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REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL

on the 'Commitments on Confidence in Statistics' by Member States as required by Regulation (EC) No 223/2009 of the European Parliament and of the Council of 11 March 2009

1. INTRODUCTION

1.1. Regulation (EC) No 223/2009 on European statistics

The legal basis of this report is Regulation (EC) No 223/2009 on European statistics[1], and in particular Article 11(4) establishing that:

'The Commitments by Member States shall be monitored regularly by the Commission on the basis of annual reports sent by Member States and shall be updated as necessary.

In the absence of the publication of a Commitment by 9 June 2017, a Member State shall submit to the Commission and make public a progress report on the implementation of the Code of Practice and, where applicable, on the efforts undertaken towards the establishment of a Commitment. Those progress reports shall be updated periodically, at least every two years following their initial publication.

The Commission shall report to the European Parliament and the Council on the published Commitments and, where appropriate, progress reports, by 9 June 2018 and every two years thereafter.'

This report is the first one to have been drawn up in accordance with the above provision.

1.2. Historical background

(a) European Statistics Code of Practice

The European Statistics Code of Practice[2] sets the standard for developing, producing and disseminating European statistics. It builds upon a common European Statistical System (ESS) definition of quality in statistics and covers all relevant areas of the institutional environment, the statistical production processes, and the output of European official statistics. The institutional environment is the most relevant area in the context of the Commitment, as institutional and organisational factors significantly affect the effectiveness and credibility of a statistical authority in developing, producing and disseminating European statistics.

The European Statistics Code of Practice was endorsed by the Statistical Programme Committee on 24 February 2005. It was revised by the European Statistical System Committee (ESSC) on 28 September 2011 and again on 16 November 2017. Together with the new version of the Code of Practice in 2011, the ESSC approved the Quality Assurance Framework. The latter provides guidance on how to implement the European Statistics Code of Practice.

The Code is the backbone of the ESS common quality framework, and ESS statistical authorities have committed themselves to abiding by it. Systematic peer reviews have been introduced to review compliance with the Code, and progress is monitored in annual reports to the ESSC. The importance of compliance with the Code of Practice was further underlined when the ESSC adopted the Quality Declaration in September 2016.

Eurostat monitors compliance with the European Statistics Code of Practice through peer reviews. A first round of reviews were conducted between 2006 and 2008 to assess the

[1] Regulation (EC) No 223/2009 on European statistics of the European Parliament and of the Council of 11 March 2009 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).

[2] http://ec.europa.eu/eurostat/web/products-manuals-and-guidelines/-/KS-32-11-955

compliance of the National Statistical Institute (NSI) with Principles 1 to 6 and 15 of the Code. A second round of peer reviews followed between 2013 and 2015, covering all 15 of the Code's principles and both NSIs and other national statistical authorities. Eurostat will continue to monitor the improvement measures resulting from this second round each year until the end of 2019, by which time all the measures concerned should have been implemented. Eurostat, which is subject to parallel monitoring by the European Statistics Governance Advisory Board (ESGAB), was also reviewed in the course of both rounds.

The Commission (Eurostat) draws up yearly monitoring reports on NSI compliance with the Code of Practice. The ESGAB's annual report covers progress within the European Statistical System as a whole, and in Eurostat in particular. The results of the annual monitoring exercise are part of the overall assessment of EU statistics presented to the autumn ECOFIN Council. In 2008[3], and again in 2016[4], the Commission reported to the European Parliament and the Council on the implementation of the European Statistics Code of Practice and on coordination within the ESS.

