

# France's Official Statistical Authority (ASP)

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*The principle of professional independence is a prerequisite for the credibility of statistical data. Established in August 2008 and inaugurated on June 8, 2009, France's Official Statistical Authority (Autorité de la Statistique Publique: ASP) is in charge of ensuring compliance with that principle.*

The principle of professional independence in the design, production, and dissemination of official statistics was written into French law on August 4, 2008. An Official Statistical Authority has been established to ensure compliance with this principle.

These developments are the outcome of a process begun many months earlier.

## Writing independence into law

Professional independence has always been recognized as essential to the credibility of official statistics. Absent such independence, potential users will have doubts about the statistics produced, and the efforts to improve data relevance and accuracy will be fruitless. In France, the official statistical service and INSEE have consistently enjoyed true de facto independence but, in the words of INSEE's former Director-General Edmond Malinvaud<sup>1</sup>, "[independence] is so important that no opportunity should be missed to make it even more obvious; on the contrary, one must ignore short-term considerations that might lead to taking some liberties with independence or ethics." He added: "Independence and ethics are not decreed; they are built up over the long run through the practices of ministerial authorities, management, and staff."

At European level, Article 285 of the treaty establishing the European Community states that "the production of Community statistics shall conform to impartiality, reliability, objectivity, scientific independence, cost-effectiveness and statistical confidentiality." Despite this statement, an incident involving a Member State of the European Union (EU) cast doubt on the independence of statistical production procedures in certain EU countries. As a result, the European Commission set out to write a European Statistics Code of Practice. The initiative led to a document promulgated in a recommendation of May 25, 2005, defining fifteen principles with which national statistical authorities must comply. The first principle is professional independence. To facilitate compliance, the Code states: "The independence of the statistical authority from political and other external interference in producing and disseminating official statistics is specified in law." At the time the Code was promulgated, most EU Member States already met this requirement. Only two leading countries did not: the United Kingdom and France. Once the UK had adjusted its legislation, France remained the only major European country not to have done so. Admittedly, there was a decree specifying that, with limited exceptions, the "procedures for producing statistics" at regional level did not fall within the purview of the central-government representative in the region (the *préfet*). But no equivalent provision existed at national level.

The European statisticians who conducted a peer review of INSEE in January 2007 noted in their final report: "We believe that INSEE compiles and disseminates its statistics in an independent manner without political interference, despite the fact that, in contrast to the general situation of other national statistical institutes in the European Statistical System, it does not have a legal basis to this independence." But they added: "It can come as no surprise that we strongly recommend that INSEE be accorded this independence [i.e., by law] as soon as practicable."

It therefore became urgent for France to harmonize its legislation with its practices. While professional independence should indeed be a living reality, it is not a good thing to leave room for the assumption, fostered

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<sup>1</sup> In *La fonction statistique et études économiques dans les services de l'État*, report to French Prime Minister, January 1997.

by the lack of a legal basis, that such independence could be challenged in certain circumstances.

For this reason, the government decided to include in the 2008 Economic Modernization Act an article asserting the professional independence of official statistics and providing for the establishment of a body to enforce it.

The term “professional independence” does not refer exclusively to the methods and procedures for producing statistics—a notion more akin to the “scientific independence” referred to in the EU Treaty quoted above. It also applies to the dissemination of official statistics. The reception of statistical information depends not only on its content, but also on the circumstances in which it is made public: publication date, accompanying commentary, and status of the entity releasing the statistics. On the other hand, “professional independence” does not prejudice the status of the organization that produces the statistics. The French Parliament, like the government, concluded that the status of INSEE and the “ministerial statistical offices” (Services Statistiques Ministériels: SSMs) as full-fledged government bodies was compatible with their professional independence. The alternative would have been to turn INSEE into an “Agency” (*agence*) or “public institution” (*établissement public*). However, experience in France and abroad has shown that such status does not necessarily guarantee independence, as, for example, the budget of such entities remains heavily dependent on political authorities.

## Establishment of the Authority

At the same time as it asserted the principle of professional independence in the design, production, and dissemination of official statistics, the Parliament sought to establish an entity in charge of monitoring compliance not only with that principle, but also with the other principles enunciated in the European Statistics Code of Practice: impartiality, objectivity, relevance, and quality. This new Official Statistical Authority (Autorité de la Statistique Publique: ASP), is one of the three pillars of official statistical governance, alongside the National Council for Statistical Information (Conseil National de l'Information Statistique: CNIS)—in charge of organizing consultations between producers and users of official statistics—and the units composing the official statistical service, which perform the statistical work. The arrangement introduced by the Act closely resembles the one adopted by the EU, in which the European Statistical System (ESS) is flanked by the European Statistical Governance Advisory Board (ESGAB)<sup>2</sup> and the European Statistical Advisory Committee (ESAC)<sup>3</sup>. ESGAB missions are similar to those of France's ASP, while ESAC performs certain functions similar to those of CNIS at national level. The United Kingdom, as well, has set up a Statistics Authority, but its organization and terms of reference differ significantly from those of the French ASP (box 1).

