

**STATE BUDGET 2019**

**Law No 71/2018**

**December 31**

(...)

**CHAPTER III**

**Provisions related to Public Administration**

**SECTION I**

**General provisions**

**Article 16**

**Compensation valuations**

1 - For holders of positions and other staff identified in paragraph 9 of article 2 of Law No 75/2014, of September 12, in 2019 compensation valuations and increases are allowed resulting from acts provided for in the following paragraphs.

2 - Compulsory changes of pay steps, progressions, and changes of pay level or echelon are permitted, being of particular importance for the purpose, the scores not yet used that the employee has accumulated during the prohibition period of compensation valuations, and being the pay of compensation increases to which the employee is entitled via situations occurred in 2018 or that take place in 2019 processed with the phasing-in period provided for 2019 in paragraph 8 of article 18 of the State Budget Law of 2018, passed by Law No 114/2017, of December 29.

3 - Management changes of pay step are allowed pursuant to article 158 of the General Labour Law in Public Functions (GLLPF), passed by Law No 35/2014, of June 20, in its current wording, within the initial appropriation approved for this mechanism, with the application of the phasing-in period provided for in the preceding paragraph.

4 - The grant of performance bonuses shall be permitted or other cash benefits of a similar nature, of 50% of the amount regulated within the initial appropriation passed for the pay of performance bonuses, covering preferentially the employees who have not had a compulsory change of pay step since January 1<sup>st</sup>, 2018.

5 - Compensation valuations and increases are also allowed, in all careers that so predict them, resulting from promotions, appointments or graduations in higher category or position to those held, including in the cases in which are dependent upon the holding of open competition procedures for higher categories of general or special multi-category careers, or in

the case of non-revised and remaining careers, including careers and special corps, for the respective access categories, as well as from selection internal procedures for level or echelon change, that have prior favourable order by the Government members responsible for the area in which the public service or entity is integrated, and for finance and public administration area, with exception of regional and local administrations public services, in which the issue of that order it is up to the president of the respective executive body of autonomous regions and of local authorities.

6 - Within the scope of the services performance assessment subsystems, the Evaluation and Accountability Framework in all governmental departments shall, for the 2019 evaluation cycle:

- a) Ensure the introduction in Evaluation and Accountability Framework of all services, in the efficiency dimension, of a timely operationalization objective of acts to which refers to paragraph 2;
- b) Define as monitoring indicator the processing date of the compensation valuation;
- c) Set as target the month following the term of the employee's performance appraisal for 90% of employees;
- d) Ensure that the weighting of this target in the area in which it is inserted represents at least 50% of the same and shall not have a relative weight in the Evaluation and Accountability Framework of less than 30%.

7 - Non-compliance with provisions set out in the preceding paragraph, as well as non-achievement of the goal established for the referred goal, apart from having repercussions on the service performance assessment, it is important for the purposes of managers performance appraisal, namely the appraisal of the respective limited executive tenures, in particular for the purposes of weighting the corresponding renewal.

8 - Provisions set out in the respective collective labour regulation instruments, when they exist, are applicable to employees of legal persons governed by public law endowed with independence resulting from their integration in regulation, supervision or control areas, as well as to holders of positions and remaining staff integrated into the public corporate sector.

9 - The acts carried out infringing provisions established in the present article shall be deemed null and void and their authors may incur in civil, financial and disciplinary liability.

10 - For the purposes of putting into effect the financial liability referred to in the preceding

paragraph, improper payments are considered the expenses incurred infringing the provisions set out in the present article.

#### Article 17

##### **Length of service in careers, positions or categories integrated in special corps**

The compensation expression of the length of service in the careers, positions or categories integrated in special corps, in which the progression and pay step change shall be dependent upon the lapse of a given period of service provision legally established for the purpose, shall be the object of trade union negotiation, with a view to defining the time limit and the method for its implementation, taking into account the sustainability and compatibility with available resources.

#### Article 18

##### **Mobility compensation**

1 - In 2019 it becomes possible, in mobility situations in the category in a different public service, the employee being paid according to the pay step immediately following to that one in which, he/she is placed, in the case of not having changed the pay step in 2018 or in 2019 and obtains favourable order by the Government members in charge of the area in which the public service or entity in question is integrated and of finance and public administration area, based on reasons of public interest, with exception of public services of local and regional administration, in which the issue of that order it is up to the president of the respective executive body of the autonomous regions and local authorities, as well as the inter-municipal entities, the competence of which for the issue of the referred to order shall be the responsibility of the respective bodies.

2 - For the purposes of application of article 99-A of the GLLPF, in situations of inter-career mobility consolidation, in the professional career and in the inspection special career, the minimum rules of pay step resulting from an open competition procedure are to apply.

3 - The rules defined in the preceding paragraph with effects as of January 1<sup>st</sup>, 2018 are applicable to employees who have consolidated the inter-career mobility in the professional career and in the inspection special career during 2017.

#### Article 19

##### **Mobility specific programmes**

1 - Within the scope of mobility specific programmes based on reasons of special public interest and authorized by the Government

member in charge of finance and public administration area, on a proposal by the Government member in charge in view of the matter, provisions established in paragraph 1 of article 153 of the GLLPF are to apply.

2 - The mobility of employees for specific structures to be set up in transversal areas to the whole public administration may entail budget transfer of amounts under the budget line appropriation "staff costs", to cope with charges with the respective compensation and remaining charges, and the necessary budget changes even though involving different programmes are authorized, pursuant to decree-law of budget implementation.

#### Article 20

##### **Mobility duration**

1 - The existing mobility situations on the date of the entry into force of the present law, whose limit of maximum duration shall occur during 2019 may, by agreement between the parties, be exceptionally extended up to December 31, 2019.

2 - The exceptional extension provided for in the preceding paragraph shall be applicable to mobility situations whose term shall occur on December 31, 2018, under the terms of the agreement foreseen in the preceding paragraph.

3 - In the case of agreement of temporary transfer of an employee due to public interest referred to in article 243 of the GLLPF, the extension mentioned in the preceding paragraphs shall depend upon a favourable opinion by the Government members responsible for finance and public administration areas.

