



EUROPEAN CENTRAL BANK

## INTERIM MEASURES FOR THE EXCHANGE OF CONFIDENTIAL STATISTICAL INFORMATION WITHIN THE ESCB

In order to ensure the quality of ESCB statistics, there is a need to exchange confidential statistical information stored in the Centralised Securities Database (CSDB) within the ESCB, and with some associated institutions. The ECB has therefore investigated, in cooperation with the STC and LEGCO, the legal possibilities for such an exchange and for the sharing of confidential data.

The relevant provisions are to be found in Council Regulation (EC) 2533/98 (hereafter “the Regulation”). LEGCO, in an opinion supported by a majority of its members, suggested that the possibility of such an exchange or sharing could be seen as being already implicit in these provisions, even though an amendment to the Regulation was advisable in the interest of legal certainty, or indeed necessary in order to avoid legal risks. Regulation updates are usually only made after relatively long intervals. It would therefore be advisable that on the occasion of any update, a number of additional amendments to the Regulation, either technical or substantive in nature, are also included. Both the STC and the Committee for Monetary, Financial and Balance of Payments Statistics (CMFB) have supported further amendments to the Regulation and, in a consistent manner, also to Council Regulation (EC) 322/97, the framework regulation for Community statistics.

This support was under the proviso that any confidential information received by the ESCB from national statistical institutes (NSIs) or Eurostat would be used for statistical purposes only. This proviso is necessary since, under certain circumstances, the current Regulation also allows the use of such information, when collected by the ESCB, for other purposes. At the same time, an agreement on this proviso may free the way for enabling access for the ESCB to vital confidential information available at NSIs, for instance concerning the business register. It may also encourage Eurostat and NSIs to prepare an amendment of the Regulation (EC) 322/97, to ensure a broader exchange of confidential information with the ESCB, where appropriate.

For the interim period until the update of the Regulation, the Executive Board proposes that NCBs will exchange and share information, including also confidential information, in compliance with the above-mentioned provisions of the Regulation, and that also designated staff members of NSIs in Ireland and the UK, that are responsible for balance of payments statistics on behalf of their NCB, will be granted access to the same information for statistical purposes. Such an interim solution was endorsed by the STC and recommended by the majority of the LEGCO.



**The *Governing Council* is invited to:**

- (a) approve the proposed preparation of an ECB Recommendation for amendment of said Regulation to provide for, *inter alia*, an explicit legal basis for the exchange of data;**
- (b) take note of the proposed transitional solution whereby:**
  - (i) confidential information will be exchanged within the ESCB under the existing provisions of the Regulation, as a transitional arrangement only;**
  - (ii) designated staff members of NSIs in Ireland (CSO) and the UK (ONS) will also be granted access to the same information, under specific agreements with their NCBs, following consultation of the ECB;**
- (c) agree to the understanding that confidential statistical data that the ESCB may receive from NSIs or Eurostat are only used for statistical purposes as stipulated under the framework of Council Regulation (EC) 322/97;**
- (d) take note that thereafter the General Council will be informed accordingly.**