(b) Commitment on Confidence in Statistics

The Commission presented the concept of Commitment on Confidence in Statistics ('Commitment') for the first time in a communication to the European Parliament and the Council entitled 'Towards robust quality management for European Statistics', dated 15 April 2011[5]. The Commitments were intended as a means to involve national governments in responsibility for the level of a country's compliance with the European Statistics Code of Practice, thus establishing a link between the Code and governments that was previously missing. The added value of the Commitments was indeed to ensure a link with the government, thus typically the institutional aspects of the statistical principles of the Code of Practice that were outside the control of the statistical authorities themselves. The Commission also suggested in that Communication that the legal framework, Regulation (EC) No 223/2009, should be revised, and the concept of Commitments introduced into it, as one of a number of measures to strengthen public trust in European statistics. The Council supported the intention to introduce Commitments and to revise Regulation (EC) No 223/2009.

Before adopting the proposal to amend Regulation (EC) No 223/2009, the Commission involved Member States extensively in discussions on the possible form of the Commitments. The proposal's explanatory memorandum refers to the 2011 Communication, and proposes that Commitments 'be established in order to make national governments aware of their role in, and co-responsibility for, ensuring the credibility of official statistics by respecting the independence of NSIs.'

In 2015, the Commission (Eurostat) and the Member States continued discussions within the ESS, aiming to ensure the effectiveness and efficiency of the tools and enablers referred to in Regulation (EC) No 223/2009, such as the Commitments on Confidence in Statistics.

According to Article 11(3) of Regulation (EC) No 223/2009, the Commitments are instruments that 'shall further aim to ensure public trust in European statistics and progress in the implementation of the statistical principles contained in the Code of Practice', to be established by both Member States and the Commission. Recital 17 of the amending

[3] COM (2008) 621 final of 7.10.2008: 2008 Report from the Commission to the European Parliament and the Council on implementation of the Code of Practice.

[4] COM (2016) 114 final of 7.3.2016: Report from the Commission to the European Parliament and the Council on the implementation of the European Statistics Code of Practice and coordination within the European Statistical System.

[5] COM (2011) 211.

Regulation, (EU) No 2015/759[6], also states that the Commitments 'should include specific undertakings by the government of that Member State to improve or maintain the conditions for the implementation of the Code of Practice'.

2. OVERVIEW OF COMMITMENTS ON CONFIDENCE AND REPORTS BY MEMBER STATES

2.1. Form of the Commitment

According to Article 11 of Regulation (EC) No 223/2009, Member States must establish and publish a Commitment on Confidence in Statistics, or at least send to the Commission and publish a progress report on the implementation of the Code of Practice and the efforts made to establish a Commitment. As the Regulation contains no rules about the form of the Commitment, Member States are free to choose between different options, as long as the objective of raising public trust through a governmental commitment to provide the conditions for high-quality statistics is achieved.

Subject to this condition, the concept of Commitments on Confidence in Statistics can be a very useful tool, regardless of whether a Member State opts for a 'stand-alone' Commitment, explains where the Commitment can be found in national law, or sends a progress report. Each of these options may meet the objective of raising government awareness of the Code of Practice and the importance of independent statistics.

As regards the approach they take to the form of the Commitment, Member States fall into two main groups: those which have established 'stand-alone' Commitments, and those which have declared that certain of their items of legislation constitute the Commitment. Some countries in the second group have stated that they do not intend to make 'stand-alone' Commitment, while others have indicated that they still intend to do so.

2.2. 'Stand-alone' Commitments on Confidence

To date, the following 'stand-alone' Commitments on Confidence, listed in chronological order, have been published in the following Member States:

Greece: The Greek Commitment on Confidence in Statistics[7] was signed on 29 February 2012 by the Greek Prime Minister and the Member of the European Commission responsible for taxation and customs union, audit and anti-fraud. It was the first Commitment, issued even before the Commission had adopted its proposal to amend Regulation (EC) No 223/2009. The Greek Commitment is also special because it is countersigned by a Member of the European Commission. It contains solemn commitments by the government, combined with concrete measures, in particular as regards amendments to the Statistical Law, appended in an annex. The Greek government reports to the Commission (Eurostat) on the implementation of these measures.

