

Spanish Law on Statistics Council

Royal Decree 1037/1990, of 27 July, to regulate the composition, organization and operation of the Higher Statistical Council.

Chapter IV of Title II of Law 12/1989, of 9 May, on the Public Statistical Function, is devoted to the regulation of the Higher Statistical Council, and article 37.1 establishes that its "composition, structure and operation shall be established by regulation", the fourth additional provision adding that "the Government shall regulate the Higher Statistical Council by means of Royal Decree".

Among the amendments introduced with respect to the previous legislation, it should be mentioned, as regards its nature, that it is a State statistical services advisory body and that its members include social agents, and, as to its mission, that it is to contribute to the standardization of statistics and to a more effective allocation of resources earmarked for their production.

It is, therefore, necessary to pass a Royal Decree that enforces the aforesaid set of rules.

Pursuant to the foregoing, at the proposal of the Minister of Economy and Finance, with the approval of the Minister of Public Administrations, with the consent of the Council of State and after deliberation of the Council of Ministers assembled on 27 July 1990,

BE IT ENACTED AS FOLLOWS:

Article 1º. Nature

In accordance with the provisions under article 37.1 of Law 12/1989, of 9 May, the Higher Statistical Council is a State statistical services advisory body, attached to the Ministry of Economy and Finance, of which informants and producers and users of statistics are members and on which union and employer organizations and other social, economic and academic groups and institutions are represented, along with Ministries and the National Statistical Institute.

Article 2º. Mission

The Higher Statistical Council's mission is to contribute to coordinating statistics, to better use of the resources allocated for their production and to bringing them closer to users' needs for information, and also to facilitating the supply of primary data by informants.

Article 3º. Duties

Under the provisions under articles 38 and 39.3 of Law 12/1989, of 9 May, the Higher Statistical Council's duties are to:

Draft proposals and recommendations on the national needs for statistics and the adaptation and improvement of existing resources, prior to the formulation of the draft National Statistical Plan and the annual plans and programmes to be developed to implement it.

Give a binding opinion on:

The draft National Statistical Plan and its annual programmes.

All statistical projects for administrative purposes.

Make recommendations on the proper enforcement of statistical secrecy.

Evaluate inquiries submitted to it by the Autonomous Community and Local Authority statistical services on matters within its jurisdiction.

The Higher Statistical Council shall submit an Annual report on its activities.

Any other matter put to it by the Government directly or through the National Statistical Institute on issues under the jurisdiction of the Council.

Article 4º. Right to information

Under the provisions of article 39.2 of Law 12/1989, of 9 May, the Higher Statistical Council may request from the National Statistical Institute and the other State statistical services any reports it may consider necessary for following up the statistical operations performed by the aforesaid.

Article 5º. Composition

The Higher Statistical Council is composed of the Chair, Vice Chair and Councillors. The Chair is the Minister of Economy and Finance and the Vice Chair, the President of the National Statistical Institute.

Under the provisions of article 37.3 of Law 12/1989, of 9 May, one half of the councillors should be members of sufficiently representative union and employer organizations and other social, economic and academic groups and institutions. In any case, each of the Ministries and the National Statistical Institute shall be represented.

Pursuant to the proportionality established under the foregoing point, the Councillors are as follows:

- a) On behalf of the Ministries and the National Statistical Institute:
One representative of each of the Ministries, ranking as a Director general.
The three Directors general from the National Statistical Institute.
- b) On behalf of the union and employer Organizations and social, economic and academic Institutions:

Three representatives of the most representative national union Organizations. In the event of there being more than three union Organizations that meet this condition, the Organizations that have obtained most delegates shall be taken into account for this purpose.

Three representatives of the Spanish Confederation of Business Organizations, one of which shall be a representative of Spanish Confederation of Small and Medium-sized Businesses.

Two representatives of the Chambers of Industry, Commerce and Shipping.

Two representatives of the Council of Consumers and Users¹.

One representative of the Bank of Spain, ranking as a Director General.

One representative of the Royal Academy of Speculative and Political Sciences.

