



**ASSEMBLY OF THE REPUBLIC**

**LAW No 52/2019**

**31 July**

Summary: Passes the regime of fulfilment of functions by holders of political positions and higher public positions

**Passes the regime of fulfilment of functions by holders of political positions and higher public positions**

The Assembly of the Republic under the terms of subparagraph c) of article 161 of the Constitution decrees as follows:

CHAPTER I

**Preliminary provisions**

Article 1

**Object**

The present law governs the regime of fulfilment of functions for holders of political positions and higher public positions, their reporting obligations and respective sanctions framework.

Article 2

**Political positions**

1 - For the purposes of the present law, political positions are as follows:

- a) The President of the Republic;
- b) The President of the Assembly of the Republic;
- c) The Prime Minister;
- d) The members of the Assembly of the Republic;
- e) The members of the Government;
- f) The representative of the Republic in the Autonomous Regions;
- g) The members of the Autonomous Regions' own governing bodies;
- h) The members of the European Parliament;
- i) The members of the executive bodies of the local power;
- j) The members of the executive bodies of the metropolitan areas and inter-municipal entities.

2 - For the purposes of reporting obligations provided for in the present law, the members of the Parish Boards of less than 10,000 electors who are not under a permanence regime are exempted from the provisions set out in the preceding paragraph.



3 - For the purposes of reporting obligations provided for in the present law shall be equivalent to holders of political positions:

- a) Members of the executive bodies of political parties at national and autonomous regions levels;
- b) Candidates for President of the Republic;
- c) Members of the Council of State;
- d) President of the Economic and Social Council.

### Article 3

#### **Higher public positions**

1 - For the purposes of the present law are deemed holders of higher public positions:

- a) Public managers and members of the board of public limited companies with public capital, who fulfil executive functions;
- b) Holders of a management body of a company in which the State has a stake, when designated by this one;
- c) Members of management bodies of companies that integrate the corporate regional or local sectors;
- d) Members of governing bodies of public institutes;
- e) Members of the board of directors of independent administrative entities;
- f) Holders of management positions of grade 1 and 2 and equivalent, and top managers of services of municipal councils and of municipal services, where applicable.

2 - For the purposes of the reporting obligations provided for in this law are equivalent to holders of higher public positions:

- a) Heads of Cabinet of the Members of the Governments of the Republic and of the Regions
- b) The representatives or consultants mandated by the Governments of the Republic and of the Regions in processes of concession or disposal of public assets.

### Article 4

#### **Constitutional Court and Court of Auditors Judges, Ombudsman and members of Higher Councils**

The following shall be subject to the reporting obligations provided for in the present law:

- a) Constitutional Court Judges;
- b) Court of Auditors Judges;
- c) Attorney-General of the Republic;
- d) Ombudsman;
- e) Members of the Superior Council of the Judiciary
- f) Members of the Superior Councils of Administrative and Fiscal Courts;
- g) Members of the Superior Council of the Public Prosecutor's Office.



Article 5

**Judicial Magistrates and Magistrates of the Public Prosecutor's Office**

1 - Pursuant to the respective statutes, the judicial magistrates and the magistrates of the Public Prosecutor's Office shall also be subject to the reporting obligations provided for in the present law.

2 - The statements shall be submitted respectively to the Superior Council of the Judiciary, Superior Council of Administrative and Fiscal Courts and the Superior Council of the Public Prosecutor's Office, that are competent for their analysis, monitoring and enforcement of the respective sanctions framework under the terms of the respective statutes.

CHAPTER II

**Exercise of the mandate**

Article 6

**Exclusivity**

1 - The holders of political positions and of higher public positions shall fulfil their functions on an exclusive basis, without prejudice to provisions set out in the present law and:

- a) In the Assembly of the Republic members statute;
- b) In the politico-administrative statutes of the Autonomous Regions;
- c) In the local elected statute;
- d) In the Public Manager statute;
- e) In the Public Administration management staff statute.

2 - The fulfilment of functions on an exclusive basis is incompatible with any other professional remunerated or unpaid functions of any kind whatsoever, as well as with the integration into social bodies of any for-profit legal persons with the exception of:

- a) Functions or activities resulting from the position and those that are exercised inherently;
- b) Integration in advisory or inspection bodies or councils of public entities;
- c) Teaching and research activities in higher education, under the terms provided for in the statutes of each position, as well as in the higher education teaching careers statutes ;
- d) Artistic and literary creation activity, as well as any others that may result in the perception of remuneration from copyright or related rights or intellectual property;
- e) Holding of conferences, lectures, short term training actions and other activities of an identical nature;
- f) Cases in which the law expressly admits the compatibility of the fulfilment of functions.

