



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 22 December 2011

**Interinstitutional File:
2011/0146 (COD)**

**16920/2/11
REV 2**

LIMITE

GENVAL	120
JAI	836
DATAPROTECT	130
CODEC	2028
STATIS	85

NOTE

from: Presidency
to: Working Party on Statistics

No. prev. doc.: 16920/1/11 REV 1 GENVAL 120 JAI 836 DATAPROTECT 130 CODEC 2028
STATIS 85

No. Cion prop.: 11664/11 GENVAL 65 JAI 430 DATAPROTECT 64 CODEC 1045 STATIS 58
+ COR 1

Subject: Proposal for a Regulation of the European Parliament and of the Council on
European statistics on safety from crime

Further to the Working Party on Statistics (CWPS) meeting on 15 December 2011 delegations will find attached a revised Presidency compromise text on the above.

The proposed amendments as compared to the version discussed on 15 December 2011 are indicated as follows:

- new text or text replacing the Commission proposal which was accepted by the CWPS is underlined,
- deleted text is stricken through and put between square brackets []

Five Member States (AT, DK, NL, SE and UK) sustained their general reservation on the draft Regulation.

2011/0146 (COD)

Proposal for a

**REGULATION (EU) No .../2011 OF THE EUROPEAN PARLIAMENT AND OF THE
COUNCIL**

on European statistics on safety from crime

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 338(1) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national Parliaments,

Acting in accordance with the ordinary legislative procedure¹,

Whereas:

- (1) The European Council reaffirmed in the Hague Programme: strengthening freedom, security and justice in the European Union² the priority it attaches to the development an area of freedom, security and justice, responding to a central concern of the peoples of the States brought together in the Union. Furthermore the European Council welcomed the Commission's initiative to establish European instruments for collecting, analysing and comparing information on crime and safety issues in the Member States and gave the Commission the task of defining and collecting the data from Member States.

¹ Position of the European Parliament of ... (not yet published in the Official Journal) and decision of the Council of ...

² OJ C 53, 3.3.2005, p. 1.

- (2) One of the primary objectives of the EU Action Plan 2006-2010 on developing a comprehensive and coherent EU strategy to measure crime and criminal justice proposed by the Commission to achieve the goals set out in the Hague Programme, is to develop a statistical instrument to measure safety concerns.
- (3) The Stockholm Programme - An open and secure Europe serving and protecting citizens³ underlines the commitment of the European Council to an open and secure Europe serving and protecting the citizens, and invites the Commission to continue developing statistical tools to measure crime and criminal activities and to reflect on how to further develop the actions outlined and partly implemented in the EU Action Plan 2006-2010, in view of the increased need for such statistics in a number of areas concerning freedom, security and justice. Moreover, under the Sixth Framework Programme adopted by Decision No 1513/2002/EC of the European Parliament and of the Council of 27 June 2002 concerning the sixth framework programme of the European Community for research, technological development and demonstration activities, contributing to the creation of the European Research Area and to innovation (2002 to 2006)⁴ and the Seventh Framework Programme adopted by Decision No 1982/2006/EC of the European Parliament and of the Council of 18 December 2006 concerning the Seventh Framework Programme of the European Community for research, technological development and demonstration activities (2007-2013)⁵, the Commission has funded a number of research projects dealing with citizens' feelings of safety from crime and with trust in the police and justice systems, which should be taken into account.

³ OJ C 115, 4.5.2010, p. 1.

⁴ OJ L 232, 29.8.2002, p. 1.

⁵ OJ L 412, 30.12.2006, p. 1.

- (3a) Whereas the availability of full and detailed statistics on crime and safety issues should improve the protection of European citizens against crime and constitutes a substantial public interest, the timely production of such statistics is essential for the formulation of evidence-based policy. The statistics to be collected include detailed ~~[factual]~~ information on the crimes of which citizens have been victims and also make it possible to assess how such experiences affect their feelings of safety. Furthermore, new criminal and technological developments have had a profound effect on the threat to the safety of citizens. A rapid response to these threats requires detailed confidential micro-data allowing aggregates and additional analysis to be carried out. When making the micro-data available, it is important it has not been modified in such a way that details resulting from anonymisation adversely affect or limit the accuracy of the information provided.
- (4) Regulation (EC) No 223/2009 of the European Parliament and of the Council of 11 March 2009 on European statistics⁶ provides a reference framework for the production of European statistics, including the procedure for awarding grants to national authorities provided for in Article 5(3) of that Regulation. In particular, it requires compliance with the principles of professional independence, impartiality, objectivity, reliability, statistical confidentiality and cost effectiveness.
- (5) This Regulation ensures the right to respect for private and family life and to the protection of personal data, as set out in Articles 7 and 8 of the Charter of Fundamental Rights of the European Union, respectively.⁷
- (6) Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data⁸ and Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data⁹ apply in the context of this Regulation.

