Law of 10 July 2011 on the organisation of the National Institute for Statistics and Economic Studies

We, Henri, Grand Duke of Luxembourg, Duke of Nassau,

Having heard our Council of State;

With the assent of the Chamber of Deputies;

Having regard to the decision of the Chamber of Deputies of 30 June 2011 and that of the Council of State of 5 July 2011 to the effect that no second vote is required;

Have enacted and enact as follows:

Chapter 1. – Attributions

Art. 1. A National Institute for Statistics and Economic Studies, referred to hereafter by the acronym "STATEC", is established under the authority of the Minister appointed to economic affairs.

Art. 2. STATEC's remit is:
1. to set up a statistical information system accessible to the public, in particular on the structure and the activity of the country by drawing up, through surveys or using administrative files, statistics concerning notably demographic, economic, social and environmental phenomena and also by centralising the statistical data available from public bodies by reason of their attributions;
2. to draw up national accounts, global or sectoral;
3. to draw up, jointly with the Central Bank of Luxembourg, the balance of payments and the financial accounts and to guarantee their methodological consistency in accordance with European and international rules, the terms and conditions of the collaboration being the subject to an agreement between the Government and the Central Bank of Luxembourg;
4. to set up and manage a "Central Balance Sheet Data Office" consisting of companies' annual accounts data and to publish the information thereof;
5. to carry out population, housing and buildings censuses, their date and terms being enacted by a Grand-Ducal regulation;
6. to carry out studies and analyses in the field of statistical methodology and statistical procedures and to publish relating results;
7. to gather general documentation concerning statistics, as well as demographic, economic and social theories and facts;
8. to represent Luxembourg as its national statistical authority at foreign, EU and international statistical authorities.
Art. 3. STATEC ensures the coordination of the national statistical system in consultation with the Committee on Public Statistics.

It ensures the harmonisation of the statistical methods, definitions and nomenclatures and sees to the application of relating European and international standards.

Art. 4. Without prejudice to the special attributions assigned by law to other public bodies, STATEC is also in charge of:

1. drawing up short- and medium-term global or sectoral economic forecasts and, where applicable, providing technical assistance in drawing up such forecasts. To this end, STATEC develops or contributes to the development of statistical and econometric tools, in particular macroeconomic models used for drawing up these forecasts adapted to the specific features of the country and complying with prevailing international standards;

2. drawing up long-term global or sectoral economic, social and demographic projections and, where applicable, providing its assistance in elaborating such projections;

3. studying short term economic movements as well as structural changes in the economy and publishing the results of these studies;

4. carrying out general or special economic, demographic, social and environmental studies and analyses and publishing relating results;

5. carrying out scientific research on the modelling of economic, demographic, social and environmental facts and publishing relating results.

Within its remit and subject to the approval of the Minister appointed to economic affairs and with the inter-ministerial coordination committee for research and technological development asked for its opinion on each project, STATEC is authorised to undertake R&D activities in accordance with the provisions of section I of the law of 9 March 1987, the purpose of which is 1. the organisation of research and of technological development in the public sector and 2. the transfer of technology and the scientific and technical cooperation between companies and the public sector.

STATEC is authorised to publish any studies or research work which contribute to the scientific analysis of the Luxembourg economy and society.

Chapter 2. – Organisation

Art. 5. STATEC is managed by a director who acts as its head of administration and who has the staff under his orders.

The director is assisted by a deputy director to whom he may delegate some of his attributions and who replaces him when he is absent.

Art. 6. Upon proposal from the director of STATEC, the Minister appointed to economic affairs shall, taking account of national needs and European and international statistical obligations and with the Supreme Council of Statistics asked for its opinion, decide on the general guidelines of STATEC’s work programme, in terms of statistics and in terms of studies and research work.
Art. 7. As part of its attributions, STATEC may collaborate with economic and social research centres in Luxembourg and abroad. It may entrust them with surveys, research and studies.

Art. 8. A Committee on Public Statistics, which reports to the Minister appointed to economic affairs, is established.

The Committee is made up of representatives of administrations, ministries, public institutions and observatories set up by the public authorities drawing up and disseminating statistics or, by reason of their attributions, holding data used or usable for drawing up statistics.

The Committee's remit is:

1. to coordinate the statistical programmes of the various administrations, ministries, public institutions and observatories and to monitor these programmes in order to improve efficiency and quality, to alleviate the overall response burden and to comply with European and international obligations within prevailing deadlines;
2. to analyse the users’ needs of statistics and of economic, social and environmental analyses;
3. to give its opinion on any draft regulation that might have an impact on the national statistical system;
4. to give its opinion on any proposed statistical survey by private organisations to be carried out by using government grants.

The Committee is chaired by the director of STATEC. It has the administrative and technical support of STATEC.

A Grand-Ducal regulation specifies the composition of the committee and decides on its organisation and mode of operation.

Art. 9. A Supreme Council of Statistics, which reports to the Minister appointed to economic affairs, is set up, and its members are chosen from the users and providers of statistical data.

The Council carries out consultative functions at STATEC and may give its opinion on the work and decisions of the Committee on Public Statistics. It issues proposals for the drawing up of statistics of general interest and for improving the statistical work of the national statistical system.

The composition, organisation and operating mode of the Supreme Council of Statistics and the compensation scheme of its members are determined by a Grand-Ducal regulation.

Art. 10. A Scientific Council is established at STATEC. It is made up of three members acknowledged for their skill in one of the areas within STATEC's remit. The members are appointed for a renewable period of 5 years by the Government in Council on the recommendation of the Minister appointed to Research. The compensation paid to the members of the Scientific Council are set by the Government in Council. The director of STATEC attends the Scientific Council meetings and is endowed with voting rights. The Scientific Council provides for its own operating regulations.
The remit of the Scientific Council is to assess and advise any analyses, studies and research work of STATEC. It gives its opinion on all requests submitted by the Minister of economic affairs and may, on its own initiative, make recommendations to that same Minister.

