

**LAW no. 226 of June 9, 2009 on the organisation and functioning of official statistics in Romania****Issued by the Parliament****Published in the Official Journal no. 397 of June 11, 2009****(This Law is updated with subsequent amendments)****The Parliament of Romania has adopted this Law.****CHAPTER I           General provisions****Article 1****Purpose**

This Law regulates the organisation and functioning of official statistics in Romania, the setting up, development and co-ordination of the national statistical system, for the systematic and scheduled production of official statistics with a view to drawing up, implementing, modernising and evaluating national policies, national and local development plans, in accordance with the fundamental principles of official statistics, with the provisions of Regulation (EC) no. 223/2009 of the European Parliament and of the Council of March 11, 2009 on European Statistics and repealing Regulation (EC, Euratom) no. 1101/2008 of the European Parliament and of the Council on the transmission of data subject to statistical confidentiality to the Statistical Office of European Communities, Regulation no. 322/97 on Community Statistics and Council Decision no. 89/382/EEC, Euratom establishing a Committee on the Statistical Programmes of the European Communities, as well as with the principles laid down in the European Statistics Code of Practice.

Art. 1 was amended by item 1 of the sole article of the LAW no. 211 of November 11, 2010 published in the Official Journal no. 765 of November 16, 2010.

**Article 2****Official statistics fields and functions**

Official statistics covers all the activities organised for the collection, processing, analysis and dissemination of statistical data, the development of statistical culture, the setting up and management of official statistical data series produced by:

- a) public authorities and institutions, excluding the National Bank of Romania, comprising data and information of a demographic, social, economic, environmental, financial and legal nature, which are necessary for acquiring knowledge on the economic and social facts, substantiating development strategies and forecasts, Government decisions and economic operators' decisions, conducting scientific researches, informing the public and achieving international co-operation in the statistical field;
- b) the National Bank of Romania, for the fields in which it has competences according to its own organisation and operating law.

## Article 3

### Coverage

This Law shall apply to all the natural and legal persons residing in Romania as well as to the non-residents performing activities on Romanian territory.

## Article 4

### Definitions of basic terms

For the purposes of this Law, the terms and phrases presented below shall have the following meanings:

- a) *statistical survey* – the process of acquiring knowledge of mass phenomena, carried out by using statistical methods, from the collection of individual data to the centralisation, processing, analysis and dissemination of statistical data in an aggregated form;
- b) *statistical process* – all the activities necessary for the collection of data, the storage, processing, compilation, analysis and dissemination of statistical data;
- c) *National Statistical System* – all the producers of official statistics that are part of a coherent and unitary structure and participate in the production of official statistics;
- d) *statistical purpose* – the quantitative knowledge of the manifestation of economic, social and environmental phenomena at the level of the whole system of simple or complex statistical units of the same kind. Methods of collecting and processing individual and aggregate statistical data are used for achieving this purpose;
- e) *data provider* – the natural or legal person bound by the law to provide, exclusively for statistical purposes, data concerning itself or another statistical unit subject to observation, with which it has a direct relationship;
- f) *reporting unit* – the natural person, the household, the legal person, the private entrepreneur, the economic operator, the professional association, the central and local public institution, as well as any other person on Romanian territory that provides data, exclusively for statistical purposes, in compliance with the content, form, periodicity and deadlines set out in the annual national statistical programme;
- g) *statistical unit* – the household, the natural person, the legal entity or a division of the legal entity, defined from a strictly methodological point of view, subject to statistical observation directly or through the reporting unit;
- h) *producer of official statistics* – the public institution or the statistical unit within a public authority or institution, which, as part of the National Statistical System, collects statistical data and processes and disseminates official statistics;
- i) *user of statistical data* – the natural or legal person of any kind that uses official statistical data;
- j) *official statistics* – activities regulated by this Law or by other legislative acts adopted pursuant to it, as well as by the Statute of the National Bank of Romania, in accordance with the fundamental principles of national statistics;
- k) *statistical data* – individual or aggregate data collected on request, within a statistical survey, by a producer of official statistics;

- l) *individual data* – data of a personal nature concerning an identified or identifiable natural person or data concerning an economic operator with or without legal status, collected by official statistical services based on statistical programmes, exclusively intended for processing for statistical purposes;
- m) *official statistical data*, hereinafter called *official statistics* – the result obtained by the producer of official statistics after processing the individual data. The statistical data or the data of a different nature that are compiled beyond the conditions mentioned above are not official statistical data;
- n) *administrative data source* – data collected by general government authorities with a view to reaching their specific goals, based on the national or EU legislation, directly applicable to them, which can be accessed and used, including for statistical purposes;
- o) *statistical office* – an independent unit or a unit within the structure of a public authority or institution, which performs statistical activities consisting of data collection, processing and dissemination and which can be a distinct institution, such as the National Institute of Statistics, or a department, directorate general, directorate, service, office, department, as the case may be, within the organisational structure of the authority it belongs to;
- p) *statistical register* – a synoptic document created and managed electronically, used for statistical purposes, where statistical units are ordered by name or symbolised using codes, in accordance with pre-established criteria and characteristics.

## **CHAPTER II            Fundamental principles of official statistics**

### **Article 5**

#### **Fundamental principles meaning and application**

(1) The fundamental principles on which official statistics is based on are the following:

- a) professional independence – statistics should be developed, produced and disseminated in an independent manner, particularly as regards the selection of techniques, definitions, methodologies and sources to be used, as well as the timing and the content of all dissemination forms, free of any pressure from political or interest groups or from national or Community authorities, without prejudice to institutional settings, such as budgetary provisions on Community or national institutions or definitions of statistical needs;
- b) impartiality – statistics should be developed, produced and disseminated in a neutral manner and all users should be given equal treatment;
- c) objectivity – statistics should be developed, produced and disseminated in a systematic, reliable and unbiased manner; it implies the use of professional and ethical standards and that policies and practices followed are transparent to users and survey respondents;
- d) reliability – statistics should measure as faithfully, accurately and consistently as possible the reality they are designed to represent and imply the use of scientific criteria for the selection of sources, methods and procedures;
- e) statistical confidentiality – means the protection of confidential data related to single statistical units, that are obtained directly for statistical purposes or indirectly from administrative sources or from other sources and implies the prohibition of their use for other purposes than the statistical ones and their unlawful disclosure;
- f) cost-effectiveness – the costs of produced statistics should be proportional with the importance of results and the benefits sought, the resources should be optimally used and the response burden should be minimised. Whenever possible, the requested information should be easily extractable from the

available registers or sources. The statistical principles are detailed in the European Statistics Code of Practice.

(2) The development, production and dissemination of official statistics shall take into account international recommendations and best practices.

Art. 5 was amended by item 2 of the sole article of the LAW no. 211 of November 11, 2010 published in the Official Journal no. 765 of November 16, 2010.

### **CHAPTER III            National Statistical System**

#### **Article 6**

##### **Composition and structure of the National Statistical System**

- (1) The National Statistical System shall include:
  - a) the National Institute of Statistics, its territorial directorates and other subordinated institutions;
  - b) the statistical offices of central government;
  - c) the statistical offices of local government;
  - d) the statistical offices of other public authorities and institutions (other than those within the structure of the National Bank of Romania);
  - e) the National Bank of Romania.
- (2) The statistical offices mentioned in paragraph (1) a-d) shall be authorised as producers of official statistics, provided the activities they perform fully observe the provisions of this Law and are included in the national statistical programmes approved by Decisions of the Romanian Government.
- (3) Within the National Statistical System, the National Bank of Romania, an independent public institution, is a producer of official statistics and only has competences and responsibilities in the fields in which it performs tasks according to its own organisation and operating law.
- (4) The National Institute of Statistics and the National Bank of Romania shall be authorised, for the fields in which they have tasks according to the law, to establish methodologies on the collection, processing, analysis, dissemination and building of statistical data series in their competence areas, provided they observe the fundamental principles of official statistics set out in Chapter II.
- (5) The National Bank of Romania – member of the European System of Central Banks and independent public institution – may draw up development strategies and statistical implementation programmes, for the development of official statistics in the fields in which it has tasks according to its own organisation and operating law.

