

## **64<sup>TH</sup> DELIBERATION OF THE STATISTICAL COUNCIL**

### **RULES OF PROCEDURE OF THE STATISTICAL COUNCIL | 2022 revision**

In September 2008 - 1<sup>st</sup> Deliberation, the Rules of Procedure of the Statistical Council (CSE) were approved following the publication of the National Statistical System Law - Law No. 22/2008 of 13 May, subsequently revised in 2014 (37<sup>th</sup> Deliberation of the CSE) and published in *Diário da República*, 2<sup>nd</sup> Series, No. 134, of 15 July 2014.

It is now necessary to introduce adjustments to update, clarify and operationalise some procedures, namely arising from the implementation of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April on the protection of individuals about the processing of personal data and on the free movement of such data (GDPR), the adaptation to the current legislation, the holding of meetings by videoconference that became standard practice during the epidemiological situation, and the use of alternative communication and decision-making formats, namely a greater use of the written procedure mechanism allowing for faster decision-making on some matters.

Thus, under the terms of paragraph m), of article 13, of Law No. 22/2008 of 13 May 2008, **at the plenary meeting of 8 July 2022, the Statistical Council approved the updated version of the Rules of Procedure, attached hereto and forming an integral part thereof.**

Lisbon, 8 July 2022

The Vice-Chairman of the Statistical Council, *Francisco Lima*

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



**Rules of Procedure of the Statistical Council**

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## I. Legal framework

### Article 1

#### Applicable legislation

1. The Statistical Council hereinafter referred to as the Council, is the State body that guides and coordinates the National Statistical System (NSS), according to Article 3(2) of Law No. 22/2008 of 13 May (the NSS Law).
2. The legal framework of the Council is defined in chapter III of the NSS Law.
3. The present Regulation arises from the stipulations of Article 13(m) of the same NSS Law.

## II. Composition

### Article 2

#### Chairman

According to Article 10(1) of the NSS Law, the Council is chaired by the Minister responsible for Statistics Portugal (INE, IP) or by the Government member to whom he delegates his functions, and the Vice-Chairman is the President of Statistics Portugal.

### Article 3

#### Other Members

1. The Council also integrates the Members listed in article 10(2) of the NSS Law.
2. The Members referred to in the previous number may be effective or substitute members and are appointed under the terms of articles 11 and 12 of the same Law.

### Article 4

#### Executive Secretary

The Council has an Executive Secretary, with no voting rights, appointed by the Chairman of the Council, under the proposal of the President of Statistics Portugal, according to paragraph 3 of Article 10 of the NSS Law.

### Article 5

#### Term of office of the Council members

1. The members of the Council are appointed for a period of 3 years and remain in office until they are replaced or reappointed.

2. In the event of the resignation of a member before the end of his/her term of office, his/her replacement will be carried out according to article 11 of the NSS Law.

### III. Organisational Structure

#### Article 6

##### Functioning

1. The Council functions in Plenary and specialized, restricted, standing, or occasional Sections, depending on the subject matter.
2. The Sections may create the Working Groups deemed necessary for the accomplishment of their competencies.
3. The Council may invite to its meetings, without voting rights, representatives of national, foreign, and international entities, or hear the opinion of experts of recognized competence on matters it considers relevant to the fulfillment of its functions.

#### Article 7

##### Plenary Meeting

1. The Plenary consists of all the Members of the Council.
2. The Plenary is assigned the competencies defined in articles 13, 14, and 15(4) of the NSS Law.
3. The Plenary shall annually approve a plan of the Council's activities and the respective implementation report.
4. The Plenary may delegate powers to the Sections, to ensure the greatest effectiveness in carrying out its duties.

#### Article 8

##### Sections

1. The Sections shall be created by Deliberation of the Council Plenary, which shall contain the competencies, composition, and duration, and may also appoint the respective Chairmen and if justified, Vice-Chairmen.
2. The Sections may be permanent or eventual in nature.
3. The Sections are made up of Council Members.
4. In cases where the Chairman and Vice-Chairman are not appointed in the Council Deliberation, each Section shall elect them at the first meeting.
5. The Sections, whenever the matters to be analysed so justify, may meet jointly.

