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## NOTE TO THE MEMBERS OF THE EUROPEAN STATISTICAL SYSTEM COMMITTEE

**Subject: Guidance note concerning Other National Authorities (ONAs)**

### 1) BACKGROUND

[Regulation \(EC\) No 223/2009](#) on European statistics<sup>1</sup> establishes the European Statistical System (ESS) as the partnership between the statistical authority of the Union (Eurostat), the National Statistical Institutes (NSIs) and other national authorities responsible for the development, production and dissemination of European statistics (ONAs). The issue of ONAs has been discussed at several occasions within the ESS, and resulted in May 2014 in the endorsement by the European Statistical System Committee (ESSC) of a set of practical considerations for their identification, as well as the implications of such identification. This note reflects the contents of the May 2014 ESSC document and subsequent developments and intends to provide an explicit overview of the endorsed principles and the operational aspects.

The ONAs are important for the coordination of statistical systems both at European and national level. Firstly, they are part of the actual composition of the ESS (Article 5(2) in conjunction with Article 4 of Regulation (EC) No 223/2009) and as such they are to be considered as authorities that comply with the European Statistics Code of Practice and whose statistical activities should be coordinated by the head of the NSI. Secondly, they are identified as institutions which are eligible for receiving EU grants without a call for proposals (Article 5(3) of Regulation (EC) No 223/2009). Thirdly, in accordance with Article 5a of Regulation (EC) No 223/2009 as amended in 2015, they are authorities that should follow national guidelines to be issued by heads of NSIs with regard to development, production and dissemination of European statistics. Fourthly, they are authorities, whose ‘statistical heads’ should enjoy a similar level of professional independence as heads of NSIs in terms of procedures applicable to their recruitment, transfer and dismissal, and who might take advice from national statistical advisory bodies (Article 5a(4) and (5) of Regulation (EC) No 223/2009, respectively). Lastly,

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<sup>1</sup> [Regulation \(EC\) No 223/2009](#) of the European Parliament and of the Council of 11 March 2009 on European statistics, OJ L 87, 31.3.2009, p. 164, as amended in 2015.

ONAs have the responsibility for the quality assurance of statistics produced by them and are entitled to transmit results directly to Eurostat. For other producers, which are not granted the ONA status, the NSI is required to quality 'stamp' the results before transmission.

## **2) EUROPEAN STATISTICS**

It should be emphasized that the identification of ONAs is relevant for all European statistics as defined in Article 1 of Regulation (EC) No 223/2009, under Article 338 of the Treaty on the Functioning of the European Union (TFEU), i.e. those determined in the European statistical programme and further operationalized in the annual work programme (AWP).

The Task Force on the Implementation of the amended Regulation 223/2009 – that was set up in May 2015 upon the request of the ESSC to discuss implications of the amended Regulation and to exchange practical experiences and best practices – reached a common understanding on the following elements:

European statistics may be identified as being statistics that are:

- decided by a Regulation, or ESS Agreement, or temporary direct statistical action, and
- relevant and necessary for the functioning of the EU, and
- transmitted by national statistical authorities only to Eurostat (and not to other Commission DGs), and
- disseminated/published, at EU level, solely by Eurostat (and not by other Commission DGs), and
- produced by one or more of the partners of the European Statistical System, and
- produced in accordance with principles elaborated in the European Statistics Code of Practice. .

The catalogue of statistical products, which is updated as part of the AWP, summarises the list of European statistical products.

## **3) IDENTIFICATION CRITERIA FOR ONAS**

The following basic criteria are agreed for Member States' designation of institutions, or their clearly identifiable organisational parts, as ONAs:

Institutions, or parts of institutions, that

- exercise public authority based on national law (regardless of their legal form);
- have formally been given the responsibility at national level for the production of a specific and identifiable part of European statistics (with a clear link to sectoral legislation, the European statistical programme, Eurostat annual work programme or the catalogue of statistical products).

There is an additional criterion, for voluntary application to allow some flexibility and adaptation to national circumstances, namely to designate institutions, or parts of institutions, that:

- have production of statistics included among their tasks in the respective basic act (e.g. constitutive legal act, statute, mandate, mission statement, etc.).

The above criteria should be implemented consistently across the ESS. To this end, it was necessary to formulate more detailed operational principles and guidelines, and foresee ways to address national specificities. Annex I contains a list of the operational principles and practical considerations that were discussed at the ESSC meeting in May 2014.

The national statistical authorities complying with these criteria are visible in a list published on Eurostat's/ESS's websites.

#### **4) NATIONAL CENTRAL BANKS**

In some Member States, National Central Banks (NCBs) provide parts of European statistics governed by legislation adopted under Article 338 TFEU (balance of payments, financial accounts, government finance statistics, ...), i.e. the legal basis of the 'ESS world', while also being relevant for the activities of the European Central Bank (ECB). Thus, these NCBs have roles within two separate systems which have their own institutional framework and statistical principles (similar but distinct).

