meeting

1. A committee meeting is convened by the Chairperson, either on his or her own initiative, or at the request of a simple majority of committee members.
2. In the case referred to in the second subparagraph of Article 3(5) of Regulation (EU) No 182/2011, where the written procedure is terminated without result, the Chairperson shall convene a committee meeting within a reasonable time.
3. Joint meetings of the committee with other committees may be convened to discuss issues coming within their respective areas of responsibility.

Article 2⁴

Guidance to the European Statistical System

1. The European Statistical System (ESS) is the partnership between the statistical authority of the Union, which is the Commission (Eurostat), and the national statistical institutes (NSIs) and other national authorities responsible in each Member State for the development, production and dissemination of European statistics.
2. The ESS Committee shall provide professional guidance to the ESS for developing, producing and disseminating European statistics in line with the statistical principles.

¹ OJ L 87, 31.3.2009, p. 164

² OJ L 55, 28.2.2011, p. 13

³ OJ C 206, 12.7.2011, p. 11

⁴ The tasks of the committee mentioned in Articles 2 to 6 are provided for in Regulation (EC) 223/2009.

3. The ESS Committee shall be consulted in regard to:
- (a) the measures which the Commission intends to take for the development, production and dissemination of European statistics, their justification on a cost-effectiveness basis, the means and timetables for achieving them, the response burden on survey respondents;
 - (b) initiatives to bring into practice the reprioritisation and reduction of the response burden;
 - (c) issues concerning statistical confidentiality;
 - (d) any other question, in particular issues of methodology, arising from the establishment or implementation of statistical programmes that are raised by its Chairperson, either on its own initiative or at the request of a Member State.

Article 3

European statistical programme and Annual work programme

1. The ESS Committee shall be consulted in regard to proposed developments and priorities in the European statistical programme. The Commission shall submit the draft European statistical programme to the ESS Committee for prior examination.

For each European statistical programme, the Commission shall consult the ESS Committee, on the intermediate progress report and final evaluation report prior to their submission to the European Parliament and to the Council.

2. Each year, before the end of April, the Commission shall submit to the ESS Committee its work programme for the following year.

Article 4

Code of Practice

The ESS Committee shall be consulted in regard to the further development of the Code of Practice. The Code of Practice shall be reviewed and updated as necessary by the ESS Committee.

Article 5

International cooperation

Without prejudice to the position and the role of individual Member States, the position of the ESS as regards issues of particular relevance to European statistics at international level as well as the specific arrangements for representation in the international statistical bodies shall be prepared by the ESS Committee and coordinated by the Commission (Eurostat).

Article 6
Collaborative networks

The initiatives for the creation of collaborative networks as well as the outcomes shall be examined by the ESS Committee.

Article 7
Agenda

1. The Chairperson shall draw up the agenda and submit it to the committee.
2. The agenda shall make a distinction between:
 - a) proposed measures about which the committee is asked to give an opinion, in accordance with the pertinent comitology procedures referred to in specific Articles of relevant basic acts in the field of statistics (comitology items);
 - b) other issues not related to comitology items put to the committee for opinion, information, consultation or for discussion, either on the Chairperson's initiative, or at the written request of a committee member or in accordance with the Regulation (EC) No 223/2009, and in particular Article 7, 10, 11, 13, 15 and 17 thereof.

Article 8
Documentation to be submitted to committee members

1. For the purpose of the second subparagraph of Article 3(3) of Regulation (EU) No 182/2011, the Chairperson shall submit the invitation, the draft agenda and the draft implementing act(s)/measure(s) on which the committee is asked to give an opinion, as well as any other documents, to the members of the committee well in advance of the meeting, taking into account the urgency and the complexity of the matter, and no later than 21 calendar days before the date of the meeting.

The views on the draft implementing act(s)/measure(s) expressed by the relevant Directors Group should also be submitted.

All documents shall be submitted in accordance with Article 17(2).

2. In duly justified cases, the Chairperson may, on his/her own initiative or at the request of a member of the committee, shorten the time-limit for submission of documents referred to in paragraph 1.
3. Prior to the meeting, the Chairperson shall ask the members of the committee for an exchange of views with regard to the items on the agenda, preferably by electronic means. The electronic exchange of views should remain open until 3 calendar days before the meeting. The results of the exchange of views will be made accessible at the latest on the following working day after its closure.