Sweden: The Commitment on Confidence in Statistics[8] was presented in the Swedish Government's budget bill for 2017. Subsequently, it was also published on the Swedish

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6 Regulation (EU) 2015/759 of the European Parliament and of the Council of 29 April 2015 amending Regulation (EC) No 223/2009 on European statistics (OJ L 123,19.5.2015, p. 90).

7 http://www.statistics.gr/documents/20181/c5b9264e-815e-4f74-9955-467d14cad474 (Available only in English).

8 http://www.scb.se/contentassets/bbe78b2a144143c7955b165f76fb4d52/regeringens-atagande-om-att-skapa-fortroende-for-statistiken.pdf and http://www.scb.se/om-scb/samordning-av-europeisk-statistik-i-sverige/regeringens-atagande-om-att-skapa-fortroende-for-statistiken/ (Available only in Swedish).
See also pages 28 and 29 of the Official Statistics of Sweden– Annual report 2017 http://www.scb.se/contentassets/fd60f41a3abc4d2c8a791e425357ba5b/ov9999_2017a01_br_x43br1802.pdf (Description of commitment in English).

statistical institute's website. In the Bill, the Government describes its commitment to creating confidence in statistics and lists the measures it is taking to improve the coordination of the statistical system and quality follow-up. The bill also clarified Statistics Sweden's responsibility for coordination, and introduced quality control measures to be implemented.

Slovenia: The Government of Slovenia adopted the Commitment on Confidence in Statistics[9] on 5 January 2017. It was subsequently published, together with the corresponding citizen's summary, on the website of the Slovenian statistical institute. The Commitment is based on the fact that in Slovenia, the appropriate institutional environment for implementing official statistics is provided by implementing the principles of professional independence, adequacy of resources, a mandate for data collection, statistical confidentiality, impartiality and objectivity, as set out in the National Statistics Act.

Ireland: The Irish Commitment on Confidence in Statistics[10] was adopted by the Government of Ireland on 30 May 2017 and subsequently published on the website of the Irish statistical institute. Referring to Regulation (EC) No 223/2009 and the national statistical act, the Government of Ireland acknowledges the importance of independent, objective and reliable statistics as a public good, recognises the role of official statistics in informing effective debate and decision making across government, business and society, and values the role of the National Statistics Board in giving strategic direction to the Irish Statistical System.

Belgium: On 31 May 2017, the Belgian Commitment on Confidence[11] was approved by the Consultation Committee, and subsequently published on the website of the Belgian federal statistical institute. With their Commitment on Confidence in Statistics, the Federal Government and the governments of the Regions and Communities committed themselves to doing everything in their power to guarantee the fundamental principles and the high quality of public statistics.

Romania: The Romanian Commitment on Confidence was adopted by the Romanian Government at its meeting of 9 June 2017[12]. It includes a firm commitment by the Romanian Government to guarantee and defend the professional independence of the National Institute of Statistics and other official statistics producers and to guarantee the right and the obligation of the President of the National Institute of Statistics to carry out the professional and managerial tasks associated with producing national official statistics.

Malta: For the Maltese Government, the Prime Minister signed the Commitment on Confidence in Statistics on 17 May 2018[13]. The Government of Malta recognized that European statistics are developed, produced and disseminated in line with the principles laid down in Article 338 of the Treaty on the Functioning of the European Union, Regulation (EC) No 223/2009 and valued the roles of the Malta Statistics Authority Board and the National Statistics Office in providing strategic direction and further development to the Maltese Statistical System. Furthermore, it committed itself to continue to guarantee the professional independence of the National Statistics Office of Malta, to support it in maintaining or improving the conditions for the implementation of the Code and to provide conditions for

9 http://www.stat.si/StatWeb/en/News/Index/6458 (Available only in English and Slovenian).

10 http://cso.ie/en/media/csoie/aboutus/documents/CoCS.pdf (Available only in English).

11 https://statbel.fgov.be/en/about-statbel/quality/commitment-confidence (Available only in English, French, German and Dutch).

12 http://www.insse.ro/cms/files/eurostat/angajament_de_sprijinirea_credibilitatii_statisticii_oficiale_nationale.pdf (Available only in Romanian).

