



# Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	2007/0220(COD) Procedure completed
European statistics	
Repealing Regulation (EC) No 322/97 Repealing Regulation (EC, Euratom) No 1101/2008 Amended by	<a href="#">1994/0026(CNS)</a> <a href="#">2006/0159(COD)</a> <a href="#">2012/0084(COD)</a>
Subject	
8.60 European statistical legislation	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	<b>ECON</b> Economic and Monetary Affairs		13/11/2007
Council of the European Union	Council configuration	PPE-DE <a href="#">SCHWAB Andreas</a>	
	<a href="#">Transport, Telecommunications and Energy</a>	Meeting	Date
	<a href="#">Economic and Financial Affairs ECOFIN</a>	<a href="#">2924</a>	19/02/2009
European Commission	Commission DG	Commissioner	
	<a href="#">Eurostat</a>	ALMUNIA Joaquín	13/11/2007

Key events			
16/10/2007	Legislative proposal published	<a href="#">COM(2007)0625</a>	Summary
13/11/2007	Resolution/conclusions adopted by Council		Summary
13/11/2007	Committee referral announced in Parliament, 1st reading		
09/09/2008	Vote in committee, 1st reading		Summary
16/09/2008	Committee report tabled for plenary, 1st reading	<a href="#">A6-0349/2008</a>	
18/11/2008	Debate in Parliament		
19/11/2008	Results of vote in Parliament		
19/11/2008	Decision by Parliament, 1st reading	<a href="#">T6-0548/2008</a>	Summary
19/02/2009	Act adopted by Council after Parliament's 1st reading		
11/03/2009	Final act signed		
11/03/2009	End of procedure in Parliament		
31/03/2009	Final act published in Official Journal		

Technical information	
Procedure reference	2007/0220(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
	Repealing Regulation (EC) No 322/97 <a href="#">1994/0026(CNS)</a> Repealing Regulation (EC, Euratom) No 1101/2008 <a href="#">2006/0159(COD)</a> Amended by <a href="#">2012/0084(COD)</a>
Legal basis	EC Treaty (after Amsterdam) EC 285-p1
Stage reached in procedure	Procedure completed
Committee dossier	ECON/6/54996

Documentation gateway					
Legislative proposal		<a href="#">COM(2007)0625</a>	16/10/2007	EC	Summary
European Central Bank: opinion, guideline, report		<a href="#">CON/2007/0035</a> <a href="#">OJ C 291 05.12.2007, p. 0001</a>	14/11/2007	ECB	Summary
Committee draft report		<a href="#">PE406.100</a>	15/05/2008	EP	
Document attached to the procedure		<a href="#">52008XX1203(01)</a> <a href="#">OJ C 308 03.12.2008, p. 0001</a>	20/05/2008	EDPS	Summary
Amendments tabled in committee		<a href="#">PE409.388</a>	26/06/2008	EP	
Committee report tabled for plenary, 1st reading/single reading		<a href="#">A6-0349/2008</a>	16/09/2008	EP	
Text adopted by Parliament, 1st reading/single reading		<a href="#">T6-0548/2008</a>	19/11/2008	EP	Summary
Commission response to text adopted in plenary		<a href="#">SP(2008)7295</a>	12/12/2008	EC	
Draft final act		<a href="#">03708/2008/LEX</a>	11/03/2009	CSL	
Follow-up document		<a href="#">COM(2018)0516</a>	05/07/2018	EC	Summary
Follow-up document		<a href="#">COM(2020)0278</a>	03/07/2020	EC	

Additional information	
National parliaments	<a href="#">IPEX</a>
European Commission	<a href="#">EUR-Lex</a>

Final act
<a href="#">Regulation 2009/223</a> <a href="#">OJ L 087 31.03.2009, p. 0164</a> Summary

## European statistics

PURPOSE: to revise the existing legal base for European statistics.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

BACKGROUND: official statistics play a fundamental role in today's society. Institutions, policy makers, economic operators, markets and

individuals rely heavily on high quality statistics to describe as accurately as possible economic, social, environmental and cultural developments. The availability of impartial and objective statistical information is essential ? especially at a European level where statistics are increasingly relied on in the field of implementation, monitoring and evaluation. Further, reliable information is vital to ascertain economic growth.