3 - The exceptions provided for in subparagraphs b), c) and e) of the preceding paragraph are not to apply to members of the Government.

Article 7

**Mayors**

1 - The holders of local authority bodies fulfil their mandate on a permanence, half-time or non-permanence basis, under the terms provided for in the respective statute.



2 - In addition to the fulfilment of the respective position, they may fulfil other activities, and shall declare them under the terms of the law:

- a) The councillors on a half-time basis or under a non-permanence regime;
- b) The holders of executive bodies of parishes on a half-time regime or a non-permanence regime.

3 - The provisions set out in the preceding paragraph shall not affect the integration by holders of municipality bodies in the governing bodies of companies of the respective local public corporation sector, in cases in which the same be admitted by the respective legal regime.

4 - The holders of political positions of local power shall not by themselves or through an intermediary natural or legal person, in relation to any issues, processes, or disputes that involve or have to be considered or decided by the legal person of whose bodies they are holders:

- a) Fulfil the judicial mandate in any court of competent jurisdiction;
- b) Fulfil functions as consultant or give opinions;
- c) Sign architectural or engineering projects.

5 - The provisions set out in the preceding paragraph shall also apply in relation to the practice of acts therein referred:

- a) In parishes that integrate the territorial scope of the respective municipality, in relation to holders of municipal bodies
- b) In the municipality in which the respective parish is territorially integrated in relation to holders of parish bodies;
- c) In supra-municipal entities of which the municipality is part, in relation to the holders of the organs of the municipality;
- d) In entities of the respective local business sector.

## Article 8

### **Previous activities**

1 - The holders of political positions and higher public positions who in the last three years prior to the date of investiture in office, have held, under the terms of article 9 the percentage of capital in companies therein referred or have integrated social bodies of any for-profit legal persons shall not intervene:

- a) In public procurement procedures for the supply of goods or services to the State and other public legal persons to which those companies and legal persons owned by them are opponent;
- b) In the State contract execution and other public legal persons with them concluded;
- c) In any other formally administrative procedures, as well as legal transactions and their preparatory acts, in which those companies and legal persons are recipients of the decision, susceptible to generate questions on the impartiality or righteousness of their conduct, namely as to granting or amendment of authorizations or expropriation permits acts, of granting benefits of property content and of donation of assets.



2 - The impediment laid down in the preceding paragraph, with due adaptations shall also apply to holders of positions referred to in articles 4 and 5 when they perform acts in administrative matters.

## Article 9

### Impediments

1 - Holders of political positions and high public positions are prevented from acting as arbitrator or expert, on a free of charge or remunerated basis, in any procedure to which the State and other public legal persons are parties.

2 - Holders of political positions or of higher public positions at national level, by themselves or in the companies in which fulfil management functions, and companies held by them in percentage higher than 10 % of the respective share capital, or whose percentage of capital held is higher than €50,000, may not:

- a) Participate in public procurement procedures;
- b) Intervene as a consultant, expert, technician or mediator, in any way, in acts related to procurement procedures referred to in the preceding subparagraph.

3 - The regime referred to in the preceding paragraph applies to companies in which capital the holder of the body or position holds by himself/herself or jointly with his/her spouse, non-marital partner, ascendant and descendant in any degree and collaterals up to the 2<sup>nd</sup> degree, a share above 10 % or whose value is higher than €50,000.

4 - The regime referred to in paragraph 2 shall also apply to their spouses who are not separated of persons and assets or persons with whom lives in a consensual union, in relation to public procurement procedures triggered by the legal person of whose bodies the spouse or unmarried partner is holder.

5 - The regime set out in paragraphs 2 to 4 applies to other holders of political positions or higher public positions at regional or local level not referred to in paragraph 2, to their spouses and unmarried partners and their respective companies, in relation to public procurement procedures developed by the regional or local legal person of whose bodies are part.

6 - In the case of holders of executive bodies of local authorities, their spouses and non-marital partners and respective companies, the regime of paragraphs 2 to 4 is also applicable in relation to procurement procedures of:

- a) Parishes that are part of the territorial scope of the respective municipality;
- b) Municipality in which the respective parish is territorially integrated;
- c) Supra-municipal entities of which the municipality is part;
- d) Entities of the respective local corporate sector.

7 - In order to ensure compliance with the provisions set out in preceding paragraphs, the holders of political positions or higher public positions and their spouses not separated of persons and assets shall be entitled, without any other formalities being required, to the settlement of the share they hold, under the terms provided for in the Civil Code, to the resignation of a shareholder, as per the Commercial Companies Code or to the suspension of their social participation during the tenure of office.