4 - In local authorities, the opinion referred to in the preceding paragraph shall be incumbent upon the president of the executive body.

5 - The public services that benefit from provisions set out in the preceding paragraphs shall define the intentions of mobility termination or of temporary transfer due to public interest and report them to the respective services of origin previously to the preparation of the budget proposal.

#### Article 21

##### **Determination of the pay step under an open competition procedure**

1 - The use and range conferred on the negotiation mechanism provided for in article 38 of the GLLPF, that shall be possible in 2019, when goes beyond the first pay step of that career or of the pay step defined in a proper own regime, shall depend on a favourable prior order

by the Government members responsible for the area in which the public service or entity in question is integrated and by finance and public administration area.

2 - In public services of regional and local administrations the issue of the order referred to in the preceding paragraph fall within the competence of:

- a) The president of the respective executive body of the autonomous regions;
- b) The entities referred in paragraph 2 of article 27 of the GLLPF, in the case of local authorities and municipal services;
- c) The executive body, in the case of metropolitan areas and associations of municipalities of specific purposes and parish associations;
- d) The inter-municipal council, on a proposal from the inter-municipal, executive secretariat, in inter-municipal communities.

#### Article 22

##### **Per diem, supplementary work and night work in public foundations and public establishments**

The per diem, supplementary work and night work schemes provided for in the Decree-Law No 106/98, Abril 24, in its current wording, and in the GLLPF, are applicable to employees of public foundations governed by public law, public foundations governed by private law and public establishments, save provisions established in collective labour regulation instruments.

#### Article 23

##### **Incentives to efficiency and innovation in public management**

1 - The Government members responsible for administrative modernization and finance and public administration areas may establish incentives and other stimulus mechanisms for public management innovative practices, either in the internal dimension, efficiency improvement, quality in management and work environment, or in the external dimension, of greater effectiveness and quality of public services.

2 - The incentive systems created by the Government pursuant to the preceding paragraph may be applied to regional and local administration, upon decision of the respective executive bodies.

#### Article 24

##### **Promotion of safety and health at work**

1 - With the objective of promoting employees in public functions working conditions improvement, the Government stimulates the application of the promotion of safety and health at work legal regime in central public administration public services, namely through projects development in this area.

2 - The Government has developed a collaborative network in public management that supports the implementation of safety and health at work systems in public administration favouring a preventive approach and integrated management of occupational risks, through the knowledge transfer and good practices sharing.

#### Article 25

##### **Objectives for employees' management**

1 - Without prejudice to provisions set out in article 16, the public services shall register in their Evaluation and Accountability Framework for 2019 employees' management objectives that integrate efficient and responsible management practices.

2 - In order to favour a reconciliation of professional and family life and prevent absenteeism, managers of public services shall use all legal instruments that enable approach the differentiated needs manifested by their employees, namely provision of work schemes and schedule modalities.

3 - The Government provides information on measures adopted in services of all government areas, with the purpose of promoting the replication of good practices, namely in the area of the reconciliation of working life and personal and family life.

#### Article 26

##### **Employees' qualification**

1 - The Government shall implement the Qualifies PA Programme, with the purpose of providing public administration employees with appropriate qualifications and competences to the development of their professional paths, in line with public services' needs, in a long life training perspective and access promotion of employees to school and professional qualification.

2 - Without prejudice to other priorities to be established through a resolution of the Council of Ministers, the Qualifies PA Programme has as the priority in 2019, to cover workers who need to obtain school or professional

certification for transition purposes within the scope of career revision procedures.

#### Article 27

##### **Management bonuses**

1 - During 2019, management contracts shall be concluded with managers of public companies, predicting objective, quantified and measurable goals, that represent an operational and financial improvement of the public service, in the main management indicators of the respective companies and that allow for the appraisal of public managers and the pay of variable compensations of performance, in 2020, up to 50% of the limit predicted, excluding the companies that at the end of 2019 have overdue payments.

2 - Without prejudice to provisions set out in the preceding paragraph, during 2019, the companies of the public corporation sector, the public companies, the participated companies and still the companies owned direct or indirectly by any state public entities, namely those of the regional and local corporate sectors, shall not grant variable compensations of performance to their managers or holders of governing bodies, administration or of other statutory bodies.

#### Article 28

##### **Strengthening the fight against corruption, fraud and financial and economic crime**

The Government shall adopt in 2019, the initiatives needed to the capacity optimization and to cooperation strengthening between the sectoral administrative inspections and the specialized criminal police bodies in the fraud prevention and repression segments against State financial interests, corruption and economic and financial crime, following the objectives governing the prioritization of inspecting career revision in 2018.

#### Article 29

##### **Employees contracting and meeting of permanent needs in public services**

1 - According to the multi-annual forecasting for the following quadrennial of employees entrants and leavers in the public administration, provided for in article 29 of the Law No 114/2017, of December 29, the Government shall take the necessary measures to meet the needs therein identified.

2 - Without prejudice to provisions set out in the preceding paragraph, the Government shall promote the recruitment of 1,000 qualified workers with higher education, to rejuvenate and enable public administration, in order to

reinforce the competence centres, the public policies conception and planning strategic areas, and the administration digital transformation.

#### Article 30

##### **Survey of equipment and assets resources of the consular network**

The Government shall carry out a survey of equipment and assets resources of the consular network, submitting to the Assembly of the Republic a report of it up to the end of the present legislative session.

#### Article 31

##### **Extraordinary regularization programme of precarious employment relationships in public administration**

In the open competition procedures provided for in Law No 112/2017, of December 29, provisions set out in paragraph 2 of article 8 of that piece of legislation shall not prevent the application of paragraphs 2 to 4 of article 34 of the GLLPF.

### SECTION II

#### **Other provisions on workers**

#### Article 32

##### **Fulfilment of public functions in the cooperation area**

1 - Retirees or pensioners with relevant experience in areas that may contribute to cooperation projects for development execution may fulfil public functions in the capacity of cooperation agents.

