

Good Practice Advisory Committee
Third Report

December 2016

Introduction

The Good Practice Advisory Committee (GPAC), hereinafter referred to as the Committee, was established under the provisions of Article 4 of the Hellenic Statistical Law (no. 3832 of 9 March 2010, as amended). The Law stipulated that the Committee should be comprised of five members as follows:

- a) One member nominated by the Hellenic Parliament;
- b) One member nominated by the European Statistical Office (Eurostat);
- c) One member nominated by the European Statistical Governance Advisory Board (ESGAB);
- d) One member nominated by the European Statistical System Committee (ESSC); and
- e) One member nominated by the Hellenic Data Protection Authority.

The President of the Hellenic Statistical Authority (ELSTAT) is entitled to participate in the Committee on a non-voting basis.

The task of the Committee, as stipulated in the Law, is to prepare an annual report on the implementation of Principles 1 to 6 of the European Statistics Code of Practice in the Hellenic Statistical System. The report is to be submitted to the Hellenic Parliament, having informed the European Statistical Governance Advisory Board accordingly, and shall be made public following submission to Parliament.

In accordance with the Law, and having consulted with the various nominating bodies, the Minister of Finance issued a Decision (Ref. No. Δ6A1001384EΞ2013, as amended) in January 2013, convening the Committee and appointing five members for the two year period 2013-2014 inclusive. In accordance with its mandate, the original Committee produced two annual reports in September 2013¹ and December 2014² respectively over the course of its term of office, which terminated at the end of 2014. In line with the Law as then applying, the future of the Committee was reviewed by the Greek Authorities and it was decided that the Law should be amended to establish GPAC as a permanent advisory committee, with members appointed by the Minister of Finance to serve for two year terms. The Law was duly amended in July 2015 and the Minister of Finance issued a Decision (Ref. No.

¹ http://www.statistics.gr/documents/20181/1195539/report_adv_2013_EN.pdf/ade26414-2d3d-4eb8-9752-731663065fdf

² http://www.statistics.gr/documents/20181/1195539/report_adv_2014_EN.pdf/198f48ca-2b5b-4a53-8a5c-bcff2165e810

0002491EΞ2016) in March 2016 appointing new members for the period 2016-2017 inclusive. Details of the members appointed to the re-convened Committee are given in Appendix 1. Under the Decision, Ms. Christina Karamichalakov from ELSTAT was appointed as Secretary to the Committee.

The first meeting of the new Committee took place on the 24th of June 2016 and Mr. Gerry O’Hanlon, former Director General of the Irish Central Statistics Office and nominee of ESGAB, was re-elected as Chairman. Mr. Athanasios C. Thanopoulos, who was appointed as President of ELSTAT in February 2016 in succession to Mr. Andreas Georgiou, participated in the meeting in accordance with Article 4.5 of the Law. The main focus at this meeting was to review progress since the last meetings in 2014, with a particular focus on responses to the actions recommended in the last GPAC report (2014) and in the Peer Review of the Hellenic Statistical System that was conducted in November 2014 and published on the Eurostat website in March 2015³. It was decided at the meeting that a report should be produced at the end of 2016 i.e. the 3rd GPAC report. As no report was published in 2015, and as the Committee was only commencing its activities in mid 2016, it was agreed that the 3rd report should concentrate on the following:

- Review of implementation of Principles 1 to 6 of the European Statistics Code of Practice (ESCoP) in the Hellenic Statistical System, with particular regard to developments since 2014; and
- Examination of progress with the programme for the Certification of Statistics produced by Other National Authorities.

At its second meeting on the 6/7 October 2016 the Committee met a range of ELSTAT stakeholders to discuss progress in the implementation of Principles 1 to 6. These included senior ELSTAT managers, Eurostat, senior staff from key ministries and representatives of the financial media. In addition the Committee had a detailed discussion on the Certification of Statistics programme with the responsible team from ELSTAT and with representatives from three Ministries⁴ that are currently engaging with the certification process. The 3rd report of GPAC was formally adopted a third meeting on 13 January 2017.

³ <http://ec.europa.eu/eurostat/documents/64157/4372828/2015-EL-Report/488eadf4-da69-40db-b48b-884c6ac4937c>

⁴ Ministries of Finance, Rural Development and Food and Education, Research and Religious Affairs

Part 1: Review of Implementation of Principles 1 to 6 of 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

In its first two reports GPAC commended the Greek Government and Parliament for the range of legal and organisational measures that had been put in place to underpin a professionally independent and, by extension, credible national statistical system. These measures include in particular: Law no. 3832 of 9 March 2010 on the Hellenic Statistical System (ELSS), as in force, and the establishment of the Hellenic Statistical Authority (ELSTAT) as an independent authority; and the Commitment on Confidence in Statistics signed by the Government in February 2012 after being approved by Parliament and enshrined in Law 4051/2012. This commendation was echoed by the Peer Review team, which also concluded, despite reservations on the actual implementation of some of the legal provisions, that “*their existence is nonetheless an important strength in that their intent is both clear and helpful*”.

