

## Regime governing the exercise of functions by political officeholders and senior public officeholders

[Law no. 52/2019 of 31 July 2019](#)  
as amended by [Law no. 69/2020 of 9 November 2020](#),  
[Law no. 58/2021 of 18 August 2021](#) and [Law no 4/2022 of 6 January 2022](#)

Pursuant to Article 161(c) of the Constitution, the *Assembleia da República* decrees as follows:

### CHAPTER I Preliminary provisions

#### Article 1 Subject matter

This Law regulates the regime governing the exercise of functions by political officeholders and senior public officeholders, their reporting obligations and sanctioning regime.

#### Article 2 Political offices

1 – For the purposes of this Law, the following shall be political offices:

- a) The President of the Republic;
- b) The President of the *Assembleia da República*;
- c) The Prime Minister;
- d) Members of the *Assembleia da República*;
- e) Members of the Government;
- f) The Representative of the Republic in the Autonomous Regions;
- g) Members of the self-government bodies of the Autonomous Regions;
- h) Members of the European Parliament;
- i) Members of local government executive bodies;
- j) Members of executive bodies of metropolitan areas and inter-municipal entities.

2 – For the purposes of the reporting obligations provided for in this Law, the provisions of point (i) of the preceding paragraph shall not apply to members of parish councils with less than 10 000 electors who are not serving under a full-time regime.

3 – For the purposes of the reporting obligations provided for in this Law, the following shall be equivalent to political officeholders:

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

#### Article 3 Senior public offices

1 – For the purposes of this Law, the following shall be deemed to be senior public officeholders:

- a) Public managers and members of the administration body of a limited company in which the state holds a majority stake, with executive functions;
- b) Officeholders at managing bodies of an enterprise in which the state holds a stake, when appointed by the latter;

- c) Members of managing bodies of enterprises belonging to the regional or local business sectors;
- d) Members of governing bodies of public institutes;
- e) Members of the board of directors of an independent administrative entity;
- f) Holders of 1st and 2nd-grade senior management and equivalent offices, and top directors of municipal authority services and departments and municipal services, if any.

2 – For the purposes of the reporting obligations provided for in this Law, the following shall be equivalent to senior public officeholders:

- a) Heads of cabinet of members of regional governments and governments of the Republic;
- b) Representatives or consultants mandated by regional governments and governments of the Republic in procedures for the concession or disposal of public assets.

#### **Article 4**

#### **Constitutional Court and Court of Auditors judges, Ombudsperson and members of Supreme Councils**

The reporting obligations provided for in this Law shall apply to:

- a) Constitutional Court judges;
- b) Court of Auditors judges;
- c) The Prosecutor General;
- d) The Ombudsperson;
- e) Members of the Supreme Judicial Council;
- f) Members of the Supreme Council of the Administrative and Fiscal Courts;
- g) Members of the Supreme Council of the Public Prosecution Service.

#### **Article 5**

#### **Judges and public prosecutors**

1 – In accordance with their respective statutes, judges and public prosecutors shall also be subject to the reporting obligations provided for in this Law.

2 – Declarations shall be submitted, respectively, to the Supreme Judicial Council, the Supreme Council of the Administrative and Fiscal Courts and the Supreme Council of the Public Prosecution Service, which are competent to analyse, review and implement their respective sanctioning regime, pursuant to their statutes.

### **CHAPTER II**

#### **Exercise of the mandate**

#### **Article 6**

#### **Exclusivity**

1 – Political officeholders and senior public officeholders shall exercise their functions on an exclusive basis, without prejudice to the specific provisions of this Law and:

- a) The Statute of Members of the *Assembleia da República*;
- b) The Political and Administrative Statutes of the Autonomous Regions;
- c) The Statute of Local Elected Representatives;
- d) The Public Manager Statute;
- e) The Statute of Public Administration Managerial Staff.

2 – Exercising these functions on an exclusive basis shall be incompatible with any other professional functions, whether remunerated or unremunerated, as well as with membership of governing bodies of any for-profit legal persons, with the following exceptions:

- a) Functions or activities derived from the office itself and those which are inherent therein;
- b) Membership of supervisory or consultative boards or bodies of public entities;
- c) Teaching and research activities in higher education, as laid down in the statutes of each office, as well as in the statutes of higher education teaching careers;
- d) Literary and artistic creation activities, as well as any others leading to earnings resulting from copyright, intellectual property or related earnings;
- e) The holding of conferences, seminars, short-duration training actions and other activities of the same nature;
- f) Cases where the law explicitly allows for compatibility in the exercise of functions.

3 – The exceptions provided for in points (b), (c) and (e) of the preceding paragraph shall not apply to members of the Government.

### **Article 7**

#### **Members of local authorities**

1 – Members of local authority bodies shall exercise their mandate under a full-time or part-time regime, or not under a full-time regime, as provided for in their statute.

2 – In addition to holding office, they may carry out other activities, which must be declared as laid down by law:

- a) Local councillors under a part-time regime or not under a full-time regime;
- b) Officeholders in parish executive bodies under a part-time regime or not under a full-time regime.