Currently, the production and dissemination of European statistics is achieved through the European Statistical System (ESS). A system, which is effectively an operational partnership between Eurostat and National Statistical Institutes (NSIs). Some European statistics are also produced by the European Central Bank and by the European System of Central Banks (ESCB). Evaluations show that the ESS operates efficiently and satisfies the requirements of independence, integrity and accountability. However, recent developments indicate the need to consolidate Community law and the institutions structure of the ESS in order to clearly define responsibilities as well as to simplify underpinning structures.

CONTENT: the purpose of this proposal, therefore, is to revise the existing legal framework that governs the development of EU statistics in order to meet future needs and challenges. In order to do so, the Commission is proposing to:

- adapt definitions to Treaty requirements;
- consolidate ESS activities into Community law;
- clarify the role of the NSI's;
- clarify the role of Eurostat;
- strengthen reference to existing European Statistics Code of Practice;
- recognise the European approach to statistics; and
- reinforce the quality of European statistics.

The proposal also addresses the operation of the ESS notably through the establishment of the ESS Committee and the ESS Partnership Group. It addresses the matter of enhanced cooperation with other bodies of the ESS as well as with the ESCB.

Planning and implementation of the multi-annual programmes are also revised so that individual statistical actions may be carried out by the Commission under less restrictive conditions.

On a final point, the Commission is proposing to introduce more flexibility on statistical confidentiality whilst preserving a high level of data protection.

## European statistics

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Following the priorities set-out in the ECOFIN Council on 8 November 2005 on statistical governance, on 7 November 2006 on the Status Report on Information Requirements in EMU and on the public communication of major statistical revisions, and on 28 November 2006 on the reduction of the administrative burden related to statistics, the ECOFIN Council reviewed progress made in these areas. It adopted the following conclusions:

2007 EFC Status Report on Information Requirements: the Council endorses the 2007 EFC Status Report on Information Requirements in the EMU. In particular, it welcomes the progress achieved with the Principal European Economic Indicators (PEEIs), following the recommendations of the 2006 EFC Status Report. It encourages ongoing efforts to promote best practices and data sharing and reiterates the need to strengthen the accuracy and reliability of the indicators. The Council calls upon the European Statistical System to step up efforts to also ensure the regular availability and high quality of the statistics for structural analysis. Eurostat and the ECB are invited to provide an updated Status Report on the fulfilment of EMU statistical requirements in 2008 and to review the scope, timeliness and quality of the PEEIs in the light of the results achieved, the constraints encountered and the evolving users' needs for economic and monetary policy purposes.

Reduction of statistical burden: noting that available measurements have not indicated a significant reduction in the overall statistical burden since 2006, the Council underlines that the right balance has to be found between minimising the response burden and providing sufficiently high quality statistics for Community policies. The Council in particular: i) emphasises the desirability of respondents to report only once by combining reporting for different purposes and make the best use of the data that is already available by integrating existing statistics, including administrative data, to the extent possible; ii) welcomes the examination by the Commission (Eurostat), the Statistical Programme Committee (SPC) and the Committee for Monetary, Financial and Balance of Payments Statistics (CMFB) regarding the simplification of Intrastat; iii) agrees with the objective to reduce the coverage ratio in the short term while preparing a move to an alternative method in the long term, such as the single flow method, which requires further study; iv) invites the Commission to step up its efforts to enhance the measurement of the statistical response burden with a view to develop agreed criteria to assess progress objectively and to make a further assessment of the change in overall burden by October 2008.

