EUROPEAN CENTRAL BANK

EUROSYSTEM

OPINION OF THE EUROPEAN CENTRAL BANK

of 9 August 2010

on amendments to the legislation on official statistics

(CON/2010/66)

Introduction and legal basis

On 15 July 2010 the European Central Bank (ECB) received a request from the Romanian National Institute of Statistics for an opinion on a draft law amending and supplementing Law No 226/2009 on the organisation and functioning of official statistics in Romania[1] (hereinafter the 'draft law').

The ECB's competence to deliver an opinion is based on Articles 127(4) and 282(5) of the Treaty on the Functioning of the European Union 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[2], as the draft law relates to Banca Națională a României (BNR) and 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 supplements Law No 226/2009 on the organisation and functioning of official statistics in Romania with some provisions of Regulation (EC) No 223/2009[3] in order to bring Romanian legislation on official statistics into line with the changes to the European Statistical System framework.

1.2 In particular, the draft law introduces the fundamental principles of official statistics, which are professional independence, impartiality, objectivity, reliability, statistical confidentiality and cost-effectiveness. The definitions of these principles are identical to those of the statistical principles in Regulation (EC) No 223/2009.

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1 Law No 226/2009 on the organisation and functioning of official statistics in Romania, *Monitorul Oficial al României* No 397 of 11 June 2009.

2 OJ L 189, 3.7.1998, p. 42.

3 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, 31.3.2009, p. 164).

1.3 Furthermore, the draft law extends the composition of the Romanian National Statistical Council, an advisory body, with six new members comprising two representatives from the Presidential administration and four representatives from the Parliament (two representatives from each of its two chambers) to ensure the impartiality, transparency and scientific nature of the activities related to official statistics.

1.4 In addition, in line with Article 5(1) of Regulation (EC) No 223/2009, the Romanian National Institute of Statistics is designated as the national statistical authority responsible for coordinating all activities at national level for the development, production and dissemination of European statistics. The Romanian National Institute of Statistics is also the contact point for the Commission (Eurostat) on statistical matters.

1.5 Finally, the competence of the Romanian National Institute of Statistics is intended to be enhanced by entrusting it with the tasks, within its scope of competence, of negotiating and concluding international treaties at department level and other international agreements[4].

2. General observations

2.1 In Opinion CON/2009/42[5] on the draft of Law No 226/2009, the ECB welcomed the provisions that recognised and preserved the independence of BNR as a participant in the National Statistical System and as the producer of official statistics in its areas of competence. It was noted that the statistics developed, produced and disseminated by BNR as part of the European System of Central Banks are governed by statistical principles[6] that are close but not identical to the principles in Regulation (EC) No 223/2009.

2.2 The ECB also welcomes the intention of the Romanian authorities to update and streamline the provisions of the national legal framework on statistics to follow changes at European level and to meet the needs of the statistical data users.

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

Done at Frankfurt am Main, 9 August 2010.

[signed]

The Vice-President of the ECB

Vítor CONSTÂNCIO

4 According to Article 2(1) of Law No 590/2003 on treaties, *Monitorul Oficial al României* No 23 of 12 January 2004.

5 All ECB opinions are published on the ECB's website at www.ecb.europa.eu.

6 See Article 5 of the Statute of the European System of Central Banks and of the European Central Bank and Council Regulation (EC) No 2533/98 concerning the collection of statistical information by the European Central Bank (OJ L 318, 27.11.1998, p. 8).