#### **Article 7**

##### **Co-ordination and functioning of the National Statistical System**

- (1) Without prejudice to the position of the National Bank of Romania as producer of official statistics relating to its competence areas, the National Institute of Statistics shall co-ordinate the statistical activities of the public authorities and institutions included in the National Statistical System.

- (2) The National Institute of Statistics shall monitor, co-ordinate and technically assist the producers of official statistics mentioned in art. 6 paragraph (1) b)-d), in order to ensure the unitary nature of the methodologies, classifications, methods and techniques used for the collection, processing and dissemination of the official statistical data produced, in accordance with the annual national statistical programme and with the requirements of the European Statistical System.
- (3) The National Institute of Statistics, member of the European Statistical System, and the National Bank of Romania, member of the European System of Central Banks, shall co-operate and co-ordinate their activities with a view to increasing efficiency, reducing the response burden on primary data providers, improving the quality of statistical data and disseminating them at national and international level.
- (4) For the organisation and functioning of the National Statistical System and with a view to implementing and monitoring the Strategy of the National Statistical System and the national statistical programmes, the Committee of the National Statistical System, hereinafter called the *COMSTAT*, shall be set up.
- (5) Within *COMSTAT*, the representative of the National Bank of Romania shall be consulted with a view to adopting and using the concepts and classifications, the best collection, processing and dissemination methods and techniques, and ensuring a higher coherence and a better comparability among the statistics produced.
- (6) *COMSTAT* shall be the advisory body, made up of representatives of the official statistics producers.
- (7) The composition of the *COMSTAT* shall be established by Order of the president of the National Institute of Statistics.
- (8) Within 90 days of the coming into force of this Law, the *COMSTAT* shall approve its own organisation and operating rules.
- (9) The representatives of the National Institute of Statistics shall be rightful members of *COMSTAT*.
- (10) *COMSTAT* shall be headed by the president of the National Institute of Statistics, assisted by a technical secretariat made up of staff from the National Institute of Statistics.

## **CHAPTER IV      Strategy and national statistical programmes**

### **Article 8**

#### **Strategy of the National Statistical System**

(1) The National Institute of Statistics, in co-operation with the other producers of official statistics mentioned in art. 6 paragraph (1) b-d), shall draw up the Strategy of the National Statistical System, hereinafter called the *Strategy*.

(2) The Strategy shall be the institutional capacity building framework intended to ensure the creation and sustainable development of national statistical capacities by providing human and technological resources, adopting modern management practices and international statistical standards.

(3) The Strategy shall establish the objectives and actions necessary for the functioning and development of the National Statistical System, over a period of maximum seven years, in accordance with the period set out in the Statistical Programme of the European Communities.

(4) The Strategy shall provide the basis for drawing up multi-annual and annual national

statistical programmes and shall be aimed at:

- a) meeting the requirements of the official statistical data users;
  - b) supplying up-to-date, relevant and quality statistical data, necessary for the substantiation, assessment and monitoring of national development policies and for meeting Romania's international commitments;
  - c) harmonising the National Statistical System with the European Statistical System;
  - d) establishing the National Statistical System's priority fields for mid and long-term development;
  - e) improving the methods and techniques of collecting, processing and disseminating data, in line with the progress made in the field of statistics at international level;
  - f) establishing priorities in the use of resources in order to meet the strategic objectives;
  - g) promoting statistical culture and increasing the degree of official statistical data use;
  - h) increasing the reliability and transparency of the statistical process.
- (5) The Strategy shall be drawn up by consulting the official statistical data users and the data providers.
- (6) The Strategy, as a public policy document, shall be endorsed by the National Statistical Council and approved by the Government.
- (7) During the period covered by the Strategy, this document can be updated, while complying with the provisions of paragraphs (1)-(6).

## **Article 9**

### **Multi-Annual National Statistical Programme**

- (1) For the period covered by the Strategy, the National Institute of Statistics shall draw up multi-annual national statistical programmes, with a view to defining the objectives and measures necessary for the successful implementation of the Strategy.
- (2) The multi-annual national statistical programme shall be drawn up for a period of maximum four years, taking into account the objectives of the Strategy and the degree to which they are achieved, as well as the Statistical Programme of the European Communities, and after consulting the users, producers and providers of data.
- (3) The multi-annual national statistical programme shall contain measures, actions, deadlines, resources and responsibilities undertaken within the National Statistical System, which are necessary for achieving strategic objectives, developing the statistical infrastructure and the statistical process as a whole, minimising the data providers' burden and increasing the degree of meeting the users' requirements, initiated or implemented during the period covered by the programme.
- (4) The multi-annual national statistical programme shall be endorsed by the National Statistical Council and approved by Government Decision.

## **Article 10**

### **Annual National Statistical Programme**

- (1) The National Institute of Statistics, in co-operation with the other producers of official statistics mentioned in art. 6 paragraph (1) b)-d), shall draw up the annual national statistical

programme, with a view to detailing and operationalising the multi-annual national statistical programme.

(2) The annual national statistical programme shall be the basic tool by means of which the National Institute of Statistics and the other producers of official statistics shall be authorised to collect, store, process, analyse and disseminate official statistical data, with a view to supplying the necessary information to internal users, as well as data derived from the European Union legislation and from the guidelines of other international organisations.

(3) The annual national statistical programme shall contain information, responsibilities, resources and deadlines related to:

- a) statistical surveys;
- b) synthesis papers, statistical studies and analyses;
- c) statistical publications.

(4) With regard to statistical surveys, the annual national statistical programme shall set out the objective of the survey, the producer in charge, the categories of statistical units included in the survey, the source of the data and the medium for data collection, the deadlines, the periodicity, the responsibilities of the surveyed statistical units related to the provision and submission of data, the type of statistical data, the type of statistical observations, the deadlines and the format for the dissemination of statistical data, the aggregation and presentation level, the cost, the source of financing as well as other elements.

(5) The statistical surveys set out in directives, regulations and decisions of the European Union shall be included in the annual national statistical programme.

(6) The annual national statistical programme shall be endorsed by the National Statistical Council and approved by Government Decision.

(7) The carrying out of the annual national statistical programme shall be financed from the state budget as well as from other sources.

(8) In order to carry out the annual national statistical programme, the producers of official statistics shall include the necessary financial resources in their own budget.

(9) The approved annual national statistical programme can only be modified by Government Decision, following the justified proposal of the National Institute of Statistics, provided the budgets allocated are adequately rectified.

(10) The statistical surveys of national interest such as population and housing censuses, agricultural, business or patrimony censuses or other large-scale statistical surveys, whose programme unfolds over a period of more than one year and which require the allocation of additional resources, shall be approved by special law.

(11) During the first half of the year following the reference year, the National Institute of Statistics, together with the other producers of official statistics, shall draw up a report on the implementation of the annual national statistical programme.

(12) The report referred to in paragraph (11) shall be submitted for endorsement to the National Statistical Council, after which it shall be made public.