The Committee is pleased to note that a number of recommendations for amendments of the legal provisions to improve compliance with the principle of Professional Independence, which were made in its last report and in the Peer Review Report, were given effect in a revision of the Hellenic Statistical Law adopted by the Hellenic Parliament in July 2015. The main changes to the Law were as follows:

- Article 3: The creation of the Advisory Committee of the Hellenic System (SYEPELSS) to assist ELSTAT in taking users’ needs into account in the formulation, co-ordination, and implementation of the strategic goals and priorities for the national statistical system, most notably in regard to the preparation of the Hellenic Statistical Programme and the annual work programmes of ELSTAT (recommended in the Peer Review Report);
- Article 11: The inclusion of a requirement for ELSTAT to be consulted, in advance of submission to Parliament, on any draft legislation that might impact directly or indirectly on the functioning of ELSTAT, the production of official statistics in

Greece or the provisions of the Statistical Law (Recommended by GPAC to protect the integrity of the statistical system and statistical legislation); and

- Article 13: The inclusion of a detailed specification for an open and transparent process for the appointment of the President of ELSTAT, including the involvement of an independent expert selection committee to identify, and recommend to the Minister of Finance, the best candidate for appointment (Recommended by GPAC and the Peer Review Team).

GPAC welcomes these amendments as indicative of a willingness on the part of the Greek authorities to improve legislation and organisational arrangements in response to recommendations from the Committee and others to strengthen the Hellenic Statistical System. The Committee welcomes in particular the fact that the new President of ELSTAT, Mr Thanopoulos, was appointed in early 2016 following implementation of the process specified in Article 13.

However despite these improvements in the legal and organisational framework, there remains a major concern of with an apparent disconnect between the exemplary legal and organisational measures and their acceptance in practice by politicians, administrators and others in the wider external environment. The long-running legal proceedings against the former President of ELSTAT, Mr Georgiou, and two senior colleagues, Mrs Xenaki and Mr Molfetas, for allegedly conspiring to artificially inflate the 2009 Government Deficit figures continues to damage the reputation, and brings into question the ability, of ELSTAT and the Hellenic Statistical System to be seen to function in a professionally independent manner.

In Appendix 2 the chronology of the court proceedings against Mr Georgiou and his colleagues over the five year period 2011- 2016 is summarised.

Aside from confirming the length of time that has elapsed since the proceedings commenced in September 2011, the chronology is also notable for indicating that on three separate occasions investigating judges/prosecutors have recommended, following detailed examinations of all relevant issues, that the substantive criminal charges should be dropped. On the third occasion this recommendation was accepted by the Council of the Appeals Court which issued an ordinance acquitting the defendants of the substantive charges levelled against them. However, the Deputy Prosecutor of the Supreme Court issued an annulment

order against the acquittal ordinance and, following a long consideration, the Supreme Court instructed the Council of the Appeals Court to re-examine its decision in August 2016.

In tandem with this decision, the Chief Prosecutor of the Supreme Court (formerly the Deputy Prosecutor) ordered a new inquiry into media allegations that EU, IMF and Greek officials conspired to artificially inflate the 2009 government deficit figures. Since named Eurostat officials are included in this investigation, the allegations would therefore seek to imply that the integrity of Eurostat and the European Statistical System is open to question. GPAC is of the view that such implications should be taken seriously and that a robust defence should be mounted by the relevant institutions in order to protect the reputation of not only Greek official statistics but also European Statistics.

The decision of the Supreme Court to instruct the Council of the Appeals Court to re-examine its acquittal ordinance re-opened the entire proceedings to fresh investigations. While an early conclusion cannot be anticipated, it is somewhat re-assuring that the Prosecutor appointed by the Council of the Appeals Court to re-examine the case in the light of the Supreme Court decision concluded relatively quickly (in November 2016) that the charges should once again be dropped.

Aside from the substantive charges, Mr Georgiou has also had to face trial on a misdemeanour charge of violation of duty on three counts, which are outlined in Appendix 2. The most relevant of these from the point of view of the Code of Practice is the charge of not putting the 2009 Debt and Deficit figures to the then Board of ELSTAT for voting prior to submission to Eurostat and publication – something that, if it had been done, would have been in direct conflict with indicator 1.4 of the Code. After a long delay the case was heard on the 6th of December by three judges of the Court of First Instance who unanimously acquitted Mr. Georgiou on all three counts. GPAC must welcome this decision of the court insofar as it confirms its interpretation of the Code of Practice. However, the court decision was short-lived in that it was annulled within two weeks by the Local Prosecutor's office which has now referred the case to the Appeals Court for re-trial at the higher court level. The reasons for this decision were not available at the time of drafting this Report but GPAC notes that this is now the fourth occasion in which a decision in favour of Mr Georgiou has been annulled or otherwise reversed.

