

Presidency of the Council of Ministers
Ministerial Order No. 233/2022 of 9 September

Summary: Regulates the open competition recruitment procedure.

The review of the access regime to Public Administration, speeding up and simplifying procedures, was assumed as a priority in the current Government's programme, in order to ensure the best recruitment according to the effective needs of each Public Administration area.

Bearing in mind that, to a large extent, the capacity building of Public Administration bodies and services and, ultimately, the quality of their performance, depends on good recruitment;

Whereas, on the other hand, recruitment is a complex activity, organised by multiple bodies and services, which determines the consumption of relevant human and financial resources in a cyclical manner;

It is justified to work on the improvement of the recruitment activity, guided by two strategic objectives: to make the best selections and recruit the most suitable employees, and to make the recruitment activity more efficient by giving it predictability.

Thus, essentially, solutions are adopted that fully embody the constitutional and legal principles of freedom of application, of equal conditions and equal opportunities for all candidates. The aim is to provide the bodies and services of the Public Administration, to which the ministerial order applies, with a simpler instrument to implement and supported by an electronic platform that allows, through the dematerialisation of the process, greater speed, security, and transparency.

The centralised recruitment procedure is also reconfigured with the aim of focusing it on the constitution of recruitment reserves for previously defined professional profiles. This is made in close articulation with the needs evaluation that is periodically promoted for the bodies and services of State direct and indirect administration, under the terms of article 30 of the General Labour Law in Public Functions, approved by Law No 35/2014 of 20 June, in its current wording. Also allows the use of this reserve to recruit employees on a fixed-term basis.

The government bodies of the own government of the autonomous regions, the National Association of Portuguese Municipalities and the National Parish Association have been heard.

The collective bargaining procedures arising from the General Labour Law in Public Functions, passed by Law No 35/2014 of 20 June, in its current wording have been complied with.

Thus,

Pursuant to provisions set out in paragraph 2 of article 37 of the General Labour Law in Public Functions:

The Government by the Secretary of State for Public Administration, decrees as follows:

Chapter I

Object and Principles

Article 1

Object

1 – The present Government order regulates the legal steps of the recruitment procedure as per paragraph 2 of article 37 of the General Labour Law in Public Functions, approved by Law No 35/2014 of 20 June (GLLPF), in its current wording.

2 - The present ministerial order shall not be applicable to the recruitment:

- a) For a work post that shall be filled by an employee integrated into a special career, when, in accordance with paragraph 3 of article 37 of the GLLPF, there is specific regulation for the legal steps of the respective recruitment procedure;
- b) For management positions.

Article 2

Principles

The recruitment procedure shall be governed by the general principles of administrative law and, in particular, by the following principles:

- a) Principle of freedom of access or application, which requires that all persons interested in the work posts put up for competition who meet the legally laid down requirements may apply and have the right not to be excluded;
- b) Principle of equal treatment and opportunities, which prohibits all discrimination and the removal or rejection of candidates admitted to the competition procedure for reasons that do not contribute to the evaluation of their ability to fill in the work post;
- c) Principle of merit, which imposes that the selection methods and criteria be objective, appropriate to the characteristics of the work post, and capable of recruiting the best candidate.

Article 3

Guarantees

The recruitment procedure is organized so as to respect all the administrative guarantees provided for in the Administrative Procedure Code, approved in annex to Decree-Law No 4/2015 of 7 January, in its current wording, and in particular the following:

- a) The rules and criteria are determined at a time prior to the publicizing of the competition procedure opening;

- b) The opening of the competition procedure and the competition decisions shall be widely publicised;
- c) Evidence requirements are only those that are necessary and appropriate for the purpose of the competition procedure and for verifying the facts alleged by the candidates;
- d) The evaluation criteria and selection methods adopted are objective;
- e) The decisions are reasoned;
- f) The hearing of interested parties is guaranteed;
- g) The decisions are notified;
- h) Access to information and to the process is ensured, at any of its stages, in accordance with the law;
- i) Interested parties are guaranteed the right to challenge decisions that are unfavourable to them.

Chapter II

General and Common Provisions

Article 4

Recruitment competition procedure modalities

- 1 - The recruitment competition procedure may have the following modalities:
- a) Common, whenever it aims the immediate or future filling of work posts estimated, and not filled, in the staff lists of a public employer;
 - b) Centralized, for the formation of recruitment reserves for future use by a set of public employers.
- 2 - The centralized recruitment procedure is conducted by the Directorate General for Administration and Public Employment, which is the Centralised Recruitment Entity (CRE) for this purpose.

