GOVERNMENT-CITIZEN RELATIONS
COUNTRY PROFILE
PORTUGAL

I. GENERAL FRAMEWORK

SECTION 1. GENERAL CONTEXT FOR STRENGTHENING GOVERNMENT-CITIZEN CONNECTIONS

1. Can you briefly explain the overall context – the key problems or issues to address - in your country in order to “Strengthen Government-Citizen Connections”?

Historical Context

Strengthening government-citizen connections is an issue that, just like all the others concerning modernization of Portuguese public administration (considering both central and local level) cannot be detached from the historical framework that shaped it.

Portugal lived through an authoritarian period of 48 years, the longest in Europe, under Oliveira Salazar. He saw Portugal as a traditional society, to be protected from foreign influences and where the importance of industry was marginal. The country was oriented more towards its overseas territories than to Europe. Strict control mechanisms on society, administration, budgets of government units and their staff were established. Decision-making was concentrated at the very top. Officials were seen mainly as executors who had to obey instructions that led to minimise the importance of their professional qualifications. Attempts initiated at the end of the sixties to introduce changes were fruitless. The nature of the regime had affected citizens’ behaviour: full acceptance of whatever was provided by the state became the predominant practice of thinking.

The “Carnation Revolution” of 1974, a bloodless coup by young army officers, brought an end to the regime and liberated aspirations for democratic values. Another important event was membership in the European Union since 1986. It strengthened Portugal’s integration with the world economy. These two events implied a transformation from a closed, highly controlled, inward-looking, state-oriented, oligarchic society to an open, outward-looking, citizen-oriented, democratic society. Political leaders realised that the success of this chance would depend largely on the quality and capacities of the administration. This launched the public management reform movement.

How to define the Portuguese Public Administration

The Constitution of the Portuguese Republic does not define Public Administration as a concept. However, it is possible to find in its articles the traditional definition of the Portuguese Administration:

- Group of departments with public authority which carry on the satisfaction of the public demands and needs;
- The activity in it self in order to achieve those objectives.

In this way, Portuguese Public Administration is a complex reality as we can understand reading the article 199 d) “To manage the services and direct administrative activity of State, both civil and military, to
supervise indirect administration and to exercise guardianship over this latter and over autonomous administration;"

On the other hand, our main Law defines some economics right and obligations, which may be achieved by the legal and also administrative function as we can read from the articles 58 to 79 of the Constitution “economic, social and cultural rights and duties”: right to work, rights of workers, consumers rights, right to private enterprise, co-operatives and worker-management, right to private property rights to social security and solidarity, to health, housing and urban planning, environment and quality of life, family, fatherhood and motherhood protection, youth, citizens with disabilities and old age protection, right to education, culture and science.

Key issues

Portugal has a modern point of view about what is, and what is intend to be the country development. The understanding of the needed balance between job, competition and social justice, the enhance of equality of opportunities, the development of education and professional training and a new relationship between citizen and Government may be considered the Key problems but also the most important motivation for Government action.

In the last twenty years, Portuguese public administration has suffered and adapted changes, often in a remarkably speedy easy. Suffice to think of the assimilation of the return of thousands of Portuguese citizens from the former colonies, of the extent, development and strengthening of health, social security and education and of the management of all files connected with the European integration.

We may point out 5 key problems:

• To re-thinking the purposes of administration in the sense that it should not necessarily be a provider of services. Administration should guarantee those services that are essential to society and to its social balance, while preserving the values of public service;
• To provide Administration with dynamic new structural models in accordance with the philosophy of small units and small groups;
• To favour the introduction of market mechanisms in order to give market features to administration, making way to private and corporate initiative in a trustful and fulfilling environment for enterprising citizens.
• To include society in the changing process, both within and outside the system. Internally by following policies of quality and qualification in order to promote the professional fulfillment of public officials; externally, by proving citizens with a more active role in innovating administration an supervising the quality of the public service.
• To develop three aspects within the organisms responsible for this reform: creation of information systems, professional training and auditing.

The path towards a new administration is, therefore, the aim of man. As citizen and entrepreneur he broadens and enhances it; as an agent or public official he opens for it new ways of fulfillment.

Section 2. LEGAL AND POLICY FRAMEWORK

2. What laws and policies have been adopted (or are in the process of being adopted), and what are their key points, in the areas listed below?

