Luxembourg, ESTAT/DG/WR/A5/EBC/MM/MW/eb/D(2015)6561770

By registered letter with acknowledgment of receipt

Subject: Your application for access to documents – Ref GestDem 2015/6306

Dear Sir,

We refer to your e-mail of 2 December 2015 in which you make a request for access to documents, registered on the date of its receipt (2 December 2015) under the above mentioned reference number.

Your application concerns the following documents:

'the notice or document of the German competent authority (e. g. "Statistisches Bundesamt"), which proofs the transmission of statistical data to Eurostat - specifically in regards to the data which has been used to come to the following statements.

- (1) In Eurostat's news release 26/2015 10 February 2015 (see: http://ec.europa.eu/eurostat/documents/2995521/6616449/2-10022015-AP-EN.pdf/d75df6fe-100b-4ae7-a09e-00400edb183a) in the table on page 2 of this document: Eurostat states that no numerical value is applicable to Germany's "outstanding liabilities related to off-balance PPPs"
- (2) On page 2 of the further explanation of the footnotes of this abovementioned table (see: http://ec.europa.eu/eurostat/documents/1015035/6611302/Contingent-Liabilities-Footnotes.pdf), Eurostat states: "All assets of PPP projects are recorded on the government's balance sheet in Germany.""

Having examined your request under the provisions of Regulation (EC) No 1049/2001 regarding public access to documents, I am pleased to inform you that all documents that we have identified as relevant for your application can be disclosed, in full or partly. These are the following documents:

- 1. Confirmation by the Federal Statistical Office of 7 January 2015 that the Supplement on contingent liabilities and potential obligations to the EDP related questionnaire for Germany had been uploaded through Eurostat's data and metadata exchange server (so called 'EDAMIS') [ref. Ares(2015)5915319; attached as Annex 1],
- 2. Confirmation of 7 January 2015 from the Eurostat's EDAMIS Support Team that the data were received and sent on to Eurostat's internal data processing environment [ref. EDAMIS-152- EDP_CONTING_A_DE_2014_0000_V0001; attached as Annex 2],
- 3. Table 2 of the Supplement on contingent liabilities and potential obligations to the EDP related questionnaire on 'Total outstanding liabilities related to PPPs recorded off-balance sheet of government', submitted by Germany on 7 January 2015 [ref. EDAMIS-152-EDP_CONTING_A_DE_2014_0000_V0001; attached as Annex 3],
- 4. Exchanges between Eurostat and the Federal Statistical Office on the data submitted in the Supplement on contingent liabilities and potential obligations to the EDP related questionnaire, including table 2 of the dataset [ref. Ares(2015)5915457; attached as Annex 4].

As background information, we would like to recall that the data on government potential obligations stemming from the off-balance PPPs to which you refer are submitted by the EU Member States, and published by Eurostat, based on Eurostat's decision on the 'Supplement on contingent liabilities and potential obligations to the EDP related questionnaire' of 22 July 2013¹. The reporting obligations for the EU Member States include:

'The metadata clarifying the completeness, definitions, use of estimations or timeliness of the data are to be provided to Eurostat alongside the data. Furthermore, <u>Member States are requested to add footnotes which should be published alongside the data</u>.' [cf. section 'Data transmission' under part 3, second paragraph].

Eurostat, on its part, is obliged:

'to make sure that appropriate explanatory notes on the published data are available in order to eliminate possible misinterpretation of the published indicators. It will be clearly explained that the data on contingent liabilities and potential obligations should not be directly added to the Maastricht indicators. The explanatory notes will be communicated to Member States before Eurostat publishes them.' [cf. section 'Data publication' under part 3, second paragraph].

Please note that some parts of the documents listed above have been blanked out as their disclosure is prevented by exceptions to the right of access laid down in Article 4 of Regulation 1049/2001. The use of the exceptions is justified with respect to the redacted parts of the documents on the following grounds:

- i. To protect the privacy and integrity of the individual, personal data (names and functions of employees of the Commission and the Federal Statistical Office ('Destatis')) have been expunged on the basis of Article 4(1)(b) of Regulation 1049/2001.
- ii. To protect the Commission's decision making process, parts of the document attached as Annex 4 have been expunged on the basis of Article 4(3) of Regulation 1049/2001, since an

http://ec.europa.eu/eurostat/documents/1015035/2041337/ESTAT-decision-Suppl-on-conting-liab-EDP-Q.pdf/0b35165a-ee53-470a-a15a-7beaa98aac8b

atmosphere of mutual trust must be maintained between the Commission and the Federal Statistical Office with regard to consultation and clarifications on the quality of statistical data provided to the Commission (Eurostat) under Council Regulation 479/2009.

Given that <u>your request relates specifically to the data on government obligations stemming from the off balance PPPs</u>, we have blanked out the parts of the exchanges between Eurostat and the Federal Statistical Office which are not relevant to your request unless the information had been disclosed to the public beforehand in the context of Eurostat's publication of data on government contingent liabilities.

In accordance with Article 7(2) of Regulation 1049/2001, you are entitled to make a confirmatory application requesting the Commission to review this position.

Such a confirmatory application should be addressed within 15 working days upon receipt of this letter to the Secretary-General of the Commission at the following address:

European Commission Secretary-General Transparency unit SG-B-4 BERL 5/327 B-1049 Bruxelles

Yours sincerely,

(eSigned) Walter Radermacher

Enclosures