



EUROPEAN CENTRAL BANK

EUROSYSTEM

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ECB-PUBLIC

OPINION OF THE EUROPEAN CENTRAL BANK

of 15 July 2015

on amendments to the law on the Hellenic Statistical System and the Hellenic Statistical Authority
(CON/2015/24)

Introduction and legal basis

On 14 July 2015, the European Central Bank (ECB) received a request from the Greek Ministry of Finance for an opinion on a draft law on urgent measures for the negotiation and conclusion of an agreement with the European Stabilisation Mechanism which, inter alia, amends Law 3832/2010 (hereinafter the 'HSTAT Law').¹

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/EC², as the draft law relates to the Bank of Greece 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 and general comments

- 1.1 The aim of the draft law is to improve the general functioning of the production of official statistics in Greece, further guarantee the independence of the Hellenic Statistical Authority (HSTAT), and ensure consistency between national law and updated Union legislation in the field of statistics.
- 1.2 The ECB broadly welcomes the objectives of the draft law. However, the ECB is of the opinion that the draft law should explicitly recognise the role and the independence of the Bank of Greece in the area of official statistics, and define in a general manner its rights and obligations in this regard. As explained further in this opinion, and with reference to its opinion of 23 February 2010³, the ECB would strongly welcome the inclusion in the draft law of provisions recognising the two separate but complementary legal frameworks under which official statistics are developed, produced and disseminated, on the one hand by HSTAT, operating within the partnership of the European Statistical System (ESS), and on the other hand by the Bank of Greece, as a member of the European System of Central Banks (ESCB).

¹ Law 3832/2010 on the Hellenic Statistical System and the Establishment of a Hellenic Statistical Authority as an independent authority (Official Gazette of the Republic, 38^A, 09.03.2010).

² Council Decision 98/415/EC of 29 June 1998 on the consultation of the European Central Bank by national authorities regarding draft legislative provisions (OJ L 189, 3.7.1998, p. 42).

³ Opinion CON/2010/17. All ECB opinions are published on the ECB's website at www.ecb.europa.eu.

2. Specific comments

- 2.1 The statistical principles governing the production of European statistics by the ESCB under Council Regulation (EC) No 2533/98⁴ are similar but not identical to the statistical principles governing the production of European statistics by the ESS under Regulation (EC) No 223/2009 of the European Parliament and of the Council⁵.
- 2.2 For reasons of legal certainty, the ECB would therefore welcome the express recognition, in the draft law, of the two sets of principles applicable to the production of statistics, one applying to HSTAT and the other applying to the Bank of Greece. The draft law could therefore make it explicit that the statistical principles contained in Regulation (EC) No 223/2009 govern the production of official statistics by HSTAT, while the Bank of Greece, in its capacity as member of the ESCB, should apply the statistical principles contained in Regulation (EC) No 2533/98.

3. Independence of the Bank of Greece

The ECB would welcome more explicit recognition in the draft law of the independence of the Bank of Greece as a body concerned with and producing official statistics in its areas of competence. The ECB would therefore recommend introducing drafting clarifications in the draft law, more specifically, in its provisions amending Articles 1 and 2 of the HSTAT Law, to more effectively guarantee the independence of the Bank of Greece. More particularly, the draft law should make it clear that cooperation between the Bank of Greece and HSTAT shall be without prejudice to the independence of the Bank of Greece and its tasks within the statistical framework of the ESCB⁶.

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

Done at Frankfurt am Main, 15 July 2015.

[signed]

The President of the ECB

Mario DRAGHI

⁴ Council Regulation (EC) No 2533/98 of 23 November 1998 concerning the collection of statistical information by the European Central Bank (OJ L 318, 27.11.1998, p. 8).

⁵ 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).

⁶ See also paragraph 2.3 of Opinion CON/2010/2, paragraph 2 of Opinion CON/2010/24, and Opinion CON/2012/84.