8 - The right provided for in the preceding paragraph may be exercised in relation to the settlement and resignation of the total value of the share or only to a part that exceeds the amount of 10% or



of €50,000, and, in the case of the officeholder does not exercise any of the possibilities provided for in paragraph 7, the company may deliberate to suspend his/her social participation in the company.

9 - Contracts concluded by public legal persons of whose bodies the holders of political positions and higher public positions are holders with the following persons with whom maintain family relationships shall be the object of contract endorsement and of publicity on the Internet portal of public contracts with indication of the relationship in question:

- a) Ascendants and descendants in any degree of the position's holder;
- b) Spouses who are separated of persons and assets of the position's holder;
- c) Staff who is under a non-marital relationship with the position's holder.

10 - The provisions set out in the preceding paragraph also apply to contracts concluded with companies, in which the persons referred to in the preceding paragraph exercise majority control and to contracts concluded with companies in whose capital the holder of the political position or higher public office holds, either by himself/herself or jointly with the spouse or unmarried partner, a participation lower than 10% or of value under €50,000.

11 - The provisions set out in the present article are to apply to professional societies which are subject to professional public associations.

#### Article 10

##### **Applicable regime after termination of functions**

1 - Holders of executive political office may not fulfil, for a three-year period calculated as from the date of the termination of the respective mandate, functions in private companies that pursue activities in the sector directly supervised by them and that, during that mandate, have been the object of privatization operations, have benefited from financial incentives or of incentive systems and tax benefits of a contractual nature, or in relation to which a direct intervention of the political position holder has been verified.

2 - The provisions set out in the preceding paragraph are not to apply to the return to the company or activity fulfilled at the date of investiture in office.

3 - The holders referred to in subparagraph *b)* of paragraph 2 of article 3 may not fulfil functions in the acquiring or concessionary entities in the three years subsequent to the date of disposal or concession of assets in which they have had intervention.

4 - Holders of executive political office may not, for a three-year period calculated as from the date of termination of their mandate, fulfil any functions of subordinate work or consultancy in international organizations with which they have established institutional relations in representation of the Portuguese Republic.

5 - The following fulfilment of functions shall be exempted from the provisions of the preceding paragraph:

- a) In European Union institutions;
- b) In organizations within the United Nations system;
- c) Resulting from a return to the previous career;



- d) In the case of entry by open competition;
- e) In the case of indication by the Portuguese State or in its representation.

## Article 11

### **Sanctions regime**

1 - The infringement of provisions set out in paragraph 2 of article 6, paragraph 2 of article 7, in article 8 and in paragraphs 2 to 6 and 11 of article 9 by holders of political positions shall entail the following sanctions:

- a) For holders of elective positions, with the exception of the President of the Republic, the loss of the respective mandate;
- b) For holders of positions of a non-elective nature with the exception of the Prime Minister, the dismissal.

2 - The non-observance of provisions set out in paragraph 2 of article 6, article 8 and in paragraphs 2 to 5 and 11 of article 9 by holders of higher public positions shall constitute grounds for judicial dismissal, which shall fall upon administrative courts.

3 - Infringement of provisions set out in article 10 determines the disqualification from fulfilling political positions and higher public positions for a three-year period.

4 - The breach of articles referred to in paragraph 1 by the Ombudsman shall determine his/her dismissal by deliberation of the Assembly of the Republic.

5 - It is incumbent upon the Constitutional Court, under the terms of the respective procedural law, to enforce the sanctions foreseen in the present article with regard to holders of political positions with the exception of:

- a) The loss of mandate of members of the Assembly of the Republic and the Legislative Assemblies of the Autonomous Regions, whose enforcement shall be up to the respective assemblies, without prejudice to appeals against these decisions before the Constitutional Court
- b) Holders of political positions provided for in subparagraph i) of paragraph 1 of article 2.

6 - The Public Prosecutor's Office is entitled to bring legal actions provided for in paragraphs 2 and

## Article 12

### **Nullity**

Infringement to provisions set out in articles 8 and 9 shall determine the nullity of the acts.

## CHAPTER III

### **Reporting obligations**

## Article 13

**Single income statement, assets, interests, incompatibilities and impediments**

1 - Holders of political positions and equivalent and holders of higher public positions referred to in articles 2 and 3, as well as those referred to in article 4 shall submit by electronic means to the legally competent entity, to be defined under the terms of article 20 within the time limit of 60 days, calculated as of the date of starting the fulfilment of the respective functions, their income statement, assets, interests, incompatibilities and impediments, hereinafter referred to as single statement, in accordance with the model set out in the annex to this law, which forms an integral part of it.