One representative of the Royal Academy of the Exact, Physical and Natural Sciences.
Four tenured University Professors appointed by the Universities' Council, two from the field of Mathematics and Statistics and two from the field of the Social Sciences.
Two representatives of the Society of Statistics and Operative Research.
One representative of the General Council of the Associations of Economists.
The Higher Statistical Council's Deputy-Director General shall act as the non-voting Secretary of the Full Assembly and of the Standing Committee. In the event of vacancy, absence or illness, the Secretary of the Council shall be substituted by the senior Technical Advisor in the Secretariat General.

The Minister of Economy and Finance may alter or adjust the number of Councillors representing the Ministries insofar as the latter vary in number, and that of the other institutions should any of those represented cease to exist, pursuant to the criterion of proportionality established under the aforesaid article 37.3 of Law 12/1989, of 9 May.

Article 6º. Appointment, reappointment and substitution of Councillors

The Minister of Economy and Finance shall appoint the Councillors listed under section 4.a) of the foregoing article upon nomination by the respective Ministries and those listed under section 4.b) of the aforesaid article upon nomination by the governing bodies of the Organizations and Institutions that they represent.

1 One representative according to the Act of January 16th 1992 (BOE of 1st February, 1992)

Councillors may be reappointed at any time at the instance of the organizations and institutions that they represent and, in any case, every three years, without prejudice to them being reelected without restriction.

The Councillors may be substituted by deputies appointed by the same system and at the same time as the office holders, in the event of vacancies, absence or illness. Furthermore, deputies must have the same administrative rank as the Councillors subject to such requirement.

Article 7º. Council organization

The Higher Statistical Council may act as a Full Assembly or a Standing Committee. The Full Assembly of the Council is composed of the Chair, the Vice Chair and the Councillors.

The Full Assembly shall be legally constituted when the absolute majority of its members are in attendance. Were quorum not to exist, a second meeting of the Fully Assembly shall be called twenty-four hours as of the first. For this purpose, the attendance of a third of its members shall suffice.

The Standing Committee is composed of the Vice Chair, who shall act as its Chair, and ten Councillors.

The Full Assembly shall appoint the Councillors that are to be members of the Standing Committee, maintaining the proportion mentioned under article 5.3, such that there are the same number of Councillors from each of groups a) and b) set out under article 5.4, half of whom shall be reappointed every year.

By Standing Committee decision, Panels and Working groups may be set up as an operational support for work commended to the Higher Statistical Council.

Each Panel and Working group shall be presided by a Chair, assisted by a Secretary who must be a State Administration statistical services official.

The Standing Committee shall submit the nominations for the Chairs of Panels to the Chair of the Higher Statistical Council and the Chairs of Working groups to the Chair of the Standing Committee.

The appointment of Secretaries and the other members of Panels and Working groups is the responsibility of the Chair of the Standing Committee upon nomination by the respective Chairs. Specialists who are not members of the Council may participate in the aforesaid Panels and Working groups.

The Standing Committee shall establish whether a Panel or Working group is permanent or temporary, depending on the objective for which it is set up.

Article 8º. Powers of the Council Bodies, the Panels and Working Groups

The Full Assembly has the following powers:

- a) Make rulings or proposals in the following cases:
When the content of Council decisions is to be included in provisions to be passed by Law or Royal Decree.

When a dissenting vote has been cast by any Councillor on the Standing Committee ruling in question.

- b) Review the rulings or proposals issued by the Standing Committee.
- c) Pass the Annual report on its activities.
- d) Apply to the Minister of Economy and Finance for the Council regulations review procedure to be initiated.
- e) Review any questions submitted to it for consideration by the Chair.

The Standing Committee has the following powers:

- a) Pass rulings on statistical projects, proposals and questions not expressly attributed to the Full Assembly of the Council.
- b) Pass rulings on urgent cases, unless the Chair of the Council were to decide that they are matters for the Full Assembly, giving account to the latter at the first session held.
- c) Examine any questions to be decided by the Full Assembly beforehand.
- d) Handle procedural affairs and questions delegated by the Full Assembly.
- e) Review any questions submitted to it for consideration by the Chair of the Council.

The Panels are responsible for studying the general issues related with the objectives to be set and with the scope and content of statistical research. The Working groups shall study sectoral and particular issues related with the questions within the jurisdiction of the different panels.

Article 9º. Functions of the Chair and Vice Chair

1. The Chair's functions are to:
Preside and represent the Full Assembly of the Council.

Decide on the powers of the Full Assembly or the Standing Committee to pass rulings in cases that are, in his opinion, urgent or not provided by regulation.

