

European statistics *I**

European Parliament legislative resolution of 21 November 2013 on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) No 223/2009 on European statistics (COM(2012)0167 – C7-0101/2012 – 2012/0084(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2012)0167),
 - having regard to Article 294(2) and Article 338(1) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0101/2012),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the reasoned opinions submitted, within the framework of Protocol No 2 on the application of the principles of subsidiarity and proportionality, by the Spanish Congress of Deputies and the Spanish Senate and the Austrian Federal Council, asserting that the draft legislative act does not comply with the principle of subsidiarity,
 - having regard to the opinion of the European Central Bank of 6 November 2012¹
 - having regard to Rule 55 of its Rules of Procedure,
 - having regard to the report of the Committee on Economic and Monetary Affairs (A7-0436/2012),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

¹ OJ C 374, 4.12.2012, p. 2.

Position of the European Parliament adopted at first reading on 21 November 2013 with a view to the adoption of Regulation (EU) No .../2013 of the European Parliament and of the Council amending Regulation (EC) No 223/2009 on European statistics

(Text with relevance for the EEA and Switzerland)

[Amendment 43]

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Central Bank¹,

Acting in accordance with the ordinary legislative procedure²,

¹ OJ C 374, 4.12.2012, p. 2.

² Position of the European Parliament of 21 November 2013.

Whereas:

- (1) The European Statistical System (ESS), as a partnership, has, in general, successfully consolidated its activities to ensure the development, production and dissemination of high-quality, ***regulated and reliable*** European statistics, including by improving governance of the system.
- (2) ■ Weaknesses have, however, been identified, in particular with regard to the statistical quality-management framework. ***Those weaknesses have served to emphasise the need to ensure the independence of statistical authorities from possible political pressure at national and Union level.***
- (3) The Commission suggested action to address those weaknesses ***and to strengthen governance of the ESS*** in its Communication of 15 April 2011 ‘Towards robust quality management for European Statistics’. In particular, it suggested a targeted amendment of Regulation (EC) No 223/2009 of the European Parliament and of the Council¹.

¹ 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).

- (4) In its conclusions of 20 June 2011, the Council welcomed the Commission's initiative and stressed the importance of continuously improving the governance and efficiency of the ESS.
- (5) In addition, the impact on the statistical domain of recent developments in the context of the economic governance framework of the Union should be taken into account, in particular, aspects relating to statistical independence such as transparent recruitment and dismissal processes, budgetary allocations and pre-release calendars, as laid down in Regulation (EU) No 1175/2011 of the European Parliament and of the Council¹, as well as those related to the requirement for bodies in charge of monitoring the implementation of national fiscal rules to enjoy functional autonomy, as laid down in Regulation (EU) No 473/2013 of the European Parliament and of the Council².
- (6) Those aspects *that relate to professional independence, such as transparent recruitment and dismissal processes, budgetary allocations and release calendars* should not remain limited to the statistics produced for the purposes of the fiscal surveillance system and the excessive deficit procedure but should apply to all European statistics developed, produced and disseminated by the ESS.

¹ Regulation (EU) No 1175/2011 of the European Parliament and of the Council of 16 November 2011 amending Council Regulation (EC) No 1466/97 on the strengthening of the surveillance of budgetary positions and the surveillance and coordination of economic policies (OJ L 306, 23.11.2011, p. 12).

² Regulation (EU) No 473/2013 of the European Parliament and of the Council of 21 May 2013 on common provisions for monitoring and assessing draft budgetary plans and ensuring the correction of excessive deficit of the Member States in the euro area (OJ L 140, 27.5.2013, p. 11).

- (6a) *The quality of European statistics and their relevance for evidence-based decision-taking should be reviewed on an ongoing basis, inter alia by assessing their added value for the attainment of the targets of the Europe 2020 Strategy set out in the Commission Communication of 3 March 2010 entitled ‘Europe 2020: A strategy for delivering smart, sustainable and inclusive growth’, including those relating to growth, employment and the social economy. Where relevant, the coverage of European statistics should be adapted.*
- (7) Moreover, the adequacy of resources attributed on an annual or a multiannual basis and available to meet statistical needs is a necessary condition for **ensuring** professional independence of statistical authorities **and the high quality of statistical data**.
- (8) To that end, the professional independence of statistical authorities should be strengthened, minimum standards, **applicable across the Union**, should be **ensured, and specific guarantees should be provided to** the heads of the national statistical institutes (NSIs) in terms of the performance of statistical tasks, organisational management and resource allocation. **The procedures for recruitment of heads of the NSIs should be transparent and based only on professional criteria, with due regard to equal opportunities and, in particular, to gender balance. To that end, national parliaments should also play a full part and should, where appropriate and in accordance with national law, foster the independence of statistics producers and increase the democratic accountability of statistical policy.**