3 – The provisions of the preceding paragraph shall be without prejudice to the inclusion of members of municipal bodies in governing bodies of enterprises in their local business sector, provided that this is authorised in their legal system.

4 – Political officeholders in local government may not, either themselves or through intermediaries, whether it be a natural or legal person, in relation to any issues, proceedings or conflicts involving or to be considered or decided by the legal person on the bodies of which they hold office:

- a) Act as a lawyer in any jurisdiction;
- b) Act as a consultant or issue opinions;
- c) Sign engineering or architecture projects.

5 – The provisions of the previous paragraph shall also apply to the acts mentioned therein:

- a) In the parishes making up the territory of their municipality, in relation to members of municipal bodies;
- b) In the municipality to which their parish belongs, in relation to members of parish bodies;
- c) In the supra-municipal entities to which the municipality belongs, in relation to members of municipal bodies;
- d) In the entities of their local business sector.

## Article 8

### Previous activities

1 – Political officeholders and senior public officeholders who, in the three years prior to the date on which they were installed in the office, held, under Article 9, the percentage referred to therein of the capital of any enterprise, or belonged to a governing body of any for-profit legal person, may not intervene:

- a) In public procurement procedures for the supply of goods or services to the state or other public-law legal persons in which that enterprise or legal person they hold is competing;
- b) In the implementation of contracts which the state or any other public-law legal person enters into with that enterprise or legal person;
- c) In any other formally administrative procedure, as well as legal business and related preparatory acts, in which that enterprise or legal person is the addressee of the decision, and which may raise doubts as to the impartiality or rectitude of their conduct, particularly procedures regarding the granting or modification of authorisations or licences, or acts of expropriation, or the granting of benefits with an asset-related content or the donation of property.

2 – The disqualification provided for in the preceding paragraph shall also apply *mutatis mutandis* to the officeholders referred to in Articles 4 and 5 when carrying out administrative acts.

## Article 9

### Disqualifications

1 – Political officeholders and senior public officeholders shall be disqualified from serving as arbiters or expert witnesses, whether without charge or for remuneration, in any lawsuit in which the state or any other public-law legal person is a party.

2 – Political officeholders or senior public officeholders at the national level, either themselves or in companies where they exercise management functions, and companies in which they hold more than 10% of their share capital, or in which the percentage of capital held is higher than EUR 50 000, may not:

- a) Take part in public procurement procedures;
- b) Intervene as a consultant, expert witness, technical expert or mediator, in any way, in acts related to the procurement procedures referred to in the preceding point.

3 – The regime referred to in the preceding paragraph shall apply to enterprises in whose capital the officeholder, in their own right or jointly with their spouse or civil partner, forebears or descendants to any degree and collateral relations to the second degree, hold a stake above 10% or the capital held is higher than EUR 50 000.

4 – The regime referred to in paragraph (2) shall also apply to their spouses who are not separated from bed and board or with whom they cohabit in a civil partnership, in relation to the public procurement procedures initiated by the legal person on whose bodies the spouse or civil partner is a member.

5 – The regime referred to in paragraphs (2) to (4) shall apply to other political officeholders and senior public officeholders at the regional or local level not mentioned in paragraph (2), their spouses and civil partners and their companies, in relation to public procurement procedures carried out by the regional or local legal person on the bodies of which they are a member.

6 – In the case of members of local authority executive bodies, their spouses and civil partners and their companies, the regime provided for in paragraphs (2) to (4) shall also apply in relation to the following procurement procedures:

- a) Parishes included in the territory of the respective municipality;
- b) The municipality in which the respective parish is territorially included;
- c) Supra-municipal entities to which the municipality belongs;
- d) The entities of their local business sector.

7 – In order to ensure compliance with the provisions of the preceding paragraphs, political officeholders or senior public officeholders and their spouses not separated from bed and board shall have the right to settle the share they hold, without being subject to any other formalities, in accordance with the provisions of the Civil Code, to resign as a shareholder, in accordance with the provisions of the Companies Code, or to suspend their social participation while in office.

8 – The right provided for in the preceding paragraph may be exercised in relation to the settlement and release of the total share amount or only to the part exceeding 10% or EUR 50 000, and, should the officeholder exercise none of the rights provided for in paragraph (7), the company may decide to suspend their social participation.

9 – Contracts concluded by public-law legal persons on the bodies of which political officeholders and senior public officeholders are members with the following persons with whom they have family relations shall be subject to a reference therein and published on the public contracts' website, stating the relevant family relation:

- a) The officeholder's forebears or descendants to any degree;
- b) The officeholder's spouses where separated from bed and board;
- c) The officeholder's civil partners.

10 – In addition, the provisions of the preceding paragraph shall apply to contracts concluded with enterprises in which the persons referred to in the preceding paragraph have majority control and to contracts concluded with companies in which the political officeholder or senior public officeholder, in their own right or jointly with their spouse or civil partner, holds a stake of less than 10% or less than EUR 50 000.

11 – The provisions of this Article shall apply to unincorporated companies subject to public professional associations.

