

Statute governing Members of the *Assembleia da República*

[Law no. 7/93 of 1 March 1993](#),
as amended by [Law no. 24/95 of 18 August 1995](#),
[Law no. 55/98 of 18 August 1998](#), [Law no. 8/99 of 10 February 1999](#),
[Law no. 45/99 of 16 June 1999](#), [Law no. 3/2001 of 23 February 2001](#),
(as rectified by [Declaration of Rectification no. 9/2001 of 13 March 2001](#)),
[Law no. 24/2003 of 4 July 2003](#), [Law no. 52-A/2005 of 10 October 2005](#),
[Law no. 44/2006 of 25 August 2006](#), [Law no. 45/2006 of 25 August 2006](#),
[Law no. 43/2007 of 24 August 2007](#), [Law no. 16/2009 of 1 April 2009](#),
[Law no. 44/2019 of 21 June 2019](#), [Law no. 60/2019 of 13 August 2019](#),
[Law no. 53/2021 of 12 August 2021](#), and [Law no. 58/2021 of 18 August 2021](#),

In accordance with Articles 164(d) and 169(3) of the Constitution, the *Assembleia da República* hereby decrees the following:

CHAPTER I Mandate and term of office

Article 1 Nature and scope of the mandate

- 1 – Members of the *Assembleia da República* represent the whole country and not the constituencies by which they are elected.
- 2 – Members of the *Assembleia da República* shall have a single status. They shall enjoy and be subject to the same rights and duties, without prejudice to specific conditions applicable to the exercise and fulfilment thereof and the regime governing the different parliamentary functions they perform, as laid down by law.
- 3 – In addition to directly applicable constitutional rules, the single status of Members is integrated by this Law, other applicable legal provisions, the provisions of the Rules of Procedure of the *Assembleia da República* and the regulatory provisions issued under the law.
- 4 – In accordance with the provisions of the previous paragraph, the rules concerning Members of the *Assembleia da República* laid down in the law establishing the rights and duties of political officeholders, the law establishing the remuneration statute and the law governing the criminal liability of political officeholders shall apply to Members.

Article 2 Beginning and end of the term of office

- 1 – The term of office of Members of the *Assembleia da República* shall begin upon the first sitting of the *Assembleia da República* following elections thereto. It shall end upon the first sitting following the subsequent elections thereto, without prejudice to the suspension or termination of any individual term of office.
- 2 – The filling of vacancies that arise in the *Assembleia da República* shall be regulated by electoral law.

Article 3 Verification of credentials

The *Assembleia da República* shall verify Members' credentials in accordance with the respective Rules of Procedure.

Article 4

Suspension of the term of office

1 – The following shall cause a term of office to be suspended:

- a) Approval of a request for temporary substitution on relevant grounds, in accordance with Article 5;
- b) Criminal proceedings, as laid down in Article 11(3);
- c) Occurrence of the situations referred to in points (a), except for the President of the Republic, (d), (f), (g) and (h) of Article 20(1).

2 – In the cases provided for in Article 20(1)(g) and (h), the suspension of the term of office set out in the previous paragraph shall be admissible only immediately after the verification of credentials by the *Assembleia da República*, or when the Member is installed in the respective local authority position, and may not occur for more than a single period of up to 180 days.

Article 5

Temporary substitution on relevant grounds

1 – Members of the *Assembleia da República* may ask the President of the *Assembleia da República*, based on relevant grounds, to substitute them once or more than once during the legislature.

2 – Relevant grounds shall mean:

- a) Serious illness involving the inability to exercise functions for a period of not less than 30 days and within the limits of the respective grounds;
- b) The taking of maternity or paternity leave;
- c) The need to ensure the furtherance of proceedings under Article 11(3);
- d) Serious family-related, personal, professional or academic reasons.

3 – The request for substitution shall be submitted either directly by the Member of the *Assembleia da República* or via the leadership of their parliamentary group, in which case it shall be accompanied by a declaration of consent from the Member who is to be substituted.

4 – When based on the grounds set out in paragraph (2)(a) or (b), the temporary substitution of a Member of the *Assembleia da República* shall not cause the processing of their remuneration to cease or any loss of length of service.

5 – Temporary suspensions under the terms of paragraph (2)(d) shall not last for less than 30 days, nor shall they occur more than once per legislative session, up to a maximum of six months per legislature, without prejudice to the provisions of Article 4(2).