## CHAPTER V          National Statistical Council

### Article 11

#### National Statistical Council role and functions

(1) In order for the programmes of the National Statistical System to reflect the requirements of all the categories of data users, with a view to ensuring the objective, transparent and scientific nature of the official statistical activity and so as to minimise the reporting efforts of data providers, the National Statistical Council, hereinafter called the *Council*, shall be set up as an advisory body subordinated to the National Institute of Statistics.

(2) The Council shall have the following functions:

- a) to debate and draw up guidelines on the development and improvement of the statistical information system, with a view to increasing the degree to which the requirements of data users are met;
- b) to debate, draw up guidelines and endorse the draft Strategy and the drafts of national statistical programmes;
- c) to debate and draw up guidelines for the plans concerning the elaboration of the methodologies, systems of indicators, nomenclatures and classifications used in the National Statistical System;
- d) to debate and draw up guidelines for all the plans concerning the organisation and conducting of statistical surveys of national importance, elaborated within the National Statistical System;
- e) to debate and draw up guidelines on the improvement of the tools and mechanisms used in the implementation of the principles that govern the functioning of the National Statistical System;
- f) to debate, draw up guidelines on and endorse the draft legislative acts that concern the National Statistical System;
- g) to point out and debate the irregularities within the National Statistical System and issue guidelines on their prevention and correction.

### Article 12

#### Composition and appointment of the members of the Council

(1) The Council shall have the following composition:

- a) 2 representatives of the Romanian Academy;
- b) 4 representatives of specialised higher education units;
- c) 3 representatives of research institutes;
- d) 6 representatives of ministries and/or specialised bodies subordinated to the Government;
- e) 1 representative of the National Bank of Romania;
- f) 2 representatives of trade unions;
- g) 2 representatives of employers' associations;
- h) 3 representatives of mass media;
- i) 2 representatives of trade associations;
- j) 1 representative of the associative entities of local government;
- k) 2 representatives of Romanian Presidency;

- l) 4 representatives of the Romanian Parliament, namely 2 representatives of the Senate and 2 representatives of the Chamber of Deputies.

Items k) and l) of Art. 12 were introduced through item 3 of the sole article of the LAW no. 211 of November 11, 2010 published in the Official Journal no. 765 of November 16, 2010.

(2) The president of the National Institute of Statistics shall be a member by right.

(3) The Council members are nominated by the bodies and institutions mentioned in paragraph (1) and shall be appointed for a two-year mandate.

Item (3) of Art. 12 was amended by item 4 of the sole article of the LAW no. 211 of November 11, 2010 published in the Official Journal no. 765 of November 16, 2010.

(3<sup>1</sup>) The Council members mentioned under paragraph (1) items a) – d) and f) – j) are appointed for a two-year mandate, by Prime Minister Decision. The members mentioned under paragraph (1) items e) and k) are appointed for a two-years mandate by Decision of the National Bank of Romania's Governor, respectively by Romania's President Decree.

(3<sup>2</sup>) The Council members mentioned under paragraph (10 item l) are appointed for a two-year mandate by Decision of the two chambers of Romanian Parliament plenary.

Items (3<sup>1</sup>) and (3<sup>2</sup>) of Art. 12 were introduced by item 5 of the sole article of the LAW no. 211 of November 11, 2010 published in the Official Journal no. 765 of November 16, 2010.

(4) The Council members receive an attendance allowance amounting to 15% of the national gross monthly average salary. This allowance is valid for the period 2010 – 2012.

Item (4) of Art. 12 was amended by item 6 of the sole article of the LAW no. 211 of November 11, 2010 published in the Official Journal no. 765 of November 16, 2010.

## **Article 13**

### **Operating rules**

(1) The Council shall be headed by a chairman and two vice-presidents elected by open vote, by simple majority, from its members.

(2) The Council shall draw up and approve its own operating rules.

(3) The Council shall meet quarterly or whenever necessary, when convened by its chairman, and can set up its own working groups by statistical fields, in accordance with its tasks.

(4) In its activity, the Council shall be assisted by a secretariat provided by the National Institute of Statistics from within its specialised staff.

(5) The Council shall draw up an annual report on the activity carried out, which shall be posted on the website of the National Institute of Statistics or shall be published in a large circulation national daily paper.

## **CHAPTER VI National Institute of Statistics**

### **Article 14**

#### **Organisation**

(1) The National Institute of Statistics shall be the main producer of the state's official statistical data, acting as co-ordinator of the National Statistical System, in accordance with the provisions of art. 7 paragraph (1).

(1<sup>^</sup>1) The National Institute of Statistics is the national statistical authority designated as the body having the responsibility for coordinating all the activities at national level for the development, production and dissemination of European statistics, acting as the contact point for the Commission (Eurostat) on statistical matters.

Item (1<sup>^</sup>1) of Art. 14 was introduced by item 7 of the sole article of the LAW no. 211 of November 11, 2010 published in the Official Journal no. 765 of November 16, 2010.

(2) The National Institute of Statistics shall be organised and shall function as a specialised body of central government, with legal status, subordinate to the Government, co-ordinated by the Secretariat General of the Government.

On January 5, 2017, paragraph (2) of Art. 14 was amended by item k), Art. 24, Chapter II of the Urgency Ordinance no. 1 of January 1, 2017, published in the Official Journal no. 12 of January 5, 2017.

(3) The following shall be subordinated to the National Institute of Statistics and shall function as public institutions with legal status the regional statistical directorates and county statistical directorates corresponding to Romania's territorial structure, entirely financed from the state budget, through the budget of the National Institute of Statistics;

Paragraph (3) of Art. 14 was amended by item 1 of Art. II of the Ordinance no. 3 of January 27, 2016, published in the Official Journal no. 64 of January 28, 2016.

(4) The organisation and functioning of the National Institute of Statistics shall be approved by Government Decision.

(5) By Order of the president of the National Institute of Statistics, with a view to ensuring an adequate level of statistical coverage of the country's territory, departments, units or services that shall focus on the collection and dissemination of statistical data can also be set up in cities other than county residences, as well as in the sectors of Bucharest

Municipality, without exceeding the maximum number of jobs approved.

## Article 15

### Functions and tasks

- (1) The National Institute of Statistics shall perform the following main tasks, in its competence areas:
- a) shaping the strategic planning for the development of the National Statistical System;
  - b) defining and implementing, in its field of activity, the normative and institutional framework necessary for achieving the strategic objectives;
  - c) drawing up the system of statistical indicators, the computation methodologies, the classifications and nomenclatures of national interest, based on national requirements and international norms and standards, and applying the specific technologies and techniques for obtaining and processing data;
  - d) ensuring the absorption and implementation of the *Acquis Communautaire*;
  - e) ensuring the transposition of the Community directives in the field of statistics and notifying this to the European Commission. In addition to the process of announcing the national measures that transpose Community directives, the National Institute of Statistics shall notify the European Commission of all the legislative measures adopted in the fields governed by Community directives transposed into national legislation, in accordance with its competence areas;
  - e<sup>1</sup>) negotiates and concludes international treaties at department level, as well as other international agreements

Item (e<sup>1</sup>) of paragraph (1) of Art. 15 was introduced by item 8 of the sole article of the LAW no. 211 of November 11, 2010 published in the Official Journal no. 765 of November 16, 2010.

