

## PRESIDENCY OF THE COUNCIL OF MINISTERS

### Decree-Law No 136/2012

of 2 July

Within the scope of the Efficiency Commitment, the 19<sup>th</sup> Constitutional Government has established the general guidelines of the Central Government Improvement and Reduction Plan (Portuguese acronym: PREMAC), claiming that the first and foremost impulse to the Plan would have to occur from the outset in the preparation of the organic laws of the ministries and their services.

This is absolutely instrumental, on the one hand, to the start of a new stage of general government reform, so as to render it efficient and rational in the use of public resources and, on the other, for compliance with the objective of reducing public expenditure to which the country is bound. In fact, more than ever, simultaneous achievement of the objectives of rationalising the State's structures and a better use of its human resources is key to the process of modernisation and optimisation of the functioning of public administration.

It was decisively important to rethink and reorganise the State's structure, so as to render it more consistent and capable of performing its tasks, by eliminating redundancies and substantially reducing its operational costs.

Statistics Portugal performs tasks for the Presidency of the Council of Ministers in terms of paving the way for the smooth functioning of the National Statistical System and participation in the European Statistical System.

Statistics are quite an important asset for all countries, not only to be used by their nationals (citizens, enterprises and other public and private entities) but also by international communities and organisations where they are integrated.

Enrichment of such assets, in terms of size and quality, as well as their independent management, are thus an increasingly present and intense requirement within societies and for the development of relationships formed with external partners.

Independence is therefore one of the most important requirements for official statistical production in any country in the world. In Portugal the principle of technical independence is enshrined in the Law governing the National Statistical System and in the Statutory Laws of Statistics Portugal.

At the level of the European Statistical System there are numerous recommendations for Member States to establish a clear legal framework with regard to the independence of official statistics producers at various levels, in accordance with Regulations of the European Parliament and of the Council. These factors require clarification of the status of effective independence of Statistics Portugal.

In fact, the granting of the status of public institute with a special regime to Statistics Portugal, as set forth in the framework law governing public institutes, makes it possible for its Statutory Laws to reflect the specificities of its mission and tasks.

The Statistical Council has been heard.

Hence:

Pursuant to the provisions of Article 16 (1) of Law No 3/2004 of 15 January, and under Article 198 (1) (a) of the Portuguese Constitution, the Government provides for the following:

#### Article 1

##### Nature

1 — Pursuant to the law, Statistics Portugal (Portuguese acronym: INE) is a public institute with a special regime integrating the State's indirect administration, endowed with administrative autonomy.

2 — Statistics Portugal shall perform tasks for the Presidency of the Council of Ministers in the field of official statistics, being accountable to the Prime Minister or another Government member integrated in the Presidency of the Council of Ministers.

3 — Statistics Portugal, as national statistical authority, is part of the European Statistical System.

#### Article 2

##### Territorial jurisdiction and head office

- 1 — Statistics Portugal is a central body with jurisdiction over the whole Portuguese territory.
- 2 — Statistics Portugal has its head office in Lisbon and may have delegations or any other type of representation in Portuguese territory.

### Article 3

#### **Independence**

- 1 — Statistics Portugal shall enjoy technical and professional independence in the exercise of official statistical activity.
- 2 — Statistics Portugal shall carry out its activities with neutrality, objectivity, impartiality, confidentiality and transparency, pursuant to national and European legislation.
- 3 — Statistics Portugal shall carry out its statistical activity based on scientifically sound and suitable methodologies.