Article 6

End of suspensions

1 – The suspension of a term of office shall cease:

- a) In the case of Article 4(1)(a), upon the end of the substitution period, or upon the early return of the Member of the *Assembleia da República* as directly notified to the President of the *Assembleia da República* by the Member or the leadership of the parliamentary group to which they belong;
- b) In the case of Article 4(1)(b), upon the issuance of a ruling absolving the Member of the *Assembleia da República* or an equivalent decision, or upon completion of the sentence;

c) In the case of Article 4(1)(c), upon the cessation of the function that is incompatible with that of Member of the *Assembleia da República*.

2 – When the Member of the *Assembleia da República* resumes the exercise of their mandate, all the powers possessed by the last Member on the respective list exercising the mandate on that date shall automatically cease.

3 – (Repealed.)

Article 7

Resignation of seat

1 – Members of the *Assembleia da República* may resign their seat via a written declaration, which shall be submitted to the President of the *Assembleia da República* either in person or bearing a notarised signature.

2 – No resignation request shall be processed until the leader of the respective parliamentary group, when one exists, has first been notified thereof.

3 – Without prejudice to their subsequent publication in the *Journal of the Assembleia da República*, resignations shall take effect when the Bureau announces them to the Plenary.

Article 8

Loss of seat

1 – Members of the *Assembleia da República* shall lose their seat where:

- a) They are struck by any of the disqualifications or incompatibilities provided for by law, even due to facts preceding their election, and the *Assembleia da República* may not reconsider facts which have been the object of a judicial ruling already transited in *rem judicatam* or of an earlier decision of the *Assembleia da República* itself;
- b) They do not take their seat in the *Assembleia da República*, or they exceed the permitted number of failures to attend, except for justified reasons under paragraph (2) and in accordance with the Rules of Procedure;
- c) They register as members of a political party other than that for which they stood for election;
- d) They are judicially convicted of participating in organisations with a fascist or racist ideology;
- e) They intentionally fail to comply with their reporting obligations as laid down by law.

2 – Illness, marriage, maternity or paternity, mourning, force majeure, parliamentary missions or work, and political work or work pertaining to the political party to which the Member of the *Assembleia da República* in question belongs, as well as participation in parliamentary activities, in accordance with the Rules of Procedure, shall be deemed justified reasons for failures to attend.

3 – Any Member of the *Assembleia da República* present at a sitting or meeting who invokes duly substantiated reasons of conscience shall be deemed justified in not taking part in voting.

4 – Transport difficulties may be deemed justification for failures to attend in exceptional cases.

5 – In the applicable cases set out in Article 20 and provided that the Member of the *Assembleia da República* in question does not comply with the provisions of Article 21-B(1), failure to suspend their term of office under Article 4 shall cause the loss of their seat under

Article 160(1)(a) of the Constitution. The loss of seat shall be declared following verification by the *Assembleia da República* under the Rules of Procedure.

Article 9

Substitution of Members of the *Assembleia da República*

1 – Where the seat of a Member of the *Assembleia da República* falls vacant or their term of office is suspended, the Member shall be substituted by the candidate who occupied the highest position on the same electoral list and was not elected.

2 – Where the candidate called upon to take up the functions of Member of the *Assembleia da República* is temporarily unable to do so, the candidate who occupied the next-highest position on the same electoral list shall take over their position.

3 – Once the inability has ended, the candidate may take office at the commencement of the following legislative session. However, they shall once again take up their original position on the list for the purpose of future substitutions occurring during the legislative session in progress.

4 – Where there no longer are unelected full or alternate candidates on the list of the Member of the *Assembleia da República* who is to be substituted, no substitution shall occur.

5 – Both the substitution provided for in this Article and the recognition of the temporary inability on the part of an unelected candidate and of the end thereof shall be subject to the issuance of a request by the leadership of the parliamentary group to which the Member of the *Assembleia da República* belongs, where one exists, or by the candidate with the right to fill the vacant seat.

CHAPTER II Immunities

Article 10 Non-liability

Members of the *Assembleia da República* shall not be civilly or criminally liable for or subject to disciplinary sanctions concerning their votes or the opinions they express in exercising their functions.

Article 11 Immunities

1 – No Member of the *Assembleia da República* may be detained, arrested or imprisoned without authorisation by the *Assembleia da República*, save for a wilful crime punishable by imprisonment for a maximum term of more than three years and in *flagrante delicto*.

2 – Members of the *Assembleia da República* may not be heard as makers of declarations or official suspects without authorisation by the *Assembleia da República*. Where there are strong indications of the wilful commission of a crime punishable by imprisonment for a maximum term of more than three years, the *Assembleia da República* shall obligatorily authorise the hearing of a Member as an official suspect.