Being aware of the importance that Public Administration has to the development of the Country as well as in the place of Portugal in Europe and in the world, Government action as far as this issue is concerned has the following objectives:

• To design a modern and participated model of Administration;
- To organise an efficient, effective and quality public service in order to promote social-economic development;
- To qualify, improve, encourage and professional the human resources of the public service through a coherent and appropriate career development, pay and vocational training policy.
- To modify and perfect public policies, programs and projects;
- To improve the response given by administration to its users;
- To substantiate and perfect decision-making process;
- To enhance responsibility towards the community.

Evaluation: although one is aware of the fact that a lot remains to be done. One presently finds valuation a continuous, systematic and structural process of assessing resources and results. Especially in the light of law, politics, economics and quality, thus contributing to the effectiveness of reforms and/or the implementation of adequate corrections.

2.1 To better understand and respond to citizen demands?
2.2 To ensure citizen access to information and to promote its dissemination?

Portugal made “citizen orientation” the pivot of administrative change, focusing on the needs of society and citizens.

The access to information and participation, as concepts, are examples of the key features of the Constitution and Code of Administration Procedure defines them as obligations.

**Constitution of Portuguese Republic**

**Article 37**

Freedom of expression and information

Everyone has the right to express and publicise his or her thoughts freely, by words, images or other means, and the right to impact, obtain and receive information without hindrance or discrimination.

**Article 48**

1-All citizens have the right to take part in political life and in the direction of the public affairs of the country, either directly or through freely elected representatives.

Every citizen has the right to objective information about the activities of the State and other public bodies and to be informed by the Government and other authorities about the management of public affairs.

**Article 52**

Right to petition and right of actio popularis

1-All citizens have the right to submit, individually or jointly with others, petitions, representations, claims or complaints to the organs with supreme authority or any authority, for the purpose of defending their rights, this Constitution, the law or the general interest, as well as the right to be informed, within a reasonable time, of the result of the respective consideration.

**Article 115**

Referendum

1-Citizens have the right to vote who are registered in the national territory may be called upon to express their opinions directly, and in a binding form, through a referendum, on the decision of the President of the Republic following a proposal by the Assembly of the Republic or by the Government, on matters relating to their respective competence, in the circumstances, and subject to the provisions, prescribed by this Constitution and by the law.

**Article 267**
Structure of the Public Services
The Public Service shall be so structured as to avoid bureaucracy. To bring administration closer to the people and to ensure participation by those affected by its activities, in particular, through public associations, organisations of residents and other forms of democratic representation.

Article 268
Rights and Guarantees of citizens
1. Citizens are entitled to be informed by the Public Service, when they so require, about the progress of proceedings in which they are directly interested and to know the final decisions that are taken with respect to them.

The Code of the Administrative Procedure

This Code is an important document which clarifies the relationship between the citizen and public official and bring order to this relationship. In general, legal texts on administrative procedure have an internal focus, and define the duties and responsibilities of public servants. In the Portuguese case, the focus is on the citizens. Their rights and their access to appropriate service, complaint mechanisms, participation in decision-making, etc are the focus of this document.

This Code is considered to be regulating the organisation and functioning of Public Administration, increasing the efficiency of its departments, ensuring that interested parties are properly informed and may participate in the taking of decision, safeguarding the transparency of administrative action.

In this context according to the Constitution and the law, same policies and measures have been adopted like elections, referenda, legislative hearings, parliamentary commissions, constituent survey, opinion polls, opinion groups, advisory comities, policy conference and also new modes of collecting complaints and suggestions.

2.3 To promote consultation and active citizen participation in government decision-making processes?

Portugal the business community participates in a special commission to study administrative burdens and develop proposals to lift them:

- Commission For Enterprise/Administration

The Resolution of the Council of Ministers no. 188/96, of November 28th has reorganised the Commission for Enterprise/Administration relationships, with a view to pinpointing, studying and putting forward solutions for administrative simplification for enterprises dealing with the Public Administration.

- A similar body, the Citizens Administration Forum brings the perspective of the individual citizen.

The Resolution of the Council of Ministers no. 110/96 of July 25th – set up the Citizen-Administration Forum – aimed at listing, studying and putting forward solutions for the simplification, de-bureaucratisation and improvement in the quality of services provided by the Public Administration to citizens.

- Another initiative is the “Complaints Book” available in public offices, in which citizens can write their complaints.