## **Article 10**

### **Applicable regime after ceasing functions**

1 – For a period of three years counting from the date on which the respective mandate ceases, political officeholders that exercise executive functions may not exercise functions in private enterprises which do business in the sector that was subject to their direct oversight if, during the officeholder's term of office, the enterprises were the object of privatisation operations or benefited from financial incentives or fiscal incentive and benefit systems of a contractual nature, or were subject to direct intervention by the political officeholder.

2 – Returning to the enterprise or activity being exercised when the officeholder took office is an exception to the provisions of the previous paragraph.

3 – The officeholders referred to in Article 3(2)(b) may not exercise functions in purchasers or concessionaries for a period of three years, counting from the date on which the assets subject to intervention were disposed of or concessioned.

4 – Political officeholders that exercise executive functions may not, for a period of three years counting from the date on which the respective mandate ceases, engage in employment or act as consultants in international organisations with which they have maintained institutional relations while representing the Portuguese Republic.

5 – The following functions shall be an exception to the provisions of the previous paragraph:

- a) In European Union institutions;
- b) In organisations of the UN system;
- c) Resulting from returning to a previous career;
- d) In case of entry following a competition procedure;
- e) In case of a nomination by the Portuguese state or in its representation.

### **Article 11**

#### **Sanctioning regime**

1 – Breaches of the provisions of Articles 6(2), 7(2), 8 and 9(2) to (6) and (11) by political officeholders shall imply the following sanctions:

- a) For holders of elected offices, except for the President of the Republic, loss of the respective office;
- b) For holders of unelected offices, except for the Prime Minister, removal from office.

2 – Breaches of the provisions of Articles 6(2), 8, and 9(2) to (5) and (11) by senior public officeholders shall constitute cause for judicial removal from office, the competence for which pertains to the administrative courts.

3 – Breaches of the provisions of Article 10 shall cause a ban on the exercise of the functions of political offices and senior public offices for a period of three years.

4 – Breaches of the Articles referred to in paragraph (1) by the Ombudsperson shall cause their removal following a decision issued by the *Assembleia da República*.

5 – The Constitutional Court shall have the competence, pursuant to the respective procedural law, to apply the sanctions provided for in this Article in relation to political officeholders, with the following exceptions:

- a) Loss of seat as Member of the *Assembleia da República* and of the Legislative Assemblies of the Autonomous Regions of the Azores and Madeira. Its enforcement shall be the responsibility of the respective assemblies, without prejudice to appeals made to the Constitutional Court against these decisions;
- b) Political officeholders as provided for in Article 2(1)(i).

6 – The Public Prosecution Service shall have the legitimacy to lodge the actions provided for in paragraphs (2) and (5).

### **Article 12**

#### **Nullity**

Breaches of the provisions of Articles 8 and 9 shall cause any acts carried out to be null and void.

## CHAPTER III

### Reporting obligations

#### Article 13

##### Single declaration of income, assets, interests, incompatibilities and disqualifications

1 – The holders of political or equivalent offices and the senior public officeholders referred to in Articles 2 and 3, as well as those mentioned in Article 4, shall submit to the legally competent entity to be determined pursuant to Article 20, by electronic means and within 60 days from taking up their functions, a declaration of their income, assets, interests, incompatibilities and disqualifications, hereinafter referred to as a single declaration, in accordance with the template provided in the Annexe to this Law, whereof it is an integral part.

2 – The declaration referred to in the preceding paragraph shall include:

- a) The total gross income, mentioning its source, included in the last declaration submitted for the purpose of paying personal income tax or the income that should be on it where a declaration is not required, and, where applicable, a subsequent breakdown by income category;
- b) A description of the elements that compose their assets, owned or jointly owned by the officeholder, namely via joint heirship, as well as of the assets they own, hold, manage, borrow or rent, either themselves or through intermediaries, whether it be natural or legal persons, in the country or abroad, organised by general categories, namely real estate, shares, stocks or other financial stakes in civil or commercial companies, rights to boats, aeroplanes or motor vehicles, as well as portfolio investments, fixed-term savings accounts, similar financial investments that exceed the amount of 50 minimum wages, current accounts and credit rights;
- c) A description of their liability, specifically as regards the state or any natural or legal persons, namely credit institutions and any kind of public or private enterprise, in the country or abroad, including any financial security of which they are the beneficiary;
- d) The promise of a financial advantage, actually contracted or accepted during the performance of functions or for three years after its cessation, even where it involves future realisation;
- e) Reference to the corporate offices they hold or held in the three years prior to submitting the declaration, in the country or abroad, in enterprises, foundations or associations;
- f) Reference to membership, participation, or performance of any duties in any association, carried out in the preceding three years or to be exercised cumulatively with the mandate, provided that such reference does not reveal constitutionally protected data such as those on health, sexual orientation, trade union membership or religious or political beliefs, in which case such reference is merely optional.

