European Monetary Institute

OPINION OF THE EUROPEAN MONETARY INSTITUTE

following a consultation from the Council of the European Union under Article 109f(6) of the Treaty establishing the European Community ("the Treaty") and Article 5.3 of the Statute of the EMI;

on a Proposal for a Council Regulation on Community action in the field of statistics (COM(94)78 final).

CON/94/10

1 The present consultation was initiated on 16th December 1994 by the Council of the European Union which, for this purpose, transmitted document "COM(94) 78 final" containing the proposed Council Regulation to the EMI.

2 The principal objective of the Draft Regulation is to define and organise Community action in the field of statistics, which is designed to produce Community statistics systematically for the formulation, application, monitoring and assessment of Community policies and to provide these statistics regularly to the Community institutions, governments, social and economic operators, academic circles and the general public (users).

3 The EMI welcomes the Draft Regulation for a number of reasons. As stated in the preamble to the Draft Regulation, full account is taken of the independence and the responsibilities of the EMI in the field of statistics at EU level and of the need for careful arrangements to continue the close co-operation between the Commission and the EMI with a view to promoting the coherence of statistics at EU level. These requirements are fulfiled in a very balanced manner through the following provisions of the Draft Regulation:

- Article 1.4 notes that the EMI and the National Central Banks do not participate in Community action in the field of statistical for the purposes of the Regulation. This is an important clarification of the general definition, in Articles 1.2 and 2.1, of the authorities responsible for producing Community statistics.
- The Regulation provides the basis for Community statistical programmes. Article 3.2 clearly states that the EMI shall be consulted on the proposals for these programmes and for their updates and that the Commission shall take the requirements of the EMI into consideration as far as possible.
- Article 8 provides that the Commission and the EMI will co-operate closely to guarantee the coherence necessary to produce statistics which meet their respective information

requirements and that the Committee on Monetary, Financial and Balance of Payments Statistics shall take part, within the limits of its competence, in this process of co-operation.

It should be emphasised that the EMI's obligation to cooperate with the Commission in the statistical field is primarily based on Article 5.1 of the Statute of the ECB, which can be deemed to apply to the EMI as forerunner of the ECB. Article 8 of the draft Regulation is in that respect consistent with the Treaty, but contains in addition the basis for the Commission obligation to co-operate with the EMI. At this stage, this is deemed sufficient for the EMI's statistical tasks under the Treaty.

Co-operation between the Commission and the EMI under Article 8 of the Draft Regulation will take due account of the principles contained in Article 9. These are impartiality, reliability, pertinence, cost-effectiveness, statistical confidentiality and transparency. These principles are the basis of a sound statistical system, and the EMI is in agreement with them.

4 The principle of confidentiality is defined in two articles, namely Article 9.2 and Article 13, in a manner that it is not fully consistent. The EMI understands that the definition of Article 9.2 is purported to delimit the application of the whole Chapter VI on "Statistical Confidentiality", and therefore of Article 13. Should that not be the a correct understanding, it might be convenient to unify the concept in one sole definition.

5 At this stage, no additional provisions are particularly needed to assist the EMI in the performance of its statistical tasks.

6 Finally, the preamble confirms that the opinion of the EMI has been sought for the purposes of the Draft Regulation.

7 Accordingly, the EMI considers the Draft Regulation to be suitable for its purposes. The Draft Regulation provides the basis for the production of Community statistics, for many of which the EMI will have a great interest.

15th February 1995