



ASSEMBLEIA DA REPÚBLICA
Comissão de Assuntos Europeus

Law no. 43/2006, dated 25 August 2006

**Monitoring, assessment and pronouncement by the Assembly of the Republic
within the scope of the process of constructing the European Union**

CHAPTER I

**The Assembly of the Republic's powers
of monitoring, assessment and pronouncement
within the scope of the process of constructing the European Union**

Article 1

General provisions

1 — The Assembly of the Republic shall issue formal written opinions on matters that fall within the sphere of its reserved legislative responsibility and are pending decision at European Union bodies, shall issue formal written opinions in accordance with the principle of subsidiarity, and, in accordance with the provisions of this Law, shall monitor and assess Portugal's participation in the construction of the European Union.

2 — For the purposes of the performance of these functions there shall be a regular consultation process between the Assembly of the Republic and the Government.

Article 2

**Pronouncement on matters within the sphere of the Assembly of the Republic's
reserved legislative responsibility**

1 – When matters that fall within the sphere of the Assembly of the Republic's reserved legislative responsibility are pending decision at European Union bodies, the Assembly shall pronounce itself thereon in accordance with the following paragraphs.

2 – Whenever the situation referred to in the previous paragraph occurs, the Government shall inform the Assembly of the Republic and ask it to issue a formal



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written opinion, wherefore the Government shall in good time provide the Assembly with information containing a summary of the draft or proposal, an analysis of its implications and, if one has already been set out, the position which the Government wishes to adopt.

3 – The European Affairs Committee shall draw up the formal written opinion in consultation with the specialist parliamentary committees with responsibility for the matter in question.

4 – Once it has been approved by the Committee, the formal written opinion shall be submitted to the Plenary for debate and voting, except in cases in which there are grounds for urgency, when the Committee's decision shall suffice.

5 – In any subsequent phase of the decision-making process at the European Union bodies, the Assembly may, at its own initiative or that of the Government, draw up new formal written opinions and put them to the vote.

Article 3

Formal written opinion on compliance with the principle of subsidiarity

1 – By resolution the Assembly of the Republic may send the Presidents of the European Parliament, the Council, the European Commission and, where applicable, the Council of Regions and the Economic and Social Council, a duly substantiated formal written opinion on the reasons why a draft legislative or regulatory text that has been brought to its attention under the terms of Article 5 below, or any subsequent draft alteration thereto, fails to comply with the principle of subsidiarity.

2 — In cases in which there are grounds for urgency, a formal written opinion issued by the European Affairs Committee shall suffice.

3 — When the formal written opinion refers to a matter that falls within the responsibility of the Legislative Assemblies of the autonomous regions, the said assemblies shall be consulted in good time.



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Article 4

Means of monitoring and assessment

1 – The Assembly of the Republic shall monitor and assess Portugal’s participation in the process of constructing the European Union, particularly by means of:

- a) A plenary debate in which the Government shall take part, following the conclusion of the last European Council of each Presidency of the European Union; the debate in the first half of the year may also include assessment of the European Commission’s annual political strategy, and that in the second half of the year assessment of its legislative and working programme;
- b) An annual plenary debate in which the Government shall take part, for the purpose of discussing and passing the annual report sent by the Government in accordance with Article 5(3);
- c) Meetings between the European Affairs Committee and the Government in the weeks before and after the dates of European Council meetings, except when a plenary debate is scheduled in accordance with sub-paragraph a) above;
- d) Joint meetings between the European Affairs Committee, the specialist parliamentary committee with responsibility for the matter in question and the member of the Government with responsibility therefore, in the week before or after the dates of European Council meetings in their different formats.

2 – At its own initiative or that of the Government, in fulfilment of its responsibilities and in accordance with the Rules of Procedure, the Assembly of the Republic shall assess draft legislation and guidelines on European Union policies and actions.

3 – The Assembly of the Republic shall assess the financial programming of the construction of the European Union, particularly as regards structural funds and the Cohesion Fund, as laid down by the Framework Law on the State Budget, the Major Options of the National Plan, the Regional Development Plan or other national programmes that provide for the use of such funds.

4 – Without prejudice to the provisions of the previous paragraphs, the Assembly of the Republic or the Government may also instigate debate on all such subjects and positions



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under discussion at European institutions as involve matters that fall within their areas of responsibility.

Article 5

Informing the Assembly of the Republic

1 — The Government shall keep the Assembly of the Republic informed in good time about the subjects and positions that are to be discussed at European institutions, as well as about proposals that are under discussion and negotiations that are underway, and shall send the Assembly all the relevant documentation as soon as it is presented or submitted to the Council, particularly including:

- a) Draft agreements or treaties to be entered into by the European Communities or the European Union or between Member States within the context of the European Union, without prejudice to such rules governing reserved responsibility or confidentiality as may apply to the negotiation process;
- b) Proposals in relation to binding and non-binding acts, other than current management matters, to be undertaken by European Union institutions;
- c) Drafts of complementary legal acts, particularly decisions by representatives of the governments of the Member States meeting in Council;
- d) The European Commission's annual political strategy and legislative and working programme, as well as any other legislative programming instrument;
- e) Legislative resolutions on joint positions adopted by the Council;
- f) Authorisations granted to the Council to take decisions by qualified majority, in cases in which as a rule decisions are subject to unanimity;
- g) Agendas and results of Council sessions, including the minutes of sessions at which the Council takes decisions on legislative proposals;
- h) Reports on the application of the principle of subsidiarity;
- i) Consultation documents;



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j) Documents concerning major economic and social guidelines, as well as sectoral guidelines;

l) The annual report of the European Court of Auditors.