3 – The above declaration shall also include the acts and activities that might give rise to incompatibilities and disqualifications, namely:

- a) The activities that are exercised, regardless of their form or the regime governing them, particularly:
  - i) The list of public and private offices, functions and activities, in the country or abroad, including in enterprises, foundations or associations, exercised in the preceding three years;
  - ii) The list of public and private offices, functions and activities, in the country or abroad, including in enterprises, foundations or associations, to be exercised cumulatively with the mandate;

- b) The list of relevant financial interests shall include details of all acts that directly or indirectly generate payments, particularly:
  - i) Public and private legal persons to which services have been provided;
  - ii) Participation on consultative boards and councils, audit boards and other collegial bodies, when provided for by law or during the exercise of the audit and control of public funds;
  - iii) Companies in which they hold a capital stake, either in person or via a spouse from whom they are not separated from bed and board, or via a civil partner;
  - iv) Financial subsidies or support received by them, or via a spouse from whom they are not separated from bed and board, via a civil partner, or via a company in whose capital they hold a stake;
  - v) The holding of conferences, seminars, short-duration training activities and other activities of the same nature;
- c) The list of other significant interests must in particular mention the following facts:
  - i) Participation in commissions, committees or working groups for which they receive remuneration;
  - ii) Participation in not-for-profit entities that benefit from public resources;
  - iii) Participation in professional associations or associations representing interests.

4 – All political officeholders and senior public officeholders shall be required to fill out all the fields contained in the single declaration as referred to in the preceding paragraphs, included in the Annexe to this Law, except for holders of offices equivalent to political offices and senior public offices, who shall not be required to fill out the field regarding the register of interests.

5 – The administrative services of the entities that include the officeholders to which this Law applies shall notify the entity responsible for analysing and reviewing the declarations submitted of the dates of the beginning and end of their functions.

6 – The publication, pursuant to Article 17, of the elements pertaining to the register of interests included in the single declaration shall make it possible to visualise the offices, functions, and activities exercised cumulatively with the mandate and those exercised in the preceding three years autonomously.

#### **Article 14**

##### **Updates to the declaration**

1 – A new, updated declaration shall be submitted within 60 days after ceasing the functions that led to the submission of the preceding declaration or after the reappointment or re-election of the officeholder.

2 – A new declaration must be submitted within 30 days, where, while exercising the functions:

- a) There is an actual change in assets that alters the amounts declared in relation to any of the points of paragraph (2) of the previous Article by an amount higher than 50 monthly minimum wages;
- b) New facts or circumstances require a new entry pursuant to paragraph (3) of the previous Article.

3 – The declaration to be submitted at the end of the mandate shall reflect the evolution of assets during that period.



4 – Those who must submit a declaration shall submit an updated final declaration three years after the exercise of the office or function that gave rise thereto has ceased.

5 – In order to comply with the reporting obligation referred to in the preceding paragraph, the entities where the officeholders exercised functions shall give them prior notice, at least 30 days before the end of the three-year time limit.

6 – The declarations provided for in this Article must state the facts giving rise to the increase in assets, the reduction in liability or the increase in future financial advantages, where they exceed the amount of 50 national minimum wages in force at the time of the declaration.

### **Article 15** **Register of interests**

1 – The entity responsible for analysing and reviewing the declarations submitted shall ensure, in accordance with Article 17, the publication of the elements pertaining to the register of interests included in the single declaration referred to in Article 13.

2 – The *Assembleia da República* and the Government must publish the information included in the single declaration pertaining to the register of interests of their officeholders on their websites.

3 – Municipalities, as well as parishes with more than 10 000 electors, shall keep their own register of interests accessible online. They shall include:

- a) The published information that is on the single declaration submitted to the entity responsible for analysing and reviewing the declarations submitted by officeholders in their bodies and heads of their services who are required thereto;
- b) A statement of the activities liable to cause incompatibilities or disqualifications and any act that may provide financial benefits or conflicts of interests of other officeholders in their bodies, under conditions to be defined in a regulation to be approved by their decision-making body.

4 – Other local authorities not referred to in the previous paragraph may create a register of interests following a decision of their respective assemblies.

5 – The establishment of the registers of interests of the local authorities referred to in the preceding paragraphs shall be notified to the entity responsible for analysing and reviewing the declarations submitted. The latter shall be provided with a hyperlink to the section of the website where they are published.

### **Article 16** **Institutional offers and hospitality**

1 – Offers of goods or services with an estimated value higher than EUR 150 received within the scope of an office or function must be submitted to the body laid down in the respective Code of Conduct.

2 – Where the officeholder receives, from the same entity and in the course of the same year, a number of offers of goods making up the estimated value referred to in the previous paragraph, they shall notify that fact for the purposes of registering offers and deliver all the offers received after reaching that value.

3 – The competent body for the register as defined in the respective Code of Conduct shall be responsible for determining how these offers subject to the delivery requirement shall be handled, taking into account their nature and relevance.

4 – Offers addressed to public entities shall always be registered and delivered to the body referred to in the previous paragraph, irrespective of their value and final destination.

5 – Without prejudice to other rules applicable to the office or category, officeholders to whom this Law applies and who have been invited in that capacity may accept invitations addressed to them for official events or by national or foreign public entities.

6 – Officeholders subject to this Law who are invited in that capacity may also accept any other invitations from private entities up to an estimated value of EUR 150:

- a) If they are compatible with the institutional nature or the relevance of the representation inherent in the office; or
- b) If they constitute socially appropriate behaviour in line with practices and customs.

7 – Without prejudice to the rules governing reporting obligations on income and assets, the acceptance of offers, transportation or accommodation taking place in the context of personal or family relations shall not be subject to a registration requirement.