⁶ OJ L 87, 31.3.2009, p. 164.

⁷ OJ C 303, 14.12.2007, p. 1.

⁸ OJ L 281, 23.11.1995, p. 31.

⁹ OJ L 8, 12.1.2001, p. 1.

- (7) When producing and disseminating European statistics under this Regulation, national statistical authorities and the Commission (Eurostat) should take account of the principles set out in the European Statistics Code of Practice endorsed by the Commission in its Recommendation of 25 May 2005 on the independence, integrity and accountability of national and Community statistical authorities.
- (8) The effort involved for the Member States to develop the necessary statistical tools for measuring crime and criminal justice, and the expense entailed in this process, are such that a financial contribution from the Union budget of up to 90% of the eligible costs is appropriate.
- (9) Since the objective of this Regulation, namely the establishment of a common legal framework for the development, production and dissemination of comparable European statistics on safety from crime by collecting data based on a sample of households or persons, cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale and effects of the action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.
- (10) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission as regards the practical arrangements for transmission of micro-data, the practical arrangements and detailed structure of the metadata files as well as the data coding scheme. Those powers should be exercised in accordance with 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 powers¹⁰.
- (11) The European Data Protection Supervisor¹¹ and European Statistical System Committee have been consulted

¹⁰ OJ L 55, 28.2.2011, p. 13.

¹¹ OJ C...

HAVE ADOPTED THIS REGULATION:

Article 1

Subject matter

This Regulation establishes a legal framework for the development, production and dissemination of comparable European statistics on safety from crime based on a survey of households or persons.

Article 2

Scope

1. Each Member State shall submit to the Commission (Eurostat) data set out in Annex I.
2. Questions on violence referred to in Annex I point 7 shall be asked separately from the rest of the questionnaire. Member States shall choose whether to include the questions on sexual violence.
3. By the way of exception, France, Ireland and Malta shall not be required to collect data on violence between members of the same household.

Article 3

Definitions

For the purpose of this Regulation, the following definitions shall apply:

1. 'household' means a person living alone or a group of people who live together in the same private dwelling and share expenditure, including the joint provision of the essentials of living; this definition does not cover collective households such as hospitals, care or residential homes, prisons, military barracks, religious institutions, boarding houses or hostels;

2. 'usual residence' means the place where a person normally spends the daily period of rest, regardless of temporary absences for purposes of recreation, holidays, visits to friends and relatives, business, medical treatment or religious pilgrimage [~~or in default, the place of legal or registered residence~~]. The following persons alone shall be considered to be 'usual residents' of the geographical area in question:
 - i. those who have lived in their place of usual residence for a continuous period of at least 12 months before the reference date; or
 - ii. those who arrived in their place of usual residence in the 12 months before the reference date with the intention of staying there for at least one year;

Where the circumstances described in point (i) or (ii) cannot be established, 'usual residence' shall mean the place of legal or registered residence.

3. 'safety from crime' means citizens' feelings of security from threats to their person, household or possessions arising from criminal causes;
4. 'proxy answer' means information about a person provided by another member of that person's household;
5. 'micro-data' means individual statistical records;
6. 'metadata' means any information provided by data suppliers which is considered useful for the interpretation of those data.

Article 4

Data characteristics and time reference

1. Data shall be collected on the basis of a sample of households or persons as set out in Article 5. The information on the socio-demographic background of respondents as well as technical variables may be taken from administrative sources.

