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| From: | Ms Christine LAGARDE, President of the European Central Bank |
| date of receipt: | 3 June 2025 |
| To: | Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union |

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| Subject: | Recommendation for a Council Regulation amending Regulation (EC) No 2533/98 concerning the collection of statistical information by the European Central Bank (ECB/2025/17) |
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Delegations will find attached the Recommendation of the European Central Bank ECB/2025/15.



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Recommendation for a Council Regulation amending Regulation (EC) No 2533/98 concerning the collection of statistical information by the European Central Bank

(ECB/2025/17)

(submitted by the European Central Bank to the Council)

EXPLANATORY MEMORANDUM

I. INTRODUCTION

On 23 November 1998, the Council of the European Union adopted Council Regulation (EC) No 2533/98¹. In line with Article 107(6) of the Treaty establishing the European Community, the ECB had previously submitted Recommendation ECB/1998/10² to the Council.

Thereafter, the ECB submitted Recommendation ECB/2008/9³, which preceded the adoption of Council Regulation (EC) No 951/2009⁴, and Recommendation ECB/2014/13⁵, which preceded the adoption of Council Regulation (EU) No 2015/373⁶.

A number of amendments should now be considered to maintain Regulation (EC) No 2533/98 as an effective instrument to carry out the statistical information collection tasks of the European System of Central Banks (ESCB) and to support all its functions.

It is therefore appropriate to follow the same procedure as currently provided for in Article 129(4) of the Treaty on the Functioning of the European Union, and to introduce the proposed amendments to Regulation (EC) No 2533/98.

II. GENERAL CONSIDERATIONS

The ECB recommends amending Regulation (EC) No 2533/98 to address the significant changes in the paradigm of collection, compilation, dissemination and use of statistical information by the ESCB owing to the digital transformation. These changes have led to demands for timelier, more frequent and more detailed statistical information but have also offered new possibilities for the more efficient collection of

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- 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>).
 - 2 Recommendation ECB/1998/10 for a Council Regulation (EC) concerning the collection of statistical information by the European Central Bank (OJ C 246, 6. 8. 1998, p. 12).
 - 3 Recommendation ECB/2008/9 for a Council Regulation amending Regulation (EC) No 2533/98 concerning the collection of statistical information by the European Central Bank (OJ C 251, 3.10.2008, p. 1).
 - 4 Council Regulation (EC) No 951/2009 of 9 October 2009 amending Regulation (EC) No 2533/98 concerning the collection of statistical information by the European Central Bank (OJ L 269, 14.10.2009, p. 1, ELI: <http://data.europa.eu/eli/reg/2009/951/oj>).
 - 5 Recommendation ECB/2014/13 for a Council Regulation amending Regulation (EC) No 2533/98 concerning the collection of statistical information by the European Central Bank (OJ C 188, 20.6.2014, p. 1).
 - 6 Council Regulation (EU) 2015/373 of 5 March 2015 amending Regulation (EC) No 2533/98 concerning the collection of statistical information by the European Central Bank (OJ L 64, 7.3.2015, p. 6, ELI: <http://data.europa.eu/eli/reg/2015/373/oj>).

statistical information. These demands and opportunities should be balanced by minimising the associated risks and taking into account the need to reduce the reporting burden. The proposed amendment of Regulation (EC) No 2533/98 therefore aims to increase the efficiency of production of statistics by the ESCB and the quality and usability of those statistics.

III. COMMENTS ON THE ARTICLES

Article 2 on the reference reporting population

The ECB, assisted by the national central banks (in accordance with Article 5.2 of the Statute of the European System of Central Banks and of the European Central Bank, hereinafter the 'Statute of the ESCB'), has the right to collect statistical information within the limits of the reference reporting population and of what is necessary to carry out the tasks of the ESCB. The ECB primarily collects statistical information from reporting agents falling within the sector 'financial corporations (S.12)' as defined in Regulation (EU) No 549/2013 of the European Parliament and of the Council⁷ establishing the European system of national and regional accounts 2010. As a limited number of credit institutions, as defined in Article 4(1), point (1), of Regulation (EU) No 575/2013 of the European Parliament and of the Council⁸, may be classified within the 'general government (S.13)' sector, it is necessary to ensure that they would fall within the limits of the reference reporting population in view of their relevance, in particular, to the area of monetary and financial statistics. It is also necessary to ensure the continued availability of the statistical information on all credit institutions as defined in Union law, including for the application of minimum reserve requirements in accordance with Article 19 of the Statute of the ESCB and Regulation (EU) 2021/378 of the European Central Bank (ECB/2021/1)⁹.

