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0. Executive Summary

On the basis of information provided and validated by National Statistical Institutes (NSI), this paper aims to serve the discussion of adherence to the institutional environments' part of the European Statistics Code of Practice by giving some basic information on existing practices. Rather than arriving at an analysis of NSIs' differences or specific national circumstances and practices, the coverage of this paper has been targeted to arrive as far as possible at some stylised facts to facilitate a first system overview.

1. Background

Adoption of the CoP by the SPC

With the adoption of the European Statistics Code of Practice on 24 February 2005, the Statistical Programme Committee (SPC) committed itself to adhere to an ambitious set of principles with a view to foster a high quality environment for the production and dissemination of European statistics.

Recommendation by the Commission

On 25 May 2005, the Commission adopted a Recommendation on the independence, integrity and accountability of the national and Community statistical authorities¹ promulgating the European Statistics Code of Practice and setting out an implementation cycle over three years during which countries' self-assessments should be paired with elements of peer review, benchmarking and monitoring on the basis of the Code's explanatory indicators added to each principle.

SPC Task Force and Network of Quality Managers

To develop a strategic and operational approach towards the European Statistical System (ESS) implementation and monitoring of the CoP, the SPC, at its meeting of 25 May 2005, agreed to establish a Task Force on the implementation of the Code of Practice. Together with the ESS Network of Quality Managers it assists Eurostat in co-ordinating the implementation of the Recommendation.

The concept of adherence to the Code by the European Statistical System is not yet fully elaborated. However, there seems to be a common understanding that for the European Statistical System practices to be *fully* in line with the Code, considerable efforts will be necessary.

ESS adherence to the Code cannot be assessed on a one-dimensional scale given at the one hand the Code's simultaneous horizontal and vertical orientation, comprising the institutional environment, statistical processes and outputs, and on the other hand the complexity of the system, with heterogeneous actors and their interplay.

¹ COM (2005)217

Content of the paper and...

As a first step towards discussing adherence to the institutional environment's part of the Code of practice, this paper aims to provide some factual information on Eurostat's and the National Statistical Institutes' (NSI) institutional background. Paragraph 2 deals with some key elements of a statistical institute's independence and paragraph 3 reviews the existence of ethical standards at NSI/Eurostat level. Paragraph 4 covers the role of national statistical advisory bodies and paragraph 5 looks into NSIs'/Eurostat programming cycles.

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The paper compiles information that had been collected by Eurostat among the 25 NSIs in the forerun of the Commission adoption of the above mentioned Recommendation beginning of 2005². This implies certain restrictions with regard to the information available. In addition, coverage of this paper has been targeted to arrive as far as possible at some stylised facts to facilitate an overview. Thus, the risk of overstating the de facto comparability of the national institutional arrangements should always be kept in mind when interpreting the results. In so far, this paper should be understood to serve a systemic view on the ESS rather than to substitute a more detailed analysis at country level.

interpretation...

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In addition it should be mentioned that the definition of categories was motivated by the attempt to summarise the information and thus does not imply any normative judgement on national/Eurostat state of affairs.

... scope of the paper

Other important elements of a countries' institutional arrangements for the production of official statistics, like e.g. elements related to dissemination practices to assess accountability and transparency of procedures or elements which are more difficult to compare have not been covered neither. This holds e.g. for the kind and degree of de-/centralisation, including the division of work between the NSI and other national data producers, national co-ordination mechanism etc. Not being addressed explicitly by the Code, their influence on the NSIs'/Eurostat ability to adhere to the principles of the Code is being left to the NSIs'/Eurostat own judgement. Thus, to the degree these issues are considered pertinent for the implementation of the Code, they may be elaborated in the context of the NSI/Eurostat self-assessments.

2. Key elements of independence of the statistical institute

Concepts of independence

Independence is broadly considered one of the fundamental requirements to ensure the well-functioning of a statistical system. While not an aim in itself, it is understood a prerequisite to a statistical institutes' credibility, thus ensuring public confidence in the statistical results. Independence of a statistical institute maybe understood in different ways. A delineation of the various concepts prevailing in the political discussion, legal frameworks of statistics or ethical standards at international or national level is not always clear-cut. Some convergence however exists within the international statistical

2 Complementary information on the NSIs of the European Free Trade Association (EFTA) countries has been provided by the EFTA Secretariat in Eurostat.

