

**Law No 2/2004**  
**15 January**

**Approves the managers statute of State central, regional and local administration services and organizations**

Pursuant to article 161, subparagraph c) of the Constitution, the Assembly of the Republic (Parliament) decrees as follows:

CHAPTER I

**General principles**

SECTION I

**Object and scope of application**

Article 1

**Object and scope**

1. The present Law establishes the management staff statute of central, local and regional State Administration services and bodies.
2. The present law shall apply to public institutes, save for specific issues governed by the framework-law thereof.
3. Implementation of the regime laid down in the present law in the Autonomous Regions of Madeira and the Azores shall not be impeditive to publication of the regional legislation adapting it to organic specificities of the management staff of the corresponding regional administration.
4. The present law shall be implemented in the local administration with due adaptations by means of a decree-law.
5. The present law shall not apply to management positions of:
  - a) Bodies and services of support to the President of the Republic, the Assembly of the Republic and Courts;
  - b) Armed and Security forces as they are defined in the Internal Security Law, the Intelligence System of the Portuguese Republic and the Service responsible for ensuring the prison system management;
  - c) Management bodies of educational establishments;
  - d) Management bodies of establishments of health corporate sector;
  - e) Ministry of Foreign Affairs that by virtue of a proper legal provision have to be appointed by staff of the diplomatic career or for whose appointment has been chosen staff of the same career or that are fulfilled in external services;
  - f) Integrated in careers
6. Top management positions holders of the Ministry of Justice public services that shall be filled by judicial magistrates or by Public Prosecution magistrates are designated by order of the member of the Government responsible for the justice area.
7. The top manager position holder of grade 1 of the National Authority for Civil Protection when filled by an officer of the Armed and Security Forces, as well as the top management position holders of the Ministry for Internal Administration public services when, under the terms of the respective organic or statutory legal texts that expressly so allow it are actually filled by judicial magistrates or by Public Prosecution magistrates, are designated by order of the member of the Government in charge of internal administration area.
8. Designations carried out pursuant to paragraph 6 and to the preceding paragraph are made without the need to resort to an open competition procedure, on a limited executive tenure regime basis, for a three year period, renewable for an equal

period, provisions set out in articles 18 and 19 of the present law are to apply with due adaptations.

Article 2  
**Management positions**

1. By management positions it is meant those in charge of directing, managing, coordinating and controlling public services and bodies covered by the present law.
2. Management positions may be divided into top management positions and middle management positions according to the hierarchical level, competencies and responsibilities assigned; the former are subdivided into two grades and the latter in so many grades as the internal organization so requires them.
3. The director-general, the secretary-general, the inspector-general and the chairman shall hold top managerial positions of grade one. The deputy director-general, the deputy secretary-general, the deputy inspector-general, the deputy chairman shall hold top management positions of grade two.
4. The heads of department and the heads of division shall hold middle management positions of grade one and grade two respectively.
5. (Repealed).
6. Organic or statutory legislation of services and bodies covered by the present law shall expressly lay down the qualifications and grades of the respective management positions pursuant to paragraph 2, the respective appointment as well as dealing with middle management positions of grade 3 or lower the corresponding competencies.

SECTION II

**Guiding principles**

Article 3  
**Mission**

The management staff shall ensure fulfilment of tasks assigned to their services, as well as effective performance through optimising human, financial and material resources and promoting delivery of services to users according to the law, guidance contained in the Government Programme and instructions issued by the member of Government in charge.

Article 4  
**General principles of ethics**

The holders of management positions shall be at the exclusive service of the public interest and shall comply with the fundamental values and principles of administration action embedded in the Constitution and in the law, namely as to legality, justice, impartiality, competence, accountability, proportionality, transparency, and good faith so as to ensure respect and confidence of workers fulfilling public functions and the society in Public Administration.

Article 5  
**Principles of management**

1. Management staff shall promote an outcome-led management in line with annual and multiannual objectives to be achieved. Likewise, resources to be used shall be defined along with programmes to be developed. Output control and evaluation mechanisms shall be applied systematically.
2. Action carried out by holders of management positions shall be guided by quality, effectiveness, and efficiency criteria, simplification of procedures, cooperation, effective communication and approximation to users.

3. In fulfilling their mission, management staff shall lead, motivate and commit their workers fulfilling public functions with a view to jointly improving and ensuring a fair image and service delivery.
4. Holders of management positions shall adopt a training policy that contributes to improving workers skills and to strengthening efficiency in the fulfilment of competencies of services within the framework of their tasks.

### SECTION III

#### **Competencies of management staff**

##### Article 6 **Competencies**

1. Management staff shall exercise their powers within the organic unit they work for, and according to the principles embedded in the present law, without prejudice to cases where the respective organic laws shall vest upon them a hierarchical competence over other services and bodies.
2. Management staff shall also be competent for all specific duties assigned to them by the law, organic or statutory laws thereto and all other specific duties delegated or sub-delegated to them by the member of Government concerned or the respective line manager.

##### Article 7 **Competencies of top managers**

1. Within the framework of the overall management of their respective services and bodies top managers of grade 1 shall:
  - a) Devise annual and multiannual action plans identifying expected service outputs and inherent de-bureaucratisation, quality and innovative measures;

- b) Ensure, supervise, and assess compliance with action plans as well as achievement of proposed outputs;
- c) Draft activity reports showing compliance with defined objectives and the social balance according to applicable law;
- d) Carry out all necessary acts for the smooth running of services and bodies within the framework of human, financial, material and property resources namely those referred to in Annex I that is part and parcel of the present law and allowing for statutory limitations, provided for in the respective legal regimes, provided that such competence shall not be expressly assigned to another entity and without prejudice to decision-making powers, superintendence or supervision of the member of Government concerned;
- e) Propose to the member of Government in charge the performance of service management acts for which he has no delegated or established powers, as well as submit measures he/she deems fit to achieve the objectives and goals laid down by law or the Government Programme;
- f) Organise the internal structure of the service or body, namely by setting up, changing or abolishing flexible organic units, and define the operational and articulation rules as well as those relating to sharing of common functions if applicable;
- g) Guarantee the effective participation of workers fulfilling public functions in preparing action plans and activity reports and ensure dissemination and publication;
- h) Ensure internal dissemination of the service mission and objectives, powers of organic units and the articulation modes among them, and implement coordination and communication routes between organic units and workers thereof;