- (8a) *While credible European statistics require strong professional independence on the part of statisticians, European statistics should respond to policy needs and should provide statistical support for new policy initiatives at national and at Union level.*
- (8b) *It is necessary for the independence of Eurostat to be consolidated and guaranteed by means of effective parliamentary scrutiny and control.*
- (9) Furthermore, the coordinating role already attributed to the NSIs *for European statistics produced through the ESS* should be clarified as regards its scope, so as to achieve, *at the national level*, more efficient coordination of statistical activities *within the ESS*, including quality management, *while duly taking into account the statistical tasks performed by the European System of Central Banks (ESCB). The ongoing coordination and cooperation between the NSIs and Eurostat is also an important part of efficient coordination of statistical activities within the ESS. The institutional separation of the ESCB and the independence of central banks should be respected in the framework of developing, producing and disseminating European statistics under the respective governance structure and statistical work programmes of the ESS and the ESCB.*

- (10) In order to reduce the burden on statistical authorities and respondents, the NSIs and other national authorities should be able to access and use administrative records, including those filled electronically, promptly and free-of-charge, and to integrate those records with statistics.
- (10a) *European statistics should be easy to compare and to access and should be updated promptly and regularly so as to ensure that Union policies and funding initiatives take full account of developments in the Union, in particular with regard to the consequences of the economic crisis.*
- (11) The NSIs should furthermore be consulted at an early stage on the design of new administrative records that could provide data for statistical purposes and on planned changes to, or the cessation of, existing administrative sources. They should also receive relevant metadata from the owners of administrative data and coordinate standardisation activities concerning administrative records that are relevant for statistical data production.
- (12) The confidentiality of data obtained from administrative records should be protected under the common principles and guidelines applicable to all confidential data used for the production of European statistics. Quality *and transparency* assessment frameworks applicable to those data should also be established *and published*.

- (12a) *All users should have access to the same data at the same time and embargoes should be strictly complied with. The NSIs should establish release calendars for the publication of periodical data.*
- (13) The quality of European statistics could be strengthened and the confidence of users reinforced, by involving national governments in the responsibility of **rigorously** applying the European Statistics Code of Practice (the Code of Practice). To that end, a Commitment on Confidence in Statistics ('Commitment'), ■ established in each Member State, **taking account of national specificities, should** include specific undertakings by its government to implement the **statistical principles contained in the** Code of Practice. **That Commitment could include** national **high-quality assurance** frameworks, including self-assessments, improvement actions **and monitoring mechanisms**.
- (13a) *The Commission (Eurostat) website should allow easy access to complete, user-friendly data series. Where possible, periodic updates should provide year-on-year and month-on-month information on each Member State.*

- (14) As the production of European statistics must be based on long-term operational and financial planning in order to ensure a high degree of independence, the European statistical programme should cover the same period as the multiannual financial framework.
- (15) Regulation (EC) No 223/2009 confers powers on the Commission to implement some of the provisions of that Regulation *in accordance with Council Decision 1999/468/EC¹*. As a consequence of the entry into force of *Regulation (EU) No 182/2011 of the European Parliament and of the Council², which repeals Decision 1999/468/EC*, the powers conferred ■ upon the Commission need to be aligned to *that new legal framework and those powers should be exercised in accordance with Regulation (EU) No 182/2011. The Commission should ensure that implementing acts do not impose a significant additional administrative burden on the Member States or on the respondent units.*
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¹ *Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission (OJ L 184, 17.7.1999, p. 23).*

² *Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).*

- (19) Since the objective of this Regulation cannot be sufficiently achieved by the Member States, but can rather, by reason of its scale and effects, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.
- (20) The European Statistical System Committee has been consulted.
- (20a) Regulation (EC) No 223/2009 should therefore be amended accordingly,***

HAVE ADOPTED THIS REGULATION:

Article 1

Amendments to Regulation (EC) No 223/2009

Regulation (EC) No 223/2009 is amended as follows:

- (1) in Article 2(1), point (a) is replaced by the following:

‘(a) ‘professional independence’, meaning that statistics must be developed, produced and disseminated in an independent manner, particularly as regards the selection of techniques, definitions, methodologies and sources to be used, and the timing and content of all forms of dissemination, ***and that the performance of those tasks is*** free from any pressures from political or interest groups or from Union or national authorities;’;

(2) in Article 5, paragraph 1 is replaced by the following:

‘1. The national statistical authority designated by each Member State as the body having the responsibility for coordinating all activities ■ for the development, production and dissemination of European statistics ***at the national level pursuant to this Regulation*** (NSI) shall act as the sole contact point for the Commission (Eurostat) on statistical matters in this regard.

