



INSTITUTO NACIONAL DE ESTATÍSTICA
STATISTICA PORTUGAL

Code of Ethics and Conduct

TECHNICAL DATA SHEET

Title

Code of Ethics and Conduct

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2022

INSTITUTO
NACIONAL DE
ESTADÍSTICA

Code of Ethics and Conduct

INTRODUCTORY NOTE

Instituto Nacional de Estatística I.P., hereinafter referred to as Statistics Portugal, is a public institute under a special regime, part of the State's indirect administration, which is governed by the organic law, approved by Decree-Law no. 136/2012, of 2 July, and which Articles of Association were approved by Ordinance no. 423/2012, of 28 December, amended by Ordinance no. 120/2014, of 9 June, and Ordinance no. 68/2019, of 25 February, which mission is to produce and disseminate official statistical information, promoting the coordination, development and dissemination of national statistical activity.

It carries out its activity as a Statistical Authority under Law no. 22/2008 of 13 May (SEN Law) and, in the European legal framework, it is governed by Regulation (EC) no. 223/2009 of 11 March 2009 on European Statistics, as amended by Regulation no. 759/2015, of the European Parliament and of the Council of 29 April 2015 and has as ethical and procedural benchmarks the European Statistics Code of Practice, the Quality Charter and various policies and procedures.

This **Code of Ethics and Conduct** is the document that establishes a set of principles and rules of an ethical and deontological nature that must govern the performance of the activities developed by the organisation.

The adoption of the values and principles expressed in the Code of Ethics and Conduct shall be followed by the Board, all managers, employees and other staff of Statistics Portugal.

In addition to an internal scope, it also aims to make known and clarify, both internally and externally, the ethical standards that determine its actions.

The Code of Ethics and Conduct will be updated every 3 years or whenever necessary.

Statistics Portugal, 28 March 2022

Francisco Lima
President of the Board

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PART I FRAMEWORK

1 Article 1 Object

The Code of Ethics and Conduct (hereinafter referred to as Code) establishes a set of rules and principles of ethics and professional conduct, including institutional gifts and hospitality, and management and assessment of fraud risks, which shall guide the activities developed by the Board, all managers, employees and other staff of Statistics Portugal, without prejudice to compliance with other duties arising from the law.

2 Article 2 Scope of Application

1. The Code shall apply to all employees and other staff of Statistics Portugal, irrespective of the nature of the functions performed, their hierarchical and/or functional position, as well as their legal employment relationship.
 2. The Code shall apply, whenever appropriate and with the necessary adaptations, to all other legal or natural persons connected, in any capacity, with Statistics Portugal.
 3. The application of this Code and compliance with it shall not prejudice compliance with other applicable legal and regulatory provisions, as well as with other internal regulations, particularly with regard to rights, duties and responsibilities.
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3 **Article 3** **Benchmarks**

1. The Code is based on the primary and secondary law of the European Union, the Administrative Procedure Code, the General Labour Law in Public Functions and other applicable legislation, as well as the ethical principles of the Public Administration, embodied in the Ethics Charter of the Public Administration.

2. The rules laid down in this Code do not replace Statistics Portugal's framework documents, which constitute benchmarks for the activity of official statistics production, such as Law no. 22/2008 of 13 May (SEN Law), Regulation (EC) no. 223/2009 on European Statistics, of 11 March 2009, as amended by Regulation (EU) no. 759/2015, of 29 April 2015, the European Statistics Code of Practice, the Quality Charter and several policies and procedures, in particular those of its Information Security Management System - the Information Security Policy, the Confidentiality Policy and the Privacy and Data Protection Policy - as well as the Dissemination Policy, the Revisions Policy, the Plan for the Prevention of Risks of Corruption and Related Infractions, and others that may be approved.

3. In the exercise of their activities, functions and competences, staff and other employees are exclusively at the service of the public interest and are subject to the legal framework foreseen, and shall act in accordance with the principles referred to in the Code, adopting a responsible and ethically correct conduct, always in the knowledge and compliance with the mission and values of Statistics Portugal.