Statistical Governance: the Council welcomes the agreement reached with the European Parliament and the Commission on the establishment of the European Statistical Governance Advisory Board (ESGAB) and the European Statistical Advisory Committee (ESAC), and anticipates their swift establishment. Furthermore, it welcomes the initiative to modernise the current legal framework governing the development, production and dissemination of European Statistics and takes note that the Commission forwarded to the Council, in accordance with the procedure laid down in article 251 of the Treaty (co-decision), a proposal for a Regulation on European Statistics. The Council recognises the major efforts required by National Statistical Institutes and Eurostat in the peer review exercise, as well as the high commitment of the partners involved. It looks forward to the report to the European Parliament and the Council on progress with the compliance with the European Statistics Code of Practice in 2008 and underlines the importance that all Member States provide the necessary input to Eurostat according to the agreed timetable.

Communication of Major Statistical Revisions: the Council underlines that major revisions of macro-economic and social statistics in Member States can have substantive implications for European economic policies and for the credibility of the European Statistical System as a whole. It believes that a proper communication of the impacts of major revisions within the EU is crucial. Therefore, the Council welcomes the guidelines on the public communication of major statistical revisions in the European Union as set up by the CMFB, in response to the conclusions of the Ecofin Council of 7 November 2006. Lastly, it invites Member States to follow these guidelines.

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OPINION OF THE EUROPEAN CENTRAL BANK at the request of the Council of the European Union on a proposal for a regulation of the European Parliament and of the Council on European statistics.

On 8 November 2007, the European Central Bank (ECB) received a request from the Council of the European Union for an opinion on a proposal for a regulation of the European Parliament and of the Council on European statistics.

The ECB welcomes the proposed regulation as it acknowledges the existence of two parallel and complementary regimes for the production of European statistics and, at the same time, recognises the European System of Central Banks' (ESCB) independence in the pursuit of its statistical functions. The ECB also welcomes the reference to the important advisory role played by the Committee on monetary, financial and balance of payments statistics (CMFB).

The ECB also notes with satisfaction that the proposed regulation recognises the need for close cooperation between the European Statistical System (ESS) and the ESCB in the development, production and dissemination of European statistics produced by both systems. In this respect, the ECB notes that the requirement for the ESS and the ESCB to cooperate closely will operate within the primary law framework applicable to the ESCB under the Treaty.

Furthermore, the ECB welcomes that the proposed regulation addresses the issue of the exchange of confidential data, for statistical purposes only, between the ESS and the ESCB. It is widely accepted that an enhanced exchange of confidential information between the ESS and the ESCB is increasingly necessary to ensure the quality and consistency of European statistics, while minimising the burden on respondents.

However, the ECB is of the view that, contrary to what is currently stated in the proposed regulation, such an exchange should not be made dependent on the enactment of further, sectoral legal acts that would need to explicitly authorise such exchanges of confidential statistical information.

Moreover, the ECB underlines that it is important to obtain full legal access to all required existing data in order to reduce the burden on respondents. However, it suggests that the legal framework needs to provide for the determination of practical arrangements and modalities for achieving effective access, rather than the limits and conditions, as that suggests an unwarranted restriction of such access.

Lastly, Article 253 of the Treaty provides that regulations adopted jointly by the European Parliament and the Council must refer to any opinions which were required to be obtained pursuant to the Treaty. The ECB would therefore suggest that the recitals to the proposed regulation have regard to this opinion of the ECB.

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## European statistics

OPINION OF THE EUROPEAN DATA PROTECTION SUPERVISOR on the proposal for a Regulation of the European Parliament and of the Council on European Statistics.

The aforementioned proposal was sent by the Commission to the EDPS for consultation on 17 October 2007. The proposal aims to revise the existing basic legal framework governing the production of statistics at European level with a view to adapting it to the current reality and also to improving it to meet future developments and challenges. In particular, it aims to simplify the existing legal framework for the production and dissemination of statistics at European level, through consolidating into one single instrument a number of separate texts of Community statistical legislation.