2 - The statement referred to in the preceding paragraph shall include the following information:

- a) Total amount of gross income, with indication of their source, included the last legal persons tax return, or of the same, when exempted, should set out, where appropriate, a subsequent breakdown by income category;
- b) The description of their patrimonial assets, of which they are holders or co-holders, namely through undivided inheritance, as well as of the patrimonial data of which they are owners, managers, lenders or lessees, by themselves or through an intermediary natural or legal person, existing in the country or abroad, ordered by large items, namely real estate, quotas, shares or other equity interests in civil or commercial societies, rights over ships, aircrafts or motor vehicles, as well as securities portfolios, term bank accounts, equivalent financial applications and provided that they are higher than 50 minimum salaries, current bank accounts and credit rights;
- c) The description of their liabilities, namely in relation to the State or any natural or legal persons, namely credit institutions and any public or private companies, in the country or abroad;
- d) The mention of positions that they hold or have held in the three years that have preceded the statement, in the country or abroad, in companies, foundations or associations.

3 - The statement referred to shall also include the acts and activities liable to generate incompatibilities and impediments, namely:

- a) The registration of activities carried out, irrespective of their type or regime, namely:
  - i. Indication of positions, functions and activities, public and private, in the country or abroad, including in companies, foundations or associations, carried out in the last three years;
  - ii. Indication of the positions, functions and activities, public and private, in the country or abroad, including in companies, foundations or associations to be fulfilled cumulatively with the mandate;
- b) The registration of relevant financial interests, which includes the identification of the acts that generate, directly or indirectly, payments, namely:
  - i. Public and private legal persons to whom the services have been provided;
  - ii. Participation in advisory councils, supervisory commissions or other collegial bodies when provided for by law or in the exercise of supervision and control of public money;





- iii. Societies in whose capital participates by himself/herself or by the spouse not separated of persons and assets or by a person with whom lives in a consensual union;
- iv. Allowances or financial supports received by himself/herself, by the spouse not separated of persons and assets or by a person with whom lives in a consensual union or by a society in which capital participates;
- v. Holding of conferences, lectures, training actions of short duration and other activities of a similar nature;

c) The registration of other relevant interests, that shall mention namely the following facts:

- i. Participation in commissions or working groups for which receive remuneration;
- ii. Participation in non-profit making entities beneficiaries of public resources;
- iii. Participation in professional associations or representatives of interests

4 - All holders of political positions and higher public positions are obliged to fill in all the fields of the single statement, referred to in the preceding paragraphs, set out in the annex to this law, with exception of those who are equivalent to holders of political positions and equivalent to higher public positions, who are not obliged to fill in the field related to the registration of interests.

5 - The administrative services of the entities in which the holders of positions are integrated to and to whom this law applies shall report to the entity in charge of the analysis and supervision of the statements submitted the starting and ending dates of the corresponding functions.

#### Article 14

##### **Statement Updating**

1 - A new and updated statement shall be submitted within 60 days of the end of the term of office that have determined the preceding statement submission, as well as the holder's renewal or re-election.

2 - A new statement shall be submitted within 30 days, whenever during the fulfilment of functions:

- a) There is an effective patrimonial change that alters the declared value of any of the subparagraphs of paragraph 2 of the preceding article in an amount higher than 50 monthly minimum salaries;
- b) Facts or circumstances arise that require new registrations under the terms of paragraph 3 of the preceding article.

3 - The statement to be submitted at the end of the mandate should reflect the wealth evolution that has occurred during it.

4 - The holders of the duty of statement submission must, three years after the end of the fulfilment of the position or function that gave rise to it, submit an updated final statement.

4 - The holders of the duty to submit the statements must, three years after the end of the office or function that gave rise to it, submit an updated final declaration.



5 - For the purposes of compliance with the duty of submission referred to in the preceding paragraph, the entities in which the holders fulfilled functions shall give them prior notice, at least 30 days from the end of the three-year time limit.

## Article 15

### Registration of interests

1 - The entity responsible for the submitted statements analysis and supervision ensures, under the terms of article 17, the data disclosure related to the interests' registration included in the single statement referred to in article 13.

2 - The Assembly of the Republic and the Government should publish on their respective websites the data of the single statement related to the interests' registration of the respective holders.

