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WORKING DOCUMENT

From:	General Secretariat of the Council
To:	Working Party on Statistics
Subject:	Consolidation of Member State comments concerning the Recommendation for amending the Council Regulation on the collection of statistical information by the European Central Bank (ECB)

Delegations will find attached a document containing comments and suggestions on the abovementioned ECB recommendation, received by 8 July 2025. The document includes contributions from AT, CY, CZ, DE, EL, ES, FI, FR, HR, HU, IE, IT, LT, LU, MT, NL, PL, PT, SE and SK delegations.

RECOMMENDATION FOR A 'COUNCIL REGULATION amending Council Regulation (EC) No 2533/98 concerning the collection of statistical information by the European Central Bank

From: AT, CY, CZ, DE, EL, ES, FI, FR, HR, HU, IE, IT, LT, LU, MT, NL, PL, PT, SE, SK

Updated: 09/07/2025 13:26

ECB proposal	Drafting suggestions	Comments
General comments		<p>AT: Austria would like to thank you for the opportunity to comment, but has no remarks on the submitted document at this time.</p> <p>CY: Cyprus welcomes the ECB Recommendation and appreciates the need for revising Council Regulation (EC) No 2533/98 in order to make the statistical data collection tasks of the European System of Central Banks (ESCB) more efficient, with a view to increasing the quality of statistics and minimising the reporting burden. Cyprus supports the proposed amendment of Council Regulation (EC) No 2533/98.</p> <p>DE: Disclaimer DEU: Comments are preliminary. Due to the short deadline the decision making process in the German Government is still ongoing. Hence, we</p>

ECB proposal	Drafting suggestions	Comments
		<p>reserve the right to provide further comments and to refine our positions at a later stage.</p> <p>EL:</p> <p>Greece has no major concerns on the ECB's proposal which aims to modernize the process of data collection process, improve efficiency by reducing the response burden, strengthen compliance and facilitate cooperation among European institutions.</p> <p>We reserve the right to submit additional comments at a later stage during the negotiation process</p> <p>FI:</p> <p>Finland supports the amendment of the Regulation at general level. We welcome objectives of the proposal in order for the ESCB to be able to undertake its statistical tasks in an appropriate and more efficient way. The views presented below are preliminary and additional comments may be raised during the negotiations.</p>

ECB proposal	Drafting suggestions	Comments
		<p>FR:</p> <p>As a general comment, it seems important to us to make perfectly clear the distinction between European statistics (as in “development, production and dissemination of European statistics”), statistical purposes, that may be larger than the strict scope of European statistics, and the activities of central banks (as in “tasks of the ESCB member”), that may entail other purposes, especially prudential control.</p> <p>It is suggested to use the definition available in the article 3(8) of the regulation 223/2009: <i>‘use for statistical purposes’ means the exclusive use for the development and production of statistical results and analyses.</i></p> <p>HR:</p> <p>Please be informed that the comments provided in this document are of preliminary nature since national consultations are still in progress. Thus, we reserve the right to adjust our comments to the</p>

ECB proposal	Drafting suggestions	Comments
		<p>adopted national position. Further comments might be submitted depending on the course of upcoming discussions.</p> <p>We recognize the need to modernise existing rules concerning the collection and use of statistical information by the ESCB for the performance of its tasks and for the development, production or dissemination of statistics or for increasing their quality. Following digital transformation of the society, resulting in substantial changes in a way we value and use data, rules regulating the use of data for statistical purposes in the context of European statistics needs to adjust as well. Therefore, we generally support the Recommendation to amend Council Regulation (EC) No 2533/98 concerning the collection of statistical information by the European Central Bank. We agree with the aim to increase the efficiency of production of statistics by the ESCB as well as both internal and external usability of statistical information. We particularly welcome the provisions on reduction of response burden (implementation of “once only” principle, updating</p>

ECB proposal	Drafting suggestions	Comments
		<p>the rules on access to administrative data) and protection of confidential statistical information. Additionally, amendments to the rules regulating collection of statistical information by the ESCB, as a half of a two-pillar system for development, production and dissemination of European statistics, follows the modernisation of legislation regulating the work of the ESS carried out by amendments introduced to Regulation (EC) No 223/2009 of the European Parliament and the Council on European statistics in 2024. Since both Regulation (EC) No 223/2009 of the European Parliament and the Council, and Council Regulation (EC) No 2533/98 regulate the exchange of statistical data between the two systems, we consider it important that the data exchange, with the aim of efficient development, production or dissemination as well as increased quality of European statistics, is regulated in the coherent way with full respect of legislation in force and fundamental principles underlying the functioning of each system. It is important that rules on exchange of data are</p>

ECB proposal	Drafting suggestions	Comments
		<p>harmonised between the two Regulations to avoid possible legal uncertainty in the future.</p> <p>HU:</p> <p>Hungary welcomes the Recommendation for a Council Regulation amending Regulation (EC) No 2533/98 concerning the collection of statistical information by the European Central Bank.</p> <p>We acknowledge the importance of modernising the statistical framework in line with the digital transformation and recent economic developments and fully support the objectives set out in the current proposal and recognises the need for enhanced data sharing and reduced reporting burdens.</p> <p>At this stage, Hungary has no drafting suggestions or specific comments to add to the present version of the document.</p> <p>We remain committed to constructive cooperation in future.</p> <p>IT:</p>

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		<p>In general, Italy welcomes the main objective of the proposed amendment of Regulation (EC) no 2533/98 and acknowledges the importance of increasing the efficiency, quality and usability of production of statistics by the ESCB, while taking into account the need to minimise the reporting burden and associated risks.</p> <p>As the national consultation process has not yet been finalised, IT reserves the right to assess the outcome of the future negotiations and to adjust its position accordingly, as well as to submit further opinions and proposals during the course of the negotiations.</p> <p>LT:</p> <p>In order to comply with Regulation 223/2009, the State Data Agency would like to point out that the terms "statistical information" and "confidential statistical data" used in the ECB Regulation 2533/98 are not harmonised with the definitions "statistics", "data" and "confidential data" used in Regulation 223/2009.</p>

ECB proposal	Drafting suggestions	Comments
		<p>NL:</p> <p>The Netherlands welcomes the proposal and supports the overarching goal that the European System of Central Banks (ESCB) should maximise the potential of digitisation for the development, production and dissemination of statistical information, and the aim of improving the efficiency of the production of statistics by the ESCB as well as the quality and usability of those statistics. Furthermore, the Netherlands reserves the right to review its position, to assess the results of future negotiations on their own merits and to submit further opinions depending on the course of the negotiations. We also inform you that additional comments may be presented when the proposal is discussed at the Council Working Party on Statistics.</p> <p>PL:</p>

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		<p>Poland generally supports the proposal. However, we have some comments and suggestions elaborated below.</p> <p>We would like to indicate that the position provided in this table is preliminary and may be modified in the course of negotiations.</p> <p>PT:</p> <p>PT in general supports the ECB recommendation for the amendment of Regulation (EC) n° 2533/98. Our main concerns refer to the following issues:</p> <ul style="list-style-type: none"> • The need to ensure that relevant data collected by the ESCB continues to be shared with ESS members for the production of official statistics. Our concern refers, for example, to the practical application of the “once only” principle in statistical reporting, in particular the application of the “home approach” for branch activities, as explained further in our comments. • The need to mirror the provisions of Regulation (EC) 223/2009, as amended by Regulation (EU) 2024/3018, with regard to all provisions related to