The coordinating responsibility of the NSI shall cover all other national authorities responsible for the development, production and dissemination of European statistics ***produced under this Regulation by all other national authorities participating in the ESS***. The NSI shall, in particular, be responsible at ***the*** national level for coordinating statistical programming and reporting, quality monitoring, ***clear*** methodology, data transmission and communication on ESS statistical actions. ***The NSI and the relevant national central bank (NCB), in its capacity as a member of the ESCB implementing ESCB statistical work programmes, shall cooperate on issues related to European statistics that are common to the ESS and the ESCB, with a view to ensuring production of complete and coherent European statistics through the ESS and the ESCB within their respective fields of competence.***’;

- (3) the following article is inserted:

‘Article 5a

Heads of the NSIs ***and statistical heads of other national authorities***

1. Within their national statistical system, *Member States shall ensure the professional independence of officials responsible for the tasks laid down in this Regulation.* ■
2. *To that end, the* heads of the NSIs shall:
 - (a) *have the sole responsibility for deciding on processes, statistical methods, standards and procedures, and on the content and timing of statistical releases and publications for European statistics developed, produced and disseminated by the NSI;*
 - (b) *be empowered to decide on all matters regarding the internal management of the NSI;*
 - (c) *act in an independent manner while performing their statistical tasks, neither seeking nor taking instructions from any government or other institution, body, office or entity;*
 - (d) *be responsible for the statistical activities and budget execution of the NSI;*
 - (e) *publish an annual report and where appropriate express comments on budget allocation issues related to the statistical activities of the NSI;*

- (f) coordinate the statistical activities of all national authorities that contribute to the development, production and dissemination of European statistics, as referred to in Article 5;*
 - (g) produce national guidelines, where necessary, for ensuring quality in the development, production and dissemination of all European statistics within their national statistical system, and shall be responsible for ensuring compliance with those guidelines within the NSI; and*
 - (h) represent their national statistical system within the ESS.*
3. *Member States shall ensure that other national authorities responsible for the development, production and dissemination of European statistics carry out such tasks in accordance with the national guidelines produced by the head of the NSI.*
4. *The procedures for recruitment, transfer and dismissal of the head of an NSI and, where appropriate, statistical heads of other national authorities producing European statistics shall be transparent and based only on professional criteria, and not on political grounds. They shall ensure that the principle of equal opportunities is respected, in particular with regard to gender. Detailed reasons shall be given for the dismissal of a head of an NSI. The procedures shall be made public.*

4a. Member States may establish a national body for assuring the professional independence of the producers of European statistics in the Member State. The heads of the NSIs and, where appropriate, the statistical heads of other national authorities producing European statistics may take advice from such bodies. The procedures for recruitment, transfer and dismissal of the members of such bodies shall be transparent and based on only professional criteria and not on political grounds.’;

(4) in Article 6, **paragraphs 2 and 3 are** replaced by the following:

‘2. At Union level, the Commission (Eurostat) shall act independently in ensuring the production of European statistics according to established rules and statistical principles, *through cooperation and coordination with the NSIs.* ■

3. *Without prejudice to Article 5 of the Protocol on the Statute of the European System of Central Banks and of the European Central Bank ('ESCB Statute') , the Commission (Eurostat) shall coordinate the statistical activities of the institutions and bodies of the Union, in particular with a view to ensuring the consistency and the quality of the data and minimising the reporting burden. To that end, the Commission (Eurostat) may invite any institution or body of the Union to consult it, or to cooperate with it, for the purpose of developing methods and systems for statistical purposes in their respective field of competence. Such an institution or body which proposes to produce statistics shall consult the Commission (Eurostat) and shall take into account any recommendation that it may make in that context.'*;

(4a) *the following article is inserted:*

'Article 6a

Director-General of the Commission (Eurostat)