2 - The recruitment procedure, the filling and the conditions of fulfilment of functions are those which are applicable to cooperation agents.

3 - Without prejudice to provisions established in the preceding paragraph, pensioners or retirees in fulfilment of public functions as cooperation agents receive the compensation and due allowances under the terms of that statute, maintaining the right to the respective pension, when this one is higher, in the amount corresponding to the difference between those ones and this one.

4 - The provisions set out in the preceding paragraphs are also applicable with due adaptations, to other exceptional situations and duly substantiated under the terms recognized in the authorization order provided for in article 78 of the Retirement Statute, passed by Decree-Law No 498/72, of December 9, in its current wording.

#### Article 33

##### **Registries and notary services**

1 - Up to the completion of the compensation system review resulting from the career statute revision of registrars, notaries and clerks of registries and notary services, compensations of these workers are subject to the rules on the determination of compensation for the fulfilment of functions set transitorily by Order No 1448/2001, of December 22, and maintained in force in the subsequent years.

2 - The possibility of extension for a further year of the leave maximum duration from which benefit notaries and notary clerks shall be granted to those that so request it, under the terms of paragraph 4 of article 107 and paragraph 2 of article 108 of the Notary Service Statute, passed by Decree-Law No 26/2004 of February 4, in its current wording in the cases of this one lapses in 2019.

#### Article 34

##### **Reinforcement of human resources for the fight against human trafficking**

During 2019, the Government shall take the necessary steps with a view to strengthening human resources for the fight against human trafficking.

#### Article 35

##### **Judiciaries**

Provisions set out in article 16 shall not affect the first appointment of the judge after the internship, as well as, justified his/her indispensability by the Supreme Judicial Council, by the Supreme Council of Administrative and Fiscal Courts or by the Superior Council of the Public Prosecution Service, as appropriate, the filling of vacancies at the higher courts, in the Advisory Board of the Attorney General's Office, in central and district departments and, as well as, in positions of magistrates at the district court or equivalent.

#### Article 36

##### **Provision of judicial service by retired magistrates**

Upon express authorization of the respective councils, the retired magistrates may provide judicial service during 2019, provided that that fulfilment of functions shall not entail any change of the compensation scheme granted by virtue of retirement.

#### Article 37

##### **Courts capacity building**

1 - The Government shall initiate up to the end of June 2019, the access procedures to deputy categories and admission for entry of bailiffs who have proved to be indispensable for the functioning of courts, to the adjustment procedure to the judicial chart and to the implementation of the Programme Justice + Closest continued by the Ministry of Justice.

2 - The provisions set out in the preceding paragraph shall not affect the category change provided for in article 12 of the Court Clerks Statute, passed by Decree-Law No 343/99, of August 26, in its current wording.

#### Article 38

##### **Open competitions for entry into the Criminal Investigation Police**

Up to the end of June 2019, the Government shall carry out open competition procedures for the entry of inspectors in the Criminal Investigation Police.

#### Article 39

##### **Open competitions for entry of non-police officers' workers in the Immigration and Borders Service**

Up to the end of June 2019, the Government shall hold open competition procedures for the entry of non-police officers' workers in the Immigration and Borders Service

#### Article 40

##### **Reinforcement of human resources for nature and biodiversity conservation**

Up to September 2019, the Government shall hold open competition procedures with a view to contracting, at least, more 25 nature guards, giving continuity to the progressive reinforcement of human resources of the Institute for Nature and Forestry Conservation, PI, necessary to ensure, in an effective way, the nature and biodiversity preservation and conservation objectives, as well as the forest fires prevention.

#### Article 41

##### **Personnel costs within the scope of the Special Mechanism to Fight Forest Fires**

1 - The personnel costs within the scope of the Special Mechanism to Fight Forest Fires are settled, as of 2019, by direct bank transfer for beneficiaries' firefighters.

2 - In order to comply with provisions set out in the preceding paragraph, the Government shall

take the steps needed to the payment systems appropriateness and speeding up.

#### Article 42

##### **Recruitment of workers in public higher education institutions**

1 - Within the framework of stimulus measures for the strengthening of the higher education institutions autonomy and scientific employment, the public higher education institutions may carry out hiring, irrespective of the legal employment relationship type to be established, provided that the personnel costs in 2019 shall not increase more than 3% compared with the previous year.

2 - The increase of charges resulting from the application of the Extraordinary Regularization of Precarious Employment Relationships in the Public Administration Programme shall be added to the limit established in the preceding paragraph, as well as the charges arising from the Decrees-Laws Nos 45/2016, of August 17, and 57/2016, of August 29, both in their current wording.

3 - In addition to provisions set out in the preceding paragraph, the term contracting of teaching staff and researchers shall be authorized for the implementation of programmes, projects and provision of services within the public higher education institutions missions and duties framework, provided that their charges encumber exclusively revenues transferred from the Science and Technology Foundation, P.I., own revenues or revenues from European funds related to those programmes, projects and provisions of service.

4 - In exceptional situations, the Government members in charge of finance and public administration and higher education areas may issue opinion prior to the contracting of teaching and non-teaching workers and researchers and non-researchers beyond the limits established in the preceding paragraphs, by setting case by case the number of contracts to be concluded and the maximum amount to be spent.

5 - The prior procedure provided for in article 34 of the professional valuation scheme of employees with public employment relationship, approved and annexed to Law No 25/2017, of May 30, in its current wording shall not be applicable to the recruitment of teaching staff and researchers to be carried out by public higher education institutions.

#### Article 43

##### **Training for citizenship**

The Ministry of Education shall implement, in connection with the Secretariat of State for Citizenship and Equality, a training plan for teaching staff within the scope of the National Strategy of Education for Citizenship that shall focus on gender equality and dating violence area.

#### Article 44

##### **Application of special labour schemes in health**

1 - The pay levels, including compensation supplements of employees with employment contract within the scope of the National Health Service establishments or services with public corporation nature, concluded after the entry into force of the present law, shall not be higher to those of the corresponding employees with employment contract in public functions inserted in general or special careers.