Where a reporting agent has a branch resident in another country, the branch is recognised as a reporting agent in its own right. 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 entities controlled by them, or on their branches regardless of where they are located, in line with the 'once-only' principle. This would result in reporting agents not having to report the same data more than once, thereby allowing the ECB to align more closely the approach for statistical reporting with the 'home approach' for supervisory regulatory reporting on branch activities. It would also give the ECB more flexibility to adopt different approaches with regard to the extent of consolidation in statistical reporting. Administrative costs would thereby be reduced.

⁷ 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>).

⁸ 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>).

⁹ Regulation (EU) 2021/378 of the European Central Bank of 22 January 2021 on the application of minimum reserve requirements (recast) (ECB/2021/1) (OJ L 73, 3.3.2021, p.1, ELI: <http://data.europa.eu/eli/reg/2021/378/oj>).

Article 3 on modalities for the definition of statistical reporting requirements

When defining and imposing reporting requirements in order to collect the statistical information that is necessary to undertake the ESCB's tasks, it should be clarified that the ECB may take into account the potential use of such information for the performance of specific tasks concerning policies relating to the prudential supervision of credit institutions, where relevant, as well as the information from other Union institutions, bodies, offices or agencies or from the competent authorities of the Member States to which members of the ESCB have a right of access. This clarification updates the modalities laid down in Article 3 to reflect the extensive cooperation between members of the ESCB and the prudential supervisory authorities, which ensures they can carry out their tasks in the most efficient way, with a view to minimising the burden on reporting agents. This means that where the ECB defines statistical reporting requirements in order to collect the statistical information needed to undertake the ESCB's tasks, it may take into account the potential for the information to be used for the performance of tasks concerning policies relating to the prudential supervision of credit institutions to ensure that high-value statistical information is collected only once from the same reporting agent.

Article 7 on the imposition of sanctions

In order to enhance the deterrent effect of sanctions for failure to comply with the obligations resulting from ECB regulations or decisions defining and imposing statistical reporting requirements, any failure to fulfil minimum standards in respect of the statistical reporting requirements with which reporting agents must comply should be deemed an infringement. The maximum amount of the sanctions should be increased, having remained the same since 1998. These amounts are aligned with or higher than the maximum amounts laid down in Article 2(1) of Council Regulation (EC) No 2532/98¹⁰. The increase is necessary to ensure that the members of the ESCB can take effective measures to enforce compliance by reporting agents with the obligations laid down in Regulation (EC) No 2533/98 and the ECB's statistical reporting requirements.

Articles 8 and 8a on the confidentiality regime

Confidentiality regime within the ESCB

In order to minimise the reporting burden, collect statistical information in the most efficient way and in accordance with the 'once-only' principle, and to reflect the arrangements whereby statistical information is shared among the members of the ESCB using a common infrastructure, the provisions governing the use and sharing of confidential statistical information within and by the ESCB should be extended and clarified. To this end, it should be clear that members of the ESCB must use and share with each other confidential statistical information, collected pursuant to Article 5 of the Statute of the ESCB, for the performance of the ESCB's tasks and for statistical purposes. Where such information is shared, the members of the ESCB should have the discretion to use and further share the confidential statistical information in specified

¹⁰ Council Regulation (EC) No 2532/98 of 23 November 1998 concerning the powers of the European Central Bank to impose sanctions (OJ L 318, 27.11.1998, p. 4, ELI: <http://data.europa.eu/eli/reg/1998/2532/oj>).

circumstances. To reduce the need for duplicative reporting requirements and facilitate cooperation among authorities and bodies of the Member States and of the Union, 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. 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. Moreover it is necessary to share a narrow set of core reference data with reporting agents in order to implement more efficient data collection arrangements which ultimately serve to increase the quality of statistics and reduce the reporting burden. In addition, a specific and reduced set of confidential statistical information may be shared where the sources of that information are already available to a reporting agent, for example, when such information is reported by an entity controlled by a reporting agent or its branches. Confidence of reporting agents in the use and sharing of the confidential statistical information they have provided should be secured by establishing consistent arrangements to protect such information and enhance transparency on the uses to which confidential statistical information may be put.

Confidentiality regime between the ESCB and the ESS

The exchange of confidential statistical information between the ESCB and the European Statistical System (ESS) should continue to take place for statistical purposes only. In line with Regulation (EC) 223/2009 of the European Parliament and of the Council¹¹, the ECB supports that the transmission of confidential statistical information between the ESCB and the ESS must be allowed for these purposes, thereby strengthening the current discretionary arrangements.