3 – Where criminal proceedings are brought against a Member of the *Assembleia da República*, and they are definitively charged, the *Assembleia da República* shall decide, within the time limit

laid down in the Rules of Procedure, whether or not the Member must be suspended so that the proceedings can take their course, as follows:

- a) Where the crime is of the type referred to in paragraph (1), the suspension is mandatory;
- b) The *Assembleia da República* may limit the suspension of the Member of the *Assembleia da República* to the period which, under the circumstances, it deems most appropriate to both the exercise of their mandate and the furtherance of the criminal proceedings.

4 – A charge shall become definitive, whereupon procedural acts shall be pursued up until the trial hearing:

- a) Where, in the event of the intervention of an examining judge, the latter confirms the charge brought by the Public Prosecution Service and the decision is not challenged or, in the event of an appeal, it is upheld by the higher court;
- b) Once the decision to indict has transited in *rem judicatam* due to facts differing from those set out in the charge brought by the Public Prosecution Service;
- c) Where there are no committal proceedings, once the trial judge has issued the curative ruling;
- d) In cases involving summary proceedings, once the Public Prosecution Service has requested the imposition of a sanction.

5 – The competent judge shall submit the authorisation request referred to in the preceding paragraphs in the form of a document addressed to the President of the *Assembleia da República*, and the request shall not lapse at the end of the legislature if the Member in question is elected for a new term of office.

6 – The decisions to which this Article refers shall be taken by the Plenary, which shall first hear the Member of the *Assembleia da República* involved and consider a formal opinion from the competent committee.

7 – The time limit for the prescription of the criminal proceedings shall be suspended when the authorisation request made by the competent judge is submitted to the *Assembleia da República*, in accordance with and for the purposes of Article 120(1)(a) of the Penal Code; where the *Assembleia da República* decides not to lift the Member's immunity, the suspension shall remain in effect for as long as they are entitled to that prerogative.

8 – Any duly substantiated information requests regarding Members of the *Assembleia da República* submitted by the competent judicial authority shall be addressed to the President of the *Assembleia da República* and shall not expire at the end of the legislature. The said information shall be made available under Article 27-A(3).

9 – Subject to the provisions of the preceding paragraphs, Members of the *Assembleia da República* heard in a different capacity than that of official suspect shall be entitled to give written evidence in accordance with procedural law.

CHAPTER III

Conditions for exercising the mandate

Article 12

Conditions for exercising the function of Member of the *Assembleia da República*

1 – Members of the *Assembleia da República* shall exercise their mandate freely and be ensured the conditions appropriate to the effective exercise of their functions, particularly concerning the indispensable contact with registered electors and their regular information.

2 – Each Member of the *Assembleia da República* shall have the right to appropriate working conditions, particularly:

- a) Their own individualised office at the Seat of the *Assembleia da República*;
- b) *(Repealed)*.
- c) A dedicated electronic mailbox;
- d) An individual page on the website of the *Assembleia da República*.

3 – Every public entity shall be subject to the general duty of cooperation with Members of the *Assembleia da República*, both in the exercise of their functions and because of them.

4 – Departments and services that belong to or are dependent on the central administration must furnish Members of the *Assembleia da República* with the conditions required for the exercise of their mandates, particularly by supplying such items, information and official publications as are requested and, where possible, by providing facilities for working meetings, on condition that this does not affect the operation of the department or service itself.

5 – When so asked by Members of the *Assembleia da República* and provided they are able to do so, public services of the central and regional administration must provide appropriate facilities that enable the Members to have direct contact with the media and with the citizens from their constituencies.

6 – In exercising their functions, Members of the *Assembleia da República* shall have the right to use the parliamentary IT network and other electronic information networks. The conditions of access to these networks shall be provided by the departments and services of the *Assembleia da República*.

7 – Members of the *Assembleia da República* shall be ensured the use of toll-free lines, automatic information systems and other forms of publicising their parliamentary activities and contacting electors, both at the central level and in their constituencies.

8 – The terms and conditions governing the use of each means of communication shall be set by the competent bodies of the *Assembleia da República*.

Article 13

Compensation for damages

1 – Members of the *Assembleia da República* who, in the exercise of their functions or because of them, are victims of acts implying an offence against their life, physical or moral integrity, freedom or assets shall have the right to fair compensation.

2 – The facts justifying it shall be the object of an inquiry to be ordered by the President of the *Assembleia da República*, who shall decide whether to award the compensation and the amount thereof, save if and to the extent that the damages are covered by other means.

Article 14

Duties of Members of the *Assembleia da República*

1 – Members of the *Assembleia da República* shall have the following duties:

- a) To take part in parliamentary work, and particularly to attend plenary sittings and meetings of the committees to which they belong;
- b) To perform the offices in the *Assembleia da República* and the functions that they are elected or appointed to at the proposal of their parliamentary groups;
- c) To take part in voting;
- d) To ensure indispensable contact with registered electors;
- e) To respect the dignity of the *Assembleia da República* and its Members;
- f) To comply with this Statute and related legislation, the Rules of Procedure of the *Assembleia da República* and other related decisions that apply to Members and to contribute to good parliamentary practice under the Code of Conduct.