Article 5

Recruitment assumptions and holding of the recruitment competition procedure

- 1 – Recruitment presupposes the existence of a work post in the public employer's staff list, the need to fill it, and the respective budget forecast, except when it is intended for the formation of recruitment reserves.
- 2 – The recruitment of employees without a public employment relationship or with a fixed-term public employment relationship also depends on the previous authorization of the competent members of the Government, when required by law.
- 3 – A common competition procedure can only be opened by demonstrating that there is no approved candidate that is part of a valid recruitment reserve for the work post.
- 4 – For the purposes of the preceding paragraph, recruitment reserves resulting from centralized competition procedures constitute valid recruitment reserves for the bodies and services of direct and indirect State administration.

5 – Once a recruitment need has been identified that cannot be satisfied by resorting to any reserve set up within the public service itself, the respective top manager shall consult the RCE in order to confirm the existence of candidates with the professional profiles appropriate to the work posts intended to be filled in the centralised reserve.

Article 6

Notifications

1 – The notifications provided for in the present Government order are preferably carried out through an electronic platform or electronic mail.

2 – Where notification through an electronic platform or electronic mail is not possible or appropriate, the other forms of notification provided for in paragraph 1 of article 112 of the Administrative Procedure Code shall be used.

Chapter III

Common competition procedure

Section I

Decision of holding the recruitment competition procedure and selection board

Article 7

Selection board

The decision of holding the recruitment competition procedure shall determine the designation by the public service top manager of a selection board responsible for all the operations of the recruitment procedure.

Article 8

Composition of the selection board

1 – The selection board is composed of an odd number, for a minimum of three full members, one of them presides over and two are substitute members.

2 – Without prejudice to the selection board collective responsibility for the procedure, when the number of candidates so justifies it, the selection board may be split into sections, made up of an odd number of members, for speed operationalisation purposes of its functioning in some procedural phases.

3 – The possible split of the selection board in sections shall be decided by the public service top manager responsible for the recruitment, on a proposal from the selection board, of which the composition of the sections and their action scope shall be set out.

4 – The sections of the selection board composed under the terms of the prior paragraphs are subject to the selection board operation rules with due adaptations.

5 – The selection board is designated according to the following rules:

- a) The president and, at least, one of the other selection board members must have training or experience in the activity inherent to the work post to be filled;
- b) The selection board members shall not be integrated into a career or category with a functional complexity degree lower than that corresponding to the work post to which the publication refers, except when fulfilling top management positions;
- c) The composition of the selection board shall, whenever possible, ensure that, at least, one of its members fulfils functions or has experience in the human resources management area;
- d) Whenever the training area characterizing the work post shows to be justifiably necessary, one of the selection board members may be from a private entity and shall have recognized competence in such area.

6 – The selection board members who come from a private entity, shall be entitled to receive for each meeting in which effectively participate, an attendance fee of an amount to be set by order of the Government members responsible for finance and public administration areas.

7 – Whenever holders of top management positions of grade 1 or 2 are candidates for the procedure of the public service that carries it out, the selection board is compulsorily made up of members from outside that public service.

8 – The order that designates the selection board shall indicate the member who substitutes the president in his/her absences or impediments.

9 – The composition of the selection board may be changed for reasons of force majeure, duly justified, namely, when the situation provided for in paragraph 7 occurs or in the case of absence of a quorum, being assumed and continued all operations already undertaken in the procedure.

10 – In the case provided for in the preceding paragraph, the identification of the new selection board shall be publicised on the entity's website and all candidates shall be notified.

Article 9

Competence and functioning of the selection board

1 – It is incumbent upon the selection board to ensure the legal steps of the competition procedure, from the date of its designation up to the drawing up of the final ranking list

2 – The setting of the appraisal parameters, their weighting, the rating grid, and the final valuation system of each selection method are compulsorily defined at a time which is prior to the publicizing of the procedure.

3 – By the decision of the top manager, part of the procedure, namely the application of the selection methods, may be carried out by the Directorate General for Administration and Public Employment or, when justifiably becomes unfeasible, by another specialised entity.

4 – The top manager of the service may also designate employees to ensure administrative and secretarial support to the selection board, when justified.

5 – Once the legal steps of the competition procedure are concluded, the selection board shall submit the final ranking of candidates approved and other decisions of the selection board to the top manager of the public service for approval.

