THE LAW ON OFFICIAL STATISTICS OF THE REPUBLIC OF AZERBAIJAN

THE REPUBLIC OF AZERBAIJAN

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The present Law sets out legal provisions on Official Statistics in the Republic of Azerbaijan and defines the powers and functions of the state statistical bodies. It shall apply to executive power bodies of the Republic of Azerbaijan, legal entities regardless of the type of ownership and organizational-legal form, legal entities of the Republic of Azerbaijan located outside of boundaries of the Republic of Azerbaijan and representative offices, branches of foreign legal entities acting in the territory of the Republic of Azerbaijan, as well as to citizens and natural persons.

Official Statistics shall provide - on an impartial basis - accurate and qualitative (representative) information about the economic, demographic, social and environmental situation in the country to government institutions, social and economic agents, academic circles, the general public, international organisations and other users.

SECTION 1
GENERAL PROVISIONS

Article 1. Main definitions

Main definitions for the aim of this Law are the following:

Official Statistics shall mean information obtained by processing data in order to characterise processes in a considered population in the framework of the "Programme of statistical works" (hereinafter referred to as the Programme) by the competent authorities.

Administrative statistics shall mean the Official Statistics produced in relation to the fulfilment of duties by state bodies on the base of corresponding normative-law acts

State statistical bodies shall mean the central and the local statistical bodies within its hierarchy.

Statistical units shall mean legal and natural persons submitting primary data for Official Statistics, or for the conduction of observations, collection and analysis of data by statisticians on the base of this Law.

Production of Official Statistics shall mean all the activities necessary for the collection, processing, storage, analysis and dissemination of the statistical information.

Confidential statistical data shall mean data obtained for the production of Official Statistics, when they allow statistical units to be identified directly or indirectly, thereby disclosing primary data.

Dissemination shall mean giving to users, regardless of the form and means used access to Official Statistics not subject to statistical confidentiality.

Article 2. Aim of the Official Statistics in the Republic of Azerbaijan

The aim of Official Statistics is to increase the role of statistical data, to serve the interests of legal entities and natural persons by respecting their rights and keeping the confidentiality primary data.

The main aim of Official Statistics shall be to provide confidentiality of primary data depicting the socio-economic situation in the country, scientific and technological progress, economic links at country, regional and sector level, structural changes and efficiency of production, as well as to provide statistical information satisfying the needs of government bodies, economic agents and scientists.

Official Statistics shall furthermore be aimed at creating a single statistical information system ensuring the objectiveness and reliability of statistical data, comparability with international statistics and transparency of aggregated statistical material. With this purpose it should improve and rise effectiveness of the principles and methods of collecting, processing, saving, submitting and disseminating of data as well as applying most advanced statistical traditions and scientific achievements in the field of official statistics within the requirements of law.

Official statistics have to provide real reflection of situation, justified dissemination of data among users, selection of factors having decisive importance for State Statistical Committee of the Republic of Azerbaijan, besides, respect of the rights of citizens in obtaining clear data by taking into consideration the relation between expenditures and the burden on respondents on one hand and priorities on the other hand.

Article 3. The system of Official Statistics

The system of Official Statistics shall be a single, centralised, country-wide system.

The organisation of the system of official statistics and providing its activities in the Republic of Azerbaijan shall be the task of the State Statistical Committee of the Republic of Azerbaijan (referred after to as the SSC of Azerbaijan) and the local statistical bodies within its hierarchy such as the State Statistical Committee of the Nakhchivan Autonomous Republic, and the district and municipal statistical administrations. Local statistical bodies shall be obedient only to the SSC of Azerbaijan.

The SSC of Azerbaijan shall function in the system of the central executive bodies of the Republic of Azerbaijan and organise Official Statistics within the "Programme of statistical works" adopted by the Cabinet of Ministers in the republic. The Programme shall be published in defined rule in order to inform government bodies, enterprises, organisations, institutions and the public

The Programme shall cover the information obtained in the result of statistical observations to be organized concerning with studying the economic, demographic, social and environmental situation in the Republic of Azerbaijan,

by taking existing resources, the burdens on respondents and the cost-effectiveness into account. The Programme shall specify the coverage, type, frequency and topic features for each of the element for obtaining data. Unless otherwise provided in the Programme, the surveys and censuses are to be implemented by the SSC of Azerbaijan based on the Programme and the units called upon are obliged to provide the information necessary for the production of the respective statistics.