- i) Follow-up and evaluate in a systematic way the service outputs, making the various sectors accountable for the use of available means and outcomes achieved, namely in terms of activity impact and quality of delivered services;
  - j) Draft action plans for improved quality of services, namely through quality charters and defining ways to achieve better management practices, and through systems ensuring compliance with the required objectives;
  - l) Propose updating of outdated legal provisions or regulations and streamlining and simplification of procedures;
  - m) Represent the service or body he/she leads and liaise at his level with other Public Administration services or bodies as well as other national, international or foreign counterpart entities.
2. Within the framework of human resources management, it shall namely fall upon top managers of grade 1:
- a) To enforce legal obligations defined as per the terms of the law for the merit assessment process of workers, ensuring that the assessment system is uniformly applied within the service or body;
  - b) To ensure that the training requirements within the service or body are duly identified and updated and to devise individual or collective training initiatives based on needs identified. Likewise, training shall be assessed as to effectiveness of services and return of investment;
  - c) To set a working schedule most suitable to the running of services, allowing for legal requirements and to set up tools and practices ensuring effective control of regular attendance;
  - d) To authorise hold more than one activity or public or private function under the terms of the law;
  - e) To exercise disciplinary authority under purview of the law.
3. Within the framework of budget management and incurrence of expenses, it shall fall upon top managers of grade one:
- a) To formulate operational and funding draft budget taking into consideration the activity plans and programmes approved;
  - b) To implement the budget in line with a stringent management of available resources and adopting measures needed to correct possible deviations or submitting those measures which fall outside their scope of powers;
  - c) To prepare and approve the management accounts;
  - d) To ensure conditions enabling financial and budget auditing by competent authorities;
  - e) To authorise incurrence of public expenditure in works, and purchase of goods and services within limitations stipulated by law;
  - f) To authorise delivery of services and the selling of services own goods setting the prices thereof.
4. Within the framework of facilities management, it shall fall upon top managers of grade one:
- a) To supervise the streamlined use of facilities allotted to the service or body, as well as maintenance, repair or refurbishment works;
  - b) To promote the refurbishment of public amenities and facilities for delivery of services;
  - c) To ensure hygiene, health and safety conditions at work, guaranteeing namely that an updated record of risk factors is kept and assessed as well as the planning and budgeting of actions leading to their effective monitoring;
  - d) To manage with efficiency and effectiveness the use, maintenance and conservation of facilities allotted to the respective service or body.

5. The competencies of top management positions of grade one in matters pertaining to human resources management do not prejudice the competencies of managers of services and organizations responsible for the centralized management of human resources of each ministry.

#### Article 8

##### **Powers of middle managers**

1. It is incumbent upon middle managers of grade 1:
  - a) To define the outputs to be achieved by the organic unit allowing for the overall objectives set out;
  - b) To guide, control and assess the performance and efficiency of supervised services so as to carry out the activity plans and outputs achieved or to be achieved;
  - c) To ensure the coordination of activities and the technical quality of service delivery;
  - d) To manage with rigour and efficiency the human, technological and property resources allotted to his/her organic unit by optimising means and adopting measures to simplify and speed up procedures and to promote a closer relationship with users and other public services.
  - e) To perform acts provided for in annex II that is part and parcel of the present law.
2. It is incumbent upon middle managers of grade 2:
  - a) To ensure the technical quality of outputs within his organic unit and the appropriate deadlines for the effective delivery of services, bearing in mind the meeting of users' requirements;
  - b) To ensure the on-the-job follow-up of tasks performed by backing-up and motivating workers fulfilling public functions, and

- c) To disseminate to workers fulfilling public functions internal documents and procedures to be adopted by the service and to discuss and clarify the action to be taken so that outputs can be achieved and in such a way as to ensure that workers are committed themselves and accountable for;
- d) To exercise impartiality when assessing the merit of workers in public functions according to both individual and collective outcomes and the level of commitment in achieving results and the team spirit;
- e) To identify the specific training requirements of workers fulfilling public functions within the organic unit and to propose a schedule for training initiatives that suits most those needs identified, without prejudice to a right to self-training;
- f) To ensure effective control of punctuality, assiduity and compliance with the work schedule by workers fulfilling public functions in their organic unit;
- g) To authorise the issuing of certificates from documents kept on file, save when it comes to classified or confidential matters, and handing back documents to users.
- h) To perform acts provided for in annex II that is part and parcel of the present law when they do not directly depend on the holders of management positions referred to in paragraph 1.

#### Article 9

##### **Delegation of competencies**

1. Members of Government may delegate powers to top managers of

grade 1 enabling them to instruct upon matters relating to the generic functions of services and bodies.

2. Top managers of grade 1 may delegate to all levels of management staff specific powers and sub-delegate powers they themselves might have been entrusted with.
3. The delegation of signature authority for mail or daily business transactions needed for the mere processing of files may be entrusted to any worker fulfilling public functions.
4. The delegation and sub-delegation of powers are privileged management tools and top managers of grade 1 shall promote such tools as a means to shorten decision procedures and speed up and debureaucratise management.

#### Article 10

### **Delegation of competencies to the substitute manager**

(Repealed)

## SECTION IV

### **Qualifications and training**

#### Article 11

### **Qualifications and training**

1. Management positions are subject to the appropriate profile, experience and knowledge and specific vocational training as defined by this law.
2. The permanent updating in the field of competency management and development techniques for management staff is ensured through a professional vocational training scheme.
3. In addition to initiatives carried out in line with the preceding proviso, training of management staff may be updated through participation at congresses, seminars, colloquia and lectures.

#### Article 12

### **Specific professional training**

1. Performance of management functions presuppose successful attendance at specific courses on management in Public Administration fields, differentiated, if necessary, according to the level, grade and functional content of management positions.
2. The specific vocational training shall focus on the following competency areas:
  - a) Organisation and administrative activity;
  - b) Management of human capital and leadership;
  - c) Management of human, budget, material and technological resources;
  - d) Information and Knowledge;
  - e) Quality, innovation and modernisation;
  - f) Internationalisation and community affairs
  - g) Management of change
3. The appropriate courses for the specific vocational training referred to in this article irrespective of their designation and duration shall be ensured, within the framework of Public Administration, by the service or body with powers in the vocational training area. Regulations and entrance requirements shall be laid down by an order from the member of Government in charge of Public Administration.
4. The aforementioned specific training may also be ensured by higher education establishments in terms laid down in a regulatory law.
5. Holders of management positions attend one of the courses referred to in paragraph 1 during the first two years of fulfilment of functions or in case of impossibility by reason not imputable to them in the shortest term.

## SECTION V

**Fulfilment of functions**Article 13  
**Work schedules**

Management staff is exempted from working schedules and therefore no extra remuneration shall be paid outside the normal working hours.

Article 14  
**Assessment**

(Repealed)

Article 15  
**Accountability**

Within the framework of their functions, management staff shall be civil, criminal, disciplinary and financially liable under the terms of the law.