The Complaints book was approved by a specific ministerial regulation of 355/97, of 28th May and by the Resolution of the Council of Ministers no189/96 of 28th November.
There is now a Complaints book in every Central Administration service in which citizens may register complaints concerning services provided and suggest measures for improvement. The citizen retains the original copy. One of the two copies is forwarded to the respective Minister and the other to the Secretary of State for Public Administration. The SMA (Secretariat for Administrative) is responsible for the handling and conducting of the process, having created a computer programme that manages the respective database.

A wide ranging marketing campaign directed at the general public is being carried out which, no doubt, accounts for the success of this action.

In order to achieve and develop this participation it is essential to ensure citizen access to information and to promote dissemination to ensure citizens access to information and to promote its dissemination.

The Infocid system, created by RCM 118/91 of 31st May plays an important role in this field. It provides citizen with the right answer as well as a global access to the information produced by Central Administration with thousands of points of contact throughout the country. Infocid is available on Kiosks and also on the Internet, which means that new technologies have been used to support those aims and policies.

2.4 To support the use of new information technologies to strengthen government-citizen relations?

- **Information Technology** has received a high level of governmental attention. This is mainly due to its significant implications on public administration, for instance, on the relationships between the citizens and their administration.

  We are aiming at the development of a culture, which features organization and communication, tends to reduce bureaucracy, promotes the approach between citizen and administration, and continues with the innovation of working methods and procedures.

  These aims have been attain, namely, through:
  - Computers networks;
  - E-mail services;
  - Internet and Intranet;
  - Databases
  - Development of information availability through the Internet.

  We point out the following examples of the actual implementation of these measures regarding to laws:

  ♦ E-mail- deliberation from the Council of Ministers no 60(90 of 6th May, which determines the creation of an e-mail address in every public administration service;
  ♦ Electronic billing- Decree-law no 290-D/99 of 2nd August, which, following Resolution from the Council of Ministers 115/98 of 1st September, approves the rules for electronic documents and for the digitized signature;
  ♦ Information and modernisation -Decree-law no 135/99 of 22nd April, which defines the rules for modernisation of administration, namely as far as relationships between public utilities are concerned;
  ♦ Internet domains registration Resolution from the Council of Ministers no 69/97 of 5th May;
  ♦ Public Information available on the Internet RCM no 95/99 of 25th August.

- **Internet Initiative** (RCM no 110/2000 of 22nd August).

  Internet Initiative intended to adopt an action plan to near future concerning the use of Internet. According to the mentioned legal document, to this end we have to:

  •Promote the widespread general use of the Internet;
Create an environment in which it will be possible to supply on a mass scale products which are suitable for the family market, so as to multiply by a factor of four the number of net-connected computers in Portuguese homes;

Create public areas for Internet access in all the parishes of the country and make e-mail generally available to the whole Portuguese population (over a million in three years);

Broaden the coverage of the RCTS network to all schools and groups of schools in the first cycle of basic schooling (it already covers all the other types of schools and public municipal libraries), as well as to cultural and scientific associations, on a free of charge basis for users, and to provide support for the production and use of content;

Extend the Digital Cities programme to the whole country;

Approve and carry out a programme to multiply Portuguese content on the Internet a thousand-fold;

Launch a national training and certification campaign for basic computer literacy and information technology skills;

Make a diploma in basic information technology skills a requirement for concluding compulsory schooling, so that no student will finish school without having certified IT skills;

Work towards achieving the goal of one-stop service for each administrative act, and to ensure that information systems are in general use in all departments of the state administration;

Drastically reduce the use of paper in the state administration, extending the use of digital media for communication and storage purposes;

Encourage the process whereby all public entities make available on the Internet all the information they publish;

Work as quickly as possible towards a situation in which at least 25% of the state’s transactions are carried out electronically;

Launch and execute the first National Information Super-highways Plan, promoting the supply of services, interconnection, and the use and regulation of broad-band networks, ensuring the full development of this system which is fundamental for the future of the country;

Launch a Research, Development and Demonstration programme in the systems processing of the Portuguese language, in its various aspects.

3. **What government information, if any, is not made accessible to the public?**

Laws protecting individual privacy

Protection of personal records: Law no 67/98 of 26th October. It approves protection of personal records, bringing into he Portuguese Law, the Directive no 95/46CE of the European Parliament and of the Council, dated 24th October 1995, which concerns the protection of the individual with regard to the treatment and circulation of personal records.