The SSC of Azerbaijan and its local bodies shall be legal persons with their own budgets, they shall keep accounts with banking institutions of the Republic of Azerbaijan and shall use the seal of the Republic of Azerbaijan.

Article 4. Legislation on Official Statistics

The legislation on Official Statistics shall consist of the Constitution of the Republic of Azerbaijan, the present Law, other legislative acts of the Republic of Azerbaijan and international treaties in which the Republic of Azerbaijan consists one of the parties.

Article 5. Relations between the state statistical bodies and other government bodies and international organisations

The state statistical bodies shall work in cooperation with other government authorities and they:

- provide the corresponding bodies with systematic information on the results of their work, on the state of the reporting system and economic and social processes occurring in the country and in its regions;

- organise the production of Official Statistics within the country the submission of reports by the respondents by the set deadlines and according to rules, check their objectiveness.

The SSC of Azerbaijan shall, by the established procedure and in accordance with international legal standards, establish links with the statistical authorities of foreign countries and with international organisations on matters within its competence, conclude cooperation agreements with them, acting as a representative of the Republic of Azerbaijan, organise conferences, meetings and seminars at international level and take part in the meetings organised by intergovernmental and non-governmental international organisations, according to international agreements, receive statistical information from foreign countries

with a view to comparing the economic, demographic, social and environmental situation of the Republic of Azerbaijan with that of other countries.

SECTION II

DUTIES AND RIGHTS OF THE STATE STATISTICAL BODIES

Article 6. Duties of the state statistical bodies

The state statistical bodies shall, within the limits of their competence, be responsible for:

1. Preparing after consultation of the Statistical Council a draft of the Programme in accordance with Article 3 of the Law, preparing, organising and the implementation of the statistical activities determined by the Programme;
2. Working out the methodology, classifications and standards being more comparable with standards accepted in international practice and methodical assistance for the production of official statistical materials and carrying out observations neatly that are entrusted to other authorities by this program.
3. Giving a yearly report on the implementation of the Programme to the Cabinet of Ministers and making this report available to the public;
4. Providing the executive powers of the Republic of Azerbaijan and its regions with the necessary socio-economic statistical information in accordance with the Programme of Statistics;
5. Compiling of results, summarizing and grouping on the basis of necessary data collected from reporting units in the Country and its regions, preparing statistical yearbooks, bulletins, reviews, press releases and other statistical materials, disseminating them among the users, publication of statistical data which are of interest of the public in the media;
6. Providing explanation with the purpose to avoid erroneous interpretation of the statistical results by users, appearance in the mass media;
7. Guaranteeing the reliability and objectivity of statistical information, its accuracy in fully reflecting the socio-economic events and processes taking place, its level of quality and , as well as ensuring that it is up to date and does not violate statistical confidentiality;
8. Organising explanation of importance of Official Statistics to general public;

9. Providing upgrading of the skills and knowledge of the staff working in the domain of statistics;
10. Conducting and establishing the State Register of statistical units;
11. Preparing national classifications of necessary technical, economic and social information for organising the statistical works on the base of classifications applied in international practice and by taking into consideration the requirements of legislative acts of the Republic of Azerbaijan.
12. Introducing information of legal persons, government authorities or citizens upon their request about data, stored on them in statistical data bases
13. Providing free of charge legal and natural persons who submit state statistical reports with questionnaires and instructions for their compilation, informing them about deadlines, periodicity of submission of reports and other requirements.

The state statistical bodies shall not perform any tasks which do not refer to statistical purposes such as the use of the data obtained for decisions concerning a particular individual legal or natural person.

In other cases, the state statistical bodies carry responsibility for the implementation of Official Statistics within the time indicated in the Programme.