Article 16  
**Exclusive service and holding more than one position**

1. The performance of management positions is made on an exclusive service basis under the terms of the law.
2. The exclusive service treatment entails disqualification to fulfil any other professional, public or private activities or functions, on a regular basis or not and regardless of respective remuneration without prejudice to provisions set out in the articles 27 to 29 of Law n. 12-A /2008, of 27 February.
3. (Repealed)
4. (Repealed)

5. Holding more than one position can be for management positions of same level and grade; however they are not entitled to accumulate basic remunerations
6. (Repealed)
7. Failure to comply with provisions of this article shall entail termination of the limited executive tenure.

Article 17  
**Disqualifications, impediments and inhibitions**

1. In addition to provisions set out in the preceding article participation of holders of management positions at governing bodies of legal entities is only authorised, under the terms of the law, when deals with fulfilment of functions in non profit making legal entities.
2. Management staff are subject to the regime of disqualifications, impediments and inhibitions provided for in the regulatory provisions of conflict of interests resulting from the fulfilment of public functions namely those set out in Law no 12-A /2008 of 27 February and in Articles 44 to 51 of the Code of Administrative Procedure.
3. Holders of top management positions are also subject with due adaptations to Articles 5,9-A,11,12 and 14 and paragraph 4 of Article 13 of Law no 64/93 of 26 August as currently worded.
4. Holders of top management positions of Public Administration and members of Governmental Offices shall not perform for a three-year period calculated as of the termination of office the functions of inspector-general, deputy inspector-general or equivalent posts, in the specific sector where they fulfilled management

activities or performed advisory functions.

5. The return to activity performed on the date they took office of the position is excluded from the provision set out in the preceding paragraph, without prejudice to the application of provisions relating to prohibitive impediments set out in articles 44 to 51 of the Code of Administrative Procedure.
6. Failure to comply with provisions of this article shall entail termination of the limited executive tenure.

## CHAPTER II

### **Recruitment, selection, filling of vacancies and termination of office**

#### **SECTION I**

### **Recruitment, selection and filling of vacancies for top management positions**

#### Article 18

### **Recruitment for top management positions**

1. Top management positions holders are recruited, by open competition procedure, under the terms of the following articles, from among university graduates completed on the date of the holding of an open competition procedure for, at least, 10 or 8 years, according it deals with of top management positions of grade 1 or 2, attached or not to Public Administration, who possess technical skill, ability, professional experience and training appropriate to the fulfilment of the respective functions.
2. The open competition procedure shall be conducted by the Public Administration Recruitment and Selection Committee, hereinafter referred to as the Committee, independent entity that operates with the Government member responsible for Public Administration, pursuant to the respective Statutes.
3. The open competition procedure initiative referred to in paragraph 1 shall be incumbent upon the Government member with management, oversight and supervision power over the service or body in which the position to be filled is integrated. Within this scope, shall be responsible for pinpointing the management position skills to be filled, characterizing the management mandate and the major responsibilities and functions that are associated thereto, as well as the respective mission charter.
4. The Committee, in possession of the information referred to in the preceding paragraph, draws up a skill profile proposal of the applicant to be selected, namely with the explanation of academic qualifications and professional experience required, as well as the management skills and leadership recommendable for the fulfilment of a position, and addresses it to the Government member with management, oversight and supervision power over the service or body in which the position to be filled is integrated for approval.
5. Within the time limit of 20 days, calculated as from the date of submission of the proposal referred to in the preceding paragraph, the Government member with management, oversight and supervision power over the service or body in which the position to be filled is integrated:
  - a) Approves the skill profile proposal submitted by the Committee; or
  - b) Changes, by way of express justification, the skill profile proposed by the Committee.
6. If any of the two situations provided for in the preceding paragraph shall not happen, the skill profile proposal submitted by the Committee shall be deemed tacitly accepted.



7. Without prejudice to skills provided for in the present article, the Committee shall be also responsible for defining methodologies and technical criteria applicable to the selection procedure of applicants admitted to the open competition, namely at the leadership skill assessment, collaboration, motivation, strategic management, outcome orientation, citizen and public service orientation, management of change and innovation, social sensitivity, professional experience, academic training, vocational training and ability level.

#### Article 19

#### **Selection and filling of vacancies for top management positions**

1. The open competition procedure shall be compulsorily publicized in the public employment pool (BEP) and, at least, in the Government electronic platform and in two other electronic platforms, for 10 days, indicating formal requirements for filling, profile requested and selection methods to be applied to the open competition procedures. A curricular appraisal and an appraisal interview shall always take place and the Committee may still opt for applying other selection methods provided for the formation of public employment relationships in the General Labour Law in Public Functions, passed by Law No 35/2014, of 20 June, amended by Law No 82-B/2014, of 31 December.
2. The publicizing referred to in the former paragraph is preceded by a notice to be published in the 2nd Series of the Official Gazette and may still be published in the press with a national coverage.
3. The promotion of the publicizing provided for in the preceding paragraphs shall be ensured by the Directorate General for Administration and Public Employment in accordance with the instructions given by the Commission.
4. The management position holders immediately lower to that one for which an open competition procedure has been held, who are fulfilling functions in the respective service or body, on the date of the publication referred to in paragraph 2, are automatically included in the list of applicants, provided that they meet the requirements predicted in the preceding article.
5. The positions holders referred to in the preceding paragraph may, until the holding of the interview, request the Selection Board their exclusion from the list of applicants.
6. The jury is composed of:
  - a) the President of the Commission who has a casting vote or by whom he/she assigns who shall preside over;
  - b) a permanent member of the Commission;
  - c) a non permanent member of the Commission in the fulfilment of functions in a body or service integrated in the organic of the ministry to which relates the open competition procedure, but in a body or service not coinciding with this one;
  - d) the expert co-opted by the former ones from a pool of experts that functions with the Commission, in the fulfilment of functions in a body or service integrated in the ministry to which relates the open competition procedure but in a body or service not coinciding with this one.
7. In the selection of applicants the jury applies selection methods as defined in the respective notice of open competition procedure.
8. The jury after the selection methods provided for being completed draws up the appointing proposal indicating

three applicants, listed in alphabetical order along with the grounds for the choice of each one of them and submit it to the member of the government with powers of management, or superintendence and supervision over the service or body to which the open competition procedure relates that previously to the assignment may hold an assessment interview to the three applicants.