Access to administrative records: Article no 268 no 2 of the Constitution: “All citizens also possess the right to access administrative records and archives, not with standing other laws on internal and external security, criminal investigation and individual privacy”.

“ Citizen’s access to administrative records is guarantee by the Public Administration in accordance with the principles of publicity, transparency, equality, justice and impartiality ( Article 1Law no 65/93 of 26th August-LADA).

Access to records whose contents might be considered risk-worthy or damaging to the internal or external security of State, is subject to interdiction or restriction, for a necessary period of time. Records will be classified in accordance with specific legislation (article 5 no 1and 2 Lada).

Personal records given to a third party can not be used for purposes other than those for which they were requested, under penalty of incurring in liability.
Access to records must be requested in writing through an application form, which must include all identifying personal data, including name, address and signature (article 8 no 1 and 4 Lada).

**Laws of competition**

Public administration may deny access to records, whose knowledge might jeopardize commercial and industrial secrets as well as those regarding corporate internal affairs, in order to prevent violation of principles of sound competition, to protect confidentiality for private business transactions and to avoid the broadcast of information which may be harmful to commercial interests (Article 10 of Lada).

The measures (laws, politics and actions) that have been taken in Portugal, related to the relationship between the administration and citizens, as well as the administrative modernisation, reflect the European Union concerning about this matter.

The **Green Paper to the Public sector Information** starts pointing out as a main issue that the ready availability of public information is an absolute prerequisite for the competitiveness of European industry. In fact the public sector, by nature of its size and scope of activities, represents the biggest single information content resource for the creation of value-added information content and services. On the other hand, the emerging Information Society, largely driven by an ever increasing and pervasive use of information and communication technologies is more and more affecting the public sector.

The Green Paper refers an Electronic Government with three main functions:
- Information services
- Communications services
- Transaction services

Another important aspect is the electronic access for all. This observation points to the need of investing in infrastructures that provide access for all to the electronic networks. The Green Paper makes a distinction between information that is fundamental for the functioning of the democracy (like laws, court cases, and parliamentary information) and information that does not have such a fundamental character. These mentioned distinctions may have consequences for the way the different types of information are treated: they can have a considerable bearing on issues like pricing and copyright and touch upon delicate issues like data protection.

**Competition**

All Member States enforce some general competition rules.
- EU competition rules are determined by articles 85-94 of the EC Treaty.
- In Portugal
  - Decree-Law no 371/93, of 29th October - defence and promotion of competition general regimen;
  - Decree-Law no 140/98, of 16th May – gives a new redaction to the articles 1, 3, 4, 5, 6 and 7 of Decree-Law no 370/93, of 29th October, about the commercial individual practices.
  - Portaria no 1097/93, of 29th October –about the possible agreements on commercial practices

**Copyright Issues**

The Bern Convention leaves Member States the freedom to determine the protection to be granted to and technical creations as well as official texts of legislative and legal nature, and their official translations. As far as our country is concerned,
- Decree-Law no 63/85, de 14 de Março – Intellectual Property Right and Copyright protection Code.
• Law no 114/91, of 3rd de September – gives a new redaction to the articles 6, 56, 60, 73, 74, 75, 76, 81, 82, 90, 91, 94, 96, 99, 122, 139, 147, 156, 158, 163, 165, 167, 172, 179, 183, 184, 186, 188, 190, 196, 197 e 198 do Intellectual Property Right and Copyright Protection Code.
• Decree-Law no 334/97, of 27th November – bringing on the Portuguese law the directive no 93/98/CEE, of 29th October, related to the copyright protection date.

**Privacy issues**
Part of the commercially interesting information heard by the public sector is of a personal nature, i.e. relates to or allows the identification of individual persons.
In such cases the right to information needs to be balanced with the individual’s right to privacy.
In Portuguese law:
• Law no 67/98, of 26th October – approves the Protection of Privacy and Data for Individuals, Enterprise and Institutions. (brings into Portuguese law the Directive no/46/CE, from the European Parliament and from the Council, of 24th October de 1995, related to the protection of personal records.
• Article 32 of the Portuguese Republic Constitution -Guarantees in criminal proceedings
• Article 26 of the Portuguese Republic Constitution-Other personal rights- about the right to personal identity and the protection of the personal privacy, as well as article 178 of the Criminal Code and also article 80 of the Civil Code on the same issue.
• Article 35 Portuguese Republic Constitution, as well as article 181 of the Criminal Code about the use of computerised data and the access to personal records
• Law no 65/93 of 26th August, and Law no 94/99 of 16th July which defines the access to Administrative Documents.

