

DELIBERATION NO 302 OF THE CONSELHO SUPERIOR DE ESTATÍSTICA (STATISTICAL COUNCIL)

RULES OF PROCEDURE OF THE STATISTICAL COUNCIL – 2006 VERSION

The Rules of Procedure of the *Conselho Superior de Estatística (Statistical Council)* (hereinafter referred to as the Council) were approved at the first plenary session of the Council of 20 April 1990 (Deliberation No 1 of the Council).

Subsequently, and depending on the need to introduce some adjustments in specific issues, Deliberations Nos 139, 182 and 215 of the Council were approved on 28 November 1997, 4 January 2000 and 24 October 2001 respectively, establishing some one-off changes.

Whereas the importance of introducing further overall adjustments designed to render the new working procedures and methods of the Council more flexible, up-to-date and operational in a more systematic manner.

Whereas the need to present the latest amendments to the Rules of Procedure in a consolidated document.

Pursuant to Article 10 (1) (g) of Law No 6/89 of 15 April, on the powers of the Council to approve its own Rules of Procedure, combined with Article 18 of its Rules of Procedure, the Council, at its plenary session of 30 January 2006, decides to approve the new version of its Rules of Procedure, in annex to this Deliberation and forming an integral part thereof.

Lisbon, 30 January 2006

The Chairman of the Statistical Council, *Manuel Pedro Cunha da Silva Pereira*

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

Conselho Superior de Estatística (Statistical Council)

Rules of Procedure

Chapter I - Structure

Article 1

Functioning

1. The *Conselho Superior de Estatística* (Statistical Council) (hereinafter referred to as the Council) is composed of members appointed in accordance with the Basic Laws of the *Sistema Estatístico Nacional* (National Statistical System).
2. The Council may meet either in plenary session or in Sections.
3. Plenary sessions and Sections may meet in restricted sessions, whose composition is defined depending on the subjects under examination.
4. The Sections envisaged in paragraph 2 may create Working Groups with particular mandates, for given periods, as deemed necessary for the fulfilment of their objectives, and terminate them upon conclusion of the mandate.
5. Working Groups are composed of representatives of any public or private entities and experts, for the examination of particular issues as defined by mandate.
6. Working Groups, on an informal basis, may also strategically assign to subgroups the tasks inherent in compliance with the respective mandate.

Article 2

Plenary session

1. The plenary session shall be composed of all members integrating the Council.
2. The plenary session shall hold ordinary and extraordinary meetings.
3. In ordinary meetings the Council shall, in particular:
 - a) define the general guidelines of statistical activity and the respective priorities for the subsequent years;
 - b) examine the Work Program for the subsequent year of the Council, Statistics Portugal and other entities intervening in national statistical production;
 - c) examine implementation reports on Work Programs for the previous year of the Council, Statistics Portugal and other entities intervening in national statistical production.

4. Restricted sessions are summoned whenever urgent or special circumstances justify it, as defined in a deliberation of the Council, and are deemed to be of an extraordinary nature.
5. The plenary session may instruct the Sections to prepare special studies, establishing a deadline for submitting a progress report.

Article 3

Standing or Ad-hoc Sections

1. Sections are created in line with a functional distribution, by theme or type of analysis.
2. Sections may be Standing or Ad-hoc.
3. Sections are composed of members of the Council, who examine problems within the scope of their powers.
4. Sections are granted delegated powers and may decide on a number of subjects, as well as examine other subjects either to be subsequently submitted at the plenary session, or at its request.
5. Up to the date when the subsequent ordinary plenary session is summoned, the deliberations taken by the Sections and respective reasoning are communicated to all members of the Council.
6. Sections may meet jointly, whenever deemed justified by the nature of the subjects under examination.
7. Sections are formally created * by deliberation of the plenary session of the Council. That deliberation shall:
 - a) include the names of the participating members, the respective mandate and powers, and, in the case of Ad-hoc Sections, its fixed or undetermined duration;
 - b) include the names of the respective Chairperson and Vice-Chairperson;
 - c) include the definition of their mandates, which cannot exceed the period assigned to each member.
8. In cases where the deliberation of the Council does not indicate the name of the Chairperson or Vice-Chairperson, each Section shall make such appointment on its first meeting.
9. Sections may ask accredited experts or specialists to issue opinions deemed appropriate for correct deliberation-making on technical subjects submitted to their approval.
10. Whenever a given Section, pursuant to Article 2 (4), is required by the plenary session to carry out a study on a specific subject, the respective report shall be handed over to all members integrating the plenary session, before its examination at the meeting, pursuant to Article 20.
11. The functioning of the Standing and Ad-hoc Sections shall comply with the provisions on the functioning of the Council, with the necessary adjustments, laid down in Articles 10 to 21 of this Regulation.
12. Sections decide expressly on the problems discussed, by taking a vote if no consensus is achieved.

