



ISI Academy Webinar on ...

**Ensuring the Professional Independence of European
Statistics – Much Done, More to Do?**

Gerry O'Hanlon, former Director General CSO Ireland

12 March 2026



Outline

- European Statistics (ES) Pre-1997
- 1997: First Statistical Law and Reference to Statistics in EU Treaty
- European Statistics Code of Practice (ESCoP)
- Principle 1- Professional Independence - of ESCoP
- Legal reinforcement of Professional Independence
- Compliance with Professional Independence - Issues
- Lessons from Prosecution of Head of Greek NSI
- Conclusions and Further Actions

European Statistics (ES) Pre-1997

- ES produced mainly on the basis of “gentlemen’s agreements” between National Statistical Institutes (NSIs) and Eurostat
- Treaty of Rome made no general reference to statistics – Article 213 gave limited right to EU Commission to collect information (see next slide)
- Statistical legislation largely confined to areas with common policies such as agriculture and external trade
- Adherence to statistical principles and practices dependant on practices in Member States
- While independence a priority for NSIs, 1992 study showed that only 50% of countries had legal provisions in place
- Role and scope of statistics much more limited than today – equality of access principle not developed or indeed universally accepted!

Article 213 of the Treaty of Rome

- *“The Commission may, within the limits and under conditions laid down by the Council in accordance with the provisions of this Treaty, collect any information and carry out any checks required for the performance of the tasks entrusted to it.”*

First EC Statistical Law

- In early 1990's, anticipated expansion in size of EC, and in range and scope of policies, prompted work on drafting first EU Statistical Law
- Adoption of Fundamental Principles of Official Statistics by UN in 1994 taken into account
- Independence of statistical system considered as part of discussion of statistical principles with focus on scientific independence
- Regulation (EC) 322/97 on Community Statistics adopted in early 1997
- Independence not identified as one of 6 statistical principles that should govern the production of Community Statistics – instead it was subsumed into the wider principle of Impartiality

Regulation (EC)322/97

- *‘impartiality’ is 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);*

Article on statistics in Treaty of Amsterdam

- In parallel with the work on the First Statistical Law, an article (Article 285) on statistics was included in the new Treaty of Amsterdam (adopted in late 1997), which replaced Article 213a of the Treaty of Rome, with the following quality requirements

Article 285(2)

The production of Community statistics shall conform to impartiality, reliability, objectivity, scientific independence, cost-effectiveness, and statistical confidentiality; it shall not entail excessive burdens on economic operators.

- This was an important article for the European Statistical System (ESS) as it recognised statistics at the level of the Treaty and would henceforth serve as the appropriate primary legal basis for future statistical legislation
- In the latest version of the Treaty, The Treaty on the Functioning of the European Union, the article on statistics is included as Article 338

European Statistics Code of Practice (ESCoP)

- Around 2002 a Taskforce was commissioned to review the EC Statistical Law, to propose amendments, and to suggest supporting measures
- The idea of ESCoP emerged to complement the legal measures – on the basis that not everything should require legal provisions
- Work coincided with doubts about key economic data in some countries, which resulted in a renewed focus on independence
- **Professional Independence (PI) concept emerged, covering development, production and dissemination of official statistics – ie not just methodology**
- PI, with seven good practice indicators, was incorporated as Principle 1 of the new ESCoP that was published in 2005 (an eighth indicator was added in 2011 when the Code was revised)

Professional Independence (1)

ESCOP Principle 1 - Professional Independence

Professional independence of statistical authorities from other policy, regulatory or administrative departments and bodies, as well as from private sector operators, ensures the credibility of European Statistics.

Indicators

- **1.1 The independence** of the National Statistical Institutes and Eurostat from political and other external interference in developing, producing and disseminating statistics **is specified in law** and assured for other statistical authorities.
- **1.2 The heads** of the National Statistical Institutes and of Eurostat and, where appropriate, the heads of other statistical authorities **have sufficiently high hierarchical standing** to ensure senior level access to policy authorities and administrative public bodies. They are of the highest professional calibre.
- **1.3 The heads** of the National Statistical Institutes and of Eurostat and, where appropriate, the heads of other statistical authorities **have responsibility for ensuring that statistics are developed, produced and disseminated in an independent manner.**
- **1.4 The heads** of the National Statistical Institutes and of Eurostat and, where appropriate, the heads of other statistical authorities **have the sole responsibility for deciding on statistical methods, standards and procedures, and on the content and timing of statistical releases.**

Professional Independence (contd.)

Principle 1 - Professional Independence

Indicators (contd.)

- **1.5** The statistical work programmes are published and periodic reports describe progress made.
- **1.6** Statistical releases are clearly distinguished and issued separately from political/policy statements.
- **1.7** The National Statistical Institutes and Eurostat and, where appropriate, other statistical authorities, comment publicly on statistical issues, including criticisms and misuses of statistics as far as considered suitable.
- **1.8** The **procedures for the recruitment and appointment of the heads** of the National Statistical Institutes and Eurostat and, where appropriate, the statistical heads of other statistical authorities, **are transparent and based on professional criteria only. The reasons on the basis of which the incumbency can be terminated are specified in the legal framework. These cannot include reasons compromising professional or scientific independence**

Legal Reinforcement of Professional Independence(1)