8 – The provisions of this Law shall not apply to offers of goods and services or the acceptance of invitations and hospitality addressed to political parties, including their parliamentary groups, through their bodies, delegations or representations, without prejudice to the rules stemming from the legal regime governing the financing of political parties and election campaigns.

9 – Failure to comply with the provisions of paragraphs (1), (2) and (6) with the intention of appropriating an undue advantage shall be liable under the offence of improperly receiving or offering an advantage, pursuant to the law determining the criminal liability of political officeholders.

## **Article 17**

### **Access and public nature**

1 – The single declarations of income, assets and interests referred to in Articles 13(1) and 14(1) shall be publicly accessible under this Article.

2 – The following details of the declaration shall not be the object of consultation or publicly accessible:

- a) Sensitive personal data such as address, civil and tax identification numbers, mobile phone and telephone numbers, and email address;
- b) As regards the register of interests: a breakdown of the services provided while carrying out activities subject to professional secrecy;
- c) Data enabling the individualised identification of residence, except for the municipality, or of vehicles and other means of transportation of the officeholder.

3 – As regards data on income and assets, consultation of the declaration ensures that:

- a) Regarding gross income for the purpose of paying personal income tax, only the total amount of each of the declarer's own income categories and the amount of their share of the joint income with third parties shall be available for consultation. The name of the paying entity shall also be disclosed in relation to income from employment;

- b) For real estate, the identification of each property, via its matrix, location and asset value, shall be made available for consultation;
- c) For shares, stocks, participations or other financial stakes in civil or commercial companies, only their amount and the name of their company shall be made available for consultation;
- d) For rights to boats, aeroplanes or motor vehicles, the brand, the model's year of registration and cylinder capacity of each of those movable assets shall be made available for consultation;
- e) For portfolio investments, fixed-term savings accounts and similar financial investments, as well as current accounts and credit rights that exceed the amount of 50 minimum wages, only the total amount of each of those assets shall be made available for consultation;
- f) For liability, only the identification of the creditor and the share of the amount in debt for which the declarer is liable shall be made available for consultation.

4 – Except as provided for in the following paragraph, the fields in the declaration concerning the register of interests shall be published on the websites of the entity responsible for analysing and reviewing the declarations submitted and of the entity on whose bodies the declarer is a member. The latter may do so on its own website or by reference to the website of the former, subject to the provisions of paragraph (2).

5 – With due regard for the provisions of paragraphs (2) and (3), the fields on income and assets included in the declaration and the elements included in the declaration referred to in Article 13(2)(f) may be consulted, without the possibility of reproduction, based on a reasoned application identifying the applicant, which shall be registered with the entity responsible for analysing and reviewing the declarations submitted:

- a) In person, at the entity;
- b) Remotely, via a time-limited digital access credential provided to the applicant for consultation of the requested declaration.

6 – The entity responsible for analysing and reviewing the declarations submitted shall ensure compliance with the provisions of paragraphs (2), (3) and (5), and, for the purposes of paragraph (1), shall only make the public elements of the declaration available for consultation.

7 – In the event of failure to comply with the rules laid down in paragraphs (2) and (3), the officeholder may at any time oppose the making available of information that cannot be disclosed, and the entity responsible for analysing and reviewing the declarations submitted shall consider and decide on the request, which may be appealed to the Constitutional Court.

8 – On the basis of reasonable grounds, such as third-party interests or protecting the right to privacy, the officeholder may oppose the partial or complete access to the elements in the declaration of income and assets, and the entity responsible for analysing and reviewing the declarations submitted shall determine whether or not such grounds exist, and decide on the possibility and terms of such access.

9 – When submitting their initial declaration or at a later stage, the declarer may raise any objections pursuant to and for the purposes of the preceding paragraph.

10 – Access to the information on which the opposition was based and its potential publication shall be suspended pending a final decision on the procedure.

11 – Applicants shall be subject to civil and criminal liability, as provided for in data protection legislation, in case of misuse of information obtained by consulting the declarations.

12 – Any infringement of the protection of privacy resulting from disclosing the declaration, in breach of the provisions of paragraphs (2) and (3), shall be punishable by law, particularly under Articles 192 and 193 of the Penal Code.

13 – The parliamentary committee responsible for implementing the Statute of Members of the *Assembleia da República* shall have real-time electronic access to the declaration of interests submitted by Members of the *Assembleia da República* and by members of the Government, for the purpose of fulfilling its responsibilities and competences as laid down in the Statute of Members of the *Assembleia da República*.

14 – Except as provided for in paragraph (4), the single declaration may not be disclosed, particularly on the internet or on social media.

#### **Article 18**

##### **Failure to comply with reporting obligations**

1 – Where the declaration and updates thereto, as provided for in Articles 13 and 14, are not submitted, or they are incomplete or incorrect, the entity responsible for analysing and reviewing the submitted declarations shall notify the officeholder or former officeholder in question for them to submit, complete or correct the declaration within a period of 30 consecutive days of the time limit for submitting the declaration.