* The deliberations of the Council establishing the creation of Sections are presented as Annex A to this Regulation.

13. In the absence of the Chairperson of the Section, and in case no Vice-Chairperson has been appointed, the present members, provided that quorum shall exist, may appoint a member who will chair the meeting

Article 4

Working Groups

1. The Working Groups are created by the Sections, according to the respective thematic area.
2. The Working Groups develop and present reports on their activities according to the respective mandate and within the deadline established by the Section.
3. The Working Groups elect the Chairperson for a period of one year, automatically renewable for equal periods until the next election, without prejudice to the possibility of also electing a Vice-Chairperson.
4. The Chairperson shall be accountable to the Section that created the Working Group for the coordination and smooth operation of the works.
5. The Working Groups may be formed by full members and alternate members.
6. According to the specific requirements of the Working Groups' mandates, they may also be formed by permanent members and anticipated members.
7. The Working Groups may also integrate, on a permanent or ad-hoc basis, experts in subjects deemed relevant for the performance of their mandate. The invitation is made by the Vice-Chairperson of the Council, under proposal of the Chairperson of the Working Group.
8. The members mentioned in 5 and 6 are appointed by the appropriate Council members. The invitation is made by the Section Chairperson. In the case of entities with no representation in the Council the invitation is made by the Vice-Chairperson of the Council.
9. The members regularly appointed in accordance with the foregoing paragraph, and after four unjustified and consecutive absences, may, under proposal of the Chairperson of the Working Group and upon deliberation of the corresponding Section, be replaced in accordance with the procedure mentioned in paragraph 6.
10. The Chairpersons of the Working Groups shall prepare a summary of the meetings.
11. The Reports mentioned in paragraph 1 of the present Article shall be approved by simple majority of the entities represented in the Working Group, and shall include, in annex, the opinions prepared by the invited experts.

Article 5
Council Secretariat

1. The Secretariat shall be the organisational unit supporting the functioning of the Council, created in Statistics Portugal, pursuant to the Basic Law of the National Statistical System.
2. The Council Secretariat shall be responsible for:
 - a) the preparation of the agendas;
 - b) the organisation of the whole technical and legal support to all structures of the Council;
 - c) the preparation of seminars, debates and other national and international organisations;
 - d) the organisation of the administrative support to the functioning of the Council.

Chapter II – Powers

Article 6
Chairperson

The Chairperson shall be responsible for convening, chairing and guiding the plenary sessions and the restricted sessions of the Council, and for preparing the respective agenda.

Article 7
Vice-Chairperson

1. The Vice-Chairperson shall be responsible for:
 - a) replacing the Chairperson in the event of absence;
 - b) coordinating the works of the restricted sessions and of the Standing or Ad-hoc Sections;
 - c) guiding the works of The Executive Secretary.
2. The Vice-Chairperson shall exercise the powers delegated to it by the Chairperson.

Article 8

Council Secretary

1. The tasks of the Council Secretary, with no voting rights, are performed by a senior member of the staff of Statistics Portugal, appointed by the Chairperson of the Council, under proposal of the President of the Administration Board of Statistics Portugal.
2. The Executive Secretary, who performs executive tasks, is responsible for and coordinates the functioning of the organisational unit mentioned in Article 5.
3. The Executive Secretary may be assisted by an Assistant Secretary, who replaces him/her in the event of absence, in the exercise of the powers laid down in paragraph 4, to be appointed from amongst the staff, under proposal submitted to the Vice-Chairperson of the Council.
4. The Executive Secretary shall be responsible for the administrative work and for the technical and legal support to the Council, and shall namely:
 - a) Manage the functioning of the Council's meetings;
 - b) Prepare and submit for approval the Annual Reports and implementation reports of the Council;
 - c) Define the information models and contents to be disseminated by the Council within the scope of its tasks and activities;
 - d) Carry out other tasks entrusted to it by the Council, by its Chairperson or Vice-Chairperson.