2 – The exercise of any other activities, where legally permissible, must not prejudice the regular fulfilment of the duties provided for in the previous paragraph.

Article 15

Rights of Members of the *Assembleia da República*

1 – Absences of Members of the *Assembleia da República* from official acts or procedures unrelated to the *Assembleia da República* due to sittings, meetings or missions of the *Assembleia da República*, shall be sufficient reason to postpone the said acts or procedures without cost to the Members. However, these grounds may not be invoked more than once in relation to each act or procedure.

2 – Members of the *Assembleia da República* attending any officially recognised course at any level of education shall be subject to the most favourable of all the different regimes concerning classes, examinations and the taking of other academic and scientific tests that are provided for in relation to other situations.

3 – Members of the *Assembleia da República* shall also enjoy the following rights:

- a) Postponement of military service, civic service and civil mobilisation;
- b) Free transit, which shall be deemed to mean free movement in public places to which access is restricted, upon display of their Member of the *Assembleia da República* card;
- c) A diplomatic passport per legislature;
- d) A Member of the *Assembleia da República* card, the template for and issuance of which shall be determined by order of the President of the *Assembleia da República*;
- e) The remunerations and allowances laid down by law;
- f) The rights provided for in the legislation governing the protection of maternity and paternity;
- g) The right to use and carry a firearm, in accordance with paragraph (7) of this Article;
- h) Priority in reservations for travel on public air transport companies during periods in which the *Assembleia da República* is in full session or for reasons related to the performance of their mandate.

4 – In addition to the name and signature of the Member of the *Assembleia da República* and the signature of the President of the *Assembleia da República*, the Member card shall include the validity date determined by the Member's term of office, together with their national identity card or citizen's card number.

5 – The Member of the *Assembleia da República* card's integrated circuit shall include the software for electronic voting, together with the qualified certificate for electronic signatures and other elements indispensable to any new software that may be incorporated into it.

6 – Where the term of office of a Member of the *Assembleia da República* ends or is suspended, their diplomatic passport and Member card must immediately be returned to the President of the *Assembleia da República*.

7 – For the purposes of the possession of, permits for, and the use and carriage of firearms and their munitions, Members of the *Assembleia da República* shall be subject to the provisions of the legal regime governing firearms and their munitions.

Article 16 **Allowances**

1 – In the exercise of their functions or because of them, Members of the *Assembleia da República* shall have the right to the following allowances:

- a) Travel allowances during the parliamentary term of the *Assembleia da República*;
- b) Allowances in support of political work throughout the national territory, in accordance with Article 152(2) of the Constitution of the Portuguese Republic;
- c) Travel allowances for political work in constituencies.

2 – The allowance provided for in point (a) of the preceding paragraph shall include an allowance for travel expenses and other expense allowances. Its allocation shall be dependent on the submission of proof of execution.

3 – The allowance provided for in paragraph 1(b) shall be determined as an overall annual amount and processed monthly.

4 – The allowance provided for in paragraph (1)(c) shall be allocated to those Members of the *Assembleia da República* with funds subject to personal income tax.

5 – In the following situations arising from specific parliamentary activities, Members of the *Assembleia da República* shall be entitled to allowances for travel and accommodation expenses, as well as other expense allowances, subject to authorisation and proof of execution:

- a) Travel for political work in the case of Members elected by the emigrant constituencies;
- b) Travel for institutional representation of the *Assembleia da República*;
- c) Travel by delegations to international bodies of which the *Assembleia da República* is a member, and other parliamentary missions abroad.

6 – The allowance scheme provided for in this Statute is implemented and complemented by a resolution of the *Assembleia da República*. For all legal intents and purposes, it corresponds to a special scheme resulting from the constitutional nature of the parliamentary mandate.

7 – The resolution provided for in the foregoing paragraph shall also regulate the terms and conditions governing the use of official vehicles by Members of the *Assembleia da República* due to their position or parliamentary mission.

Article 16-A **Expense allowances**

1 – The expense allowances provided for in paragraph (2) of the preceding Article shall be those laid down in the following paragraphs, without prejudice to other regulatory standards governing allowance discipline.

2 – Members of the *Assembleia da República* residing outside the municipalities of Lisbon, Oeiras, Cascais, Loures, Sintra, Vila Franca de Xira, Almada, Seixal, Barreiro, Amadora and Odivelas shall be entitled to expense allowances established for members of the Government, paid per each day of attendance of plenary sittings, committee meetings or other meetings convened by the President of the *Assembleia da República* and two additional days per week.