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		<p>European statistics governed by 223/2009. This concerns, for example, the new article 8-a on “Non-confidential data sharing between the ESCB and the ESS”.</p> <p>Portugal reserves the right to provide further comments and to adjust its position depending on the course of the negotiations.</p> <p>SE:</p> <p>SE welcomes the changes proposed in the recommendation. In our opinion the proposals would lead to increased efficiency in the statistical production of central banks and other authorities, while at the same time keeping the reporting burden to a minimum.</p> <p>Due to ongoing national consultation SE may send further/other detailed comments later in the process.</p> <p>SK:</p>

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		<p>Slovakia welcomes the proposed amendments to Council Regulation (EC) No 2533/98 aimed at modernising and clarifying the framework for the collection of statistical information by the European Central Bank.</p> <p>At this stage, Slovakia does not submit any specific comments and generally supports the proposed amendments. However, Slovakia reserves the right to provide further comments depending on the course of the negotiations and to adjust its position accordingly in later phases of the legislative process.</p>
RECOMMENDATION FOR A		
'COUNCIL REGULATION		
amending Council Regulation (EC) No 2533/98 concerning the collection of statistical information by the European Central Bank		
THE COUNCIL OF THE EUROPEAN UNION		
Having regard to the Statute of the European		

ECB proposal	Drafting suggestions	Comments
System of Central Banks and of the European Central Bank, and in particular to Article 5.4 thereof,		
Having regard to the Recommendation of the European Central Bank,		
Having regard to the Opinion of the European Parliament,		
Having regard to the Opinion of the European Commission,		
Acting in accordance with the procedure laid down in Article 129(4) of the Treaty on the Functioning of the European Union and in Article 41 of the Statute of the European System of Central Banks and of the European Central Bank,		
Whereas:		
(1) Council Regulation (EC) No 2533/98 ¹ is a key component of the legal framework supporting the statistical collection tasks of the European Central Bank (ECB) assisted by the national		

¹ Council Regulation (EC) No 2533/98 of 23 November 1998 concerning the collection of statistical information by the European Central Bank (OJ L 318, 27.11.1998, p. 8, ELI: <http://data.europa.eu/eli/reg/1998/2533/oj>).

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<p>central banks. The ECB has consistently relied on that Regulation to carry out and monitor the coordinated collection of statistical information necessary to undertake the tasks of the European System of Central Banks (ESCB).</p>		
<p>(2) Regulation (EC) No 2533/98 was amended in 2009 and in 2015 to review the scope of the reporting requirements necessary for the performance of the ESCB's tasks and to enable the transmission and use of statistical information, collected by the ESCB, by ESCB members and other authorities responsible for supervision, macroprudential oversight and resolution.</p>		
<p>(3) Digital transformation has introduced radical, new opportunities to integrate digital technologies not only in businesses, but also in the provision of public services. It has created an unprecedented environment with new needs for statistics to undertake the ESCB's tasks and new possibilities for the more efficient collection of granular data. Moreover, recent economic and financial developments such as the climate</p>		

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<p>emergency, the COVID-19 pandemic and the energy and cost-of-living crisis triggered by Russia's war of aggression against Ukraine have amplified the demands and expectations for timelier, more frequent and more detailed statistics needed to support the performance of the ESCB's tasks. At the same time, it is important to balance these demands and expectations with the need to keep the burden placed on the reporting agents to a minimum, given that competitiveness and productivity are essential conditions for businesses to flourish. For this reason, it is important to adapt the legal framework to support the 'once-only' principle in relation to statistical and regulatory reporting wherever possible to ensure that reporting agents do not have to report the same data more than once. These adaptations should have regard to the independence of the ECB and the statistical principles laid down in Regulation (EC) No 2533/98.</p>		
<p>(4) To reflect current realities and the digital environment in which the ESCB operates, new or</p>		

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<p>updated definitions should be introduced in Regulation (EC) No 2533/98 to clarify the concepts of 'sharing', 'other legitimate party' and 'core reference data'. Other definitions should be updated to ensure consistency with Union law.</p>		
<p>(5) A homogenous reporting population is necessary for the production of the consolidated balance sheet of the monetary financial institutions (MFIs) sector of the participating Member States, which provides a comprehensive statistical picture of monetary developments in the Member States whose currency is the euro, seen as one economic territory. For this reason, the ECB has established and maintains a list of MFIs for statistical purposes based on a common definition, which specifies that MFIs comprise credit institutions as defined in Union law. It should therefore be clarified that even in the exceptional cases where a credit institution as defined in Union law is classified outside the 'financial corporations (S.12)' sector in the European system of national and regional accounts 2010, it would fall within the limits of the</p>		<p>PT:</p> <p>We welcome this clarification, and we do not see issues in the ESCB collecting data in the exceptional cases where a credit institution, as defined in Union law, is classified outside the 'financial corporations (S.12)' sector in the European system of national and regional accounts 2010.</p>

ECB proposal	Drafting suggestions	Comments
<p>reference reporting population from which the ECB has the right to collect statistical information. The collection of this information is necessary for the application by the ECB of minimum reserve requirements to credit institutions for monetary policy purposes in accordance with Article 19 of the Statute of the European System of Central Banks and of the European Central Bank and Regulation (EU) 2021/378 of the European Central Bank (ECB/2021/1)².</p>		
<p>(6) Moreover, to align with the statistical principles of cost-effectiveness and minimisation of the reporting burden, the ECB should also have the right to collect statistical information from reporting agents on their controlled entities and on branches, including where the branch is resident in another country. This would allow the ECB effectively to implement the ‘once only’ principle in its statistical reporting, thereby eliminating</p>		<p>PT:</p> <p>We have some concerns about the practical application of the “once only” principle in statistical reporting, in particular the application of the “home approach” for branch activities.</p> <p>In the previous framework, NCBs were allowed to collect data for branches operating in the country, and the data could be shared with the NSI for the</p>

² Regulation (EU) 2021/378 of the European Central Bank of 22 January 2021 on the application of minimum reserve requirements (ECB/2021/1) (OJ L 73, 3.3.2021, p.1, ELI: <http://data.europa.eu/eli/reg/2021/378/oj>).

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<p>duplicative reporting requirements. It would also allow the approach for statistical reporting to be more closely aligned with the 'home approach' for supervisory regulatory reporting on branch activities. The ECB would also have more flexibility to adopt different approaches with regard to the extent of consolidation in statistical reporting.</p>		<p>purpose of statistical compilation, notably national accounts.</p> <p>In the new framework of the "home approach" where data for branches is collected by the NCB of the "parent" country, what mechanisms can be implemented to ensure that relevant information is shared by NCB of the "parent" country with the NCB of the country where the branch operates, and, consequently, with the NSI of the latter country?</p> <p>If this data sharing is not ensured, there will be a loss of relevant data for statistical compilation.</p>
<p>(7) For the purposes of its statistical collection task, the ECB is required to cooperate with the Union institutions, bodies, offices or agencies and with the competent authorities of the Member States. To reflect this close cooperation, when defining and imposing reporting requirements in order to collect the statistical information that is necessary to undertake the ESCB's tasks, the ECB should take into account the potential use of such information for the performance of tasks</p>		<p>IE:</p> <p>The re-use of information collected for statistical purposes for other functions such as supervision of institutions is not coherent with the approach taken by the ESS. Statistical needs could equally be met by a requirement for supervisory authorities to ensure the needs of statistical reporting are met in their data collection. This would maintain consistency of approach between the statistical function of the ESCB and the ESS.</p>