### Article 4

#### **Mission and tasks**

- 1 — Statistics Portugal's mission shall be to produce and release official statistical data, promoting the coordination, development and release of Portuguese statistical activity.
- 2 — Statistics Portugal is the main body that produces and disseminates official statistics, responsible for coordinating all activities relating to the production and dissemination of official statistical data of its area of competence, and is the national contact point with the European Commission (Eurostat) for statistical purposes within the scope of the European Statistical System.
- 3 — Statistics Portugal's tasks shall be:

(a) To produce official statistical data, aimed at supporting public, private, individual and collective decision-making, as well as scientific research;

(b) To prepare the Portuguese national accounts, in liaison with other competent entities, ensuring compliance with national obligations within the framework of the European Statistical System, notably as regards the excessive deficit procedure;

(c) To release the statistical data produced in an accessible manner;

(d) To coordinate and conduct technical, scientific and methodological supervision of official statistics produced by entities with delegated powers and by the Regional Statistical Services of the Autonomous Regions;

(e) To cooperate with national entities and entities from other States, from the European Union and from international organisations in the statistical field.

4 — Without prejudice to the provisions of the foregoing paragraphs, Statistics Portugal may produce and disseminate other statistical information allowing it to meet public or private user needs.

5 — Statistics Portugal, in its capacity as national statistical authority, may require information to be provided on a mandatory and free-of-charge basis, pursuant to the Law governing the National Statistical System.

### Article 5

#### **Cooperation of public entities**

Statistics Portugal shall have the option of resorting to public entities and services integrating the State's direct, indirect and autonomous administration and private-law institutions entrusted with public service management in issues deemed necessary for properly performing its tasks.

### Article 6

#### **Board**

The Board is a body of Statistics Portugal.

### Article 7

#### **Board**

1 — The Board is composed of the President and two other members.

2 — Without prejudice to the powers conferred upon it by law, or to delegated or subdelegated

powers, within the scope of Statistics Portugal's guidance and management, the Board shall:

- (a) Conduct surveys, censuses and other statistical operations;
- (b) Decide on the statistical methodology and the professional and statistical procedures in place for the production of official statistical data of its area of competence;
- (c) Develop data protection methods and techniques;
- (d) Decide on the content, timeframe and methods of release of data and publications to be disseminated by the Statistics Portugal;
- (e) Access, for exclusively statistical purposes, individual information on legal persons governed by public or private law, namely cooperatives, credit institutions and other economic agents and on sole proprietorships, collected by entities under the State's direct, indirect and autonomous administration and private-law institutions entrusted with public service management, within the scope of its powers;
- (f) Participate in the design and change of administrative data media aimed at their use for statistical purposes, so as to ensure, where possible, the adoption of statistical definitions, concepts and nomenclatures approved by the Statistical Council;
- (g) Access, create and manage geographical information files to support the production and dissemination of georeferenced statistical information;
- (h) Create, centralise and manage statistical unit files;
- (i) Register beforehand the rating instruments to be used in the production of official statistics, regardless of the respective medium;
- (j) Manage and ensure the quality of statistical processes and products;
- (k) Guarantee that entities with delegated powers and the Regional Statistical Services of the Autonomous Regions apply in their statistical operations the methodologies, concepts, classifications and variables approved by the Statistical Council;
- (l) Certify the quality of statistics produced by the entities referred to in the foregoing subparagraph;
- (m) Ensure compliance with the European Statistics Code of Practice;
- (n) Support at the scientific and methodological level statistical production within the National Statistical System (NSS);
- (o) Conduct demographic, social, economic, environmental, scientific and technological reviews and analyses;
- (p) Foster the training of National Statistical System's staff members, jointly with tertiary education institutions;
- (q) Initiate and pursue statistical infringement proceedings and apply the respective fines;
- (r) Submit to the Prime Minister's approval the setting-up and closure of Statistics Portugal's delegations or any other type of representation in Portuguese territory;
- (s) Cooperate, within the scope of its tasks, with other public or private, national or foreign entities, notably with countries of Portuguese official language.

3 — The Board shall also exercise the powers envisaged in the NSS legal framework and other complementary legislation.

4 — The Board may delegate powers to one or more of its members or to Statistics Portugal's staff members, with the option of subdelegation.

## Article 8

### Internal organisation

Statistics Portugal's internal organisation shall be set out in the respective Statutory Laws.