- The first EC Statistical Law was replaced by Regulation (EC) 223/2009, which was substantially amended in turn by Regulation (EU) 2015/759
- In Regulation 223/2009 it was stated as a key objective that National and Community statistical authorities should “... *enjoy professional independence and ensure impartiality and high quality in the production of European Statistics*”
- Professional Independence was defined as follows as a separate principle:
 - *‘professional independence’, meaning that statistics must be developed, produced and disseminated in an independent manner, particularly as regards the selection of techniques, definitions, methodologies and sources to be used, and the timing and content of all forms of dissemination, free from any pressures from political or interest groups or from Community or national authorities, without prejudice to institutional settings, such as Community or national institutional or budgetary provisions or definitions of statistical needs;*
- No additional supporting measures for PI were included in the new Regulation

Legal Reinforcement of Professional Independence(2)

- The adoption of Regulation 223/2009 coincided with the the Financial Crisis, when stronger measures were imposed to ensure the integrity of financial and monetary statistics
- EU authorities decided that these measures should apply more generally to European Statistics – leading to the adoption of Regulation (EU) 2015/759, which has a particular focus on strengthening the legal basis for professional independence

Regulation 2015/759 and Professional Independence(1)

- The final constraining clause “*without prejudice to institutional settings, such as Community or national institutional or budgetary provisions or definitions of statistical need*” was removed from the definition of professional independence.
- The tasks and rights of the Heads of NSIs and Eurostat were given legal effect, including the following relating directly to compliance with the PI principle:
 - *have the sole responsibility for deciding on processes, statistical methods, standards and procedures, and on the content and timing of statistical releases and publications for European statistics developed, produced and disseminated by the NSI;*
 - *act in an independent manner while performing their statistical tasks; and neither seek nor take instructions from any government or other institution, body, office or entity; and*
 - *publish an annual report and may express comments on budget allocation issues related to the statistical activities of the NSI;*

Regulation 2015/759 and Professional Independence(2)

- **Indicator 1.8 on the appointment and dismissal of Heads of NSIs, is included as an explicit legal requirement**
- NSIs assigned co-ordinating and quality assurance responsibilities in respect of all ES produced within the State;
- Member States **were invited** to establish a national body “*for assuring the professional independence of the producers of European statistics*”
- Member States **are required** to adopt *Commitments on Confidence in Statistics* to ensure public trust in statistics and advance the implementation of ESCoP.

Compliance with PI - Issues

- The requirement that Heads of NSIs be top level public servants can sometimes result in conflicts between the professional and managerial/administrative aspects (Indicator 1.2)
- For Other Producers of Statistics, decision making responsibility for statistical issues may rest with non-statistical line managers (Indicator 1.3)
- Indicator 1.4 often not covered by national statistical legislation – but now covered by Regulation (EU) 2015/759 – however, the ECE Generic Law for Official Statistics, adopted for Eastern (non-EU) Europe, Caucasus and Central Asia, does not include this requirement
- The separation of statistical releases from policy/administrative statements is achieved for NSIs but not always for Other Producers (Indicator 1.5)
- The appointment/dismissal of Heads of NSIs should be monitored and early resignations and frequent turnovers explained

Lessons from Prosecution of Head of Greek NSI

- Legal system used to disguise, and pursue, a politically motivated and populist campaign against professional decisions of Head of NSI
- President of ELSTAT and two senior colleagues isolated in facing charges
- No indemnification for legal and other costs in defending professional decisions – Andreas Georgiou dependant on international fundraising and pro bono legal services
- Despite being the subject of unfounded allegations and formal criminal investigations, Eurostat and the IMF did not vigorously and publicly challenge the Greek authorities
- Notwithstanding the wider implications for European Statistics, and clear knowledge that the most serious charges had no foundation, there was a reluctance on the part of the European Statistical authorities to intervene publicly in an “internal Greek judicial matter”
- The incorrect interpretation advanced by the Greek courts of Indicator 1.4 was not challenged on behalf of the ESS (even after the case was concluded) – rigid policy of non-interference in judicial proceedings or commenting on findings

Conclusions

- Considerable, if somewhat slow, progress made in EU in defining and ensuring professional independence of European Statistics – **the principle is now firmly enshrined in EU legislation, which is directly applicable throughout the Union**
- Main catalyst for measures is the need to ensure the integrity of ES overall in a larger and more integrated EU where policy making heavily reliant on evidence, openness, and mutual trust between Member States
- **PI is consistent with EU espousal of liberal democratic values** – it is critical that citizens can trust ES as independent and impartial
- ESS approach provides a good practice exemplar for developing national statistical systems in neighbouring countries
- PI is binary in nature (yes or no!) – there is no room for compromise or grey areas, particularly in an era where the control of data and information flows is being increasingly weaponised for political purposes!

Further Actions

- The role, status and powers of the Head of the NSI is critical for defining and implementing PI. In order to emphasise the visibility and professional aspect of the position, an alternative title such as National or Chief Statistician might be adopted.
- Chief Statisticians, and other senior statistical professionals, should be fully indemnified and supported in defending legal or other challenges to their professional decisions.
- Governance bodies should be established at national and EU levels to ensure that the development, production, and dissemination of European Statistics are undertaken in accordance with the ESCoP.
- The assurance of the professional independence of the ESS at all levels should be a particular priority for these bodies.
- The governance bodies should be mandated and resourced to comment publicly, initiate investigations, and issue reports, on issues coming to their attention.
- There should be no restriction on the EU level body enquiring into and reporting on relevant issues arising within individual Member States.



THANK YOU

