

High Council on Statistics

Royal Decree 1037/1990, of 27 July, governs the nature, functions, composition, organisation and operation of the High Council on Statistics

(This is an unofficial translation, the only legal binding text is the one published in the [Spanish Official Journal](#))

Law 12/1989, of 9 May, which sets out the Public Statistical Function, dedicates chapter IV of title II to the regulation of the High Council on Statistics and in article 37.1 it establishes that «its composition, organisation and functioning will be determined in a regulatory manner» adding in its fourth additional regulation that «the Government will regulate the High Council on Statistics by means of Royal Decree».

Among the modifications introduced regarding the previous legislation, it is important to point out its nature as advisory body of state statistical services and participation of social agents as well as its mission to contribute to the harmonization of statistics and to a more effective allocation of the resources used for its development.

It is therefore necessary to dictate a Royal Decree that implements the mentioned regulation.

By virtue thereof, at the proposal of the Minister of Economy and Treasury and previously approved by the Minister of Public Administration, in agreement with the Council of State and prior deliberation of the Council of Ministers in their meeting on 27 July 1990.

IT IS DISPOSED:

Article 1. Nature

The Interministerial Statistics Commission, created in article 36 of Law 12/1989, of 9 May, on Public Statistical Services, is attached to the Ministry of Economy and Tax, via the National Statistics Institute. It is a participative organ of the statistical services in The High Council on Statistics, in line with the terms envisaged in article 37.1 of Law 12/1989, of 9 May, attached to the Ministry of Economy and Finance, is a consultative organ of the state statistical services and for social participation of the respondents, producers and users of statistics, that represents the trade union and business organisations and other social, economic and academic groups and institutions, alongside the Ministerial Departments and the National Statistics Institute.

Article 2. Mission

The High Council on Statistics contributes to harmonising statistics, improving the use of resources destined to their compilation and to adapting them more efficiently to the users' needs for information, as well as to making it easier for respondents to supply primary data

Article 3. Functions.

The High Council on Statistics contributes to harmonising statistics, improving the use of resources destined to their compilation and to adapting them more efficiently to the users' needs for information, as well as to making it easier for respondents to supply primary data

a) To compile proposals and recommendations on Spain's statistical needs and to improve the existing resources, prior to formulating the draft for the National Statistical Plan and the annual programmes that have to be developed during the execution of the same.

b) To pass judgement on:

The draft for the National Statistical Plan and the annual programmes.

All projects concerning statistics for state purposes.

c) To formulate recommendations on the correct implementation of the regulation on statistical secrecy.

d) To issue consultations concerning the matters it is responsible for which are formulated by the statistical services of the Autonomous Communities and Local Corporations.

e) To compile an Annual Activity Report.

f) Any other issue that the Government sets out directly or via the National Statistics Institute, on issues the Council is responsible for.

Article 4. Responsibilities.

The High Council on Statistics, in accordance with the terms envisaged in article 39.2 of Law 12/1989, of 9 May, can obtain from the National Statistics Institute and other statistical services of the State administration the reports it requires to monitor the statistical activity carried out by the former institutions.

Article 5. Composition. (Article modified by Royal Decree 820/2008, of 16 May).

1. The High Council on Statistics is composed of a President, a Vicepresident and Advisors.

2. The President is the Minister of Economy and Treasury, and the Vicepresident is the President of the National Statistics Institute.

3. In line with the terms established in article 37.3 of Law 12/1989, of 9 May, half of the advisors must belong to trade union and business organisations and other sufficiently representative social, economic and academic groups and institutions. In any case, each of the ministerial departments and the National Statistics Institute will be represented.

4. The Minister of Economy and Treasury may modify or adjust the number of bodies dependent on the ministerial departments, as well as the number of the remaining institutions and the number of representatives therein, in order to respect that which is established in the article mentioned in the previous section.

5. Given the proportionality established in section 3, the following are advisors:

a) On behalf of the ministerial departments and National Statistics Institute:

1. One representative from each of the ministerial departments with a level of general manager.

2. One representative, with a minimum level of deputy general manager, from each body dependent on the ministerial departments which, due to the relevance of their statistical activity, must be self-represented in the High Council on Statistics.