Scientific independence community's understanding of scientific independence (as the NSI's freedom of choice with regard to the statistical method), being the most fundamental requirement. This is reflected in Article 285 of the Treaty which uses the term scientific independence and Article 10 of Council Regulation 322/97 which refers to "*...an objective and independent manner of producing Community statistics, free from any pressure from political or other interest groups, particularly as regards the selection of techniques, definitions and methodologies best suited to the attainment of the objectives as set out. It implies the availability of statistics, with a minimum delay, to all users (Community institutions, governments, social and economic operators, academic circles and the public in general);*" as the principle of impartiality.

Legal provisions In a first comparative study on the institutional set-up of the European Statistical System³ of 1992, the author recommended "*...the first article of any statistical law ought to state that the compilation of statistics is based on the principles of impartiality, objectivity and scientific neutrality.*" What in 1992 held only for 6 of the then 12 European Community statistical institutes, is now the case for all 25 NSIs of the EU member states and Eurostat which have some kind of legal provisions in place to guarantee operational independence⁴.

Professional independence The Code of Practice establishes the Principle of Professional Independence and a number of indicators aiming at monitoring the application of this Principle including the (i) specification in law of the elements of independence, (ii) the status and the functional responsibilities of the Heads of Statistical authorities, (iii) methodological guarantees, such as programming the statistical work, the press releases contents and the power for commenting independently. As this understanding of professional independence covers not only production but also dissemination of statistics, one may establish that the principle of professional independence is broader and goes beyond the scientific independence as has been already included to some extent in the second part of the principle of impartiality in Article 10 of Council Regulation 322/97 mentioned above.

To arrive at an understanding of professional independence as far as possible in line with the Code of Practice, more elements than just its legal foundation in paragraph 1.2 of table 1 are being reviewed in this paper, relating to budgetary processes, the appointment of the head of the institute and (in paragraph 5) to statistical programming. In addition, the organisational set up of administrative supervision is covered.

Administrative supervision With regard to administrative supervision, 13 member states and the Commission have adopted an approach where the statistical institute is attached to the ministry which – at least traditionally – serves as the main user of statistics. While according to the 1992 study mentioned above, "*In theory,*

³ George ALS, Organisation of Statistics in the Member Countries of the European Community. Published by Eurostat, December 1992, 2 volumes

⁴ In fact, in the course of accession negotiations, the ten new Member States have adapted their statistical laws following a common pattern proposed by Eurostat.

statistics should be the responsibility of the Prime Minister, since the mission of the NSI is one of general documentation.”, any practical influence of the kind of administrative supervision on a statistical institute’s ability to adhere to the principles of the Code should be established on a case by case basis, taking into account other elements of a NSI’s constitutional position.

Personal independence

Based on public choice school of economic theory, a long and non-renewable term of office have been identified as key factors of personal independence of a head of an institution, reinforcing the institutions’ independence. In so far fixed (and short) renewable terms of office seem to be more likely to entail a risk for the personal independence of a head of an institution, in particular when the decision on reappointment has come close. However, any practical implications for a NSI’s independence can be derived on the basis of a variety of factors only, among them culture and tradition playing an important role.

The Code of Practice approaches the role of the head of the statistical office with regard to professional independence inter alia through his/her hierarchical standing and professional calibre. Thus, information on ESS appointment procedures may provide a useful background for further discussing constituents of independence.

Budgetary autonomy

While some budgetary restraints usually prevail in public service institutions, for several NSIs, certain elements of budgetary autonomy exist, like e.g. to shift budget between personnel and administrative expenses, etc. However, as conditions considerably vary between NSIs and as the extent of budget autonomy may change over time (e.g. with a change in the percentage of own generated income) a detailed picture would require a more thorough analysis on the basis of more information on the national situation.

Table 1 gives an overview on some key elements of NSI’s and Eurostat’s independence.

Table 1⁵. Key elements of independence of the statistical institute:

1.1 Organisational set up of administrative supervision	
a) NSIs are supervised by a specialised Ministry	Ministry for Economic Affairs / Finance: BE, DK, CY, EE, FI, FR, EL, LV, ES, SE, UK, LU, LI, NO Eurostat (under the supervision of the Commissioner for Economic and Monetary Affairs) Ministry of the Interior DE (administrative supervision in organisational, financial and personal matters; various other federal ministries have a subject related supervision but not right to intervene in the production and dissemination of statistics), CH (Federal Department of Home affairs)
b) Other arrangements:	AT as non-profit institute of federal public law with Management Board (2

⁵ Please note that in all tables information in brackets refer to the aforementioned country only.