Article 9
Opinion of the Committee

1. When the advisory procedure leads to a vote, the outcome of the vote shall be decided by a simple majority of the committee members, in accordance with Article 4(1) of Regulation (EU) No 182/2011.

Where the committee's opinion is required under the examination procedure, the outcome of the vote shall be decided by a qualified majority, in accordance with Article 5(1) of Regulation (EU) No 182/2011.

Where the committee's opinion is required under the regulatory procedure with scrutiny, the outcome of the vote shall be decided by a qualified majority, in accordance with Article 5a of Decision 1999/468/EC⁵.

2. Unless a member of the committee objects, the chairperson may, without proceeding to a formal vote, establish that the committee has delivered a positive opinion, by consensus, on the draft implementing act. This paragraph does not apply to the cases where the committee's opinion is required under the regulatory procedure with scrutiny.
3. The Chairperson, in consultation with the members of the committee, on his or her own initiative or at the request of a committee member, may postpone the vote until the end of the meeting or a later meeting.
4. In accordance with the second subparagraph of Article 3(4) of Regulation (EU) No 182/2011, the chairperson shall endeavour to find solutions which command the widest possible support within the committee. Before the vote, the chairperson shall inform the committee of the manner in which the discussions and suggestions for amendments have been taken into account, in particular as regards those suggestions which have been largely supported within the committee.
5. At the end of each meeting, the committee shall endorse the text of the opinions reflecting the deliberations during the meeting.

Article 10
Representation and quorum

1. Each Member State shall be considered to be one committee member. Each member of the committee is composed of representatives of the National Statistical Institutes, NSIs (national specialists for statistics). With the Chairperson's permission, the delegations may be accompanied by experts, at the expense of the Member State concerned.
2. Within a reasonable time and no later than 5 calendar days before the date of a committee meeting, the following information shall be communicated to the chairperson:
 - (a) the composition of each delegation, except where such composition is already known to the Chairperson;
 - (b) the names and functions of any experts accompanying the delegations and the reasons for which their presence is required.

⁵ OJ L 184, 17.7.1999, p. 23

If the Chairperson does not object to the announced delegation in advance of the committee meeting, the permission referred to in paragraph 1 is considered to be granted.

3. The reimbursement of travel expenses by the Commission for only one delegate shall be paid in accordance with the applicable rules, subject to budgetary funds provided for this purpose.
4. A Member State delegation may represent a maximum of one other Member State. The Member State that is being represented shall inform the Chairperson of this before the meeting, or, at the latest, before the vote.

Article 11 **Working groups**

1. The committee may create working groups chaired by a representative of the Commission to examine particular issues.
2. The working groups shall report back to the committee under the responsibility of the Chairperson.
3. The committee may also put in place coordination and support mechanisms to advance the work of the ESS. Such mechanisms shall report to the committee and both recognise and draw upon the partnership arrangements that underpin the functioning of the ESS.

Article 12 **Third parties and experts**

1. The representatives of EFTA/EEA States shall be invited to attend the committee meetings as observers, in accordance with the Agreement on the European Economic Area⁶, in particular Protocol 30 on specific provisions on the organisation of the cooperation in the field of statistics⁷.
2. The representative of the Swiss Confederation shall be invited to attend the committee meetings as observer, in accordance with the Agreement between the European Community and the Swiss Confederation on cooperation in the field of statistics⁸, in particular Article 5 thereof on specific provisions on the statistical cooperation.
3. Representatives of acceding countries shall be invited to attend the meetings of the committee as from the date of signature of the Treaty of accession.
4. The Chairperson may decide to invite representatives of other third parties or other experts to talk on particular matters, on his/her own initiative or at the request of a member of the committee. However, a simple majority of the component members of the committee may oppose their participation in the meeting.

⁶ OJ L 1, 3.1.1994, p. 3

⁷ OJ L 1, 3.1.1994, p. 197. Protocol as last amended by Decision of the EEA Joint Committee No 153/2009 (OJ L 62, 11.3.2010, p. 56)

⁸ OJ L 90, 28.3.2008, p. 2

5. Representatives of third parties and experts referred to in paragraphs 1, 2, 3 and 4 shall not be present at and shall not participate in voting of the committee.