3 – Members of the *Assembleia da República* residing in the municipalities of Lisbon, Oeiras, Cascais, Loures, Sintra, Vila Franca de Xira, Almada, Seixal, Barreiro, Amadora and Odivelas shall be entitled to a third of the expense allowances established in the foregoing paragraph.

Article 16-B

Actual residence

1 – The actual residence of a Member of the *Assembleia da República*, which is relevant for determining allowances, shall be their place of habitual residence in accordance with the address recorded in the information contained in the citizen's card integrated circuit.

2 – The relevant residence for the purpose of determining allowances allocated to Members elected by the emigrant constituencies, where located outside Portuguese territory, shall be, during the whole mandate, the Member's stable residence on the date of the election, after certification by the relevant consular services. For this purpose, determining a different domicile for personal income tax purposes is irrelevant.

3 – Members of the *Assembleia da República* elected by constituencies in Portuguese territory who are residing abroad must choose a domicile within Portuguese territory for the purpose of allocating and processing allowances.

Article 16-C

Insurance and assistance

1 – When Members of the *Assembleia da República* are on official missions abroad, they shall be entitled to life insurance in an amount to be set by the Board of Administration of the *Assembleia da República*.

2 – Subject to a favourable written opinion from the Board of Administration, the *Assembleia da República* may take out an insurance policy that covers the travel risks to which Members may be subject in Portugal or as may arise from missions abroad.

3 – When Members of the *Assembleia da República* are on official travel or travel which the Conference of Leaders deems to be of parliamentary interest, the *Assembleia da República* shall bear the costs of any emergency medical assistance.

Article 17

Use of postal and communications services

(Repealed).

Article 18

Social security regime

1 – Members of the *Assembleia da República* shall enjoy the benefits of the general social security regime.

2 – Where Members of the *Assembleia da República* opt for the social security regime applicable to their profession, the *Assembleia da República* shall bear the costs that the employer would otherwise bear.

Article 19

Guarantees with regard to work and social benefits

1 – Members of the *Assembleia da República* may not be hampered in their professional assignments, social benefits or permanent employment due to the fulfilment of their mandate.

2 – Members of the *Assembleia da República* shall have the right to be dispensed from all professional, public and private activities during the legislature.

3 – Fulfilment of the mandate shall count towards the length of service for all purposes, save those that presuppose the actual exercise of a profession, without prejudice to the provisions of Article 5(4) of this Statute.

4 – Where a function is temporary by law or by contract, the fulfilment of the mandate of Member of the *Assembleia da República* shall suspend the counting of the respective period.

Article 20

Incompatibilities

1 – The following positions and functions are incompatible with the exercise of the mandate of Member of the *Assembleia da República*:

- a) President of the Republic, member of the Government, and Representative of the Republic to the autonomous regions;
- b) Member of the Constitutional Court, the Supreme Court of Justice, the Supreme Administrative Court, the Court of Auditors, the Supreme Judicial Council, the Supreme Council of the Administrative and Fiscal Courts, Prosecutor General for the Portuguese Republic, and Ombudsperson;
- c) Member of the European Parliament;
- d) Member of the self-government bodies of the autonomous regions;
- e) Ambassador unless the Member of the *Assembleia da República* is a career diplomat;
- f) Civil Governor and Deputy Civil Governor;
- g) Mayor and Deputy Mayor;
- h) Member of local authority executive bodies under a full-time or a part-time regime;
- i) Senior manager or employee of the state or another public legal person;
- j) Member of a body or employee of an independent administrative entity, including the National Election Commission, the Media Regulatory Body and the Bank of Portugal;
- k) Member of the Office and of the Civil House of the President of the Republic, of the cabinet of the Representatives of the Republic to the autonomous regions, of cabinets of members of the Government, of offices providing support to members of the executive body of local governments, or any other legally equivalent positions and functions;
- l) Honorary consul of a foreign state;
- m) Holder of a senior international office or function, where it prevents the exercise of the parliamentary mandate, or employee of an international organisation or foreign state;
- n) President and Vice-President of the Economic and Social Council;
- o) Member of corporate or similar bodies, or employee of companies owned by the state, companies whose capital is wholly or majority held, whether it be directly or indirectly, by the state or other public entities, or public institutes;

- p) Member, in any capacity, of corporate bodies of institutions, enterprises or companies that hold a public service concession or are a party to public-private partnerships with the state;
- q) Member, in any capacity, of corporate bodies of credit, insurance and financial institutions, enterprises or companies;
- r) Member, in any capacity of executive bodies of entities involved in professional sporting competitions, including their shareholder companies.