PART II OBJECTIVES AND PRINCIPLES

Article 4 Objectives

1. The Code is intended to materialise a set of behaviour principles, rules and standards that underlie all the activity developed by Statistics Portugal.
 2. The Code essentially aims to:
 - 2.1. Make employees and other staff responsible for their commitment to the organisation;
 - 2.2. Contribute to the correct, dignified and adequate performance of public functions and provision of public service;
 - 2.3. Pursue the public interest and the protection of the rights and interests of citizens and entities;
 - 2.4. Ensure the clarification and harmonisation of benchmarks in the exercise of functions;
 - 2.5. Preserve the highest standards of professional secrecy in accessing, collecting, managing, processing and storing all information;
 - 2.6. Ensure transparent, responsible, judicious and prudent management;
 - 2.7. Achieve effectiveness in the pursuit of set objectives and control of results as well as efficiency in the use of public resources.
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Article 5 General Principles

1. All employees and other staff, who maintain a legal relationship with Statistics Portugal, irrespective of the type of contract, shall respect the principles of the Ethics Charter of the Public Administration and other specific rules, in their relationship with citizens and entities, namely:

1.1 Principle of **Public Service or Interest** - Employees and other staff are at the exclusive service of the community and its citizens, with the public interest always prevailing over private or group interests;

1.2 Principle of **Legality** - Employees and other staff must act in obedience to the law, within the limits of the powers that have been conferred on them and in conformity with the respective purposes;

1.3 Principle of **Integrity** - Employees and other staff are governed by criteria of personal honesty and integrity of character;

1.4 Principle of **Fairness and Impartiality** - Employees and other staff must treat all citizens and entities fairly and impartially, acting according to strict principles of neutrality;

1.5 Principle of **Equality** - Employees and other staff shall not benefit or prejudice any citizen or entity on the basis of ancestry, sex, age, race, sexual orientation, language, political, ideological or religious convictions, economic situation or social condition;

1.6 Principle of **Proportionality** - Employees and other staff, in carrying out their activities, may only demand from citizens and entities that which is indispensable for the performance of their activities;

1.7 Principle of **Collaboration** and **Good Faith** - Employees and other staff shall collaborate with citizens and entities in accordance with the principle of good faith, with a view to achieving the interests of the community and encouraging participation in the carrying out of their activity;

1.8 Principle of **Information** and **Quality** - Employees and other staff shall provide information and/or clarification in a clear, simple, courteous and quick manner as long as this does not conflict with the principles governing the production of official statistics;

1.9 Principle of **Loyalty** - Employees and other staff must act in a loyal, supportive and cooperative manner when carrying out their activities;

1.10 Principle of **Competence** and **Responsibility** - Employees and other staff act in a responsible and competent, dedicated and critical manner, committing themselves to their professional development;

1.11 Principle of **Ethics** - The relationships established among all should be based on rules of an ethical nature centred on the human person which translate,

namely, into the fulfilment of professional duties with the greatest sense of integrity and cooperation, always adopting a dignified and respectful treatment. All activities, functions and competences shall be exercised solely for the purposes of public interest;

1.12 Principle of **Confidentiality** and **Secrecy** - Without prejudice to legal principles, employees and other staff may not transfer, reveal, use or refer, directly or through an intermediary, any information concerning the exercise of their functions, by virtue of their professional activity and must keep all the information to which they have access, to which must be added the respect of the principle of statistical secrecy and the statistical confidentiality policy.

2. Employees and other staff shall also be aware of the importance of their duties and responsibilities, take into account the expectations of citizens and entities regarding their conduct, within socially accepted standards, and behave in such a way as to strengthen the trust and contribute to the good image of Statistics Portugal.

PART III ETHICAL RULES

6 Article 6 Environment and Personal Relationship

1. In the exercise of their functions, the employees and other staff must provide a good working environment, comply with the rules of use of the space and promote mutual help and team work, adopting a behaviour where mutual respect and cordiality prevail.

2. Managers must lead by example and motivate employees and other staff in a joint effort to improve and ensure the good performance and image of the services and of the Institution.

7 Article 7 Relationship with Public Administration

1. In the exercise of their functions, employees and other staff shall foster good relations with the services or bodies of the Public Administration, acting courteously, impartially, fairly and in accordance with criteria of objectivity, being diligent and cooperative in pursuing the public interest.

2. Whenever the collaboration of Statistics Portugal is requested by Public Administration services, provided that this does not conflict with the principles underlying the production of official statistics, employees and other staff shall cooperate with these entities with due diligence, adopting a pro-active attitude of courtesy and mutual respect, refraining from any behaviour that may hinder or hamper prompt and effective processing.

Article 8
**Relationship with
Suppliers and
Service Providers**

3. Employees and other staff shall also collaborate, within the scope of their competences, in work promoted by competent national and European services or bodies, including in actions of control, inspection or criminal investigation, provided that this does not conflict with the principles governing the production of official statistics.

