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From: General Secretariat of the Council
To: Permanent Representatives Committee/Council

Subject: Adoption of Council Regulation (EU) No 2015/...of...amending Regulation (EC) No 2533/98 concerning the collection of statistical information by the European Central Bank

Statement of the Austrian, Finnish and German delegations:

"Germany, Austria, Finland are subject to national constitutional provisions requiring swift and comprehensive submission of information regarding ESM activities to their national parliaments. In this context it is to be understood that the provisions regarding submission of information between ESM members and their respective parliaments as stated in Article 8, paragraph 4a, subparagraph 4 are without prejudice to constitutional obligations to transmit information without any delay."

Statement of Slovenian delegation:

"Slovenia generally supports the aim of the Recommendation to minimise the reporting burden on reporting agents and to enable proper performance of supervision of financial institutions, markets and infrastructures conferred on all competent authorities as well as a proper performance of the tasks conferred on authorities responsible for the protection of the stability of the financial system."

However, it has to be noted that the Recommendation is not clear regarding the transmission of confidential statistical information as defined in paragraph 4a of Article 8. Paragraph 4a states a legal basis for the transmission of confidential statistical information from the ESCB to authorities or bodies of the Member States and the Union responsible for the supervision of financial institutions, markets and infrastructure or the stability of the financial system, and to the European Stability Mechanism (ESM). Moreover, paragraph 4a also states a legal basis for further transmission of confidential statistical information from the ESM to national parliaments to the extent required under national law.

To be explicit, according to national rules governing the statistical confidentiality, confidential statistical information is to be used solely for statistical purposes, meaning the exclusive use for the development and production of statistical results and analyses, and prohibition of its use for non-statistical purposes (i.e. administrative, tax, judicial, inspection, etc.). National rules are in line with Regulation (EC) No 223/2009 of the European Parliament and of the Council of 11 March 2009 on European statistics. The national central bank forms, besides its particular sphere of competence, a part of the national statistical system, and is therefore obliged to conform to the rules on statistical confidentiality. In our opinion, paragraph 4a represents a “grey area” for the transmission of confidential statistical information. Although the Recommendation does not apply to confidential statistical information collected according to Regulation 223/2009 on European statistics, there should be a clear division between using confidential statistical information according to Regulation 2533/98 and in the sphere of the competences of the ESCB and authorities responsible for financial supervision, and using confidential statistical information in accordance with Regulation (EC) No 223/2009 and national statistical legislation.

To conclude, we are of the opinion that the Recommendation is not clear enough in the limitation of using confidential statistical information and it could contribute to lower standards of statistical confidentiality."