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<p>concerning policies relating to the prudential supervision of credit institutions, as well as the information from other institutions, bodies, offices, agencies or competent authorities to which members of the ESCB have a right of access. This is necessary to allow the maximum use of existing information and to minimise the burden on reporting agents.</p>		
<p>(8) The limits within and the conditions under which the ECB is entitled to impose sanctions on reporting agents for failure to comply with the obligations arising from Regulation (EC) 2533/98 or with the obligations laid down in ECB regulations and decisions imposing statistical reporting requirements should be updated to ensure that sanctions have a sufficient deterrent effect.</p>		
<p>(9) Confidential statistical information which the ECB and the national central banks obtain for the performance of the tasks of the ESCB must be protected in order to prevent its unlawful use and disclosure. Nevertheless, the confidentiality regime</p>	<p>LT: Confidential statistical information data</p> <p>PL:</p>	<p>LT: Here and further on, when referring to confidential data, the terminology used should be aligned with Regulation 223/2009 and the term 'confidential data' should be used.</p>

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<p>should be revised and clarified to ensure that the ECB and the national central banks use and share with each other confidential statistical information for the performance of the tasks of the ESCB referred to in the Treaty and for the efficient development, production or dissemination of statistics or for increasing their quality. These revisions are necessary to ensure that the information may be collected by the ECB with the assistance of the national central banks in accordance with the 'once-only' principle. Moreover, to reduce the need for duplicative statistical and regulatory reporting requirements, to facilitate cooperation among authorities and bodies of the Member States and of the Union and to reduce unnecessary administrative burdens, the members of the ESCB should be obliged to share confidential statistical information with certain authorities and bodies for the performance of their tasks relating to prudential supervision and the stability of the financial system, and with the members of the European Statistical System</p>	<p>(9) Confidential statistical information which the ECB and the national central banks obtain for the performance of the tasks of the ESCB must be protected in order to prevent its unlawful use and disclosure. Nevertheless, the confidentiality regime should be revised and clarified to ensure that the ECB and the national central banks use and share with each other confidential statistical information for the performance of the tasks of the ESCB referred to in the Treaty and for the efficient development, production or dissemination of statistics or for increasing their quality. These revisions are necessary to ensure that the information may be collected by the ECB with the assistance of the national central banks in accordance with the 'once-only' principle. Moreover, to reduce the need for duplicative statistical and regulatory reporting requirements, to facilitate cooperation among authorities and bodies of the Member States and of the Union and to reduce unnecessary administrative burdens, the members of the ESCB should be obliged to share confidential statistical information with certain</p>	<p>PL: This recital should reflect Art. 8.10, i.e. where the exclusion of data transmitted or shared between ESS and ESCB is taken into account.</p> <p>Art. 8.10. This Article shall apply without prejudice to special national or Union law provisions relating to the transmission or sharing of information other than confidential statistical information to or with the ECB and shall not apply to confidential statistical information initially transmitted between an ESS authority and an ESCB member pursuant to Article 8a.</p> <p>IE: The sharing of confidential statistical information for either statistical or other purposes by the ESCB may present a reputational risk to other statistical activities conducted by NSIs who would not engage in such data sharing.</p>

ECB proposal	Drafting suggestions	Comments
<p>(ESS). The members of the ESCB should have the flexibility to share confidential statistical information with other authorities and bodies of the Member States and of the Union or with researchers affiliated with scientific research bodies in specified circumstances. A specific and reduced set of confidential statistical information may also be shared with reporting agents, where necessary for certain statistical purposes or where the sources are available to a reporting agent, for example, when such information is reported by an entity controlled by a reporting agent or its branches. To maintain the confidence of reporting agents, there should be consistent arrangements to protect confidential statistical information and enhanced transparency on the uses to which statistical information may be put.</p>	<p>authorities and bodies for the performance of their tasks relating to prudential supervision and the stability of the financial system, and with the members of the European Statistical System (ESS). The members of the ESCB should have the flexibility to share confidential statistical information with other authorities and bodies of the Member States and of the Union or with researchers affiliated with scientific research bodies in specified circumstances. A specific and reduced set of confidential statistical information may also be shared with reporting agents, where necessary for certain statistical purposes or where the sources are available to a reporting agent, for example, when such information is reported by an entity controlled by a reporting agent or its branches. To maintain the confidence of reporting agents, there should be consistent arrangements to protect confidential statistical information and enhanced transparency on the uses to which statistical information may be put.</p> <p><u>The aforementioned data sharing should exclude any confidential statistical information</u></p>	<p>PT:</p> <p>As mentioned in recital 6, it is crucial to ensure that relevant information is shared by NCB of the “parent” country with the NCB of the country where the branch operates, and, consequently, with the NSI of the latter country.</p> <p>If this data sharing is not ensured, there will be a loss of relevant data for statistical compilation.</p>

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	<p><u>that was initially transmitted between an ESS authority and an ESCB member.</u></p>	
<p>(10) Pursuant to Directive (EU) 2019/1024 of the European Parliament and of the Council³ and Commission Implementing Regulation (EU) 2023/138⁴, information on companies and company ownership is included in the list of high-value datasets. This ensures that public data of the highest socio-economic potential are made available for re-use with minimum legal and technical restriction and free of charge. Regulation (EC) No 2533/98 should therefore be adapted to reflect the availability of such data on companies and their high value for statistical purposes and other ESCB functions. As a complement to this public data and in line with the principles of cost-effectiveness, minimisation of the reporting burden and high output quality, the members of the ESCB</p>		

³ Directive (EU) 2019/1024 of the European Parliament and of the Council of 20 June 2019 on open data and the re-use of public sector information (OJ L 172, 26.6.2019, p. 56, ELI: <http://data.europa.eu/eli/dir/2019/1024/oj>).

⁴ Commission Implementing Regulation (EU) 2023/138 of 21 December 2022 laying down a list of specific high-value datasets and the arrangements for their publication and re-use (OJ L 19, 20.1.2023, p. 43, ELI: http://data.europa.eu/eli/reg_impl/2023/138/oj).

ECB proposal	Drafting suggestions	Comments
<p>should be able to share with reporting agents core reference data comprising specific attributes on legal persons, branches and institutional units. The conditions under which core reference data collected by the members of the ESCB may be used for statistical and other purposes should therefore be specified.</p>		
<p>(11) European statistics are developed, produced and disseminated by both the ESCB and the ESS under separate legal frameworks reflecting their respective governance structures. Regulation (EC) No 2533/98 should therefore take account of changes to Regulation (EC) No 223/2009 of the European Parliament and of the Council⁵ but applies without prejudice to that Regulation.</p>	<p>IT: (11) European statistics are developed, produced and disseminated by both the ESCB and the ESS under separate legal frameworks reflecting their respective governance structures. Regulation (EC) No 2533/98 should therefore take account of changes to Regulation (EC) No 223/2009 of the European Parliament and of the Council⁶ but and applies without prejudice to that Regulation.</p>	<p>IT: Italy strongly supports the introduction of a reference to changes to Regulation (EC) No 223/2009. Nevertheless, the meaning of last sentence should be clarified. In this respect, we propose to replace “but” with “and”.</p>

⁵ 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, ELI: <http://data.europa.eu/eli/reg/2009/223/oj>).

⁶ 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)

ECB proposal	Drafting suggestions	Comments
<p>(12) Where the activities to be carried out under Regulation (EC) No 2533/98 involve the processing of personal data for official statistical purposes, such processing should comply with the relevant Union law on personal data protection, namely Regulation (EU) 2018/1725 of the European Parliament and of the Council⁷ and Regulation (EU) 2016/679 of the European Parliament and of the Council⁸. In accordance with the principles set out in those Regulations, such processing should be subject to appropriate safeguards for the rights and freedoms of the data subject. Those safeguards should ensure that technical and organisational measures are in place in particular to ensure respect for the principle of data minimisation. Those measures might include</p>		

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, ELI: <http://data.europa.eu/eli/reg/2009/223/oj>).