4. Notwithstanding the provisions of this Article, institutional relations between Statistics Portugal and other Public Administration services shall be the responsibility of the Board.

1. Employees and other staff shall observe the rules and principles regarding public procurement contained in the Public Procurement Code and other applicable legislation, promoting transparency and competition.

2. Statistics Portugal is committed to honouring its contractual commitments, also demanding from co-contractors the correct and full compliance with the obligations arising from the respective contractual legal relations.

9 **Article 9** **Relationship with the Public and with the Citizen**

1. Relations with the public in general are governed by specific legislation, and employees and other staff shall also comply with the ethical rules and principles laid down in this Code and with the commitments of Statistics Portugal's Quality Charter.

2. Employees and other staff must give priority in public service to the elderly, sick, pregnant women, people with disabilities or accompanied with lap children and other specific cases with priority service needs, duly framed in the legislation.

3. In their relations with citizens and entities, employees and other staff shall be governed by a spirit of close cooperation and professionalism, without prejudice to the necessary confidentiality and secrecy.

10 **Article 10** **Relationship with the Community and the Environment**

Statistics Portugal should undertake a socially responsible attitude in the Community and towards public opinion, as well as adopting a conscious environmental sustainability policy.

11 **Article 11** **Relationship with the Media**

In matters related to the production of official statistics, contacts between Statistics Portugal's employees and other staff and the Media shall be regulated by the competent organic unit of Statistics Portugal.

Article 12

Use of Materials and other Equipment

1. Employees and other staff shall make good use of all material and equipment of Statistics Portugal, to the extent of their responsibilities, whereby any misuse for personal benefit or for the benefit of third parties not connected with the service is forbidden.

2. In the exercise of their functions, employees and other staff shall adopt appropriate measures for a more efficient use of the resources made available by Statistics Portugal, ensure the protection, conservation and rationalisation of material and technological resources, as well as their efficient use, in order to achieve the defined goals.

3. Employees and other staff shall, in the course of their duties, implement measures to protect the environment, adopting conducts that allow the reduction of waste, the separation of waste and its recycling and the reduction, whenever appropriate, of energy costs and of the consumption of materials and consumables, in order to contribute to sustainable development.

PART IV

RULES OF CONDUCT

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Article 13 Institutional Gifts

1. All employees and other staff must abstain from accepting, either for themselves or on behalf of others, gifts or other offers that may influence, or that may be interpreted as a way to influence, their work.
 2. It is possible to accept gifts from the same person, whether natural or legal, in each calendar year, with a value equal to or less than €150.
 3. Consideration must be given to whether the acceptance of the gift may influence the impartiality of the person to whom it is addressed, or damage the reputation and trust of Statistics Portugal, and, in case of doubt, the respective immediate superior must be consulted.
 4. Gifts in respect of which there is reasonable doubt as to whether they fall within the estimated value or gifts which constitute or may be construed, by their refusal, as a breach of consideration by the offeror, may be accepted on behalf of Statistics Portugal.
 5. All and any gift, independently of its value, must be communicated to the Secretariat of the Board within 15 working days, which shall keep a public record of it, including the identification of the offeror.
 6. In the case of gifts received which final destination may give rise to doubts, such gifts must be delivered to the Secretariat of the Board, to be considered in the register of interests, or be part of Statistics Portugal's respective collection.
-

Article 14 Hospitalities

7. When employees and other staff are required to deliver an institutional gift to a third party, the institutional nature of the gift must be clearly highlighted and emphasised and registered with the Secretariat of the Board.

1. All employees and other staff must abstain from accepting invitations from natural persons or legal entities, national or foreign, and from foreign public entities, to attend social, institutional, sporting or cultural events, with onerous access or associated travel or accommodation costs, or other similar benefits, which may condition independence in the exercise of their functions.

2. Employees and other staff shall refrain, outside the parameters of reasonableness and social appropriateness, from using or allowing third parties to use the premises or means made available by Statistics Portugal for the promotion of private interests.

3. Hospitalities and their benefits shall be registered by the Secretariat of the Board.

4. The value of gifts shall be counted as a total of all gifts from the same person, whether natural or legal or related, in the course of a calendar year.

5. All gifts which constitute or could be interpreted, by their refusal, as a breach of interinstitutional respect may be accepted.