13 https://nso.gov.mt/en/nso/Pages/Commitment-on-Confidence.aspx and https://msa.gov.mt/en/public_information/Pages/Commitment-on-Confidence.aspx (Available only in English).

access by the National Statistics Office to data from administrative and other sources, towards developing and producing high-quality statistics in all domains and, at the same time, reducing the burden on respondent individuals, households and enterprises.
The established 'stand-alone' Commitments vary considerably in form, content and length. This is fully consistent with the objective of taking into account the specific features of national statistical systems. What can also be seen is that while showing this variety, the existing Commitments have taken inspiration from previous ones as well as the two possible templates suggested by the Commission (Eurostat) in 2012.

One templated element is a commitment to re-establish the 'Commitment on Confidence in Statistics', if any relevant needs for improvement are identified.

It is noteworthy in this context that two candidate countries, Albania and Montenegro, have recently established 'stand-alone' Commitments on Confidence, which shows that such commitments are recognised as best practice beyond the European Union's current borders.

2.3. National laws constituting the Commitment

Fifteen Member States have declared in their reporting that certain items of their legislation go to make up the Commitment on Confidence in Statistics. Some have therefore announced that they will not be establishing a 'stand-alone' Commitment. The large majority of these fifteen Member States have clearly indicated the specific articles that form their Commitment and provided additional explanations.

This option of establishing a Commitment is viable too, provided that certain conditions are met. Most importantly, the legislation in question must cover the political element of the Commitment, as best described in Recital 17 of the amending Regulation (EC) No 2015/759.

Recital 17 explains the underlying justifications for introducing the Commitments in Regulation (EC) No 223/2009 and provides further guidance on their establishment and contents. It spells out the need to include a political element in the Commitment ('…specific undertakings by the government of that Member State…'). A decree-law adopted by the government may provide enough of a political element in itself, whereas a national statistical law adopted by Parliament might not be sufficient.

In its dialogue with Member States that have chosen this option, the Commission has noticed that governments have become significantly more aware of the responsibility they bear for the quality of statistics since the introduction of a legal obligation to make a Commitment on Confidence. This can be deduced from the reported discussions on the Commitment between the national statistical institute and the government in the Member States concerned.

In pursuing the dialogue, the Commission will assess whether the relevant legal provisions are appropriate for improving or maintaining the conditions for the implementation of the Code of Practice. Aspects to consider in this context are whether the provisions state clearly that high-quality assurance or monitoring frameworks should be established, and whether they are effectively complemented by improvement measures and self-assessments. The procedure for adopting the legislation concerned may also play a role, especially if it makes the national government's support apparent.

Another important aspect is that a Commitment enshrined in legislation should have added value over and above the law itself. Commitments are not meant to be mere promises to abide by the law, and such promises will not have the desired effect of maintaining public trust in European statistics.

2.4. Reports by Member States

Article 11(4) of Regulation (EC) No 223/2009 states that the Commission must monitor Member States' Commitments regularly on the basis of annual reports sent by Member States and updated as necessary. If no Commitment has been established and published by 9 June 2017, the Member State concerned must send the Commission a progress report on the implementation of the Code of Practice and, where applicable, on the efforts made to establish a Commitment. Such progress reports must be published and updated every two years.

All Member States have reported to the Commission (Eurostat) on the Commitment in accordance with Article 11(4) of Regulation (EC) No 223/2009. The reports of the six Member States that have neither adopted a 'stand-alone' Commitment nor incorporated a Commitment into their legislation mostly leave open the possibility of establishing a Commitment in the future.

The majority of Member States reported in parallel with their reporting on the implementation of the European Statistics Code of Practice improvement measures, under which Member States report to the Commission (Eurostat) in January of each year about any action they have taken to follow up the peer review process. The relevant part of the peer review report must also be made public in order to serve as the progress report on the Commitment.

