Regulation (EU) 2015/759 of the European Parliament and of the Council of 29 April 2015 amending Regulation (EC) No 223/2009 on European statistics (Text with relevance for the EEA and Switzerland)

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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 Bank[(1)],

Acting in accordance with the ordinary legislative procedure[(2)],

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 European statistics, including by improving governance of the ESS.

(2) However, some weaknesses have recently been identified, in particular with regard to the statistical quality-management framework.

(3) In its Communication of 15 April 2011 entitled ‘Towards robust quality management for European Statistics’ the Commission suggested action to address those weaknesses and to strengthen governance of the ESS. In particular, it suggested a targeted amendment of Regulation (EC) No 223/2009 of the European Parliament and of the Council[(3)].

(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) 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 those aspects related to professional independence such as transparent recruitment and dismissal processes, budgetary allocations and release calendars, as laid down in Regulation (EU) No 1175/2011 of the European Parliament and of the Council[(4)], as well as those aspects related to the requirement for bodies in charge of monitoring the implementation of national fiscal rules to enjoy functional autonomy,

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as laid down in Regulation (EU) No 473/2013 of the European Parliament and of the Council[(5)].

(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.

(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 the 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 and minimum standards, applicable across the Union, should be ensured. Specific guarantees should be provided to the heads of national statistical institutes (NSIs), in terms of the performance of statistical tasks, organisational management and resource allocation. The procedures for recruitment of heads of NSIs should be transparent and based only on professional criteria. They should ensure that the principle of equal opportunities is respected, in particular with regard to gender.

(9) While credible European statistics require strong professional independence on the part of statisticians, European statistics should also respond to policy needs and provide statistical support for new policy initiatives at national and at Union level.

(10) It is necessary for the independence of the statistical authority of the Union (Eurostat) to be consolidated and guaranteed by means of effective parliamentary scrutiny and for the independence of NSIs to be consolidated and guaranteed by means of democratic accountability.

(11) Furthermore, the coordinating role already attributed to the NSIs should be clarified as regards its scope, in order to achieve more efficient coordination of statistical activities at national level, including quality management, while duly taking into account the statistical tasks performed by the European System of Central Banks (ESCB). To the extent that European statistics may be compiled by National Central Banks (NCBs) in their capacity as members of the ESCB, the NSIs and the NCBs should cooperate closely in accordance with national arrangements with a view to ensuring production of complete and coherent European statistics, while ensuring the necessary cooperation between the ESS and the ESCB.

(12) 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 promptly and free-of-charge, including those filed electronically, and to integrate those records with statistics.

(13) 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.

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(14) 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 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.

(15) 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 assessment frameworks applicable to those data, as well as principles of transparency, should also be drawn up and published.

(16) All users should have access to the same data at the same time. NSIs should draw up release calendars for the publication of periodical data.

(17) The quality of European statistics could be strengthened and the confidence of users reinforced, by involving national governments in the responsibility of applying the European Statistics Code of Practice (the Code of Practice). To that end, a 'Commitment on Confidence in Statistics' (Commitment) by a Member State, taking account of national specificities, should include specific undertakings by the government of that Member State to improve or maintain the conditions for the implementation of the Code of Practice. The Commitment, which should be updated as necessary, could include national high quality assurance frameworks, including self-assessments, improvement actions and monitoring mechanisms.

(18) The Commission (Eurostat) should take all necessary measures to allow easy online access to complete and user-friendly data series. Where possible, periodic updates should provide year-on-year and month-on-month information on each Member State.

(19) 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.

(20) 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/EC[(6)]. As a consequence of the entry into force of Regulation (EU) No 182/2011 of the European Parliament and of the Council[(7)], which repeals Decision 1999/468/EC, the powers conferred upon the Commission should be aligned to that new legal framework. Those powers should be exercised in accordance with Regulation (EU) No 182/2011. The Commission should ensure that those implementing acts do not impose a significant additional administrative burden on the Member States or on the respondents.

(21) The Commission should have the power to adopt implementing acts in accordance with Article 291(2) of the Treaty on the Functioning of the European Union (TFEU) in order to ensure uniform application of quality requirements by laying down the modalities, structure and periodicity of quality reports covered by sectoral legislation, when sectoral statistical legislation does not provide for those. The Commission should ensure that

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those implementing acts do not impose a significant additional administrative burden on the Member States or on the respondents.

(22) There is a need for uniform conditions for implementing access to confidential data for scientific purposes. In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission with a view to establishing the arrangements, rules and conditions governing such access at Union level. Those powers should be exercised in accordance with Regulation (EU) No 182/2011.

(23) Since the objective of this Regulation, namely to strengthen governance of the ESS, cannot be sufficiently achieved by the Member States but can rather, by reason of the requirement to have credible data established at the Union level, 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.

(24) The independence of the ESCB in the performance of its tasks as described in Protocol No 4 on the Statute of the European System of Central Banks and of the European Central Bank should be fully respected in the implementation of this Regulation, in conformity with Articles 130 and 338 TFEU.

(25) The ESS Committee has been consulted.

(26) 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 at national level for the development, production and dissemination of European statistics, which are determined in the European statistical programme in accordance with Article 1, (the NSI) shall act in this regard as the sole contact point for the Commission (Eurostat) on statistical matters.

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The coordinating responsibility of the NSI shall cover all other national authorities responsible for the development, production and dissemination of European statistics, which are determined in the European statistical programme in accordance with Article 1. The NSI shall, in particular, be responsible at the national level for coordinating statistical programming and reporting, quality monitoring, methodology, data transmission and communication on ESS statistical actions. To the extent that some of those European statistics may be compiled by National Central Banks (NCBs) in their capacity as members of the European System of Central Banks (ESCB), the NSIs and the NCBs shall cooperate closely in accordance with national arrangements with a view to ensuring the production of complete and coherent European statistics, while ensuring the necessary cooperation between the ESS and the ESCB as set out in Article 9..

(3) The following Article is inserted:

Article 5a

Heads of 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 set out in this Regulation.

2 To that end, the heads of 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; and neither seek nor take 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 may express comments on budget allocation issues related to the statistical activities of the NSI;

f coordinate the statistical activities of all national authorities that are responsible for the development, production and dissemination of European statistics, as set out in Article 5(1);

g produce national guidelines, where this is necessary to ensure quality in the development, production and dissemination of all European statistics within their national statistical system and monitor and review their implementation; while being responsible for ensuring compliance with those guidelines solely within the NSI; and

h represent their national statistical system within the ESS.

3 Each Member State 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 Member States shall ensure that the procedures for the recruitment and appointment of heads of NSIs and, where appropriate, statistical heads of other