2 – The provisions of point (i) of the previous paragraph do not encompass the exercise without charge of higher education teaching functions, research work and other similar activities of important social interest recognised as such on a case-by-case basis by the parliamentary committee with competence for the matter in question.

3 – Without prejudice to the provisions of the regimes governing incompatibilities set out in special legislation, particularly with regard to the exercise of positions or professional activities, the following situations shall be incompatible with the exercise of the mandate as Member of the *Assembleia da República*:

- a) Holding a position as a member of a corporate body of a public legal person, or of a company whose capital is wholly or majority held by the public sector, or of a company that holds a public service concession, except for the following:
 - i) Pedagogical, scientific or advisory bodies;
 - ii) Selection panels in academic and scientific examinations within the scope of the exercise of the functions referred to in paragraph (2);
 - iii) Exercising functions not under a full-time regime in local authorities and other bodies included in the management of an autonomous institution;
 - iv) Elections by the *Assembleia da República* to exercise those functions;
- b) Offices or functions by government appointment, regardless of their nature, professional link or remuneration.

4 – Members of the *Assembleia da República* may engage in other activities provided that they are not excluded by the provisions of this Article on incompatibility. They shall provide information about their nature and identification by completing and updating the single declaration of income, assets and interests.

5 – Without prejudice to the provisions of Article 4(1)(a) and (2) and following implementation of the provisions of Article 21-B(1), the exercise of an incompatible position or function shall imply the loss of seat as Member of the *Assembleia da República*.

6 – Members of the *Assembleia da República* who are members of supervisory councils or other bodies that belong to the state but are unrelated to the *Assembleia da República* shall not earn certain and permanent remuneration for exercising those functions, without prejudice to the right to attendance fees for meetings or procedures in which they participate, as well as expense allowances and travel allowances pursuant to the general legislation.

Article 21

Disqualifications

1 – Members of the *Assembleia da República* require the authorisation of the *Assembleia da República* to be jurors, expert witnesses or witnesses.

2 – *(Repealed)*.

3 – The authorisation referred to in paragraph (1) must be requested by the competent judge or by the official responsible for the committal proceedings, in the form of a document addressed to the President of the *Assembleia da República*, and the Member in question shall be heard prior to the decision.

4 – Members of the *Assembleia da República* may engage in other activities and practice acts that are not excluded by the provisions of the following paragraphs on disqualifications. They shall provide information about their nature and identification by completing and updating the single declaration of income, assets and interests.

5 – Without prejudice to the provisions of the impediment arrangements laid down by special legislation, in particular for the exercise of offices or professional activities, the exercise of a mandate as Member of the *Assembleia da República* shall disqualify Members from acting as expert witnesses, advisers or arbiters in any proceedings in which the state or any other public body is a party.

6 – Without prejudice to the provisions of special legislation, Members of the *Assembleia da República* shall also be precluded from:

- a) Taking part in public procurement procedures, as set out in the Regime governing the Exercise of Functions by Political Officeholders and Senior Public Officeholders;
- b) Providing services, exercising functions as a consultant, issuing opinions or providing legal counsel in proceedings, in any jurisdiction, for or against the state or any other public entity;
- c) Integrating or providing any services to civil or commercial companies carrying out any of the activities referred to in the preceding point;
- d) Sponsoring or exercising functions in service of foreign states;
- e) Personally and improperly benefiting from acts or being a party to contracts in which the procedure leading to the act or contract involves intervention by bodies, departments or services over which the Member of the *Assembleia da República* has direct influence;
- f) Appearing or in any way participating in acts involving commercial advertising.
- g) Providing services or maintaining employment relations with credit, insurance or financial institutions, enterprises or companies;
- h) Providing services or maintaining employment relations with institutions, enterprises or companies that hold a public service concession, or are a party to public-private partnerships with the state.

7 – Criminal, civil, executive, family and minors, trade or labour proceedings in which the Public Prosecution Service intervenes without ensuring the direct representation of any public entity shall not be deemed to be included in point (b) of the preceding paragraph.

8 – In order to ensure compliance with the provisions of paragraph (6), the provisions laid down in the Regime governing the Exercise of Functions by Political Officeholders and Senior Public Officeholders enshrining the right to share settlement, resignation as a shareholder or suspension of their social participation while in office shall apply.

9 – Paragraph (6)(g) shall not apply to resuming a professional activity already carried out by the Member of the *Assembleia da República* when they took office.

Article 21-A **Impediments applicable to companies**

(Repealed).

