



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 13 March 2009

7600/09

**STATIS 36
ECOFIN 197
UEM 86**

NOTE

from : Presidency
to : Working Party on Statistics on 23 March 2009

Subject : Recommendation of the ECB for a Council Regulation amending Council
 Regulation (EC) No 2533/98 of 23 November 1998 concerning the collection of
 statistical information by the European Central Bank

For the meeting of the CWPS on 23 March 2009, the Presidency would like to invite the Delegations to focus discussion on the key points presented below:

I) Recital on minimising reporting burden (Recital 7)

The Presidency proposes to extend the scope of measures for minimising the reporting burden reflecting that there is a strong need to avoid any ineffective data collections.

II) Cooperation between the ESCB and the ESS (Recital 8a and Article 2a)

Strengthening the cooperation between the ESCB and the ESS would be beneficial not only for both statistical systems but also for their users and respondents. Therefore the Presidency proposes to slightly modify the French proposal on Recital 8a to include the consultative role of the ESS Committee, CMFB and other relevant committees (namely STC) on the ESCB statistical work programme. In addition the separate Article on cooperation between both systems as was proposed by the French Presidency is kept in the text to mirror the Regulation on European Statistics.

III) Definitions (Article 1)

In cooperation with the ECB the Presidency suggests slightly modified definition on European Statistics. As regards the reference to the ESCB statistical work programme (in the square brackets) the Presidency is of the opinion that its inclusion would provide further clarification on the scope of proposal, however the ECB considers the necessity to include this text since there is already the reference to Article 5.1 of the Statute. Therefore Presidency invites the Delegations to present their opinion on this issue at the CWPS. Furthermore it is proposed to have two definitions of European Statistics as the definition in Regulation on European Statistics cannot cover all statistics produced by the ESCB. However on the request of the CWPS the Presidency is prepared to consult the Council Legal Service on this issue.

Reflecting the previous discussions at the CWPS the Presidency added definitions of “use for statistical purposes“, “development“, “production” and “dissemination”.

IV) Statistical principles and recommendations (Recital 7a and Article 3a)

In its proposal the Presidency reflected the comments of the Member States to remove the text on statistical principles into a separate Article. In addition the obligation to publish the definition of the principles to make them publicly available was proposed by the Presidency. The ECB plans to prepare a non-paper on definitions of these principles and will submit it.

The separate Recital on best practices and recommendations was added to reflect the request of the CWPS.

V) Confidentiality (Recital 10, Article 8, 8a and 8b)

On the request of the Member States the provisions on exchange of confidential data between the ESCB and the ESS were moved to the separate Article 8a.

As regards the transmission of confidential data from the ESS authorities to the ESCB members, it is proposed that confidential data collected by the ESS authorities can be used exclusively for statistical purposes. This solution is based on general confidentiality principle of official statistics, that the use of confidential data collected by statistical authorities for purposes that are not exclusively statistical, such as administrative, legal or tax purposes or for the verification (sanctioning) against the statistical units shall be strictly prohibited. If this principle is not respected it can have a negative influence on the willingness of respondents to provide their data to the ESS authorities.

Another option already presented to the CWPS is based on the ECB's proposal that as an exception to the general rule the data collected by the ESS authorities, which fall within the scope of an ECB Regulation or decision referred to in Article 34 of the Statute, are treated according to the ECB confidentiality regime; i.e. the data can be used for other than statistical purposes and in line with Article 8 (3) reporting agents will be informed thereof. It is the ECB's view that the possibility of cooperation between the ESS and ESCB members could not be used to avoid double collection of data in a situation where the data collected by an ESS member would also be suitable to fulfil the specific ECB requirements stemming from an ECB regulation or decision.

VI) Reference reporting population (Article 2, Recital 8a)

The Presidency welcomes the ECB's non-paper on Enhancement of reporting population, which further clarifies the ECB's intentions as regards reporting requirements. The Delegations are invited to comment it and to propose their ideas on improvements of Article on Reference reporting population, which is still open for the discussion even though the Presidency maintains the original text in its proposal. When considering this Article it is also necessary to take into account the Presidency proposal on Recital 8a, which now allows the ESS Committee to consult the ESCB statistical work programme.