2 - The provisions set out in the preceding paragraph are also applicable to compensation increases due for the fulfilment of night work, in complementary and compulsory weekly rest days' work, and work in public holidays.

3 - The provisions established in the preceding paragraphs are applicable to all health professionals, irrespective of the employment contract legal nature, as well as the health service or establishment, provided that they are integrated in the National Health Service, in which fulfil functions.

4 - The conclusion of employment contracts that shall not comply with the compensation levels referred to in paragraph 1 needs authorization by the Government members responsible for finance and health areas.

5 - The provisions set out in article 23 of the present law shall not affect the application of article 38 of Decree-Law No 298/2007, of August 22, in its current wording.

6 - In exceptional situations and delimited in time, namely of public calamity, recognized by resolution of the Council of Ministers, the limit established in paragraph 3 of article 120 of the GLLPF may be increased by 20% for the employees of the National Institute of Medical Emergency, P.I..

7 - The scheme provided for in article 9 of Decree-Law No 62/79, of March 30, in its current wording, shall be applicable, with due adaptations, to professionals directly involved in the laboratory study of donors and candidate patients for organ transplantation, and in the

selection of the donor-receiver peer in homo-transplantation cadaver, with a view to ensuring their permanent availability for this activity.

#### Article 45

##### **Substitution of company subcontracting for contracting of health professionals**

1 - The Government shall gradually substitute the recourse to temporary employment and subcontracting companies of health professionals with contracting, under a public employment relationship scheme, of professionals needed for the health services operation.

2 - Up to the end of the first semester of 2019, the Government shall present a substitution programme of health professionals subcontracting that complies with provisions set out in the preceding paragraph.

#### Article 46

##### **Extraordinary open competition procedure for entry in the medical internship**

In 2019, an extraordinary open competition procedure shall be launched for entry in the medical internship.

#### Article 47

##### **Reinforcement of the number of vacancies for the settling of doctors in deprived areas**

1 - In 2019, vacancies shall be reinforced and incentives granted for geographical mobility for doctors needy areas with an employment contract for indefinite period of time.

2 - The identification of these vacancies, by medical specialty, service and health establishment, shall be carried out by order, under the terms of Decree-Law No 101/2015, of June 4, in its current wording, to be published up to the end of the first quarter of 2019.

#### Article 48

##### **Contracting of professionals for National Institute of Medical Emergency, P.I.**

In 2019, the number of professionals to work at the National Institute of Medical Emergency, P.I. shall be increased.

#### Article 49

##### **Consolidation of mobility within the scope of the National Health Service**

1 - Provisions set out in article 99 of the GLLPF are applicable, with due adaptations, to mobility and temporary transfer due to public interest situations that have as service of destination or transferee entity a service or health establishment integrated in the National Health

Service, irrespective of the legal nature of it, provided that an employee holder of a public employment relationship for indefinite period of time previously established is at stake.

2 - In addition to requirements set in article 99 of the GLLPF, the consolidation of mobility or of temporary transfer due to public interest needs agreement order by the Government member responsible for health area, as well as favourable previous opinion by the Government members in charge of finance and public administration area.

3 - In 2019, mobility situations may be set up between public corporate entities and National Health Service services, after agreement order by the Government member responsible for health area, as well as favourable previous opinion by the Government members responsible for finance and public administration area.

4 - In health services or establishments whose workforce lists are residual, the consolidation of the mobility or the temporary transfer due to public interest to which refers the present article shall not depend upon the existence of a work post, being the same automatically added and terminated when it becomes vacant.

#### Article 50

##### **Contracting of retired doctors**

1 - Retired doctors, with or without recourse to anticipation legal mechanisms, that pursuant to Decree-Law No 89/2010, of July 21, in its current wording, fulfil functions in central, regional and local administration, public companies or any others public legal persons, shall maintain the respective retirement pension, plus 75% of the compensation corresponding to the category and, as appropriate, echelon or pay step held on the retirement date, as well as the respective work scheme, being the requests for income accumulation submitted as of January 1<sup>st</sup>, 2019 authorized under the terms of the decree-law of budget implementation.

2 - Without prejudice to provisions set out in the preceding paragraph, in the cases in which the activity contracted presupposes a workload lower than the work scheme held on the retirement date, under the terms legally established, the retired doctor shall be paid in proportion to the respective weekly normal work period.

3 - For the purposes of the preceding paragraph, if the normal work period shall not be equal each week, the respective average in the reference period of one month shall be taken into consideration.

4 - The present scheme shall be applicable to current situations upon declaration of the person concerned, and takes effects as of the first day of the following month of the entry into force of the present law.

5 - The patient list to be attributed to retired doctors of general and family medicine under Decree-Law No 89/2010, of July 21, in its current wording, shall be proportional to the weekly work period contracted, being applied, with due adaptations, provisions established in Decrees-Laws Nos 298/2007, of August 22, in its current wording, 28/2008, of February 22, in its current wording, and 266-D/2012, of December 31.

6 - The application of provisions set out in the present article presupposes the filling of a vacancy, given that the patient list attributed shall be deemed for the purposes of vacant lists of open competition procedures of new specialists in general and family medicine.

7 - The retired doctors, with or without recourse to anticipation legal mechanisms, may also, on an exclusive basis, fulfil functions within the scope of the disability verification system and the disability recovery certification system for occupational diseases.

8 - For the purposes of the procedure provided for in Nos 1 and 2 of article 4 of Decree-Law No 89/2010, of July 21, in its current wording, the fulfilment of functions provided for in the preceding paragraph shall depend on authorization by the Government member responsible for social security area, on a proposal from the Social Security Institute, P. I..

9 - The terms and conditions of the fulfilment of functions within the scope of the disability verification and the disability recovery certification systems of retired doctors who may be contracted, are defined in the order to which refers paragraph 1 of article 75 of Decree-Law No 360/97, of December 17, in its current wording.

10 - The provisions set out in the present article shall be applicable, with due adaptations, to retired doctors for the fulfilment of functions at the Armed Forces Hospital.