⁷ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39, ELI: <http://data.europa.eu/eli/reg/2018/1725/oj>).

⁸ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1, ELI: <http://data.europa.eu/eli/reg/2016/679/oj>).

ECB proposal	Drafting suggestions	Comments
pseudonymisation.		
<p>(13) In order to maintain Regulation (EC) No 2533/98 as an effective instrument for the ECB to carry out the statistical information collection tasks of the ESCB, it is necessary to allow the maximum use of existing information, administrative data, statistical registers and other sources available. As the use of multi-source statistics should be further encouraged, with statistics developed or produced on the basis of a variety of data sources, a harmonised framework should apply to the use and sharing of this information,</p>		
HAS ADOPTED THIS REGULATION:		
<i>Article 1</i>		
Amendments		
Regulation (EC) No 2533/98 is amended as follows:		
1. Article 1 is amended as follows:		
(a) point (4) is replaced by the following:		
'(4) "resident" and "residing" shall mean having		

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<p>a centre of predominant economic interest on the economic territory of a country as described in Annex A, Chapter 1, paragraphs 1.61 and 2.07 to Regulation (EU) No 549/2013 of the European Parliament and of the Council (*) establishing the European system of national and regional accounts 2010 (hereinafter referred to as 'ESA 2010'); in this context, "cross-border positions" and "cross-border transactions" shall mean respectively positions and transactions in the assets and/or liabilities of residents of participating Member States seen as one economic territory vis-à-vis residents of non-participating Member States and/or residents of third countries;</p>		
<p>(*) Regulation (EU) No 549/2013 of the European Parliament and of the Council of 21 May 2013 on the European system of national and regional accounts in the European Union (OJ L 174, 26.6.2013, p. 1, ELI: http://data.europa.eu/eli/reg/2013/549/oj);</p>		
<p>(b) point (6) is replaced by the following:</p>		
<p>'(6) "electronic money" shall mean electronically, including magnetically, stored monetary value as represented by a claim on the issuer which is issued on the receipt of funds for the purpose of</p>		

ECB proposal	Drafting suggestions	Comments
making payment transactions and which is accepted by other natural or legal persons than the issuer;’;		
(c) the following points (13), (14) and (15) are added:		
‘(13) “sharing” information shall mean making information available to, or permitting its use by, another party on the basis of, and for the purposes permitted by, law;	ES: ‘(13) “sharing” information shall mean making information available to, or permitting its use by, another party on the basis of, and for the purposes permitted <u>in this regulation</u> by, law ;	ES: Which law?. The sentence “ <i>and for the purposes permitted by, law</i> ” is too broad, taking into account that what we will share will be statistical confidential information. It should be limited to “ <i>the purposes permitted in this regulation</i> ”
(14) “other legitimate party” shall mean the European Systemic Risk Board (ESRB), established by Regulation (EU) No 1092/2010 of the European Parliament and of the Council(*); the competent authority of a participating Member State of the Single Supervisory Mechanism as defined in Article 2 of Council Regulation (EU) No 1024/2013 (*); a European Supervisory Authority, established by Regulation (EU) No 1093/2010 of the European Parliament and of the Council (*),		SE: It is important for SE as a non-euro MS that the formulation “ and the respective competent authority as defined in those Regulations” is kept in the text.

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<p>Regulation (EU) No 1094/2010 of the European Parliament and of the Council (*) or Regulation (EU) No 1095/2010 of the European Parliament and of the Council (*), and the respective competent authority as defined in those Regulations; or the Single Resolution Board, established by Regulation (EU) No 806/2014 of the European Parliament and of the Council (*), and the national resolution authority as defined in that Regulation;</p>		
<p>(15) “core reference data” shall mean the following identification and classification attributes for legal persons, branches or institutional units, where applicable: name of the legal person, branch or institutional unit, status, registration or foundation date, address, legal form, registration and other identification numbers, Member State where the legal person, branch or institutional unit is registered or resident, activity or activities that are the object of the legal person, branch or institutional unit, such as the NACE code (in accordance with the statistical classification of</p>	<p>LU:</p> <p>(15) “core reference data” shall mean the following identification and classification attributes for legal persons, branches or institutional units, where applicable: name of the legal person, branch or institutional unit, status, registration or foundation date, address, legal form, registration and other identification numbers, Member State where the legal person, branch or institutional unit is registered or resident, activity or activities that are the object of the legal person, branch or institutional unit, such as the NACE code (in</p>	<p>LU:</p> <p>Luxembourg is not in favour of including the ESA 2010 institutional sector code into the scope of “core reference data”. The ESA 2010 institutional sector code is based on partially confidential information collected exclusively for statistical purposes. According to the ECB proposal, more specifically the amendments to Article 3, (d) and Article 8, paragraph 5 (a), core reference data could potentially be used for non-statistical purposes, thereby compromising the guarantees provided by Regulation (EC) 223/2009 on</p>

ECB proposal	Drafting suggestions	Comments
<p>economic activities in the Union (NACE) set out in Regulation (EC) No 1893/2006 of the European Parliament and of the Council (*)), and the ESA 2010 sector classification.</p>	<p>accordance with the statistical classification of economic activities in the Union (NACE) set out in Regulation (EC) No 1893/2006 of the European Parliament and of the Council (*)), and the ESA 2010 sector classification.</p> <p>NL:</p> <p>(15) “core reference data” shall mean the following identification and classification attributes for legal persons, branches or institutional units, where applicable: name of the legal person, branch or institutional unit, status, registration or foundation date, address, legal form, registration and other identification numbers, Member State where the legal person, branch or institutional unit is registered or resident, activity or activities that are the object of the legal person, branch or institutional unit, such as the NACE code and sector code (in accordance with the statistical classification of economic activities in the Union (NACE) set out in Regulation (EC) No 1893/2006</p>	<p>European Statistics, more particularly in its articles 2(1) and 9.</p> <p>NL:</p> <p>We would like to suggest including the “sector code” in the text of this recital, for the reasons mentioned below.</p> <p>The NACE code is a European system of classification for economic activities. The sector code is a broader national classification of a company's main activity. The sector code provides a more comprehensive overview of a company's industry and position. Combining both these codes will provide a more precise and standardised way of classifying and categorising companies.</p>

ECB proposal	Drafting suggestions	Comments
	of the European Parliament and of the Council (*), and the ESA 2010 sector classification.	
<p>(*) Regulation (EU) No 1092/2010 of the European Parliament and of the Council of 24 November 2010 on European Union macro-prudential oversight of the financial system and establishing a European Systemic Risk Board (OJ L 331, 15.12.2010, p. 1, ELI: http://data.europa.eu/eli/reg/2010/1092/oj).</p>		
<p>(*) Council Regulation (EU) No 1024/2013 of 15 October 2013 conferring specific tasks on the European Central Bank concerning policies relating to the prudential supervision of credit institutions (OJ L 287, 29.10.2013, p. 63, ELI: http://data.europa.eu/eli/reg/2013/1024/oj).</p>		
<p>(*) Regulation (EU) No 1093/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Banking Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/78/EC (OJ L 331, 15.12.2010, p. 12, ELI: http://data.europa.eu/eli/reg/2010/1093/oj).</p>		
<p>(*) Regulation (EU) No 1094/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Insurance and Occupational Pensions Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/79/EC (OJ L 331, 15.12.2010, p. 48, ELI: http://data.europa.eu/eli/reg/2010/1094/oj).</p>		
<p>(*) Regulation (EU) No 1095/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Securities and Markets Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/77/EC (OJ L 331, 15.12.2010, p. 84, ELI: http://data.europa.eu/eli/reg/2010/1095/oj).</p>		
<p>(*) Regulation (EU) No 806/2014 of the European Parliament and of the Council of 15 July 2014</p>		