- f) establishing the form of presentation, the deadlines and periodicities for providing the requested statistical data;
- g) collecting statistical data, producing and disseminating official statistics;
- h) producing methodological studies, statistical analyses and interpretations of official statistics;
- i) organising and managing the statistical registers and databases;
- j) co-operating with the other producers of official statistics in drawing up, implementing and monitoring the national statistical programmes;
- k) providing the other producers of official statistics with technical and methodological assistance in designing and carrying out specific statistical surveys as well as in managing statistical databases;
- l) collaborating with ministries and with the other specialised institutions of general government, with a view to harmonising the National Statistical System with the other information systems;
- m) monitoring the unitary implementation of the fundamental principles concerning the functioning of the National Statistical System and the observance of the legal regulations in the field of official statistics;
- n) implementing the concepts regarding the management of quality in statistics and those of the European

Statistics Code of Practice in the National Statistical System;

- o) efficiently use the conference room and adjacent areas within the headquarters of the National Institute of Statistics;

Item o) of paragraph (1) of Art. 15 was amended by item 2, Art. II of the Ordinance no. 3 of January 27, 2016, published in the Official Journal no. 64 of January 28, 2016.

- p) promoting statistical culture in Romania and performing scientific research activities in the field of statistics;
- q) administering the goods and managing the budgets and funds allocated;
- r) also performing other tasks that are specific to its field of activity;
- s) organising short-term courses, workshops, domestic and international conferences, participating in scientific research activities and providing technical assistance in statistics at national and international level;
- t) organising and promoting under the applicable legal provisions, continuous vocational training activities, through the educational system, for the specialised staff of the National Institute of Statistics and for the specialised staff of the other official statistics producers;
- u) releases, under legal conditions, diplomas or graduation certificates as the case may be, pointing out the acquired competences, with national validity, in the following fields: statistics, economics, econometrics, demography and quantitative sociology, information technology and other fields related to statistics.

Items s), t) and u) of paragraph (1) of Art. 15 were introduced by item 3, Art. II of the Ordinance no. 3 of January 27, 2016, published in the Official Journal no. 64 of January 28, 2016.

(2) In performing the tasks set out in paragraph (1), the National Institute of Statistics shall be authorised:

- a) to request and obtain free of charge statistical data from all the natural and legal persons residing in Romania or carrying out their activity on Romanian territory;
- b) to use, beside its own staff, statistical operators for the collection of data from households and legal persons comprised in the statistical surveys; the “statistical operators” category shall include the persons temporarily involved in data collection, on the basis of civil agreements, as well as the households, provided they are statistical observation units;
- c) to contract, while observing the law, specialised services, in accordance with the provisions of art. 31, in order to perform statistical surveys, analyses and studies.

## **Article 16**

### **Resources**

- (1) The level of funds and the number of jobs necessary for carrying out the activities that, according to the

national statistical programmes, are the responsibility of the National Institute of Statistics, shall be established on a yearly basis, within the funds and number of jobs approved for the Secretariat General of the Government, by the Law on the state budget.

(1<sup>^</sup>1) For the development, production and dissemination of European statistics, in compliance with the provisions of Article 168 (1) d) of Commission Regulation (EC, Euratom) no. 2342/2002 of December 23, 2002 laying down detailed rules for the implementation of Council Regulation (EC, Euratom) no. 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities, the National Institute of Statistics may receive without a call for proposals subsidies from the European Union as grants, respectively post-accession non-refundable external funds.

(1<sup>^</sup>2) The grants received as such are functioning under the principle of pre-financing from the beneficiary's budget, expenditures refunding from the paymaster and income reinstatement."

Items (1<sup>^</sup>1) and (1<sup>^</sup>2) of Art. 16 were introduced by item 9 of the sole article of the LAW no. 211 of November 11, 2010 published in the Official Journal no. 765 of November 16, 2010.

(2) REPEALED

Paragraph (2) of Art. 16 was repealed by item 4, Art. II of the Ordinance no. 3 of January 27, 2016, published in the Official Journal no. 64 of January 28, 2016.

(3) The National Institute of Statistics shall be authorised to manage external funds, in accordance with legal provisions, and to use additional specialised staff during the period in which the activities financed from these funds are performed.

(4) The National Institute of Statistics may attract and hire, with the prior endorsement of the Ministry of Public Finances, non-reimbursable external funds, other than the ones set out in Government Emergency Ordinance No 63/1999 on the management of the non-reimbursable funds allocated to Romania by the European Community, as well as of the co-financing funds related to them, approved by Law No 22/2000, with subsequent amendments.

(5) The amounts mentioned under paragraphs (1<sup>^</sup>1), (1<sup>^</sup>2) and (4), as well as the amounts representing the contribution of the Romanian party related to them shall be included in the budget of the National Institute of Statistics.

Paragraph (5) of Art. 16 was amended by item 10 of the sole article of the LAW no. 211 of November 11, 2010 published in the Official Journal no. 765 of November 16, 2010.

(6) In case non-reimbursable external funds are obtained after the Law on the state budget is approved, they shall be used in accordance with the purpose for which they were received and shall be included in the budget when budget rectifications are made.

(7) The Romanian party's contribution related to the funds provided for in paragraph (6) shall be made from the approved budgetary credits, shall be included in the state budget when the budget rectification is performed and shall be used in accordance with the legislation in the field of public finance.

(8) In order to carry out the projects financed from the non-reimbursable external funds attracted and, as the case may be, from the funds representing the contribution of the Romanian party, the National Institute of

Statistics and its subordinate units shall use their own staff and additional specialised staff, as well as statistical operators, during the period in which the projects are carried out.

(9) The own staff mentioned in paragraph (8), shall receive financial incentives of up to three base salaries, per month, during the period in which the projects are carried out and without exceeding the staff costs allocated for each project, according to the financing agreement.

(10) The criteria used for granting the financial incentives provided for in paragraph (9), their level and the way in which they are granted shall be established by Order of the president of the National Institute of Statistics.

(11) REPEALED

(12) REPEALED

On July 1, 2017, paragraph (11) and paragraph (12) of Art. 16 were repealed by item 8, paragraph (1), Art. 44, Chapter IV of the Framework Law no. 153 of June 28, 2017, published in the Official Journal no. 492 of June 28, 2017.

(13) The activity of the staff involved in carrying out the national statistical programmes shall be done in accordance with the provisions of the statistician's code of professional ethics, which ensures the necessary framework for performing the specific tasks with professionalism, loyalty, correctness and readiness.

(14) The people temporarily involved in the collection of statistical data shall be paid based on tariffs established considering the complexity of the surveys conducted; the tariffs shall be set by Order of the president of the National Institute of Statistics, and the income thus obtained shall be taxed according to the law.

(15) The households which are statistical survey units shall be paid for filling in the forms corresponding to the statistical surveys in which they participate, based on an allowance established by Order of the president of the National Institute of Statistics, taxed according to the law.

(16) If, in order to collect data, statistical operators travel to a locality different from the locality of residence, statistical operators shall have their travel expenses reimbursed; to these expenses shall be added the travel expenses incurred for training as well as those for the reception and delivery of the questionnaires.

## **Article 17**

### **Executive management**

(1) The National Institute of Statistics shall be headed by a president acting as secretary of state and secondary authorising officer, assisted by three vice-presidents acting as sub-secretaries of state, appointed by Decision of the Prime Minister for a 5 years mandate, with the possibility of renewal.

On April 22, 2017, paragraph (1) of Art. 17 was amended by item 4<sup>1</sup>, of the sole article of Law no. 63 of April 13, 2017, published in the Official Journal no. 273 of April 19, 2017.