4. Can you provide examples of policy sectors where special laws or policies are in place that:

4.1 Emphasise access to information (e.g. information to promote public health, information to protect consumers, etc.)?

4.2 Promote citizen consultation and active participation in decision-making (e.g. referenda or public consultation processes on regional development plans, development of public facilities, or environmental impacts of a project)?

• National Initiative for the Information Society

Among the various projects aimed at promoting the digital economy, the National Initiative for the Information Society is one, which stands out for immediate future, and it will be oriented towards:
• schools (Schools with Information),
• local and central public administration (Open Government),
• sources of information (libraries, museums, data-bases, scientific institutions etc.) (The Knowledge Available) and companies (The Computerised Enterprise).

This National Initiative for the Information Society is a national project with a perspective of solidarity and action, not just an administrative process. Its responsibilities include stimulating and contributing to the spread of the use of modern information technologies in a swift and democratic manner; integrating the old and the new, knowledge and know-how; and identifying and fighting the technical, organisational, social and economic barriers that thwart the full development of an informed, democratic and open society.
This is an open and pluralistic initiative, based on Portuguese society’s vitality and on collective confidence in its important actors, among whom our business enterprises will stand out in first position. It
will be properly defined after a shared process of reflection and action, attentive to European efforts and rooted in Portuguese opportunities and needs.

**Environment**

Under European Directive and Portuguese Law on Environment, some projects have to be submit to an Environmental Impact study since they have important implication on the Environment. One of the elements of those studies is the public opinion about the issue. Citizen, by themselves or by a citizen’s association or an environmental association may participate. An essential condition for a fully public involvement process is to provide prior and correct information to all those who are entitled to participate. In that way, the non-technical summary (NTS) is an important part of this process, often being source of information for some sectors of the public interest. NTS are available so that can be consulted, both in the Institute of Environment promotion (IBAMB) and the locals Authorities. Citizen’s opinion, suggests and complaints should go, in writing, directly to the President of the IPAMB. The Impact Study results are available to the public.

**The National Initiative for Citizens with Special Needs creates the National Initiative for Citizens with Special Needs in the Information Society and approves the respective framework document.**

*Resolution of the Council of Ministers No. 96 / 99*

The information society must be a society for all. Citizens should have the opportunity to be part of it, without discrimination, and thus benefit from the advantages it offers. The advancement of democracy in the society of the future will rely on the various sectors of the population being able to gain access to information technology and on their capacity to use it. Should such an objective not be reached, the development of the information society could become a powerful factor of social exclusion.

On this issue the Green Paper on the Information Society calls attention to the case of citizens with physical, mental, visual or hearing disabilities. It proposes that programs be approved to integrate these groups of people into the information society so that they may take advantage of information technology's potential as a factor that can promote their integration into the community.

In their documents on equality of opportunity for older people and those with disabilities, international organisations like the United Nations or the European Union have also indicated that states should promote universal access to information and communication. They should particularly ensure that where interaction with computers, information systems or services available to the general public are involved, there are always suitable appliances available for citizens with special needs to use them.

The broad objective of the National Initiative for Citizens with Special Needs in the Information Society is to help citizens with special needs, namely, the bearers of physical and mental disabilities, the aged and the long-term bed-ridden, to take full advantage of the benefits that new information technology can offer them as a factor of social integration and improvement in their quality of life.

**Electronic Net**

To reach the goal of open efficient government, it is of the utmost importance to have a virtual electronic network connecting the different public administration bodies and ensuring that information is effectively shared between the administration, industry and the population, with respect of course maintained for individual privacy, industry and private institutions’ rights, and national security.

This network should link all central, regional and local public administration bodies by providing a complete electronic network service, including general access to the Internet. This will foster a higher
quality service for the population and industry, allow an increase in efficiency in the administration, and foster greater openness and sharing in decision-making processes. This interlinking of public bodies must be carried out in a flexible and decentralized manner, without a strategic interest in a single network or in attributing it to a single operator.

In accordance with the goals mentioned above, all administrative organs will acquire electronic mail boxes so that individuals and industry can contact them by electronic means just the same as with any other means of communication. This will not replace the need for the administration to prepare for the general use of electronic data interchange (EDI) based on international standards, particularly those of European and United Nations origin, as a way to allow direct dialogue between computers for commercial operations or to permit statistical communications between public and private organisations.