	DGs appointed by the federal chancellor, one for statistics, one for budget) subject to supervisory authority of Federal Chancellor, for legal concerns of statistics subject to supervisory authority of respective federal minister, CZ (independent body of state administration), HU (distinct legal personality under supervision of government), IE (independent office under the aegis of the Department of the Prime Minister), IT (independent public institute under surveillance of President of Council of Ministers), LT (legal entity accountable to the government), MT (autonomous legal entity, independent from administration), PT (public institute under surveillance of Minister resp. for Council of Ministers), SK (central independent body of state administration), SI (Government office directly accountable to the Prime Minister), NL (autonomous agency with own legal personality, supervised by the independent Central Commission for Statistics), PL (central agency supervised by the President of the Council of Ministries), IS (a government ministry in its own right)
1.2 (Legal) provisions to guarantee scientific independence	
a) By basic statistics act (“national statistical law”) and Board/Council to give strategic directions:	DK, MT, NL, PL, ES, SE, NO
b) By basic statistics act (“national statistical law”):	AT, BE, CY, CZ, EE, FI, DE, EL, HU, IE, IT, LV, LT, SI, LU, PT, SK, LI, CH Eurostat (Commission Decision which establishes technical autonomy)
c) Others:	FR (no legal text at national level), UK (collection of several Acts supplemented by the Framework for National Statistics), IS (collection of several Acts)
1.3 Does the statistical authority have budget autonomy (notably in terms of flexibility of spending)?	
a) Yes:	AT (within the limits set by the Economic Council), CZ (fixed structure of expenditure, according to the state budget adopted by the Parliament), HU , IE (with the exception of transferring capital spending to current spending), DK, IT, LT, SK, SI, SE, NL, PL (on the basis of an annual amount assigned from state budget), FI (full autonomy within the limits set by Parliament), IS (on the basis of an annual amount assigned from the fiscal budget), NO (on the basis of an annual amount assigned from the fiscal budget),
b) Partly:	CY (subject to approval of Ministry of Finance), LV (subject to approval of Ministry of Economics), DE (autonomy with regard to the use of own revenue and some flexibility to shift resources between expenditure categories), EE (budget can be shifted within administrative, personnel and investment expenses subject to approval of the Minister of Finance)
c) No:	BE (but with a right of initiative and proposal by the Director General), FR (autonomy with regard to the use of own revenue which account for less than 10% of global budget), PT, ES, UK, LU, EL, MT, LI, CH Eurostat
1.4 Procedure for appointment of the head of the statistical authority	
a) Openly advertised competition	AT : double head (DG finance and DG statistics) in line with a special Staffing Act, BE (appointment by the King based on official selection procedure), DK (by the King/Queen based on recommendation of the Minister for Economic Affairs and the Board on the basis of professional qualifications), FI, LV (recommendation and appointment by Minister of

	Economics, confirmation by the Cabinet), CY (selection by the Public Service Commission, LT (appointment by the Prime Minister based on the official selection procedure regulated by the Civil Servants Law), MT, SI, UK, NO (by the King based on recommendation of the Minister for Finance and the Board on the basis of professional qualifications), IS (appointment by the Minister for Statistics Iceland), LI, CH
b) Administrative appointment:	CZ (by the President of State on proposal of Government), EE (by the Minister of Finance on the proposal of the Secretary General of the Ministry of Finance), FR, DE (by the President of State on proposal of Government), EL, HU, PT (by the Prime Minister and the Minister responsible for the Council of Ministers), SK (by President of State on proposal of Government), ES, SE, LU
c) Others:	IE (appointed by the President on the nomination by the Prime Minister following a competition, confined to Senior Civil Servants, conducted by the Top Level Appointments Commission), NL (appointment by Queen, decision by Minister based on recommendation by supervisory Central Commission for Statistics but without open competition), PL (appointment by Chairman of Council of Ministers after having obtained the opinion of the Statistical Council), IT (appointment by Decree of the President of the Republic on the Prime Minister's proposal upon deliberation of the Council of Ministers; selection among university professors in statistics, economics and alike, however, no open competition) Eurostat : head of the statistical authority can be appointed by internal mobility inside the Commission, internal openly advertised competition (restricted to internal candidates) or competition opened to everybody
1.5 Term of office of the head of the statistical authority	
a) Fixed term, renewable:	AT (5y, renewable), BE (6y, renewable), HU (6y can be extended twice), IT (4y, renewable once), MT (3 y, renewable), NL , (7y, reappointment possible for 3 years), PL (6y, renewable once), PT (3y, renewable), SK (5y, renewable once), SI (5y, reappointment possible), SE (6y, reappointment possible for 3+3 years), UK (3y, reappointment possible), IS (5y, renewable), NO (6y, renewable once)
b) Fixed term, non-renewable:	IE (7y but subject to max. age of 60) Eurostat (5 years related to mobility requirements)
c) Unfixed term:	CY, CZ, DK, EE, FR, FI (permanent position), DE, EL, LV, ES, LT, LU, LI, CH

