

BASIC LAW OF PORTUGUESE NATIONAL STATISTICAL SYSTEM

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1. The National Statistics System has been guided by certain basic principles, which have remained practically unaltered since 1935, the year when they were first established through Law Nº. 1 911, of 25 May, which created the National Statistical Institute. This situation has been maintained, despite the fact that the System has been, subject to two important alterations – the first in 1965 (Decree-Laws Nºs. 46 925 and 46 926, of 29 March) and the second in 1973 (Decree-Laws Nºs. 427 and 428, both of 25 August).

Given the insufficiencies that the System revealed for fulfilling its obligations, several attempts were made, from 1975 onwards and at fairly regular intervals, to reformulate the basic principles of the System and to restructure the services of the National Statistics Institute.

None of these attempts was successful and the country began the year of 1986, the year of its accession to the European Communities, with a statistical system that was clearly incapable of satisfying, within due time, the increasing needs of its users in regard to statistical information, of which one of the most important users was now the Commission of the European Communities.

2. In view of this situation and the unsuccessfulness and limited scope of previous actions, the 10th Constitutional Government created, by means of the Resolution of the Council of Ministers Nº. 48-B/86, of 25 June, the Committee for the Restructuring of the National Statistical System, which was given a mandate to carry out a rigorous survey of the situation of the national statistical system and to draw up a program for the implementation of a whole series of actions and decisions in order to attain a clear set of objectives for that System.

Amongst the main factors impeding the development of the National Statistical System that were detected by this Committee are to be found various imperfections of a legal and structural nature, namely:

- An inadequate legal system. The legislation which regulates the national statistical system establishes in much too great detail the manner in which each of the parts of the System should operate, thereby constituting a factor of great inflexibility which hinders its activity;
- The norms established for the functioning and composition of the Higher Statistical Council. By its being essentially composed of representatives of the Public Administration, this council does not reflect the interests of the users, producers and informers of the statistical system, with its capacity for intervention being thus affected, a fact which, allied to its limited powers and the deficiencies of its internal functioning, has brought about the impressiveness of the National Statistical Council, hindering it from co-ordinating and guiding the System from above;

- The excessive rigidity in the application of the present norms of statistical secrecy and the incoherent manner in which these norms have been interpreted. In this way, it has become difficult to perform the fundamental task incumbent upon the producers of the national statistical system, which is that of providing information;
- The excessive geographical and functioning centralisation of statistical activity, allied to the inability shown by the different bodies of the national statistical system to correspond to the demands of such a centralisation. There was therefore to be seen a proliferation of ministerial statistical services in neglect of the principles that legally guide the statistical system and disregard of all conveniences of a functional and technical nature. The task of coordinating the system was abandoned altogether.

It can therefore be stated that, under these conditions, the national statistical system ceased to exist, resulting in several serious inconveniences, such as:

- a) the dissatisfaction felt by the users due to the existence of a statistical output which was, on the one hand, full of omissions and, on the other hand, full of duplications;
- b) the ever-increasing protests made by the informers, since they were overburdened with duplicate requests for the same basic information;
- c) and, of no less importance, the wastage in the use of public funds.
- The legal status that the National Statistical Institute enjoys at present – that of a simple body, without any autonomy. This status imposes great rigidity on the Institute in its administrative functioning, which is expressed by the way in which a vast organisation dedicated to the activity of producing statistical information is treated as a typical government department. In fact this status is not compatible either with its tasks as a central organisation for the production of information and its duties as a body for the coordination of the national statistical system or with the magnitude and characteristics of these task, which are in all respects similar to those of a company that produces information. On the other hand, given the area of its activity, which is, moreover, dynamically and decisively affected by the present development of modern information technologies, the permanent effort of readjustment required of the National Statistical Institute is not compatible with a rigid structure.
- Finally, and no less importantly, the shortage of managerial staff specialised in the area of conceiving, treating and analysing statistical information.