

DELIBERATION NO 28 OF THE CONSELHO SUPERIOR DE ESTATÍSTICA (STATISTICAL COUNCIL)

RULES OF PROCEDURE OF THE STATISTICAL COUNCIL | 2012 review

In September 2008 Deliberation No 1 approved the new Rules of Procedure for the Statistical Council (hereinafter referred to as the Council), following the publication of the Law governing the National Statistical System – Law No 22/2008 of 13 May.

Whereas the importance of continuously introducing adjustments for clarifying, rendering flexible, updating and implementing the Council's working procedures and methods.

Hence, pursuant to Article 13 (m) of Law No 22/2008 of 13 May 2008, **the Council, at its plenary session on 4 July 2012, decided to approve the Rules of Procedure, in annex to this Deliberation and forming an integral part thereof.**

Lisbon, 4 July 2012

The Vice-Chairman of the Statistical Council, *Alda de Caetano Carvalho*

The Executive Secretary of the Statistical Council, *Maria da Graça Fernandes Caeiro Bento*

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Rules of Procedure

Legal framework

Article 1

Applicable legislation

1. The *Conselho Superior de Estatística* (Statistical Council, hereinafter referred to as the Council) is the Government body which oversees and coordinates the National Statistical System (NSS), in accordance with Article 3 (2) of Law No 22/2008 of 13 May (NSS Law).
2. The Council's legal framework is defined in Chapter III of the afore-mentioned Law.
3. These Rules of Procedure stem from the provisions of Article 13 (m) of the NSS Law.

Composition

Article 2

Chairperson

Pursuant to Article 10 (1) of the NSS Law, the Council shall be presided over by the minister responsible for Statistics Portugal, or by the Government member to whom the Government delegates the respective tasks; the President of Statistics Portugal shall act as the Vice-Chairperson of the Statistical Council.

Article 3

Other members

1. The Council shall further integrate the members referred to in Article 10 (2) of the NSS Law.
2. Members referred to in the foregoing paragraph may be full members or alternate members and shall be appointed in accordance with the provisions of Articles 11 and 12 of the above Law.

Article 4

Secretary

1. The Council shall have a Secretary, with no voting rights, appointed by the Chairperson of the Council upon proposal of the President of the Administration Board of Statistics Portugal, pursuant to Article 10 (3) of the NSS Law.
2. The Secretary may be assisted by an Assistant Secretary, who replaces him/her in the event of absence.

Organisational structure

Article 5

Duration of the Council members' term of office

1. Council members shall be appointed for a three-year period and hold office until they are replaced or reappointed.
2. If a member resigns before the end of the term of office, his/her replacement shall be conducted pursuant to Article 11 of the NSS Law.

Article 6

Functioning

1. The Council shall meet either in plenary session or in specialised Sections.
2. Sections may create Working Groups as may be required for the fulfilment of their powers.
3. The Council may invite as participants in its meetings, with no voting rights, representatives of national, foreign and international entities. It may also gauge the opinion of experts of recognised standing on issues deemed relevant to compliance with its tasks.

Article 7

Plenary session

1. The plenary session shall be composed of all members integrating the Council.
2. The plenary session shall be assigned the powers laid down in Articles 13, 14 and in Article 15 (4) of the NSS Law.
3. The plenary session may delegate powers to the Sections, in order to ensure greater efficiency in the fulfilment of its powers.

Article 8

Sections

1. Sections shall be created by a Deliberation of the Council's plenary session, which shall include the powers, composition and duration, and may also appoint the respective Chairperson and Vice-Chairperson.
2. Sections may be Standing or Ad-hoc.
3. Sections shall be composed of the members of the Council.
4. In cases where the Council Deliberation does not indicate the name of the Chairperson and Vice-Chairperson, each Section shall make such appointment on its first meeting.
5. Sections may meet jointly, whenever deemed justified by the nature of the subjects under examination.
6. As long as the appropriate budget appropriation is ensured, Sections may ask accredited experts or specialists to issue the opinions deemed instrumental to the performance of their mandate.