(a) Developments most frequently reported by Member States

Many Member States reported the insertion of specific articles on or about the Commitment into national statistical legislation. For instance, they included an explicit legal commitment to produce and disseminate high-quality official statistics. Others reported the inclusion of specific provisions on the status of the national statistician, statistical independence, and the coordinating role of the NSI regarding official statistics.

The reports also listed the incorporation into law of a clear procedure to implement the Code of Practice in the system for official statistics and of a commitment that the production of official statistics will be developed in accordance with the European Statistics Code of Practice, to maintain society's trust in official statistics.

Some Member States reported that they were still in the process of revising the legislation on statistics to incorporate provisions reflecting the changes stemming from the revision of Regulation (EC) No 223/2009, and notably the Commitments.

(b) Examples which illustrate significant or typical developments

As a detailed description of Member State reports is beyond the scope of this report, the following examples can serve to illustrate significant or typical developments triggered by the Commitments (and possibly by other developments):

Denmark: A revised law on statistics is due to enter into force on 1 July 2018. It includes specific provisions on the status of the national statistician, statistical independence, and the coordinating role of the NSI regarding official statistics. It also includes a clear procedure for implementing the Code of Practice in the official statistics system.

Spain: A specific article on the Commitment was inserted into the law on the 2018 statistical programme, which makes explicit reference to the quality principles of Regulation (EC) No 223/2009 and the European Statistics Code of Practice as elements needed to maintain society's trust in statistics for state purposes. In addition, a citizen summary of the 2018 programme has been published which contains a reference to the Commitment.

Latvia: A new law on statistics came into force on 1 January 2016 which addressed several important principles from the Code of Practice. For instance, it reaffirmed and strengthened

the independence of the NSI, made compliance with the Code of Practice a legal obligation and brought changes to the institutional environment. The report stresses that by proposing the law based on its own right of initiative, the government expressed its political support for the principles of the Code of Practice.

Lithuania: A draft law prepared and approved by the government on 10 January 2018 establishes the principles of official statistics, such as professional independence, impartiality and objectivity, statistical confidentiality and adequacy of resources, referring directly to Regulation (EC) No 223/2009 and the European Statistics Code of Practice. It also stipulates very clearly that the Director-General and the NSI as a whole must enjoy professional independence.

Slovakia: The text of the 'stand-alone' Commitment on Confidence has been finalised for the consultation with the Government of Slovakia.

3. SUMMARY AND OUTLOOK

The introduction of the Commitments on Confidence as an instrument to ensure public trust in European statistics and support the implementation of the statistical principles set out in the Code of Practice has raised awareness among Member State governments of the importance of their contribution to maintaining and improving public trust in official statistics.

All Member States have duly reported to the Commission on their activities and achievements concerning the Commitments. While seven countries have already established 'stand-alone' Commitments, fifteen have declared which pieces of legislation form their government's Commitment, and seven have sent the required report. For those Member States which reported that the Commitment on Confidence in Statistics is established in the national legislation, the Commission (Eurostat) will continue a dialogue about the necessary political element. A few countries have also reported that their government is in the process of establishing a 'stand-alone' Commitment.

To sum up, the concept of Commitments on Confidence is widely acknowledged by Member States, which are taking the necessary steps to materialise the added value of their Commitment by establishing or improving an institutional link between their government and the European Statistics Code of Practice. The resulting additional guarantees of high-quality official statistics can be expected to have the desired effect of strengthening public trust.

Measures to maintain and enhance public confidence in European statistics will remain essential in the future. The members of the ESS, in their mission to provide independent high-quality information on the economy and society which is accessible to everyone, must interact with users in accordance with the principles of the European Statistics Code of Practice. The instrument of the Commitments on Confidence in Statistics, with the continued monitoring by the Commission (Eurostat), will contribute to the various efforts being made by the members of the ESS to maintain and improve public trust in official statistics. The Commitments are expected to continue to reassure the general public that national statistical institutes enjoy the full support of their governments in their efforts to provide high-quality statistics.