



EUROPEAN CENTRAL BANK

OPINION OF THE EUROPEAN CENTRAL BANK**of 5 November 2004****at the request of the Czech Statistical Office****on a draft decree laying down the programme of statistical surveys for the year 2005****(CON/2004/36)**

1. On 5 October 2004, the European Central Bank (ECB) received a request from the Czech Statistical Office (CSO) for an opinion on a draft decree laying down the programme of statistical surveys for the year 2005 (hereinafter the 'draft decree').
2. The ECB's competence to deliver an opinion is based on the fourth indent of Article 2(1) of Council Decision 98/415/EC of 29 June 1998 on the consultation of the European Central Bank by national authorities regarding draft legislative provisions¹, as the draft decree relates to the collection of monetary, financial, banking, payment systems and balance of payments statistics. In accordance with the first sentence of Article 17.5 of the Rules of Procedure of the European Central Bank, the Governing Council has adopted this opinion.
3. The draft decree lays down the programme for statistical surveys for 2005. The CSO is required to lay down such programmes on an annual basis pursuant to Article 10(1) of the Act on the State Statistical Service No 89/1995 Coll., as amended.
4. An annex to the draft decree submitted by the CSO (hereinafter the 'annex') contains 'template' statistical surveys for each category of financial institution (reporting unit) regulated by the draft decree.

The purpose of the surveys is to collect statistical data for use in assessing the state and estimating the development of key macroeconomic indicators for the Czech Republic, for compiling the national accounts of the financial institutions sector, calculating the government deficit and debt and for the CSO's publications and analytical activity. The results of the surveys, once processed, are then to be forwarded to international monetary institutions and other international organisations.

The financial institutions covered by the programme (mainly insurance companies, banks, non-banking financial institutions preparing their accounts as banks, and 'other financial institutions' preparing their accounts as businesses and not as banks) are generally required to complete both

¹ OJ L 189, 3.7.1998, p. 42.

quarterly and annual surveys in the form of exhaustive questionnaires. Government institutions either complete quarterly surveys or annual surveys. Furthermore, investment companies are obliged to complete a comprehensive survey including the financial results of their mutual funds and a separate questionnaire for their money market funds.

As regards the means of collection, the surveys contained in the annex to the draft decree stipulate that the data may either be collected by completing questionnaires or by electronic data collection.

5. Article 5.1 of the Statute of the European System of Central Banks and of the European Central Bank provides that in order to undertake the tasks of the European System of Central Banks (ESCB), the ECB, assisted by the national central banks, shall collect the necessary statistical information either from the competent national authorities or directly from economic agents. For these purposes it shall cooperate, inter alia, with the Community institutions or bodies and with the competent authorities of the Member States. Article 10 of the Treaty requires that 'Member States shall take all appropriate measures ... to ensure fulfilment of the obligations arising out of this Treaty'. More specifically, Article 4 of Council Regulation (EC) No 2533/98 of 23 November 1998 concerning the collection of statistical information by the European Central Bank² requires all Member States to 'organise themselves in the field of statistics ... and fully cooperate with the ESCB in order to ensure the fulfilment of the obligations arising out of Article 5 of the Statute'.
6. Recital 17 of Council Regulation (EC) No 2533/98 provides that '... while it is recognised that the statistical information needed to fulfil the ECB's statistical reporting requirements is not the same for the participating as for the non-participating Member States, Article 5 of the Statute applies to both participating and non-participating Member States; ... this fact, together with Article [10] of the Treaty, implies an obligation to design and implement at the national level all the measures that Member States consider appropriate in order to carry out the collection of the statistical information needed to fulfil the ECB's statistical reporting requirements and the timely preparations in the field of statistics in order for them to become participating Member States'.
7. On the basis of the above, the ECB notes that the reporting obligations laid down by national authorities are an indispensable component of national collection systems. National collection systems are highly complex, may differ between each Member State and depend on many national and external factors. As a consequence, the ECB's comments on the draft decree are mainly of a general nature and aim to draw attention to those aspects that could be stated more explicitly in the draft decree.
8. The ECB concludes that the draft decree appears to impose on financial institutions in the Czech Republic some of the statistical reporting requirements applying to financial institutions in participating Member States. Furthermore, the draft decree seems to be consistent with these requirements.

² OJ L 318, 27.11.1998, p. 8.

9. At the same time, it is the task primarily of the national authorities of non-participating Member States to assess whether any proposed detailed reporting requirements and collection methods at national level are the most efficient and effective and the least burdensome for the reporting agents concerned.
10. This opinion does not prejudice any later assessment by the ECB of statistical data and other information collected under the CSO's reporting requirements and reported to the ECB.
11. The ECB confirms that it has no objection to the competent national authorities making this opinion publicly available at their discretion. This opinion will be published on the ECB's website six months after the date of its adoption.

Done at Frankfurt am Main, 5 November 2004.

[signed]

The President of the ECB

Jean-Claude TRICHET