### Box 1 - The UK Statistics Authority

The UK Statistics Authority is an independent body operating at arm's length from government as a non-ministerial department, directly accountable to Parliament. It was established on 1 April 2008 by the Statistics and Registration Service Act 2007.

The Authority's statutory objective is to promote and safeguard the production and publication of official statistics that serve the public good. It is also required to promote and safeguard the quality and comprehensiveness of official statistics, and ensure good practice in relation to official statistics.

The UK Statistics Authority has two main functions:

1. oversight of the Office for National Statistics (ONS), its executive office
2. independent scrutiny (monitoring and assessment) of all official statistics produced in the UK.

Membership of the Authority's Board comprises the Chair of the Authority, seven other non-executive members, and three executive members.

One of the executive members is the Head of Assessment. Another executive member, called “National Statistician,” advises the Authority on matters relating to the quality of official statistics, their exhaustiveness, and compliance with the Code of Practice for Statistics.

The Authority's remit covers the entire UK statistical system, defined as the set of entities in charge of producing the country's official statistics.

The key components of the UK statistical system are:

- The Board of the Statistical Authority. The Authority is responsible for the promotion and oversight of the production and dissemination of all UK official statistics, wherever they are produced, in order to ensure that they serve the public good.
- The Office for National Statistics (ONS). The ONS is the Authority's Executive Office. It is also the internationally recognized National Statistical Institute of the UK.
- Each UK government department retains operational responsibility for collecting and producing statistics within its sphere

<sup>2</sup> . Decision no. 234/2008/CE by the European Parliament and Council of March 11, 2008.

<sup>3</sup> Decision no. 235/2008/CE by the European Parliament and Council of March 11, 2008.

of competence.

– The National Statistician is the head of the Government Statistical Service (GSS).

The Government Statistical Service comprises all statisticians employed at the ONS, in government departments, agencies, and the devolved administrations in Scotland and Wales.

Many statistics produced by the GSS have been designated as “National Statistics.” This designation means that the statistics are deemed to have been produced in compliance with the Code of Practice for Statistics, published by the Authority in January 2009. The Authority is tasked with assessing all existing “National Statistics” to determine whether they should continue to be designated as such. This review is in progress.

For more information: <http://www.statisticsauthority.gov.uk/>

The ASP choice was preferred to an earlier proposal that would have set up a monitoring body within CNIS. It was felt that such a solution could have blurred the distinction between consultative and supervisory roles. CNIS and the ASP operate under very different remits: the first issues recommendations, while the second oversees the system’s integrity and independence.

The article adopted by the Parliament (box 2) specifies the Authority’s membership, which consists of nine persons (box 3).

**Box 2 - Act no. 51-711 of June 7, 1951, on legal obligation, coordination, and confidentiality in the field of statistics, Article 1 (amended by the Economic Modernization Act no 2008-776 of August 4, 2008, article 144)**

I. – The [French] official statistical service includes the National Institute of Statistics and Economic Studies [INSEE] and the ministerial statistical offices. Official statistics consist of all the information produced from:

- statistical surveys whose list is published annually in a decision by the Economy Minister
- the analysis, for general-information purposes, of data collected by government agencies, public-sector bodies, or private-sector entities acting in the public interest; the design, production, and dissemination of official statistics are performed in total professional independence.

II. – An Official Statistical Authority is established to ensure compliance with the principle of professional independence in the design, production, and dissemination of official statistics as well as with the principles of objectivity, impartiality, relevance, and quality of the data produced.

III. – The Authority is composed of nine members:

- a Chairperson appointed by cabinet decree on the strength of his or her legal, economic, and technical expertise
- a qualified person appointed by the Speaker of the National Assembly [French Parliament]
- a qualified person appointed by the Speaker of the Senate
- a member of the Economic, Social, and Environmental Council appointed by the Council’s Chairperson
- the Chairperson of the Statistical Confidentiality Committee of the National Council for Statistical Information (CNIS)
- a member of the Court of Auditors appointed by the President of the Court
- a member of the Inspectorate-General for Finances (IGF) appointed by the Head of the Inspectorate-General
- a member of the Inspectorate-General for Social Affairs (IGAS) appointed by the Head of the Inspectorate-General
- a person qualified in the field of statistics appointed by the Economy Minister.

IV. – A decree adopted by the Conseil d’État specifies the terms of reference and the functions performed by the Official Statistical Authority.