ECB proposal	Drafting suggestions	Comments
<p>establishing uniform rules and a uniform procedure for the resolution of credit institutions and certain investment firms in the framework of a Single Resolution Mechanism and a Single Resolution Fund and amending Regulation (EU) No 1093/2010 (OJ L 225, 30.7.2014, p. 1, ELI: http://data.europa.eu/eli/reg/2014/806/oj).</p>		
<p>(*) Regulation (EC) No 1893/2006 of the European Parliament and of the Council of 20 December 2006 establishing the statistical classification of economic activities NACE Revision 2 and amending Council Regulation (EEC) No 3037/90 as well as certain EC Regulations on specific statistical domains (OJ L 393, 30.12.2006, p.1, ELI: http://data.europa.eu/eli/reg/2006/1893/oj);</p>		
<p>2. Article 2 is amended as follows:</p>		
<p>(a) paragraph 2 is replaced by the following:</p>		
<p>‘2. In this respect, the reference reporting population shall comprise the following reporting agents:</p>		
<p>(a) legal and natural persons residing in a Member State and falling within the sector ‘financial corporations (S.12)’ as defined in ESA 2010;</p>		
<p>(b) post office giro institutions residing in a Member State;</p>		
<p>(c) legal and natural persons residing in a Member State, to the extent that they hold cross-border positions or have carried out cross-border</p>		

ECB proposal	Drafting suggestions	Comments
transactions;		
(d) legal and natural persons residing in a Member State, to the extent that they have issued securities or electronic money;		
(e) 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 or have carried out financial transactions with residents of other participating Member States;		
(f) credit institutions as defined in Article 4(1), point (1), of Regulation (EU) No 575/2013 of the European Parliament and of the Council (*), residing in a participating Member State and not falling within the sector 'financial corporations (S.12)' as defined in ESA 2010.	<p>CZ:</p> <p>f) <u>financial institutions</u> credit institutions as defined in Article 4(1), points (1) – (7), of Regulation (EU) No 575/2013 of the European Parliament and of the Council (*), residing in a participating Member State and not falling within the sector 'financial corporations (S.12)' as defined in ESA 2010.</p>	<p>CZ:</p> <p>The Czech Republic proposes to extend the scope of reference reporting population because the Entities classified outside the perimeter of "financial corporations (S.12)" may include not only credit institutions but also insurance companies or investment funds.</p>
(*) Regulation (EU) No 575/2013 of the European Parliament and of the Council of 26 June 2013 on prudential requirements for credit institutions and amending Regulation (EU) No 648/2012 (OJ L 176, 27.6.2013, p. 1, ELI: http://data.europa.eu/eli/reg/2013/575/oj);;		

ECB proposal	Drafting suggestions	Comments
(b) paragraph 4 is replaced by the following:		
'4. The ECB shall have the right to collect statistical information from a reporting agent which falls within the scope of the reference reporting population specified in paragraph 2 or 3 on:		
(a) legal persons, collections of natural persons, or entities which are controlled by the reporting agents (hereinafter referred to as 'controlled entities'); and/or		
(b) any of the reporting agent's branches, regardless of where they are located.		<p>PT:</p> <p>It is crucial to ensure that relevant information is shared by the NCB of the "parent" country with the NCB of the country where the branch operates, and, consequently, with the NSI of the latter country.</p> <p>If this data sharing is not ensured, there will be a loss of relevant data for statistical compilation.</p>
The ECB shall specify the manner in which such information on the controlled entities or branches is to be reported, including the consolidation and the netting principles to be applied.		

ECB proposal	Drafting suggestions	Comments
In both cases, the controlled entities or branches shall not be reporting agents in their own right.';		
3. Article 3 is replaced by the following:		
'Article 3		
Modalities for the definition of statistical reporting requirements		
In defining and imposing its statistical reporting requirements, the ECB shall specify the actual reporting population within the limits of the reference reporting population as defined in Article 2. Without prejudice to the fulfilment of its statistical reporting requirements, the ECB:		
(a) shall use existing statistics as far as possible;		
(b) shall take into account the relevant European and international statistical standards;		
(c) may fully or partly exempt specific classes of reporting agents from its statistical reporting requirements; and		
(d) may take into account the potential use of the statistical information for the performance of tasks concerning policies relating to the prudential	ES:	ES:

ECB proposal	Drafting suggestions	Comments
<p>supervision of credit institutions, without prejudice to the competence of the European Banking Authority in this field.</p>	<p>(d) may take into account the potential use of the statistical information for the performance of tasks concerning policies relating to statistical needs of the prudential supervision of credit institutions, without prejudice to the competence of the European Banking Authority in this field.</p>	<p>We are aware that the intention is to avoid duplication, and that in article 8 the use of statistical information for non-statistical purposes of the ESCB is permitted but this sentence, from pur point of view, is against the statistical principles. In accordance with the impartiality and objectivity principle <i>“Statistics are compiled on an objective basis determined by statistical considerations”</i> (Ind.6.1 CoP) not for administrative needs. It can be said that the ECB will take into account the ESCB needs to prepare the statistical plan but not that it will “create” a statistical need or collect data on a statistical basis just to use these data for non statistical purposes.</p> <p>LU:</p> <p>This principle cannot be applied to ESA 2010 sector code or any other confidential information collected exclusively for statistical purposes within the European Statistical System Initially, it is provided by the national statistical business register</p>

ECB proposal	Drafting suggestions	Comments
		managed by the NSI to the NCB exclusively for statistical purposes. EU regulation (article 2.e from 223/2009) foresees for statistical data in the realm of the European Statistical System the “prohibition of use for non-statistical purposes”.
<p>Before adopting a regulation as referred to in Article 5 concerning new statistics, the ECB shall assess the merits and costs of the collection of the new statistical information in question. It shall take into account, in particular, the specific collection characteristics, the size of the reporting population, the periodicity of the reporting, and the information already held by the statistical authorities and administrations, or other Union institutions, bodies, offices or agencies or by the competent authorities of the Member States to which the ESCB members have a right of access.’;</p>		<p>DE:</p> <p>We ask for clarification whether the ECB publishes the merits and costs assessment with a summary of the expected statistical benefits and the anticipated administrative burden on reporting agents on a dedicated website.</p>
<p>4. Article 7 is amended as follows:</p>		
<p>(a) paragraph 2 is replaced by the following:</p>		
<p>‘2. The obligation to report statistical information to the ECB or to the national central</p>		

ECB proposal	Drafting suggestions	Comments
banks shall be deemed to have been infringed if:		
(a) no statistical information is received by the ECB or national central bank by the established deadline;		
(b) the statistical information is incorrect, incomplete or in a form not complying with the requirement; or		
(c) the statistical information does not fulfil minimum standards in respect of statistical reporting requirements other than the requirements laid down in points (a) or (b).’;		<p>FI:</p> <p>The sanctions should be predictable for the reporting agents and guarantee their legal protection. Therefore, FI finds the concept of minimum reporting requirements too unclear, and thinks that the reasons of infringements must be unambiguous. Hence, it should be clarified in the text what is meant by minimum requirements or delete this provision.</p>
(b) paragraph 4 is replaced by the following:		
‘4. The ECB may impose sanctions on a reporting agent as follows:		<p>FI:</p> <p>FI would like to ask clarification as regards the</p>

