



EUROPEAN COMMISSION

Brussels, 14.12.2012
C(2012) 9339 final

Dear President,

The Commission thanks the Bundesrat for its Opinion on the Commission proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 223/2009 on European statistics {COM(2012) 167 final}. It has taken careful note of the different issues raised in this Opinion, as well as in the related Opinion submitted by the Bundesrat on the Communication to the European Parliament and the Council on the production method of EU statistics: a vision for the next decade {COM(2009) 404 final} and would like to apologise for the long delay in replying

In reply to the concerns expressed in these submissions, the Commission would like to provide the following clarifications.

The proposal aims at adapting the current basic legal framework for European statistics to policy needs and challenges created by the recent unfavourable developments in the global economy. The main goal is to further strengthen the governance in the European Statistical System in order to secure its high credibility and to respond adequately to data needs resulting, inter alia, from the enhanced economic policy coordination in the European Union. As identified by the European Commission in its Communication 'Towards robust quality management for European statistics' {COM(2011) 211 final}, the main elements to be addressed in this context are: the need to strengthen the professional independence of the national statistical institutes (NSIs); clarification of their coordinating role within national statistical systems with regard to development, production and dissemination of European statistics; reinforcement of the use of administrative data for statistical purposes; and establishment of 'Commitments on confidence in statistics'. This approach has been welcomed by the Council in its conclusions of 20 June 2011 and later clearly supported by the European Parliament in its own-initiative resolution of 13 March 2012 on quality management for European statistics. Both institutions demonstrate a keen interest in the progress of implementation of measures proposed in the above-mentioned Communication.

The Commission has conducted extensive consultations in the preparation of its legislative proposal, including within a dedicated technical task force composed of representatives from Member States. Such consultations were necessary in order to ensure not only that the objectives explained above can be achieved, but also that there is a shared understanding of what these objectives are and why they are compliant with the principles of subsidiarity and proportionality.

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The Commission's assessment is that the objectives which the proposed Regulation seeks to achieve could not be attained by Member States acting alone. In particular, the transnational aspects of European statistics and the scale and effects of the proposed measures justify Union action. Public trust in official statistics is in today's modern society and market situation not only a matter of national interest. A demonstration that statistics in a Member State were not produced independently would have severe consequences for the credibility of the whole European Statistical System and for the economic situation of the European Union via declining market confidence. It would be costly for all Member States.

In order to prevent such a scenario the Council invited the Commission to clarify the principle of professional independence and make it legally binding. The proposal, in particular amendments to Article 2 and the new Article 5a, provide for the requested clarifications and ensure, across all Member States, an unconditional common set of minimum standards for professional independence of statistical authorities which could only be achieved at Union level.

Furthermore, the Commission would like to point out that minimum standards for the professional independence of national statistical authorities have already been introduced in Union legislation, namely in Regulation (EU) No 1175/2011 of the European Parliament and 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. The same standards should apply to all statistics produced by the European statistical system.

On the issue of the coordinating role of the NSIs within their respective national statistical systems it should be noted that this coordinating role was introduced already by Regulation (EC) No 223/2009. The present amending proposal seeks to clarify the functions and institutions to be coordinated with a view to ensuring more efficient coordination, with a particular emphasis on quality assurance and reduction of response burden. The provisions proposed for Article 5 and 5a of the Regulation do not intend to impose any specific changes to the institutional and organisational setup in Member States' administrative systems. In particular, no subordination of other national authorities to NSIs is presumed. The proposal formulates the general objectives and conditions for an effective coordination clearly limited to the production of European statistics. It is an internal matter for each Member State to translate them into institutional arrangements which, on the one hand, are most suitable for them and, on the other hand, ensure the achievement of these objectives.

In view of the Commission, the proposed new Article 17a on the access, use and integration of administrative records does not breach the principle of proportionality and does not infringe the data privacy rules or basic rights. The intended access to administrative records is not unconditional. It is clearly limited to the relevant registers and to the specific purposes of development, production and dissemination of European statistics. The proposal does not change the underlying condition that any processing of personal data must respect the rules on personal data protection laid down in Directive 95/46/EC and on treatment of confidential data as laid down in Chapter V of Regulation (EC) No 223/2009. In fact, in several Member States arrangements between NSIs and owners of administrative data regarding access to administrative records for statistical purposes have been applied effectively for years, without creating a threat to personal and sensitive data. Thus, with a view to reducing the burden on respondents and to ensure better use of existing information, the Commission proposes to make such arrangements obligatory in all Member States, to the extent they are to be applied for the development, production and dissemination of European statistics. At

the same time, the Commission will propose similar arrangements to apply between Eurostat and the Commission.

In the light of the above, while understanding the concerns of the Bundesrat, the Commission is of the view that the proposal fully complies with the principles of subsidiarity and proportionality.

The Commission hopes that these clarifications address the concerns expressed in your Opinion and looks forward to continuing its political dialogue with the Bundesrat.

Yours faithfully

*Maroš Šefčovič
Vice-President*