The EDPS welcomes the proposal for a Regulation on European statistics. This Regulation would give a firm and general legal basis to the development, production and dissemination of statistics at a European level. However, it would like to stress the following points:

- the EDPS expects to be consulted on the sectoral legislation which could be adopted on statistics by the Commission in order to implement this Regulation, once it has been adopted;
- a modification of the wording of Recital 18 should be implemented;
- the proposed concept of 'statistical data subject' should be reconsidered in order to avoid confusion with data protection concepts;
- the principle of data quality should be taken into consideration in the quality assessment of the Commission;
- the ambiguity of the concept of 'anonymisation' of data should be considered in the context of dissemination of data.

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## European statistics

The Committee on Economic and Monetary Affairs adopted a report drafted by Andreas SCHWAB (EPP-ED, DE) and amended the proposal for a regulation of the European Parliament and of the Council on European Statistics.

The main amendments adopted in the 1st reading of codecision procedure are as follows:

**Independence:** the definition of 'professional independence' is expanded to mean free from any pressures from political or interest groups or national or Community authorities, without prejudice to institutional requirements, such as national institutional or budgetary provisions or the definition of statistical needs. In relation to the definition for 'statistical confidentiality', the committee stated that data shall not be displayed in such a way as to allow the direct or indirect identification of statistical units.

**European Statistical System (ESS):** Parliament's Legal Service takes the view that the Commission's proposal to set up two different bodies (ESS Committee and ESS Partnership Group) to deal with comitology and non-comitology matters is not required by law. A single body, the 'ESS Committee' should therefore deal with all relevant comitology and non-comitology matters. The ESS Committee shall be composed of the representatives of NSIs, who are national specialists for statistics. It shall be chaired by the Commission (Eurostat).

**National coordination responsibilities:** each Member States shall designate a body to take responsibility for coordinating all activities at national level for the development, production and dissemination of European Statistics and thereby acting as the contact point for the Commission (Eurostat) on statistical matters. That body shall be referred to as the NSI in the Regulation. The Commission, within its structure, shall designate a body entrusted with the development, production and dissemination of European Statistics and the applicable rules and procedures of the Commission. That body shall be referred to as the Commission (Eurostat).

European Statistics Code of Practice: a new article is inserted, stating that a European Statistics Code of Practice shall aim at ensuring public trust in European statistics by establishing how European Statistics are to be developed, produced and disseminated in conformity with the statistical principles and best international statistical practice. The Code of Practice has been established and shall be reviewed and updated as necessary by the ESS Committee. The Commission shall publish amendments thereto.

European Statistical Programme: the impact and cost effectiveness of the European Statistical Programme shall be assessed by external institution. The Programme shall lay down priorities concerning the need for information for the purpose of carrying out the tasks of the Community. Needs should be weighed against resources required at Community and national level to provide the required statistics, and also against the response burden and respondents' associated costs.

European Approach to Statistics: in specific and duly justified cases and within the framework of the European Statistical Programme, the European Approach to Statistics aims at: i) maximising the availability of statistical aggregates at Community level and ensuring that European Statistics are more up-to-date; ii) reducing the response burden on the respondent and the burden on the NSIs on the basis of a cost-benefit analysis.

Confidential data: confidential data obtained by the national authorities or the Commission (Eurostat) exclusively for the production of European Statistics shall be used exclusively for statistical purposes unless the statistical unit has given its unambiguous consent to their use for any other purposes. National authorities and the Commission (Eurostat) shall apply all necessary measures to ensure the harmonisation of principles and guidelines as regards the physical and logical protection of confidential data. Confidential data transmitted in accordance with the provisions of the regulation shall be used exclusively for statistical purposes and shall be accessible only to staff working in statistical activities within their specific domain of work.

## European statistics

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The European Parliament adopted, by 599 votes to 24 with 14 abstentions, a legislative resolution, amending the proposal for a regulation of the European Parliament and of the Council on European Statistics. The report had been tabled for consideration in plenary by Andreas SCHWAB (EPP-ED, DE), on behalf of the Committee on Economic and Monetary Affairs.