Article 15 Conflict of Interest

1. It is forbidden to practice any acts that may directly or indirectly configure a situation of conflict of interest.
 2. Without prejudice to that established in specific legislation, a conflict of interest is considered to exist whenever employees and other staff have a personal or private interest, for themselves, their spouse, any relative or kin in a direct line or up to the 2nd degree of the collateral line, as well as any person with whom they live in a common economy, susceptible of calling into question the impartial performance and pursuit of the public interest in the performance of their professional functions.
 3. Employees and other staff are obliged, in the exercise of their functions, to inform about their situation in matters of conflict of interest, by completing and signing the Declaration of Non-existence of Conflict of Interest, available in **Annex I** to this Code, and must update it whenever there is a change that determines it.
 4. Employees and other staff who, in the exercise of their functions, are faced with a situation that may constitute a conflict of interest, must formally request their immediate superior to excuse them from exercising that specific function, signing for that purpose a Declaration of Conflict of Interest, in accordance with the model provided in **Annex II**.
 5. The information contained in the Declaration of Conflict of Interest is confidential.
-

Article 16

Fraud Risk Management

6. It will be the responsibility of the immediate superior or, when necessary, the Board, to take the measures considered indispensable for the resolution of possible conflicts of interest.

1. Statistics Portugal is committed to operate according to the highest ethical and moral standards, considering for the purposes of this Code the concepts of "Irregularity", "Fraud", "Corruption" and "Related Infringements".

2. An **irregularity** is any infringement of a legal provision resulting from an act or omission by an economic operator which has, or would have, the effect of prejudicing the national or Community budget, either by reducing or losing revenue accruing from own resources or by an unjustified item of expenditure.

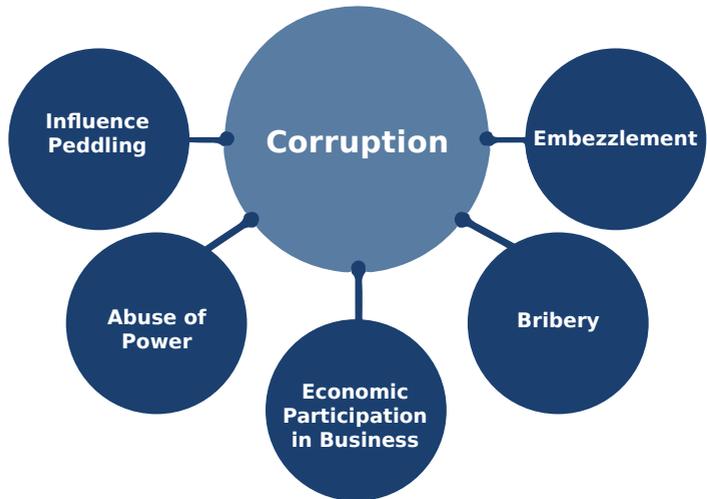
3. **Fraud** is defined as an illegal or dishonest act of misconduct, with the intent of obtaining a benefit or concealing a liability, characterised by deliberate intent to conceal or by false representation, which may lead to a loss. "It consists of the commission of any act or its omission, whether lawful or unlawful, against the receipt or promise of any compensation that is not due, for oneself or for a third party."

4. **Corruption** can be passive or active:

a) Passive - the fact that an employee and other staff, intentionally, directly or through an intermediary, request or receive advantages of any nature, for themselves or for third parties, or accept the promise of such advantages, so that they practice or abstain from practicing, in breach of the duties of their position, acts that fall within their functions or in the exercise thereof and that harm or are susceptible of harming the financial interests;

b) Active - the fact that a person intentionally promises or gives, directly or through an intermediary, an advantage of any nature whatsoever to an employee and other staff, for the latter or for a third party, so that they practice or abstain from practicing, in breach of the duties of their position, acts that fall within their functions or in the exercise thereof and that harm or are susceptible of harming the financial interests.

5. The situations of corruption may constitute **Related Infringements** which consist of receiving and offering undue advantage, money laundering, false declarations, falsification, fraud in obtaining or diverting funds, subsidy or grant, and those identified as: influence peddling, embezzlement, bribery, economic participation in business, abuse of power.



6. The situations described can occur both internally and externally and can be perpetuated by employees and other staff, whether they are service providers, suppliers or other third parties acting individually or in collusion with others.

7. The Board is the body responsible for designing and implementing anti-fraud policies, which include the mechanisms for preventing, detecting and responding to cases of fraud and irregular conduct established in the General Regime for the Prevention of Corruption (RGPC).

