



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 10.7.2007
COM(2007) 389 final

2005/0032 (COD)

**COMMUNICATION FROM THE COMMISSION
TO THE EUROPEAN PARLIAMENT**

pursuant to the second subparagraph of Article 251 (2) of the EC Treaty

concerning the

common position of the Council on the adoption of a Regulation of the European Parliament and of the Council establishing a common framework for business registers for statistical purposes and repealing Council Regulation (EEC) No 2186/93

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(Text with relevance for the EEA)

1. BACKGROUND

Proposal submitted to the European Parliament and to the Council (COM(2005)112 — 2005/0032 (COD)) 5 April 2005

Opinion of the European Parliament (first reading) :
(PE A6-0194/2006) 1 June 2006

Adoption of the common position by the Council : 21 May 2007

2. AIM OF THE COMMISSION PROPOSAL

The objective of the proposal is to update the existing Regulation on business registers (Council Regulation (EEC) No 2186/93) in order to account of new requirements. In particular, three kinds of additional requirements have progressively emerged:

- globalisation of the economy has created the need to collect information on enterprise groups;
- the integration of activities of the different sectors has called for a full coverage of the whole economy;
- the Single Market requires improved statistical comparability, which notably depends on the availability of harmonised sources for the population of businesses operating in the EU.

The Commission proposal is intended to repeal Council Regulation (EEC) No 2186/93.

3. COMMENTS ON THE COMMON POSITION

3.1. General

At first reading, the European Parliament approved the Commission's proposal subject to 22 amendments. The great majority of these amendments was of an editorial or minor technical nature that did not affect the substance of the proposal.

3.2. Decisions on the European Parliament's amendments after first reading

The Commission has agreed to the amendments proposed by the Parliament. The European Parliament's resolution adopts a positive approach to this proposal with the great majority of the 22 amendments being in the nature of technical and editorial clarifications. The Council has endorsed these amendments within its common position.

3.3. New provisions introduced by the Council and the Commission's position.

On 17 July 2006, the Council adopted Decision 2006/512/EC amending Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission and introducing a new procedure named "regulatory procedure with scrutiny" (Article 5a).

The new Committee procedure has to be followed to adopt measures of general scope which seek to amend non-essential elements of a basic instrument adopted in accordance with the procedure referred to in Article 251 of the Treaty, *inter alia* by deleting some of those elements or by supplementing the instrument by the addition of new non-essential elements.

New provisions introduced by the Council refer to the implementing powers conferred to the Commission when the new procedure has to apply.

In particular, powers are conferred on the Commission to update the list of registers characteristics in the Annex, their definitions and their continuity rules, to decide on the coverage of the smallest enterprises and all-resident enterprise groups, the establishment of common quality standards, as well as the content and periodicity of the quality reports, and to adopt the rules for updating registers. These measures of general scope designed to amend non-essential elements of this Regulation should be adopted in accordance with the regulatory procedure with scrutiny laid down to in Article 5a of Council Decision 1999/468/EC.

The sentence "It shall apply from 1 January 2007" was omitted from Article 18 due to the delay in the adoption of the Regulation; its purpose was to specify the application date for the future, not retroactive application. The Regulation shall apply 20 days after its publication.

The Commission accepts these new provisions.

4. CONCLUSION

Under these conditions and for the reasons set out above, the Commission hereby expresses a favourable opinion on the common position of the Council adopted *unanimously*.