Article 10

Prevalence of the selection board's functions

The competition procedure is urgent and the specific functions of the selection board shall prevail over all others and shall preferably be exercised on an exclusivity basis, incurring the selection members in disciplinary liability when unjustifiably they fail to comply with the deadlines provided for in the present Government order and other applicable legislation.

Section II

Opening and publicising of the recruitment competition procedure

Article 11

Publicising the recruitment procedure

1 – The opening notice of the recruitment procedure shall be publicised by the entity responsible for its carrying out:

- a) Whenever it is mandatory to publicise it in the Public Employment Pool (PEP):
 - i. In the PEP, accessible on www.bep.gov.pt, through the filling in of an appropriate form, in full;
 - ii. In the 2nd Series of the Official Gazette, by an extract,
 - iii. On the entity's website, available for consultation as of the date of publication in the PEP.
- b) When it is not compulsory to publicise in the PEP:
 - i. In the 2nd Series of the Official Gazette, in full;
 - ii. On the entity's website, available for consultation as of the date of publication in the Official Gazette.

2 – The entity responsible for carrying out the procedure may still publicize it through other dissemination means namely in a national wide coverage newspaper by an extract.

3 – Except when publicised by an extract, the opening notice of the recruitment procedure shall compulsorily contain the following elements:

- a) Identification of the act that authorises the procedure and the entity that carries it out;

- b) The number of work posts to be filled, when it is not intended for the formation of recruitment reserves, and the public employment relationship modality to be formed;
- c) The workplace where the functions are to be fulfilled;
- d) Characterisation of the work posts according to the staff list, identifying the assignment, competence or activity to be carried out, and the career and category of the employee;
- e) The pay step or, if there is room to negotiate the pay step, that which the top manager of the public service considers offering to the employees to be recruited, determined according to budget availabilities, without prejudice to the possibility of, justifiably, be able to offer different pay step under the terms and within observance of the legally defined limits;
- f) The general and special admission requirements established by law;
- g) Indication on whether the open competition procedure is or not restricted to employees' holders of a public employment relationship for an indefinite period of time;
- h) Identification of the Government members' opinion, when workers with a fixed term public employment relationship or without public employment relationship may be recruited;
- i) Education qualifications level required and academic or professional training area, by reference to the National Classification of Education and Training Areas;
- j) Indication of the possibility of the substitution of the educational qualification level for training or professional experience, under the terms provided for by law;
- k) An indication that candidates shall not be admitted who, cumulatively, are integrated into the career, are holders of the category and are not under mobility, fill work posts provided for in the workforce list of the public service identical to work posts for who's filling the procedure is publicized;
- l) Form of submission of the application;
- m) Application deadline and, whenever possible, the indication of the date of expiration of the deadline for submission or expedition of applications;
- n) Place and postal or electronic address where the application must be submitted;
- o) Selection methods, including the specific conditions for its implementation and respective weighting;
- p) Indication of the possible option for selection methods under the terms of paragraph 3 of article 36 of the GLLPF;
- q) Where appropriate, justification of the option for the use of selection methods in a phased manner;
- r) Type, form, and duration of the knowledge tests, as well as the respective topics and bibliography;
- s) Composition and identification of the selection board;
- t) Identification of the documents that must support the application;
- u) Form of publication of the candidates' final ranking list;
- v) The number of posts to be filled by persons with disabilities.

4 – The publication by an extract of the recruitment procedure opening notice shall mention the identification of the entity that carries out the procedure, the number and characterisation of the work posts to be filled, the identification of the career, category,

and academic or professional training area required, the deadline for application, as well as the reference to the place where the full publication is.

5 – The selection board minutes where the candidates' appraisal method is set out are publicized on the entity's website on the same date as the competition procedure opening notice.

Section III

Application to the recruitment procedure

Article 12

Application deadline

The entity that authorizes the procedure shall establish, in the respective act, a deadline for the application's submission, with a minimum of 10 and a maximum of 20 working days calculated as of the date of the notice's publication.

