EUROPEAN CENTRAL BANK

EUROSYSTEM

OPINION OF THE EUROPEAN CENTRAL BANK

of 1 February 2008

at the request of the Portuguese Parliament

on a draft law on the principles, rules and structure of the National Statistical System

(CON/2008/6)

Introduction and legal basis

On 26 November 2007 the European Central Bank (ECB) received a request from the Parliamentary Commission for Budget and Finance for an opinion on a draft law on the principles, rules and structure of the National Statistical System (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 on the third and 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 relates to a national central bank and to 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 introduces substantial changes to the current legal framework of the National Statistical System (NSS) and of the National Statistical Institute (INE). The Banco de Portugal, whose role in the statistical field is reinforced by the draft law, is formally incorporated in the NSS structure and, as such, is designated as a statistical authority. It is also entitled to have a representative in the Higher Statistical Council, whose composition and powers are revised.

1.2 Furthermore, the new draft law fully endorses the Fundamental Principles of Official Statistics adopted by the United Nations Statistical Commission, namely by regulating in Chapter II aspects such as technical independence, quality, access to official statistics and individual data protection. The guidelines contained in the European Statistics Code of Practice were also adopted and reflected in the fundamental principles of the NSS. With regard to statistical secrecy, the draft law regulates the circumstances in which access to individual statistical data can be granted for scientific purposes (Article 6(7) and (8)).

1 OJ L 189, 3.7.1998, p. 42.

2. General observations

2.1 Ensuring effective co-operation between the national central bank, as a producer of statistics, and other statistical authorities is very important for the quality and cost-effectiveness of statistics. Depending on national circumstances and choices, this aim can be pursued through different institutional settings. Whatever the general setting, the specific arrangements should aim to optimise the reliability and efficiency of the statistical production process, while preserving in all respects the independence of the central bank.

2.2 A significant feature of the draft law refers to the recognition of the Banco de Portugal as a statistical authority (Article 3(1)(c)). Although the statistical responsibilities of the Banco de Portugal have always been established by its Organic Law, there was no such explicit recognition of this function in the Law on the national statistical system. Furthermore, Articles 19 and 20 of the draft law are fully in line with the Organic Law, so that both legal acts are consistent with national practice, according to which the Banco de Portugal has always been the national producer of official statistics in the fields of monetary, financial, foreign exchange and balance of payments statistics. The ECB also notes that Article 20 expressly states that the participation of the Banco de Portugal in the NSS shall not prejudice the guarantees of independence deriving from its participation in the European System of Central Banks (ESCB), in particular, with regard to the performance of its duty to collaborate with the ECB on statistical matters.

2.3 The new structure of the Higher Statistical Council now ensures a more accurate and up to date representation of the producers and users of official statistics (Article 10). This new structure will permit the definition of a coordinated and efficient national statistical working plan, including the efficient allocation of tasks on the execution of statistical operations; adoption of common methodology, concepts and nomenclature (Article 13); and sharing of lists of statistical units and of administrative data (Article 8). The new structure of the NSS relies on and promotes coordination between statistical authorities (Article 9), in particular between the Banco de Portugal and the INE (Article 21). The Banco de Portugal and the INE are party to several agreements for the purpose of statistical production, e.g., financial and non-financial accounts; government finance statistics; surveys of tourism expenditure and cross-border movements; and the simplified corporate information project. This is again the case where the new legal text formalises a practice that is already being followed by the producers of official statistics.

2.4 The ECB welcomes the new draft law as it clarifies the division of responsibilities between the various statistical authorities and formalises current best practices. The draft law will make the Portuguese statistical system more integrated and coordinated and will have a positive impact, both in terms of the quality of official statistics and with regard to cost savings. The ECB also welcomes that this system is more operationally effective and consequently more capable of responding to the existing and foreseeable future needs for official statistical data at both national and Community level.

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

Done at Frankfurt am Main, 1 February 2008.

[signed]

The President of the ECB

Jean-Claude TRICHET