Article 9

Members of the Council

1. The members of the Council performing tasks ex-officio shall be replaced by the respective legal alternates.
2. The Vice-Chairperson of the Council, in the situation mentioned in Article 7 (1) (a), shall be replaced by representatives of Statistics Portugal, pursuant to the foregoing paragraph, and may indicate a member of the Administration Board of Statistics Portugal as second alternate.
3. The representatives of the government departments responsible for areas of intervention covering more than one statistical area may appoint a second alternate member.

Chapter III – Functioning

Article 10

Nature and frequency of the meetings

1. The Council may convene regular or extraordinary plenary meetings.
2. Regular meetings shall be held twice a year; the restricted plenary sessions of the Council shall always be extraordinary.
3. The meetings of the Sections and Working Groups shall be carried out according to the schedule defined by the respective Chairpersons and must comply with the Work Program of the Council approved for the relevant year.

Article 11

Restricted sessions

1. Restricted plenary sessions of the Council or of the Sections may meet to examine specific matters.
2. The restricted sessions of the Council shall be convened by the Chairperson or, in the case of delegation, by the Vice-Chairperson, at least fifteen consecutive days in advance, to decide on issues clearly falling within the scope of some of the members integrating the plenary session or contributing to the reasoning underlying the deliberations of the plenary session.
3. The agendas of the restricted sessions shall be made known to the other members of the Council simultaneously with the summons.
4. The effectiveness and efficiency of deliberations on issues relating only to some of the members integrating the plenary session or the Sections is identical to that resulting from enlarged meetings, validated eight working days after the meeting. All members shall be informed at the subsequent regular meeting.
5. The issues discussed and decided in restricted session are deemed to be challenged when any member of the Council, within eight working days, requires their appreciation at the plenary session.
6. In case of challenge, the deliberation taken in restricted session shall be immediately suspended.

Article 12
Convening of meetings

1. The convening of meetings shall indicate the date, time and venue of the meeting, as well as the respective agenda.
2. The convening of meetings shall be sent, together with the documents mentioned in Article 20, through email or post, depending on the type of documents to be sent.
3. The ordinary plenary meetings or the restricted sessions shall be convened by the Chairperson or, in the case of delegation, by the Vice-Chairperson, at least fifteen consecutive days in advance.
4. Extraordinary meetings shall be convened by the Chairperson or his/her alternate, by registered post with acknowledgement, "protocol" or email, on his/her own initiative or upon justified request in writing submitted by any member, at least eight consecutive days in advance.
5. In case the Chairperson does not accept the justification for an extraordinary meeting, he/she shall include that subject in the agenda of the subsequent meeting or inform the plenary session of the Council thereof.
6. The meetings of the Sections and Working Groups shall be convened by the respective Chairperson or Vice-Chairperson, at his/her own initiative, at least fifteen and eight consecutive days in advance, respectively.

Article 13
Agenda

1. Without prejudice to the provisions of paragraph 1 of the foregoing Article, when drawing up the meeting agendas, the Chairperson shall take into account any discussion proposal submitted in writing at least thirty consecutive days in advance by the Sections or by any of its members in the case of regular meetings, and at least fifteen consecutive days in advance in the case of extraordinary meetings.
2. In the case of Working Groups, the thirty-day advance period mentioned in the foregoing paragraph shall be narrowed to 15 consecutive days.

Article 14
Quorum

1. The deliberations of the plenary session, Sections or Working Groups can be considered valid on a first call only when a majority of its members and the Chairperson or Vice-Chairperson are present.
2. If at the appointed time of the meeting a required quorum is not present, the meeting shall be deferred for a period of 30 minutes.

3. If the required quorum is still not present at the commencement of the deferred meeting, the Section or the Working Group shall convene a second meeting.
4. This meeting shall be convened under Article 12 (2) and (4), and will proceed with the members present plus the Chairperson or Vice-Chairperson.

Article 15

Presence at plenary meetings, restricted sessions and Sections

1. The members may be replaced by their alternates, in which case the Chairperson shall be informed.
2. Every organisation represented at the meetings has the right to one single vote, notwithstanding the number of representative members.
3. The Chairperson may arrange for experts to attend where matters under discussion require specific expertise, with no voting rights.
4. When the Chairperson of a Section is an alternate member of the entity he/she represents at the Council, he/she may be invited to participate in plenary meetings simultaneously with the permanent member, albeit with no voting right.

Article 16

Minute of the meetings

1. The meetings of the Council are private, and minutes shall be drawn up, including:
 - a) A summary of events, including the date and venue of the meeting, the attending members, the matters discussed;
 - b) The deliberations taken and the voting results.
2. Minutes are drawn up by The Executive Secretary and submitted to the approval of all members at the start of the subsequent meeting, and are signed after being approved by the Chairperson and by The Executive Secretary.
3. Minutes are deemed to be tacitly approved if, one month after being forwarded to the members, these do not issue any written observation, other than of a merely formal nature.