9. Under the situation of an open competition procedure in which there is not a sufficient number of applicants for the purposes of the preceding paragraph, or for which there are no applicants, the Committee shall repeat the opening notice relating to the same open competition procedure, as per paragraphs 1 and following and, if the same result is verified, the Government member competent for the filling may carry out the recruitment by choice, from among persons who meet the profile defined by the opening notice, who are subject to non-binding appraisal, as to the curriculum and suitability of competences to the positions undertaken by the Committee.
10. In cases in which, in the 20 days following the submission of the decision proposal to the Government member competent for the filling, the dropout of applicants therein set out is verified, he/she may request the Selection Board the indication of other applicants who deems appropriate to meet that dropout.
11. In cases in which the Selection Board shall not ensure the substitution provided for in the preceding paragraph, the provisions set out in paragraph 9 are to apply.
12. The top management positions are appointed by decision of the competent Government member, within the maximum time limit of 45 days, calculated as from the date of receiving the decision proposals referred to in paragraph 8 or in paragraph 10, under a limited executive tenure scheme, for a five year renewable period,, without the need to resort to an open competition procedure, for equal period.
13. The decision to appoint top management positions shall not occur between the calling of elections for the Assembly of the Republic or the dismissal of the Government and the parliamentary investiture of the new Government.
14. The duration of the limited executive tenure and the respective renewals shall not exceed as a whole 10 consecutive years and the manager shall not be filled in the same position of the respective service before 5 years have been elapsed.
15. The filling of top management positions takes effect on the date of the assigning order unless another date is expressly fixed.
16. The assigning order, duly justified shall be published in the Official Gazette along with a note relating to the academic and professional curriculum of the assignee.
17. The assignment waives the authorization of the service or body of origin of the assignee.
18. The open competition procedure is urgent and of public interest, without the hearing of those interested.
19. There is not suspensive effect of the administrative appeal lodged against the assigning order or of any act whatsoever committed in the course of the procedure.
20. The proposal of a protective order of suspension of the effectiveness of an administrative act committed in the procedure shall not prohibit the execution of such act.
21. In case of judicial suspension of the effectiveness of the assigning order

the provisions set out in article 27 are applicable.

Article 19-A  
**Mission charter**

1. The Mission Charter is published with the open competition notice, drawn up by the member of the government who manages or superintends and supervises the service or body in which the position to be filled is integrated that constitutes a commitment of management.
  2. In the Mission Charter the objectives duly quantified and scheduled to be achieved in the course of the fulfilment of functions are defined in an explicit way without prejudice to their review whenever so justifies, for changes of the general context or for specific circumstances that determine it by means of guidance of the respective member of the government.
  3. The applicants shall annex a declaration to their application drawn up in accordance with the model approved by Regulation of the Recruitment and Selection Commission for the Public Administration accepting the terms of the mission charter, under penalty of their application being not accepted.
- with 6 or 4 years of professional experience in functions, positions, careers or categories for the performance or filling of which a university degree is required according deals with middle management positions of grade 1 or grade 2 as the case may be.
  2. The organic or statutory pieces of legislation of public services and bodies covered by the present law expressly establish the recruiting scope and requirements of holders of middle management positions of grade 3 or lower.
  3. Without prejudice to proviso 2, the recruiting scope for middle managers of organic units where functions are mainly carried out by staff integrated in careers or categories of grade 3 of functional complexity to which corresponds a specific activity may be widened so as to cover staff of those careers although they may not be holders of a university degree.
  4. Whenever organic laws so stipulate, middle managers may also be recruited among workers fulfilling public functions from specific careers within their services or bodies, although they may not be holders of a university degree.
  5. In cases where no applicants apply for the open competition procedure or no applicants meet requirements to be assigned, under the terms of no 7 of the following Article holders of middle management positions may equally be recruited in a subsequent open competition procedure among holders of a university degree without job attachment to Public Administration who meet requirements provided for in paragraph 1 if:
    - a) The service or organization interested so has required it on a duly justified proposal to the member of the Government in charge of Public Administration.

**SECTION II**

**Recruitment, selection and filling of vacancies for middle managers**

Article 20

**Recruiting scope for middle managers**

1. Middle managers are recruited by means of open competition procedure, under the terms of the following article from among workers fulfilling public functions contracted or assigned for an indefinite period of time, holders of a university degree with technical skills and capabilities

- b) The recruitment is included within the quota annually set for the purpose by the member of the Government responsible for Public Administration;
- c) The member of the Government entrusted with Public Administration so has authorized it.

#### Article 21

#### **Selection and filling of vacancies of middle managers**

1. The open competition procedure is publicized in the Public Employment Pool during 10 days, stating formal requirements for nomination, profile needed, composition of the Selection Board and selection methods that necessarily include the holding of a final stage of public interviews.
2. The publicizing referred to in the previous number is preceded of a notice to be published in a newspaper with nation-wide circulation and in the 2nd Series of the Official Gazette in a place specially intended to open competitions for management positions to be filled, with indication of the position to be filled and the day of said publicizing.
3. The jury is composed of:
  - a) a holder of top management position of grade one of the service or organization in whose workforce board the position to be filled is found or by another person assigned by him/her who shall preside over;
  - b) by a manager of level and grade equal or above to the position to be filled performing functions in a different service or organization, assigned by the respective top manager; and
  - c) by a person of acknowledged competence in the respective functional area, assigned by an educational establishment of university level or by a representative public association of corresponding profession
4. For the selection of holders of middle management positions of grade 3 and lower the jury is composed of:
  - a) holder of top management position of grade 1 of the service or body in whose workforce board the position to be filled is found or by another person assigned by him/her who shall preside over;
  - b) two managers of level and grade equal or above to the position to be filled, one of them performing functions in the service or body in whose workforce board the position to be filled is found and another in different service or body, both assigned by the respective top manager.
5. Remuneration is due to the member of the jury referred to in subparagraph c) of paragraph 3 who is not attached to public Administration under the terms fixed by the member of the Government in charge of Public Administration.
6. The jury after terminating the open competition procedure draws up the assignment proposal stating the reasons for which the choice fell upon the applicant proposed, abstaining to classify the remaining applicants.
7. The jury may deem that no applicant meets the requirements to be assigned.
8. On request of the service or organization interested, the open competition procedure is ensured by a competent public entity, integrated in different ministry with exemption of composition of the jury but with intervention of the member provided for in subparagraph c) of paragraph 3; in this case the provisions set out in paragraphs 1,2,4,5 6 and 7 are applicable with due adaptations.
9. Vacancies for middle managers shall be subject to an order from the top manager of the service or body, on a limited executive tenure basis, for a 3-year executive tenure renewable for the same time spans.