Article 13

Form of application's submission

1 – Unless expressly indicated and duly justified at the time of the publication of the competition procedure opening, the application's submission shall be made in an electronic format, through the filling in of a form that contains, *inter alia*, the following data:

- a) Identification of the open competition procedure, with the indication of the career, category, and activity characterizing the work post to be filled;
- b) Identification of the entity that carries out the procedure;
- c) Identification of the candidate by name, birth date, gender, nationality, ID number and mail, and email address, if there is one;
- d) Situation before each one of the admission requirements demanded;
- e) Option for selection methods under the terms of paragraph 3 of article 36 of the GLLPF, where appropriate;
- f) In the case of disabled candidates, declaration of the respective degree of disability and type of disability, as well as data necessary to ensure that the selection processes of disabled candidates are suited, in its different aspects, to communication/expression skills;
- g) Mention that the candidate declares the facts contained in the application to be true.

2 – In the electronic application submission, the validation shall be made by form submission made available for that purpose, accompanied by the respective *curriculum vitae* and other documents required in the procedure, and the candidate shall keep the supporting document.

3 – The application submission in paper format, when admitted, shall be carried out under the terms of articles 104 and following of the Code of Administrative Procedure.

Article 14

Checking of requirements

- 1 – The checking of the meeting of requirements shall be carried out in two moments:
 - a) At the admission to the open competition procedure, to the selection board, whenever it is determinant for the decision on the selection methods to be applied;
 - b) At the formation of the public employment relationship, before the public employer, in the remaining cases.
- 2 – The candidate shall meet the requirements up to the limit date of the application's submission.
- 3 – Failure to confirm the veracity of the application data determines the exclusion of the candidate from the competition procedure, in addition to the disciplinary and/or criminal liability that may apply.

Article 15

Documentary evidence

- 1 – The meeting of requirements legally demanded for the recruitment shall be proven through document submission at the time of the formation of the public employment relationship or with the application's form in the case provided for in paragraph 1 of the preceding article.
- 2 – The document submission complies with the requirements of adequacy and necessity.
- 3 – When the curricular appraisal method is used in the procedure, the candidates may be required to submit supporting documents of facts referred to by them in the *curriculum vitae* that may be taken into consideration for the evaluation of their merit and that are insufficiently proven.
- 4 – The deadline for the submission of documents shall be five working days, and the selection board may grant a reasonable supplementary time limit, not exceeding three working days, for the submission of required documents when it is assumed that failure to submit in time shall be due to causes non-attributable to the candidate.
- 5 – Failure to submit the supporting documents of meeting the requirements legally demanded, when candidates are required to submit them, shall determine:
 - a) The candidate's exclusion from the procedure, when the absence of such documents makes their admission unfeasible;
 - b) The impossibility of the formation of the public employment relationship, in the remaining cases.

Article 16

Applications' analysis

1 – Once the time limit has elapsed for application submission, the selection board shall check in the following 5 working days, the data submitted by candidates, namely the meeting of requirements demanded and document submission essential to the admission.

2 – The time limit provided for in the preceding paragraph shall be increased to 10 working days if the selection board analyses more than 15 applications.

3 – If there is no place for excluding any candidate, on the day following the completion of the procedure provided for in paragraph 1 the application phase of the selection methods will be initiated and, where appropriate, the candidates are called for carrying out the selection methods with an indication of the place or infrastructure to holding them remotely, as well as the date and schedule in which they shall take place within five working days.

4 – If candidates have been excluded, they shall be notified, within two working days following the completion of the procedure provided for in paragraph 1, for the hearing of the persons concerned under the Code of Administrative Procedure, and the candidates admitted shall be notified of the admission decision within the same time limit.

5 – For procedural celerity reasons, the competition selection board may summon to the selection methods the excluded candidates who take part in the hearing of the interested parties. In this case, the tests assessment is conditioned to the reversal of the exclusion decision.

6 – The summoning of excluded candidates to take the test does not prevent the selection board from confirming the candidate's exclusion, and candidates must be informed of this in advance.

Section IV

Selection methods application

Article 17

Selection methods

1 – The following selection methods may be applied in the competition procedure, in accordance with article 36 of the GLLPF:

- a) Knowledge tests that aim to assess academic and or professional knowledge and the capacity to apply the same to concrete situations in the fulfilment of a determined function, as well as assess the appropriate knowledge and use of the Portuguese language;
- b) Psychological appraisal that aims to appraise skills, personality features, and or behavioural competences of candidates, having as a reference the previously defined skills profile, and may encompass one or more phases;

- c) Curricular appraisal, that aims to analyse the elements of greater relevance for the work post to be filled, including academic qualification or level of qualification, vocational training, professional experience, and performance assessment;
- d) Skills Appraisal Interview that aims at collecting information on professional behaviour directly related to the skills considered essential for the work post/function.