3. The General Managers of the National Statistics Institute.

b) On behalf of the trade union and business organisations and social, economic and academic institutions, at least one representative for each of the following organisations, institutions and groups:

1. Trade union organisations that are representative on a state level.

2. Spanish Confederation of Business Organisations.

3. Spanish Small and Medium Enterprises Confederation.

4. Chambers of Commerce, Industry and Navigation.

5. Council of Consumers and Users.

6. Bank of Spain, with a level of general manager.

7. Royal Academy of Moral and Political Sciences.

8. Royal Academy of Exact, Physical and Natural Sciences.

9. Tenured university professors appointed by the General Secretariat for the University Coordination Board.

10. Society for Statistics and Operational Research.

11. General Council of Economist Associations.

12. Federation of Press Associations.

13. ONCE Foundation.

14. Public or private organisations and institutions that, due to their nature or functions, may be relevant for the activity of the High Council on Statistics.

6. The head of the Office of the President of the National Statistics Institute shall act as Secretary of the Plenary and of the Permanent Commission, with the right to speak, but not to vote. In case of absence, illness or vacancy, the Secretary of the Council will be replaced by the highest-level civil servant from the INE, who will carry out the support tasks for the Secretariat of the Council.

Article 6. Appointment, renovation and replacement of the Advisers.

1. The Minister of Economy and Finance will appoint the Advisers included in section 5.a) of the previous article as proposed by the corresponding Ministerial Departments and, those included in section 5.b) of the same article as proposed by the government organs of the Organisations and Institutions they represent.

2. The renovation of the Advisers can be performed at any time, as proposed by the organisations and institutions they represent, and in any case, every three years, without prejudice of being reelected unlimitedly.

3. Advisers can be replaced by substitutes appointed by the same system and at the same time as the permanent workers, in case of vacancy, absence or illness. Furthermore, the substitutes must have the same administrative level as the Advisers they replace.

Article 7. Organisation of the Council.

1. The High Council on Statistics may act in Plenary or in Permanent Commission.
2. The Council Plenary is composed of the President, the Vicepresident and the Advisors.

The Plenary will be validly constituted when the absolute majority of the members are present. If no quorum is reached, the Plenary will be constituted in a second call to meeting, thirty minutes after the time indicated for the first. In this case, attendance by one third of the members will be sufficient. (Article drawn up in compliance with Royal Decree 820/2008, of 16 May).

3. The Permanent Commission is composed of the Vicepresident, acting as President of the same, and twelve Advisors.

The Advisors that compose the Permanent Commission will be appointed by the Plenary, with the proportion stipulated in article 5.3, to ensure the same number of Advisors in each of the groups a) and b) defined in article 5.5, and one third of the same will be renewed each year. (Article drawn up in compliance with Royal Decree 820/2008, of 16 May).

4. By agreement with the Permanent Commission, Boards and Work Groups can be created as operative supports for the tasks assigned to the High Council on Statistics.

5. Each Board and Work Group will be directed by a President assisted by a Secretary who must be a civil servant working in the statistical services of the State Administration.

The Permanent Commission will propose the appointment of the Presidents of the Boards to the President of the High Council on Statistics and of the Presidents of the Work Groups to the President of the Permanent Commission.

The appointment of the Secretaries and of the rest of the components of the Boards and Work Groups corresponds to the President of the Permanent Commission by proposal of the respective Presidents. Said Boards and Work Groups may include specialists who are not integrated in the Council.

6. The Permanent Commission will determine the indefinite or temporary nature of each Board and Work Group, in terms of the goal they are created to achieve.

Article 8. Responsibilities of the Organs of the Council and of the Boards and Work Groups.

1. The Council in Plenary has the following responsibilities:

- a) To decide on or propose in the following cases:

When the content of the Council's agreements has to be integrated in the provisions that have to be adopted as Laws or Royal Decrees.

When the corresponding report from the Permanent Commission has received a dissenting vote from any of the Advisors.

When the President deems it necessary in view of the characteristics of the issue.

- b) To identify the reports or proposals issued by the Permanent Commission.
- c) To approve the Annual Activity Report.

- d) To request the Ministry of Economy and Finance to commence the procedures to update the Council's normative regulations.
 - e) To identify all issues the President submits to its consideration.
2. The Permanent Commission has the following responsibilities:
- a) To decide on the projects, proposals or statistical issues that have not been attributed expressly to the Council in Plenary.
 - b) To decide on urgent cases, except when the President of the Council has decided they are the responsibility of the Plenary, informing this body in the first session held.
 - c) To perform a previous examination of all issues that the Plenary has to decide on.
 - d) To understand the issues underway, as well as the issues delegated by the Plenary.
 - e) To identify all issues the President of the Council subjects to its consideration.
3. Boards will study general issues related to establishing objectives and to the scope and content of the statistical researches. Work Groups will study sectorial and specific topics related to the issues that are the responsibility of the different Boards.