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Article 17
Detection
and Duty to
Report Fraud or
Corruption

1. Employees and other staff, who, in their conduct, act in accordance with criteria of reasonableness and prudence, have the obligation to report cases of suspected fraud, misconduct or irregular acts that may occur, whenever they have knowledge or reasonable suspicion of insider trading, fraud or corruption in general.
 2. All employees and other staff are responsible for the prevention and detection of fraud situations that may occur or have occurred at Statistics Portugal, and must inform their immediate superior or the Board.
 3. All eventual breaches to the principles and rules described in this Code, regardless of the place and circumstances in which they occur, must be sent in writing, with a detailed description of the facts, communicated according to the model in **Annex III** - "Communication of a specific or potential fraud situation", to the whistle-blowing channel with the email address **denunciasdefraude_SJC@ine.pt**, under the responsibility of Statistics Portugal's Legal and Litigation Service, which shall ensure confidentiality. Alternatively, they may be sent to the Legal and Litigation Service, in a closed envelope, with the indication "**Communication of a specific or potential fraud situation - Confidential**", the respective confidentiality also being ensured.
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4. Compliance with the Anti-Fraud Mechanism is mandatory and must be respected by all.

5. Employees or other staff who report or prevent illegal activities may not be prejudiced in any way as a result.

6. The offender who voluntarily repudiates the offer or promise he/she has accepted or returns what he/she has unduly received before practicing the act or consummating the omission, shall be exempt from punishment.

18 **Article 18** **Confidentiality and** **Secrecy**

1. Employees and other staff are subject to a duty of confidentiality and secrecy, in the exercise of their functions, and to observe the principle of statistical confidentiality and the statistical confidentiality policy in accordance with the information security management system, under the terms of the law, without prejudice to situations where there is a duty of disclosure.

2. The duty of confidentiality and secrecy shall continue after the end of the functions of the employees and other staff, and they shall not disclose any information to which they have had access, nor use it for their own benefit or that of third parties.

Article 19

Incompatibilities

1. Incompatibilities of employees and other staff, as regards remunerated activities outside Statistics Portugal, as well as impediments in administrative procedures to which they are party, shall be those arising exclusively from the respective contractual legal relationship and from the law, namely the General Labour Law in Public Functions, the Managerial Staff Regulations and the Administrative Procedure Code.

2. Accumulation of public functions, with or without remuneration, must be in the manifest public interest and only in cases provided for by law and shall depend on the prior authorisation of the Board, upon presentation of a request to the Human Resources Department.

Article 20

Impediments Due to Previous Activities

1. Managers and members of the Board under the terms of Article 9 of Law no. 52/2017, of 31 July, if they have held, in the last 3 years prior to the date of investiture in office, a percentage greater than 10% of the share capital of a company, shall be barred from intervening and participating:

a) In public procurement procedures for the supply of goods or services to the State and other public legal persons, in which those companies and collective

persons owned by them are contestants;

b) In the implementation of contracts of the State and other public legal persons entered into with them;

c) In administrative proceedings, including preparatory acts or any other formally administrative procedure, and legal transactions, in which those companies and legal persons are the addressees of the decision;

d) Contracts or benefits of patrimonial content and donation of goods, which are susceptible to generate doubts as to the exemption or rectitude of their conduct, shall be prohibited.

2. Employees and other staff are barred from participating in hiring procedures, as consultants, specialists, technicians, mediators, arbitrators or experts, free of charge or remunerated and in any way, in acts related to hiring procedures, if:

a) They have shareholdings in commercial companies exceeding 10% of the share capital;

b) They have a percentage greater than €50,000, of companies owned by themselves;

c) These percentages are held by them or jointly with their spouse, unmarried partner, ascendant and descendant in any degree and collaterals up to the 2nd

PART V

FINAL PROVISIONS

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Article 21

Dissemination and Term

degree.

1. The Code of Ethics and Conduct, after approval by the Board, is disseminated to employees and other staff through communication on the Intranet, and to the public in general, through the existing communication channels, namely Statistics Portugal's website.

2. The Code shall be disseminated to employees and other staff joining Statistics Portugal.

3. The Code shall be revised every 3 years or whenever supervening facts justify it. The Board may authorise its revision at any time, explaining the reasons, and decide on any doubts of interpretation and/or gaps in the Code.

Article 22

Breach of the Code of Ethics and Conduct

1. Non-compliance with the provisions of the Code, once the respective legal requirements have been verified, may give rise to disciplinary and/or criminal liability.