6. The Agendas of the Section meetings, whenever the issues so justify, shall be made known to the Members of other Sections or to all Members of the Council at the same time as the respective notice is given.
7. The Sections may invite the Chairmen of the respective Working Groups to participate in the meetings.
8. The Sections, provided that the necessary budgetary allocation is ensured, may request from accredited experts or specialists the opinions they deem indispensable for the fulfillment of their mandate.
9. The functioning of the Sections shall be governed by the applicable provisions relating to the functioning of the Council.
10. In the absence of the Chairman (and Vice-Chairman of the Section) and provided that there is a quorum, the Members present at the meeting shall choose from among themselves who shall preside over the meeting.

### Article 9

#### **Working Groups**

1. The Working Groups may be formed by effective or alternate Members of the Council and by experts from the public and private entities with specific competence in the subject matter of the Group's mandate.
2. The Members of the Working Groups shall be appointed by request of the Vice-Chairman of the Council as follows:
  - a) By the full member when the entity is represented on the Council;
  - b) Independent Members with representation on the Council;
  - c) By the head of the entity to which they belong in the remaining cases.
3. The Working Groups shall elect a Chairman and possibly a Vice-Chairman.
4. The Chair of the Working Group shall be accountable to the respective Section for the coordination and execution of the work resulting from its mandate and for the regular reporting of its activity.
5. The Chairman of the Working Group may propose to the Section the exclusion from the Working Group of entities and independent representatives who do not regularly collaborate in the execution of the mandate, as well as their replacement.
6. The Working Groups may function in sub-groups according to the tasks inherent to the fulfillment of the respective mandate.

### Article 10

#### **Secretariat**

1. Under the terms of Article 16 of the Law on the National Statistical System, Statistics Portugal shall provide the technical, administrative, and logistical support necessary for the functioning of the Council.
2. The support referred to in the previous paragraph shall be provided through the Secretariat, composed of technicians appointed by Statistics Portugal, and coordinated by the Executive Secretary of the Council.

3. The Secretariat shall have the following tasks:
  - a) To provide technical, legal, and administrative support for the activities of the Council;
  - b) Monitor and support, where appropriate, the implementation of Council decisions;
  - c) To prepare the draft Plan and Activity Report of the Council;
  - d) Disseminate information relevant to the functioning of the Council;
  - e) To organise seminars, debates, and other events, both national and international, of interest to the National Statistical System and which may be commissioned by the Council;
  - f) Manage the Council's website.

### IV. Competencies

#### Article 11

##### **Chairman**

It is the Chairman's responsibility:

- a) To represent the Council;
- b) To convene, chair, and preside over the extended Council Plenary meetings, as well as set the agenda;
- c) To appoint the Executive Secretary of the Council, under the proposal of the President of Statistics Portugal.

#### Article 12

##### **Vice-Chairman**

1. The Vice-Chairman shall be responsible for:
  - a) Substituting the Chairman in his absence and impediments;
  - b) Designating a representative to replace the Secretary in his/her absences and impediments;
  - c) Guide the work of the Executive Secretary of the Council.
2. It is also the Vice-Chairman's responsibility to exercise the competencies delegated to him/her by the Chairman.

#### Article 13

##### **Other members of the Council**

It is the responsibility of the other Members of the Council:

- a) To actively participate in the meetings of the Council Plenary;
- b) To actively collaborate in the work of the Sections to which they are appointed by the Council;
- c) To actively participate in the meetings of the Working Groups to which they are appointed.