7. The functioning of the Sections shall comply with the applicable provisions on the functioning of the Council.
8. In the absence of the Chairperson (and of the Vice-Chairperson of the Section), and provided that quorum exists, the members present at the meeting may appoint a member who shall chair the meeting.

Article 9

Working Groups

1. Working Groups may be formed by full members or alternate members of the Council and by experts of public and private entities, with specific powers in particular issues as defined by the Group's mandate.
2. Working Group members shall be appointed upon request of the Vice-Chairperson under the following terms:
 - a) By the full member when the entity has representation in the Council;
 - b) By the Head of the entity to which they belong, in the remaining cases.
3. Working Groups shall elect a Chairperson and possibly a Vice-Chairperson.
4. The Chairperson of the Working Group shall be accountable to the respective Section for coordinating and carrying out works as defined in the respective mandate and for the regular reporting on its activities.
5. The Chairperson may propose to the Section that entities that do not regularly cooperate in the performance of the mandate be excluded from or replaced in the Working Group.
6. Working Groups may operate in sub-groups according to the tasks inherent in compliance with the respective mandate.

Article 10

Secretariat

1. Pursuant to Article 16 of the National Statistical System's Law, Statistics Portugal shall provide the technical, administrative and logistical support deemed necessary to the operation of the Statistical Council.
2. The support referred to in the foregoing paragraph shall be provided through the Secretariat, which is composed of experts appointed by Statistics Portugal and coordinated by the Secretary of the Council.
3. The Secretariat shall have the following tasks:
 - (a) To provide technical, legal and administrative support to the Council's activities;
 - (b) To monitor and support the implementation of the Council's decisions, where appropriate;
 - (c) To prepare the draft Business Plan and Annual Report of the Council;
 - (d) To disseminate relevant information to the functioning of the Council;
 - (e) To organise seminars, debates and other national and international events, of interest to the National Statistical System and entrusted to it by the Council;

- (f) To manage the Council's website.

Powers

Article 11

Chairperson

The Chairperson shall be responsible for:

- (a) Representing the Council;
- (b) Convening, chairing and guiding the Council's enlarged plenary sessions, as well as drawing up the respective agenda;
- (c) Appointing the Secretary of the Council, upon proposal of the President of the Administration Board of Statistics Portugal.

Article 12

Vice-Chairperson

1. The Vice-Chairperson shall be responsible for:
 - (a) Replacing the Chairperson in the event of absence;
 - (b) Appointing the Assistant Secretary of the Council;
 - (c) Guiding the activities of the Secretary of the Council.
2. The Vice-Chairperson shall also be responsible for exercising the powers delegated to it by the Chairperson.

Article 13

Other members of the Council

The other members of the Council shall be responsible for:

- (a) Participating in the Council's plenary meetings;
- (b) Actively collaborating in the activities of the Sections to which they are appointed by the Council;
- (c) Participating in the meetings of the Working Groups to which they are appointed.

Article 14

Secretary

The Secretary shall be responsible for:

- (a) Ensuring the functioning of the Council;
- (b) Coordinating the Secretariat's activity;
- (c) Managing appropriations allocated to the Council in the Budget of Statistics Portugal.

Meetings

Article 15

Nature and frequency

1. Council meetings are private.
2. The plenary session and Sections may be convened in enlarged meetings or restricted sessions.
3. The Council's restricted sessions shall be targeted at analysing specific issues clearly falling within the scope of some of the entities integrating the plenary session or requiring a swift and flexible approach.
4. The validity and effectiveness of decisions made in restricted sessions shall be identical to those resulting from enlarged meetings. All Council members shall be informed of them.
5. Plenary meetings may be regular, extraordinary or urgent.
6. Ordinary enlarged meetings shall be held twice a year.
7. The Council's restricted sessions shall always be extraordinary.
8. The meetings of Sections and Working Groups shall be carried out according to the schedule defined by the respective Chairpersons.