The Supreme Court decision in respect of the substantive criminal charge was the subject of some very critical public comment both in Greece and abroad. A number of prominent

critical articles were published in highly regarded international media while the International Statistical Institute (ISI), amongst others, issued a statement⁵. The ISI statement probably sums up the concern felt by official statisticians worldwide when it concluded that it was inconceivable that senior professional statisticians in Greece producing high quality statistics, independently verified and approved in line with international standards, could be prosecuted for such work.

The decision also prompted a high level letter from the EU Commission, jointly signed by Vice President Dombrovskis and Commissioners Thyssen and Moscovici, to the Minister of Finance, Mr Tsakalotos. While refraining from commenting on the national legal proceedings per se in line with normal practice, the Commissioners nevertheless expressed their deep concern *“about statements in the media regarding the case, which appear to call into question the validity of the fiscal data underpinning successive Economic Adjustments Programmes for Greece”* and went on to state that they saw a *“significant risk of major damage to the credibility of Greek statistics”*. Accordingly, the Commissioners called on the Greek Government to *“actively and publicly challenge the false impression that data were manipulated during 2010-2015 and to protect ELSTAT and its staff from such unfounded contentions”*.

While the Alternate Minister of Finance indicated that the Government was satisfied with the data, some commentators noted that he stopped short of giving the full public endorsement requested by the Commissioners. Indeed from subsequent media reports seen by GPAC, it would appear that members of all political parties issued statements relating to the proceedings which reflected their political agendas rather than addressing any concerns with the adverse impact on the statistical system. The large political context to the proceedings was also unanimously confirmed by the representatives of the media who met the Committee in October. Indeed, it was contended that the reason the proceedings have continued for so long is due almost entirely to the political context that surrounds them.

In its previous reports, GPAC drew attention to the potential damage posed by the prolonged court proceedings to the credibility and independence of ELSTAT and the wider official statistical system. It therefore strongly welcomes the intervention of the EU Commissioners, who were essentially making the same point and would therefore call once again on the

⁵ <https://www.isi-web.org/images/news/2016-09ISI%20Statement%20on%20Greece.pdf>

Greek Government and Parliamentary leaders to respond appropriately in line with the Commitments on Confidence to the concerns raised.

Finally, the Committee would also wish to draw attention to the fact that the defendants in the court proceedings are liable to fund the legal costs incurred from their own resources. This is most unusual in view of the fact that they are being challenged in relation to decisions made, and actions taken, pursuant to carrying out their official functions. This is all the more so in view of the fact that outputs from their actions and decisions, i.e. the statistics produced, have been verified as being fully compliant with the highest international standards. In most jurisdictions officials in such situations would be indemnified against legal and other costs by their employer i.e. the State. In the current situation the costs incurred are significant and the defendants have been reliant on assistance from a number of sources, such as the alumni of their former universities and fundraising amongst the international community of official statisticians, to meet their legal costs. GPAC understands that the absence of indemnification is the normal situation in Greece in that it applies throughout the Greek public service and not just to ELSTAT. However, the Committee believes that the holder of the office of President of ELSTAT (or senior officials acting on his/her authority) should be enabled to act in a professionally independent manner without fear of incurring personal financial liabilities due to legal challenges/proceedings been taken against him/her as a consequence of taking such actions.

Accordingly, GPAC recommends that appropriate measures be adopted to remove this threat to the professional independence of ELSTAT and its President. Such a measure would be entirely in line with the Government's Commitment on Confidence in Statistics, particularly the solemn commitment to "GUARANTEE and DEFEND the professional independence of the Hellenic Statistical System, in particular the Hellenic Statistical Authority (ELSTAT)...".

Principle 2: Mandate for Data Collection

Statistical authorities have a clear legal mandate to collect information for European statistical purposes. Administrations, enterprises and households, and the public at large may be compelled by law to allow access to or deliver data for European statistical purposes at the request of statistical authorities.

The Committee has noted that the Greek statistical authorities' mandate to collect information for the development, production and dissemination of European Statistics, their access to administrative data for statistical purposes, as well as their right to compel response to statistical surveys, are all comprehensively stipulated in the Hellenic Statistical Law as required by Principle 2 of the European Statistics Code of Practice.

In its second Report from December 2014, the Committee noted that the achievement in practice of access to administrative sources for statistical purposes was progressing very slowly. For example, ELSTAT had waited for several years to get access to administrative tax data on enterprises from the Ministry of Finance for the compilation of key statistics (structural and short-term business statistics). Despite undertakings from ELSTAT guaranteeing its adherence to strict conditions for observing statistical confidentiality, and the signing of a Memorandum of Cooperation in April 2014 between ELSTAT, the General Secretariat for Public Revenue (GSPR) of the Ministry of Finance, the General Secretariat for Information Systems (GSIS) and the Social Insurance Institute (IKA), the data were still outstanding at the end of 2015. .