## Article 14

### **Executive Secretary**

The Executive Secretary is responsible for:

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

## **V. Meetings**

### Article 15

#### **Nature and frequency**

1. The meetings of the Council shall be private.
2. Meetings of the Council may be held in person or by telematic means, such as video or teleconference.
3. The Plenary and the Sections may meet in extended sessions or restricted sessions.
4. Meetings of the Council in restricted sessions are intended for the consideration of specific issues, the nature, and the scope of which concern only part of the entities and independent Members in the Plenary or that require a quick and flexible approach.
5. Decisions taken at a closed session shall have the same validity and effectiveness as those taken at an enlarged session and shall be brought to the notice of all the Members of the Council.
6. Meetings of the Plenary may be ordinary, extraordinary, or urgent.
7. The Plenary ordinarily meets twice a year in extended sessions.
8. Plenary meetings in restricted sessions are always extraordinary.
9. The meetings of the Sections and Working Groups shall be held according to the schedule defined by the respective Presidents in the Council's annual plan of activities.

### Article 16

#### **Meeting notices**

1. The ordinary meetings of the Plenary Session shall be convened by the Chairman or, where such meetings are delegated, by the Vice-Chairman, with at least fifteen consecutive days' notice.
2. The meetings of the Sections and Working Groups shall be convened by their Chairmen (or Vice-Chairmen), respectively, with at least fifteen and eight consecutive days' notice.
3. The notice convening the meeting shall indicate the date, time, and place of the meeting, as well as the respective agenda.



4. Notices of meetings shall be sent out by email. The other documents for the meeting are, as a rule, made available through the CIRCA platform.
5. Extraordinary meetings of the Plenary Session shall be convened by the Chairman or, if he or she has been delegated, by the Vice-Chairman, by electronic mail, on his or her initiative or by the written proposal, duly justified by any of the Members, with at least eight consecutive days' notice.
6. In case the Chairman does not accept the justification given for convening an extraordinary meeting of the Plenary, such fact shall be included in the agenda of the next ordinary meeting.
7. Meetings of an urgent nature shall be convened by the Chairman or, in the event of a delegation, by the Vice-Chairman, by email, with at least 48 hours prior notice, only when compliance with Article 14 of Law 22/2008 of 13 May is at stake.

### Article 17

#### **Agendas**

1. In establishing the agenda of Plenary meetings, the Chairman shall take into consideration proposals for discussion matters formulated in writing by any of its Members or by the Sections at least thirty consecutive days in advance in the case of ordinary meetings and fifteen consecutive days in advance in the case of extraordinary meetings.
2. All Members of the Council shall be informed of the Agendas of the meetings in Closed Session at the same time as the respective notice is given.
3. In the case of Sections and Working Groups, the thirty days referred to in number 1 shall be reduced to fifteen and eight consecutive days.

### Article 18

#### **Quorum**

1. The Plenary, Sections, and Working Groups shall validly decide on a first call when a simple majority (50% plus one) of the legal number of their Members is present, and the Chairman or Vice-Chairman is absent.
2. The formation of the required quorum must take place no later than 30 minutes after the time set for the beginning of the meeting.
3. Once the period referred to in the previous point has ended and the necessary conditions for the functioning of the Council (Plenary, Section, or Working Group) have not been met, a second meeting shall be convened for a later date.
4. The meeting on the second call shall be convened according to Article 15 and shall function with the members present and the Chairman or Vice-Chairman.

## Article 19

### **Meetings attendance**

1. A full Member may be replaced by one of his or her alternates, to be notified to the Chairman through the Council Secretariat.
2. The Members of the Council may be accompanied by a maximum of two advisors at each meeting without voting rights, but this number may be higher if they make presentations at Council meetings.
3. The participation of Council Members, not covered by Law no. 35/2014, of 20 June, the General Labour Law in Public Functions (LGTFP), in meetings of the Plenary or of the Sections corresponds to the payment of an attendance fee in the amount established by the legislation in force that regulates the matter.
4. The payment of attendance fees is governed by the following rules:
  - a) The attendance fee shall be paid to full members of the Plenary and Sections present or, in their absence, to the respective substitute members by paragraph 1;
  - b) The payment of the attendance fee to the Chairmen or Vice-Chairmen of the Sections that must participate in Plenary meetings shall be an exception to what is established in the previous subparagraph.
5. The Members of the Council or other technical experts who, on an exceptional basis and at the request of the Council, participate in meetings shall be entitled to payment of transport, accommodation, and meals, whenever such participation implies travel outside the location where their place of work is located, under the terms of the legislation in force for Public Administration.
6. The use of official cars shall not give rise to the payment of transport costs.