The government will apply itself to the removal of legal barriers still in place that may have obstructed the full development of EDI in Portugal. The legal validity of electronic documents must be covered by legislation to create the grounds for electronic notary services, one of the most important bases for the information society.

In the information and knowledge-based society it is intolerable to carry on with most administration records still on paper. For this reason the public administration must start systematically computerising the information available in its records. Only then will it be possible to promote electronic dialogue between the citizens, industry and the public administration.

Geographical or geo-referenced records have an essential role in territorial planning activities, and important applications in local government, in the construction of various types of infrastructure and in environmental protection. Examples of this are the activities connected with computerising national cartographic and hydrographic images in the Army Geographic Institute and the Hydrographic Institute. By keeping in mind these wide applications in the very sensitive area of national territory, which in the final analysis is the most important part of our heritage, the administration must use one of its services to provide a computerised cartographic base on an appropriate scale for the development of its main planning activities.

Administrative records are only one aspect of the wider process of computerising information that electronic medium technologies, especially optical discs provide. The ability to record and access instantly hundreds or even thousands of gigabytes of information that remain unalterable for long periods and that may be filed in highly secure conditions, has opened the door to the computerisation of historical and cultural records, in addition to those of our artistic and architectural heritage. The development of digital libraries must also be considered from the viewpoint of general access to information in digital format.
SECTION 3. IMPLEMENTATION TOOLS AND PRACTICES

5. What is being done to promote or ensure that these laws and policies are actually implemented?

5.1 What kinds of institutions (e.g. special department or agency, commission, task force, ombudsman, institutions for preventing or resolving disputes, etc) are in place?

5.2 What co-ordination, if any, is undertaken through these institutions between the central and local levels of government?

We may refer as an institutional framework of co-ordination and/or control, the following entities:

- **Agency for monitoring Health Services**
  Created by ministerial regulation n°46/97 of the 8th of August,

  1. The agency for monitoring Health Services (AASS) is an intervening entity in the health services system, in which both citizens and the Administration are represented and where the necessary information is collated to meet the needs and preferences of users.

  2. The mission of this agency consists of explaining health needs and protecting the interests of citizens and of society to ensure the best use of public resources for health and maximum efficiency and equality in health care provided.

  3. This agency carries out the following functions:
     a) Participates in the evaluation of future needs in health care so suitable responses will be available;
     b) Produces and divulges information on the health services and promotes the use of this data by the administration and citizens;
     c) Integrates citizens’ views into the reorientation of the health system;
     d) Monitors the performance of institutions and services which provide health care to meet needs;
     e) Gradually participates in the allocation/distribution of financial resources by regional health institutions, through contracting health care services;
     f) Participates in the drawing up of agreements and conventions with private entities and institutions involved in social solidarity to provide health care within the ambit of the National Health Service;
     g) Participates in the drawing up, in monitoring and revising public service management contracts with private entities;
     h) Evaluates improvements in health care and well-being obtained by financial resources deployed.

  4. The agency for monitoring health services is made up of a multidisciplinary specialized body which is appointed by the board of directors of regional health administrations; this agency is also composed of user representatives and must develop its activity in consultation with local authorities, consumer organizations, patient associations, social solidarity institutions, professional organizations etc. on a systematic and mutual basis.

- **Taxpayers’ Ombudsman**
The Taxpayers' Ombudsman was created by decree-law n°205/97, of the 12th of August; it is an administrative, independent body, which, without prejudice to the functions fulfilled by the Ombudsman, promotes the protection of rights and guarantees of taxpayers in relation to any taxes imposed by the tax administration; it also stimulates tax relationships between the Administration and taxpayers. It functions as an Observatory to evaluate the performance of the tax and customs systems.

This body will contribute to ensuring by rapid means and in the short term to justice and legality in the exercise of public powers as regards the levying, assessing and collecting of taxes in a voluntary or compulsory manner.

The Taxpayers' Ombudsman will have wide powers to ensure effective action. All procedures are to be de-bureaucratized in order to simplify the examination of requests and to facilitate the rapidity of judgements. It also suspends the calculation of time limits for complaint once legal requirements have been complied with in order to avoid administrative actions and judicial means.

Everything that is reported in the examination of requests is of a confidential nature so that taxpayers do not feel that there may be unfavourable consequences when they appeal to the Taxpayers' Ombudsman. Taxpayers shall not be burdened by any taxes or emoluments in actions conducted by the Taxpayers' Ombudsman.