(2) The vice-presidents shall have the following tasks:

a) to co-ordinate the organisation of the national statistical system and the international co-operation in the statistical field in accordance with the provisions of art. 7 paragraph (1);

b) to co-ordinate the economic and social statistics activity;

- c) to co-ordinate the statistical infrastructure.
- (3) In performing his tasks, the president shall issue orders and guidelines.
- (4) The president of the National Institute of Statistics shall be the institution's representative in its relations with the President's Office, the Parliament of Romania and the Romanian Government, third legal persons, natural persons, national and foreign organisations. The president may give specific representation powers to other persons within the National Institute of Statistics as well.
- (5) In his field of activity, the president shall perform the following main tasks:
- a) organising, co-ordinating and controlling the implementation of laws, Government ordinances and decisions, orders and guidelines issued in accordance with the law, while observing the authority limits and the principle stating the local autonomy of public institutions and economic operators;
  - b) initiating and endorsing draft laws, draft Government ordinances and decisions, under the terms set out in the methodology approved by the Government;
  - c) representing the state's interests in various international bodies in statistical matters, in accordance with the treaties and conventions that Romania is part of and with other agreements reached for this purpose, and establishing collaboration relations with similar bodies and organisations from other states, as well as with international organisations whose field of activity is of interest to statistics;
  - d) co-operating with specialised higher education institutions in order to ensure and improve the vocational training of the staff within the official statistical system;
  - e) appointing and dismissing, while observing the legal provisions, the staff of the institute, as well as the director and the deputy director, as the case may be, of its subordinate units;
  - f) performing other specific tasks, in his field of activity.
- (6) The tasks of the vice-presidents shall be established by Order of the president.
- (7) The secretary general of the National Institute of Statistics, senior civil servant appointed in accordance with the law, shall be subordinate to the president.

## **Article 18**

### **REPEALED**

Article 18 was repealed by item 5, Art. II of the Ordinance no. 3 of January 27, 2016, published in the Official Journal no. 64 of January 28, 2016.

## **Article 19**

### **(1) REPEALED**

Article 19 was repealed by item 6, Art. II of the Ordinance no. 3 of January 27, 2016, published in the Official Journal no. 64 of January 28, 2016.

## **CHAPTER VII      Statistical offices of public authorities and institutions**

### **Article 20**

#### **Organisation**

(1) The statistical offices mentioned in art. 6 paragraph (1) b)-d) shall be organised as distinct entities, within the authorities they belong to, and shall be authorised to collect, produce and disseminate official statistical data, on the basis of national statistical programmes and according to the norms, techniques and standards developed in compliance with the provisions of this Law.

(2) In order to fulfil the tasks related to official statistics, the public authorities and institutions that do not have statistical entities organised in accordance with the provisions of paragraph (1) may create statistical offices, without exceeding the maximum number of jobs and the approved budget.

(3) The public authorities and institutions within which the statistical offices mentioned in paragraphs (1) and (2) operate shall be under the obligation to ensure the necessary resources for carrying out the official statistics activities that are their responsibility within the National Statistical System.

(4) With regard to financial and staff resources, the statistical offices set up in accordance with paragraphs (1) and (2) shall be shaped according to the importance, volume and complexity of the specific statistical activities carried out by the authorities they belong to, so as to meet their own needs of statistical information as well as the requirements of the National Statistical System.

(5) The statistical offices set up in accordance with paragraphs (1) and (2) shall be included in the National Statistical System and shall be subject to the provisions of this Law.

(6) The statistical offices shall operate within the authorities they belong to and shall perform their official statistics tasks, in their field of activity, under the scientific and techno-methodological guidance of the National Institute of Statistics.

(7) The local councils of the municipalities and towns with more than 100.000 inhabitants may set up statistical offices under the terms of paragraph (2).

### **Article 21**

#### **Functions and tasks**

(1) The statistical offices organised in accordance with the provisions of art. 20 paragraphs (1) and (2) shall fulfil the following main tasks:

a) promoting and performing the collection, processing and dissemination of statistical data that concern the public authorities within which they operate, in accordance with the statistical norms, techniques and standards issued by the National Institute of Statistics, in co-operation with the other producers of official statistics, in the framework of the National Statistical System;

b) co-operating with the other producers of official statistics in order to conduct the statistical surveys set out in the annual national statistical programme;

c) harmonising the information systems of the authorities they belong to with the National Statistical System, with a view to reducing the burden on data providers; the concrete actions meant to harmonise the

information systems shall be carried out through specific agreements, protocols, conventions concluded between the National Institute of Statistics and the public authorities within which statistical offices operate;

d) contributing to the promotion and development of the statistical information system, including by sending the files of statistical data in an interconnected system, within the National Statistical System;

e) providing the National Institute of Statistics and the public authority they belong to with an annual report on the activities carried out, a report which shall form an integral part of the annual report of the National Statistical System.

(2) The statistical offices that organise statistical surveys included in the annual national statistical programmes shall be under the obligation:

a) to send the National Institute of Statistics the methodology of the statistical surveys, in order to be endorsed;

b) to provide the National Institute of Statistics with the results of their own statistical surveys, set out in the annual national statistical programmes, including with individual data, with a view to their subsequent processing, analysis and dissemination through statistical publications of national interest.

## **CHAPTER VIII      Data collection, data sources, processing and storage of statistical data**

### **Article 22**

#### **Mandate for statistical data collection**

(1) The National Institute of Statistics, the territorial directorates subordinate to it and the other producers of official statistics shall be authorised to collect statistical data from any available source, in accordance with the activities set out in the annual national statistical programme, while complying with the provisions of Chapter X.

(2) In order to ensure the quality of the collected statistical data, with prior notification, the staff of the National Institute of Statistics, of its territorial directorates and of the other producers of official statistics shall be entitled to check the way in which the reported data were obtained and the correspondence between these data and the records of the data providers.

### **Article 23**

#### **Methods of collecting statistical data**

(1) The data can be collected directly from the data providers by:

- a) mail;
- b) Internet;
- c) phone;
- d) face-to-face interviews with field operators specially accredited for this purpose;
- e) other means of direct communication between the data providers and the producers of official statistics.

- (2) The data can be collected indirectly – in order to be processed for statistical purposes - by:
- a) taking over the data from administrative sources;
  - b) using technical methods and means of remote sensing or other methods of collecting data at a distance.
- (3) Depending on the purpose of the statistical activities, the producers of official statistics can also use mixed methods when collecting data.
- (4) The data requested, in accordance with the annual national statistical programme, can be provided on paper or magnetic media or through another procedure necessary for computer processing.
- (5) If the methods set out in paragraph (2) are used and the providers are not informed in accordance with the provisions of art. 24 paragraph (1), the producers of official statistics shall be authorised to take the identification data available from the administrative sources.

## **Article 24**

### **Rights of data providers**

- (1) Before the moment of data collection, the data providers shall be entitled to be informed by the producers of official statistics about:
- a) the legal basis for the collection of statistical data;
  - b) the objective for which data collection is requested;
  - c) the compulsory nature of data provision;
  - d) the producer of official statistics authorised to perform the collection of data;
  - e) the guarantee that the data provided shall solely be used for statistical purposes;
  - f) the guarantee of data confidentiality;
  - g) the consequences that result from the refusal to provide data, from supplying incomplete/inaccurate data or from providing them after the deadline set out in the annual national statistical programme has expired.
- (2) The natural persons' individual data concerning racial or ethnic origin, political, religious, philosophical or similar beliefs, trade union membership, the criminal record, health and private life can only be collected and processed with the consent of the persons involved, while observing the provisions of Law No 677/2001 for people's protection as regards the processing of personal data and the free circulation of these data, with subsequent changes and additions, as well as the provisions of Chapter X.