ECB proposal	Drafting suggestions	Comments
		amount of increases as compared to the current Regulation. In our view, the reasons for the increases should be justified and transparent.
(a) in the event of an infringement as defined in paragraph 2, point (a), a daily penalty payment not exceeding EUR 30 000, with the total fine not exceeding EUR 500 000;		
(b) in the event of an infringement as defined in paragraph 2, points (b) and (c), and in paragraph 3, a fine not exceeding EUR 500 000.';		
5. Article 8 is replaced by the following:		
'Article 8		
Protection, use and sharing of confidential statistical information collected by the ESCB		
The following rules shall apply to prevent the unlawful use and disclosure of confidential statistical information that is provided by the reporting agent or other legal or natural person, entity or branch to an ESCB member or shared within the ESCB:		

ECB proposal	Drafting suggestions	Comments
<p>1. ESCB members shall use and share with each other confidential statistical information for the performance of the tasks of the ESCB and for the development, production or dissemination of statistics or for increasing their quality.</p>	<p>PL:</p> <p>1. ESCB members shall use and share with each other confidential statistical information for the performance of the tasks of the ESCB and for including the development, production or dissemination of statistics or for increasing their quality.</p>	<p>PL:</p> <p>The original wording may imply that data collection is something beyond the regular ESCB tasks included in Protocol 4. The proposed technical modification clarifies this.</p>
<p>2. In addition to the requirement laid down in paragraph 1, the ESCB members:</p>		<p>LT:</p> <p>According to Regulation 223/2009 confidential data obtained exclusively for the production of European statistics shall be used by the NSIs and other national authorities and by the Commission (Eurostat) exclusively for statistical purposes unless the statistical unit has unambiguously given its consent to the use for any other purposes. Transmission of confidential data between an ESS authority that collected the data and an ESCB member shall be allowed, provided that the transmission is necessary for the efficient development, production and dissemination of European statistics or for increasing the quality of</p>

ECB proposal	Drafting suggestions	Comments
		<p>European statistics, within the respective spheres of competence of the ESS and the ESCB, and that that necessity has been justified. So, exceptions should apply to confidential data provided in accordance with Regulation 223/2009.</p> <p>For example in (a) we suggest: “may use confidential statistical information data for the performance of their tasks relating to prudential supervision, except for confidential data provided in accordance with Regulation 223/2009. And the same in other related parts.</p>
<p>(a) may use confidential statistical information for the performance of their tasks relating to prudential supervision;</p>		
<p>(b) shall share confidential statistical information with other legitimate parties for the performance of their respective statutory tasks relating to prudential supervision and the stability of the financial system;</p>		
<p>(c) may share confidential statistical information with authorities or bodies of the Member States and of the Union which are not</p>		

ECB proposal	Drafting suggestions	Comments
other legitimate parties, as follows:		
(i) where those authorities or bodies are responsible for the supervision of financial institutions, markets and infrastructures or for the stability of the financial system in accordance with Union or national law, and with the European Stability Mechanism, to the extent and at the level of detail necessary to perform their respective statutory tasks;		<p>F1:</p> <p>FI would like to ask for a clarification: As regards the European Stability Mechanism, the Article 8(4a) of the current Regulation mentions “transmission from the ESM members to national parliaments”. We would like to know whether the transmission of confidential statistical information from ESM members to their national parliaments would still be allowed?</p>
(ii) where those authorities or bodies have a legal right or entitlement to collect the confidential statistical information to perform their respective statutory tasks, to the extent and at the level of detail necessary to avoid that such information is collected twice from the same reporting agent;		
(d) shall share confidential statistical information with the members of the ESS in accordance with Article 8a(1) and (2);		
(e) may grant access to researchers affiliated with scientific research bodies to confidential		

ECB proposal	Drafting suggestions	Comments
<p>statistical information which does not allow a reporting agent, or other legal or natural person, entity or branch to be directly identified;</p>		
<p>(f) that are national central banks, in accordance with Article 14.4 of the Statute, may use and share confidential statistical information for the performance of the national central banks' functions other than those specified in the Statute;</p>		
<p>(g) may use and/or share confidential statistical information for other purposes, if the reporting agent or other legal or natural person, entity or branch which can be identified has explicitly given its consent for such use and/or sharing.</p>		
<p>3. In all the circumstances set out in paragraph 2, points (a) to (f), confidential statistical information shall not be used or shared for commercial or tax purposes or for the purpose of legal proceedings, with the exception of (a) proceedings concerning the failure to fulfil an obligation arising from ECB regulations or decisions, including those defining and imposing statistical reporting requirements; or (b) where confidential statistical information</p>	<p>MT: 3. In all the circumstances set out in paragraph 2, points (a) to (f); (a) confidential statistical information shall not be used or shared for commercial or tax purposes or for the purpose of legal proceedings, with the exception of (ai) proceedings concerning the failure to fulfil an obligation arising from ECB regulations or decisions, including those defining and imposing</p>	<p>MT: Information provided by NSO cannot be used by ECB for purposes other than statistical. This would be in breach of the principles of the 223 regulation.</p>

ECB proposal	Drafting suggestions	Comments
<p>collected by a national central bank is used or shared for such purposes in order to perform functions other than those specified in the Statute, in accordance with Article 14.4 of the Statute.</p>	<p>statistical reporting requirements; or (bii) where confidential statistical information collected by a national central bank is used or shared for such purposes in order to perform functions other than those specified in the Statute, in accordance with Article 14.4 of the Statute.</p> <p><u>(b) confidential statistical information shared by NSIs shall be used only for statistical purposes in accordance with Article 21 of Regulation (EC) 223/2009 (as amended by Regulation (EU) 2024/3018).</u></p> <p><u>3bis The ECB shall set up a secure infrastructure to facilitate the sharing of confidential data with ECB members and members of the ESS</u></p> <p><u>3ter Further sharing of confidential data supplied by NSIs can only be done under strict conditions stipulated by NSIs. These conditions may vary according to the country concerned.</u></p>	
<p>4. The ECB may decide to collect confidential information originally collected for purposes other than those of Article 5 of the</p>		

ECB proposal	Drafting suggestions	Comments
<p>Statute, to the extent and at the level of detail necessary for the efficient development or production of statistics or for increasing their quality and where these statistics are necessary to perform the tasks of the ESCB referred to in the Treaty. Once integrated with statistical information, this confidential information shall be subject to the same rules that apply to confidential statistical information.</p>		
<p>5. The ESCB members may share confidential statistical information with a reporting agent in the following circumstances:</p>		<p>DE: Such a provision is not part of Regulation 223/2009. It should be clarified, whether this provision comprises also data transmitted by a Member of the ESS to the ESCB. In any event, ESS Data should be excluded from sharing data with a reporting agent.</p>
<p>(a) where the confidential statistical information comprises core reference data which are used by the reporting agent to identify and classify the reporting agent or legal persons, entities or branches affiliated with the reporting agent or counterparties to transactions with the reporting</p>		

ECB proposal	Drafting suggestions	Comments
<p>agent, provided that this sharing is necessary for the efficient development, production or dissemination of European statistics or for increasing their quality;</p>		
<p>(b) where the confidential statistical information is taken from sources which are available to the reporting agent, provided that this sharing is necessary for the efficient development, production or dissemination of statistics or for increasing their quality, or for the performance of the tasks of the ESCB or tasks concerning policies relating to the prudential supervision of credit institutions.</p>		
<p>6. ESCB members shall take all the necessary regulatory, administrative, technical and organisational measures to ensure the physical and logical protection of confidential statistical information. The ECB shall define common rules and implement minimum standards to prevent unlawful disclosure and unauthorised use of confidential statistical information. Member States and the ECB shall adopt all necessary measures to ensure the protection of confidential statistical</p>		