3 - Municipalities, as well as parishes with more than 10,000 voters, shall keep their interests register accessible through *Internet*, which should include:

- a) The data that were disclosure and included in the single statement delivered to the entity responsible for the statements analysis and supervision submitted by holders of their bodies and managers of their services bound by that obligation;
- b) Statement of activities liable to generate incompatibilities or impediments and any acts that may provide financial income or conflicts of interest of other members of their bodies, in terms to be defined in regulation to be approved by the respective deliberative body.

4 - The other local authorities not referred to in the preceding paragraph may create a register of interests upon resolution of the respective assemblies.

5 - The formation of the local authority registers of interests referred to in the preceding paragraphs shall be communicated to the entity responsible for the analysis and monitoring of submitted statements, to which a link to the section of the respective webpage where such registers are publicized shall be provided.

## Article 16

### Institutional offers and hospitality

1 - Offers of material assets or services of an estimate value higher than €150, received within the scope of the fulfilment of a position or function, are to be mandatorily submitted to the body defined in the respective Code of Conduct.

2 - When the officeholder receives from a same entity, during the same year, several offers of material assets that make up the estimated value referred to in the preceding paragraph, shall communicate that fact for the purposes of the offers registration and submit all those received after making up that value.

3 - The offers destination subject to the duty of presentation, taking into account their nature and relevance, shall be established by the competent body for the registration defined in the respective Code of Conduct.

4 - Offers addressed to a public entity are always registered and delivered to the body referred to in the preceding paragraph, regardless of their value and final destination.



5 - Without prejudice to other rules applicable to the position or category, the officeholders covered by this law, invited in that capacity, may accept invitations addressed to them for official events or those of national or foreign entities.

6 - The officeholders covered by this law, who in that capacity are guests, may still accept any other invitations from private entities up to the maximum estimated value of €150:

- a) That are compatible with the institutional nature or with the relevance of the position's own representation; or
- b) That configures a socially appropriate conduct and in accordance with habits and customs.

7 - Without prejudice to provisions set out in the rules related to statements duties on incomes and assets, the acceptance of gifts, transport or accommodation occurring in the context of personal or family relationships shall not be subject to the duty of registration.

8 - The provisions set out in this law shall not apply to offers of assets and services, acceptance of invitations and hospitality addressed to political parties, including the respective parliamentary groups, through their bodies, delegations or representations, without prejudice to the rules deriving from the legal framework for financing political parties and electoral campaigns.

## Article 17

### **Access and publicising**

1 - The single income statements, assets and interests referred to in paragraph 1 of article 13 and paragraph 1 of article 14 are of public access under this article.

2 - The following statement data are not subject to public consultation or access:

- a) Sensitive personal data such as address, civil and tax identification numbers, mobile phone and fixed telephone numbers, and email address;
- b) Concerning the interests' registration: the discrimination of services provided in the fulfilment of activities subject to professional secrecy;
- c) Data allowing individual residence identification, except the municipality location, or of vehicles and other means of transport of the officeholder.

3 - With regard to income and assets data, the statement consultation shall ensure:

- a) Regarding to gross income for the purposes of assessing personal income tax, only the total amount of each of the declarant's categories of own income and the amount of his/her share in joint income with third parties is made available for consultation, and in relation to income from dependent work the name of the employer entity is also disclosed;
- b) In relation to the real estate assets, the identification of each property by its matrix, location and asset value shall be made available for consultation;
- c) With regard to quotas, shares, participations or other social shares of the capital of civil or commercial companies, only their amount and the respective company name is made available for consultation;
- d) As regards rights over boats, aircraft or motor vehicles, the identification of the brand, registration year of the model and engine capacity of each one of these movable assets shall be made available for consultation;



- e) Regarding securities portfolio, term bank accounts and equivalent financial applications, as well as for current bank accounts and credit rights of value higher than 50 minimum salaries, only the total value of each one of these assets shall be only made available for consultation;
- f) With regard to liabilities, only the identification of the creditor and the share of the debit amount under the responsibility of the declarant shall be made available for consultation.

4 - The statement's fields related to the registration of interests shall be publicized on the electronic pages of the entity responsible for the analysis and supervision of submitted statements and of the entity of whose bodies the declarant is holder, the latter being able to do so on a specific page or by reference to the former's website, in compliance with the provisions set out in paragraph 2.

5 - In compliance with the provisions set out in paragraphs 2 and 3, the fields related to income and assets included in the statement may be consulted, without the possibility of being copied, by means of a grounded request with identification of the applicant, who shall be registered in the entity responsible for the analysis and supervision of submitted statements:

- a) In person, with the entity;
- b) Remotely, through granting the applicant a time-limited digital access credential for consultation of the required statement.