#### Article 51

##### **Contracting of Portuguese sign language interpreters for the National Health Service**

In 2019, the Government shall contract up to 25 Portuguese sign language interpreters for the National Health Service, prioritizing the answer to emergency episodes in the context of the Medical-Surgical Emergency Services.

#### Article 52

##### **Complementary social protection of workers under an individual employment contract**

The public entities to whose workers the individual employment contract scheme is applicable may contract health, sickness and personal accidents insurances, provided that they are intended for the generality of workers, as well as other compulsory insurances required by law or provided for in collective labour regulation instruments.

#### Article 53

##### **Contracting of workers by legal persons governed by public law and companies of the public corporate sector**

1 - The public legal persons, although with administrative autonomy or statutory independence, namely those to which refers paragraph 3 of article 48 of the Framework-Law of Public Institutes, approved by Law No 3/2004, of January 15, in its current wording, and paragraph 3 of article 3 of Law No 67/2013, of August 28, in its current wording, only with exception of the referred in paragraph 4 of same article, may only recruit workers for the formation of employment relationships for an indefinite period of time or at a term period of time pursuant to provisions set out in decree-law of budget implementation.

2 - The public corporate sector companies may only recruit workers for the formation of employment relationships for an indefinite period of time or for a term period of time pursuant to provisions set out in decree-law of budget implementation.

3 - The provisions set out in the preceding paragraph shall not be applicable to members of the statutory bodies and to workers of credit institutions integrated in the state public corporate sector and qualified as significant supervised entities, in the meaning of article 2.16 of the EU Regulation No 468/2014, of the European Central Bank, of April 16, 2014, and respective participated companies that are in a control or domain relationship and that integrate the State corporate sector.

4 - The application of the present article to the regional public corporate sector shall not prevent the adaptations deemed necessary, to be introduced by regional legislative decree.

5 - The legal persons governed by public law and local corporate sector companies that manage municipal water supply, urban waste water sanitation or urban waste management may contract workers, without prejudice to

ensure the compliance with financial balance rules applicable.

6 - Workers contracting carried out infringing provisions set out in the present article are null.

#### Article 54

##### **Workforce lists of the State corporate sector**

In 2019, the State corporate sector companies shall continue an adjustment policy of their workforce lists, matching them to effective needs of an efficient organization, and may only increase workers' number under the terms set out in provisions established in the decree-law of budget implementation.

#### Article 55

##### **Recruitment of workers in municipalities under a sanitation and rupture situation**

1 - The municipalities that, on December 31, 2018, are under a situation provided for in paragraph 1 of article 58 of Law No 73/2013, of September 3, in its current wording, are prevented from holding open competition procedures, with the exception of those which take place for the conclusion of the Extraordinary Regularization of Precarious Employment Relationship in Public Administration Programme implementation and for substitution of workers within the scope of the competence decentralization procedure under the framework-law of competence transfer for local authorities and for inter-municipal entities, passed by Law No 50/2018, of August 16, and respective sectoral legal acts.

2 - Under duly justified exceptional situations, the municipal assembly may authorize the holding of open competition procedures to which refers the preceding paragraph, by setting case by case the maximum number of workers to be recruited, provided that, cumulatively:

- a) Be impossible the filling of work posts in question by workers with public employment relationship previously formed;
- b) Be indispensable the recruitment, with a view to ensuring the compliance with obligations of fulfilment of public service legally established, and weighted the need of human resources in the activity sector to which it is intended, as well as the overall development in the local authority in question;
- c) Be demonstrated that the charges with recruitments in question are provided for in the budgets of services to which they relate;
- d) Be complied with, on time and completely, the information duties foreseen in Law No

57/2011, of November 28, that establishes and regulates the operation of the Information System of State Organization, in its current wording;

- e) The recruitment shall not correspond to an increase in personnel costs verified on December 31, 2018.

3 - For the purposes of provisions set out in paragraph 1, in the cases in which there are the need of approval of a municipal adjustment plan as per Law No 53/2014, of August 25, in its current wording, the referred plan shall observe provisions set out in the preceding paragraph regarding staff contracting.

4 - For the purposes of provisions set out in paragraphs 2 and 3, the municipal council, on a proposal from the president, shall send to the municipal assembly the data demonstrative of the verification of requirements established therein.

5 - The objectives and measures provided for in the plans underlying the financial recovery mechanisms shall not overlap the provisions set out in the present article.

6 - The exceptional recruitment needs of workers within the scope of the fulfilment of activities resulting from the competence transfer to local administration in the education area are not subject to provisions set out in the present article.

7 - The contracting of workers carried out infringing provisions established in the present article is deemed null.

#### Article 56

##### **Insularity allowance for autonomous regions higher education workers**

1 - The workers of higher education public institutions of the Autonomous Region of Madeira shall now receive the insularity allowance as laid down in article 59 of the Regional Legislative Decree No 42-A/2016/M, of December 30, under the conditions foreseen in paragraphs 3 to 10.

2 - Workers of higher education public institutions of the Autonomous Region of the Azores shall now receive the regional complementary compensation provided for in articles 11, 12 and 13 of the Regional Legislative Decree No 6/2010/A, of February 23.

3 - The expenses related to the application of the insularity allowance and the regional complementary compensation foreseen in paragraphs 1 and 2 of the present article are fully borne by the State Budget general revenue

for 2019 and the payment shall be ensured as of January 2019.

### SECTION III

#### Provisions on public companies

##### Article 57

#### Operational expenses of public companies

1 - Public companies shall pursue an optimization policy of operating expenses structures that promote operational balance, as per provisions set out in the decree-law of budget implementation.

2 - Without prejudice to provisions set out in the preceding paragraph and the balanced budget objectives foreseen, the public companies have ensured the necessary administrative and financial autonomy for the implementation of budget headings relative to contracting of workers, to undertaking of small and large maintenance, as well as for the compliance with safety requirements of the respective operational activity, as provided for in the respective budgets.

##### Article 58

#### Indebtedness of public companies

1 - The overall growth of the indebtedness of public companies shall be limited to 2%, by considering the compensation financing corrected by the paid-up share capital and excluding investments, under the terms to be defined in the decree-law of budget implementation.