3. Ethical standards of a National Statistical Institute/Eurostat

Existing ethical standards or Codes of Practice

When elaborating the European Statistics Code of Practice, the European Statistical System could already built upon a series of international, European and national standards and principles related to ethical behaviour, quality and good practices of official statistics. To the extent that parts of the Code are already embedded in national codes or guidelines or implemented by means of specific protocols dealing with selected topics, adherence to the Code by the ESS is facilitated. Sharing of practice between NSIs, benchmarking and peer review may stimulate further spill-overs. Table 2 gives an overview of existing practices.

Table 2 Existence of ethical standards or a Code of Practice at national / Eurostat level

2.1 Existing European Statistical System approaches	
a) Existence of separate general code or similar document and / or detailed protocols:	AT (list of principles on the internet; principles in the Austrian Federal Statistics Act, policy on publication and dissemination, standard documentation on methodology and quality, regulations on data protection and confidentiality, development strategy 2005-2010 under preparation), CZ (Code of Ethics, dissemination policy), DK (list of principles adopted by the Board), FI (quality guidelines and detailed guidelines on professional ethics recommended as well for other data producers), DE (quality standards of German official statistics), MT (Code of Conduct supplemented by guidelines), NL (Code of Practice), SK (development strategy up to 2007, Declaration on Quality, Quality Policy, Principles of release and provision of statistical information, under preparation: Code of Ethics and Policy on co-operation with respondents and administrative sources suppliers), SI , UK (Code and detailed Protocols), NL , LV (Code of Ethics), PT (Quality Charter, code of Ethics, standard documentation on methodology), NO (Values are described as part of Strategic plans and in Service declaration), CH (Code of Ethics)
b) Code or detailed protocols exist on selected topics only:	CY (Internal Code of Practice for the Collection, Publication and Storage of Statistical Data with particular references to confidentiality), IE (internal protocols on confidentiality and statistical standards), IT (Personal Data Protection Code) , SE (regulations and advice on dissemination issues, quality guidelines), LT (Provisions of the Department of Statistics, Principles of Ethics of the state civil servants), IS (internal code on confidentiality, open use of UN Fundamental Principles as a general code of practice) Eurostat (Protocol on different issues like confidentiality, quality reporting, metadata presentation)
c) No Code or similar document:	BE, CY, EE, EL, FR, HU, PL, ES, LU, LI

4. Role of national/international user committees

User consultation

To the extent their composition and rules of procedure are adequate, user committees may serve the well-functioning of a statistical system in various ways. Advising on programming matters, including on negative priorities, safeguarding high quality of the statistical service, facilitating the knowledge transfer between the statistical institute and the scientific community as well as backing-up the institute's credibility in public are only some possible benefits. Thus, it comes without surprise that all NSIs and Eurostat engage in some kind of systematic user dialogue, most of them in the form of an established user committee, to advice on the statistical work programme. However, to better understand the specific approaches at national level or even to arrive at some kind of benchmarks, further studies would be needed to better distinguish the various bodies, their functions and functioning. Table 3 gives a first overview.