**Box 3 - Membership of the Official Statistical Authority**

Mr. Paul Champsaur, Chairman, appointed by Cabinet Decree of March 25, 2009

Mr. Francis Mer, appointed by the Speaker of the National Assembly

Mr. Yves Fréville, appointed by the Speaker of the Senate

Mr. Philippe Le Clézio, appointed by the Chairperson of the Economic, Social, and Environmental Council

Mr. Jean Gaeremynck, Chairman of the Statistical Confidentiality Committee, appointed by the Vice-President of the Conseil d’État

Mr. François Ecalte, appointed by the President of the Court of Auditors

Mr. Philip Dane, appointed by the Head of the Inspectorate-General for Finances (IGF)

Mr. Pascal Penaud, appointed by the Head of the Inspectorate-General for Social Affairs (IGAS)

Mr. Bruno Durieux, appointed by the Minister of the Economy, Industry, and Employment.

This small size is designed to facilitate discussions in the ASP. The appointees form a “committee of the wise” and receive no instructions from the appointing authority. They can and must be totally free to express their views.

## **ASP functions and missions**

A decree spells out the ASP’s terms of reference and operating procedures.

It provides guarantees for the independence of ASP members by specifying the conditions in which they serve their terms of office:

- They are appointed for six years (except for the Chairperson of the Statistical Confidentiality Committee [Comité du Secret Statistique: CSS], appointed for five years), a term that gives them a sufficient time perspective to make decisions calmly.
- They cannot be removed before their term expires, except in the event of inability to attend or serious misconduct recognized by the other ASP members. This measure protects members for the entire duration of their terms of office.
- The Chairperson cannot be reappointed. This will enable him or her to act in a fully independent manner until the end of his or her single term.

To perform its missions, the ASP relies essentially on prevention, persuasion, dissuasion, and information. This reflects the intention of lawmakers to prevent any interference from pressure groups in the production and dissemination of official statistics. Adding repressive powers would, no doubt, have been illusory and perhaps counter-productive, as they would have been hard to implement and their non-use would have implied that the ASP was turning a blind eye to reprehensible behavior.

The decree empowers the ASP to:

- issue general opinions on the implementation of the European Statistics Code of Practice in France
- make observations on any person or entity that fails to conform to the principles of the Code.

As France is a country where the independence principle is very commonly complied with in practice, such observations will probably be infrequent and thus carry all the more weight.

To exercise these powers, the Authority will be entitled to ask the appropriate officials for assistance from the inspectorates-general in government ministries. This will give the ASP investigative powers that are not permanently vested in it.

An important point concerning the Authority is the procedure for referring matters to its attention. A mechanism was needed whereby any serious question on the independence, objectivity or quality of official statistics could be submitted to the ASP, enabling it to decide whether or not to put the matter on its agenda. The March 2009 decree establishes a wide-ranging referral procedure, comprising four broad categories of initiators:

- representatives of the Nation and the government: the Speaker of the National Assembly, the Speaker of the Senate, the Chairperson of the Economic, Social, and Environmental Council, the Prime Minister, and the Economy Minister
- the consultative forum for statistics producers and users: the Chairperson of the National Council for Statistical Information (CNIS), who, if alerted by CNIS members, can pass on the alert by referring it to the ASP
- the official statistical service: INSEE’s Director-General, acting—as noted in the decree—as head of the institution in charge of coordinating the statistical methods, resources, and production of the government bodies and private entities subsidized or controlled by the State (this provision of the decree reproduces the wording of the decree of June 14, 1946, spelling out INSEE’s terms of reference)
- the ASP itself: if a private individual or legal entity asks the ASP to examine a case, the Authority can, on its own initiative, consider the request and decide whether or not to add the matter to its agenda.

Thanks to this extensive range of channels for referring matters to the ASP, it is legitimate to assume that no serious breach of the principles set forth in the European Statistics Code of Practice will escape the Authority’s attention.

The Authority will prepare an annual report on the implementation of the work programs of the entities in charge of producing official statistics. The report will be sent to Parliament for information and published. It will refer to the European Statistics Code of Practice and the detailed assessment prepared by CNIS. The ASP report serves two purposes: (1) to determine whether the program has been carried out in compliance with the ethical principles enunciated in the Code; (2) to ensure that the statistics producers have, to the best of their ability,

effectively prepared and disseminated the statistics corresponding to the operations approved by CNIS the previous year.

It is not within the Authority's powers to voice opinions on the type and volume of resources assigned to the official statistical service: these matters fall under the competence of Parliament and the government. Nevertheless, the ASP must be consulted on certain organizational aspects of the service. Specifically, the decree states that:

- the ASP will be consulted on all draft decrees regarding the missions of the National Institute of Statistics and Economic Studies (INSEE) and ministerial statistical offices
- the ASP will give its opinion on all draft ministerial decisions (*arrêtés*) granting a government unit the status of ministerial statistical office.

While these opinions are only advisory, they do involve the Authority in the construction and development of the official statistical service.

Given its recent establishment, the Authority has held only a few meetings as of this writing [mid-2009]. Let us hope that, after the publication of its initial opinions and reports, its position in French official statistics will be gradually defined, recognized, and valued.