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**DRAFT STATEMENT OF THE COUNCIL'S REASONS**

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Subject : Council common position with a view to adoption of a Regulation of the European Parliament and of the Council on **Community statistics on public health and health and safety at work**  
– *Draft statement of the Council's reasons*

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**DRAFT STATEMENT OF THE COUNCIL'S REASONS**

## I. INTRODUCTION

1. On 7 February 2007, the Commission adopted its proposal<sup>1</sup> for a new regulation on Community statistics on public health and health and safety at work, based on Article 285(1) of the Treaty establishing the European Community.
2. The European Parliament adopted its first-reading opinion<sup>2</sup> on 13 November 2007.
3. The European Data Protection Supervisor gave his opinion on 5 September 2007<sup>3</sup> and the European Economic and Social Committee gave its opinion on 25 October 2007<sup>4</sup>.
4. The Council adopted its common position on ..... 2008 pursuant to Article 251 of the Treaty.

## II. OBJECTIVE

1. The objective of the regulation is to establish a framework for the systematic production of Community statistics in two areas:
  - (i) public health; and
  - (ii) health and safety at work.

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<sup>1</sup> OJ C 138, 22.6.2007, p. 9.

<sup>2</sup> European Parliament opinion of 13 November 2007 (not yet published in the Official Journal).

<sup>3</sup> OJ C 295, 7.12.2007, p. 1.

<sup>4</sup> OJ C 44, 16.2.2008, p. 103.

2. The statistics should take the form of a harmonised and common data set and would be produced by the European Statistical System (i.e. Eurostat together with the national statistical institutes and all other national authorities responsible for the provision of official statistics in these areas).
3. The draft Regulation focuses exclusively on statistical activities developed under Article 285 of the Treaty. It is not concerned with policy developments for the two above mentioned areas, which fall under Articles 152 and 137 of the Treaty.

### III. ANALYSIS OF THE COMMON POSITION

#### (a) **General**

1. In its Plenary vote on 13 November 2007, the European Parliament adopted twelve first-reading amendments. The Council's common position incorporates ten of them entirely and one partly. It includes in particular the amendments made to the Commission's original proposal, which aim at including gender and age in the breakdown variables in order to obtain information concerning any gender and age differences with regard to public health and health and safety at work.
2. Only one amendment (Amendment 8) concerning the inclusion of the tracking of any disease whose incidence is increasing or decreasing in the list of subjects covered was not taken into account as the Council considered, like the Commission, that a change in incidence of a disease was by definition an important aspect of the analysis and dissemination of morbidity data and could not form a separate subject.

3. The common position also contains a number of substantive amendments other than those contained in the European Parliament's first-reading opinion. Drafting changes have also been made to render the text more precise or ensure consistency throughout the regulation.
4. The Commission has accepted the common position agreed by the Council.

**(b) European Parliament amendments**

1. The Council incorporated the following eleven amendments into the common position:

**Recitals**

Amendments 1 (in full) and 2 (last part) concerning the inclusions of gender and age in the breakdown variables in the two areas covered by the regulation (public health and health and safety at work) have been added in order to obtain information concerning any gender and age differences in these two areas.

Amendment 3 (in full) has been accepted with a view to help Member States to build up capacity to introduce new tools for collecting statistical data using additional and complementary financial resources provided by the Community programmes in the two areas covered by the regulation.

**Articles**

Amendment 4 (in full) has been incorporated into the common position in order to lay down the conditions and standards governing the production of Community statistics.

Amendments 5 (in full) and 6 (in full) have been included to emphasise the importance of data collection for supporting national strategies to guarantee universal access to public health services in the Member States.

Account has been taken of Amendment 7 (in substance - to be read in conjunction with Article 9(1)) on the coordination of Community statistical activities with those of other international organisations, in order to limit the burden on Member States. The Council has adopted a more general approach without listing all the international or European organisations active in the fields covered by the Regulation. A reference to the sources of existing Community data is made in Article 9.

### **Annexes**

Amendments 11 (in full) and 12 (in full) have been added to include protection against possible pandemics and transmissible diseases and alcohol- and drug-related harm among the subjects covered by the "Health status and health determinants" domain.

Amendment 9 (in full) concerning the scope of the "Occupational diseases and other work-related health problems and illnesses" domain (Annex V) has been taken into consideration in order to cover both physical and mental and social illnesses and problems caused, worsened or jointly caused by the working environment.

Amendment 10 (in full) has been accepted to include gender, age and employment status of the person and the size and economic activity of the enterprise among the subjects covered by Annex V.

**(c) Other changes made by the Council**

The other major changes introduced by the common position relate to:

- a new recital 16 concerning full respect for national competence for public health and health and safety at work;
- Article 5 that has been split into two articles (5 and 6) to better define the different stages of the development of methodology, pilot studies and cost-benefit analyses;
- inclusion of a reference to Regulation (EC) No 1588/90 in Article 3 to increase the protection of confidential data transmitted between national authorities and the Community authority;
- inclusion of a reference to Regulation (EC) No 45/2001 in Article 7 in order to clearly establish the obligations of the Commission (Eurostat) towards individuals and to protect personal statistical information;
- Article 8 which now includes quality assessment of the data to be transmitted;
- more precise details in the annexes concerning intervals and time limits for data provision and the subjects covered.

#### IV. CONCLUSION

1. The Council considers that its common position is a balanced and realistic response to a number of concerns expressed by Member States in relation to the Commission proposal, while taking account of the European Parliament's opinion to a considerable extent.
2. The Council looks forward to confirmation of the European Parliament's agreement to this common position at the earliest opportunity so that the regulation can be adopted rapidly.

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