2 – Psychological appraisal shall preferably be conducted by the Directorate-General for Administration and Public Employment.

3 – Psychological appraisal may be carried out by the public employer responsible for recruitment, using its own professionals who have the appropriate academic qualifications and training or through a specialized entity, when, with justifiable reasons, the application of the method by the entity referred to in the preceding paragraph proves to be unfeasible.

4 – The weighting for the final valuation, of knowledge tests or of the curricular appraisal shall not be lower than 30 % and that one of the skills appraisal interview shall not be lower than 25% when each of these selection methods is to be applied.

5 – In the case of being legally permitted the use of a single compulsory selection method, its weighting shall not be lower than 55%.

Article 18

Other optional selection methods

1 – According to the set of tasks and responsibilities inherent to the work posts to be filled and the previously defined skills profile the entity entrusted with the holding of the procedure may determine, justifiably, the use of optional selection methods:

- a) Competence appraisal by a portfolio that aims to confirm the experience and or the knowledge of the candidate in specific technical areas, namely of artistic nature, through the analysis of an organized work collection that demonstrates the technical skills held directly linked to the functions to which applies;
- b) Physical tests intended to appraise the physical fitness of candidates needed to the performance of activities inherent to the work posts to be filled;
- c) Medical examination that aims to assess the physical and mental health conditions of candidates required for the fulfilment of functions;
- d) Specific training course that aims to promote the skills development of the candidate through learning procedures targeted at the fulfilment of functions.

2 – The selection methods provided for in paragraph 1 of the preceding article may also be used as optional selection methods.

3 – The weighting for the final valuation, of each optional selection method shall not be higher than 30%.

4 – The application of the optional selection methods may include one or more phases.

Article 19

Phased use of selection methods

- 1 – The application of the selection methods may be phased as follows:
 - a) Application, as a first moment, to the total candidates, only of the first compulsory method;
 - b) Application of the second method and the following methods only to a part of the candidates approved in the immediately prior method, to be called by successive sets of candidates, in decreasing order of rating by complying with the legal priority of their juridical and functional situation, up to the meeting of needs;
 - c) Exemption from application of the second method or the following methods to the remaining candidates, who are deemed excluded.
- 2 – After the application of the selection methods to each set of candidates a final ranking list of candidates shall be drawn up, subject to approval.
- 3 – The procedures provided for in the preceding paragraphs shall be repeated until the effective filling of the work posts put to competition.
- 4 – The option for the phased use of the selection methods may be included in the notice of the opening of the competition or occur at a later time, in the latter case being advertised by the same means.

Article 20

Application of the selection methods

- 1 – The specific requirements of carrying out and the appraisal parameters of the selection methods shall be compulsorily set out in the open competition procedure publication.
- 2 – Without prejudice to provisions set out in the preceding paragraph, the following rules shall be complied with:
 - a) In the carrying out of the knowledge test, in the written form, the anonymity of the candidate shall be ensured for correction purposes;
 - b) In the carrying out of the psychological appraisal and the medical examination shall be guaranteed and complied with:
 - i. The privacy of data and results before third parties, except the candidate himself/herself, under penalty of breach of a confidentiality obligation;
 - ii. The result of the psychological appraisal has a 24-month validity calculated as of the date of approval of the final ranking list, and the result during that period may be used for other recruitment procedures for identical work posts undertaken by the same assessing entity or by DGAEP.
 - c) In the curricular appraisal, in the case of the performance appraisal being weighted, the selection board shall define the positive score to be taken into account in the respective formula for the case of the candidates who, on grounds

not attributable to them shall not have the performance appraisal relative to the period to be taken into consideration.

Article 21

Valuation of the selection methods

1 – The selection methods shall be evaluated through a scale ranging from 0 to 20 scores, with the exception of the methods provided for in the following paragraph.

2 – The psychological appraisal, the physical tests, and the medical examination shall be evaluated through the rating mentions of Fit and Unfit.

3 – Each one of the selection methods, as well as each one of the phases that are contained, shall be eliminatory in the order set out in the law, as to the compulsory ones, and in the order set out in the publicizing, with regard to the optional ones.

4 – Shall be excluded from the open competition procedure the candidate that:

- i. Has obtained a score lower than 9,5 in one of the methods or phases, and the following method or phase shall not be applied to him/her;
- ii. Has obtained an Unfit rating in one of the selection methods or in one of its phases.