In January 2016, the GSPR of the Ministry of Finance requested the opinion of the Hellenic Data Protection Authority on the provision to ELSTAT of non-anonymised tax data by VAT number. In this context ELSTAT provided relevant detailed clarifications. On May 12, 2016 the Data Protection Authority provided its opinion in writing, according to which the tax data could be delivered to ELSTAT, provided that ELSTAT submitted a special justification for the statistical need of using the exhaustive (not sample) tax data. On May 19, 2016 ELSTAT complied with this requirement and sent a letter to the GSPR requesting the necessary tax data for the various statistical domains with a full justification of their necessity.

On May 23, 2016 the Ministry of Finance (GSPR) finally started the transmission of tax data to ELSTAT. The Committee notes that the transmission of administrative tax data on enterprises to ELSTAT for the years 2011-2015 has now been completed, and welcomes that a signed bilateral agreement between ELSTAT and GSPR ensures the continuous provision of the tax data also in the future.

The Committee welcomes these positive developments as essential for upgrading the entire production of business statistics in Greece. It has a potential to reduce the burden on respondents and to improve needed timeliness and the overall quality of these statistics.

The above mentioned tax data concerns only enterprises (including individual enterprises) and not physical persons. However, the Greek Statistical Law also provides for the access to administrative data on physical persons.

In its second report the Committee took note of the problems in relation to ELSTAT's access to non-economic administrative data. The Committee had an impression that the Greek Statistical Law was not considered to be enough by some Ministries to give ELSTAT automatic access to administrative data needed for the statistical production. The Committee would still like to emphasise that according to good practice followed by many other EU Member States, the EU Statistical Law gives the overall right to the National Statistical Institute (NSI) to get automatic access to any administrative data needed for statistical production. At the same time, it obliges the owners of administrative data to allow and organise access of the NSI to the administrative data in question. Memoranda of Cooperation between the owner of administrative data and the NSI are only needed for the specification of technical details and timetables of data delivery or direct access arrangements etc.

Nowadays it is generally recognised by statistical offices and governments that the exploitation of administrative data in both economic and social spheres for statistical purposes provides a cost- effective way of compiling official statistics and also provides opportunities for improving the quality of statistics.

The Committee would therefore encourage ELSTAT to continue its efforts to get access to administrative data on physical persons to improve statistics in relation to social issues, health care, crime and the labour market etc. Similarly, the Committee would encourage the

Government, Ministries and other owners of administrative data to recognise the value of such data for statistical purposes and to facilitate the granting of access to ELSTAT in accordance with the provisions of the Statistical Law.

The Committee was informed about a Secure Data Warehouse project to handle the receipt of administrative data in ELSTAT. The objective of this project is to set up a secure database environment capable of managing incoming datasets from external administrative services. The main functionality of the data warehouse is as follows:

- A secure exchange model for importing datasets delivered to ELSTAT by various means (optical discs, secure network connections etc.) or retrieved by the system itself by connecting to the IT infrastructure of other agencies.
- A data integration module with the necessary tools and storage space to build and invoke the transformation, normalisation, cleansing process and anonymisation needed for the use in ELSTAT's internal information systems.
- A system for controlled access to the data. The system has control and logging mechanisms in order to limit and audit/log the data access to authorised users only. The system is also able to perform data anonymisation and masking in order to protect sensitive information.

The Committee very much welcomes this timely initiative in view of the increasing focus on using administrative data for statistical purposes.

GPAC welcomes the new provision in the Statistical Law, Article 11 paragraph 7, which stipulates that ELSTAT should be consulted and invited to provide its opinion on any legal provision in relation to the design or redesign of administrative data sources and public registers. This provision, which is in line with Principle 8 of the European Statistics Code of Practice, will enable ELSTAT to influence the development of administrative sources in a manner that optimises and secures their use for statistical purposes.

The Committee was informed that this is not always the case at present in practice and would therefore encourage the Government, the Ministries and other owners of administrative data to ensure full adherence to this provision without delay.

Principle 3 – Adequacy of Resources

The resources available to statistical authorities are sufficient to meet European Statistics requirements

In its first two reports GPAC noted that the resources available to ELSTAT were not sufficient to enable it to discharge fully in a satisfactory manner its obligations in respect of the European Statistical Programme. Unfortunately, it must conclude that the situation has continued to disimprove over the last two years and that the number of staff currently employed in ELSTAT is now approximately 30% below the 2010 level. In effect, efforts to recruit staff over the years have had very limited effect and have failed to offset the numbers leaving due to retirement and other reasons. ELSTAT is therefore under increasing strain in implementing its statistical programmes and difficulties are now becoming more apparent and increasing. In particular, difficulties are arising in complying with the European Statistical Programme. As GPAC was advised, these chronic difficulties and deficiencies were reflected in the regular/ annual formal communication the President of ELSTAT received from the Director General of Eurostat in September 2016, where the non-compliance cases of Greece with the European Statistical Programme for specific EU regulations concerning the reference periods 2000-2016(second quarter) were listed. Eurostat informed the Committee that the performance of Greece is a matter of considerable concern. The Committee is strongly of the view that the adequacy of resources must be addressed as a matter of the utmost importance. Following a recommendation in the Peer Review Report ELSTAT, in conjunction with the Joint Overall Statistical Greece Action Plan (JOSGAP), wrote to the Minister of Finance in August 2015 pointing out that the minimum number of staff required for it to fulfil its mandate was 930 – approximately 100 lower than the number employed in 2010. In the letter ELSTAT stressed the need for “*the development of a supportive environment by competent Government institutions so that the necessary recruitment of well qualified staff could take place in a timely manner*”. The letter called for the achievement of the target staffing level of 930 by the end of 2016. However, as in the past, the request did not result in any effective action and the staffing level continued to decline with the numbers currently employed standing at around 720 i.e. over 200 below the minimum target level.