Article 17

Voting

1. The deliberations of the Council may be formalised as deliberations, resolutions and recommendations, according to the matters discussed and their relevance.
2. Deliberations are taken solely at plenary session or by the Sections.
3. Resolutions and recommendations are taken by the Sections.
4. The Working Groups may issue recommendations or draft resolutions to be submitted to the respective Section.
5. Deliberations, resolutions and recommendations are taken by simple majority of the votes, except in the situation envisaged in paragraph 7.
6. The Chairperson shall have the casting vote.
7. Pursuant to Article 16 (3) (b) of Law No 6/89 of 15 April, deliberations on proposals regarding the delegation of powers by Statistics Portugal to other public services in the absence of agreement by the Chairperson of Statistics Portugal, are taken by qualified majority of two thirds of the members of the Council.

Article 18

(Deliberations)

1. The Council's Deliberations are sequentially numbered and signed by the Chairperson and by The Executive Secretary.
2. Deliberations may be taken at plenary session or by the Sections with special delegated powers.
3. Deliberations may also be taken by written procedure, in those cases where the plenary session or the Sections with special delegated powers so decide.
4. In the situations mentioned in the foregoing paragraph, the Council Secretariat shall be responsible for promoting the drawing-up, circulation and dissemination procedures required for the respective implementation, according to the deadlines defined and pursuant to the provisions envisaged in Article 17 (1) of the present Regulation.
5. Where there is objection to the use of the written procedure mentioned in paragraph 3 by one member, the Section shall meet in person.
6. The members of the Council who have been unsuccessful may make indication to their explanation of vote in the minutes of the meeting where the Deliberation was approved.
7. The Official journal, Series 2, publishes the Deliberations relating to:

- a) The approval of the *Linhas Gerais da Actividade Estatística Nacional e respectivas prioridades* (General Guidelines of National Statistical Activity and relevant priorities);
 - b) The approval of concepts, definitions, nomenclatures and other technical tools for statistical coordination;
 - c) The Work Program of Statistics Portugal and of other entities intervening in national statistical production and relevant implementation report.
8. When the wording of the Deliberations is to be finalised subsequently to the meeting where they originate, the Secretariat of the Council shall be responsible for its finalisation, and the relevant texts shall be sent to the members for written observations.
 9. Where, in the situations envisaged in paragraph 8, written observations are not sent to the Council within the established deadline, Deliberations are deemed to be tacitly approved.

Article 19

Resolutions and recommendations

1. The Standing Sections and Ad hoc Sections may make resolutions and issue recommendations.
2. Resolutions and recommendations are sequentially numbered within each Section, and are signed by the Chairperson and by The Executive Secretary.
3. The Working Groups may issue recommendations to the respective Section and prepare draft Deliberations. In the first case, the regulations established for the organisation of procedures of the Sections shall apply, with the appropriate adjustments.
4. In those cases where the wording of the resolutions or recommendations is to be finalised subsequently to the meeting where they originate, the Council Secretariat shall be responsible for its finalisation, and the relevant texts shall be sent to the members for written observations.
5. Where written observations are not received within the established deadline, the resolutions are deemed to be tacitly approved.

Article 20

Organisation and circulation of documents

1. Draft deliberations and any other working documents may be sent by the Chairperson to the members of the Council during the first eight days after the plenary session and Sections are convened, except if they are of a complex nature, in which case they are sent at least fifteen consecutive days in advance.
2. Complex documents are deemed to be the following:
 - a) General Guidelines of National Statistical Activity;

- b) Work Program and Annual Report of Statistics Portugal and of other entities intervening in national statistical production;
- c) Annual Report of the Council;
- d) Any document that, due to its technicality or size, requires a higher number of days for examination than those foreseen in Article 12 (1) of the present Regulation.

Article 21

Means of circulating documents

The Council Secretariat shall use post or email, preferably the latter, in all communications, summons or other.

Chapter IV – Final provisions

Article 22

Review of or changes in the Rules of Procedure

The review of or the introduction of changes in the present Regulation can only be conducted in plenary session of the Council, under proposal of any member, provided that it has been previously included in the agenda.

Article 23

Doubts and omissions

Doubts and omissions in the present Regulation are solved by the Council under proposal of the respective members.