Article 8d on access to administrative data

Administrative data that are available should be used to the maximum extent possible, regardless of the purpose for which they were originally collected. When such data are integrated with statistical information, the same confidentiality regime should apply as for confidential statistical information.

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

¹¹ 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>).

Having regard to the Statute of the European 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 2533/98¹ is a key component of the legal framework supporting the statistical collection tasks of the European Central Bank (ECB) assisted by the national 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).
- (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.
- (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 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.
- (4) To reflect current realities and the digital environment in which the ESCB operates, new or updated definitions should be introduced in Regulation (EC) No 2533/98 to clarify the concepts of 'sharing',

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>).

'other legitimate party' and 'core reference data'. Other definitions should be updated to ensure consistency with Union law.

- (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 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.
- (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 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.
- (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 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.
- (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.

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>).

- (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 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.
- (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 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.
- (11) European statistics are developed, produced and disseminated by both the ESCB and the ESS under

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).

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.

- (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 Council⁶ and Regulation (EU) 2016/679 of the European Parliament and of the Council⁷. 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 pseudonymisation.
- (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,

HAS ADOPTED THIS REGULATION:

Article 1

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 a centre of predominant economic interest on the economic territory of a country as described in Annex A, Chapter 1, paragraphs

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 (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>).

⁷ 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>).

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;

(*) 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>);

(b) point (6) is replaced by the following:

'(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 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;

(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 (*), 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;

(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 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.

(*) 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>).

- (*) 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>).
- (*) 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>).
- (*) 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>).
- (*) 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>).
- (*) Regulation (EU) No 806/2014 of the European Parliament and of the Council of 15 July 2014 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>).
- (*) 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>);

2. Article 2 is amended as follows:

(a) paragraph 2 is replaced by the following:

‘2. In this respect, the reference reporting population shall comprise the following reporting agents:

- (a) legal and natural persons residing in a Member State and falling within the sector ‘financial corporations (S.12)’ as defined in ESA 2010;
 - (b) post office giro institutions residing in a Member State;
 - (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 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.
- (*) 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>);

(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.

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.

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 supervision of credit institutions, without prejudice to the competence of the European Banking Authority in this field.

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.’;

4. Article 7 is amended as follows:

(a) paragraph 2 is replaced by the following:

‘2. The obligation to report statistical information to the ECB or to the national central 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).';

(b) paragraph 4 is replaced by the following:

'4. The ECB may impose sanctions on a reporting agent as follows:

- (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:

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.
2. In addition to the requirement laid down in paragraph 1, the ESCB members:
 - (a) may use confidential statistical information for the performance of their tasks relating to prudential supervision;
 - (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;
 - (c) may share confidential statistical information with authorities or bodies of the Member States and of the Union which are not 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;

- (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 statistical information which does not allow a reporting agent, or other legal or natural person, entity or branch to be directly identified;
 - (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;
 - (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.
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 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.
 4. The ECB may decide to collect confidential information originally collected for purposes other than those of Article 5 of the 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.
 5. The ESCB members may share confidential statistical information with a reporting agent in the following circumstances:
 - (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 agent, provided that this sharing is necessary for the efficient development, production or dissemination of European statistics or for increasing their quality;

- (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.
- 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 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.
- 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.
- 9. 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 (*).
- 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.
- 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.

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.

(*) 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).';

6. the following Article 8-a is inserted:

'Article 8-a

Non-confidential data sharing between the ESCB and the ESS

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.';

7. Article 8a is amended as follows:

- (a) paragraph 1 is replaced by the following:

'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.';

- (b) paragraph 4 is replaced by the following:

'4. Statistical information which the ESCB members receive from ESS authorities and which was 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. Such data shall include in particular data on key attributes of individual companies as listed in Implementing Regulation (EU) 2023/138.';

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 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>);

9. Article 8d is replaced by the following:

'Article 8d

Access to administrative data

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.

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.

Once integrated with statistical information, these administrative data shall be used and shared as if collected pursuant to Article 5 of the Statute.'

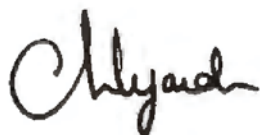
Article 2

Final provisions

This Regulation shall enter into force on the [twentieth] day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.'

Done at Frankfurt am Main, 22 May 2025.



The President of the ECB

Christine LAGARDE