10. Vacancies for middle managers are filled and are effective as from the date of the assignment order, unless any other date is expressly fixed.
11. The assigning order shall be duly justified and published in the Portuguese Official Gazette along with a schedule on the professional and academic background of the assignee.
12. The assignment waives the authorization of the service or body of origin of the assignee.
13. The open competition procedure is urgent and of public interest; the hearing of the parties concerned does not occur.
14. The administrative appeal lodged against the assigning order or of any other act committed in the course of the procedure has not a suspensive effect.
15. The proposal of a protective order for suspension of the effectiveness of an administrative act committed in the procedure does not produce prohibition of execution of said act.
16. In case of judicial suspension of effectiveness of the assigning order provisions set out in Article 27 are to be applied.

### SECTION III

#### **Renewal of the limited executive tenure**

##### Article 22

#### **Renewal of the limited executive tenure of top management positions**

1. For the purposes of the renewal of the limited executive tenure, holders of top management positions shall give a minimum 90-day prior notice of termination of office to the competent member of the Government.

2. The notice referred to in proviso 1 shall include the outcomes reporting during office and shall have always as a reference the charter of mission, and action plans activity reports as well as a sum-up of implementation of the assessment system within the service.
3. The renewal of the limited executive tenure shall depend upon the outcomes achieved during term of office.

##### Article 23

#### **Renewal of the limited executive tenure of middle managers**

1. For the purposes of a possible renewal of the limited executive tenure, middle managers shall give notice of the termination of their office to the top manager of the service at least 90 days beforehand.
2. Renewal of the limited executive tenure shall depend on a detailed review of performance and outputs achieved, the benchmark being the assessment of the outgoing manager as well as the report presenting activities pursued and the results achieved.
3. In the event of a renewal of the limited executive tenure for middle managers of grade 2 or lower the information to be submitted shall be confirmed by the respective hierarchical superior.

##### Article 24

#### **Procedure**

1. The decision on the renewal of the limited executive tenure referred to in preceding paragraphs shall be notified in writing to the interested parties 60 days prior to termination; it shall be accompanied by a determination of holding of an open competition procedure whenever said limited executive tenure has not been re-

newed in relation to middle management positions.

2. (Repealed)
3. Should the limited executive tenure not be renewed, functions shall be ensured on a day-to-day management basis or provisionally on a replacement basis until a new job holder is assigned.
4. The running of administrative decisions shall not go beyond a maximum time span of 90 days

#### **SECTION IV**

##### **Termination of the limited executive tenure**

###### **Article 25 Termination**

1. The limited executive tenure of holders of management positions shall terminate upon:
  - a) Terminating, in cases of paragraph 1 of the preceding article;
  - b) Taking office and fulfilment, on whichever account, of another position or function, save for cases and during the period where a suspension occurs or when an accumulation of functions is permitted by law;
  - c) Abolishment or reorganization of the organic unit, save for cases where the limited executive tenure is expressly maintained for a succeeding manager of the same level;
  - d) In cases of paragraph 7 of article 16 and paragraph 6 of Article 17 of the present law and paragraph 3 of article 29 of the Law no 12-A /2008 of 27 February;
  - e) By a justified order in one of the following situations:
    - (i) Non- accomplishment of objectives provided for namely those set out in the Charter of Mission;

- (ii) Failure to provide information or providing insufficient information whenever said information shall be deemed fundamental for the fulfilment of the global Government policy;
- (iii) Non supervening verification that the office holder is not able to ensure compliance with guidelines superiorly laid down;
- (iv) Need to redirect management of services

- f) Following a disciplinary proceedings leading to application of a disciplinary sanction;
- g) For non attendance, due to a reason not imputable to them or owing to a non successful attendance at a course referred to in paragraph 1 of article 12;
- h) (Repealed);
- i) At request from the job holder concerned at least with a 60-day prior notice. Said request shall be deemed as accepted if no dismissal thereof is notified within 30 days from the date of the request.

2. The termination of the limited executive tenure based on the subparagraph e) of the preceding paragraph presupposes prior hearing of the manager on reasons invoked, irrespective of instituting any proceedings.
3. (Repealed.)
4. (Repealed.)

###### **Article 26 Indemnity**

1. Managers are entitled to an indemnity whenever termination of the limited executive tenure is caused by abolishment or reorganisation of the organic unit or due to the need to reorientate management of services and provided that the manager has

- held the position for at least 12 successive months.
2. The indemnity referred to herein shall be calculated on the basis of the time span still to run until expiration of the limited executive tenure and the amount resulting from the difference between the basic remuneration of the ending managerial position and the remuneration corresponding to the category of origin of the manager.
  3. The amount of the indemnity shall not be higher than the amount corresponding to the annual difference of remunerations, which shall include Holiday pay and Christmas allowance.
  4. The right to indemnity referred to herein shall only be granted where termination of the limited executive tenure is not be immediately followed by a new holding of managerial position of the same or higher level, or the holding of another public managerial position with the same or higher remuneration level.
  5. The holding of positions referred to herein during the time span to which the indemnity refers, shall imply the compulsory refunding of the amount corresponding to the difference between the number of months during which the indemnity was paid and the number of months left until a new assignment occurs.
  6. For the purposes of preceding proviso, the new assignment shall be accompanied with a written statement from the manager stating that he/she has received no indemnity or that he/she shall refund any amount received, notice being given to processing services.

Article 26-A  
**Suspension**

1. The limited executive tenure of holders of top management positions of grade 2 and middle management is suspended when they are assigned to members of Government Offices or equivalent positions or on a replacement basis.
2. The limited executive tenure is suspended for four years while the performance of position or function last, if this has a lower duration; in this case the functions of origin are ensured on a replacement basis.
3. The period of suspension is taken into account for all legal purposes, as length of service performed in the position of origin.

SECTION V

**Replacement**

Article 27

**Assignment as a replacement**

1. Managerial positions may be held on a replacement basis in the event of absence of impediment from the respective job holder and whenever such conditions are expected to occur for more than 60 days, or in the event of a vacancy.
2. The assignment, on a replacement basis, shall be effected by the competent entity. All legal requirements shall be complied with as to filling of the position with exception of the open competition procedure to which relates articles 18 to 21.
3. The replacement shall terminate at the date the regular job holder resumes office, or after 60 days have elapsed upon vacancy of the position, unless a procedure is under way intended to the assignment of a new job holder.
4. In any case, if the situation provided for in the final part of the preceding

paragraph occurs, the substitution terminates compulsorily if, within the time limit of 45 days after the delivery by the Selection Board of the appointment proposal referred to in the paragraph 8 of article 19, the Government member who has the management, oversight and supervision power over the service or body to which the open competition procedure relates has not made the appointment.