Article 21-B

Consequences of non-compliance with rules on incompatibility and disqualifications

1 – Where the competent parliamentary committee determines the existence of disqualification or incompatibility and the Plenary approves its opinion, the Member of the *Assembleia da República* shall be notified to put an end to the situation concerned within 30 days.

2 – Where the provisions of the preceding paragraph have been observed without the Member of the *Assembleia da República* having ceased his incompatibility situation, Article 8(1)(a) shall apply.

3 – Following the implementation of the provisions of paragraph (1), in the event of continued breach of the provisions of Article 21(4), (5) or (6), the Member of the *Assembleia da República* in question shall be warned, their term of office shall be suspended for as long as the irregularity persists, in any event for a period of at least 50 days, and they shall be obliged to reimburse an amount equal to the whole of their remuneration for the exercise of public functions counting from the beginning of the disqualifying situation.

Article 22

Duty to declare the absence of incompatibilities and disqualifications

1 – The single declaration of income, assets and interests shall include a declaration of the absence of incompatibility and disqualifications.

2 – The declaration referred to in the preceding paragraph shall be on a separate field of the single declaration of income, assets and interests as referred to in Article 26.

Article 23

Failures to attend

1 – Any Member of the *Assembleia da República* who fails to attend any Plenary sitting or voting scheduled in advance, without justified grounds for doing so under Articles 8 and 24, shall lose $\frac{1}{20}$ of the month's pay for each of the first, second and third failures and $\frac{1}{10}$ for any subsequent ones, up to the number of failures that determines the loss of their seat.

2 – Any Member of the *Assembleia da República* who fails to attend a committee meeting without due justification shall lose $\frac{1}{30}$ of the month's pay, up to a limit of four failures per committee and per legislative session.

3 – Any Member of the *Assembleia da República* who exceeds the limit provided for in the previous paragraph shall lose their seat on the respective committee.

4 – The losses of pay and loss of seat referred to in the preceding paragraphs shall only be enforced at the end of a period of eight days after the President of the *Assembleia da República* has notified the Member in question to inform them of the reasons for the failures to attend for which due justification has not been provided, and then only if those reasons are deemed inapplicable or if the Member says nothing.

Article 24

Absences

Where the lack of a quorum for sitting or taking decisions is verified, the President of the *Assembleia da República* shall summon the Members to the Plenary and record any absences for the purposes provided for in the general regime governing failures to attend.

Article 25

Protocol

In matters of protocol, the standards contained in specific legislative acts shall apply as appropriate.

CHAPTER IV

Register of interests

Article 26

Reporting obligations and register of interests

1 – Members of the *Assembleia da República* must submit a single declaration of income, assets and interests, pursuant to the Regime governing the Exercise of Functions by Political Officeholders and Senior Public Officeholders.

2 – Except as provided in paragraph (8), the *Assembleia da República* must publish on its website the information included in the single declaration pertaining to the register of interests of Members of the *Assembleia da República*.

3 – The Parliamentary Committee on Transparency and the Statute of Members shall have real-time electronic access to all the declarations of income, assets and interests submitted by Members to the *Assembleia da República* and by members of the Government, for the purpose of fulfilling their responsibilities and competences.

4 – *(Repealed.)*

5 – *(Repealed.)*

6 – *(Repealed.)*

7 – *(Repealed.)*

8 – Consultation of the elements of the declaration referred to in Article 13(2)(e) of the Regime governing the Exercise of Functions by Political Officeholders and Senior Public Officeholders shall be carried out under Article 17(5) thereof.

Article 27

Potential conflicts of interests

1 – When presenting a Members' bill or intervening in any parliamentary work in a committee or in Plenary, Members of the *Assembleia da República* must declare the existence of any private interest, where one exists, in advance, where it is not already the subject of the single declaration of income, assets and interests referred to in the preceding Article.

2 – The following shall particularly be deemed causes of a possible conflict of interests:

- a) If the Member of the *Assembleia da República*, their spouse or civil partner, relative or equivalent person to whom they are related directly, is the holder of rights or stakes

in any legal business or dealing whose existence, validity or effects are altered as a direct consequence of the law or resolution of the *Assembleia da República* in question;

b) Where the Member of the *Assembleia da República*, their spouse or civil partner, relative or equivalent person to whom they are related directly, is a member of a corporate body, agent or attorney, employee or permanent member of staff of a company or a not-for-profit legal person whose legal situation might be modified directly by the law or resolution that is to be passed by the *Assembleia da República*.

3 – The declarations referred to in the preceding paragraphs may either be made during the first intervention of the Member of the *Assembleia da República* in the parliamentary procedure or activity in question, where that procedure or activity is recorded or minuted, or be addressed and delivered to the Bureau of the *Assembleia da República* or the parliamentary committee referred to in Article 27-A before the procedure or activity giving rise thereto.