6 - It is incumbent upon the entity responsible for the analysis and supervision of submitted statements to ensure compliance with the provisions set out in paragraphs 2, 3 and 5, only making available for consultation the statement public data, for the purposes of provisions set out in paragraph 1.

7 - In the case of non-compliance with the rules provided for in paragraphs 2 and 3, the officeholder may, at any time, object to the provision of non-disclosable data, being responsibly the entity for the analysis and supervision of submitted statements to examine and decide on the request, with recourse to the Constitutional Court.

8 - The officeholder may oppose partial or full access to data set out in the income and assets statement substantiated on reasonable grounds, namely third party interests or safeguard of the right to privacy, being incumbent upon the entity responsible for the analysis and supervision of submitted statements to assess the existence or not of the mentioned reason, as well as the possibility and the terms of such access.

9 - It is the responsibility of the declarant, on the act of initial or subsequently statement submission, the initiative of invoke objection under the terms and for the purposes of the preceding paragraph.

10 - Access to data on which the objection has fallen and their possible publicizing shall be suspended until final decision of the respective procedure.

11 - Applicants are civilly and criminally liable, under the terms provided for in the data protection legislation, for the improper use of information obtained through the consultation of the statements.

12 - The breach to privacy right resulting from the disclosure of the statement, in infringement of the provisions set out in paragraphs 2 and 3 shall be punished under the legal terms, namely according to provisions set out in articles 192 and 193 of the Penal Code.

13 - The competent parliamentary commission in matters pertaining to the Assembly of the Republic Members Statute application has electronic access in real-time to the statement of



interests submitted by the Assembly of the Republic Members and by the Government members, for the purposes of compliance with their duties and competences provided for in the MPs Statute.

14 - The single statement may not be disclosed, namely on the *Internet* or on social networks with the exception of provisions set out in paragraph 4.

## Article 18

### **Non-compliance with reporting obligations**

1 - In case of failure to submit or incomplete or incorrect submission of the statement and its updates provided for in articles 13 and 14, the entity responsible for the analysis and supervision of the submitted statements notifies the holder or former holder of the position to which it relates to submit, complete or correct it within the time limit of 30 days following the declaration submission deadline.

2 - After the notification provided for in the preceding paragraph, whoever fails to submit the respective statements, except for the President of the Republic, the President of the Assembly of the Republic and the Prime Minister, shall incur in loss of office, resignation or judicial dismissal declaration, as the case may be.

3 - The former holder of a position covered by the reporting obligations provided for in articles 13 and 14, who after the notification provided for in paragraph 1 does not submit the respective statements, shall incur in inhibition for a period of one to five years for the fulfilment of a position that requires the said statement and that does not correspond to the fulfilment of functions as a career magistrate.

4 - Without prejudice to the provisions of the preceding paragraphs, the intentional failure to submit the statements provided for in articles 13 and 14, after notification, shall be punished for a crime of qualified disobedience, with a prison sentence of up to 3 years.

5 - When the intentional failure to submit the declarations referred to in the preceding paragraph has not been accompanied by any omission of income or assets declaration before the tax authority during the fulfilment of functions period, the conduct shall be punished by a fine penalty of up to 360 days.

6 - Whoever, even after the notification provided for in paragraph 1, omits from the submitted statement, with the intention of hiding patrimonial or income data that he/she was obliged to declare in an amount higher than 50 monthly minimum salaries, shall be punished with a prison sentence of up to 3 years.

7 - Unjustified asset increases calculated under the tax regime, with a value higher than 50 minimum monthly salaries, are taxed at the special rate of 80% for personal income tax purposes.

8 - For the purposes of provisions on paragraphs 1, 2 and 3, the entities to which the holders of positions belong and this law applies shall communicate the date of the beginning and termination of functions to the entity responsible for the analysis and supervision of the submitted statements.



Article 19

**Codes of Conduct**

1 - The public entities covered by this law shall approve Codes of Conduct for the development, among others, of matters relating to institutional offerings and hospitality, to be published in the Official Gazette and on the respective websites.

2 - The Codes of Conduct are approved:

- a) By the Assembly of the Republic, in relation to the respective Members, services and cabinet members;
- b) By the Government regarding its members, Public Administration offices and entities and of the State public business sector;
- c) By local authorities bodies within the framework of their respective competencies;
- d) By governing bodies of autonomous entities and regulatory bodies.

3 – The High Councils of the Judiciary, the Administrative and Fiscal Courts and the Public Prosecutor's Office shall establish, with independence and autonomy, and in compliance with their statutes, the codes of conduct applicable, respectively, to judicial and Public Prosecutor's Office magistrates.