ECB proposal	Drafting suggestions	Comments
information, including the imposition of the appropriate enforcement measures in the event of an infringement.		
7. Any party receiving confidential statistical information:		
(a) shall take all the necessary regulatory, administrative, technical and organisational measures to ensure the physical and logical protection of confidential statistical information in accordance with the common rules and minimum standards defined by the ECB; and		
(b) may only further transmit the confidential statistical information where necessary to carry out its statutory tasks and with the explicit authorisation of the ESCB member that shared the information.	<p>DE:</p> <p>(b) may only further transmit the confidential statistical information as follows:</p> <p>(i) where another legitimate party transmits the information to authorities or bodies responsible for the supervision of financial institutions, markets and infrastructures or for the stability of the financial system in accordance with Union or national law, and with the European Stability Mechanism, to the extent and at the level of detail</p>	<p>DE:</p> <p>In line with the principles of cost-effectiveness, efficiency of cooperation among authorities and bodies of the Member States and the minimisation of reporting burden, we propose this additional amendment. The possibility to transmit data to authorities or bodies responsible for the supervision of financial institutions, markets and infrastructures or for the stability of the financial system and the ESM under specific conditions, as provided for in paragraph 2 (c) (i), should not be</p>

ECB proposal	Drafting suggestions	Comments
	<p>necessary to perform their respective statutory tasks;</p> <p>(ii) where necessary to carry out its statutory tasks and with the explicit authorisation of the ESCB member that shared the information.</p> <p>In both cases, the restriction of paragraph 3 apply mutatis mutandis.</p>	<p>limited to the direct transmission of data by an ESCB member. To reflect established working processes between NCAs and these authorities or bodies, also an indirect transmission via another legitimate party as defined in Article 1 point (14) should be possible under the same conditions. Efficient cooperation becomes increasingly important, especially in view of the further integration of supervisory and statistical banking data.</p> <p>In the interest of the protection of confidential statistical data, the restrictions of paragraph 3 with regard to the use of data for commercial or tax purposes or for the purpose of legal proceedings should equally apply in cases of an indirect transmission.</p> <p>FI:</p> <p>FI would like to ask for a clarification:</p> <p>We don't quite understand to whom it is referred to by "its". Does it refer to the party that has received</p>

ECB proposal	Drafting suggestions	Comments
		confidential statistical information or to the party to whom it would further transmit the data?
<p>8. Reporting agents shall be informed of the uses to which statistical information provided by them may be put. To this aim, the ESCB members shall publish information on the use of statistical information for statistical purposes, or for the purpose of performing the tasks of the ESCB or tasks concerning policies relating to the prudential supervision of credit institutions, and information on any other circumstances in which confidential statistical information is used or shared in accordance with Article 8(2). Reporting agents shall have the right to request information concerning the legal basis for the sharing and the protective measures adopted.</p>	<p>ES:</p> <p>8. Reporting agents shall be informed of the uses to which statistical information provided by them may be put. To this aim, the ESCB members shall publish information on the use of statistical information for statistical purposes, or for the purpose of performing the tasks of the ESCB or tasks concerning policies relating to the prudential supervision of credit institutions, and information on any other circumstances in which confidential statistical information is used or shared in accordance with Article 8(2). <u>The collection instruments shall include a brief reference on the uses and a link to such publication.</u></p> <p>Reporting agents shall have the right to request information concerning the legal basis for the sharing and the protective measures adopted.</p>	<p>ES:</p> <p>One of the duties of the statistical authorities when collecting data is to provide information to the respondent on the use of their data. We understand that in the ESCB case the uses are wider, but we consider that, at least, the link to the publication where the uses are detailed should be included in the collection instruments.</p>
<p>9. Statistical information lawfully available to the public and which remains available to the</p>		

ECB proposal	Drafting suggestions	Comments
<p>public pursuant to national or Union law shall not be considered confidential. Such information shall include in particular data on key attributes of individual companies as listed in Commission Implementing Regulation (EU) 2023/138 (*).</p>		
<p>10. This Article shall apply without prejudice to special national or Union law provisions relating to the transmission or sharing of information other than confidential statistical information to or with the ECB and shall not apply to confidential statistical information initially transmitted between an ESS authority and an ESCB member pursuant to Article 8a.</p>	<p>FR:</p> <p><u>This Article shall apply without prejudice to special national or Union law provisions relating to the transmission or sharing of information other than confidential statistical information to or with the ECB.</u></p> <p><u>This Article shall not apply to confidential statistical information initially transmitted between an ESS authority and an ESCB member pursuant to Article 8a.</u></p>	<p>FR:</p> <p>It is suggested to split the sentence into two sentences in order to make the wording simpler and more understandable.</p>
<p>11. This Article shall not prevent confidential statistical information collected by an ESCB member for purposes other than, or in addition to, meeting the ECB's statistical reporting requirements from being used to meet those other purposes.</p>		

ECB proposal	Drafting suggestions	Comments
<p>12. This Article shall not prevent ESCB members from granting access to confidential statistical information to service providers for the sole purpose of providing contracted services that support the performance of the tasks for which such information may be used and shared pursuant to this Regulation.</p>		
<p>(*) Commission Implementing Regulation (EU) 2023/138 of 21 December 2022 laying down a list of specific high-value datasets and the arrangements for their publication and re-use (OJ L 19, 20.1.2023, p. 43, ELI: http://data.europa.eu/eli/reg_impl/2023/138/oj);</p>		
<p>6. the following Article 8-a is inserted:</p>		
<p><i>'Article 8-a</i></p>		
<p>Non-confidential data sharing between the ESCB and the ESS</p>		
<p>Without prejudice to Article 2a, the sharing of non-confidential data, including data made available by private data holders, shall take place between an ESCB member and the ESS upon request, if the requested data are necessary and available in aggregate form, in areas of shared responsibility or common interest and where the data are needed</p>	<p>FR: Without prejudice to Article 2a, the sharing of non-confidential data, including data made available by private data holders, shall take place between an ESCB member and the ESS upon request, if the requested data are necessary and available in aggregate form, in areas of shared responsibility or</p>	<p>FR: Article 17f (2) of Regulation No 223/2009: [...] <i>and where the data are used exclusively for statistical purposes and for improving the quality of European statistics developed and produced by that member of the ESCB.</i> An equivalent condition is introduced in this line.</p>

ECB proposal	Drafting suggestions	Comments
<p>for carrying out the tasks of the requesting ESCB member or ESS authority.’;</p>	<p>common interest and where the data are needed for carrying out the tasks of the requesting ESCB member or ESS authority.’ where the data are used exclusively for statistical purposes;</p> <p>PL:</p> <p>1. Without prejudice to Article 2a, the sharing of non-confidential data, including data made available by private data holders, shall take place between an ESCB member and the ESS upon request, if the requested data are necessary and available in aggregate form, in areas of shared responsibility or common interest and where the data are needed for carrying out the tasks of the requesting ESCB member or ESS authority used exclusively for statistical purposes and for improving the quality of European statistics developed and produced by that member of the ESCB.’;</p> <p>PT:</p> <p>Without prejudice to Article 2a, the sharing of non-confidential data, including data made available by</p>	<p>PL:</p> <p>In our opinion this article should be consistent with Regulation 223/2009 Article 17f point 2, where the purpose of data sharing is clearly specified and limited to statistical purposes:</p> <p>‘2. The sharing of non-confidential data, including data made available by private data holders, shall take place between the ESS and a member of the ESCB upon request, if necessary and if available in an aggregated form, in areas of shared responsibility or common interest and where the data are used exclusively for statistical purposes and for improving the quality of European statistics developed and produced by that member of the ESCB.’</p> <p>PT:</p>