While accepting the broad accuracy of the current staffing deficit in ELSTAT, the Committee is of the view that the current budgetary and public employment environment in Greece holds

out little prospect of the target being met in the short to medium term. Accordingly, in order to mitigate the impact of the current shortfall the agreement and support of the Ministry of Finance should be sought for the implementation of some or all of the following:

1. The adoption of special provisions regarding: the inducement of personnel of other institutions to transfer or be detached to ELSTAT; and the facilitation of the immediate hiring of the maximum possible number of new personnel.
2. New personnel must be paid in accordance with the existing salary policy for reasons of ensuring equality among all employees of ELSTAT. Any form of discrimination cannot be condoned. The promotion of special wages in order to address issues of disparity due to “personal differences” should also be examined.
3. Within its operational framework, it is recommended that the Departments within ELSTAT, and their respective areas of jurisdiction, should be determined and established according to the ELSTAT’s internal charter and priorities. The placement of employees in positions of responsibility should also be exclusively decided by the President of ELSTAT.
4. The President of ELSTAT should be given greater autonomy and flexibility in deciding how the budget agreed with the Minister of Finance should be spent – including the ability to transfer funds between budgetary headings within agreed limits.
5. The creation of flexibility in critical areas for ELSTAT, allowing for the successful completion of its programme in accordance with the law regarding statistics and Principles 1 to 6 of the Code of Practice. A Special Funds – Standard Advance Deposit Office should be established, performing any other function assigned by joint decisions of the President of ELSTAT and the Minister of Finance.

ELSTAT has identified that the current organisational structure, which dates from 2000, is no longer appropriate for meeting the needs of a modern statistical service in the most effective manner. It therefore intends to undertake a fundamental review with the purpose of developing plans for implementing a complete reform. The Committee would strongly support ELSTAT in this regard and would recommend that it should place a particular emphasis on determining whether an alternative organisational model might yield improved efficiencies. The Committee noted that ELSTAT has a very product based organisational structure and that a number of NSIs have achieved significant gains in recent years by

adopting more process based approaches for statistical production and have reflected this in their organisational structure. This has been particularly the case where increasing use has been made of administrative data sources combined with innovative use of modern technology. GPAC would stress that a fundamental change of this nature will take a number of years to achieve in full and will need to be endorsed and actively promoted by senior management within ELSTAT in order for it to succeed.

Principle 4 – Commitment to Quality

Statistical authorities are committed to quality. They systematically and regularly identify strengths and weaknesses to continuously improve process and product quality.

In its earlier reports, the Committee commended the strong commitment to quality in ELSTAT and the many practical and other measures that had been initiated in this regard. The high-level Group for Supervision and Management of the Quality of Statistical Works at ELSTAT, acting as the Quality Committee for ELSTAT, was established as the body for identifying risks to the quality of statistical products and developing improvement actions in conjunction with the subject matter areas. The establishment of a Quality, Code of Practice and Certification Section was envisaged in 2014 and was welcomed by the Committee as having the potential to further strengthen the organizational structure for managing quality. The Regulations on the Operation and Administration of ELSTAT and on the Statistical Obligations of the ELSS Agencies provide legally binding frameworks for monitoring and guiding statistical processes and for governing the interactions between ELSTAT and other producers of official statistics. Quality Guidelines have been developed for use throughout ELSTAT, covering the whole statistical production process from the planning of the statistical production to the dissemination of the statistical products and their assessment. In addition, an internal assessment process was introduced at the level of the Divisions, comprising the completion of a self-assessment questionnaire and ending with the adoption of an assessment report and a decision on identified improvement actions. Finally, methodological information was progressively and systematically developed and disseminated for the statistical products.

Substantial progress has been achieved with respect to the coordinating role of ELSTAT within the Hellenic Statistical System (ELSS). The policy of ELSTAT to establish in the first stage the institutional environment for statistics within each agency in the ELSS and to deal in the second stage with certifying the quality of individual statistical processes and products is welcomed by the Committee. With regard to the latter, the main activity is the programme for the Certification of Statistics produced by Other National Authorities, which is dealt with below in Part 2 of this Report.