## **Article 25**

### **Obligations of data providers**

- (1) The data providers shall be under the obligation to send the producers of official statistics, free of charge, accurate, up-to-date and complete data, in accordance with the deadlines, periodicities, format and collection method set out in the annual national statistical programme, while observing the methodological norms.
- (2) If the data communicated by the data providers are not accurate, up-to-date and complete, the data providers shall be under the obligation:
- a) after this situation is noted by the data provider - to correct, update and complete them, as the case may be, to give notice of this and to send them as soon as possible to the producer of official

statistics that requested them;

b) after this situation is noted by the producers of official statistics - to correct, update and complete them, as the case may be, and to send them in accordance with the measures and deadlines decided by the producer of official statistics that requested them.

(3) The data providers shall be under the obligation to provide the persons authorised by the producers of official statistics with the documents and records necessary for checking the quality of the statistical data supplied.

(4) In case the penalties set out in art. 46 paragraphs (1), (2) or (3) are applied, the obligations of data providers specified in paragraphs (1) and (2) shall continue until full compliance is achieved, within the deadline set by the producer of official statistics.

## **Article 26**

### **Sources of statistical data**

The National Institute of Statistics and the other producers of official statistics can collect data from statistical and administrative sources.

## **Article 27**

### **Statistical sources**

(1) The National Institute of Statistics and the other producers of official statistics shall collect data using the following statistical sources:

a) exhaustive census-type statistical observations, which involve the collection of statistical data from all the units included in the reference population;

b) sample statistical observations, which involve the collection of data from a representative part of the reference population;

c) partial statistical observations (such as pilot surveys) involving the collection of data from one part of the population, which does not have to be representative.

(2) The request for individual data obtained in the statistical surveys conducted within the National Statistical System can be made solely for statistical purposes, only through conventions and if it is justified for the development, compilation and efficient dissemination of official statistics or for the improvement of their quality.

(3) The collection of statistical data regarding natural persons and households shall be performed by the National Institute of Statistics. The other producers of official statistics shall be able to conduct surveys in the households only with the consent of the National Institute of Statistics, while observing the provisions of art. 7 paragraphs (1) and (2).

(4) In order to evaluate the methodologies and the quality of the data sources, the National Institute of Statistics and the other producers of official statistics can conduct pilot surveys.

(5) The data collected in the pilot surveys set out in paragraph (4) shall not be considered official statistical data and cannot be disseminated as such.

## Article 28

### Administrative sources

(1) In order to complete the volume of necessary data and reduce the burden on data providers, the National Institute of Statistics and its territorial directorates shall be entitled to access the data from records of public authorities and institutions, including to individual identification data, while observing the provisions of Chapter X.

(2) The National Institute of Statistics and its territorial directorates shall be entitled to obtain individual data from public-use administrative registers, under the terms set out in paragraph (6).

(3) The data obtained from administrative sources, including the individual ones, shall solely be used for statistical purposes.

(4) The other producers of official statistics shall be entitled to access to data from administrative sources, including to individual data, managed by the authority within which they operate.

(5) When supplying the data, the owners of administrative sources of data obtained through their own observation and management methods must also provide the producers of official statistics, free of charge, with the following information:

- a) coverage;
- b) definitions of characteristics;
- c) methods through which the data were collected;
- d) methods of obtaining derived data.

(6) The National Institute of Statistics and the other producers of official statistics shall be entitled to access to the data contained in the administrative sources, preferably to those stored electronically, where they exist, on the basis of agreements concluded with the owner of the source, in accordance with the legal provisions.

(7) The owners of administrative data sources shall be under the obligation to notify the National Institute of Statistics whenever new administrative documents are created or the existing ones are modified.

## Article 29

### Statistical methodologies

(1) The National Institute of Statistics, in co-operation with the other producers of official statistics, shall establish the methodologies for producing the statistical surveys and papers set out in the annual national statistical programme.

(2) The statistical methodologies drawn up in compliance with paragraph (1) shall be approved by Order of the president of the National Institute of Statistics.

(3) The statistical methodologies, classifications and nomenclatures of general interest shall be published in the Official Journal of Romania, Part I.

(4) The producers of official statistics that collect statistical data for their own field of activity outside the annual national statistical programme can define their own statistical methodologies without the endorsement of the National Institute of Statistics.

## **Article 30**

### **Processing and storage of statistical data**

(1) When processing the data collected, the producers of official statistics shall apply appropriate methods and techniques so as to ensure a high degree of accurateness and coherence of the statistical data produced.

(2) When processing and storing the statistical data collected, the producers of official statistics shall be under the obligation to separate the identification data of the data providers from the other recorded variables, in order to make sure that the confidentiality principle is observed.

(3) The National Institute of Statistics and the other producers of official statistics shall be under the obligation to destroy the questionnaires used in the statistical surveys, as well as any reference to the identification data stored on any medium, except the data necessary in the setting up and updating of statistical registers, after the processing is completed, but no later than 18 months from the end of the reference period.

(4) The National Institute of Statistics and the other producers of official statistics shall be under the obligation to record and store - under safety conditions - the statistical materials and documents so as to prevent their accidental or unapproved destruction, misuse, falsification, alienation or unauthorised dissemination, while observing the provisions of Law No 16/1996 on national archives, with subsequent amendments.

(5) The processing norms, the storage rules and the technical and organisational conditions shall be drawn up, in the competence areas of the National Institute of Statistics, while complying with the legal provisions, and shall be approved by Order of the president of the National Institute of Statistics.

## **Article 31**

### **Outsourcing of statistical activities**

(1) The National Institute of Statistics and the other producers of official statistics may delegate the carrying out of some specific activities related to the implementation of the annual national statistical programme, such as the ones necessary for the printing and distribution of the statistical tools, the collection and processing of data, the design and development of publications and the dissemination of statistical data, to other legal persons, on the basis of a contract, under the terms set out in Government Emergency Ordinance No 34/2006 on the award of public procurement contracts, public works concession contracts and services concession contracts, approved with changes and additions by Law No 337/2006, with subsequent changes and additions.

(2) The National Institute of Statistics and the other producers of official statistics shall be responsible for the quality of the results obtained in the outsourced activities. For this purpose, they shall be under the obligation to set up measures aimed at monitoring and controlling the way in which these activities are carried out.

(3) The legal persons performing activities that fall under the terms of paragraph (1) shall be under the

obligation to observe the provision of this Law during the entire time in which these activities are carried out.

(4) The legal persons to whom activities have been delegated in accordance with paragraph (1) shall not be allowed to use the materials, documents and tools put at their disposal for other purposes than the ones necessary in the carrying out of statistical activities and shall return them to the producer of official statistics when the activities are completed.

(5) The results obtained in the activities carried out in accordance with paragraph (1) shall be the sole property of the producer of official statistics.