2 - Without prejudice to provisions set out in the preceding paragraph and the indebtedness objectives estimated, the public companies have ensured the necessary administrative and financial autonomy for implementation of budget headings relative to investment programmes provided for in the respective budgets.

##### Article 59

#### Subjection to transparency and accountability duties

1 - The rules and duties established are applicable to members of the board of directors of credit institutions integrated into the State public corporate sector and qualified as significant supervised entities, in the sense of article 2.16 of the EU Regulation No 468/2014, of the European Central Bank, of April 16, 2014:

- a) Articles 18 to 25, 36 and 37 of the Public Manager Statute, passed by Decree-Law No 71/2007 of March 27, in its current wording;
- b) Law No 4/83, of April 2, in its current wording;
- c) Articles 8, 9, 9-A, 11 and 12, paragraph 4 of article 13 and article 14 of Law No 64/93, of August 26, in its current wording.

2 - The scheme set out in the preceding paragraph shall be applicable to the current terms of office.

### SECTION IV

#### Acquisition of services

##### Article 60

#### Charges with services acquisition contracts

1 - The total burden paid with services acquisition contracts, with exception of co-financed contracts by European or international funds and by the European Economic Area Financial Mechanism, or financed by transfers of other public administration entities stemming from European funds shall not exceed the total burden paid in 2018.

2 - The amounts paid for services acquisition contracts and the commitments assumed that, in 2019, are renewed or concluded with identical contract object in force in 2018 shall not exceed, as a whole, the amount paid in 2018.

3 - The conclusion of a new services acquisition contract with different object contract in force in 2018 needs previous authorization by the Government member responsible for the respective sectoral area, and the request shall be accompanied by indication made by the service top manager with competence to contract, the compensation to be carried out for the purposes of the compliance with provisions set out in paragraph 1.

4 - In exceptional situations, previously and duly justified by the service top manager with competence to contract, and after approval by the Government member responsible for the respective sectoral area, the Government member in charge of finance area may authorize not taking into account the provisions set out in the preceding paragraphs.

5 - The provisions set out in the preceding paragraphs shall be applicable to contracts to be concluded or renewed by:

- a) Bodies, services and entities provided for in article 1 of the GLLPF, including public institutes of a special scheme, and excluding the services of entities referred to in paragraph 1 of article 63 of the present law;

- b) Other public legal persons, even though endowed with administrative autonomy or of statutory independence, namely those which are referred in paragraph 3 of article 48 of the Framework-Law of Public Institutes, and paragraph 3 of article 3 of Law No 67/2013, of August 28, in its current wording, with exception of those referred to in paragraph 4 of the same article;
- c) Non-financial state-owned companies of capital exclusively or majority held by the state and entities of the regional corporate sector;
- d) Offices provided for in sub-paragraph 1 of paragraph 9 of article 2 of Law No 75/2014, of September 12;
- e) Public foundations governed by public and private law, as well as other public entities not covered by the preceding paragraphs.

6 - Shall not be subject to provisions set out in paragraph 2:

- a) The conclusion or renewal of essential services acquisition contracts provided for in paragraph 2 of article 1 of Law No 23/96, of July 26, in its current wording, or of other mixed-purpose contracts whose preponderant contractual type shall not be that of services acquisition or in which the service assumes an accessory role in the availability of a good;
- b) The conclusion of services acquisition contracts by bodies or contracting services under the framework-agreement or of pre-contractual procedure which succeeds it, grounded on the desertion or breach of contract, provided that the basic prices are those which are established in the framework-law;
- c) The conclusion of services acquisition contracts by bodies or services in which the contracting procedure has been carried out under a public competition whose basic values have been established through burden extension order;
- d) The conclusion or the renewal of services acquisition contracts between them by bodies or services covered by the application scope of paragraph 2.

7 - Shall not be subject to provisions set out in paragraphs 2 and 3:

- a) The doctors and medical services acquisition, namely diagnostic and therapeutic services, special examinations, clinical analyses and surgeries within the scope of the disability verification system and the disability certification and recovery of occupational diseases system, and the acquisition of services within the scope of

the risk control and fight against fraud, by the Social Security Institute, P.I. of the Public Administration's Health Subsystem, of the Sickness Assistance to the Armed Forces Personnel and of Sickness Assistance Services to the National Republican Guard and the Public Security Police;

- b) The conclusion or renewal of services acquisition contracts that are directly related to planning, management, evaluation, certification, audit and control procedures of the Investment and Structural European Funds, of the European Relief Fund for the most deprived persons and of the European Economic Area Financial Mechanism, within the framework of the Operational Programmes Technical Assistance to be developed by the Cohesion and Development Agency, P.I., by the management authorities and by intermediate bodies of operational programmes and by organizations whose regular activity is financed by structural funds, irrespective of the quality that may assume, that are the object of co-financing within the scope of Portugal 2020 and within the framework of the European Economic Area Financial Mechanism 2014-2021;
- c) The acquisitions intended to the external peripheral services of the Ministry of Foreign Affairs, including the services of the Agency for the Investment and External Trade, Portugal, E.P.E., (Public Corporate Entity) and of the Tourism Institute, Portugal, P.I., that operate under the authority of heads of diplomatic mission, as well as the acquisitions destined to Camões Institute, P.I., within the scope of development projects, programmes and cooperation actions for the development and promotion of the Portuguese language and culture and to learning centres and school education.

8 - In the autonomous regions and in the regional public corporate sector, the previous provided for in paragraphs 3 and 4 shall be issued by the executive body.

9 - In the higher education institutions, the authorization referred in paragraphs 3 and 4 shall be issued by the dean or president of the institution, as appropriate.

10 - Application to the Assembly of the Republic of principles established in the preceding paragraphs shall be carried out by order of the President of the Republic, preceded by opinion of the board of directors.

11 - Provisions set out in the preceding paragraphs shall not affect the compliance with

rules foreseen in the Decree-Law No 107/2012, of May 18, that regulates the duty of information and the issue of previous opinion related to acquisition of goods and the provision of services within the scope of the information and communication technologies, in its current wording, and the authorization requests referred in paragraphs 3 and 4 shall be accompanied by the previous opinion by the Agency for Administrative Modernization, P.I., if applicable.