4 - Without prejudice to their development and adaptation to the nature of each entity by the respective codes of conduct, the provisions of articles of this law related to gifts and hospitality are directly applicable to the entities covered.

5 - No provision of any code of conduct may restrict the constitutional rules and derogate from the legal rules pertaining to the holders of public or equivalent positions statutes or condition the respective position or function' fulfilment circumstances.

Article 20

**Supervision**

The analysis and supervision of the submitted statements under the terms of this law is the responsibility of the entity to be identified in a specific law, which defines its powers, organisation and operating rules.

Article 21

**Duty of cooperation**

The entity responsible for the submitted statements analysis and supervision, after compliance with the procedures provided for in Article 18, whenever it ascertains facts, corresponding to any of the offences referred to in this law, shall communicate them to the Public Prosecutor's Office before the Constitutional Court or to others competent authorities, according to the subject, for the appropriate legal purposes.



## CHAPTER IV

### Final provisions

#### Article 22

#### Responsibility crimes

Without prejudice to the provisions set out in this law, responsibility crimes committed by holders of political positions or higher public positions whilst performing their duties, as well as the sanctions applicable to them and the respective effects, shall be regulated by specific law.

#### Article 23

#### Application to members of the autonomous regions' own governing bodies

Application of the provisions set out in this law to the governing bodies' members of the Autonomous Regions depends on the adoption of the regime provided for therein in the Political-Administrative Statutes of the Autonomous Regions.

#### Article 24

#### Repealing norm

1 - Without prejudice to the provisions of following paragraph, shall be repealed:

- a) Law no. 4/83, of 2 April;
- b) Law no. 64/93, of 26 August;
- c) Regulatory Decree no. 1/2000, of 9 March.

2 - The provisions of those legislative acts applicable to holders of positions referred to in subparagraph h) of paragraph 1 of article 4 of Law No. 4/83, of 2 April, and in subparagraph b) of paragraph 2 of article 1 of Law No. 64/93, of 26 August shall remain in force until any amendment to the Political-Administrative Statute of the Autonomous Regions occurs as referred to in the previous article.

#### Article 25

#### Transitional rule

1 - While the electronic platform for the submission of the single statement is not in operation, the holders of political positions and higher public positions, and equivalent, shall submit it in paper format to the Constitutional Court.

2 - The reporting obligations imposed by this law shall apply to the holders of political positions and higher public positions and equivalent who start, renew or terminate functions as from the entry into force of this law.

3 - When the electronic platform comes into operation, the holders of political positions and higher public positions and equivalent, shall submit their statement through the electronic platform within the time limit of 60 days.



4 - For the purposes of the preceding paragraph, the entity responsible for the operation of the electronic platform issues a notice announcing its entry into operation, to be published in the 2<sup>nd</sup> series of the Official Gazette and on the respective website.

5 - Until the electronic platform becomes operational, the Assembly of the Republic members and Government members shall also fill in the existing register of interests with that sovereign body.

6 - Public entities covered by this law must approve, within the time limit of 120 days calculated after the entry into force of this law, the respective Codes of Conduct that establish, among others, the duty of gifts registration and hospitality, as well as the competent body for such registration.

#### Article 26

#### **Entry into force**

This law enters into force on the first day of the XIV<sup>th</sup> Legislature of the Assembly of the Republic.

Approved on 7 June 2019.

The President of the Assembly of the Republic, Eduardo Ferro Rodrigues.

Promulgated on 12 July 2019

Let it be published.

The President of the Republic, MARCELO REBELO DE SOUSA

Countersigned on 16 July 2019.

The Prime Minister, António Luís Santos da Costa.





## ANNEX

[Referred to in Article 13 (1)]

**MODEL FOR THE INCOME, ASSETS AND INTERESTS DECLARATION**

1. DETERMINING FACTOR FOR THE STATEMENT	
<b>Position/Function</b>	
Taking up duty/ reappointment / re-election	
Termination of duties	
Change of duties in	

\*Indicate the fact that determines the submission of the statement (taking up duty/termination/change)

2. PERSONAL DATA	
MANDATORY DATA	
Full name	
Address (street, number and floor)	
Location	
Postal code	
Parish	
Municipality	
Civil identification (ID) number	
Tax Number	
Gender	
Natural of	
Born in	
Marital status (if married, indicate the full spouse name and the property system, if in a consensual union indicate the full name of the partner)	
OPTIONAL DATA	
email address	
Telephone / mobile phone	