2. Data shall be collected in 2013.
3. The observation period shall cover the 12 months preceding data collection.

Article 5

Sampling and sample size

1. Data shall be based on nationally representative probability samples.
2. The sample size to be achieved, calculated on the assumption of simple random sampling, shall be a minimum of:
 - (a) 8 000 persons in Member States with a population aged 16 and over which is higher than 10 million;
 - (b) 7 000 persons in Member States with a population aged 16 and over which is higher than 5 million and lower than 10 million;
 - (c) 6 000 persons in Member States with a population aged 16 and over which is higher than 1,5 million and lower than 5 million;
 - (d) 5 000 persons in Member States with a population aged 16 and over which is higher than 0.5 million and lower than 1.5 million;
 - (e) 3 000 persons in Member States with a population aged 16 and over which is lower than 0,5 million.
3. By the way of exception to paragraph 2, the sample size for Malta shall be a minimum of 2000 persons.

Article 6

Collection unit

1. The reference population shall be all persons living in households with their usual residence in the territory of the Member State at the time of data collection.
2. Small parts of the national territory in which no more than 2 % of the national population has its usual residence, as well as the national territories listed in Annex II, may be excluded from the survey.
3. Data shall pertain to persons aged 16 and over.
- 3a. Only one person per household shall be interviewed.
4. Proxy answers shall not be permitted.

Article 7

Transmission of data

1. Member States shall transmit confidential micro-data to the Commission (Eurostat) in accordance with the provisions on the transmission of confidential data set out in Regulation (EC) No 223/2009. Member States shall ensure that the transmitted data do not permit the direct identification of households or persons and that personal data are protected in compliance with the principles laid down in Directive 95/46/EC.
2. Member States shall transmit the micro-data by 15 September 2014. The micro-data shall be accompanied by a set of defined tables consisting of indicators on prevalence rates in the last 12 months, by types of crime and the feelings of safety from crime.

Article 8

Provision of micro-data and metadata

1. Member States shall provide the micro-data and associated metadata in accordance with an exchange standard specified by the Commission (Eurostat). Micro-data and metadata shall be made available to the Commission (Eurostat) through electronic means, by using the single entry point.
2. The Commission shall lay down, by means of implementing acts, practical arrangements for the transmission of micro-data. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 12(2).

Article 9

Data dissemination and access to confidential data for scientific purposes

1. The Commission (Eurostat) shall disseminate the statistics on safety from crime by 15 February 2015.
2. The Commission (Eurostat) may grant access to confidential data transmitted in accordance with this Regulation, under the conditions laid down in Regulation (EC) No 831/2002¹².

Article 10

Quality assessment

1. Member States shall ensure the quality of the micro-data transmitted.
2. For the purposes of this Regulation, the quality criteria as referred to in Article 12(1) of Regulation (EC) 223/2009 shall apply to the data to be transmitted.

¹² Commission Regulation (EC) No 831/2002 of 17 May 2002 implementing Council Regulation (EC) No 322/97 on Community Statistics, concerning access to confidential data for scientific purposes (OJ L 133, 18.5.2002, p. 7).

3. Member States shall provide the Commission (Eurostat) not later than 15 October 2014 with a report on the quality of the micro-data.
4. In applying the quality criteria referred to in paragraph 2 to the data covered by this Regulation, the Commission shall define, by means of implementing acts, the practical arrangements and detailed structure of the metadata files as well as the data coding scheme. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 12(2).
5. On the basis of the reports referred to in paragraph 3, the Commission (Eurostat) shall assess the quality of the data transmitted with particular regard to ensuring the comparability of data between Member States.
6. By 31 December 2015 the Commission shall submit an evaluation report to the European Parliament and to the Council on the statistics produced under this Regulation and, in particular, on their relevance for policy and their comparability between Member States as well as on their quality.

Article 10a

Methodological Manual

The Commission (Eurostat) shall, in close cooperation with Member States, draw up a methodological manual which contains guidelines on the statistics produced under this Regulation, including definitions to be applied to the characteristics of the required information and common standards designed to ensure the quality of the data.

Article 11

Financing

1. To implement the survey, the Commission shall make a financial contribution to the Member States in the form of a grant to help cover the costs of data collection, processing and transmission, including the salary costs for staff in national administrations, subject to the conditions set out in the grant agreement. The grant shall be awarded to the national statistical institutes and other national authorities referred to in Article 5(2) of Regulation (EC) No 223/2009.
2. The maximum amount of the Union's co-financing may not exceed 90% of the total eligible costs of the project.
3. The financial contribution shall depend on the availability of appropriations entered in the budget of the Union.
4. Actions financed under this Regulation shall not receive assistance from other Union financial instruments. The beneficiaries shall provide the Commission with information about any other funding received and of ongoing applications for funding.