2 – Any person who, following the notification provided for in the previous paragraph, fails to submit their declaration, except as regards the President of the Republic, the President of the *Assembleia da República* and the Prime Minister, shall be subject to a declaration of the loss of seat, dismissal or legal removal, depending on the case.

3 – Any former officeholder subject to the reporting obligations provided for in Articles 13 and 14 who, after being notified as provided for in paragraph (1), fails to submit their declaration shall be banned from exercising the functions that led to the aforementioned declaration and that do not correspond to exercising functions as a judge for a period of one to five years.

4 – For the purposes of the preceding paragraphs, the entities that include the officeholders to which this Law applies shall notify the entity responsible for analysing and reviewing the declarations submitted of the dates of the beginning and end of their functions.

5 – *(Repealed.)*

6 – *(Repealed.)*

7 – *(Repealed.)*

8 – *(Repealed.)*

**Article 18-A****Qualified disobedience and deliberate concealment of assets**

1 – Without prejudice to the provisions of the preceding Article, failure to submit the declaration provided for in Article 13, following notification, shall be punished by a prison term of up to three years for the crime of qualified disobedience.

2 – Anyone who:

- a) Fails to submit the declaration required under Article 14(3) and (4), following notification;
- b) Deliberately fails to submit the declaration required under Article 14(2)(a);
- c) Omits from the declarations submitted with the intention of concealing:
  - i) The assets referred to in Article 13(2)(a) to (d); or
  - ii) The increase in income, assets, or the reduction in liability, as well as the facts giving rise thereto, in accordance with Article 14(6);

shall be punished by a term of imprisonment of one to five years, where more severe punitive consequences do not take place.

3 – Where the facts described in paragraphs (1) and (2) are not accompanied by a failure to comply with reporting obligations with the tax authority during the period of performance of their functions or until the expiry of the three-year period provided for in Article 14(4), the conduct shall be punished by a fine of up to 360 days.

4 – Unjustified additions to assets determined under the tax scheme, by an amount exceeding 50 monthly minimum wages, shall be taxed for the purposes of income tax at the special rate of 80%.

**Article 19****Codes of Conduct**

1 – Public entities covered by this Law shall adopt Codes of Conduct to be published in the *Diário da República* and on their websites for the development of matters relating to institutional offers and hospitality, among others.

2 – The following bodies shall adopt Codes of Conduct:

- a) The *Assembleia da República*, in relation to its Members, departments and services and cabinet staff;
- b) The Government, in relation to its members, cabinets and entities of the Public Administration and of the state's business sector;
- c) Local authority bodies within the scope of their competences;
- d) Management bodies of autonomous entities and regulatory entities.

3 – The Supreme Councils of the Judiciary, of the Administrative and Fiscal Courts and of the Public Prosecution Service shall establish, in an independent and autonomous manner, and in accordance with their statutes, codes of conduct which shall apply to judges and prosecutors, respectively.

4 – Without prejudice to their development and adaptation to the nature of each entity by their codes of conduct, the provisions of the Articles of this Law on offers and hospitality shall apply directly to the entities they address.

5 – No provision of any code of conduct may restrict constitutional rules or derogate from the statutory rules relating to the specific statutes of holders of public or equivalent offices or limit the exercise of such an office or function.

6 – In the event of failure to identify the body referred to in Article 16(1), the hierarchical entities of the competent department or service, or body, or the technical support services for elected bodies, as the case may be, shall be subsidiarily responsible for compliance with the rules.

#### **Article 20** **Review**

The analysis and review of the declarations submitted under this Law shall be the responsibility of an entity to be identified in a specific law, defining its competences, organisation and rules of operation.

#### **Article 21** **Duty of cooperation**

Where, after having complied with the procedures laid down in Article 18, the entity responsible for analysing and reviewing the declarations submitted finds facts liable to constitute any of the offences referred to in this Law, it shall notify the Public Prosecution Service via the Constitutional Court or other relevant entities for all due legal purposes.

### **CHAPTER IV** **Final provisions**

#### **Article 22** **Criminal liability**

Without prejudice to the provisions of this Law, the crimes of abuse of office committed by political officeholders or senior public officeholders when exercising their functions, as well as the sanctions applicable to them and the relevant effects, shall be regulated in a specific law.

#### **Article 23** **Applicability to members of the self-government bodies of the Autonomous Regions**

The implementation of the provisions of this Law to members of self-government bodies of the Autonomous Regions depends on the adoption of the arrangements provided for herein in the Political and Administrative Statutes of the Autonomous Regions.

#### **Article 24** **Repeal**

1 – Without prejudice to the provisions of the following paragraph, the following are hereby repealed:

- a) [Law no. 4/83 of 2 April 1983](#);
- b) [Law no. 64/93 of 26 August 1993](#);
- c) [Regulatory Decree no. 1/2000 of 9 March 2000](#).

2 – Until such time when the Political and Administrative Statutes of the Autonomous Regions referred to in the preceding Article have been amended, the officeholders referred to in Article 4(1)(h) of [Law no. 4/83 of 2 April 1983](#) and Article 1(2)(b) of [Law no. 64/93 of 26 August 1993](#) shall be subject to the provisions of those legislative acts which apply to them.