<b>3. REGISTER OF INTERESTS</b>	
<b>DATA RELATED TO POSITION/FUNCTIONS/ACTIVITIES</b>	
<b>Positions/functions/activity<sup>1</sup> held during the last three years</b>	
Position/function/activity	
Entity	
Start date	
Expiry date	
<b>Positions/functions/activities to be held in accumulation with political position/ higher public position</b>	
Position/function/activity	
Entity	
Start date	
Expiry date	
<b>Positions/functions/activities to be held up to three years after termination of functions</b>	
Position/function/activity	
Entity	
Start date	
Expiry date	
<b>SOCIAL POSITIONS<sup>2</sup></b>	
<b>Social positions held in the last three years</b>	
Position	
Entity	
Nature and area of activity	
Headquarters location	
<b>Social positions to be held in accumulation with political position/ higher public position</b>	
Position	
Entity	
Nature and area of activity	
Headquarters location	

<sup>1</sup> This item includes any public or private activity that the declarant fulfils or has fulfilled in the last three years, including commercial or business activities, liberal profession and the fulfilment of elective or appointment functions.

<sup>2</sup> This item should include the fulfilment of corporate positions that the declarant holds or has held in the last three years, namely the breakdown of the positions of director, manager, director, member of the administrative commission, supervisory board and supervisory commission, member of the board of the general-assembly or similar bodies or positions in any trading and civil companies, cooperative or public and also of associations, foundations, private social solidarity institutions, mercies and similar, both national and foreign.



<b>Social positions to be held up to three years after termination of functions</b>	
Position	
Entity	
Nature and area of activity	
Headquarters location	
<b>SUPPORT OR BENEFITS<sup>3</sup></b>	
Financial or material support received to carry out the activities	
<b>SERVICES PROVIDED<sup>4</sup></b>	
<b>COMPANIES<sup>5</sup></b>	
Entity	
Area of activity	
Headquarters location	
Social share	
<b>OTHER SITUATIONS<sup>6</sup></b>	

<b>4. DATA ON INCOME AND ASSETS</b>	
<b>GROSS INCOME FOR THE PURPOSES OF ASSESSMENT OF PERSONAL INCOME TAX</b>	
(Indication of the amount or nothing to report).	
Income from dependent employment	
Income from self-employment	
Commercial and industrial income	
Agricultural income	
Capital income	
Property income	

<sup>3</sup> This item should detail any financial or material support received for the fulfilment of activities, including from foreign entities.

<sup>4</sup> Entities and their area of activity to whom the declarant personally provides remunerated services of any nature on a permanent or even occasional basis, provided that they are likely to generate conflicts of interest, are considered to be covered by this item. Where such services are provided within the exercise of activities subject to professional secrecy, the declarant shall obtain the consent of the entity to which the service is provided to identify it.

<sup>5</sup> This item must include the identification of the companies in whose capital the declarant, spouse or non-marital partner has capital and in addition the quantification of this participation.

<sup>6</sup> As the law is not exhaustive in the listing of situations to be recorded, this item must include any others that are not included in the previous ones.



Capital gains	
Pension	
Other income	
<b>ASSETS</b>	
<b>I - REAL ESTATE ASSETS</b>	
Property to be declared in Portugal	
Property to be declared abroad	
<b>II - QUOTAS, SHARES, INTERESTS OR OTHER CORPORATE SHARES OF THE CAPITAL OF CIVIL OR COMMERCIAL COMPANIES</b>	
Assets to be declared in Portugal	
Assets to be declared abroad	
<b>III - RIGHTS ON BOATS, AIRCRAFTS OR MOTOR VEHICLES</b>	
Assets to be declared in Portugal	
Assets to be declared abroad	
<b>IV - SECURITIES PORTFOLIOS, TERM BANK ACCOUNTS AND EQUIVALENT FINANCIAL INVESTMENTS</b>	
Assets to be declared in Portugal	
Assets to be declared abroad	
<b>V - CURRENT BANK ACCOUNTS AND CREDIT RIGHTS, WITH A VALUE HIGHER THAN 50 MINIMUM SALARIES</b>	
Assets to be declared in Portugal	
Assets to be declared abroad	
<b>VI - OTHER EQUITY ASSET ELEMENTS</b>	
Assets to be declared in Portugal	
Assets to be declared abroad	
<b>LIABILITIES</b>	
Identification of the creditor	
Debit amount	
Due date	

**Note:** Tables 3 to 4, concerning the **registration of interests** and income and assets, should allow for the duplication of their content, in case of need to indicate those ones in more than one number.