Article 7. Rights and powers of the state statistical bodies

The state statistical bodies shall be given the following rights and powers to perform their duties:

1. To receive substantial and reliable statistical data in a defined way, volume and period for free of charge from executive bodies, legal entities regardless the type of property and organizational-legal form of the Republic of Azerbaijan, from legal entities of Republic located outside of borders of the Republic of Azerbaijan and from the representatives of foreign legal entities, branches acting in the territory of Republic, as well as from the citizens of and natural persons of the Republic of Azerbaijan, according to legislative acts, determined by the SSC of Azerbaijan.
2. In the event of distortions of the data, to introduce corrections into the reports and issue the reporting unit with the necessary instructions for making the corrections;
3. To institute administrative procedures and apply administrative penalty measures to officials and natural persons failing to present data for Official Statistics or who submit them late or containing distortions and disseminate of information covered by statistical confidentiality;

4. To ensure a single methodology for the compilation of statistical in the country, to draft questionnaires for the reporting in Official Statistics, set deadlines and procedures for collection and submission of these reports;
5. To approve and cancel questionnaires of statistical reporting and coordinate work on improving them;
6. To render statistical services, not covered by the Programme, to legal entities and natural persons on the base of contracts according to the legislation by paying the fee to state budget;
7. To organize the sale of prepared statistical materials (yearbooks), and data not considered in the program and being additionally prepared to users as defined, except executive, legislative and court authorities and mass-media.
8. To adopt normative-juridical acts on filling report forms in and production of official statistical materials as defined by this Programme and other normative-juridical acts.

SECTION III

STATISTICAL COUNCIL

Article 8. Statistical Council

The Statistical Council of the Republic of Azerbaijan (hereinafter referred to as the Council) is hereby established to give advice on the preparation and implementation of the Programme of Statistical work and on the development, organising and functioning of statistics and is connective between statistics and users. The Council acts on social base under the SSC of Azerbaijan. The Council performs notably the following functions:

- to give an opinion and to make recommendations on the preparation of the Programme;

- to give advice on the implementation of the Programme;

- to prepare recommendations for the systematic development of the system of Official Statistics in the Republic of Azerbaijan;

- to give appropriate recommendation to the SSC of Azerbaijan taking into consideration remarks, comments and purposes by user;

The work of the Council is public. It may address its opinions to the public.

The Council shall be composed of the representatives of the SSC of Azerbaijan, Ministries of Finance, Economic Development, Taxes, State Committee of Customs, National Bank, Trade Unions, private enterprises, academic society, and users.

The members of the Council shall be approved by a decision of the Cabinet of Ministers for a term of 5 years.

SECTION IV

PRINCIPLES AND AUTONOMY OF OFFICIAL STATISTICS

Article 9. Principles

In order to ensure the quality of Official Statistics and retain the trust of the public therein, the organisation and implementation of the Programme shall be governed by the principles of reliability, objectivity, relevance in present situation, statistical confidentiality and transparency.

Article 10. Autonomy of Official Statistics

The state and non-government organisations shall not interfere to the implementation of powers of the state statistical bodies and not influence the staff of the statistical authorities in the performance of their tasks.

When implementing the Programme, the state statistical bodies are autonomous and shall not seek or take instructions from state and local bodies notably in the selection of data sources, statistical methods, in the contents, form and time of dissemination and in the application of statistical confidentiality.

SECTION V

RELATION OF OFFICIAL STATISTICS TO ADMINISTRATIVE STATISTICS

Article 11. Statistical observations

Data for Official Statistics shall be collected by conducting exhaustive, or sample observations. Such observation shall consist of systematic and periodic reporting, various census and inquiries, and surveys.

While conducting state (regional) statistical observations, if no other case is considered in the legislation, the type, methodology, programs and objects of statistical observations, acquisition of data from all sources for carrying out official statistics, using assessment on the base of administrative registers or the data of state statistical bodies, are determined by the state statistical bodies by taking the recommendations of international organizations and the Council into consideration. After deciding the selection of source to be used, special attention is paid to its quality, on time submission, expenditures and burden on respondents related with this.

Conduction of economic censuses and republic wide population census is carried out according to normative acts. Persons not working for the state statistical bodies are attracted on the base of terms defined by corresponding executive bodies to fulfil them.

All legal entities and natural persons located in the territory of the Republic of Azerbaijan owe to submit data without charge to state statistical bodies in defined volume and period necessary for the conduction of state (regional) observations.