2 — Members of the Assembly of the Republic may request such Community documentation as may be available on the status of the proposals referred to in the previous paragraph.

3 – In the first calendar quarter of each year the Government shall present a report to the Assembly of the Republic such as to enable the Assembly to monitor Portugal's participation in the process of constructing the European Union; such report shall particularly provide information on the decisions with the greatest impact on Portugal which European institutions took during the previous year, and the measures which the Government has put into practice as a result of those decisions.

Article 6

European Affairs Committee

1 – Without prejudice to the responsibility of the Plenary and the remaining specialist parliamentary committees, the European Affairs Committee shall be the committee with responsibility for the overall monitoring and assessment of European affairs.

2 – The European Affairs Committee shall be specifically responsible for:

a) Assessing all matters that are of interest to Portugal within the framework of the construction of Europe, European institutions or cooperation between European Union Member States, and particularly the Government's actions in relation to such matters;

b) Drawing up formal written opinions on matters that fall within the Assembly of the Republic's reserved legislative responsibility and are pending decision at European Union bodies;

c) Stimulating greater participation by the Assembly of the Republic in the work of European institutions;



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- d) Acting together with the specialist parliamentary committees with responsibility for the matter in question to ensure the exchange of information and appropriate ways of working, such as to ensure that the Assembly of the Republic intervenes efficiently in matters concerning the construction of the European Union, particularly as regards the drawing up of the formal written opinion referred to in Article 3;
- e) Formulating draft resolutions designed to assess proposals for Community acts of a rule-making nature;
- f) Holding an annual meeting with the members of the Legislative Assemblies of the autonomous regions, and asking them for formal written opinions in accordance with Article 3(3) and whenever regional legislative responsibilities are involved;
- g) Intensifying the exchanges between the Assembly of the Republic and the European Parliament, by proposing the attribution of appropriate reciprocal facilities and regular meetings with interested members, particularly those elected in Portugal;
- h) Promoting meetings or hearings with European Union institutions, bodies and agencies on matters that are important to Portugal's participation in the construction of the European Union;
- i) Promoting inter-parliamentary cooperation within the European Union;
- j) Appointing the Portuguese representatives to the Conference of Community and European Affairs Committees of Parliaments of the European Union (COSAC), and assessing their work and the results of the Conference;
- l) In the cases provided for in Articles 10 and 11, holding hearings to examine the appointment or naming of persons by the Portuguese Government and assessing their *curricula vitae*;
- m) Promoting hearings and debates on European issues with civil society representatives, thereby contributing to the creation of a public European forum at national level.



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Article 7

Assessment process

- 1 – The European Affairs Committee shall distribute proposals with a rule-making content, as well as other guideline documents referred to in Article 5, among both its own members and the other specialist parliamentary committees with responsibility for the matter in question, for information or the issue of a formal written opinion.
- 2 – The other specialist parliamentary committees shall issue duly substantiated formal written opinions whenever asked to do so by the European Affairs Committee.
- 3 – The formal written opinions referred to in the previous paragraphs may conclude with concrete proposals for assessment by the European Affairs Committee.
- 4 – Whenever it decides to issue a report on a matter that falls within its area of responsibility, the European Affairs Committee shall attach such formal written opinions as it may have requested from other committees.
- 5 – When the assessment of proposals for Community acts of a rule-making nature is involved, once it has received the necessary formal written opinions the European Affairs Committee may draw up a draft resolution for submission to the Plenary.
- 6 – In all other cases the European Affairs Committee shall draw up formal written opinions on the matters on which it is called upon to pronounce itself, and may conclude such opinions with a concrete proposal or a draft resolution.
- 7 – The reports and formal written opinions issued by the European Affairs Committee shall be sent to both the President of the Assembly of the Republic and the Government.
- 8 – The European Court of Auditors' annual report shall be subject to a formal written opinion from the committee with responsibility for the matter in question, which the said committee shall send to the European Affairs Committee.



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Article 8

Human, technical and financial resources

The Assembly of the Republic shall provide the European Affairs Committee with such human, technical and financial resources as may be indispensable to the fulfilment of its responsibilities under the terms of this Law.

CHAPTER II

**Selection, appointment or naming of persons
for or to positions at the European Union**

Article 9

Scope

1 – When it is not subject to a competitive procedure, the selection, appointment or naming of persons by the Government for or to positions at European Union institutions, bodies or agencies shall be subject to the process and rules laid down by this Law.

2 – This system shall not apply to candidates to become members of the European Commission, the Council of Regions or the Economic and Social Council, or to candidates for the position of member of the European Parliament.

Article 10

Positions of a non-jurisdictional nature

1 – Before the Government appoints or names anyone to or for a position of a non-jurisdictional nature at a European Union institution or body, it shall send his name and *curriculum vitae* to the Assembly of the Republic, whereupon the European Affairs



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Committee shall hold a hearing to examine the said person and assess his *curriculum vitae*.

2 – The procedure set out in the previous paragraph shall apply to the appointment or naming of persons for or to management positions at European agencies when this is compatible with the specific selection process laid down by European Union rules.

Article 11

Positions of a jurisdictional nature

1 – Before the Government appoints or names anyone for or to a position of a jurisdictional nature, particularly that of judge of the Court of Justice, judge of the Court of First Instance, judge of the Court of Auditors or Advocate General, it shall send his name and *curriculum vitae* to the Assembly of the Republic, whereupon the European Affairs Committee shall hold a hearing to examine the said person and assess his *curriculum vitae*.

2 – For the purposes of the previous paragraph the Government shall send a list containing the names of at least three candidates for each position that is to be filled.

CHAPTER III

Final provisions

Article 12

Revocation

Law no. 20/94, dated 15 June 1994, is hereby revoked.