The main amendments ? adopted in 1st reading of the codecision procedure ? are the result of a compromise between Parliament and Council. These are as follows:

Eurostat's professional independence: the definition of 'professional independence' is expanded to mean 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, free from any pressures from political or interest groups or from Community and national authorities, without prejudice to institutional settings, such as Community or national institutional or budgetary provisions or definitions of statistical needs. The statistical principles set out in the definitions are further elaborated in the Code of Practice.

National Statistical Institutes and other national authorities : a national statistical authority is designated by each Member State as the body having the responsibility for coordinating all activities at national level for the development, production and dissemination of European Statistics and thereby acting as the contact point for the Commission (Eurostat) on statistical matters (the NSI). The Commission (Eurostat) shall maintain and publish on its web site a list of NSIs and other national authorities responsible for the development, production and dissemination of European Statistics as designated by Member States.

Commission (Eurostat): the Community statistical authority (the Commission (Eurostat)) is designated by the Commission to develop, produce and disseminate European Statistics.

European Statistical System Committee: the European Statistical System (ESS) Committee shall provide professional guidance to the ESS for developing, producing and disseminating European Statistics in line with the statistical principles set out in the text. The ESS Committee shall be composed of the representatives of the NSIs (national specialists for statistics). It shall be chaired by the Commission (Eurostat). The ESS Committee shall be consulted by the Commission in regard to:

- (a) the measures which the Commission intends to take for the development, production and dissemination of European Statistics, their justification on a cost effectiveness basis, the means and timetables for achieving them, the reporting burden on survey respondents;
- (b) proposed developments and priorities in the European Statistical Programme;
- (c) initiatives to bring into practice reprioritisation and reduction of response burden;
- (d) issues concerning statistical confidentiality;
- (e) the further development of the Code of Practice;
- (f) any other question, in particular issues of methodology, arising from the establishment or implementation of statistical programmes that are raised by its Chair, either on its own initiative or at the request of a Member State.

European Statistics Code of Practice: a new article is inserted, stating that a European Statistics Code of Practice shall aim at ensuring public trust in European statistics by establishing how European Statistics are to be developed, produced and disseminated in conformity with the statistical principles and best international statistical practice. The Code of Practice has been established and shall be reviewed and updated as necessary by the ESS Committee. The Commission shall publish amendments thereto.

European Statistical Programme: the impact and cost effectiveness of the European Statistical Programme shall be assessed involving independent experts. The Programme shall lay down priorities concerning the need for information for the purpose of carrying out the tasks of the Community. Needs should be weighed against resources required at Community and national level to provide the required statistics, and also against the response burden and respondents' associated costs. The Commission shall introduce initiatives to set priorities and reduce the burden on respondents for all or part of the European Statistical Programme. The Commission shall submit the draft European Statistical Programme to the ESS Committee for prior examination.

European Approach to Statistics: in specific and duly justified cases and within the framework of the European Statistical Programme, the European Approach to Statistics aims at: i) maximising the availability of statistical aggregates at Community level and improving the

timeliness of European Statistics; ii) reducing the response burden on the respondent and the burden on national authorities on the basis of a cost-benefit analysis.

Confidential data: confidential data obtained by the national authorities or the Commission (Eurostat) exclusively for the production of European Statistics shall be used exclusively for statistical purposes unless the statistical unit has unambiguously given its consent to their use for any other purposes. National authorities and the Commission (Eurostat) shall apply all necessary measures to ensure the harmonisation of principles and guidelines as regards the physical and logical protection of confidential data. Transmission of confidential data between an ESS authority that collected the data and an ESCB member may take place provided that this transmission is necessary for the efficient development, production and dissemination of European Statistics or for increasing the quality of European Statistics within the respective spheres of competence of the ESS and the ESCB, and that this necessity has been justified. Confidential data transmitted shall be used exclusively for statistical purposes and only accessible to staff working in statistical activities within their specific domain of work.

## European statistics

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**PURPOSE:** to revise the legal base for European statistics.

**LEGISLATIVE ACT:** Regulation (EC) No 223/2009 of the European Parliament and of the Council 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.

