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From:	Mr Aurel SCHUBERT, Chair of ESGAB
date of receipt:	5 September 2023
To:	Ms Elena MANZANERA DÍAZ, Chair of the Council's Working Party on Statistics
Subject:	Opinion on the Commission's proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 223/2009 on European statistics

Delegations will find attached the Opinion of the European Statistical Governance Advisory Board (ESGAB) on the Commission's proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 223/2009 on European statistics.



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Maria Enzersdorf, 05 September 2023
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Ms Elena Manzanera Díaz
Chair of the Council's Working Party on Statistics
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By e-mail only

Dear Ms. Manzanera Díaz,

I would like to inform you that the European Statistical Governance Advisory Board (ESGAB) has adopted an opinion on the Commission's proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 223/2009 on European statistics.

Enclosed you will find the ESGAB's opinion, and I hope you will find it useful in the context of the upcoming discussion on the Commission's proposal at the Working Party on Statistics.

Yours faithfully,

Aurel Schubert
Chair of ESGAB

Enclosure: Opinion on the Commission's proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 223/2009 on European statistics.

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Maria Enzersdorf, 5 September 2023
ESGAB/2023/32

Opinion

of the European Statistical Governance Advisory Board (ESGAB) on the Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) N° 223/2009 on European statistics

The European Statistical Governance Advisory Board (ESGAB) welcomes the fact that the European Commission is proposing to amend Regulation (EC) 223/2009 on European statistics but regrets that the Commission proposal does not include any amendments that would strengthen the governance framework for European statistics, in particular the rules on protecting the independence of Eurostat and the National Statistical Institutes (NSIs). In this context, it recalls the concrete recommendations it published in its 2022 Annual Report and advises the co-legislators to take them into account. At the same time ESGAB welcomes the Commission's proposal insofar as it aims to reflect better the realities of the digital age by aiming to provide to the European Statistical System (ESS) access to privately-held data sources, foster data sharing within it, and increase the ESS's agility to respond to urgent data demands, including by introducing experimental statistics. ESGAB's specific recommendations in these areas in its 2022 Annual Report were to some extent considered in the Commission's proposal and some were completely missed, such as on steps to significantly enhance cooperation with the academic and research community and the setting up of European research institute for official statistics. Further consideration of the concrete recommendations of ESGAB in these areas by the co-legislators would be useful.

The European Statistical Governance Advisory Board (ESGAB), a board of independent experts, has in its mandate¹ to provide an independent overview of the European Statistical System (ESS) regarding the implementation of the European Statistics Code of Practice. To be able to implement that Code of Practice, especially in a rapidly changing statistical ecosystem in the digital age, ESGAB has concluded that Regulation (EC) 223/2009 - the basic law governing official statistics in the European Union - needs to be urgently updated. Thus, ESGAB welcomes in principle the initiative of the European Commission to publish on 10 July 2023 a proposal for a Regulation amending Regulation (EC) 223/2009.²

The 2022 ESGAB Annual Report³ included 15 recommendations for the amendment of Regulation (EC) 223/2009, which, if implemented, ESGAB believes would enable the ESS to fulfil all the requirements of the European Statistics Code of Practice and make European statistics fit for the digital age. ESGAB recommended that Regulation (EC) 223/2009 be amended to enable a regular and secure access to private data sources, new and more agile working methods and the production of experimental statistics, cooperation with academia and

¹ <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:073:0017:0019:EN:PDF>

² [Explanatory Memorandum, Title I. CONTEXT OF THE PROPOSAL](#)

³ [2022 ESGAB Annual Report](#)

research, the setting up of a European research institute for official statistics, as well as data sharing among European statistics producers, all with adequate funding. However, ESGAB also recommended that the law be amended to strengthen the rules on independence of Eurostat and of National Statistical Institutes (NSIs), the quality control of European statistics, and the political Commitments on Confidence in European statistics. These amendments are essential for the ESS to remain the main and trusted source for statistics in the new data ecosystem.

The amendments proposed by the Commission on 10 July 2023 aim that Regulation (EC) 223/2009 on European statistics reflects better the realities of the digital age in which the ESS operates, and to better satisfy users' demands. The Commission's proposal aims to secure for the ESS access to privately held data sources, fosters data sharing, increases the ESS's agility to respond to urgent data demands, including by introducing experimental statistics, and strengthens timely access to administrative data for European statistics. ESGAB welcomes the fact that the Commission's proposal includes such amendments, which are broadly in line with various aspects of certain recommendations in the ESGAB 2022 Annual Report. However, ESGAB recommendations were only considered to some extent in the Commission's proposal and some recommendations were completely missed, such as on steps to significantly enhance cooperation with the academic and research community and the setting up of European research institute for official statistics.

At the same time, ESGAB regrets that the Commission's proposal does not foresee any changes at all that would further strengthen the governance framework for European statistics. In particular, no changes are foreseen to enhance the protection of the independence of Eurostat and of NSIs, to reinforce the coordination functions of Eurostat, to strengthen Eurostat's powers regarding the quality of national data transmissions, to clarify the legal status of the European Statistics Code of Practice, or to strengthen the requirements for the political Commitments on Confidence in European statistics.

Changes in these governance areas would strengthen the 'brand' of European statistics as principles-based statistics and reinforce their role as independent, impartial, and reliable statistical information about the European Union. In this respect, ESGAB had put forward concrete proposals in its 2022 Annual Report as noted above. However, they have not been utilised by the European Commission in its proposal for amending Regulation (EC) 223/2009. What is at stake is enabling the ESS to implement all the requirements of the European Statistics Code of Practice now and in the future and thus remaining the ultimate go-to source of reliable statistics.

The Commission's proposal provides that a review of the law be carried out in approximately five years, but it is regrettable that it only provides for a very limited review, focussing exclusively on the effects of the changes currently proposed by the Commission, leaving aside all other elements of the Regulation.

ESGAB advises the co-legislators to seize the opportunity of the proposed revision of Regulation (EC) 223/2009 to make the ESS really fit for the future, both by creating the legal basis for access to new data sources, enhancing data sharing and the cooperation with academic institutions, and increasing the agility of the system, and by strengthening further the governance framework, in particular with regard to the rules that protect the independence of Eurostat and the NSIs. For concrete recommendations, ESGAB refers to its 2022 Annual Report.