



Brussels, 16.12.2015  
COM(2015) 656 final

2015/0299 (NLE)

Proposal for a

**COUNCIL DECISION**

**on the position to be adopted, on behalf of the European Union, in the EEA Joint  
Committee concerning an amendment to Annex XXI (Statistics)  
to the EEA Agreement  
(health care expenditure statistics)**

## EXPLANATORY MEMORANDUM

### 1. CONTEXT OF THE PROPOSAL

In order to ensure the requisite legal security and homogeneity of the Internal Market, the EEA Joint Committee is to integrate all the relevant EU legislation into the EEA Agreement as soon as possible after its adoption.

### 2. RESULTS OF CONSULTATIONS WITH THE INTERESTED PARTIES AND IMPACT ASSESSMENTS

The draft Decision of the EEA Joint Committee (annexed to the proposed Council Decision) aims to amend Annex XXI (Statistics) to the EEA Agreement in order to incorporate Commission Regulation (EU) 2015/359 of 4 March 2015 implementing Regulation (EC) No 1338/2008 of the European Parliament and of the Council as regards statistics on healthcare expenditure and financing<sup>1</sup> into the EEA Agreement.

#### **Justification of requested adaptations in incorporation of Regulation (EU) 2015/359 into the EEA Agreement**

##### **Relevant provision:**

Articles 3 and 5; provision of data regarding day curative care (HC.1.2), day rehabilitative care (HC.2.2), day long-term care (health) (HC.3.2) and enterprise financing schemes (HF.2.3).

##### **Justification and proposed solution:**

Information regarding day care (curative, rehabilitative, long-term) and enterprise financing schemes is not available in Liechtenstein, and not relevant at national level. According to Principle 11 of the European Statistics Code of Practice, European statistics are to meet the needs of users; priority needs are to be met and reflected in the work programmes for Eurostat and of the national statistical offices. Conversely, this means that statistical data that do not meet the needs of users should not be gathered.

##### HC.1.2, HC.2.2, HC.3.2 – Data on day care (curative, rehabilitative, long-term):

Medical providers in Liechtenstein only register data on their activities under the categories inpatient or outpatient care. The distinction between outpatient and day care is not common there is therefore no data available. However, day curative care (HC.1.2) is included in outpatient curative care (HC.1.3), day rehabilitative care (HC.2.2) is included in outpatient rehabilitative care (HC.2.3) and day long-term care (health) (HC.3.2) is included in outpatient long-term care (health) (HC.3.3).

Therefore, the following adaptation is proposed:

*“Liechtenstein is exempted from providing separate data on day curative care (HC.1.2), day rehabilitative care (HC.2.2) and day long-term care (health) (HC.3.2), which shall be included in the data provided on outpatient curative care (HC.1.3), outpatient rehabilitative care (HC.2.3) and outpatient long-term care (health) (HC.3.3), respectively.”*

##### HF.2.3 – Enterprise financing schemes:

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<sup>1</sup> OJ L 62, 6.3.2015, p. 6.

Information about enterprise financing schemes is not available in Liechtenstein. In addition health expenditure in enterprises represents a very small part of the total health expenditure, and the burden to collect this information is therefore disproportionate. Liechtenstein's exemption from providing data for HF.2.3 shall be subject to continuous reconsideration by the EEA Contracting Parties, on the basis of information provided by the Statistical Office of Liechtenstein which will inform Eurostat in case expenditure on enterprise financing schemes can no longer be considered negligible.

Therefore, the following adaptation is proposed:

*“Liechtenstein is exempted from providing data on enterprise financing schemes (HF.2.3). This exemption shall be subject to review by the EEA Joint Committee whenever figures provided by Liechtenstein demonstrate that the expenditure on enterprise financing schemes in Liechtenstein is no longer negligible.”*

### **3. LEGAL ELEMENTS OF THE PROPOSAL**

Article 1(3) of Council Regulation (EC) No 2894/94 concerning arrangements for implementing the EEA Agreement provides that the Council establishes the position to be adopted on the Union's behalf on such Decisions, on a proposal from the Commission.

The Commission submits the Draft Decision of the EEA Joint Committee for adoption by the Council as the Union's position. The Commission would hope to be able to present it in the EEA Joint Committee at the earliest possible opportunity.

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 338(1) in conjunction with Article 218(9) thereof,

Having regard to Council Regulation (EC) No 2894/94 of 28 November 1994<sup>1</sup> concerning arrangements for implementing the Agreement on the European Economic Area, and in particular Article 1(3) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Agreement on the European Economic Area<sup>2</sup> ('the EEA Agreement') entered into force on 1 January 1994.
- (2) Pursuant to Article 98 of the EEA Agreement, the EEA Joint Committee may decide to amend, inter alia, Annex XXI (Statistics) to the EEA Agreement.
- (3) Commission Regulation 2015/359/EU<sup>3</sup> is to be incorporated into the EEA Agreement. Information regarding day care and enterprise financing schemes as well as outpatient and day care is not available in Liechtenstein, it should therefore be exempted from providing this data.
- (4) Annex XXI (Statistics) to the EEA Agreement should therefore be amended accordingly.
- (5) The position of the Union within the EEA Joint Committee should therefore be based on the attached draft Decision,

HAS ADOPTED THIS DECISION:

*Article 1*

The position to be adopted, on behalf of the Union, within the EEA Joint Committee on the proposed amendment to Annex XXI (Statistics) to the EEA Agreement shall be based on the draft decision of the EEA Joint Committee attached to this Decision.

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<sup>1</sup> OJ L 305, 30.11.1994, p. 6.

<sup>2</sup> OJ L 1, 3.1.1994, p. 3.

<sup>3</sup> Commission Regulation (EU) 2015/359 of 4 March 2015 implementing Regulation (EC) No 1338/2008 of the European Parliament and of the Council as regards statistics on healthcare expenditure and financing (OJ L 62, 6.3.2015, p. 6).

*Article 2*

This Decision shall enter into force on the date of its adoption.

Done at Brussels,

*For the Council  
The President*