Article 9. Responsibilities of the President and Vicepresident.

1. The President has the following responsibilities:
- a) To preside the Council in Plenary.
 - b) To decide the authority of the Council in Plenary or of the Permanent Commission to decide on the cases that it deems to be urgent or not anticipated in the regulations.
 - c) To call meetings and establish the agenda for the Plenary.
 - d) To open, adjourn and end the sessions of the Plenary and direct its deliberations.
 - e) To sign and authorise decisions and acts of the Council in Plenary.
 - f) To appoint the Presidents of the Boards, referred to in article 7.5.
 - g) To perform the other tasks assigned by valid legal stipulations.
- The President can delegate any of the aforementioned responsibilities to the Vicepresident.
2. The Vicepresident has the following responsibilities:
- a) Those delegated by the President.
 - b) Those of the President, with respect to the Permanent Commission.
 - c) To authorise the Adviser that is not on the Permanent Commission to attend the meetings, when appropriate, in order to advise on the issue under discussion without intervening in the voting process.
 - d) To require the presence of qualified personnel in order to advise the Permanent Commission.

Article 10. Responsibilities of the Advisers.

The Advisers have the following responsibilities:

- a) To participate in the compilation of the decisions or agreements and propose the necessary modifications or alternations to the proposals for decisions or agreements presented.
- b) To request more information or background data on the decisions and agreements before they are endorsed.
- c) To make a well-reasoned dissenting vote when they disagree with the majority.
- d) To present proposals on issues the Council is responsible for to the Plenary or the Permanent Commission.

Article 11. Operation.

1. The Plenary will meet when necessary to formulate its decisions and adopt agreements. Furthermore, it will meet when requested by, at least, one third of the Advisers and, in any case, once a year.

The Council will endorse agreements by the majority of the attendants and the President's vote will be used to settle ties. Dissenting votes will appear with decisions and agreements.

2. The Permanent Commission will function in line with the regulations established for the Plenary, when applicable.

Article 12. General Secretariat..

1. The head of the Office of the President of the National Statistics Institute has the responsibilities of the General Secretariat of the Council.

2. The Head of the Office of the President shall act as Secretary of the Plenary and the Permanent Commission, and will be in charge of functions concerning the organisation and operation of the services of the Council's General Secretariat.

3. The Office of the President will provide the Boards and Work Groups with the administrative infrastructure they required, so as to favour the greater dissemination and awareness of the reports they generate.

Article 13. Queries made to the Council.

1. The projects, proposals or statistical queries on a matter the Council is responsible for will be forwarded to the President of the Permanent Commission who will determine whether it is sent to the Board or the Work Group referred to in article 7.4. The reports, studies or proposals from said Board or Work Group will be submitted to the Permanent Commission, via the General Secretariat. If there were no appropriate work organ, the President of the Permanent Commission will propose the creation of one.

2. If the President of the Permanent Commission does not think that the projects, proposals or statistical queries should be studied by a Board or Work Group, they will be sent to the Council's General Secretariat which will compile the appropriate report.

Article 14. Decisions and agreements of the Council.

1. The decisions passed will be sent to the developers, signed by the President and the General Secretary, noting whether they have been passed by unanimity or majority and accompanied by dissenting votes if there were any.

2. Likewise, proposals, recommendations and other agreements endorsed by the Council will be sent to the competent Organisms or those who requested them.

FINAL DISPOSITIONS

First.

Chapter II of Title I of the Law on Administrative Procedures will be applicable to all issues not envisaged in this Royal Decree.

Second.

The Autonomous Organism, the National Statistics Institute, will provide the resources required for the organisation and operation of the Council, including compensations which, given their attendance to meetings of the Plenary and the Permanent Commission, or their participation in Boards or Work Groups, are due to their respective components or participants service.

Third.

The Minister of Economy and Treasury will rule the provisions required to develop and implement the terms envisaged in this Royal Decree.

Fourth.

Any provisions of equal or inferior category that oppose to the terms established in this Royal Decree and, specifically, Decree 1399/1968, of 12 June, that reorganises the High Council on Statistics, are hereby repealed.

Fifth.

This Royal Decree will come into force on the day after its publication in the "Official State Gazette" (Spanish acronym, BOE).

Issued in Madrid 27 July 1990.

JUAN CARLOS R.

Minister of Economy and Treasury,

CARLOS SOLCHAGA CATALÁN