Statistical units involved in submitting information for the production of official statistical materials have the right to get information about the purpose of the survey and census, coverage and to be provided with the guarantee of confidentiality of data, as well as to get information about their authorities and duties.

The duty to submit of data for exhaustive censuses shall apply to all statistical units responding defined criteria of coverage within the framework of the corresponding population. Such duty in sample surveys shall be applied only to those units that are determined on the base of sampling plan. The sampling plan shall be prepared by the SSC of Azerbaijan and serve to the reduction of the representation of respondents and the purpose of reduction of burden on them.

Article 12. Operation of classifications and a register of statistical units of the Republic of Azerbaijan

In order to ensure international comparability of statistical information in Republic of Azerbaijan, statistical classifications of technical, economic and commercial data (SCTECD) harmonized with international classifications and corresponded with local conditions shall be set up and operated.

The use of the statistical classification (coding of information) shall be obligatory for all legal entities and natural persons, when exchanging information on the territory of the Republic of Azerbaijan.

The procedure of conducting of statistical classifications, setting up of new and abolishing obsolete ones shall be carried out in accordance with the Law "On Standardization".

On the territory of the Republic of Azerbaijan, the State Register of statistical units reflecting statistical information by SSC of Azerbaijan for carrying out of the Official Statistics shall be operated which contains the addresses and statistical indicators characterizing main and not activity financial and economic activity of legal and natural persons exercising economic, entrepreneurship and other types of activities not forbidden by legislation.

Statistical units included in the State Register shall be issued with a certificate containing all the elements pertaining to the unit.

Statistical units not contained in the State register and which have not received codes in line with the unified classification of enterprises and organizations shall not be allowed to open banking accounts or conduct financial operations with any banking institutions.

Article 13. Access to administrative statistical information

All state and local bodies shall give the SSC of Azerbaijan access to administrative statistical information collected, processed and stored in the domain of their respective competencies, notably to registers and other data files, to the extent that is necessary for the production of statistics, thus avoiding the imposition of response burdens on the units concerned, and shall be submitted to the SSC of Azerbaijan by established deadline and form according to the Program of statistical works.

Article 14. Relation of Official Statistics to administrative statistics

This Law does not provide the legal basis for the production of administrative statistics. In order to avoid double and parallel work and to provide the use of unified classification and methods and the correspondence of obtained results to Official Statistics, their reports are approved by the SSC of Azerbaijan. The SSC of Azerbaijan carrying out authority to run administrative statistics shall provide report to the power involved in Official Statistics in defined time and volume.

The state statistical bodies shall have the right to access the statistics and to disseminate them (except statistical data on protection of the environment and labour, commercial and state confidentiality). Producers of Administrative Statistics shall be obliged to transmit the said statistics on demand to the state statistical bodies.

SECTION VI

PRIMARY STATISTICAL DATA AND ITS CONFIDENTIALITY

Article 15. Primary statistical data and its use

Primary statistical data shall characterise primary information on legal and natural persons.

Primary statistical data shall be based on reliable primary records and used only for aggregated statistical work, compiling collections and socio-economic analysis.

Primary data collected for statistical purposes, except the data given on the base of court decisions may not be used for other purposes.

Article 16. Statistical confidentiality and data from public sources

Data collected, processed and stored for the production of Official Statistics shall be confidential when they allow statistical units to be identified, either directly or indirectly, thereby disclosing individual information, primary statistical data of legal and natural persons.

A statistical unit is directly identified by its name, address and commonly known identification number.

Indirect identification is the possibility of deducing the identity of a statistical unit other than from the information mentioned in paragraph 2 of this article. To determine whether a statistical unit is indirectly identifiable, all means shall be taken into account that might reasonably be used to identify the said statistical unit.

The disclosure or dissemination of information covered by statistical confidentiality shall be considered to be deliberate or careless divulging of information on legal or natural persons.

Data taken from publicly available sources shall not be considered confidential.

Aggregated statistical data of which aggregated statistics on crimes and administrative offences shall be explained in the way defined by legislation.

