



OPINION OF THE EUROPEAN CENTRAL BANK

of 6 January 2010

on a new legal framework for the production of national statistics

(CON/2010/2)

Introduction and legal basis

On 3 December 2009 the European Central Bank (ECB) received a request from the Ministry of Finance of Estonia for an opinion on the draft law on national statistics (hereinafter the 'draft law').

The ECB's competence to deliver an opinion is based on Articles 127(4) and 282(5) of the Treaty on the Functioning of the European Union and the third and fourth indents 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 law relates to Eesti Pank and the collection, compilation and distribution 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.

1. Purpose of the draft law

The Law on national statistics was adopted in 1997. The draft law is aimed at improving the general functioning of national statistics production and at ensuring consistency with Regulation (EC) No 223/2009 on European statistics². Eesti Pank and the *Statistikaamet* (the National Statistical Institute of Estonia (NSI)) will continue to be the producers of national statistics and the national statistics programme will consist of: (a) the list of statistical work approved by the Government of the Republic; and (b) the list of statistical work approved by the Governor of Eesti Pank.

2. General observations

2.1 The ECB welcomes the aim of the draft law to ensure consistency with the framework of European statistics and to improve the production of national statistics.

¹ OJ L 189, 3.7.1998, p. 42.

² Regulation (EC) No 223/2009 of the European Parliament and of the Council of 11 March 2009 on European statistics and repealing Regulation (EC, Euratom) No 1101/2008 of the European Parliament and of the Council on the transmission of data subject to statistical confidentiality to the Statistical Office of the European Communities, Council Regulation (EC) No 322/97 on Community Statistics, and Council Decision 89/382/EEC, Euratom establishing a Committee on the Statistical Programmes of the European Communities (OJ L 87, 31.3.2009, p. 164).

- 2.2 As of the date of abrogation of the derogation for Estonia under Article 140(2) of Treaty, the clause referred to in Article 8(1) of the draft law will require amendment. This could be avoided by making a more general reference or taking the potential replacement of this clause into account.
- 2.3 According to the draft law, the NSI's Director General is responsible for cooperation with other producers of national statistics. The ECB emphasises that ensuring effective cooperation between Eesti Pank and NSI is very important for the quality and cost-effectiveness of statistics. At the same time, such cooperation must be without prejudice to Eesti Pank's independence and to its tasks within the statistical framework of the European System of Central Banks (ESCB); the ECB would recommend addressing this issue in the draft law.
- 2.4 According to the draft law, the national statistics programme covers demographic, social, economic and environmental statistics and is based on national or international statistical needs. One part of the programme will be the list of statistical work approved by the Governor of Eesti Pank. The ECB understands that the monetary and financial statistical work of Eesti Pank is covered by the concept of 'economic statistics'.

3. Statistical principles and independence of the NSI

- 3.1 The draft law provides that national statistics must be produced in accordance with the statistical principles and quality criteria set out in Regulation (EC) No 223/2009 or in the legal instruments on statistics regulating the ECB's activities. In addition, the ECB notes that the recent amendment of Council Regulation (EC) No 2533/98 of 23 November 1998 concerning the collection of statistical information by the European Central Bank³ introduces a list of statistical principles governing the production of European Statistics by the ESCB. These principles are similar to those laid down in Regulation 223/2009 and are defined and published by the ECB on its website as a public commitment concerning European statistics produced by the ESCB.
- 3.2 Related to the above principles, according to Article 2 of Regulation (EC) No 223/2009, statistics must be developed, produced and disseminated in an independent manner, free from any pressures from national authorities. The ECB notes the declaration in the draft law that the NSI is professionally independent. However, several provisions of the draft law indicate that the Ministry of Finance has extensive powers to interfere in the production of national statistics. In general, the ECB stresses the importance of securing the independence of the NSI as this is of particular importance for statistics required for assessing convergence and for the smooth functioning of the EMU framework following the adoption of euro.

³ OJ L 318, 27.11.1998, p. 8 as amended by Council Regulation (EC) No 951/2009 of 9 October 2009 amending Regulation (EC) No 2533/98 concerning the collection of statistical information by the European Central Bank (OJ L 269, 14.10.2009, p. 1).

4. Confidential data

Article 35(3) of the draft law provides that confidential data which allow direct or indirect identification can be disseminated to another producer of national statistics as well as to Eurostat and the ECB in accordance with their respective spheres of competence. However, in order to ensure an efficient collection, compilation and dissemination of European Statistics, the ECB would find it useful to extend the scope of the exchange of confidential data to cover all authorities belonging to the European Statistical System and to ESCB members and not restricting it only to the ECB and Eurostat. This would be in line with the recent amendments to the statistical regulations⁴.

This opinion will be published on the ECB's website.

Done at Frankfurt am Main, 6 January 2010.

[signed]

The President of the ECB

Jean-Claude TRICHET

⁴ Regulation (EC) No 223/2009 and Regulation (EC) No 951/2009.