Table 3: User committees at national/European level

3.1 Existence of a user committee / advisory body	
a) Legal basis for statistical council (or similar body):	AT (a) Statistical Council: advisory body, 15 members; b) Central Statistical Commission: user committee, 46 members), BE (Statistical Council, 46 members), CY (11 members), CZ (up to 21 members)) FI (7 members), DE (53 members), EL (legal act of 1988, activation foreseen), HU , IE , IT (Comstat - Committee for Directing and Co-ordinating Statistical Information and CGIS - Commission for Protection of Statistical Information neither of them being merely a user committee or advisory body), LT (The Law on statistics of 1999; composition and regulations are approved by the government), NL (Statistical Council as well as one general advisory body and 6 advisory bodies for specific domains), PL , PT (28 member organisations), SK (26 members), SI , ES , SE , LU (Statistical Council based on a legal act and re-activated in 2005 but not a user committee in a strict sense), FR (the National Council for Statistical Information, CNIS , with about 100 members representing users and producers of official statistics), LI (7 members), NO (A board representing key users, in addition to user committees for each of about 20 subject oriented areas), CH (Federal Statistics Committee, 12 members) Eurostat (CEIES)
b) Other basis for statistical council (or similar body):	DK (advisory committees have been set up by the Board), UK (Statistics Commission established by the Framework for National Statistics)
c) Other forms of (systematic) user consultation	EE (formal consultation of about 100 stakeholders on the annual list of official statistical surveys), LV (advisory group on business statistics and ad hoc consultation of professional experts), MT (establishment of consultation groups and processes on initiative of NSI), IS (permanent user advisory groups on national accounts and price statistics, permanent advisory group of CPI by law, various ad-hoc groups on specialized tasks)

3.2 Areas of competence of the user committee / similar advisory body	
a) Scientific and methodological advice, recommendation on work programme:	AT (Central Statistical Commission), BE (with the exception that there is no explicit work programme as of before 2006), CY , CZ , DK , FR (the National Council for Statistical Information prepares mid-term and annual statistical programme and is in charge of a certification procedure prior to every new statistical survey), FI , DE , EL (function foreseen in law, activation foreseen), HU , IE (strategic guidance on work programme and resources), LT (advisory body discussing work programmes, methodological and organisational issues of major statistical activities, like censuses, strategic documents, etc.), NL (decision on work programme), PL , PT , SK (recommendation on work programme and broad development of system as well as in charge of a certification procedure prior to every statistical survey), SI , ES , SE , EE , LU (recommendations on work programme and broad development of the system only), LI (Commission for Statistics defined by the legal act on statistics, can give strategic guidance on the work programme and on specific topics as well), IS , NO , CH Eurostat (CEIES)
b) Additional evaluation function:	AT (Statistical Council), CY , DE , PL , NL , IS
c) Other:	MT (user consultation groups in main statistical domains to exchange views, discuss collection, provision, use of statistics etc.), IT (Comstat to direct and

	co-ordinate, decide on work programme, CGIS to supervise quality, impartiality and confidentiality), LV (Advisory Group on Business Statistics deals with the main issues concerning enterprise surveys)
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5. National Statistical Institutes' / Eurostats' programming cycles

Statistical Programming

At European level, the 5-year programme which summarises the Commission's statistical activities is detailed in an annual statistical programme in the form of an EP/Council Decision and a Commission Decision, respectively. With few exceptions, similar practices exist at national level and involve some kind of user consultation. However mid-term time horizons and (the timing of) preparatory stages differ from country to country as well as the formal status of the programme. Table 4 gives an overview.

Table 4 Programming of statistical work at national/Eurostat level

4.1 Planning cycle of the statistical programme	
a) Fixed (annual or multi-annual) cycle involving user committee:	AT, CY, DK, EE, FR, DE, EL (without explicit user consultation), FI (broad development plan), HU, IE, IT (involvement of quality groups with advisory function made up by producers and users), LV (draft annual State Programme of Statistical Information is circulated around the ministries and other institutions which are main data providers and also data users; no special user committee directly involved in programming), LT, NL (consultation of and agreement with all key users and the Central Commission for Statistics), PL (consultation of and agreement with all key users), PT, SK, SI, ES, CZ, UK, LU (involving advisory body without explicit user consultation), MT (annual work programme drawn up by NSO and approved by Malta Statistics Authority Board), SE, IS (without explicit user consultation) , NO, CH Eurostat
b) There is no explicit statistical programme planning	BE (annual programme and development of a multi-annual cycle planned from 2006 onwards), LI

Country abbreviations:

BE-Belgium, CZ, Czech Republic, DK-Denmark, DE-Germany, EE-Estonia, EL-Greece, ES-Spain, FR-France, IE-Ireland, IT-Italy, CY-Cyprus, LV-Latvia, LT-Lithuania, LU-Luxembourg, HU-Hungary, MT-Malta, NL-Netherlands, AT-Austria, PL-Poland, PT-Portugal, SI-Slovenia, SK-Slovak Republic, FI-Finland, SE-Sweden, UK-United Kingdom

IS-Iceland, LI-Liechtenstein, NO-Norway, CH-Switzerland