Chapter 3. – Procedures and methods

Art. 11. In carrying out its remit defined in Article 2 and Article 4, paragraphs 2 and 4, STATEC is endowed with scientific and professional independence.

The director of STATEC decides on the statistical methods, standards and procedures as well as on the content and the date of dissemination of the statistical publications. Within the limits of available resources he can command any other urgent survey, study or research not included in the work programme.

Statistics are drawn up and statistical sources and techniques are chosen according to statistical considerations.

The statistical methods and procedures used are documented and take account of scientific standards recognised in Europe and internationally. The documentation concerning the statistical methods and procedures used is made available to the public.

STATEC adopts a Code of Practice that meets European and international requirements and quality standards. This code is accessible to the public.

Art. 12. In choosing a method of data collection, STATEC favours the use of administrative files. It only resorts to surveys or censuses if the use of administrative files is impossible or is not likely to provide reliable and relevant statistical information.

In order to limit the number of surveys, the transfer and exchange of data between the components of the national statistical system are authorised in accordance with the terms and conditions determined within the Committee on Public Statistics.

STATEC appropriately informs those responsible for providing the statistical information about the underlying objectives.

Art. 13. Public administrations, municipalities and public institutions as well as all individuals or legal entities are obliged to provide the statistical information requested by STATEC within preset time frames.

Unless stated explicitly as voluntary, any request for information by STATEC is compulsory, provided it is based on the national statistical programme or on European and international statistical programmes.

Within the remit stated in Article 2, STATEC has a right of access to the information, even individual information, contained in the files and databases of administrations and public services, collected as part of their administrative attributions.

To draw up the statistics on road traffic accidents, STATEC is provided with the reports issued when accidents involving bodily injury occur. The processing of data only relates to the facts associated with the accidents, excluding any personal data.

Art. 14. If the statistical obligation mentioned in Article 13 is not complied with, the investigation department has a right of investigation exercised by STATEC’s agents or
representatives; with a mandate issued by the director of STATEC, they can ask for access to
the statistical information when it is not provided within the time frames set or if it becomes
necessary to check its accuracy.

The civil servants or agents responsible for directly collecting the information may
request the assistance of the administrative authorities.

Art. 15. Refusing to provide the information requested, refusing to provide it in the
prescribed time frame and intentionally providing inaccurate or incomplete information is
liable to a fine of 251 euros to 2,500 euros. Paying the fine does not waive the provision of
the information requested.

Art. 16. STATEC guarantees the non-disclosure of confidential information when the
statistical results are disseminated, except for foreign trade statistics. Regarding the latter, the
detailed data that allows a resident exporter or importer to be indirectly identified is only kept
confidential if the concerned economic operator sends a request for this to STATEC.

The data used to produce the statistics is deemed confidential when it allows an
individual or legal entity to be directly or indirectly identified or comprises a risk of
disclosure of individual information. To determine whether an individual or legal entity is
identifiable, account shall be taken of all relevant means that might reasonably be used by a
third party to identify such individual or legal entity. However, data which is taken from
sources accessible to the public and which remains accessible according to legislation is not
considered confidential. The same applies when express authorisation from the provider of
statistical information is given.

When the fulfilment of its remit or the statistical aims sought require the use of data from
identifiable statistical units, this data is processed by respecting the fundamental rights and
freedoms of the data subjects. Only the people responsible for drawing up these statistics
have access to this data. As soon as the identification of the statistical units and in particular
of individuals is no longer necessary in the statistical production process, the data will be
made anonymous.

For scientific purposes, STATEC may grant access to confidential data on its premises.
The admissibility of the request for and the authorisation of access to the confidential data
for scientific purposes are subject to the assessment of the merits and the scientific interest of
the research projects for which the authorisation is requested, and also to the assessment of
the scientific qualification of the applicant(s). The terms of access are determined by
STATEC. The studies and results of the research that are likely to be published or
disseminated are checked by STATEC to avoid the disclosure of confidential data.

Information that can be individualised cannot, under any circumstances, be disclosed.

The civil servants and those persons responsible for collecting the information or
cooperating with the statistical work are personally responsible for strictly complying with
the provisions above; Article 458 of the Criminal Code is applicable to them, without
prejudice to any disciplinary sanctions.

The provisions of this article apply by analogy to other organisations that form part of
the national statistical system.

Art. 17. The information collected can only be used for statistical purposes, i.e.
exclusively for the drawing up of statistics or statistical, economic and social analyses and
studies.
It cannot result in administrative, legal or tax use or in the checking of respondents, unless these respondents have unambiguously given their consent to the data being used for such purposes.

Art. 18. The statistics, studies and analyses issued by STATEC as part of its remit stated in Articles 2 and 4 are accessible to all users thus acknowledging the principle of impartiality in the dissemination of information.

Art. 19. No statistical survey of general interest can be done by a public body or private organisation without prior notification to STATEC subject to the application without prejudice of the relevant statistical attributions devolved to other national or international public bodies. In the case of a survey of general interest, the questionnaires used to collect the information, either in writing, orally or by any other means of communication, shall be notified to STATEC. STATEC shall acknowledge receipt of them within seven working days. The questionnaires used shall mention this notification. STATEC is entitled to publish its opinion on the surveys notified.

STATEC keeps a register of surveys notified which is accessible to members of both the Committee on Public Statistics and the Supreme Council of Statistics.

The statistical results obtained on the basis of any survey of general interest are communicated to STATEC.