5 – In cases where selection methods are evaluated quantitatively, the classification is obtained by simple or weighted averages and expressed up to the hundredths.

Section V

Results, final ranking, and candidate recruitment

Article 22

Publicizing of the selection methods results

1 – The publicizing of results obtained in each selection method, or respective phase, shall be undertaken through the alphabetically ordered list, affixed in a visible and public place of the public employer's premises and made available on its website.

2 – Where the top manager of the recruitment body or service has chosen to use the selection methods in the phased way, candidates approved in each method are invited to perform the following method, five working days in advance.

Article 23

Final candidate's ranking

1 – The final ranking of candidates completing the procedure, with approval in all selection methods applied, shall be made by decreasing order of the weighted arithmetic average of quantitative ratings obtained in each selection method expressed in a scale from 0 to 20 scores, and the valuation shall be considered up to the hundredths.

2 – The final ranking list of candidates approved referred to in the preceding paragraph is unitary, even though in the same procedure, different selection methods have been applied to them.

3 – The final ranking list to which refers the preceding paragraph shall be drawn up within the time limit of 10 working days after the carrying out of the last selection method.

Article 24

Preferential ranking criteria

1 – In situations of equal valuation, the following candidates take precedence in the final ranking:

- a) If they are in the situation foreseen in paragraph 1 of article 66 of the GLLPF;
- b) If they are in other situations set by the law as preferential ones.

2 – The ranking of candidates who are under equal valuation and under a situation not set in the law as preferential shall be made in a decreasing way:

- a) According to the valuation obtained in the first method used;
- b) If the tie subsists, by the valuation successively obtained in the following methods, when another way of tiebreaker has not been set in the procedure publicizing.

Article 25

Stakeholders hearing and approval

1 – Within the time limit of two working days after the termination of the stakeholders hearing, the final ranking list of candidates approved, accompanied by the remaining selection board's decisions, including those related to admission and exclusion of candidates shall be submitted for approval by the top manager of the public service responsible for the carrying out of the open competition procedure.

2 – In the case provided for in paragraph 7 of article 8, as well as when the top manager is a member of the selection board, the approval of the list shall be the responsibility of the Government member who has management, oversight or supervision powers over the public service.

3 – The candidates, including those who have been excluded in the course of the selection methods' application, shall be notified on the approval act of the final ranking list.

4 – After approval, the final ranking list shall be affixed to visible and public place of the public employer's premises and made available on its website, and a notice shall be still published in the 2nd Series of the Official Gazette, by an extract, with information on its publicizing.

5 - Whenever the open competition procedure is aimed at future occupation of work posts or the final ranking list contains a number of successful candidates higher than the number of work posts to be filled, an internal recruitment reserve shall be formed.

6 - The recruitment reserve is valid for a period of 18 months calculated as of the approval date of the final ranking list.

Article 26

Recruitment

1 – The recruitment shall be made under the terms provided for in the GLLPF.

2 – The candidates who, although approved and ordered in the final ranking list, are in the following situations, shall be excluded from the open competition procedure:

- a) Give up the procedure or renounce recruitment;
- b) Refuse the agreement or the adhesion proposal to a determined pay step put forward by the public employer;
- c) Submit inappropriate, false or invalid documents that do not prove the requirements essential to the formation of the public employment relationship;
- d) Submit the documents proving the necessary conditions for the establishment of the public employment relationship outside the time limit fixed for them by the public employer;
- e) Do not appear before the grant of the contract or acceptance, within the legal time limit, on grounds attributable to them.

Article 27

Termination of the open competition procedure

1 – The open competition procedure shall terminate with the filling of the work posts set out in the publicizing, when the work posts cannot be fully filled due to lack of or an insufficient number of candidates, or upon expiry of the recruitment reserve.

2 – Exceptionally, the open competition procedure may still terminate by a duly reasoned act of the entity entrusted with its carrying out, approved by the respective Government member, provided that the notification of the final ranking list to candidates, within the scope of the stakeholders hearing has not been done.

Section VI

Challenge guarantees

Article 28

Administrative challenge

Without prejudice to the challenge before the administrative courts, acts of exclusion of the candidate from the open competition procedure and the approval of the final

ranking list, a hierarchical or guardianship appeal shall be required under the Code of Administrative Procedure.