## Article 25

### Transitional rule

1 – Pending the entry into operation of the electronic platform for submitting the single declaration, holders of political, senior public and equivalent offices shall deliver it to the Constitutional Court in paper format.

2 – The reporting obligations imposed by this Law shall apply to holders of political, senior public and equivalent offices who initiate, renew or terminate functions after the entry into force of this Law.

3 – Upon the entry into operation of the electronic platform, holders of political, senior public and equivalent offices shall submit their declarations via the electronic platform within 60 days.

4 – For the purposes of the preceding paragraph, the entity responsible for operationalising the electronic platform shall issue a notice of its entry into operation, to be published in the 2nd series of the *Diário da República* and on its website.

5 – Pending the electronic platform's entry into operation, Members of the *Assembleia da República* and members of the Government shall also fill in the existing register of interests and submit it to that body that exercises sovereign power.

6 – Within 120 days of the entry into force of this Law, public entities covered by this Law shall approve their Codes of Conduct setting out, *inter alia*, the obligation to register offers and hospitality, as well as the competent body for such registration.

## Article 26

### Entry into force

This Law shall enter into force on the first day of the 14th legislature of the *Assembleia da República*.

**Annexe**  
**(as referred to in Article 13(1) of Law no. 52/2019 of 31 July 2019)**

**Template for the declaration of income, assets and interests**

<b>1. FACT DETERMINING THE DECLARATION</b>	
Office / Function to be exercised	
Date of the beginning of functions/reappointment/re-election	
Date of the end of functions	
Date of change	
Declaration three years after the functions have ceased, pursuant to Article 14(4)	

The fact or facts determining the submission of a declaration (beginning/end/change) must be provided under this heading, and the fields of end and beginning of functions shall be filled out where they occur simultaneously.

Exercise of functions on an exclusive basis	YES	
	NO	

<b>2. PERSONAL DATA</b>	
<b>MANDATORY ELEMENTS</b>	
Full name	
Address (street, number and floor)	
City/District	
Postal code	
Parish	
Municipality	
Civil identification number	
Tax identification number	



Gender	
Birthplace	
Date of birth	
Marital status (if married, please provide the matrimonial property regime)	
Full name of the spouse or civil partner (if applicable)	
<b>OPTIONAL ELEMENTS</b>	
Email address	
Telephone/Mobile phone	

**3. REGISTER OF INTERESTS**

<b>DETAILS CONCERNING PROFESSIONAL ACTIVITIES, PUBLIC, PRIVATE AND SOCIAL OFFICES AND OTHER FUNCTIONS AND ACTIVITIES CARRIED OUT IN THE PREVIOUS THREE YEARS AND/OR TO BE CARRIED OUT CUMULATIVELY OR UP TO THREE YEARS AFTER CEASING FUNCTIONS</b>						
<b>OFFICE FUNCTION ACTIVITY</b>	<b>ENTITY</b>	<b>ENTITY'S NATURE AND AREA OF ACTIVITY</b>	<b>REGISTERED OFFICE</b>	<b>REMUNERATED (Y/N)</b>	<b>START DATE</b>	<b>END DATE</b>

*This heading must include:*

- Any and all public or private activity which the declarer carries out, or has carried out in the previous three years and/or is expected to carry out cumulatively with their mandate or has carried out up to three years after ceasing functions, including subordinate professional activities, commercial or entrepreneurial activities, self-employment and the performance of elected or appointed functions.
- Any corporate offices which the declarer holds or has held in the previous three years and/or is expected to hold cumulatively with their mandate or has held up to three years after ceasing functions, particularly a breakdown of positions as member of the board of directors, company manager, senior manager, director, member of an administrative committee, supervisory board or oversight committee, member of the board of the general meeting, or member or holder of any analogous bodies or offices, in any commercial companies, civil companies in a commercial form, cooperatives or public sector companies, and also associations, foundations, private charities, public charities and similar entities, both national and foreign.

DETAILS CONCERNING MEMBERSHIP, PARTICIPATION OR PERFORMANCE OF ANY FUNCTIONS IN ASSOCIATIONS, CARRIED OUT IN THE PRECEDING THREE YEARS AND/OR TO BE CARRIED OUT CUMULATIVELY OR CARRIED OUT UP TO THREE YEARS AFTER CEASING FUNCTIONS						
OFFICE FUNCTION ACTIVITY	ENTITY	ENTITY'S NATURE AND AREA OF ACTIVITY	REGISTERED OFFICE	REMUNERATED (Y/N)	START DATE	END DATE

*This heading must include:*

- *Membership, participation or performance of any functions in any association that the declarer carries out or has carried out in the previous three years and/or that they expect to carry out cumulatively with the mandate or have carried out up to three years after ceasing functions, provided that such reference does not reveal constitutionally protected data such as those on health, sexual orientation, trade union membership or religious or political beliefs, in which case such reference is merely optional.*

SUPPORT OR BENEFITS				
SUPPORT OR BENEFIT	ENTITY	ENTITY'S NATURE AND AREA OF ACTIVITY	NATURE OF THE SUPPORT OR BENEFIT	DATE

