

DELIBERATION NO 269 OF THE CONSELHO SUPERIOR DE ESTATÍSTICA (STATISTICAL COUNCIL)

**ON THE UNDERSTANDING OF THE STATISTICAL COUNCIL REGARDING THE IMPLICATIONS OF ARTICLE 24 OF
LAW NO 6/89 OF 15 APRIL**

Whereas the State of the Art Report of the *Sistema Estatístico Nacional* (National Statistical System) 1999/2001, which includes a recommendation of the Government calling for:

Strict compliance with the provisions of Article 24 of Law No 6/89 of 15 April on the requirement to hear the Conselho Superior de Estatística (Statistical Council) (hereinafter referred to as the Council) beforehand on legislation affecting the structure and functioning of the National Statistical System; the Council has undertaken to prepare a reference document clarifying its understanding as to the possible situations in which it should be heard beforehand.

Whereas the *Linhas Gerais da Actividade Estatística Nacional, e respectivas prioridades, para o período 2003/2007* (General Guidelines of National Statistical Activity and relevant priorities for the 2003/2007 period) approved at the plenary session of the Council (Deliberation No 247 of 28 January 2003), on management practices and procedures, namely with a view to enhancing National Statistical System activity planning and the respective monitoring procedures, establish as their purpose:

To strengthen the means that enable the examination by the Council of the legal initiatives with potential impact at the level of the structure and functioning of the National Statistical System.

Whereas, in the context of the foregoing paragraphs, the need for a thorough examination and definition of the situations in which, according to the provision of the National Statistical System's Basic Law, the Council should be heard beforehand in the process of approval of draft legislation affecting the National Statistical System;

Whereas, therefore, the need for the Council to clarify the situations falling under legislative provisions, in order to safeguard the statistical system unit, which should be geared to the homogeneity and coordination

of the methods for the preparation and dissemination of official statistics, thus obviating spurious duplications of statistical competences, which may lead to the unnecessary duplication of information and the plurality of sources, also making it possible to learn and in some cases to take advantage of “borderline cases” potentially related to official statistical production by Statistics Portugal or by entities with delegated powers.

Pursuant to Article 24 of the National Statistical System’s Law, **the Council, at its plenary session of 18 May 2004, decides:**

- a) to approve the text in annex, which evinces the understanding of the Council on the expression «affecting the structure or functioning of the National Statistical System», in Article 24 of the National Statistical System’s Law.
- b) to formally inform the *Secretaria de Estado da Presidência do Conselho de Ministros* (State Secretariat of the Ministry of Presidency), in its capacity as entity entrusted with coordination functions within the scope of the legislative process, with a view to making the different Ministries aware of the need for compliance with Article 24 of Law No 6/89 of 15 April, whenever it involves draft legislation falling within the above understanding.

Lisbon, 18 May, 2004

The Chairman of the Statistical Council, *Nuno Morais Sarmento*

The Executive Secretary of the Statistical Council, *Maria Margarida Lobo da Conceição Madaleno*

ANNEX

Considering not only the National Statistical System's Basic Law per se, but also the acceptable parameters for understanding the legal text, the Council believes that the expression affecting the structure or functioning of the National Statistical System in Article 24 of Law No 6/89 of 15 April means that, with a view to better ensure the smooth coordination of the National Statistical System, the Council should examine any draft legislation, irrespective of its form (e.g. Law, Decree-Law, Executive Order, Resolution), relating to statistical production activity within the scope of the National Statistical System, whose contents refer to:

1. Organic legislation governing public services with powers delegated by Statistics Portugal.
2. Organic legislation governing public services whose tasks or competences include the production of:
 - a) statistics with identical nature or purposes as those produced within the National Statistical System;
 - b) statistics outside the scope of the National Statistical System, but resulting from the use of administrative data;
 - c) statistical indicators to respond to national, Community or international requirements.
3. Administrative data used for statistical purposes, within the strict context of statistical operations carried out at the National Statistical System level or used for updating statistical units files managed by Statistics Portugal, according to the list in annex to the Work Program of Statistics Portugal and of other entities intervening in national statistical production.
4. Nomenclatures and classifications used at the National Statistical System level.
5. Identification of requirements in terms of sectoral statistical data and respective producers.
6. Definition of the cooperation of public services with entities integrating the National Statistical System.