## Article 20

### **Minutes**

1. Minutes shall be taken of Council meetings.
2. Meetings of the Plenary and Sections shall be recorded.
3. The minutes shall include:
  - a) The date, place, and attendance at the meeting in question;
  - b) The agenda and an objective summary of its development;
  - c) The conclusions, recommendations, and decisions taken, their form, and the result of respective votes.
4. In addition to the provisions of the previous number, the minutes shall include summaries of all interventions. Should any participant wish to have his or her detailed or revised intervention included in the minutes, he or she shall send the respective text, in writing, to the Secretary of the Council before the meeting at which the minutes are to be approved.

5. Minutes shall be prepared under the responsibility of the Executive Secretary of the Council and shall be submitted to the Members for approval at the beginning of the next meeting and signed, after approval, by the Chairman and the Secretary.
6. The minutes shall be deposited at the Secretariat of the Council and shall also be made available on CIRCA and sent to the other participants who do not have access to the CIRCA platform.
7. The recording media of the meetings of the various Council structures shall be kept at the Secretariat of the Council until the approval of the minutes, according to paragraph 5, after which they shall be destroyed.
8. The responsibility for drawing up the minutes of the Working Groups lies with the Chairperson, who, about the actual drawing up of the minutes, shall agree on the method to be adopted, namely rotation among all members or another method deemed appropriate.
9. When the minutes referred to in the preceding number are drawn up by the Secretariat of the Council, they may be recorded, except the interventions of those who, at the beginning of the meetings, have expressly indicated their non-consent, and without prejudice to the application of the provisions of number 7.

### VI. Decision-Making Process

#### Article 21

##### **Deliberations and Recommendations**

1. The Council shall issue Deliberations and Recommendations according to its powers.
2. Recommendations may be issued by the Plenary, Sections, and Working Groups.
3. The Deliberations or Recommendations issued by the Sections on matters discussed shall be formalised and voted upon, according to the following article.
4. The Deliberations and Recommendations of the Plenary shall be numbered sequentially and signed by the Chairman and the Executive Secretary.
5. The Deliberations and Recommendations of the Section are numbered sequentially within each Section and are signed by the respective Chairman and Executive Secretary.
6. The Resolutions concerning the following are published in the 2<sup>nd</sup> series of *Diário da República*
  - a) Approval of the General Guidelines of Official Statistical Activity (LGAEO) and respective priorities;
  - b) Adoption of concepts, definitions, nomenclatures, and other technical instruments for statistical coordination;
  - c) Evaluation of the Activity Plans of the statistical authorities and respective implementation reports.

7. The Deliberations and Recommendations of the Plenary and Sections are published on the Council's website.

### Article 22

#### **Voting**

1. The Deliberations and Recommendations of the Council shall be taken by a simple majority of the votes cast.
2. The Chairman shall have the casting vote.
3. Each Entity and each Member appointed under paragraphs m) and n) of Article 10 of Law No. 22/2008 shall have one vote.
4. Individuals with specific competence in the matters on the agenda, invited by the Chairman, shall not be entitled to vote.

### Article 23

#### **Statements of vote**

1. Any Member of the Council may express a voting explanation.
2. Voting explanations shall be recorded in the minutes of the meeting at which they were given.

### Article 24

#### **Recall**

1. The Deliberations issued by the Sections shall be considered withdrawn when any Member of the Council, within eight working days after becoming aware of them, requests that the matter be reconsidered by the Plenary.
2. Matters decided upon in restricted sessions of the Plenary or Sections shall be considered withdrawn when any of its Members, within eight working days of becoming aware of them, requests that the matter be reconsidered by the respective body.
3. In cases where a recall occurs, the decisions taken are suspended immediately.

### Article 25

#### **Written Procedure**

1. The consideration of or agreement by the Members of the Council on certain documents, or proposals for Resolutions or Recommendations, may be formalized by written procedure.
2. Situations in which the written procedure is used shall be decided by the Council on a case-by-case basis.