*Any and all financial or material support received to carry out the activities, including from foreign entities, namely attendance fees and expense allowances (not corresponding to remuneration, given that, if any, it must be identified under the previous heading) must be listed under this heading.*

SERVICES PROVIDED

SERVICE PROVIDED	ENTITY	ENTITY'S NATURE AND AREA OF ACTIVITY	REGISTERED OFFICE	DATE

*Entities, and related areas of activity, to which the declarer personally provides remunerated services of any kind, permanently or even on a one-off basis, where they may give rise to conflicts of interest, shall be deemed to be covered by this heading.*

<b>COMPANIES</b>				
<b>COMPANY</b>	<b>NATURE</b>	<b>ENTITY'S NATURE AND AREA OF ACTIVITY</b>	<b>REGISTERED OFFICE</b>	<b>SOCIAL PARTICIPATION (AMOUNT AND PERCENTAGE)</b>

*This heading must identify the companies in which the declarer holds or disposes of capital in their own right or through their spouse or civil partner, and also the amount of that participation, which must also be mentioned by reference to this field in the field concerning the declaration of assets.*

<b>OTHER SITUATIONS</b>

*Since, under Article 13(3), the Law is not exhaustive with regard to listing the instances to declare, this heading must include any other instances which do not belong in the former and may give rise to incompatibilities or disqualifications provided for by law.*

<b>4. DETAILS ON INCOME AND ASSETS</b>
--

<b>GROSS INCOME FOR THE PURPOSE OF PAYING PERSONAL INCOME TAX (STATING THE AMOUNT OR NOTHING TO DECLARE)</b>	
Income from employment	
Income from self-employment	
Income from commercial or industrial activities	
Income from agriculture	
Income from capital	
Income from real estate	
Capital gains	
Pensions	
Other income	

<b>ASSETS</b>	
<b>I – IMMOVABLE PROPERTY</b>	
Assets to declare in Portugal	Statement of the fact giving rise to the change in assets where it exceeds the amount of 50 national minimum wages in force at the time of the declaration.
Assets to declare abroad	Statement of the fact giving rise to the change in assets where it exceeds the amount of 50 national minimum wages in force at the time of the declaration.

<b>II – SHARES, STOCKS, PARTICIPATIONS OR OTHER FINANCIAL STAKES IN CIVIL OR COMMERCIAL COMPANIES (Reference must be made to the elements declared in the field on the register of interests, where applicable)</b>	
Assets to declare in Portugal	Statement of the fact giving rise to the change in assets where it exceeds the amount of 50 national minimum wages in force at the time of the declaration.
Assets to declare abroad	Statement of the fact giving rise to the change in assets where it exceeds the amount of 50 national minimum wages in force at the time of the declaration.
<b>III – RIGHTS TO BOATS, AEROPLANES OR MOTOR VEHICLES</b>	
Assets to declare in Portugal	Statement of the fact giving rise to the change in assets where it exceeds the amount of 50 national minimum wages in force at the time of the declaration.
Assets to declare abroad	Statement of the fact giving rise to the change in assets where it exceeds the amount of 50 national minimum wages in force at the time of the declaration.

<b>IV – PORTFOLIO INVESTMENTS, FIXED-TERM SAVINGS ACCOUNTS AND SIMILAR FINANCIAL INVESTMENTS</b>	
Assets to declare in Portugal	Statement of the fact giving rise to the change in assets where it exceeds the amount of 50 national minimum wages in force at the time of the declaration.
Assets to declare abroad	Statement of the fact giving rise to the change in assets where it exceeds the amount of 50 national minimum wages in force at the time of the declaration.
<b>V – CURRENT ACCOUNTS AND CREDIT RIGHTS THAT EXCEED THE AMOUNT OF 50 MINIMUM WAGES</b>	
Assets to declare in Portugal	Statement of the fact giving rise to the change in assets where it exceeds the amount of 50 national minimum wages in force at the time of the declaration.
Assets to declare abroad	Statement of the fact giving rise to the change in assets where it exceeds the amount of 50 national minimum wages in force at the time of the declaration.

<b>VI – OTHER ASSETS</b>	
Assets to declare in Portugal	Statement of the fact giving rise to the change in assets where it exceeds the amount of 50 national minimum wages in force at the time of the declaration.
Assets to declare abroad	Statement of the fact giving rise to the change in assets where it exceeds the amount of 50 national minimum wages in force at the time of the declaration.

<b>LIABILITY</b>		
Name of the creditor in Portugal or abroad	Amount in debt and maturity date	Statement of the fact giving rise to the change in assets where it exceeds the amount of 50 national minimum wages in force at the time of the declaration.
Financial securities in Portugal or abroad	Nature of the security	Statement of the fact giving rise to the change in assets where it exceeds the amount of 50 national minimum wages in force at the time of the declaration.

<b>PROMISE OF FUTURE FINANCIAL ADVANTAGE</b>			
Promise of financial advantage	Date of promise	Expected date of realisation	Statement of the fact related to the increase in future financial advantage where it exceeds the amount of 50 national minimum wages in force at the time of the declaration.

<b>AREA AVAILABLE TO COMPLETE, WHERE APPLICABLE, DECLARATIONS FOR ANY OF THE PREVIOUS FIELDS</b>