## Article 9

### Status of the Board members

1 — The President and the other members of the Board shall be chosen on the basis of professional criteria from among persons of recognised standing, independence, management ability and experience as well as suitable statistical and economic knowledge, pursuant to paragraph 4.

2 — The President and the other members of the Board shall act independently in the performance of the official statistical activity tasks entrusted to them by law.

3 — The members of the Board shall not be removed, nor shall they terminate their duties before the end of the mandate, except in the following cases:

- (a) Death or permanent physical disability;

- (b) Resignation;
- (c) Duly proven serious infringement of the law;
- (d) Duly proven serious breach of the duties entrusted upon them or the powers envisaged by law and in this Decree-Law.

4 — The public manager status and the provisions of the framework law governing public institutes with the specificities set forth in this Decree-Law shall apply to the Board members for compensation and appointment purposes.

#### Article 10

##### Revenue

1 — Statistics Portugal's revenue stems from State Budget allocations.

2 — Statistics Portugal also has the following own revenue:

- (a) Proceeds from the sale of goods and services within the scope of its tasks;
- (b) Any other income from its activity or assets, pursuant to the law;
- (c) Proceeds from fines imposed under the terms and in the percentages envisaged in the law;
- (d) Any other revenue eventually assigned to it by law, agreement or other.

3 — The balances of revenue mentioned in the foregoing paragraph as at the end of every year shall be carried forward to the following year, pursuant to the provisions of the Decree-Law on annual budget implementation.

#### Article 11

##### Expenditure

Statistics Portugal's expenditure shall result from costs and liabilities stemming from the performance of its tasks and activities, as well as Statistical Council's operating costs.

#### Article 12

##### Setting-up and participation in other entities

1 — Upon authorisation of the responsible Government members and those in charge of finance, Statistics Portugal shall participate in the setting-up or purchase equity of private non-profit institutions, also ensuring continuity of the equity it holds.

2 — Statistics Portugal may join or participate in national or international institutions or similar bodies.

#### Article 13

##### Intermediate managerial positions

1 — Department Directors and Deputy Directors have 1<sup>st</sup> level intermediate managerial positions at Statistics Portugal.

2 — Unit and Section Directors have 2<sup>nd</sup> level intermediate managerial positions at Statistics Portugal.

3 — The basic salary of the intermediate managerial positions identified in the foregoing paragraphs is calculated as a percentage of the basic salary of the members of the Board of Statistics Portugal, in the following proportions:

- (a) Department Director, 75%;
- (b) Department Deputy Director, 65%;
- (c) Unit Director, 55%;
- (d) Section Director, 50%.

4 — Representation expenses of Statistics Portugal's 1<sup>st</sup> and 2<sup>nd</sup> level intermediate managerial positions are calculated as a percentage of representation expenses of the members of the Board of Statistics Portugal, pursuant to the provisions of the foregoing paragraph.

#### Article 14

##### Transitional provision

For the duration of the economic and financial assistance programme, implementation of the rules for establishing salaries set forth by this Decree-Law shall not result in a rise in salaries actually paid to intermediate managerial positions already appointed or to be appointed, taking as a reference the salary given on the date of entry into force of this Decree-Law, without prejudice to a possible option of keeping the salary at the level of the position prior to appointment.

#### Article 15

##### **Repeal**

Decree-Law No 166/2007 of 3 May is hereby repealed.

#### Article 16

##### **Entry into force**

This Decree-Law shall enter into force on the first day of the month following that of its publication.

Seen and approved in the Council of Ministers of 3 May 2012. — *Pedro Passos Coelho* — *Vítor Louçã Rabaça Gaspar* — *Miguel Fernando Cassola de Miranda Relvas*.

Promulgated on 19 June 2012.

Let it be published.

The President of the Republic, ANÍBAL CAVACO SILVA.

Countersigned on 21 June 2012.

On behalf of the Prime Minister, *Vítor Louçã Rabaça Gaspar*, Minister of State and Finance.