12 - Expenses financed by European and international funds of a non-refundable nature are not covered by provisions set out in the present article.

13 - Acquisition of services contracts within the framework of the training activity developed by the Employment and Vocational Training Institute, P.I., through the vocational training centres of direct management or of participated management network set up under the legal regime defined by Decree-Law No 165/85, of May 16, in its current wording, entities whose purposes are intended essentially to promote and fulfil activity with European financing are not covered by provisions set out in the present article.

14 - Rules provided for in the present article are not applicable to new central administration entities set up in 2018 or to be set up in 2019, as well as to expenses with services acquisition related to aerial means to fight rural fires within the scope of competence transfer of the Ministry of the Internal Administration to the Ministry of National Defence.

15 - Acts carried out infringing provisions set out in the present article are null.

#### Article 61

##### **Studies, opinions, projects and consulting**

1 - Studies, opinions, projects and consulting services, as well as any specialized works and the legal representation and forensic mandate, shall be carried out through own resources of contracting entities.

2 - The decision of contracting the acquisition of services whose purpose are studies, opinions, projects and consulting services or other specialized works, including the renewal of possible contracts in force, to the private sector, may only be taken by the service top manager with competence to contract, in exceptional situations duly justified, and clearly demonstrated the impossibility of meeting the needs through own resources of the contracting entity or of other services, organizations or entities of the respective budget programme.

3 - For the purposes of provisions set out in the preceding paragraph, and without prejudice to other compulsory consultations provided for in the law, the acquisition of services in terms of electronic certification, modernization and administrative simplification and electronic simplification administration and legal services shall be preceded by consultation carried out, respectively, to the Management Centre for the Electronic Government Network, to Agency for Administrative Modernization, P.I., and to the State Legal Competences Centre.

4 - In relation to the contracting of legal services, the provisions set out in the preceding paragraph shall be complied with through request for a previous compulsory and binding opinion to the State Legal Competences Centre, foreseen in paragraphs 2 and 3 of article 18 of Decree-Law No 149/2017, of December 6, or, in the cases provided for in paragraph 4 of the same article, through the contracting communication.

5 - Provisions established in the present article shall be applicable to entities referred in paragraph 5 of the preceding article, with exception of higher education institutions and other scientific research institutions, as well as Camões Institute, P.I., for contracting purposes of studies, opinions, projects and consulting services and specialized works within the scope of the cooperation project management and within the framework of promotion of the Portuguese language and culture.

6 - Services acquisitions that are directly related to the procedure of planning, management, evaluation, certification, auditing and control of Investment and structural European Funds, European Relief Fund and European Economic Area Financial Mechanism, within the scope of technical assistance of operational programmes to be developed by Cohesion and Development Agency, P.I., are not subject to provisions set out in the preceding paragraphs by the management authorities and by intermediate organizations of operational programmes by the European Economic Area Financial Mechanism 2009-2014 and 2014-2021, and by organizations whose regular activity is financed by structural funds, irrespective of their quality, that are subject of co-financing within the scope of Portugal 2020 and within the framework of the European Economic Area Financial Mechanism 2014-2021.

7 - The drawing up of studies, opinions, projects, and consulting services, as well as of any specialized works within the scope of information systems is not subject to provisions

set out in the present article when it directly relates to the mission and duties of the entity.

8 - The present article, with exception of paragraphs 3 and 4, is not applicable to studies, opinions, projects and consulting services or other specialized works carried out under the military programming and the military infrastructures law, as well as by vocational training centres of participated management with the legal regime defined by Decree-Law No 165/85, of May 16, in its current wording, irrespective of the source of financing associated.

9 - Acts carried out infringing provisions set out in the present article are null.

#### Article 62

##### **Services delivery contracts in the modality of task contract and successive delivery contract**

1 - Conclusion or renewal of services acquisition contracts in the modality of task contract and successive delivery contract covered by the application scope of the GLLPF, irrespective of the counterparty nature, needs binding previous opinion from the Government member responsible for finance and public administration area, under the terms and pursuant to the regular procedural steps by order of this one, without prejudice to provisions set out in paragraph 6.

2 - The opinion provided for in the preceding paragraph shall depend upon:

- a) Verification of the non-subordinate nature of the provision, for which it is demonstrated to be inconvenient the recourse to any modality of public employment relationship;
- b) The issue of budget commitment declaration by the body or service or applicant party.

3 - Whenever the contracts referred to in the present article are subject to authorization for the assumption of multi-annual charges, the respective authorization procedure shall be accompanied by the opinion refereed in paragraph 1.

4 - Provisions set out in the present article shall not affect the possibility of being obtained previous authorization for a maximum number of the aforementioned contracts, under the terms of paragraph 3 of article 32 of the GLLPF.

5 - In the case of regional administration services, as well as higher education institutions, the binding previous opinion shall be up to the respective own government bodies.

6 - Acquisitions of medical services within the scope of the disability verification system and the disability recovery certification system for occupational diseases by the Social Security institute, P.I., and Public Administration's Health Subsystem shall not be subject to provisions set out in the present article.

7 - Acquisitions of services carried out within the scope of the training activity developed by Employment and Vocational Training Institute, P.I., through the vocational training centres network of direct management and by vocational training centres of participated management with the legal regime defined by Decree-Law No 165/85, of May 16, in its current wording that have has purpose vocational training services, of professional certification and recognition, validation and competence certification are not subject to provisions set out in the present article.

8 - Acquisitions of services undertaken by Statistics Portugal, P.I. for the fulfilment of coordination and implementation of tasks functions related to the Agricultural Census 2019 and to the Census 2021, are not subject to provisions set out in the present article nor the provisions established in paragraphs 2 and 3 of article 32 of the GLLPF and the same are exempted from the issuer of the declaration referred to in paragraph 5 of article 34 of the regime approved in annex to Law No 25/2017, of May 30, that approves the professional valuation regime of workers with public employment relationship, in its current wording.