Article 27-A

Parliamentary Committee on Transparency and the Statute of Members

1 – The Parliamentary Committee on Transparency and the Statute of Members shall be independent of other standing parliamentary committees and shall be fully endowed with the following competences:

- a) To verify cases of incompatibility, inability and disqualification of Members of the *Assembleia da República* and, in cases of breaches of the law or the Rules of Procedure, to conduct the committal aspect of the corresponding proceedings and issue the respective opinion;
- b) To receive and record declarations that raise potential conflicts of interests;
- c) At the request of the declarers or of the President of the *Assembleia da República*, to consider the conflicts of interests raised, and issue the respective opinion on them;
- d) To consider the potential existence of conflicts of interests that have not been the object of a declaration, and also to issue the respective opinion on them;
- e) To consider whether declarations should be corrected, either on its own initiative, or upon a duly substantiated request made by any citizen in the exercise of their political rights;
- f) To issue an opinion on the verification of the credentials of Members of the *Assembleia da República*;
- g) To pronounce itself on lifting immunities, in accordance with this Statute;
- h) To issue an opinion on the suspension and loss of seat of a Member of the *Assembleia da República*;
- i) To conduct the committal aspect of proceedings in challenges to eligibility and losses of seat;
- j) To conduct inquiries concerning facts that have occurred within the scope of the *Assembleia da República* and compromise the honour or dignity of any Member, as well as any serious irregularities committed in breach of the duties of Members of the *Assembleia da República*, on its own initiative, at the latter's request or upon a decision of the President of the *Assembleia da República*;
- k) To issue general statements and recommendations promoting good parliamentary practice;
- l) To consider any other questions concerning the mandate and term of office of Members of the *Assembleia da República*.

2 – The assessment of any facts or procedures concerning Members of the *Assembleia da República* shall always safeguard the political freedom of exercise of the mandate, and the

implementation of any of the envisaged measures shall be subject to a prior hearing with the Members concerned.

3 – In the context of cooperation with judicial authorities, in the situations provided for in Article 11(8), the decision to refer matters other than those of public access concerning Members of the *Assembleia da República* shall be taken by the Committee, following examination of the request, safeguarding judicial secrecy, where appropriate.

4 – The provisions of the preceding paragraph shall apply *mutatis mutandis* to requests submitted by entities unrelated to the *Assembleia da República*.

CHAPTER V

Former Members of the *Assembleia da República* and Honorary Members of the *Assembleia da República*

Article 28

Former Members of the *Assembleia da República*

1 – Former Members of the *Assembleia da República* who held a Member's seat for at least four years shall have the right to a specific Member card.

2 – The former Members referred to in the previous paragraph have the right to free transit within the building of the *Assembleia da República*.

3 – The Members of the *Assembleia da República* to whom this Article refers, or any association or associations they together decide to form under the general terms of the law, where recognised by the Plenary of the *Assembleia da República* as associations of parliamentary interest, may enjoy such rights and benefits as the President of the *Assembleia da República* orders after first consulting both the Conference of Leaders and the Board of Administration.

4 – Members of the *Assembleia da República* who have exercised the functions of President of the *Assembleia da República* shall enjoy a special status to be determined under the last part of the previous paragraph.

Article 29

Honorary Members of the *Assembleia da República*

1 – The title of honorary Member of the *Assembleia da República* is hereby created.

2 – That title shall be awarded by decision of the Plenary upon a substantiated proposal subscribed by one-quarter of all the Members of the *Assembleia da República* in full exercise of their office, to Members who, due to important services in defence of the parliamentary institution, have made a decisive contribution to enhancing its dignity and prestige.

3 – Honorary Members of the *Assembleia da República* shall have the right to a corresponding Member card and shall enjoy both the prerogatives applicable to former Members as provided for in Article 28 and any others to be set out by the President of the *Assembleia da República*.

CHAPTER VI

Final and transitional provisions

Article 30

Costs

The costs resulting from the implementation of this Law shall be borne by the budget of the *Assembleia da República*, save any special legal provisions to the contrary.

Article 31

Repeal

1 – The part regarding Members of the *Assembleia da República* of Article 3(1)(a) of Decree-Law no. 70/79 of 31 March 1979, as amended by Law no. 18/81 of 17 August 1981 and by Law no. 3/87 of 9 January 1987, is hereby repealed.

2 – All other legislation contradicting this Statute is hereby repealed.

ANNEXE

**Special identity card referred to in
Article 15(4) and (5) of the Statute of Members**

(Repealed.)