Call meetings and establish the agenda for the Full Assembly.

Open, suspend and close sessions of the Full Assembly and direct its deliberations.

- e) Put his signature to and authorize the rulings and minutes of the Full Assembly of the Council.
Appoint the Chairs of the Panels, referred to under article 7.5.
Exercise the other duties attributed to him by the applicable legal provisions.

The Chair may delegate any of the foregoing attributions to the Vice Chair.

2. The Vice Chair's functions are:

Any delegated to him by the Chair.

The Chair's, with respect to the Standing Committee.

Authorize any Councillor who is not a member of the Standing Committee to attend, where appropriate, its meetings in an advisory capacity, without intervening in votes.

Request the presence of officials or specialists for the purpose of advising the Standing Committee.

Article 10^o. Functions of Councillors

The Councillors have the following functions:

Participate in the preparation of rulings or decisions and propose such amendments or alterations to the proposals for rulings and decisions presented as they see fit.

Request further data or information concerning the rulings or decisions prior to their approval.

Cast a justified dissenting vote, should they disagree with the majority opinion.

Submit proposals on the matters within the Council's jurisdiction to the Full Assembly and Standing Committee.

Article 11^o. Operation

The Full Assembly shall meet as often as is necessary to pass its rulings and adopt its decisions. Furthermore, it shall be convened whenever requested by, at least, one third of the Councillors and, at all events, once a year.

The Council shall make its decisions by simple majority of the members in attendance, and the Chair shall have the deciding vote in the event of draws.

Dissenting votes shall be attached to the rulings and decisions.

The Standing Committee shall operate in line with the rules established for the Full Assembly, insofar as they are applicable.

Article 12^o. Secretariat General

The Deputy-Director General of the National Statistical Institute's Higher Statistical Council shall be attributed the functions of Secretariat General of the Council.

The Deputy-Director General of the Higher Statistical Council shall act as the Secretary of the Full Assembly and of the Standing Committee and shall be responsible for the organization and operation of the services of the Council Secretariat General.

The Deputy-Directorate General of the Higher Statistical Council shall set up the administrative infrastructure needed by the Panels and Working groups for operation and to provide for wider dissemination of and more information about the reports generated.

Article 13º. Inquiries to the Council

The statistical projects, proposals or questions on any of the matters within the Council's jurisdiction shall be referred to the Chair of the Standing Committee who shall decide whether to pass them on to the Panel or Working group referred to under article 7.4 for study. The reports, studies or proposals of the aforesaid Panel or Working group shall be referred to the Standing Committee through the Secretariat General. In the event of there being no suitable working body, the Chair of the Standing Committee shall submit to the latter the appropriate proposal to set up such.

Were the Chair of the Standing Committee to consider it inappropriate for the statistical projects, proposals or questions to be passed on for study by a Panel or Working group, he shall submit them to the Secretariat General of the Council which shall draw up the appropriate report.

Article 14º. Council rulings and decisions

The rulings passed shall be referred to the Agency that raised the issue, signed by the Chair and the Secretary general, stating whether they have been passed unanimously or by majority and accompanying any dissenting vote or votes.

Likewise, proposals, recommendations and other Council decisions shall be referred to the appropriate Agencies or the applicants concerned.

FINAL PROVISIONS

First. In the absence of stipulations under this Royal Decree, the provisions under chapter II of title I of the Law on Administrative Procedure shall be applicable.

Second. The Self-governed Agency "National Statistical Institute" shall provide the resources needed for the organization and operation of the Council, including any indemnifications accrued by their respective members or participants in return for services, the attendance of Full Assembly and the Standing Committee meetings or their participation in Panels and Working group.

Third. The Minister of Economy and Finance shall pass the provisions needed to implement and enforce the provisions under this Royal Decree.

Fourth. Any provisions of equal or lower rank that are contrary to the stipulations under this Royal Decree are repealed and, especially, Decree 1399/1968, of 12 June, to restructure the Higher Statistical Council.

Fifth. This Royal Decree shall take effect as of the day after its publication in the Official Gazette.

Approved at Madrid, on 27 July 1990
KING JUAN CARLOS

Minister of Economy and Finance
CARLOS SOLCHAGA CATALÁN