5. The time limit referred to in the preceding paragraph shall be interrupted on the date of calling of elections for the Assembly of the Republic or the dismissal of the Government, being resumed with the parliamentary investiture of the new Government.
6. Replacement may also terminate at any time upon decision from the supervising entity or upon request from the substitute as soon as said request has been accepted.
7. For all legal purposes, the replacement period shall be taken into account as length of service performed either in the position previously held or in the position of origin.
8. The substitute shall be entitled to the entire remuneration as well as allowances and benefits that go along with the tenure, irrespective of the release of corresponding allocations by the service, the costs being incurred on account of the corresponding budget appropriations.

### **CHAPTER III**

#### **Rights and duties**

##### **SECTION I**

##### **Rights**

###### Article 28 **Safeguard of rights**

1. Irrespective of their primitive job attachment, top managers enjoy all the general rights granted to workers fulfilling public functions working for the service or body where they fulfil their functions.
2. Top managers retain a right to their position of origin and to the applicable social security scheme. No harm shall be caused to the professional career of top managers on account of the functions fulfilled and the length of service performed in that position shall be taken into account for all purposes as actual and effective service for all purposes.

###### Article 29

##### **Right to the change of pay step in the category of origin**

(Repealed)

###### Article 30

##### **Effectiveness of the right to career access and development**

(Repealed)

###### Article 31

##### **Remuneration statute**

1. Remuneration due to senior management staff shall be fixed by a specific piece of legislation in which different remuneration levels may be established according to the type of service or body where top managers work.
2. Management staff is entitled to representation expenses the amount of which shall be set by a joint order of the Prime Minister and the member of the Government in charge of Public Administration.
3. Management staff may by means of express authorization in the assigning order opt for the salary or basic remuneration of their function, posi-



tion or category of origin; however in any case shall not exceed the basic salary of the Prime Minister.

4. Holders of middle management positions who are not attached to Public Administration may not opt for the salary or basic remuneration of their function, position or category of origin.
5. As a reference the salary or average basic remuneration actually received during the preceding year to the date of the assigning order is adopted for the purposes of provisions set out in paragraph 3.
6. The identification of remuneration levels corresponding to basic remunerations of middle management positions of grade 3 or lower is effected in an organic or statutory piece of legislation that so predicts them.
7. Management bonuses are granted to holders of top management positions as per terms defined in a regulatory decree.
8. Performance bonuses are granted to holders of middle management positions pursuant to terms provided for, with due adaptations, for workers fulfilling public functions.

Article 32  
**Private law regime**

(Repealed)

Article 33  
**Legal aid**

1. Holders of managerial positions shall be subject to legal aid regimes and exemption from court fees set out in Decrees-Law no's 148/2000 of 19 July and 34/2008 of 26 February.
2. Holders of top management positions of grade 1 may be supported

by a worker fulfilling secretariat functions.

3. Workers fulfilling secretariat functions are assigned with their agreement by order of the office holder in the body or service and inserted on the respective electronic page and, without prejudice to provisions set out in the preceding paragraph terminate those functions without any formalities on the date of termination or suspension of functions of whom assigned them.
4. Secretariat functions terminate at any time on office holder's or worker's initiative.
5. Workers fulfilling secretariat functions are entitled to a remuneration supplement the amount of which is set by order referred to in paragraph 2 of article 68 of Law no 12-A /2008 of 27 February.
6. The work performed outside the normal work period and days by workers fulfilling secretariat functions shall be not paid without prejudice to proviso set out in the preceding paragraph.

## **SECTION II**

### **Duties**

Article 34  
**Specific duties**

In addition to the general duties of workers of the service or organization where they perform functions, management staff shall be subject to the following specific duties:

- a) Duty to keep the Government informed about all relevant issues dealing with the services;
- b) Duty to ensure compliance with all acts carried out by their workforce within the service with existing laws and the users' legitimate interests;

- c) General duty of assiduity and regular attendance and compliance with the normal working schedules as well as the duty to report at any moment whenever so requested.

#### Article 35

##### **Additional specific training**

(Repealed)

#### CHAPTER IV

#### **Final and transitional provisions**

#### Article 36

##### **Prevailing legislation**

1. The present law shall prevail over any other general or specific provisions relating to the various services or bodies.
2. (Repealed).

#### Article 37

##### **Transitional provisions**

1. Effectiveness of the present law shall not prejudice the appointments of management staff serving at that date nor the calculation of the corresponding deadlines.
2. Suspension of limited executive tenures under the purview of article 19 of the Law no 49/99 of 22 June shall remain until termination of offices which led to such limited tenures.
3. Equivalence of managerial positions effected before coming into force of the present law shall be deemed effective for the purposes of paragraphs 3 and 4 of article 2 of this law.
4. Open competitions which have been publicised before the coming into force of this law remain effective and are to be run under the law in force

at the date of opening of competitions.

5. The proviso contained in article 3 of Decree-Law no 34/93 of 13 February remains into force.
6. The proviso contained in article 33 of Law no 49/99 of 22 June shall be applicable to managers serving at the time of entering into force of this law and complying with requirements contained therein until termination of their limited executive tenure.

#### Article 38

##### **Repeal**

The following legislation is repealed: Law no 12/96 of 18 April and Law no 49/99 of 22 June.

#### Article 39

##### **Effectiveness**

The present law becomes effective as of the first day of the month following its publication.

Approved on 27 November 2003

The President of the Assembly of the Republic (Parliament), João Bosco Mota Amaral

Promulgated on 30 December 2003

Let it be published

The President of the Republic, Jorge Sampaio

Countersigned on 30 December 2003

The Prime Minister, José Manuel Durão Barroso

#### **ANNEX I**

[to which refers subparagraph d) of paragraph 1 of article 7]

To authorize the holding of open competitions and carry out all subsequent acts, to appoint, and to dismiss the staff of the establishment plan and determine the conversion of the provisional assignment into a definitive assignment as well as authorize mobility situations and limited executive tenures.

To conclude, renew and terminate contracts of staff.

To authorise the performance of overtime work, night work, on weekends and public holidays.

To sign the document of acceptance and confer the taking office of staff.

To authorize the acceptance or possession in a different place from that one where the staff were placed, to extend the respective time limit, to request that said acceptance and taking office be authorized or conferred by an administrative authority or by a diplomatic or consular agent and to grant staff of external services the right to the salary as of the date of acceptance or taking office irrespective of the taking up of the new functions.

To authorize the grant of benefits and other fringe benefits to which workers fulfilling public functions are entitled, under the terms of the law.

To authorize enrolment and participation of workforce at congresses, meetings, seminars, colloquia, training courses or other similar initiatives held in national territory when these incur costs for the service as well as the enrolment and participation at traineeships.