The creation of the Taxpayers' Ombudsman is in line with modern trends in the development of relationships between the tax administration and tax-payers. These dealings shall be governed by principles of mutual trust and loyal collaboration.

The Taxpayers' Ombudsman is a body of the Ministry of Finance and the solutions stipulated in the present decree-law are aimed at ensuring total independence of action and perfect neutrality in relation to the situation of taxpayers who wish to address complaints to this body. Recourse to this body by taxpayers shall not bring about any reduction of rights and guarantees, but will be a complementary means of protection.

The Taxpayers' Ombudsman in dealings with tax administration shall have the total co-operation of all bodies, agents and services of the Ministry of Finance.

Information System for the Transparency of Acts of Public Administration

Law n°104/97, of 13th September, creates the information system for the transparency of acts of Public Administration. This system is based on the decentralised operation of a number of databases the creation of which will be gradually ensured by legally provided entities.

This system aims to collect, process and divulge nominative and statistical data on the following acts of central, regional and local public administration:

a) award of building contracts, supply of goods and services, granting exclusive rights, public works and services;

b) award to private entities of subsidies, grants, financial aid, incentives, donations, bonuses, exemptions and other fiscal benefits, tax remission, extension of time limits for payment of debts, compensation the value of which has not been set judicially, or other equivalent benefits;

c) approval of State, Autonomous Regions, or Local Authority grants to private entities;

d) licensing of urban allotments, tourism undertakings and shopping centres;

e) granting of houses in the ambit of social housing programmes.
This system will ensure suitable updating and accuracy of data and guarantee that data bases in which it is integrated shall be accessible by telematic means from any point in the national territory under equal conditions to provide any interested person with a simple consultation and free utilization of data.

Information file support system shall not contain any data of an advisory nature or information, the collection of which is constitutionally or legally forbidden; files must be adequate and pertinent to the objective targeted.

The aforementioned acts shall not include data that reveal the family status, family income but only mention the acts and the beneficiaries.

6. What kinds of tools are being predominantly used, and how are they being used:

6.1 To better understand and respond to citizen demands?
6.2 To inform citizens?
6.3 To consult with them?
6.4 To encourage their active participation?
6.5 To customise service and interactions?

In order to strength relationship between Government and citizens several kinds of tools and respond to citizen demands, consult with them and inform them.

The increase use of Internet and web sites
The most important web site from citizen information is Infocid, and the average Internet consultation during 1999 is 1.400/month.

In May/98 the Government promoted a consultation for the corrections to the register of electors, after a cleaning of the same register. This consultation was possible via Internet, ATM machines and also via Kiosks. This was a very successful initiative and the Government is now preparing a process for “electronic vote”.

In the framework of Infocid, The on-line public service created by the Council of Ministers Resolution nº 156/2000 of November the 20th, and launched on February the 5th, is a new feature of INFOCID (Interdepartmental System of Official Information for Public Service Users) as a provider for Public Administration services.

The on-line public service will be a driving force for reform in that it will facilitate dealing with the public and will make the Public Administration more accessible. It will also facilitate an essential change of procedures. The service will enable the public to electronically request certificates to be issued by the Register Office for Births, Marriages and Deaths and the Companies and Property Registers. This project was developed in conjunction with the Directorate General of Register and Notary Offices - Ministry of Justice, the agency responsible for dealing with these requests, and the Secretariat for Administrative Modernisation - Ministry for State and Public Administration Reform, the service managing INFOCID.

Project “certificates” is the first challenge issued by on-line public service to the Public Administration. It strengthens the principle that innovation is a fundamental pre-requisite for quality in public services. The service available has been designed in a user-friendly manner, with the help of modules and is designed to be used both by citizens and civil servants.
A number of different means of payment are to be used (cash on delivery and credit and debit cards), as the service is aimed not only at users residing in Portugal but also those residing abroad. Progressive use of on-line public service will improve the system and with all the modules that are to be shortly implemented, it should be possible to control and improve quality response. On-line public service is a step towards change. A change for a Public Administration where the virtual nature will be a factor in the democratisation process, providing a diversity of means both for access and for dealing with requests. The Public Administration, by means of on-line public service will focus still more on citizens and their needs. We have, in present year, developing studies launching some services in-line, such as providing birth certificates, registers and so on.