Article 17. Use of confidential statistical data

Confidential statistical data shall be used exclusively for the production of Official Statistic or, if they do not allow direct identification, for exceptional scientific purposes ensuring the anonymity of statistical units, in accordance with the provisions of this Law (eliminating means which allow identification), unless the respondents have unambiguously given their consent to the use for any other purposes and to the conditions thereof.

Article 18. Scientific research

Access to confidential data that do not allow direct identification may be granted by the SSC of Azerbaijan for specific scientific research projects the envisaged results of which do not refer to identifiable individual units.

Access shall only be granted if the standard of protection of the confidential data within the research project is ensured.

Article 19. Access to confidential statistical data

Access to confidential data shall be limited to persons who in the performance of their tasks produce Official Statistics and to the extent, that these data shall be necessary for the working out of review materials. Access for scientific purposes shall be limited accordingly.

Article 20. Protection measures

All measures of administrative, technical and organisational nature necessary to protect confidential statistical data against unlawful access, disclosure or use shall be taken by the state statistical bodies.

SECTION VII

DISSEMINATION OF INFORMATION

Article 21. Access to statistical information

The SSC of Azerbaijan shall ensure that statistics are disseminated in such a way, that all users have simultaneous access to the disseminated information in the framework of unified rules, legal regulation and time notably to the results that are specified in the Programme of statistics.

In supplying the users with the statistical information all possible forms of information sources, including special publications of the state statistical bodies and of mass media and other means are used.

Article 22. Dissemination of confidential statistical data

Official Statistics must not be disseminated to users, if they contain or reveal confidential data.

To this end, aggregates shall comprise at least three units and the share of one unit in an aggregate must not exceed 85% of the total.

SECTION VIII

RESTRICTIONS AND SOCIAL PROTECTION FOR STAFF OF STATE STATISTICAL BODIES

Article 23. Financing and material support to the state statistical bodies

Funds to support the state statistical bodies shall be allocated in the state budget.

The financing and material support to the state statistical bodies for, the production of Official Statistics, the supply of statistical questionnaires and other documentation for this purpose to units reporting to the SSC of Azerbaijan and its local statistical bodies and their maintenance shall be paid for from appropriations of the state budget of the Republic of Azerbaijan. Value of work performed additionally and not included in the Programme of statistical works shall be paid for by the user organisations and shall be transferred to the state budget.

Matters concerning the supply of materials to the state statistical bodies shall be decided by the Cabinet of Ministers of the Republic of Azerbaijan.

Article 24. Social protection of the staff of state statistical bodies

The social protection of staff of the state statistical bodies shall be provided by the state.

The staff of the state statistical bodies shall receive bonuses and pecuniary aid on appropriate legislation base from the salary fund.

Article 25. Restrictions for staff of the state statistical bodies

The staff of the state statistical bodies shall be forbidden to perform additional work in any enterprise, institution or organisation (excluding scientific or teaching activities) or to exercise entrepreneurial activity.

SECTION IX

RESPONSIBILITY FOR VIOLATING THE LEGISLATION ON STATISTICS

Article 26. Responsibility for violating the legislation on statistics

Any violation of the legislation on statistics shall necessary entail disciplinary, administrative or criminal responsibility in accordance with the legislation.

Article 27. Responsibility for violation of the procedure of submission of statistical data

Persons responsible for non-submission or unpunctual submission of data required for the production of Official Statistics or for operating the State Register of statistical units, for the distortion of reports, as well as for not providing access to administrative sources shall be brought to account in accordance with the procedure set out in the legislation. Responsibility on the part of legal and natural persons, for violation of the procedure shall not constitute justification for not submitting the statistical data.

Legal entities and natural persons shall pay the state statistical bodies for the damage caused as a result of submission of distorted information to statistical bodies or corrections made to total reports as a result of termination of deadline of report submission.

Article 28. Responsibility of staff of the state statistical bodies

Staff, officials of the state statistical bodies and persons enlisted to participate in the production of Official Statistics who are guilty of violating statistical confidentiality, and persons enlisted as above who without good reason refuse to perform them or perform them unpunctually carry out responsibility.

Persons having access to statistical confidential data in the performance of their tasks shall be subject to the provisions of this law, even after the cessation of their functions.