9 - Entities referred in paragraph 1 of the following article shall not be subject to the provisions set out in the present article.

1 - Provision of services contracts concluded within the scope of the Portuguese participation in the Dubai World Exposition in 2020 and the Portuguese presidency of the Council of the European Union during the first semester of 2021 shall not be subject to provisions set out in the present article.

11 - Acts carried out infringing the provisions set out in the present article are null.

#### Article 63

##### **Services acquisition contracts in local Government and local companies sector**

1 - The amounts spent with services acquisition contracts, concluded under the terms of the Public Contracts Code, passed by Decree-Law No 18/2008, of January 29, in its current wording, in local authorities, inter-municipal entities and local companies, that in 2019 are to be renewed or to be concluded with identical

object of contract in force in 2018, shall not exceed:

- a) The 2018 expenses amounts, considering the aggregate total value of contracts, whenever the same counterpart provides more than one service to the same purchaser; or
- b) The unit price, in the case of it being arithmetically determinable or has served as the basis for calculation of expenses in 2018.

2 - The expenses incurred with the following contracts are excluded from the preceding paragraph:

- a) The contracts referred to in paragraph 6 of article 60;
- b) The services acquisition contracts for projects or activities implementation that are the object of co-financing within the scope of the Investment and Structural European Funds or of other investment support funds included in the European Union budget and within the scope of European Economic Area Financial Mechanism;
- c) The services acquisition contracts relating to projects and ICT services for the Accounting Normalization System for public administrations implementation;
- d) The new competences of local authorities and of inter-municipal entities within the decentralization procedure scope.

3 - The amounts paid, increased by commitments assumed are understood as expenses incurred with services acquisition contracts in the local subsector.

4 - In previously and duly justified situations by the competent services, the local authority body, inter-municipal entity or local company with competence to contract, according to the amount of the contract, may authorize the relieve of provisions set out in paragraph 1, under the terms foreseen in article 18 of Decree-Law No 197/99, of June 8, re-enacted by Resolution of the Assembly of the Republic No 86/2011, of April 11.

5 - The studies, opinions, projects and organization consulting and management support shall be carried out by own resources of contracting entities.

6 - The decision of contracting the services referred to in the preceding paragraph, including the renewal of possible contracts in force, may only be taken by the local authorities body, inter-municipal entities or local companies with competence for this decision, in exceptional situations and duly substantiated by the relevant services, and provided that the impossibility to meet the needs through own resources of the contracting entity is demonstrated.

7 - The conclusion or the renewal of services acquisition contracts for the fulfilment of public functions, in the modality of task contract and successive delivery contract, by local authorities, Inter-municipal entities and local companies, irrespective of the counterpart nature, need a previous, binding opinion by the president of the respective executive body.

8 - The opinion foreseen in the preceding paragraph shall depend upon:

- a) Verification of the non-subordinate nature of the provision of work, for which it proves to be inappropriate the recourse to any modality of public employment relationship;
- b) The issue of budget commitment declaration by the body, service or applicant party.

#### Article 64

#### **Services acquisition contracts within the scope of the Ministry of Foreign Affairs**

The Secretariat-General of the Ministry of Foreign Affairs succeeds to the Fund for International Relations, P.I. in the contracts in which this one is part and have the purpose the provision of services in the information and communication technologies area, the maintenance and improvement of external and internal peripheral services and the Ministry of Foreign Affairs customer services management.

### SECTION V

#### **Social protection and retirement**

#### Article 65

#### **Pensions granted by the Public Employees Special Pension Scheme, P.I. based on disability**

The disability pensions and the retirement pensions granted by the Public Employees Special Pension Scheme, P.I., based on disability, irrespective of the date of subscriber's registration, shall be subject to the scheme that successively is in force for the disability pensions of the welfare system of the social security general scheme in terms of sustainability factor.

#### Article 66

#### **Relevant time period for retirement**

1 - The period subsequent to the entry into force of the present law in which the Public Employees Special Pension Scheme, P.I. subscribers are under a situation of reduction or suspension of the employment contract, for having concluded pre-retirement agreement with the respective employer entities, and not being holders of employment contract in public

functions, shall be taken into account for retirement under the terms in which such relevance is established in the social security general scheme.

2 - Calculation of the time period referred in the preceding paragraph shall presuppose that, as long as the situation therein foreseen lasts, the subscriber and the employer entity maintain the payment of contributions to the Public Employees Special Pension Scheme, P.I., calculated at the standard rate based on the updated value of the compensation relevant for retirement that has been used for calculation of the pre-retirement benefit.

3 - The relevance for the retirement of a period prior to the date in which the subscriber completes 55 years of age shall be limited to the cases in which the responsibility for the charge with the pension part relative to that period shall not belong to the Public Employees Special Pension Scheme, P.I..

#### Article 67

##### **Suspension of the transition to reserve situations, pre-retirement or availability**

As a budget balance measure, the transitions to reserve situations, pre-retirement or availability, under the terms statutorily foreseen, of the National Republican Guard military staff, of the Public Security Police, Foreigners and Borders Service, Criminal Investigation Police, Maritime Police personnel with police functions and other militarized personnel and the Prison Guards Corps staff, may only take place under the following circumstances:

- a) In duly proven health situations;
- b) In the case of being achieved or surpassed the age or permanence time limits in the work post or in the function, as well as, when, as per the legal terms, the requirements are met of transition to the reserve, pre-retirement or availability after completed 36 years of length of service and 55 years of age, aiming at the appropriateness of existing staff within the scope of the organizational restructuring procedures;
- c) In the case of exclusion from promotion for not meeting the general requirements for the purpose or for surpassing in the promotion in a given post or category, when such consequence results from the respective statutory terms;
- d) When, on the date of the entry into force of the present law, the requirements are already met or the prerequisites have been met so that those situations occur, under the regimes applicable to Public Employees

Special Pension Scheme, P.I. subscribers of transition to retirement, reserve, pre-retirement or availability, irrespective of the moment in which so shall be requested or declared.