Chapter IV

Centralised open competition procedure

Article 29

Carrying out of the centralised open competition procedure

1 – The Government members responsible for Finance and Public Administration areas may determine by order, the carrying out by the CRE of a centralised open competition procedure for the formation of recruitment reserves for employees in public functions.

2 – The order referred to in the preceding paragraph shall be published in the 2nd Series of the Official Gazette, with indication of the activity to be performed or functional area, the career and category and, when indispensable, the area of academic or professional qualification.

3 - The recruitment reserves may be used to fill in work posts for an indefinite or fixed and unfixed temporary term, located throughout the national territory.

4 - Without prejudice to the provisions set out in the preceding paragraph, candidates may restrict their application to work posts for an indefinite or fixed and unfixed temporary term and to geographical areas identified in the application form.

Article 30

Start of the centralised open competition procedure

1 – After the publication of the order provided for in paragraph 1 of the previous article, the CRE shall publicize the centralised open competition procedure, abiding by, with due adaptations, the provisions set out in article 11 and shall designate the respective selection board composed of CRE's employees.

2 – The provisions set out in articles 7 to 10 shall be applicable to the selection board with due adaptations.

Article 31

Application for the centralised open competition procedure

1 – The centralised open competition procedure takes place on an electronic platform, including the respective notifications.

2 – The time limit for application submission is set by the CRE between a minimum of 10 and a maximum of 15 working days, calculated as of the date of publication of the opening notice.

3 – Once the time limit for applications submission has been terminated, the selection board carries out, within the maximum time limit of 20 working days, the checking of the demanded admission requirements.

4 – After the procedure provided for in the preceding paragraph, the candidates excluded are notified for holding the stakeholders' hearing.

Article 32

Selection methods in the centralised open competition procedure

1 – In the centralised open competition procedure the following selection methods shall be applied: knowledge test and the psychological appraisal.

2 – The selection methods application shall be phased, starting with the knowledge test.

Article 33

Final ranking of reserve candidates

1 – The final ranking of candidates is carried out, for each professional profile, in decreasing order of the knowledge test rating.

2 – The final ranking list of the reserve candidates shall be drawn up within the time limit of two working days calculated as of the completion of the psychological appraisal, all candidates shall be notified, including those who have been excluded from the application of the selection methods, for the purposes of carrying out the stakeholders hearing.

3 – In situations of equal valuation, the provisions of article 24 are applied and, if necessary, the following tie-breaking criteria shall be applied successively:

- a) Higher degree of qualification;
- b) Priority in the submission of the application - date and time - counted from the last change to the application.

Article 34

Approval of the final ranking list

1 – Within the time limit of two working days after the completion of the stakeholders hearing, the reserve final ranking list shall be submitted by the selection board for approval of the CRE's top manager.

2 – The approval referred to in the preceding paragraph shall be undertaken within the time limit of two working days.

3 – The candidates, including those who have been excluded from the application of the selection methods, shall be notified of the approval act of the ranking list.

4 – The final ranking list, after approval, shall be publicized in the electronic platform.

Article 35

Recruitment reserve

- 1 – The recruitment reserve shall integrate the candidates approved for the respective professional profile as per their ordination.
- 2 –The inclusion of candidates in the recruitment reserve does not have the effect of establishing a public employment link.
- 3 – The recruitment reserve is valid for a period of 18 months calculated as of the approval date of the final ranking list.
- 4 – The recruitment reserve may be terminated before the end of the period provided for in the preceding paragraph whenever, due to insufficient or non-existent approved candidates on the reserve list for the needs expressed by the bodies and services, the opening of a new centralised open competition procedure is determined by a justified order form Government members responsible for the finance and Public Administration areas.

Article 36

Use of the recruitment reserve

The top manager of bodies and services who intend to recruit employees with the professional profiles identified in the recruitment reserve established under the terms of the preceding paragraph shall communicate such intention to the CRE, together with the following information:

- a) Number and characterisation of the work posts;
- b) Indication of whether they are to be filled for an indefinite or fixed and unfixed temporary term;
- c) Authorization for recruitment, when required by law;
- d) Appointment of the selection board responsible for the placement offer procedure, under the terms of articles 7 and 8;
- e) Place where the minutes of the selection board approving the candidates' assessment criteria will be published.