Article 13
Written procedure

1. The Chairperson may obtain the committee's opinion by written procedure in accordance with Article 3(5) of Regulation (EU) No 182/2011, allowing for a response period of no less than 14 calendar days. In particular, the Chairperson may use the written procedure to obtain the committee's opinion in cases where the draft implementing act/measure has already been discussed during a committee meeting.
2. However, if the Chairperson or a committee member request that the proposed implementing act/measure be examined at a committee meeting, the written procedure shall be terminated without result; the Chairperson shall then call a committee meeting as soon as possible.
3. The Chairperson shall inform the committee members of the outcome of the written procedure within 14 calendar days after the expiry of the time-limit.

Article 14
Secretarial support

The Commission shall provide secretarial support for the committee and, if necessary, the working groups created in accordance with Article 11 above.

Article 15
Minutes and summary record of the meetings

1. For the purpose of Article 10 of Regulation (EU) No 182/2011, the Chairperson shall be responsible for drawing up a summary record briefly describing each item on the agenda and the results of the vote on any draft implementing act/measure submitted to the committee. The summary record shall not mention the individual position of the members in the committee's discussions.
2. For the purpose of Article 3(6) of Regulation (EU) No 182/2011, the minutes of each meeting shall be drawn up under the responsibility of the Chairperson. Committee members shall have the right to ask for their position to be recorded in the minutes. The Chairperson shall send the draft minutes to the committee members without delay and no later than one month after the meeting.
3. The committee members shall send any written comments they may have on the draft minutes to the Chairperson no later than 14 calendar days after receipt of the draft minutes. After further 3 calendar days, the Chairperson shall send the final minutes to the committee members. If there is any disagreement, the matter shall be discussed by the committee. If the disagreement persists, the relevant comments shall be annexed to the final minutes.

Article 16
Attendance list and conflicts of interest

1. At each meeting, the Chairperson shall draw up an attendance list specifying the authorities and organisations to which the persons appointed by the Member States to represent them belong.
2. At the beginning of each meeting, any persons designated by the Member States, as well as experts who have been authorised by the Chairperson to participate in the meeting in accordance with Article 10(1) and 12(4), and representatives of third parties who have been invited to attend the meeting in accordance with Article 12, shall inform the Chairperson of any conflict of interest with regard to a particular item on the agenda.
3. In the event of such a conflict of interest, the person concerned shall, at the request of the Chairperson, withdraw from the meeting whilst the relevant agenda items are being dealt with.

Article 17
Correspondence

1. Correspondence relating to the committee shall be addressed to the Commission, for the attention of the committee Chairperson.
2. Correspondence for committee members shall be submitted to the Permanent Representations of the Member States, preferably by electronic means. Where a Permanent Representation indicates to the Commission a specific central electronic address for correspondence related to work of the committees, that address shall be used for correspondence. In addition, correspondence may be submitted directly to the persons designated by the Member States to represent them in the committee.

Article 18
Access to documents and confidentiality

1. Requests for access to committee documents shall be handled in accordance with Regulation (EC) No 1049/2001 of the European Parliament and of the Council⁹. It is for the Commission to take a decision on requests for access to those documents pursuant to its Rules of Procedure as amended by Decision 2001/937/EC, ECSC, Euratom¹⁰. If the request is addressed to a Member State, that Member State shall apply Article 5 of Regulation (EC) No 1049/2001.
2. The committee's discussions shall be confidential.

⁹ OJ L 145, 31.5.2001 p. 43

¹⁰ OJ L 345, 29.12.2001, p. 94

3. Documents submitted to members of the committee, experts and representatives of third parties shall be confidential¹¹, unless access is granted to those documents pursuant to paragraph 1 or they are otherwise made public by the Commission.
4. The members of the committee, as well as experts and representatives of third parties, shall be required to respect the confidentiality obligations set out in this Article. The Chairperson shall ensure that experts and representatives of third parties are made aware of the confidentiality requirements imposed upon them.

Article 19
Protection of personal data

The processing of personal data by the committee and its working groups shall be in conformity with Regulation (EU) No 2018/1725 of the European Parliament and of the Council¹², under the responsibility of the Chairperson acting as the controller within the meaning of point 8 of Article 3 of that Regulation.

¹¹ In accordance with Article 339 TFEU, "the members of the institutions of the Union, the members of committees, and the officials and other servants of the Union shall be required, even after their duties have ceased, not to disclose information of the kind covered by the obligation of professional secrecy, in particular information about undertakings, their business relations or their cost components".

¹² OJ L 295, 21.11.2018, p. 39