## **CHAPTER IX        Dissemination and use of official statistical data**

### **Article 32**

#### **Dissemination of official statistical data**

- 1) The official statistical data produced by the National Institute of Statistics and by the other producers of official statistics shall represent national assets of public interest and shall be accessible, under equal conditions in terms of data volume, quality and dissemination (i.e. simultaneity), to all the users, provided the stipulations of art. 37 paragraph (1) are observed.
- 2) The National Institute of Statistics and the other producers of official statistics shall be under the obligation to disseminate statistical data within the deadlines set out in the annual national statistical programmes or specified in the timetable for the dissemination of official statistical data.
- 3) The individual data collected by the National Institute of Statistics and by the other producers of official statistics shall solely be used for statistical purposes and can only be made public in an aggregated form, except for the cases referred to in art. 35 paragraph (1).
- 4) The dissemination of official statistical data before the established dissemination deadline, as well as the preferential treatment given to users by any person from within the system of official statistics shall be considered a breach of work duties and shall lead to the disciplinary liability of the persons who committed these acts.
- 5) The publication of official statistical data by the users of statistical data, in a printed or electronic form, or of other data and information deriving from them, shall be allowed, provided the source is indicated.
- 6) In accordance with the annual national statistical programme or within the available resources, the National Institute of Statistics and the other producers of official statistics shall draw up and disseminate statistical publications both on paper and in electronic format.
- 7) The statistical publications issued by the National Institute of Statistics may be disseminated, free of charge, to general government authorities, national and university libraries, accredited mass media, as well as to other categories of users, with the approval of the president of the National Institute of Statistics.
- 8) Within the limits of the available stock, the paper statistical publications issued by the National Institute of Statistics shall be disseminated on request, in exchange for a payment, the

price being established with a view to recovering the expenses incurred in publishing and disseminating them.

### **Article 33**

#### **Deadlines for the dissemination of official statistical data**

(1) The National Institute of Statistics shall be under the obligation to provide the users with the annual timetable for the dissemination of official statistical data, in accordance with the deadlines set out in the annual national statistical programme.

(2) Any unexpected change in the deadlines specified in the timetable mentioned in paragraph (1) shall be announced at least one month before for annual statistics and one week before for infra-annual statistics.

### **Article 34**

#### **Dissemination of the statistical data compiled beyond the annual national statistical programme**

(1) On the basis of the results of the statistical surveys included in the annual national statistical programme, at the express request of internal and external users, the National Institute of Statistics and its territorial directorates can also draw up other papers, issue statistical publications and provide statistical data through special processing procedures, in accordance with the users' requirements, while observing data protection and data confidentiality.

(2) The National Institute of Statistics and its territorial directorates shall be authorised to produce – on a contract basis – special statistical surveys and papers, even publications that are not included in the annual national statistical programme, at the request of internal or external beneficiaries.

(3) The statistical activities mentioned in paragraphs (1) and (2) shall be carried out in exchange for a payment, based on tariffs established by the National Institute of Statistics, which shall cover all the expenses incurred, including those for publishing and disseminating the results.

(4) The revenues from the sale of statistical publications resulting from the activities mentioned in paragraphs (1) and (2), under the terms of art. 32 paragraph (8), as well the ones obtained from the provision, at the request of users, of statistical data on paper or magnetic media will feed the state budget

Paragraph (4) of Art. 34 was amended by item 7, Art. II of the Ordinance no. 3 of January 27, 2016, published in the Official Journal no. 64 of January 28, 2016.

(5) REPEALED

Paragraph (5) of Art. 34 was repealed by item 8, Art. II of the Ordinance no. 3 of January 27, 2016, published in the Official Journal no. 64 of January 28, 2016.

## **Article 35**

### **Dissemination of individual data**

(1) The individual data mentioned in art. 32 paragraph (3) can only be disseminated for research purposes, in the following cases:

- a) if the data have the characteristics mentioned in art. 36 paragraph (6);
- b) if the natural or legal person that provides statistical data gives its written consent to the dissemination of its individual data;
- c) if the data were collected from public sources that are universally available;
- d) if the data are disseminated in a form that does not allow the direct or indirect identification of the data providers they refer to.

(2) On request, the National Institute of Statistics and the other producers of official statistics may provide the scientific research units and the researchers with depersonalised data, but only for the purpose of carrying out scientific research activities.

(3) The access to individual data, under the terms of paragraph (2), shall only be allowed based on a contract between parties, which shall explicitly stipulate the purpose, the terms of use, how the data are employed and the users' obligation to communicate the results of the research, not to publish or submit them to a third party without the written consent of the producer of official statistics and to destroy these data after the results of the research are homologated.

(4) The National Institute of Statistics and the other producers of official statistics shall be under the obligation to keep records of the users mentioned in paragraph (2), as well as of the purposes for which the individual data were provided.

## **CHAPTER X            Confidentiality and protection of statistical data**

### **Article 36**

#### **Confidentiality of official statistical data**

(1) According to the provisions of this Law, statistical data shall be considered confidential if they refer to a single natural or legal person or if they allow the direct or indirect identification of the natural or legal person involved.

(2) The provisions of paragraph (1) shall apply from the moment the data provider sends the data to the producer of official statistics.

(3) In the case of data obtained from administrative sources, the provisions of paragraph (1) shall apply from the moment these data are sent by the producer of official statistics.

(4) The statistical data resulting from the processing of individual data may be disseminated, under the terms of paragraph (1), if, after the aggregation process, the results refer to at least three reporting units and if none of these units has a weight higher than 80%.

(5) By derogation from the provisions of paragraph (1), the legal persons' individual data concerning their name, address, activity profile, social capital, turnover and number of staff, data which preserve their public nature, in accordance with the legal provisions, shall not be considered confidential.

(6) Confidentiality shall not extend to the individual data concerning the institutions and organisations financed from the state budget which carry out activities of public interest, except for the cases in which such data are protected by laws and other special legislative acts.

(7) The confidential statistical data collected by the producers of official statistics cannot be used as evidence in court or for establishing rights or obligations of the data providers they refer to.

## **Article 37**

### **Protection of statistical data**

(1) In order to guarantee the confidential nature of individual data, the National Institute of Statistics and the other producers of official statistics shall be under the obligation to adopt, throughout the statistical process, administrative, organisational and technical measures for the protection of the confidentiality of individual statistical data and the prevention of the unauthorised access, dissemination, alienation and destruction of these data.

(2) The norms and procedures implementing the measures mentioned in paragraph (1), in the competence areas of the National Institute of Statistics, shall be approved by Order of the president of the National Institute of Statistics, which shall be published in the Official Journal of Romania, Part I.

(3) The staff of the National Institute of Statistics, including the people working in the territorial statistical directorates, as well as the persons temporarily involved in the collection and processing of individual data, shall be under the obligation to observe the confidentiality of these data, during the activity and after the activity is completed.

(4) The staff mentioned in paragraph (3) shall not be allowed to use the individual data obtained in the activities that are specific to official statistics for personal purposes or for performing activities to the benefit of a third party.

(5) The staff mentioned in paragraph (3), excluding the persons temporarily involved in the collection of statistical data, shall receive a confidentiality bonus amounting to 15% of the base salary.

## **CHAPTER XI      Statistical registers**

### **Article 38**

#### **The system of statistical registers**

(1) In order to complete the volume of available data, reduce the burden on data providers and conduct statistical sample surveys, the National Institute of Statistics shall be authorised to create, update and maintain statistical registers.

(2) The statistical registers shall be created based on the data sources obtained from censuses and from other statistical surveys, as well as from administrative sources.

(3) The fields for which statistical registers are created and the way in which they are organised, updated and maintained shall be established by Order of the president of the National Institute of Statistics.

## **Article 39**

### **Updating and maintenance of statistical registers**

(1) The updating of the data from statistical registers shall be done periodically by the National Institute of Statistics.

(2) With a view to updating and maintaining the statistical registers, the owners of administrative registers shall be under the obligation to periodically provide the National Institute of Statistics and its territorial directorates with data and information on the changes made in the registers they manage.

(3) The National Institute of Statistics shall be entitled to adapt the data obtained from administrative sources with a view to harmonising them with the definitions and classifications used in the statistical registers it manages.