Article 16

Convening of meetings

1. Ordinary plenary meetings shall be convened by the Chairperson, or, in the case of delegation, by the Vice-Chairperson, at least 15 consecutive days in advance.
2. The meetings of Sections and Working Groups shall be convened by the respective Chairpersons (or Vice-Chairpersons) at least 15 and 8 consecutive days in advance, respectively.
3. The convening of meetings shall indicate the date, time and venue of the meeting, as well as the respective agenda.
4. Meetings shall be convened by email. The remaining documents for the meeting shall be made available as a rule via the CIRCA platform.
5. Extraordinary plenary meetings shall be convened by the Chairperson, or in case of delegation by the Vice-Chairperson by email, on his/her own initiative or upon justified request in writing submitted by any member, at least 8 consecutive days in advance.
6. In case the Chairperson does not accept the justification for an extraordinary plenary meeting, he/she shall include that subject in the agenda of the subsequent ordinary meeting.
7. Urgent meetings shall be convened by the Chairperson, or in case of delegation by the Vice-Chairperson by email, at least 48 hours in advance, for the purpose of complying with Article 14 of Law No 22/2008 of 13 May.

Article 17

Agenda

1. When drawing up plenary meeting agendas, the Chairperson shall take into account any discussion proposal submitted in writing by any of its members or by Sections, at least 30 consecutive days in advance in the case of ordinary meetings, and at least 15 consecutive days in advance in the case of extraordinary meetings.
2. Agendas of restricted sessions shall be made known to all Council members simultaneously with the respective summons.
3. In the case of Sections and Working Groups the 30-day advance period mentioned in paragraph 1 shall be narrowed to 15 and 8 consecutive days.

Article 18

Quorum

1. The decisions of the plenary session, Sections or Working Groups shall be considered valid on a first call only when the simple majority (50% plus one) of its members plus the Chairperson or Vice-Chairperson (in his/her absence) are present.
2. If at the appointed time of the meeting the required quorum is not present, the meeting shall be deferred for a period of 30 minutes.
3. If at the commencement of the deferred meeting the conditions required for the functioning of the Council are still not gathered (plenary session, Section or Working Group), a second meeting shall be convened to a later date.
4. This second meeting shall be convened under Article 15 and proceed with the members present plus the Chairperson or Vice-Chairperson.

Article 19

Participation in meetings

1. Full members may be replaced by one of their alternates, in which case the Chairperson shall be informed through the Council Secretariat.
2. Council members may be accompanied by a maximum of two advisors at each meeting, with no voting rights.
3. In order to participate in plenary sessions or Section meetings, Council members shall pay attendance fees, to the amount established in Joint Decision No 19486/2008 of 23 July of the Minister of State and Finance and of the Minister for the Presidency.
4. The payment of attendance fees shall be governed by the following rules:
 - a) Attendance fees shall be paid to full members of the plenary session and of Sections who are present or to the respective alternate members, pursuant to paragraph 1.

- b) The payment of attendance fees to Chairpersons or Vice-Chairpersons of Sections that ought to participate in plenary meetings shall be considered an exception to the provisions of the foregoing paragraph.
5. Council members or other experts, who exceptionally and upon request of the Council participate in meetings, shall have a right to paid transportation, accommodation, insurance and food, whenever this participation implies travelling outside the workplace location, under the terms set forth for travel expenses of Statistics Portugal's employees.
 6. The use of official cars shall not give entitlement to paid travel expenses.

Article 20

Minutes

1. The meetings of the Council shall have their respective minutes drawn up.
2. Plenary and Section meetings shall be recorded, with the exception of interventions where, at the start of meetings, the respective authors expressly declare their non-consent.
3. The minutes shall include:
 - (a) Date, venue and attendance in the meeting;
 - (b) The agenda and an objective summary of the follow-up;
 - (c) The decisions made, their form and voting results.
4. Minutes shall be drawn up by the Secretary of the Council and submitted to the approval of members at the start of the subsequent meeting, and shall be signed after being approved by the Chairperson and the Secretary.
5. The minutes shall be kept by the Council Secretariat, also being made available on CIRCA and sent to the remaining participants who do not have access to the CIRCA platform.
6. The Chairperson shall be responsible for drawing up the Working Group minutes. With regard to drafting, he/she shall find a consensus-based method to be adopted, notably rotation between all members, or any other method considered as appropriate.