GPAC would stress the importance of maintaining and developing all these initiatives as part of a co-ordinated effort to ensure the quality of official statistics in Greece. In particular, it would recommend that the establishment of the Quality, Code of Practice and Certification Section, which was envisaged in 2014, should be pursued.

Furthermore, the internal assessment approach should be pro-actively rolled out throughout all statistical areas in ELSTAT.

The website of ELSTAT provides the users with a rich offering of statistical tables. In most cases, however, the tables contain the data for just one calendar-year; time-series are the exception and, where produced, tend to be rather short. It is likely that this approach does not meet the needs of many users. Moreover ELSTAT, despite the availability of the necessary tools and infrastructure, does not provide access to detailed statistical data in an interactive manner. Many NSIs use PC-Axis or a similar tool for the dissemination of its statistics which allow the users to select from a hypercube those variables they need, explore data patterns with visual tools, and download only that amount of data they need and in the format that is most appropriate for their particular needs.

The Committee appreciates the availability of methodological information and quality reports for most of the published statistical products. However, the provision and availability of user oriented quality reports, producer oriented quality reports, and metadata is not standardised for the individual statistical products. First, diverse concepts and designations are used for the reports. Second, the methodological information is published alongside and directly linked to the relevant statistics for each reference year. As the methodological information usually does not change from year to year, this mode of yearly publication of widely unchanged reports should be reconsidered. Finally, the degree of detail available and the comprehensiveness of the quality reports tend to vary and hence greater consistency is required.

Both the Regulation on the Operation and Administration of ELSTAT and the Regulation on Statistical Obligations of the ELSS agencies and also the Quality Policy of ELSTAT are available on the ELSTAT website, which is very good; the Quality Guidelines should also be available on the ELSTAT website.

Principle 5: Statistical Confidentiality

The privacy of data providers (households, enterprises, administrations and other respondents), the confidentiality of the information they provide and its use only for statistical purposes is absolutely guaranteed.

In its previous reports, GPAC recommended that ELSTAT should incorporate confidentiality along with integrity, availability and data protection into a formal data protection and security management system. It also recommended that ELSTAT's staff should sign a specific commitment on statistical confidentiality in line with Indicator 5.2 of the Code of Practice (CoP).

As to the first recommendation, ELSTAT informed GPAC about the project 'Evaluation of security policies and their implementation' that aims at integrating security and data protection issues under an overall information security management system, following the relevant standard, ISO 27001. In this matter, ELSTAT demonstrated, through relevant documents, the preparation of appropriate technical and organisational information security measures. GPAC welcomes this development and recommends that ELSTAT should monitor and assess the implementation of these measures and procedures on a regular basis.

With regard to the second recommendation, ELSTAT reported that, due to the fact that a court decision is still pending, there had not been any progress over the past two years. GPAC underlines again that, although statistical confidentiality is fully covered in the Greek Statistical Law, such a commitment, signed by the staff, would reinforce the Law and would make every member of the staff absolutely aware of the consequences and the penalties foreseen in cases of breaching confidentiality. In this regard, GPAC urges ELSTAT to reach a consensus with its staff on signing an appropriate commitment on statistical confidentiality as envisaged in the CoP.

Finally, GPAC would draw the attention of ELSTAT to a recent development in data protection legislation, namely the adoption of the General Data Protection Regulation

(GDPR), which enters into application on 25 May 2018. GDPR requires that a public authority designates a data protection officer who will be involved in all issues relating to data protection. ELSTAT should be appropriately prepared to fulfil this obligation in view of the critical importance of statistical confidentiality and, by extension, data protection to a National Statistical Institute.

Principle 6 – Impartiality and Objectivity

Statistical authorities develop, produce and disseminate European Statistics respecting scientific independence and in an objective, professional and transparent manner in which all users are treated equitably.

In its previous reports GPAC concluded that ELSTAT demonstrates a strong respect for Principle 6 in that it produces official statistics based on sound methods and presents them in a professional statistical manner. In particular, the Committee noted that equality of access to data by all users is a core principle for ELSTAT and that statistical releases are simple and factual presentations of the data, without comments of a partisan nature. The Committee is satisfied that this continues to be the case and therefore commends the measures and encourages ELSTAT to continue its efforts to publicise its statistics and to promote the use of its high quality outputs.

In particular, the Committee emphasises the need for ELSTAT and the other partners in the Hellenic Statistical System to abide strictly with the agreed statistical release procedures in order to avoid any unauthorised pre-release or leak of the data. Following comments to this effect in its last report, the Committee is pleased to note that ELSTAT took measures to stress the importance of this issue in the context of implementing its programme for the certification of statistics produced by other national authorities.

