EUROPEAN CENTRAL BANK

EUROSYSTEM

OPINION OF THE EUROPEAN CENTRAL BANK

of 4 May 2009

on the organisation and functioning of official statistics in Romania

(CON/2009/42)

Introduction and legal basis

On 25 March 2009 the European Central Bank (ECB) received a request from the Romanian National Institute of Statistics (NIS) for an opinion on a draft Law on the organisation and functioning of official statistics in Romania (hereinafter the 'draft law').

The ECB's competence to deliver an opinion is based on Article 105(4) of the Treaty establishing the European Community and the third and the fourth indents of Article 2(1) of Council Decision 98/415/EC of 29 June 1998 on the consultation of the European Central Bank by national authorities regarding draft legislative provisions[1], as the draft law contains both provisions on the Banca Națională a României (BNR) and on the collection, compilation and distribution of monetary, financial, banking, payment systems and balance of payments statistics. In accordance with the first sentence of Article 17.5 of the Rules of Procedure of the European Central Bank, the Governing Council has adopted this opinion.

1. Purpose of the draft law

1.1 The draft law establishes the legal framework for the organisation and functioning of official statistics in Romania and sets up the National Statistical System (NSS). It also repeals the Government Ordinance on the organisation of official statistics[2]. According to the draft law, the NSS comprises the NIS and the statistical offices of the central government, local government and other public authorities and institutions. The draft law also includes BNR as part of the NSS[3], but specifies that BNR, as an independent public institution, is responsible for producing official statistics in the areas within its field of competence according to Law No 312/2004 on the Statute of Banca Națională a României[4].

1.2 Furthermore, when defining official statistics under Article 2 of the draft law, a clear distinction is drawn between the activities organised for the collection, processing, analysis and dissemination of statistical data, the development of a statistical culture, and the creation and administration of official

1 OJ L 189, 3.7.1998, p. 42.

2 Government Ordinance No 9/1992 on the organisation of official statistics, approved with amendments by Law No 11/1994 republished in *Monitorul Oficial,* Part One, No 763, 18.10.2002.

3 Article 6(1) and (3) of the draft law.

4 Published in *Monitorul Oficial al României*, Part One, No 582, 30.6.2004.

statistical data series by the public authorities and institutions, on the one hand, and by BNR, on the other hand.

1.3 The draft law introduces substantial changes to the current legal framework of the NIS, which is the primary producer of the State's official statistics. According to Article 7, NIS is responsible for coordinating the statistical activities of the public authorities and institutions comprising the NSS, with the exception of BNR. Nevertheless, Article 7(3) specifies that NIS and BNR must cooperate and coordinate their activities with a view to increasing efficiency, reducing the response burden on primary data providers, improving the quality of statistical data and disseminating them at national and international level.

1.4 The National Statistical Council, an advisory board to the NIS, is established by the draft law. Its aim is to ensure that official statistics-related activities are objective, transparent and of a scientific nature and to minimise the reporting burden on data providers. A representative of BNR will hold a seat on the advisory board. Furthermore, Article 6(5) provides that BNR may draw up development strategies and statistical implementation programmes with regard to official statistics in its fields of competence.

1.5 The draft law endorses the Fundamental Principles of Official Statistics adopted by the United Nations Statistical Commission[5]. More specifically, Chapter II of the draft law addresses professional independence, impartiality and objectivity, confidentiality, quality, appropriate procedures and sound methodology, accuracy and reliability, and access rights. Chapter X of the draft law requires the NIS and other producers of official statistics to adopt administrative, organisational and technical measures for the protection of confidential statistical data and to prevent unauthorised access, dissemination, alienation and destruction of these data.

2. General observations

2.1 Ensuring effective cooperation between a national central bank, as a producer of official statistics, and other statistical authorities is often vital for guaranteeing the availability, quality and cost-effectiveness of the statistics required by the ECB. Whatever the general institutional setting, the specific arrangements should aim to optimise the quality and availability of official statistics, while preserving in all respects the independence of the central bank, which derives from the central bank's participation in the European System of Central Banks (ESCB) in general and from its duty to collaborate with the ECB on statistical matters in particular[6].

2.2 A significant feature of the draft law refers to the recognition of BNR as a producer of official statistics[7]. Although the statistical responsibilities of BNR have been established by the Law on the Statute of BNR, there was no explicit recognition of this function in the previous legislation, i.e. the Government Ordinance on the organisation of official statistics. The ECB welcomes the provisions

5 Available on the United Nations Statistics Division website at unstats.un.org.

6 See CON/2008/6.

7 Article 6(3) of the draft law.

of the draft law recognising and preserving BNR's independence as a participant in the NSS and producer of official statistics relating to its areas of competence. In this context, legal certainty is provided that the statistical activities of BNR are not coordinated by the NIS in its role as coordinator of the NSS.

2.3 The ECB welcomes the draft law as it will provide clarity on the Romanian statistical system. This should have a positive impact on the quality and availability of official statistics.

3. Specific remarks

3.1 Article 4(j) of the draft law provides that official statistics are represented by the 'activities regulated … by the Law on the Statute of BNR, in accordance with the fundamental principles of national statistics'. The wording of this provision could be clarified in order to acknowledge that the statistics developed, produced and disseminated by BNR as part of the ESCB are governed by statistical principles that are close but not identical to the principles of Regulation (EC) No 223/2009[8].

3.2 Finally, while the ECB notes that the draft law remains silent on the possibility to exchange confidential information for the efficient compilation of European statistics, it understands that a transmission of confidential data by the NIS to the members of the ESCB remains possible in line with the enabling clause provided for in Regulation (EC) No 223/2009.

This opinion will be published on the ECB's website.

Done at Frankfurt am Main, 4 May 2009.

[signed]

The President of the ECB

Jean-Claude TRICHET

8 Regulation (EC) No 223/2009 of the European Parliament and of the Council of 11 March 2009 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 (OJ L 87, 31.03.2009, p. 164).