To carry out all acts relating to workforce retirement save in the case of compulsory retirement and in general all acts relating to social security scheme, including those referring to accidents at work.

To carry out acts incumbent upon holders of middle management positions in relation to managers and remaining workforce who are accountable to them.

To authorize within the limits laid down by the respective annual budget, transfers of appropriations subordinate to the same organic classification and the advancement up to two twelfths by budget heading with limits annually set by the Ministry of Finance.

To authorize the formation of permanent funds of appropriations of the respective budget with the exception of the budget headings referring to workforce up to the limit of one twelfth.

To enter into insurance and rent contracts and authorize the respective updating whenever these result from legal obligation.

To authorize travelling in service whatever the means of transport as well as the processing of corresponding allowances or expenses with the acquisition of tickets or cards or papers constituting proof of payment of fare and daily subsistence allowances in advance or not.

To authorize expenses resulting from compensations to third parties or recovery of assets assigned to services damaged due to accidents caused by intervention of third parties.

To authorize possible representation expenses of services as well as those of an exceptional nature.

To qualify as accidents at work those which are suffered by staff and authorize processing of respective expenses.

To authorize processing of expenses when invoices duly justified are submitted in the services outside the regulatory time limit.

## **ANNEX II**

[to which refers the subparagraph e) of paragraph 1 and the subparagraph h) of paragraph 2 of article 8]

To authorize the performance of functions on a part-time basis.

To justify or not absences.

To grant leave and authorize resuming activity with exception of the leave without pay for a year on grounds of public interest and long-term leave.

To authorize holidays and accumulation of holidays and pass the respective annual plan.

To authorize the payment of the working income lost due to illness.

To authorize enrolment and participation of staff at congresses meetings, seminars, colloquia, training courses, on a self-training regime or other similar initiatives that take place in national territory and when these do not incur costs for the service.

To authorize staff to appear in court whenever so required under the terms of the law of the proceedings.

## **ANNEX**

### **(to which the article 6 refers)**

Republication of the Public Administration Recruitment and Selection Committee Statutes

#### CHAPTER I

### **General provisions**

#### Article 1

### **Nature and mission**

1. The Public Administration Recruitment and Selection Committee, hereinafter referred to as the Committee, is an independent entity that operates with the Government member responsible for Public Administration area.
2. The Committee's mission is to recruit and select applicants for State central administration top management positions covered by provisions set out in articles 1 and 2 of the Law No 2/2004, of 15 January, or for positions in any form equivalent to these ones, with due regard for the exclusions provided for in paragraph 5 of article 1 of that law.

3. The Committee is also called upon to assess, the curricula and suitability of competences of personalities nominated to fulfil positions of public manager or for positions in any form equivalent to these ones, under the terms provided for in the Public Manager's Statute, passed by Decree-Law No 71/2007, of 27 March.

#### Article 2

### **Independence**

The Committee's members and the expert pool act in an independent way in the exercise of competences, which are assigned to them by law and by the present Statutes, and shall not request nor receive instructions from the Government or from any other public or private entities.

#### Article 3

### **Regime**

The Committee shall be governed by provisions set out in the present Statutes and by the Law No 2/ 2004 of 15 January, which is applicable to it.

#### Article 4

### **Headquarters**

The Committee has its headquarters in Lisbon, and may operate in the premises of the ministry responsible for Public Administration area.

#### CHAPTER II

### **Composition and members' statute**

#### Article 5

### **Composition**

1. The Committee is composed of:
  - a) A Chairman;
  - b) Three to five permanent mem-

- bers;
- c) A non-permanent-member for each ministry, and respective alternates, in the number of two, and in fulfilment of functions in a body or service non-coincident with that of the member, but integrated in the organic of the same ministry.
2. The chairman is appointed from among personalities of recognized professional merit, credibility and personal integrity.
  3. The permanent members are appointed from among personalities of recognized professional merit, credibility and personal integrity, whose activity has been exercised preferentially in the human resources or Public Administration areas.
  4. The non-permanent members and respective alternates are appointed from among employees in public functions with recognized professional merit, credibility and personal integrity, whose activity has been fulfilled preferentially in the human resources area.
  5. An expert pool operates with the Committee, composed of 20 to 50 members, appointed from among employees in public functions with recognized professional merit, credibility and personal integrity, who support the Committee in matters pertaining to specific techniques and participate in the Selection Boards of open competition procedures for Public Administration top management positions.
  6. For the purposes of the provisions set out in the preceding paragraph, 10% of the expert pool shall be compulsorily integrated by professionals indicated by the Directorate General for Qualification of Employees in Public Functions (INA), from among personalities who therein fulfil training functions

## Article 6 **Appointment**

1. The Chairman of the Committee and the permanent members and the permanent members are appointed, after the Assembly of the Republic has been heard, by resolution of the Council of Ministers, on a proposal from the Government member in charge of Public Administration area, on a limited executive tenure basis for a five and four year period, respectively, and the same holders shall not be filled in the same position before an equal period has been run.
2. The non-permanent members and the respective alternates, as well as the experts who integrate the expert pool, are appointed by decision taken by the Government member in charge of Public Administration area and of that who holds the management, oversight or supervision power over the service or body to which they are attached, for a three year period, and the same holder shall not be appointed for the same function before an equal period has been run.
3. [*Repealed*].
4. The appointment of the Committee's Chairman shall ensure the gender alternation and the appointment of permanent members shall ensure a minimum of 33% representation of each gender.
5. The Committee's and the expert pool's members terminate functions with the taking office of the new members appointed to fill the respective positions.

## Article 7 **Incompatibilities and impediments**

1. The Committee's members are subject to the incompatibilities and impediments scheme established for top public positions holders.

2. Only may be Committee's members the citizens who are in full enjoyment of their civil and political rights.
3. The Committee's Chairman and the permanent members fulfil their functions on an exclusivity basis.
4. The Committee's non-permanent members and the expert pool members fulfil their functions, on an exclusivity basis, only when integrate the Selection Board of an open competition procedure for a top management position for which are co-opted and until its closure.
5. The Committee's and the expert pool's members shall not be holders of sovereign bodies, of the autonomous regions or of the local power.
6. The Committee's and the expert pool's members shall not fulfil any functions or hold social participations in companies or any other entities external to Public Administration, which provide support to the Committee within the scope of the fulfilment of their competences.