**CONTENT:** this Regulation establishes a legal framework for the development, production and dissemination of European statistics. It aims to revise the existing basic legal framework with a view to adapting it to the current situation and improving it to meet future developments and challenges.

In order to do so, the Regulation aims to:

- adapt definitions to Treaty requirements;
- consolidate ESS activities into Community law;
- clarify the role of the NSI?s;
- clarify the role of Eurostat;
- strengthen reference to existing European Statistics Code of Practice;
- recognise the European approach to statistics; and
- reinforce the quality of European statistics.

The Regulation also addresses the operation of the ESS notably through the establishment of the ESS Committee. It addresses the matter of enhanced cooperation with other bodies of the ESS as well as with the ESCB.

Planning and implementation of the multi-annual programmes are also revised so that individual statistical actions may be carried out by the Commission under less restrictive conditions.

The Regulation introduces more flexibility on statistical confidentiality whilst preserving a high level of data protection.

The Regulation repeals Regulation (EC, Euratom) No 1101/2008 on the transmission of data subject to statistical confidentiality to the Statistical Office of the European Communities, Regulation (EC) No 322/97 on Community Statistics, and Decision 89/382/EEC, Euratom establishing a Committee on the Statistical Programmes of the European Communities.

**ENTRY INTO FORCE:** 01/04/2009.

## European statistics

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In accordance with the requirements of Regulation (EC) No 223/2009 on European statistics, the Commission presents a report on the Commitments on Confidence in Statistics by Member States.

The report notes that the introduction of the Commitments on Confidence as an instrument to ensure public trust in European statistics and support the implementation of the statistical principles set out in the European Statistics Code of Practice has raised awareness among Member State governments of the importance of their contribution to maintaining and improving public trust in official statistics.

According to Article 11 of Regulation (EC) No 223/2009, Member States must establish and publish a Commitment on Confidence in Statistics, or at least send to the Commission and publish a progress report on the implementation of the Code of Practice and the efforts made to establish a Commitment.

Member States fall into two main groups: those which have established stand-alone Commitments, and those which have declared that certain of their items of legislation constitute the Commitment. Some countries in the second group have stated that they do not intend to make stand-alone Commitment, while others have indicated that they still intend to do so.

**Implementation:** all Member States have duly reported to the Commission on their activities and achievements concerning the Commitments.

**Stand-alone Commitments on Confidence:** seven countries have already established stand-alone Commitments: Greece, Sweden, Slovenia, Ireland, Belgium, Romania and Malta. These vary considerably in form, content and length. This is fully consistent with the objective of taking into account the specific features of national statistical systems. Two candidate countries, Albania and Montenegro, have also recently established stand-alone Commitments on Confidence.

**National laws constituting the Commitment:** 15 Member States have declared that certain items of their legislation go to make up the Commitment on Confidence in Statistics. Some have therefore announced that they will not be establishing a stand-alone Commitment. The large majority of these 15 Member States have clearly indicated the specific articles that form their Commitment and provided additional explanations.

Whilst this option of establishing a Commitment is viable, the legislation in question must cover the political element of the Commitment, as described in amending [Regulation \(EC\) No 2015/759](#). This refers to the need for a specific undertaking by the government of that Member State. The report states that a decree-law adopted by the government may provide enough of a political element in itself, whereas a national statistical law adopted by Parliament might not be sufficient. The Commission intends to continue a dialogue about the necessary political element.

Future Commitments: the reports of the six Member States that have neither adopted a stand-alone Commitment nor incorporated a Commitment into their legislation mostly leave open the possibility of establishing a Commitment in the future.

The report concludes that the concept of Commitments on Confidence is widely acknowledged by Member States, which are taking the necessary steps to materialise the added value of their Commitment by establishing an institutional link between their government and the European Statistics Code of Practice. Public trust will be strengthened through the resulting additional guarantees of high-quality official statistics. The Commitments are expected to continue to reassure the general public that national statistical institutes enjoy the full support of their governments in their efforts to provide high-quality statistics.