With a view to consolidating the governance of official statistics, and to minimising reporting burden while safeguarding the quality of the statistics produced, the ESS and the ESCB collaborate closely. With regard to some specific statistics used for the macroeconomic imbalances procedure, it has been endorsed at political level (in September 2016) that the ECB Directorate-General for statistics (DGS) and Eurostat should agree on working arrangements for the quality assurance of the data concerned. The working arrangements have been established in a dedicated Memorandum of Understanding which has been signed by the ECB DGS and Eurostat in November 2016.

#### **5) COLLABORATIVE PROCESS AND PROCEDURE**

The typical entities that are most frequently designated by Member States as ONAs are described in Annex II below. At the same time, specificities of national institutional set-ups imply that there are many special cases that are unique for only one or just a few Member States. Thus, whenever there is uncertainty about the status of a particular entity as an ONA – e.g. an entity already transmitting data directly to Eurostat – Member States are invited to contact Eurostat bilaterally in order to agree on a consistent application of the agreed criteria.

Similar considerations may apply in case of entities which could be conceptually treated as 'contributors to European statistics', i.e. those that do not produce European statistics in accordance with the above criteria but which contribute to this production in various ways, e.g. by collecting or giving access to raw data, or providing data processing services without being responsible for the overall production process and output quality. Such entities could be associated with the ESS, without being members thereof.

Common sense, mutual trust, quality assurance and effective coordination will be the guiding principles in any discussion of this kind.

Finally, Annex III below contains the procedure in place for updating the list of NSIs and ONAs that Eurostat maintains and publishes in accordance with Article 5(2) of Regulation (EC) No 223/2009. Both the list and the procedure can be found on the [Eurostat website](#) :

[List of NSIs and ONAs](#)

[Procedure for updating the list](#)

[Catalogue of products 2016](#) (ESS website)/ [Catalogue of products 2016](#) (Eurostat website)

(eSigned)  
Walter Radermacher

## **Annex I – Operational principles and practical considerations**

### **1) OPERATIONAL PRINCIPLES**

The following principles were endorsed by the ESSC in May 2014 and should underpin Member States' decisions with regard to ONAs:

- The exercise of public authority by the ONA should be enshrined in legislation or in an administrative act.
- The ONA should have a clear responsibility for producing a specific part of European statistics (in terms of domains or variables) entrusted by law, government decision, an administrative act or another formalised agreement with the government or the NSI.
- Production of statistical information should be a regular task of an ONA, specified in its constitutive act, statute, in a formalised agreement as referred to above, or similar (voluntary criterion).
- If statistical production is the main task of only a part of a larger institution (e.g. of a ministry or specialised national agency), this specific organisational entity responsible for statistics should be clearly mentioned and it should be possible to identify its 'statistical head'.
- The ONA should at least compile data collected from the relevant sources and provide publishable output (statistics) complying with the requirements stipulated in the respective sectoral legislation of the Union, ESS agreements or methodological guidelines. This output should not require any further processing (not to be confused with verification or validation) before being transmitted to the NSI or Eurostat.
- All authorities that regularly transmit European statistics to Eurostat with the consent of the NSI should be treated as ONAs and put on the list if they fulfil the criteria. Otherwise, they should not be accepted as ONAs and should neither bypass the NSI with data transmission to Eurostat.
- The list of ONAs should not contain institutions that do not produce European statistics, but only contribute to this production in various ways, e.g. by collecting or giving access to raw data, or providing data processing services without being responsible for the overall production process and output quality.

### **2) PRACTICAL CONSIDERATIONS**

The fact that an organisation is recognised as ONA has concrete consequences for its role in the national statistical system, as well as its rights and obligations in the ESS context. The ESSC has taken note of these consequences which are, at least but not exhaustively, the following:

- Only organisations designated as NSI or ONA are recognised by Eurostat as partners of the ESS; all ESS partners are assumed to subscribe to the [European Statics Code of Practice](#) as endorsed by the ESSC and commit to achieving full compliance with it.
- Only designated NSIs and ONAs are eligible for receiving EU grants without a call for proposals as set out in Article 5(3) of Regulation (EC) No 223/2009.

- ‘Statistical heads’ of ONAs shall enjoy professional independence in accordance with Article 5a of Regulation (EC) No 223/2009 (in particular paragraphs 1, 4 and 5 thereof), and
- Heads of NSIs will represent their respective national statistical systems (including all ONAs) within the ESS (Article 5a(2)(h)).
- For each set of European statistics transmitted to Eurostat, at least one authority (NSI or ONA) should take responsibility for the quality of that output, in particular for its compliance with the Code of Practice and methodological guidelines, recommendations, manuals and handbooks issued by Eurostat and the NSI. This information should be included in the respective metadata and quality reports.
- NSIs coordinate ONAs’ statistical activities, but are not necessarily accountable for the quality of statistics produced by ONAs.
- ONAs may send statistics directly to Eurostat or provide it to the NSI, depending on arrangements made with the NSI. In either case the ONAs’ performance of statistical activities should be compliant with the Code of Practice.
- If statistics are transmitted to Eurostat by the NSI, but produced by an ONA, it must be clearly communicated which of them is responsible for the output quality.
- NSIs warrant the quality of European statistics produced from inputs provided by non-ONA organisations.
- Eurostat may reject statistics sent by an organisation that is neither NSI nor designated ONA. Such organisations should not send statistics to Eurostat, but to the NSI; in this case the NSI should check the quality of the data received before transmitting it to Eurostat.

