

## OTHER NATIONAL AUTHORITIES – PRACTICAL CONSIDERATIONS

### Background

The list of ‘other national authorities responsible in Member States for the development, production and dissemination of European statistics’ (hereafter ‘ONAs’) has important auxiliary roles to play in the coordination of statistical systems both at the European and the national level. Firstly, it is meant to reflect the actual composition of the ESS (Article 5(2) in conjunction with Article 4 of Regulation (EC) No 223/2009 on European statistics) and as such it indicates authorities that should comply with the Code of Practice. Secondly, it allows identification of institutions which are eligible for receiving EU grants without a call for proposals (Article 5(3) of the Regulation). Thirdly, if Regulation (EC) No 223/2009 is amended along the lines of the position that was unanimously endorsed by Coreper II on 21 February, this list would define authorities that should follow national guidelines to be issued by heads of NSIs with regard to development, production and dissemination of European statistics (Article 5a(3) in the latest draft of the revision). Fourthly, it would identify authorities, whose ‘statistical heads’ would enjoy a similar level of professional independence as heads of NSIs in terms of procedures applicable to their recruitment, transfer and dismissal (Article 5a(4)), and might take advice from national statistical advisory bodies (Article 5a(4a)).

On 15 May 2014 the ESS Committee endorsed common criteria which should be coherently applied by Member States when designating ONAs. Consequently, Member States should consider as ONAs all institutions (or their clearly identifiable organisational parts) which fulfil all the following criteria.

They

- exercise **public authority** based on national law (regardless of their legal form);
- have production of statistics included among their tasks in the respective **basic act** (e.g. constitutive legal act, statute, mandate, mission statement, etc.)<sup>1</sup>;
- have clearly been given the **responsibility** at the national level for the **production** of a specific and identifiable part of European statistics (with a clear link to sectoral legislation, the European statistical programme, annual work programme or a list of ESS’ statistical products).

This paper presents operational principles and implications of the application of these common rules.

### Operational principles

Given the increasing role of the list of ONAs for the coordination of the production of European statistics there is a need for a common set of designation criteria. If the criteria proposed by Eurostat are accepted by Member States, they should be implemented consistently across the ESS. To this end, there is a need to formulate more detailed operational principles and guidelines, and foresee ways to address national specificities.

In this context it must be reiterated that these considerations apply to European statistics as defined in Article 1 of Regulation (EC) No 223/2009 under Article 338 TFEU, i.e. those determined in the European statistical programme and further operationalized in the annual work programme. A practical catalogue of European statistical products is expected to provide further operational orientation in this respect.

The following principles should underpin Member States’ decisions with regard to ONAs:

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<sup>1</sup> As agreed in the ESS Committee meeting on 15 May 2014, this criterion should not be mandatory.

- The exercise of public authority by the ONAs should be enshrined in legislation or in an administrative act.
- ONAs should have a clear responsibility for producing a specific part of European statistics (in terms of domains or variables) entrusted by law, government decision, an administrative act or another formalised agreement with the government or the NSI.
- Production of statistical information should be a regular task of an ONA, preferably specified in its constitutive act, statute, in a formalised agreement as referred to above, or similar.
- If statistical production is the main task of only a part of a larger institution (e.g. of a ministry or specialised national agency), this specific organisational entity responsible for statistics should be clearly mentioned and it should be possible to identify its ‘statistical head’.
- ONAs should at least compile data collected from the relevant sources and provide publishable output (statistics) complying with the requirements stipulated in the respective sectoral legislation of the Union, ESS agreements or methodological guidelines. This output should not require any further processing (not to be confused with verification or validation) before being transmitted to the NSI or Eurostat.
- All authorities that regularly transmit European statistics to Eurostat with the consent of the NSI should be treated as ONAs and put on the list if they fulfil the criteria. Otherwise, they should not be accepted as ONAs and should neither by-pass the NSI with data transmission to Eurostat.
- The list of ONAs should not contain institutions that do not produce European statistics, but only contribute to this production in various ways, e.g. by collecting or giving access to raw data, or providing data processing services without being responsible for the overall production process and output quality. All such institutions could be conceptually treated as ‘contributors to European statistics’ and associated with the ESS, without being members thereof.