1. *The statistical office of the Commission (Eurostat) shall be headed by a Director-General. The Director-General shall be appointed by the Commission, for a non-renewable term of office of seven years, in accordance with the procedure specified in paragraph 2.*
2. *The Commission shall publish a call for applications in the Official Journal of the European Union no later than six months before the end of the term of office of the Director-General in office. The procedure for the recruitment, transfer and dismissal of the Director-General shall ensure that the principle of equal opportunities is respected, in particular with regard to gender, shall be transparent and shall be based only on professional criteria and not on political grounds. The Commission shall appoint the Director-General after consulting the European Parliament and the Council.*

3. *The Director-General shall have sole responsibility for deciding on processes, statistical methods, standards and procedures, and on the content and timing of statistical releases and publications for all statistics produced by the Commission (Eurostat). The Director-General shall be empowered to decide on all matters regarding the internal management of the Commission (Eurostat). When carrying out those tasks, the Director-General shall act in an independent manner and shall neither seek nor take instructions from any government or any institution, body, office or agency. If the Director-General considers that a measure taken by the Commission calls his or her independence into question, he or she shall immediately inform the European Parliament.*
4. *The Director-General shall be accountable for the statistical activities and budget execution of the Commission (Eurostat). He or she shall appear annually in the framework of Statistical Dialogue before the relevant committee of the European Parliament to discuss matters pertaining to statistical governance, methodology, statistical innovation, and express comments on budget allocation issues related to the statistical activities of the Commission (Eurostat).*

5. *Before imposing any disciplinary measure on the Director-General, the Commission shall consult the European Parliament. The imposition of any disciplinary measure on the Director-General shall be the subject of a reasoned decision, which shall be submitted, for information, to the European Parliament, the Council and the European Statistical Governance Advisory Board.*’;

(5) in Article 11, the following *paragraphs are added*:

‘3. Member States *and the Commission* shall take all *the* necessary measures to implement the *statistical principles referred to in Article 2(1)* in order to maintain confidence in *European* statistics. *The details of those principles shall be set out in the Code of Practice.*

3a. Commitments on confidence in statistics (‘Commitments’) *shall aim to ensure public trust in European statistics and progress towards implementation of the statistical principles contained in the Code of Practice by involving Member States and the Commission in establishing, by appropriate means, and by publishing on their websites, specific policy Commitments moving towards overall confidence in statistics, including a citizen’s summary.*

- 3b.** The Commitments shall be regularly monitored by the Commission on the basis of annual reports sent by Member States.

In the absence of publication of a Commitment by ..., the relevant Member State shall submit to the Commission and make public a progress report on the implementation of the Code of Practice, and, where applicable, efforts undertaken towards the establishment of such a Commitment.*

*The Commission shall report to the European Parliament and to the Council on the published Commitments and, where appropriate, on the progress reports, by**.*

* *Three years after the date of entry into force of the Regulation (2012/0084(COD)).*
** *Three years and six months after the date of entry into force of the Regulation (2012/0084(COD)).*

3c. *The Commitments on the part of the Commission (Eurostat) shall be regularly monitored by European Statistical Governance Advisory Board (ESGAB) on the basis of an annual report submitted by the Commission. The ESGAB shall report to the European Parliament and to the Council on the implementation of those commitments by ... *;*

(6) Article 12 is hereby amended as follows:

(a) *paragraphs 2 and 3 are replaced by the following*

‘2. Specific quality requirements, such as target values and minimum standards for the production of statistics, may *also* be laid down in sectoral legislation.

In order to ensure the uniform application of the quality criteria laid down in paragraph 1 of this Article to the data covered by sectoral legislation in specific statistical domains, the Commission shall adopt implementing acts laying down the arrangements, structure and periodicity of quality reports provided for in sectoral legislation. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 27(2).

* *OJ please insert date: three years after the date of entry into force of the Regulation (2012/0084(COD)).*

3. *Member States shall provide the Commission (Eurostat) with reports on the quality of data transmitted, including any concerns they have regarding the accuracy of the data. The Commission shall assess the quality of the data transmitted, on the basis of appropriate analysis, and shall prepare and publish reports and communications on the quality of European statistics.*’;

(b) *the following paragraphs are added:*

- ‘3a. *In the interest of transparency, the Commission (Eurostat) shall, where appropriate, disclose publicly its assessment of the quality of national contributions to European statistics.*
- 3b. *Where sectoral legislation provides for fines in cases where Member States misrepresent statistical data, the Commission may, in accordance with the Treaties and such sectoral legislation, initiate and conduct investigations as necessary, including, where appropriate, on-site inspections in order to establish whether such misrepresentation was serious and intentional or grossly negligent. The Commission may request that relevant information be provided by the Member State under investigation.*