## **Annex II – Examples**

### **MINISTRIES**

In several statistical domains ministries of the national government produce European statistics. Ministries may be generally assumed to be authorised to collect and analyse information necessary for the performance of their main tasks. These ministries, or specific entities within the ministries, shall be designated as ONAs if they send statistics directly to Eurostat or provide the NSI with a final output that can be sent to Eurostat without further processing. In all cases it is necessary that Member States inform Eurostat about the exact organisational entities that are responsible for statistics within the relevant ministries. Only in this way the professional independence of the ‘statistical head’ can be monitored.

However, if a ministry provides the NSI with administrative data that has to be processed in order to comply with the target scope, format and other methodological requirements, that ministry is to be treated only as a supplier of data and not statistical producer or ONA.

### **REGIONAL STATISTICAL OFFICES**

In federal states, regional statistical offices with own legal identity can be generally treated as ONAs if they produce European statistics at regional level in a way that the results from all regions only need to be aggregated by the NSI before transmission to Eurostat.

In some Member States the responsibility for production of European statistics for the whole country is assigned to selected regional offices. They can be treated as ONAs if they have a separate legal identity, i.e. they are not part of the organisational structure of the NSI.

### **NATIONAL CENTRAL BANKS**

The details regarding the distribution of responsibility for the quality of NCB’s statistics produced under Article 338 TFEU, their transmission to Eurostat, and the closely related issue of NCB’s designation as an ONA, have to be decided by each Member State, taking into account the provisions of Regulation (EC) No 223/2009, notably the reference to national arrangements in Article 5(1) second subparagraph. Some criteria and explanations in that regard have been provided in document PG 2013/51/3.5. These may be further developed for specific statistics or circumstances, if relevant in close cooperation between the ESS and the ESCB as foreseen in Article 9 of Regulation (EC) No 223/2009.

### **SPECIALISED NATIONAL AGENCIES**

Sectoral national agencies in general exercise public authority. They also collect and analyse data necessary for the performance of their tasks. Often they are responsible for providing these data to the NSI or even directly to Eurostat. They should be treated as ONAs if the general condition of being a producer of European statistics applies, i.e. their results may be transmitted to Eurostat directly or via NSI without further processing.

## **SUBCONTRACTORS**

NSIs sometimes delegate the production of specific statistics to other entities. Private subcontractors cannot be ONAs, if they do not exercise public authority. Foundations and research institutes based on private law whose main objective is to provide public services (in particular provision and analysis of statistical information) might be designated as ONA on a case-by-case basis if all other criteria are fulfilled. The decision must be taken after a thorough analysis by the NSI of the role played by that institution in the statistical production process.

## Annex III

### Procedure to update the list of Other National Authorities

According to the European Statistics Regulation, the National Statistical Institute has the role of coordinator of European statistics at national level and shall act as a contact point for the Commission (Eurostat) on statistical matters. As such it is the competent authority to assess whether or not a particular statistics producer should be included in the list of National Statistical Institutes and other national authorities.

Article 5 of the above mentioned Regulation states that "Member States" are responsible for designating the statistical authorities.

Therefore, in order to inform the Commission (Eurostat) of the names of authorities that have been designated, or of any changes among those authorities, the Permanent Representation of the respective Member State should send a letter to the Director General of Eurostat where the necessary names or changes thereof are listed, indicating that the **respective NSI** has been **consulted and agrees** with the proposed changes.

Alternatively, the **Head** of the respective NSI could also send a letter containing such information to the Director General of Eurostat, clearly indicating that the **respective Permanent Representation** has been **informed** of the planned changes.

On 15 May 2014 the ESS Committee endorsed common criteria which should be coherently applied by Member States when designating ONAs. Consequently, Member States should consider as ONAs all institutions (or their clearly identifiable organisational parts) which fulfil all the following criteria.

They

- exercise **public authority** based on national law (regardless of their legal form);
- have production of statistics included among their tasks in the respective **basic act** (e.g. constitutive legal act, statute, mandate, mission statement, etc.)<sup>1</sup>;
- have clearly been given the **responsibility** at the national level for the **production** of a specific and identifiable part of European statistics (with a clear link to sectoral legislation, the European statistical programme, annual work programme or a list of ESS' statistical products).

You can find the document endorsed by the ESS Committee here:

<http://ec.europa.eu/eurostat/documents/747709/753176/ona-paper-approved-at-essc-meeting-may-2014.pdf/c2873dcf-2224-4359-b757-2f176a99246b>

If you have any further questions, please contact Eurostat: [estat-essc\\_dgins\\_pg@ec.europa.eu](mailto:estat-essc_dgins_pg@ec.europa.eu).

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<sup>1</sup> As agreed in the ESS Committee meeting on 15 May 2014, this criterion should not be mandatory.

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