Decision-making process

Article 21

Deliberations and Recommendations

1. The Council shall issue Deliberations and Recommendations in accordance with its powers.
2. Recommendations may be issued at plenary sessions, by Sections and Working Groups.
3. Deliberations or Recommendations issued by Sections on the subjects discussed shall be formalised and stem from voting, pursuant to the following Article.
4. Deliberations and Recommendations of the plenary session shall be sequentially numbered and signed by the Chairperson and the Secretary.

5. Section Deliberations and Recommendations shall be sequentially numbered within each Section, and signed by the Chairperson and the Secretary.
6. The Official Gazette, Series 2, shall publish Deliberations relating to:
 - (a) The approval of the *Linhas Gerais da Actividade Estatística Oficial e respectivas prioridades* (General Guidelines of National Statistical Activity and relevant priorities);
 - (b) The approval of concepts, definitions, classifications and other technical tools for statistical coordination;
 - (c) The appraisal of Business Plans of statistical authorities and the respective implementation reports.
7. The Deliberations and Recommendations of the plenary session and the Sections shall be released on the Council's website.

Article 22

Voting

1. Council Deliberations and Recommendations shall be taken by simple majority of the votes.
2. The Chairperson shall have the casting vote.
3. Each entity and each member appointed under the terms of Article 10 (m) and (n) of Law No 22/2008 shall have the right to one vote.
4. Experts invited by the Chairperson to attend where matters under discussion require specific expertise shall have no voting rights.
5. Chairpersons of Sections invited to participate in plenary meetings shall have no voting rights.

Article 23

Explanations of vote

1. Council members may submit explanations of vote.
2. Explanations of vote shall be recorded in the minutes of meetings where they were submitted.

Article 24

Challenge

1. Deliberations issued by Sections shall be deemed challenged when any member of the Council, within 8 working days after having learned of them, requires their reassessment at a plenary session.
2. Issues decided at restricted plenary sessions or Sections shall be deemed challenged when any of its members, within 8 working days after having learned of them, requires their reassessment by the respective body.
3. In case of challenge, decisions made shall be immediately suspended.

Article 25

Written procedure

1. The Council members' appraisal of or agreement on specific documents or draft Deliberations or Recommendations may be formalised by recourse to a written procedure.
2. The Council shall decide on situations where there is recourse to a written procedure on a case-by-case basis.
3. It shall be the Secretariat's responsibility to take the steps deemed necessary to implement the written procedure pursuant to Article 21 (1), by establishing the appropriate deadlines for that purpose.
4. Where there is objection to recourse to a written procedure by a member, the plenary session or the Section in question shall have to meet.
5. If upon expiry of the voting deadline, not every entity has cast its vote, Deliberations or Recommendations shall be considered approved provided that two-thirds of votes are cast in favour, with no vote against.
6. The Plenary session or the Section in question shall be informed about the voting results.

Documentation

Article 26

Organisation and circulation of documents

1. The Council Secretariat shall preferably use the CIRCA platform for the circulation of documentation relating to plenary sessions and Section meetings, as well as to the meetings of a number of Working Groups.
2. Working documents shall be sent to Council members during the first 8 days after the plenary session and Sections are convened, except if they are of a complex nature, in which case they shall be sent at least 15 consecutive days in advance.
3. The following shall be considered complex documents:
 - (a) General Guidelines of Official Statistical Activity;
 - (b) Business Plan and Annual Report of statistical authorities;
 - (c) Business Plan and Annual Report of the Statistical Council;
 - (d) Any document that due to its technicality and/or size requires a higher number of days for examination than those foreseen in paragraph 2.

Article 27

Media Information Notes

The Council's activities shall be communicated to the media through the release of information notes notably on:

- (a) Annual Report of the National Statistical System;
- (b) Annual Business Plan for the National Statistical System;
- (c) General Guidelines of Official Statistical Activity;
- (d) Other documents or Deliberations the Council deems relevant to the NSS.

Final provisions

Article 28

Review of or changes in the Rules of Procedure

All reviews of or changes in the present Rules of Procedure shall be approved at an enlarged plenary session of the Council, upon proposal of any member, provided that they have been previously included in the agenda.

Article 29

Doubts and omissions

Doubts and omissions in the present Rules of Procedure shall be solved at a plenary session of the Council upon proposal of the respective members.