ECB proposal	Drafting suggestions	Comments
	<p>private data holders, shall take place between an <u>the</u> ESCB member and <u>a member of</u> the ESS upon request, if the requested data are necessary and available in aggregate form, in areas of shared responsibility or common interest and where the data are needed for carrying out the tasks of the requesting ESCB member or ESS authority <u>used exclusively for statistical purposes and for improving the quality of European statistics developed and produced by that member of the ESSCB.</u>”’</p>	<p>This article should only regulate the sharing of data between the ESCB and the ESS, since the reverse is ruled by article 17f of regulation (EC) 223/2009. As it stands, this new article 8-a goes beyond article 17f of the 223/2009, which states:</p> <p>“(…)</p> <p><i>2. The sharing of non-confidential data, including data made available by private data holders, shall take place between the ESS and a member of the ESCB upon request, if necessary and if available in an aggregated form, in areas of shared responsibility or common interest and where the data are used exclusively for statistical purposes and for improving the quality of European statistics developed and produced by that member of the ESCB.”</i></p> <p>PT proposes therefore redrafting this article to mirror the above-mentioned provision enacted by regulation 223/2009.</p>
7. Article 8a is amended as follows:		

ECB proposal	Drafting suggestions	Comments
(a) paragraph 1 is replaced by the following:		
<p>'1. The transmission of confidential statistical information between an ESCB member and an ESS authority shall be allowed provided that this transmission is necessary for the efficient development, production or dissemination, or for increasing the quality, of European statistics within the respective spheres of competence of the ESCB and the ESS and that this necessity has been justified.';</p>		<p>DE:</p> <p>We ask for clarification on the meaning and the consequences of the replaced paragraph 1:</p> <ol style="list-style-type: none"> 1. In the first sentence the formulation [...] ESCB member that collected the information [...] is missing. We ask for clarification here. Does that mean that paragraph 1 applies for both directions of the transmission between members of ESCB and ESS or only for the transmission from an ESCB member to an ESS member? 2. What are the consequences in relation to Reg. 223/2009 Art. 21 para 4, could Reg. 2533/98 be seen as the legal act mentioned in paragraph 4 of article 21?
(b) paragraph 4 is replaced by the following:		
<p>'4. Statistical information which the ESCB members receive from ESS authorities and which was obtained from data lawfully available to the</p>	<p>PT:</p> <p>4. Statistical information which the ESCB members receive from ESS authorities and which was</p>	<p>PT:</p> <p>PT has doubts about the need to refer to the HVD implementing regulation within this Article 8a on</p>

ECB proposal	Drafting suggestions	Comments
<p>public and which remains available to the public according to national or Union legislation shall not be considered confidential. Such data shall include in particular data on key attributes of individual companies as listed in Implementing Regulation (EU) 2023/138.’;</p>	<p>obtained from data lawfully available to the public and which remains available to the public according to national or Union legislation shall not be considered confidential for the purpose of dissemination of statistics obtained from this statistical information . Such data shall include in particular data on key attributes of individual companies as listed in Implementing Regulation (EU) 2023/138.’;</p>	<p>the “Exchange of confidential statistical information between the ESCB and the ESS”.</p> <p>The reference to the HVD is already stated in Article 8 (9) above, as follows “9. <i>Statistical information lawfully available to the public and which remains available to the public pursuant to national or Union law shall not be considered confidential. Such information shall include in particular data on key attributes of individual companies as listed in Commission Implementing Regulation (EU) 2023/138.</i>”</p> <p>PT therefore suggests keeping the wording of this paragraph 4 as it stands currently by Regulation (EC) 951/2009 amending Regulation (EC) No 2533/98, with the additional reference to Union legislation.</p> <p>ES:</p> <p>This article enlarge the scope of article 25 of Regulation 223/2009 (which is the legal basis applicable to the data transmitted by an ESS member). Article 25 states that these data shall not</p>

ECB proposal	Drafting suggestions	Comments
		be considered confidential “ <i>when used for statistical purposes or for the dissemination of statistics obtained from such data</i> ”
8. Article 8c is replaced by the following:		
'Article 8c		
Protection of confidential information on individuals		
This Regulation shall apply without prejudice to Regulation (EU) 2018/1725 of the European Parliament and of the Council (*) and Regulation (EU) 2016/679 of the European Parliament and of the Council (*).		
(*) Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39, ELI: http://data.europa.eu/eli/reg/2018/1725/oj);		
(*) Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal		

ECB proposal	Drafting suggestions	Comments
<p>data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1, ELI: http://data.europa.eu/eli/reg/2016/679/oj);</p>		
<p>9. Article 8d is replaced by the following:</p>		
<p><i>'Article 8d</i></p>		
<p>Access to administrative data</p>		
<p>To reduce the burden on respondents, the national central banks and the ECB shall be allowed to access, use and integrate, free of charge, administrative data from relevant sources within their respective public administration systems, in a timely manner and with sufficient frequency and granularity for the purpose of developing, producing and disseminating European statistics.</p>		
<p>The practical arrangements and conditions for achieving effective access shall be determined where necessary by each Member State and the ECB, within their respective spheres of competence.</p>		
<p>Once integrated with statistical information, these administrative data shall be used and shared as if</p>	<p>FR:</p>	<p>FR:</p>

ECB proposal	Drafting suggestions	Comments
<p>collected pursuant to Article 5 of the Statute.’.</p>	<p>Once integrated with statistical information, these administrative data shall be used and shared as if collected pursuant to Article 5 of the Statute exclusively for statistical purposes’.</p> <p>PT:</p> <p>Once integrated with statistical information, these administrative data shall be used and shared as if collected pursuant to Article 5 of the Statute, <u>with the exception of those administrative data used for the purpose of developing, producing and disseminating European statistics according to Regulation (EC) n° 223/2009, which shall be used by the ESCB members exclusively for statistical purposes.</u></p>	<p>Version of the last sentence of this Article in the Regulation 2533/98 currently in force: <i>These data shall be used by the ESCB members exclusively for statistical purposes.</i></p> <p>It is proposed to stick to the original version.</p> <p>PT:</p> <p>PT has reservations about this paragraph, which in our view is extending the initial statistical purposes justifying the access to the administrative data. If the access is granted for the purposes of developing, producing and disseminating European statistics governed by Regulation 223/2009, PT considers that the current wording in regulation 951/2009 should prevail: <i>“These data shall be used by the ESCB members exclusively for statistical purposes.”</i></p> <p>Otherwise, this provision would go beyond article 17a of regulation 223/2009.</p> <p>PL:</p> <p>We would appreciate the justification for amending this provision as it is unclear why it was modified by</p>

ECB proposal	Drafting suggestions	Comments
		removing of: "These data shall be used by the ESCB members exclusively for statistical purposes."
<i>Article 2</i>		
Final provisions		
This Regulation shall enter into force on the [twentieth] day following that of its publication in the <i>Official Journal of the European Union</i> .		
This Regulation shall be binding in its entirety and directly applicable in all Member States.'		
Done at Frankfurt am Main, 22 May 2025.		
<i>The President of the ECB</i>		
Christine LAGARDE		