(4) With a view to the use of data for statistical purposes, the National Institute of Statistics shall allocate a unique identification code for each unit of the statistical registers it manages.

## **Article 40**

### **Use of individual data from statistical registers**

(1) The data from statistical registers shall solely be used for statistical purposes, for carrying out the activities included in the national statistical programmes, particularly as an indispensable source for designing statistical sample surveys.

(2) The individual data contained in the statistical registers managed by the National Institute of Statistics can be put at the disposal of the other producers of official statistics, in accordance with their competence areas, in order to be used exclusively for statistical purposes, provided the confidential nature of these data is preserved.

## **CHAPTER XII**

### **International co-operation in statistics**

## **Article 41**

### **Participation and representation of official statistics at international level**

(1) The National Institute of Statistics and the other producers of official statistics shall take active part in the programmes carried out at international level, which are aimed at promoting, developing and harmonising the norms and standards used in official statistics, with a view to ensuring the compatibility of the National Statistical System with international statistical systems and the international comparability of national official statistics.

(2) At international level, Romanian official statistics shall be represented by the president of the National Institute of Statistics, for the statistical areas that are covered by the field of activities of the institute.

(3) The president of the National Institute of Statistics may delegate his powers of representing official statistics, for the areas covered by the field of activities of the institute, to other representatives of the producers of official statistics as well, in their specific competence area.

## **Article 42**

### **International collaboration**

(1) The National Institute of Statistics shall initiate, organise and perform actions of bilateral and multilateral collaboration with other national statistical offices and with statistical services of international bodies, in fields of common interest, on topics related to statistical methodologies and with a view to implementing good practices in official statistics.

(2) In accordance with the provisions of paragraph (1), the National Institute of Statistics and the other producers of official statistics shall develop, on mutual basis, exchanges of experience, publications and other statistical materials, with statistical offices from other countries and with international organisations.

(3) The National Institute of Statistics and the other producers of official statistics may initiate and organise joint statistical research projects, in collaboration with other national and international statistical offices.

## **Article 43**

### **Participation in the exchange of statistical data at international level**

(1) The National Institute of Statistics shall organise and co-ordinate – at internal level – the exchange of data carried out on its own behalf, as well as for the producers of official statistics mentioned in art. 6 paragraph (1) b)-d), with national and international statistical offices.

(2) The National Institute of Statistics and the other producers of official statistics shall supply and submit to the Statistical Office of the European Communities, called *EUROSTAT*, to other Community bodies as well as to international organisations, statistical data concerning Romania, within the commitments and obligations undertaken with them by the Romanian party.

(3) At the request of *EUROSTAT*, of the statistical departments of international organisations, of the statistical offices from other countries, depersonalised individual data may also be sent, provided bilateral agreements guaranteeing the confidential nature of the data and certifying their use for statistical purposes only are signed.

## **CHAPTER XIII      Legal liability**

### **Article 44**

#### **General provisions**

The failure to observe the provisions of this Law shall entail disciplinary, contravention-related or criminal liability, in accordance with the legal provisions in force.

## Article 45

### Contravention-related liability

The following acts shall be considered contraventions:

- a) the non-fulfilment of the obligations mentioned in art. 25 paragraphs (1) or (2) by the data providers;
- b) the data providers' explicit refusal to fulfil the obligations mentioned in art. 25 paragraphs (1) and (2);
- c) the data providers' unjustified refusal to provide the persons authorised by the producers of official statistics with the documents and records necessary for checking the quality of the statistical data supplied;
- d) the use - by the staff employed within the National Statistical System and by the temporary staff - of individual data of natural or legal persons for other purposes than the statistical ones;
- e) the non-observance of the provisions of art. 31 paragraph (4);
- f) the non-observance of the principle stating the confidentiality of statistical data by the staff employed within the National Statistical System, by the staff temporarily involved in performing statistical activities or by the legal persons mentioned in art. 31 paragraph (1).

## Article 46

### Penalties

- (1) The contraventions set out in art. 45 shall be punished as follows:
  - a) those mentioned under items a), c), d) and f) , if they are committed by natural persons, with a fine ranging from 500 lei to 2.000 lei;
  - b) those mentioned under items a), c), e) and f), if they are committed by legal persons, with a fine ranging from 2.000 lei to 50.000 lei;
  - c) the one mentioned under item b), with a fine ranging from 10.000 lei to 100.000 lei.
- (2) The verification of the contraventions set out in art. 45 and the enforcement of the penalties shall be performed by the staff of the producers of official statistics, empowered by the head of the public institution concerned or by the head of the public institution the statistical unit belongs to, through an Order that shall be published in the Official Journal of Romania, Part I, or through a decision document that is specific to the producer of official statistics, as the case may be.
- (3) The provisions of Government Ordinance No 2/2001 on the legal regime of contraventions, approved with changes and additions by Law No 180/2002, with subsequent changes and additions, shall be applicable to the contraventions set out in art. 45.

## CHAPTER XIV                      **Transitory provisions**

## Article 47

### **The Romanian Statistical Review Publishing House**

- (1) The *Romanian Statistical Review* Publishing House, a public institution with legal status, entirely

financed from its own funds, subordinate to the National Institute of Statistics, shall cease its activity within 30 days of the date on which this Law comes into force.

(2) The responsibilities of the *Romanian Statistical Review* Publishing House shall be transferred to the *Dissemination of Romanian statistical information* activity, an activity entirely financed from its own funds and subordinate to the National Institute of Statistics.

(3) At the date on which the activity of the *Romanian Statistical Review* Publishing House ceases, its staff shall be transferred to the *Dissemination of Romanian statistical information* activity. At the same date, the assets and liabilities of the *Romanian Statistical Review* Publishing House shall be transferred to the *Dissemination of Romanian statistical information* activity, on the basis of a hand over-reception protocol.

## **CHAPTER XV Final provisions**

### **Article 48**

#### **The status of the specialised statistical staff**

The employees of the National Institute of Statistics and of the other producers of official statistics, as well as the staff from outside the National Statistical System, who are used for conducting censuses and other statistical surveys, shall be protected by the law during the whole period in which they perform this activity, as they fulfil a public function which involves the exercise of the state's authority.

### **Article 49**

#### **The coming into force of this Law**

This Law shall come into force 30 days after the date of its publication in the Official Journal of Romania, Part I.

### **Article 50**

#### **The abrogation of certain legislative acts**

- 1) At the date on which this Law comes into force, Government Ordinance No 9/1992 on the organisation of official statistics, approved with changes and additions by Law No 11/1994, republished in the Official Journal of Romania, Part I, No 763 of 18 October 2002, with subsequent amendments, shall be repealed.
- 2) Within 90 days of the date on which this Law comes into force, Government Decision No 1364/2003 establishing the allowance to be received by statistical agents for the activity carried out, published in the Official Journal of Romania, Part I, No 861 of 4 December 2003, as well as Government Decision No 783/2007 on the setting up of an activity subordinate to the National Institute of Statistics, entirely financed from its own funds, published in the Official Journal of Romania, Part I, No 520 of 1 August 2007, shall be repealed.

*This Law was adopted by the Parliament of Romania, in compliance with the provisions of art. 75*

*and art. 76 paragraph (2) of the Romanian Constitution, republished.*

**PRESIDENT OF THE CHAMBER OF DEPUTIES**

**ROBERTA ALMA ANASTASE**

**PRESIDENT OF THE SENATE**

**MIRCEA-DAN GEOANĂ**

Bucharest, 5 June 2009

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