



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 21 October 2008**

**14599/08**

**ECOFIN 436  
STATIS 149**

**TRANSLATION PROVIDED BY THE PRESIDENCY**

**NOTE**

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from: The Presidency  
to: Working Party Group on Statistics

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Subject: Recommendation for a Council Regulation amending Council Regulation (EC) N° 2533/98 of 23 November 1998 concerning the collection of statistical information by the European Central Bank.

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Delegations will find attached a Presidency note on the Recommendation for a Council Regulation amending Council Regulation (EC) N° 2533/98 of 23 November 1998 concerning the collection of statistical information by the European Central Bank.

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## Procedure to be followed

- The article 107(6) of the Treaty gives power to the Council on some specific topics linked with the ESCB:

*The Council, acting by a qualified majority either on a proposal from the Commission and after consulting the European Parliament and the ECB or on a recommendation from the ECB and after consulting the European Parliament and the Commission, shall adopt the provisions referred to in Articles 4, 5.4, 19.2, 20, 28.1, 29.2, 30.4 and 34.3 of the Statute of the ESCB.*

Statistics are concerned by article 5.4 of the Statute. This defines the procedure to be followed for adoption of this recommendation.

- The ECB recommendation proposes to modify the Council Regulation (EC) N° 2533/98 of 23 November 1998 concerning the collection of statistical information by the European Central Bank.
- The ECB recommendation has been received by the Council early this month and transmitted by the Council to the European Parliament and the Commission for opinion.
- According to Article 114.2 third indent, the EFC shall contribute to the preparation of the work of the Council referred to in several articles among which is Article 107(6).
- The Council Working Party for statistics has been designated to examine the ECB recommendation since this working party is competent for all matters concerning statistics in the Council, as stated in the Council decision of 4 March 2003, creating a new Working Party subsuming the existing three Working parties existing before (ECOFIN statistics, Agriculture statistics, internal market statistics).

## **The current legislation and the ECB recommendation**

- The ECB recommendation refers to article 5.4 of the Statute of the ESCB and of the ECB, included in Article 5 (“Collection of statistical information”). This paragraph states :

*The Council, in accordance with the procedure laid down in Article 42<sup>1</sup>, shall define the natural and legal persons subject to reporting requirements, the confidentiality regime and the appropriate provisions for enforcement.*

These three issues define the structure of the regulation N° 2533/98 and consequently of the recommendation proposing to update it.

- Besides some definitions in article 1, the current regulation N° 2533/98 defines the natural and legal persons subject to reporting requirements (article 2), contains provisions on the confidentiality regime (article 8) and provisions for enforcement (articles 4 to 7). Article 3 contains “*modalities for the definition of statistical reporting requirements*”.

## **Possible topics for a first discussion, among others**

- Among others, some possible topics for a first discussion, as mentioned in the ECB explanatory memorandum, are:
  - Mirror provisions on quality principles of European Statistics (article 1.2(a) and article 1.3 of the recommendation)
  - Extension of the reference reporting population (article 1.2(b)).  
At first glance, the extension concerns pension funds, insurance companies, and “*legal and natural persons residing in a participating Member State, to the extent that they hold financial positions vis-à-vis residents of other participating Member States...*”
  - Confidentiality regime (article 1.4)
  - Cooperation and coordination of data collection between ESCB and ESS (article 1.4)

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<sup>1</sup> The procedure described in Article 42 of the Statute replicates the one described in article 107(6) of the Treaty.

