

Regulation (EU) No 1409/2013 of the European Central Bank
of 28 November 2013 on payments statistics (ECB/2013/43)

REGULATION (EU) No 1409/2013 OF THE EUROPEAN CENTRAL BANK
of 28 November 2013
on payments statistics
(ECB/2013/43)

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

Having regard to the Statute of the European System of Central Banks and of the European Central Bank, and in particular Article 5 thereof,

Having regard to Council Regulation (EC) No 2533/98 of 23 November 1998 concerning the collection of statistical information by the European Central Bank⁽¹⁾, and in particular Articles 5(1) and 6(4) thereof,

Having regard to the opinion of the European Commission,

Whereas:

- (1) The European Central Bank (ECB) requires country-specific and comparative payments statistics to fulfill its tasks. Article 2(1) of Regulation (EC) No 2533/98 provides that information may be collected in the area of payments and payment systems statistics. These data are essential for identifying and monitoring developments in the payments markets within the Member States, and for assisting in the promotion of the smooth operation of payment systems.
- (2) Article 5.1 of the Statute of the European System of Central Banks and of the European Central Bank (hereinafter the ‘Statute of the ESCB’) requires the ECB, assisted by the national central banks (NCBs), to collect the necessary statistical information either from the competent national authorities or directly from economic agents in order to undertake the tasks of the European System of Central Banks (ESCB). Article 5.2 of the Statute of the ESCB requires NCBs to carry out, to the extent possible, the tasks described in Article 5.1.
- (3) The Eurosystem collects payments information pursuant to Guideline ECB/2007/9⁽²⁾. In the interest of increasing the quality and reliability of payments statistics and ensuring full coverage of the reporting population, the relevant information should be collected directly from reporting agents.
- (4) The methodology according to which payments information is collected should take account of the developments in the legal framework for payments within the European Union, in particular, Directive 2007/64/EC of the European Parliament and of the Council⁽³⁾, Directive 2009/110/EC of the European Parliament and of the Council⁽⁴⁾ and Article 5 of Regulation (EC) No 924/2009 of the European Parliament and of the Council⁽⁵⁾.

Changes to legislation: There are outstanding changes not yet made to Regulation (EU) No 1409/2013 of the European Central Bank. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

- (5) It may be appropriate for NCBs to collect from the actual reporting population the statistical information necessary to fulfil the ECB's statistical requirements as part of a broader statistical reporting framework which the NCBs establish under their own responsibility in accordance with Union or national law or established practice and which also serves other statistical purposes, provided that the fulfilment of the ECB's statistical requirements is not jeopardised. This may also reduce the reporting burden. In order to foster transparency, it is appropriate, in these cases, to inform the reporting agents that data are also collected to fulfil other statistical purposes. In specific cases, the ECB may rely on statistical information collected for such other purposes to fulfil its requirements.
- (6) While it is recognised that regulations adopted by the ECB under Article 34.1 of the Statute of the ESCB do not confer any rights or impose any obligations on Member States whose currency is not the euro (hereinafter the 'non-euro area Member States'), Article 5 of the Statute of the ESCB applies to both Member States whose currency is the euro (hereinafter the 'euro area Member States') and non-euro area Member States. Recital 17 of Regulation (EC) No 2533/98 refers to the fact that Article 5 of the Statute of the ESCB, together with Article 4(3) of the Treaty on European Union, implies an obligation to design and implement at national level all the measures that the non-euro area Member States consider appropriate in order to carry out the collection of the statistical information needed to fulfil the ECB's statistical reporting requirements and timely preparations in the field of statistics in order for them to become euro area Member States. Consequently, provisions of this Regulation may be extended to apply to the NCBs of non-euro area Member States by means of such NCBs cooperating with the Eurosystem on the basis of an ECB recommendation.
- (7) The standards for the protection and use of confidential statistical information as laid down in Article 8 of Council Regulation (EC) No 2533/98 should apply.
- (8) It is necessary to set up a procedure to carry out technical amendments to the annexes to this Regulation in an effective manner, provided that such amendments neither change the underlying conceptual framework nor affect the reporting burden. Account will be taken of the views of the Statistics Committee (STC) of the ESCB when following this procedure. NCBs and other ESCB Committees may propose such technical amendments to the annexes through the STC,

HAS ADOPTED THIS REGULATION:

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- (1) [OJ L 318, 27.11.1998, p. 8.](#)
- (2) [Guideline ECB/2007/9 of 1 August 2007 on monetary, financial institutions and markets statistics \(OJ L 341, 27.12.2007, p. 1\).](#)
- (3) [Directive 2007/64/EC of the European Parliament and of the Council of 13 November 2007 on payment services in the internal market \(OJ L 319, 5.12.2007, p. 1\).](#)
- (4) [Directive 2009/110/EC of the European Parliament and of the Council of 16 September 2009 on the taking up, pursuit and prudential supervision of the business of electronic money institutions \(OJ L 267, 10.10.2009, p. 7\).](#)
- (5) [Regulation \(EC\) No 924/2009 of the European Parliament and of the Council of 16 September 2009 on cross-border payments in the Community and repealing Regulation \(EC\) No 2560/2001 \(OJ L 266, 9.10.2009, p. 11\).](#)

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