2. In case of a report of alleged breach of the Code, the Board shall order an investigation, with a view to correcting deviations and continuously improving the ethical performance of Statistics Portugal's employees and other staff, under penalty of disciplinary proceedings, in accordance with the provisions of the General Labour Law in Public Functions.

3. When the facts practiced by the employee and other staff are likely to be considered a criminal offence, they must be reported to the Public Prosecutor's Office in accordance with the provisions of article 179(4) of the General Labour Law in Public Functions.

Article 23

Entry Into Force

The code shall enter into force after its approval by the Administration Board of Statistics Portugal.

ANNEX I**DECLARATION OF NON-EXISTENCE OF CONFLICT OF INTEREST**

I, the undersigned, (name) _____,

Statistics Portugal No. _____, working in the OU _____,

Hereby declare under oath that I have read the Code of Ethics and Conduct and have no conflict of interest in the exercise of the functions attributed to me at Statistics Portugal or that may jeopardise impartiality, independence and fairness or cause doubts regarding my conduct.

In this context, without prejudice to other situations legally provided, I declare that I am not in one of the situations listed below:

a. To have held, in any capacity, positions in the entity(ies) involved in the last three years;

b. To have provided to the entity(ies) involved, by myself or through a third party, in an autonomous or subordinated work regime, services that may be submitted to its appreciation or decision, from bodies/departments/persons under its direct influence within the process/action/contract;

c. To have participated in decision-making processes of the entity(ies) involved, or provided advice, that have an impact on the process/action/contract, or on the matter addressed within its scope;

d. To have intervened in an act covered in the process/action/contract, personally, through a proxy or as proxy;

e. To have a relative or close person exercising functions, or who has exercised functions during the period subject to the process/action/contract, in the management bodies or in the financial management of the entity(ies) involved or in another position that may be relevant to the process/action/contract;

f. To have personal, financial, partisan or religious interest, or any other interest related to the process/action/contract, whether such interest is my own, of a person of whom I am or am a representative or business manager, or of a family member or close person;

g. To have involvement or have a family member or close person involved in a job invitation or recruitment process for the entity(ies) involved;

h. The person in charge of the entity(ies) involved has (have) taken disciplinary action or legal proceedings against me or my family member or a close person;

i. I myself or my spouse, equivalent or next of kin have a claim or debt in dispute with the entity or entities involved or with the person in charge of the same;

j. There is any intimacy or enmity between me or my spouse or partner and the person in charge of the entity or entities involved that prevents me from intervening in the process/action/contract in an impartial, independent and fair manner.

Note: a family member is considered to be the spouse not separated of people and goods or a person living with him/her in a common-law marriage, relative or kin in a direct line or up to the 3rd degree of the collateral line.

The undersigned furthermore declares to swear that, in the event of a conflict of interest arising or coming to his/her knowledge, he/she will immediately inform his/her immediate superior of the fact, before decisions are taken, acts are carried out or contracts are signed.

Lisbon, _____20 ____

(Signature or qualified digital signature)

ANNEX II

MODEL DECLARATION OF CONFLICT OF INTEREST

I, the undersigned, [name] _____,
 Statistics Portugal No. _____, from the Category _____,
 working at the OU _____, declare for all due
 purposes that in virtue of _____

_____,
 (specify the signatory's situation that constitutes a possible conflict of interest),

i request **exemption** from the performance of the duties of _____,
 as I consider it to constitute a possible conflict of interest inhibiting
 participation in the procedure in question, concerning the
 process _____,
 as I consider that the involvement, in view of the duties attributed to me, is
 conditioned by possible conflict of interest.

Therefore, the conditions for safeguarding the absence of conflict are not
 fully met, so I will not be able to take part in this process/procedure.

Lisbon, _____ 20 ____

 (Signature or qualified digital signature)

ANNEX III

COMMUNICATION OF A SPECIFIC OR POTENTIAL FRAUD SITUATION

I, the undersigned, _____
Statistics Portugal No. _____, working in the Organic
Unit _____ hereby inform, under the terms set out in
the Code of Ethics and Conduct, that I have identified the following situations
of non-compliance and/or potential fraud, which I hereby communicate:

Identification of a specific situation of non-compliance:
Identification of a potential fraud situation:

Lisboa, ____ de _____ 20 ____

(Signature or qualified digital signature)

contacts

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Email: ine@ine.pt

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