3. The Secretariat shall be responsible for taking the necessary steps for the written procedure under Article 21(1), establishing the appropriate deadlines for this purpose.
4. If a Member objects to the use of the written procedure, the Plenary or Section concerned must convene.
5. If at the end of the voting period, not all Members have cast their votes, the deliberations or Recommendations are considered approved provided that 2/3 of votes are in favour and no unfavourable vote has been recorded.
6. The Plenary or the Section concerned shall be informed of the result of the vote.

### VII. Processing of personal data

#### Article 26

##### Information

1. Within the scope of the Council's activity, personal data regarding Members and other participants are collected.
2. The person responsible for processing the personal data is Statistics Portugal.
3. The contact details of Statistics Portugal and the respective Data Protection Officer are available on Statistics Portugal's website<sup>1</sup>.
4. The personal data are collected with the consent of the data subjects and are intended, inter alia, for sending information to the data subjects and for facilitating the support work of the Council Secretariat, with no interconnection, transfer, or communication of the data to any recipients or third parties.
5. All data are kept in Statistics Portugal's technological infrastructure, in a secure environment, namely by the Council of Ministers Resolution no. 41/2018 of 28 March.

#### Article 27

##### Consent

1. New Council members are given a privacy and consent notice for information and permission for voice recording and interventions at meetings, seminars, and other Council events.
2. If any of those present at a Council meeting has not given prior consent to the recording, that consent must be requested at the beginning of the meeting.
3. Any speaker at meetings of the Council, even if he has given his prior consent, may at the beginning or at any time during the meeting withdraw his consent to the voice recording.

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<sup>1</sup> [https://www.ine.pt/xportal/xmain?xpid=INE&xpgid=ine\\_contactos&ine\\_smenu.boui=13711615&INST=56501](https://www.ine.pt/xportal/xmain?xpid=INE&xpgid=ine_contactos&ine_smenu.boui=13711615&INST=56501)

4. Council Members and other representatives on Sections and Working Groups may, at the end of their term of office, and upon temporary and renewable declaration, give consent to receive communications and/or information from the Council, via the web or otherwise.
5. The provisions of the previous paragraph shall apply to other persons who participate in the activities of the Council and who express an interest in receiving communications and/or information, via the web or otherwise, for which purpose they shall sign a temporary and renewable declaration of consent for the registration of their contact details.

### VIII. Documentation

#### Article 28

##### **Organization and circulation of documents**

1. The Council Secretariat shall preferably use the CIRCA platform to circulate documentation relating to meetings of the Plenary and Sections, as well as Working Groups.
2. The working documents shall be sent to the Council Members within the eight days immediately after the Plenary and Section notices are sent out unless they are complex, in which case they shall be sent at least fifteen consecutive days in advance.
3. Documents of a complex nature are considered to be:
  - a) General Guidelines of Official Statistical Activity (LGAEO);
  - b) Activity Plan and Activity Report of the statistical authorities;
  - c) Plan and Activity Report of the Council;
  - d) Any document which, due to its technicality and/or size, is presumed to require several days for analysis greater than that foreseen in paragraph 2.

#### Article 29

##### **Media information notes**

The Council's activity will be disseminated through the Media, through the publication of informative notes concerning, namely:

- a) Annual Report of Activities of the National Statistical System;
- b) Annual activity plan for the National Statistical System;
- c) LGAEO;
- d) Other documents or Resolutions considered relevant to the NSS by the Council.

**IX. Final dispositions**

Article 30

**Revision or change of the Internal Regulation**

Any revision or amendment to these Regulations shall be approved at an extended session of the Council Plenary, on the proposal of any of its Members, after having been previously included in the agenda.

Article 31

**Doubts and omissions**

The doubts or omissions of the present Regulation are clarified/solved by the Council Plenary on the proposal of its Members.

Article 32

**Entry into force and effect**

This Regulation shall enter into force on the date of its approval by the Council and shall take effect on the date of its publication in *Diário da República*.

July 8, 2022