#### Article 8

##### **Termination of functions**

1. The functions of the Committee's and the expert pool's members terminates by the lapse of the respective time limit, and still by:
  - a) Death or permanent physical impossibility or with a duration that is predicted to exceed the term date of the limited executive tenure or of the period for which have been appointed;
  - b) Waiver of functions, through a written declaration submitted to the Committee;
  - c) Incapacity or supervening incompatibility.
2. In the case of vacancy for one of the reasons provided for in the preceding

paragraph, the vacancy shall be filled within the time limit of 15 days after its occurrence.

#### Article 9

##### **Duties**

The Committee's and the expert pool's members duties are as follows:

- a) Fulfil the respective functions with impartiality, rigor and independence;
- b) Participate actively and assiduously in the integrating entity works

#### Article 10

##### **Statute**

1. The pay scheme of the Committee's chairman and the permanent members shall be set by order of the Government members responsible for finance and Public Administration areas, and those ones may opt for the compensation of origin.
2. The non-permanent members and the experts shall maintain the compensation of origin.
3. The Committee's and expert pool's members shall benefit from the social security general scheme, if they shall not opt for other that covers them.
4. The Committee's chairman and the permanent members shall not be affected in the employment stability, in their career and in the social security scheme from which they benefit because of the fulfilment of their functions.
5. The Committee's chairman and the permanent members shall not resume automatically functions fulfilled on the appointment date or of the beginning of fulfilment of functions in the Committee, or those ones for which have been transferred or appointed during that fulfilment of functions, namely by virtue of promotion.

6. During the fulfilment of functions the Committee's chairman and the permanent members shall not lose the seniority in their jobs nor shall be affected in promotions to which meanwhile has acquired the right.
7. In the case of the Committee's chairman and permanent members be on the designation date, vested in the temporary civil service, by virtue of the law, act or contract, the fulfilment of functions for the Committee suspends the respective time limit.
8. When the Committee's chairman and the permanent members are employees of public or private companies fulfil functions on a temporary transfer due to public interest basis.
9. The Committee's and the expert pool's members who fulfil teaching or scientific research functions in the higher education may continue in the fulfilment of those functions, without prejudice to, when the same are fulfilled in a public educational establishment, may request the suspension of the time limits of the respective contracts or the time limits for submission of reports or carrying out tests to which they are obliged.

### CHAPTER III

#### **Competences**

##### Article 11

#### **Competences**

Within the scope of its duties, it is incumbent upon the Committee to:

- a) Establish, by regulation, the rules applicable to the profile appraisal, competences, experience, knowledge, academic training and vocational training applicable to the selection of applicants for Public Administration top management positions;

- b) Carry out, on the initiative of the governmental departments concerned, the opening and development of recruitment procedures for Public Administration top management positions, in accordance with the profiles generically defined in said initiative;
- c) Establish the selection methods to be applied to the open competition procedures, the carrying out of a curricular and interview appraisal shall always take place, and the Committee may still opt for the application of other selection methods provided for the establishment of public employment relationships in the General Labour Law in Public Functions, passed by Law No 35/2014, of 20 June changed by Law No 82-B/2014, of 31 December;
- d) Support the drawing up and the development of the global and sectoral policy with a focus on the Public Administration top management staff and participate in its implementation;
- e) Promote research activities and confirmation of competences with regard to personalities who show profile appropriate to the functions of Public Administration top management positions;
- f) Promote the management and ethics good practices for Public Administration top management position holders;
- g) Promote the approval and adoption of guiding principles for codes of conduct intended to Public Administration top management position holders;
- h) Cooperate with organizations of international, Community, and other similar foreign organizations scope in matters pertaining to the Public Administration recruitment and selection and of good practices and codes of conduct of top management positions;
- i) Cooperate with public and private entities of national, regional and local levels regarding Public Administration recruitment and se-

lection matters and of good practices and codes of conduct of top management positions.

#### Article 11-A

##### **Chairman's competences**

It is incumbent upon the Committee's Chairman to:

- a) Manage the Committee's activity;
- b) Call and preside over the Committee's plenary meetings, composed of the Chairman, permanent members and by non-permanent full members;
- c) Preside over the permanent technical commission, composed of the chairman and by permanent members;
- d) Represent the Committee both internally and externally;
- e) Exercise the Committee's management responsibilities, namely in the financial and administrative areas;
- f) Exercise the competencies that are not expressly assigned to other Committee's bodies»

#### Article 12

##### **Regulations**

1. It is the responsibility of the Committee to pass the regulations necessary to a good implementation of provisions set out in the present Statutes and in the Law No 2/2004, of 15 January.
2. The Committee's regulations are published in the 2nd Series of the *Official Gazette*.

#### CHAPTER IV

##### **Organization and functioning**

#### Article 13

##### **Functioning**

1. The administrative support to the Committee's functioning shall be ensured by the secretariat-general of the ministry responsible for Public Administration area.
2. The Directorate General for Administration and Public Employment and the INA provide technical and operational support to the Committee, whenever so requested and under the terms to be defined by regulation.

#### Article 14

##### **Deliberations**

1. The Committee's deliberations are taken by majority of the members present, and the chairman shall have the casting vote.
2. The provisions set out in subparagraphs a), c) and g) of article 11 may only be the object of deliberation with the attendance of, at least, two thirds of the Committee's members.

#### Article 15

##### **Duty of secrecy**

1. The Committee's members, as well as the staff who provide support and other possible collaborators, are specially obliged to the duty of secrecy under the terms of the law.
2. The duty of secrecy includes, namely, the obligation of non-public disclosure of facts, circumstances and Selection Board's criteria, as well as the identity of applicants until the appointment final decision.

#### Article 16

##### **Duty of collaboration**

The secretariats-general or the departments responsible for human resources areas of ministries shall provide all collaboration requested by the Committee



in the carrying out of tasks related to open competition procedures for top management positions who are integrated in the bodies or services under the management, oversight and supervision power of the respective Government member.

#### Article 17

##### **Information and publicizing**

1. The Committee draws up and forwards, annually, to the Assembly of the Republic, a report on its activity, of which, non-personalized information on open competition procedures and the issue of opinions are set out.
2. The Committee shall make on the respective website all relevant information concerning it available, namely the norms that govern it and respective composition, including the biographical data and members' compensation, and legislation and regulation applicable to the Public Administration recruitment and selection.
3. The Committee shall ensure the availability from a computerized database of all open competition procedures for Public Administration top management positions.
4. The curricula appraisal and the suitability of competences of personalities appointed following open competitions, which have had no applicants or of those who are appointed to fulfil positions of public manager or for positions in any form equivalent to these ones, carried out by the Committee, shall only be publicized, in its conclusive part, in cases of actual appointment.

#### CHAPTER V

##### **Final and transitional provisions**

#### Article 18

##### **Transitional scheme**

During 2011, the Committee draws up regulations indispensable to the performance of its competences.