3c. Where the Commission considers that a Member State has failed to fulfill its obligations under this Regulation or under the applicable sectoral legislation as regards the representation of the statistical data, it shall act in accordance with Article 258 of the Treaty.’;

(7) in Article 13, paragraph 1 is replaced by the following:

‘1. The European statistical programme shall provide the framework for the development, production and dissemination of European statistics, setting out the main fields and the objectives of the actions envisaged for a period corresponding to that of the multiannual financial framework. It shall be adopted by the European Parliament and the Council. Its impact and cost effectiveness shall be assessed with input from independent experts.’;

(7a) in Article 14, paragraph 2 is replaced by the following:

‘2. ***The Commission may, by means of implementing acts, decide on a temporary direct statistical action provided that:***

- (a) *the action does not provide for data collection covering more than three reference years;*
- (b) *the data are already available or accessible within the NSIs and other national authorities responsible, or can be obtained directly, using the appropriate samples for the observation of the statistical population at Union level with the adequate coordination with the NSIs and other national authorities; and*
- (c) *the Union makes financial contributions to the NSIs and other national authorities to cover the incremental costs incurred by them, in accordance with Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council¹.*

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 27(2).’;

¹ *Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002 (OJ L 298, 26.10.2012, p. 1).*

(7b) Article 17 is replaced by the following:

‘Article 17

Annual work programme

The Commission shall submit to the ESS Committee its annual work programme by 30 April for the following year.

In the preparation of the work programme, the Commission shall ensure effective priority setting including reviewing, reporting on statistical priorities and allocation of financial resources. The Commission shall take the utmost account of the comments of the ESS Committee. Its work programmes shall be based on the European statistical programme and shall indicate, in particular:

- (a) the actions which the Commission considers to have priority, taking account of Union policy needs, national and Union financial constraints and the response burden;*

(b) *initiatives regarding the review of priorities, including negative priorities, and the reduction of the burden on both data providers and producers of statistics; and*

(c) *the procedures and any legal instruments envisaged by the Commission for the implementation of the work programme.’;*

(8) the following article is inserted:

‘Article 17a

Access, use and integration of administrative records

1. In order to reduce the burden on respondents, the NSIs, other national authorities, as referred to in Article 4, and the Commission (Eurostat) shall have the right to access and use, promptly and free of charge, all administrative records and to integrate those administrative records with statistics, to the extent necessary for the development, production and dissemination of European statistics *produced under this Regulation*.

2. The NSIs and the Commission (Eurostat) shall be consulted on, and shall participate in, the initial design, subsequent development and discontinuation of administrative records built up and maintained by other bodies, thus facilitating the further use of those records for *the purpose of producing European statistics*. They shall *be invited to participate in the* standardisation activities concerning administrative records *that are* relevant for *the* production *of European statistics*.
3. *Without prejudice to the ESCB Statute and to the independence of central banks, access* by, and participation of, the NSIs, other national authorities and the Commission (Eurostat) pursuant to paragraphs 1 and 2 shall be limited to administrative records within their own respective public administrative system.
4. *Administrative records made available by their owners to* the NSIs, *other national authorities and the Commission (Eurostat) in order to be* used for *the production of European statistics shall be accompanied by relevant metadata*.
5. The NSIs and owners of administrative records shall establish the necessary cooperation mechanisms.’;

(8a) *in Article 20(4), the second subparagraph is replaced by the following:*

‘The NSIs, other national authorities and the Commission (Eurostat) shall take all necessary measures to ensure harmonisation of principles and guidelines with regard to the physical and logical protection of confidential data. The Commission shall ensure such harmonisation by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 27(2).’;

(9) *in Article 23, the second subparagraph is replaced by the following:*

‘The arrangements, rules and conditions for access at Union level shall be established in accordance with the examination procedure referred to in Article 27(2).’;

(10) *Article 24 is deleted.*

(10a) *Article 26 is replaced by the following:*

‘Article 26

Breach of of statistical confidentiality

Member States and the Commission shall take appropriate measures to prevent and penalise breaches of statistical confidentiality. The penalties provided for shall be effective, proportionate and dissuasive.’;

■

(12) Article 27 is replaced by the following:

‘Article 27

Committee

1. The Commission shall be assisted by the European Statistical System Committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011 of the European Parliament and of the Council*.
2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

* Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission’s exercise of implementing powers.’.

Article 2
Entry into force

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at ...

For the European Parliament
The President

For the Council
The President