Article 37

Placement offer procedure

- 1 – Once the provisions of the previous article have been complied with, the CRE shall publicise the placement offers, namely indicating:
 - a) The public services that intend to recruit;
 - b) The number and characterisation of each work post;
 - c) The workplace.
- 2 – Within the time limit of three working days calculated as of the publicising referred to in the preceding paragraph, the candidates shall indicate their preferences for the work posts.

3 – Taking into consideration the expressed preferences, the CRE will draw up a list with the candidates ordered by reference to the recruitment reserve's final ranking list.

4 – Candidates shall be summoned by the public services to conduct a skills appraisal interview, successively, in the order in which they are ranked in the list and, where possible, three times the number of work posts to be filled.

5 – Each candidate may attend up to a maximum of 10 interviews per placement offer procedure.

6 – The weighting of the skills appraisal interview for the final valuation is 25%.

7 – Once the skills appraisal interviews have been conducted, the candidates shall be notified on the placement offer list for stakeholders' hearing purposes, to be held within the time limit of 10 working days.

8 – Once the stakeholders' hearing has been concluded, the placement offer list shall be approved by the top manager of the public service responsible for recruitment, within the time limit of two working days.

9 – Candidates excluded from the placement offer list shall remain in the reserve final ranking list keeping the corresponding rating.

10 – The placement offer procedure shall be repeated as long as there are candidates in the recruitment reserve and work posts that have not been filled.

11 – Candidates who are placed in work posts under a fixed-term public employment relationship may return to the recruitment reserve after expiry of the contract, provided that the reserve is still valid.

12 – Without prejudice to the preceding paragraph, candidates placed in work posts under a fixed-term public employment relationship may apply for placement offers to fill in identical work posts for an open-ended public employment relationship in the public service where they perform their functions.

Article 38

Communication of starting functions

Once the placement offer procedure has been completed, the public services shall communicate to the CRE the conclusion of an employment contract in public functions within the time limit of five working days.

Article 39

Exclusion from the recruitment reserve

Candidates shall be excluded from the recruitment reserve in the following situations:

- a) Withdrawal from the recruitment reserve;
- b) Non-application submission to any placement offer procedure, within a time limit of one year calculated as of the approval of the reserve final ranking list;

- c) Non-appearance or withdrawal from the skills appraisal interview for which have been summoned, for reasons attributable to them, within the scope of the placement offer procedure;
- d) Refusal to conclude an employment contract in public functions or of appointment acceptance, following a placement offer procedure;
- e) Expiry of a fixed-term employment contract at the initiative of the employee;
- f) Conclusion of an open-ended employment contract in public functions or appointment acceptance, following a placement offer procedure.

Article 40

Subsidiary application

The provisions that regulate the common competition procedure shall apply to centralized recruitment, in all matters that are not provided for in this chapter.

Chapter V

Directorate General for Administration and Public Employment

Article 41

Competencies of the Directorate General for Administration and Public Employment

It is incumbent upon the Directorate General for Administration and Public Employment within the scope of recruitment:

- a) Submit for approval of the competent Government members the consolidated annual global map of recruitments to be authorised, in accordance with the provisions of article 30 of the General Labour Law in Public Functions;
- b) To carry out the functions of centralised recruitment entity;
- c) To apply, as a specialized public entity, the psychological appraisal selection method;
- d) To apply other selection methods and to integrate selection boards of common competition procedures, when so requested by the public services that carry them out.

Chapter VI

Final and transitional provisions

Article 42

Restitution and destruction of documents

1 – The documentation submitted by candidates shall be destroyed whenever its restitution shall not be requested within the maximum time limit of one year after the termination of the respective open competition procedure.

2 – The documentation submitted by candidates concerning open competition procedures that have been the object of a jurisdictional challenge may only be destroyed or returned after the enforcement of the jurisdictional decision not susceptible of appeal.

Article 43

Temporal application

1 – The present ministerial order shall be applied to open competition procedures that are publicized after the date of its entry into force.

2 - The placement offer procedures within the scope of centralised recruitment procedures opened before the entry into force of this Ministerial Order are regulated by Ministerial Order No 125-A/2019 of 30 April amended and republished by Ministerial Order No 12-A/2021 of 11 January.

Article 44

Revoking norm

Ministerial Order No 125-A/2019 of 30 April, as amended and republished by Ministerial Order No 12-A/2021 of 11 January, shall be revoked.

Article 45

Entry into force

This Ministerial Order shall enter into force on the first day of the month following its publication.

The Secretary of State for Public Administration, Inês Pacheco Ramires Ferreira, on 6 September 2022.