5. The Commission shall ensure that, when actions financed under this Regulation are implemented, the financial interests of the Union are protected by the application of preventive measures against fraud, corruption and any other illegal activities, by effective checks and by the recovery of the amounts unduly paid and, if irregularities are detected, by effective, proportional and dissuasive penalties, in accordance with Regulations (EC, Euratom) No 2988/95¹³ (Euratom, EC) No 2185/96¹⁴ and (EC) No 1073/1999¹⁵.
6. For actions financed under this Regulation, the notion of irregularity referred to in Article 1(2) of Regulation (EC, Euratom) No 2988/95 means any infringement or breach of a contractual obligation resulting from an act or omission by an economic operator, which has, or would have, the effect of prejudicing the general budget of the Union or budgets managed by it, by an unjustified item of expenditure.
7. Contracts and agreements resulting from this Regulation shall provide, in particular, for supervision and financial control by the Commission or any representative authorised by it and audits by the Court of Auditors, if necessary, on the spot.

Article 12

Committee procedure

1. The Commission shall be assisted by the European Statistical System Committee established by Regulation (EC) No 223/2009. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

¹³ Council Regulation (EC, Euratom) No 2988/95 of 18 December 1995 on the protection of the European Communities financial interests (OJ L 312, 23.12.1995, p. 1).

¹⁴ Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities (OJ L 292, 15.11.1996, p. 2).

¹⁵ Regulation (EC) No 1073/1999 of the European Parliament and of the Council of 25 May 1999 concerning investigations conducted by the European Anti-Fraud Office (OLAF)(OJ L 136, 31.5.1999, p. 1).

2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply. Where the committee delivers no opinion, the Commission shall not adopt the draft implementing act and the third subparagraph of Article 5(4) of Regulation (EU) No 182/2011 shall apply.

Article 13

Entry into force and applicability

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

It shall expire on 31 December 2015.

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

Done at,

For the European Parliament

For the Council

The President

The President

DATA TO BE SUBMITTED TO THE COMMISSION (EUROSTAT)

1. Experience of crime by types of crime:
 - 1.1. Vehicle related crimes:
 - (a) car theft,
 - (b) theft from cars,
 - (c) motorcycle theft,
 - (d) bicycle theft.
 - 1.2. Household related crime: burglary in main home.
 - 1.3. Personal crimes:
 - (a) robbery,
 - (b) theft of personal property;
 - 1.4. Non-conventional crimes:
 - (a) consumer fraud,
 - (b) card/on-line banking abuse,
 - (c) bribery (backhanders).
2. Crime details:

2.1. For every type of crime listed under 1.1 to 1.4, the following details are to be collected:

- whether the event/s happened in the last 5 years (optional),
- whether the event/s happened in the last 12 months,
- how often the event/s happened in the last 12 months,
- whether the last event was reported to the police (or other authority in case of consumer fraud, card/on-line banking abuse or bribery),
- whether the police response to the last event reported was satisfactory.

2.2. In addition to the details mentioned under 2.1, the following information on the last event for each crime are also to be collected:

(a) for all vehicle-related crimes, personal crimes, non-conventional crimes:

- where the last event happened;

(b) for car theft:

- whether the car was returned;

(c) for the burglary of main home and robbery:

- why the police were not informed,
- why the respondent was not satisfied with the police response,
- whether the respondent contacted victim support,
- whether victim support would have been useful;

- (d) for robbery:
 - whether anything was stolen,
 - whether the offender was using a weapon,
 - what kind of weapon was used by the offender,
 - whether the respondent was injured,
 - whether the injury was medically treated,
 - what was the emotional impact of the event on respondent;
 - (e) for theft of personal property:
 - whether the respondent was holding/carrying the stolen articles;
 - (f) for consumer fraud:
 - whether the fraud involved buying goods or services,
 - whether the fraud involved internet or e-mail;
 - (g) for card/on-line banking abuse:
 - whether it was card or on-line banking abuse;
 - (h) for bribery:
 - who was involved.
3. Respondent attitudes to law enforcement and security precautions:
- whether the respondent was exposed to drugs problems,

- whether the respondent owns a burglar alarm,
- whether the respondent owns a special door or locks,
- whether the respondent avoids certain places after dark,
- whether the respondent owns a gun,
- reason for owning a gun,
- respondent's opinion of police performance,
- respondent's opinion of the courts' performance,
- respondent's opinion regarding appropriate sentences for a burglary.