Despite these continuing efforts by ELSTAT, the Committee is disappointed to note that there were two incidents that could be perceived as pre-release breaches in the lead up to the publication of the Government Finance Statistics in both April and October 2016. As was the case when a similar incident was detected in 2013, it would appear that the breaches were not due to laxity on the part of ELSTAT but to shortcomings in other parts of the system. GPAC recognises that the finalisation of these figures is a complex and lengthy process in that it requires close collaboration between ELSTAT, the Ministry of Finance and the Central Bank

and also involves consultation with Eurostat. This, of course, does not excuse any breaches but points to the absolute need to ensure that clear measures are agreed and adopted by all partners involved in the process to guard against any recurrences in the future. The high profile and sensitivity of these figures in Greece makes it all the more important, in the context of protecting the reputation and integrity of the overall statistical system, to avoid any breaches in the future.

Part 2: Certification of Statistics produced by the Agencies of the ELSS

In accordance with the Greek Statistical Law nineteen agencies, including ELSTAT and the Bank of Greece, are designated as Agencies of the Hellenic Statistical System (ELSS)⁶. Nine of these agencies⁷ are also designated as Other National Authorities for the purposes of producing European Statistics. Article 11, paragraph 6, of the Law stipulates that ELSTAT has the responsibility for certifying as “official statistics” statistics produced by the other agencies of the ELSS.

As already mentioned in Part 1 of the report, substantial progress has been achieved with respect to the coordinating role of ELSTAT within the Hellenic Statistical System. The policy of ELSTAT is to establish in the first stage the institutional environment for statistics within each Agency and to deal in the second stage with the quality of the individual statistical processes and products. Taken together these two dimensions also serve as the basis for the certification of the statistics produced by the Agencies of the ELSS.

A key element for the establishment of a proper institutional environment is the nomination of a Statistical Head, according to the indicators 1.2, 1.3 and 1.4 of the Principle 1 of the Code of Practice, having the sole responsibility for deciding on statistical methods, standards and procedures, and on the content and timing of statistical releases of official statistics. GPAC is pleased to note that all ONAs, excluding the Bank of Greece, and all the other Agencies, excluding the Ministry of Foreign Affairs, have already nominated Statistical Heads.

⁶ http://www.statistics.gr/documents/20181/1195539/LIST_OF_AGENCIES_EN.pdf/3f0ee19f-6ef4-4c46-90f0-e0ec6e5da2c8

⁷ http://www.statistics.gr/documents/20181/301069/List_of_National_Authorities_02_EN.pdf/4e9b2a0b-5239-4525-9ae5-2ebf54b2f7b7

On the basis of two pilot certification exercises conducted in 2013 and 2014, ELSTAT finalised a manual in 2015 entitled “*Statement of Principles and Procedures for the Certification of ELSS Statistics*”⁸. The manual sets down a multi-stage procedure for assessing the individual statistical outputs of each agency against the European Statistics Code of Practice that takes account of the following: a) the quality reports of the ELSS agencies, prepared in accordance with Article 7, paragraph 2 of the Regulation on Statistical Obligations of the ELSS agencies; b) the correspondence and discussions with the representatives of the agencies who are responsible for the statistics; c) the written evidence provided by the agencies; and d) ELSTAT’s observations in relation to compliance with the requirements of the European Statistics Code of Practice. The procedure culminates in the production of a Certification Report, compiled by a dedicated certification team from ELSTAT, on the basis of which the President of ELSTAT decides on whether to certify the statistical output as “official statistics” or not.

GPAC was informed that ELSTAT completed the visit stage in the Other National Authorities in 2015, following the publication of a relevant announcement on the ELSTAT website. In order to get a better understanding of how the certification process was progressing in practice, the Committee met with representatives of three Agencies during its meeting in October, namely: the Ministries of Finance; Rural Development and Food; and Education, Research and Religious Affairs. The ELSTAT unit with responsibility for the coordination of the certification process was also in attendance at this meeting.

While the three Ministries were at different stages of the certification process, all were positively disposed towards it and could see the benefits that would ultimately accrue from having their statistics formally certified as “official statistics”. The Ministry of Finance is the most advanced and has a working group consisting of six members that coordinates the production of four statistical bulletins on the state budget, general government issues and public debt. The Ministry publishes a Release Calendar on its website and has prepared a Quality Policy, a Statistical Work Programme, an Annual Report and a Feedback Form – all of which (with the exception of the Annual Report) are available on its website⁹.

The Ministry of Rural Development and Food has a support team consisting of twelve members drawn from the different units producing statistics while a Quality Policy has also

⁸ http://www.statistics.gr/documents/20181/1195539/Principles_ELSS_EN.pdf/afe2b4b7-a6ee-4156-9bf6-5c3f6a64c42b

⁹ <http://www.minfin.gr/?q=en/content/bulletins-supplementary-material>

been prepared. The Ministry of Education, Research and Religious Affairs, which appointed a Statistical Head in December 2015, is at a more preliminary stage of the process.