The fact that an organisation is recognised as ONA has concrete consequences for its role in the national statistical system, as well as its rights and obligations in the ESS context. These consequences are, at least but not exhaustively, the following:

- Only organisations designated as NSI or ONA are recognised by Eurostat as partners of the ESS; all ESS partners are assumed to subscribe to the Code of Practice as endorsed by the ESS Committee and commit to achieving full compliance with it.
- Only designated NSIs and ONAs are eligible for receiving EU grants without a call for proposals as set out in Article 5(3) of Regulation (EC) No 223/2009.
- If Regulation (EC) No 223/2009 is amended following the most recent position of the Coreper, ‘statistical heads’ of ONAs will enjoy professional independence in accordance with Article 5a (in particular paragraphs 1, 4 and 4a thereof) and
- Heads of NSIs will represent their respective national statistical systems (including all ONAs) within the ESS (Article 5a(2)(h)).
- For each set of European statistics transmitted to Eurostat, at least one authority (NSI or ONA) should take responsibility for the quality of that output, in particular for its compliance with the Code of Practice and methodological guidelines, recommendations, manuals and handbooks issued by Eurostat and the NSI. This information should be included in the respective metadata and quality reports.
- NSIs coordinate ONAs’ statistical activities, but are not necessarily accountable for the quality of statistics produced by ONAs.
- ONAs may send statistics directly to Eurostat or provide it to the NSI, depending on arrangements made with the NSI which the latter should communicate to Eurostat. In either case the ONAs’ performance of statistical activities should be compliant with the Code of Practice.

- If statistics are transmitted to Eurostat by the NSI, but produced by an ONA, it must be clearly communicated which of them is responsible for the output quality.
- NSIs warrant the quality of European statistics produced from inputs provided by non-ONA organisations.
- Eurostat may reject statistics sent by an organisation that is neither NSI nor designated ONA. Such organisations should not send statistics to Eurostat, but to the NSI; in this case the NSI should check the quality of the data received before transmitting it to Eurostat.

## **Examples**

Below the treatment of a number of entities that are most frequently designated by Member States as ONAs is discussed. However, specificities of national institutional set-ups imply that there are many special cases that are unique for only one or just a few Member States. Thus, whenever there is uncertainty about the status of a particular entity as an ONA, e.g. an entity already transmitting data directly to Eurostat, Member States are invited to contact Eurostat bilaterally, in accordance with Article 5(1) of Regulation (EC) No 223/2009, in order to agree on a consistent application of the agreed criteria. Common sense, mutual trust, quality assurance and effective coordination will be the guiding principles of this process.

### *Ministries*

In several statistical domains ministries of the national government produce European statistics. Ministries may be generally assumed to be authorised to collect and analyse information necessary for the performance of their main tasks. These ministries, or specific entities within the ministries, shall be designated as ONAs if they send statistics directly to Eurostat or provide the NSI with a final output that can be sent to Eurostat without further processing. In all cases it is necessary that Member States inform Eurostat about the exact organisational entities that are responsible for statistics within the relevant ministries. Only in this way the professional independence of the ‘statistical head’ can be monitored.

However, if a ministry provides the NSI with administrative data that has to be processed in order to comply with the target scope, format and other methodological requirements, that ministry is to be treated only as a supplier of data and not statistical producer or ONA.

### *Regional statistical offices*

In federal states, regional statistical offices with own legal identity can be generally treated as ONAs if they produce European statistics at regional level in a way that the results from all regions only need to be aggregated by the NSI before transmission to Eurostat.

In some Member States the responsibility for production of European statistics for the whole country is assigned to selected regional offices. They can be treated as ONAs if they have a separate legal identity, i.e. they are not part of the organisational structure of the NSI.

### *National central banks*

As explained already in in document PG 2013/51/3.5, in some Member States NCBs provide parts of European statistics governed by legislation adopted under Article 338 TFEU (balance of payments, financial accounts, government finance statistics), i.e. the legal basis of the ‘ESS world’. Thus, they have roles within two separate systems which have their own institutional framework and statistical principles (similar but distinct). If the NCB has been designated by a Member State to fulfil this Member State’s legal obligation to provide specific statistics under Article 338 TFEU, it has to comply with the requirements of Regulation (EC) No 223/2009 and of the Code of Practice with regard to that statistical domain.

The details regarding the distribution of responsibility for the quality of NCB's statistics produced under Article 338 TFEU, their transmission to Eurostat, and the closely related issue of NCB's designation as an ONA, have to be decided by each Member State, taking into account the criteria and further explanations provided in this document.

### *Specialised national agencies*

Sectoral national agencies in general exercise public authority. They also collect and analyse data necessary for the performance of their tasks. Often they are responsible for providing these data to the NSI or even directly to Eurostat. They should be treated as ONAs if the general condition of being a producer of European statistics applies, i.e. their results may be transmitted to Eurostat directly or via NSI without further processing.

### *Subcontractors*

NSIs sometimes delegate the production of specific statistics to other entities. Private subcontractors cannot be ONAs, if they do not exercise public authority. Foundations and research institutes based on private law whose main objective is to provide public services (in particular provision and analysis of statistical information) might be designated as ONA on a case-by-case basis if all other criteria are fulfilled. The decision must be taken after a thorough analysis by the NSI of the role played by that institution in the statistical production process.