4. Respondent's feelings of safety from and worries about crime:

- feelings of safety from crime when out alone at night,
- worries about being physically attacked,
- worries about terrorism,
- likelihood of burglary.

5. Socio-demographic background of respondent:

- sex,
- age,
- country of birth,
- country of birth of mother,

- country of birth of father,
- citizenship,
- marital status,
- de facto marital status,
- employment status,
- full or part-time work,
- professional status,
- occupation in employment,
- economic activity of the local unit,
- highest level of education or training successfully completed,
- household income level.

6. Technical variables:

- country of residence,
- region of residence,
- degree of urbanisation of the area where the household lives,
- reference year of survey,
- month of survey,
- respondent code,

- weighting factor for household,
- weighting factor for individuals,
- data collection method used,
- method of checking for telescoping effect used during interview,
- language used for interview,
- number of persons living in household, including the respondent.

7. Violence crimes (to be asked in a separate module at the end of interview):

(a) non-partner physical violence:

- whether anyone, for example someone at school or at work, a friend or a neighbour or a stranger, slapped the respondent, threw something at him or her that could hurt, pushed or shoved the respondent or pulled the respondent's hair,
- whether anyone of the persons mentioned above hit with his or her fist or something else, kicked, dragged or beat up the respondent,
- whether anyone of the persons mentioned above choked, burnt or threatened the respondent or used a gun, knife or other weapon against the respondent;

(b) non-partner sexual violence (optional):

- whether anyone, for example someone at school or work, a friend or a neighbour or a stranger, attempted to force the respondent into sexual intercourse or forced into an unwanted sexual act or did anything else sexually to the respondent that was unwanted,

- whether anyone of the persons mentioned above forced the respondent into an unwanted sexual intercourse for example by threatening or holding down the respondent or putting the respondent in a situation where refusal was impossible;

(c) partner physical violence:

- whether present partner or a former partner, for example an ex-husband, an ex-boyfriend or an ex-wife, ex-girlfriend slapped the respondent or threw something at him or her that could hurt, pushed or shoved the respondent or pulled the respondent's hair,
- whether anyone of the persons mentioned above hit with his or her fist or something else, kicked, dragged or beaten up the respondent,
- whether anyone of the persons mentioned above choked, burnt or threatened the respondent or used a gun, knife or other weapon against the respondent;

(d) partner sexual violence (optional):

- whether present partner or a former partner, for example an ex-husband, an ex-boyfriend or an ex-wife, ex-girlfriend forced the respondent into unwanted sexual activity,
- whether the respondent had unwanted sexual activity because he or she was afraid of what any of the persons mentioned above might do to the respondent.

7.1. For non-partner physical and partner physical violence the following details are to be collected:

- whether the event/s happened in the last 5 years (optional),
- whether the event/s happened in the last 12 months,
- how often the event/s happened in the last 12 months,
- where the last event happened,
- whether a weapon was used,
- what kind of weapon was used,
- whether the respondent was injured,
- whether the injury was medically treated,
- what was the emotional impact of the event on the respondent,
- relation of the perpetrator to the victim,
- whether the last event was reported to the police,
- why was it not reported,
- whether the police response to the last event reported was satisfactory,
- why the respondent was not satisfied with the police response,
- whether the respondent contacted victim support,
- whether victim support would have been useful.

7.2. The details listed under 7.1 are optional for non-partner and partner sexual violence crimes.

8. Countries not asking screening questions for the crime events in the last 5 years from the date of the interview are to avoid overreporting ("telescoping" effect) either by asking screening questions covering a minimum of two years or by checking the exact date of the event reported by the respondent.
-

NATIONAL TERRITORIES THAT MAY BE EXCLUDED FROM THE SURVEY

Country	National territories
France	French overseas departments and territories
Ireland	All offshore islands with the exception of Achill, Bull, Cruit, Gorumna, Inishnee, Lettermore, Lettermullan and Valentia
Malta	Gozo and Comino
Netherlands	Caribbean islands (Bonaire, St. Eustatius and Saba), the West Frisian islands with the exception of Texel
United Kingdom	Scotland north of the Caledonian Canal, the Scilly Islands, Gibraltar