GPAC appreciates the substantial efforts that ELSTAT is investing in the implementation of the certification programme. The certification procedures set out in the manual are quite demanding and the ELSS Agencies need more time in order to complete the basic steps that are necessary for the continuation and completion of the Certification process. It is therefore not surprising that the implementation timetable is taking longer to complete than initially intended. However, the Committee is satisfied that considerable progress is being made and that the Agencies are responding positively to the programme. GPAC encourages ELSTAT to systematically continue its endeavours and ensure that all ELSS Agencies are participating in the programme and that priority is given to the certification of the most important statistical outputs.

Appendix 1

Information on the members of the Good Practice Advisory Committee

- *Gerry O' Hanlon, former Director General of the Irish Central Statistics Office, nominee of the European Statistical Governance Advisory Body (ESGAB), Chairman of GPAC*
- *Eleni Bitrou, Head of Special Accounting Office and Budget Section of the Hellenic Parliament, nominee of the Hellenic Parliament, Member of GPAC*
- *Dr. Peter Hackl, former Director General at the Austrian Statistics Office, nominee of Eurostat, Member of GPAC*
- *Jan Plovsing, former Director General of the Danish Statistics Office, nominee of the European Statistical System Committee (ESSC), Member of GPAC*
- *Dr. Vasileios Zorkadis, Director of the Secretariat of the Hellenic Data Protection Authority, nominee of the Hellenic Data Protection Authority, Member of GPAC*

Appendix 2

Chronology of Court Proceedings 2011-2016

- **September 2011:** the Prosecutor of Economic Crimes initiated an investigation to examine accusations that Andreas Georgiou and two other senior ELSTAT managers conspired to artificially inflate the 2009 government deficit figures to the detriment of Greece.
- **January 2013:** the Prosecutor for Economic Crimes concluded that charges should be pressed against Mr. Georgiou and his two senior managers for allegedly inflating the 2009 deficit, and against Mr. Georgiou for violation of duty. An Investigating Judge was appointed to advance the process, including the taking of evidence and statements from witnesses and the defendants.
- **July 2013:** the Investigating Judge concluded that the case should be “put to file”, in other words that it should be discontinued and all charges should be dropped. However, following a number of objections by political and other interest groups it was decided to re-open the case and a Prosecutor of the Appeals Court was assigned to conduct further investigations.
- **May 2014 – August 2014:** the Prosecutor assigned to the case recommended to the Appeals Council in May 2014 that the case should be “put to file” and all charges be dropped. This again resulted in forceful public objections from political and other interest groups, who demanded that the Prosecutor’s recommendation be rejected and that the case be referred to open trial. The Council of the Appeals Court saw fit not to accept the recommendations of the Prosecutor and instead issued an Ordinance ordering a further major interrogation “... so as to exhaust every possibility to investigate all aspects of the case on the basis of which a sufficiently founded judgement of the court could be formed”.
- **May 2015 – July 2015:** following a further detailed investigation by a new Investigating Judge, a new Prosecutor assigned to the case recommended to the Council of the Appeals Court to “put the case to file” and drop all charges. This again resulted in public protestations. The Council of the Appeals Court issued an Ordinance acquitting Andreas Georgiou and his two co-accused of the criminal charge of conspiring to falsify the deficit figures. However, the Ordinance decreed that Mr Georgiou should be put on trial for the misdemeanour charge of violation of duty on three counts, namely:
 - Not putting up the 2009 EDP for a vote by the former ELSTAT Board;
 - Not convening the Board after October 2010; and
 - Not being fully and exclusively occupied at ELSTAT for the initial three months of his term of office pending the formal termination of his employment in the IMF in November 2010.
- **September 2015:** the Deputy Prosecutor of the Supreme Court issued an annulment order against the Appeals Court Ordinance in respect of its dropping of the criminal charges of falsifying the deficit charges against Mr Georgiou and his co-accused. In summary, the reasons advanced by the Deputy Prosecutor for her decision were “*lack of specific and evidence-based reasoning and the erroneous implementation of substantive provisions of the criminal law*”.
- **November 2015 – August 2016:** the Supreme Court examined the annulment order of the Deputy Prosecutor and eventually instructed the Council of the Appeals Court to re-examine its acquittal ordinance thus re-opening the entire proceedings to fresh investigations.
- **September 2016:** the Chief Prosecutor of the Supreme Court (formerly the Deputy Prosecutor) ordered a new inquiry into media allegations that there was a conspiracy between EU, IMF and Greek officials to artificially inflate the 2009 government deficit figures.
- **November 2016:** the Prosecutor appointed by the Council of the Appeals Court to re-examine the case in the light of the Supreme Court decision recommended once again to the Appeals Court that the charges be dropped.
- **December 2016:** the three misdemeanour charges of violation of duty against Mr Georgiou are unanimously rejected by three judges of the Court of First Instance at a trial on 6 December.
- **December 2016:** the decision of the Court of First Instance to acquit Mr Georgiou in respect of the misdemeanour charges is annulled by a prosecutor and the case is referred to the Appeals Court for re-trial at the higher court level.