New instruments of Information technology are being used as one tool of many for disseminating information, as well as for consulting with the public and responding to citizen complaints and questions. These new tools are being added to complement the old instruments such as:

- Mail
- Telephone
- Fax.

Citizen can also obtain information, lodge complaints or pose question
- in person
- or using information kiosks
- public opinion polls
- discussion groups and
- public hearings.

(See question 10 for promising tools)

6.6 Are new tools being added to complement the old, or are they replacing the old tools?

N/A
SECTION 4. EVALUATING RESULTS

7. How does the government evaluate the impacts of its laws and policies concerning information, citizen consultation and active participation? What were the principal conclusions of these evaluations?

8. How does the administration evaluate the impacts of its use of different tools in strengthening government-citizen connections? What were the principal conclusions?

9. Have new technologies affected the relationship between the government and the citizen?

Several institutions were created aiming at promoting the evaluation and, in some cases, the control of general performance of Public Administration. We may refer:

- Different external audit services working close to some ministerial departments, depending upon the respective Cabinet Member. The officials from these services are empowered to audit all services within the public Administration, such as Exchequer General Auditing Services (Inspeção Geral das Finanças), or all Central Administration, as Administration General Auditing Services (Inspeção Geral da Administração Pública).

- The Territorial Administration General Auditing Services (Inspeção Geral da Administração do Território), that is competent to monitor local government.

- Some ministerial cabinets have private auditing services aimed at specific departments, such as the Health Ministry and the Health General Auditing Services, the Home Office, the Ministries of Education, Fisheries and Agriculture or for Public Works. In these Ministries the auditing services are empowered to investigate each of their sectors.

- Agency for monitoring Health Services Created by ministerial regulation nº 46/97 of the 8th of August, the agency for monitoring Health Services (AASS) is an intervening entity in the health services system, in which both citizens and the administration are represented and where the necessary information is collated to meet the needs and preferences of users.

- Directorate of Public Account/Official Plan for Public Accounting

This plan was approved by Decree-law nº 232/97, of the 3rd of September within the framework of current reform of the financial administration of the State and is an indispensable instrument to provide the State with an account system adequate to the needs of a modern Public Administration. This would furnish accounting information which would, on the one hand, enable an analysis to be made of public expenditure according to legal, economic, efficient and effective criteria and, on the other hand, to reinforce the clarity and transparency of the management of public monies and any overdue financial obligation of the State.

The main objective of the Official Plan for Public Accounting is to create conditions for the integration of different aspects - budgetary, double entry bookkeeping and cost accounting- in line with modern public accounting which is a fundamental support instrument for the management of public entities and their evaluation. In complement, the plan will permit the following:

a) the taking of strategic decisions in the Budget area specifically in the ambit of multiannual budgeting; with regard to the follow up of commitments with repercussions in the future;
b) making information available to support control activities for Public Administration financial activity by the competent legal entities in this area and to strengthen the transparency of the financial and double entry bookkeeping situation as well as the financial relations of the State;

c) facilitating access to indispensable data for the calculation of aggregates relevant to national accounting, mainly those regarding Public Administration national accounts, which are of particular importance for evaluating compliance with commitments assumed within the framework of the Treaty establishing the European Union.

- **Secretariat for Administrative Modernisation (SMA)**

The mission of SMA (Secretariat for Administrative Modernisation) is to study, design, foster and support implementation of measures and projects in the ambit of Administrative Modernisation.

It has the following objectives:

a) To bring the Public Administration closer to citizens by ensuring better citizenship and governance;

b) To encourage the creation of a new management culture in order to achieve optimisation of services within a creative and innovative perspective of making the most of the available resources and enhancing quality of results;

c) To contribute to the definition and application of de bureaucratisation and administrative simplification policies of management and quality of the public service as well as responsiveness and transparency of Public Administration.

As a stimulating body of Administrative Modernisation, the SMA co-ordinates its activities with the different Central, Regional and Local Administration services and organisations.

SMA powers focus on the following areas of activity:

a) De-bureaucratisation, administrative simplification and deregulation;

b) Management and quality of public services;

c) Responsiveness and transparency of Public Administration.

Using different tools, such as impact studies, public hearings, social reports or activities reports, were created or restructured with the purpose of helping public administration with its activity or to optimise the management process and results.

- **Commission For Enterprise/Administration** – carry on several impact studies on economics legal measures.

- **Complaints Book**, one of the new modes of collecting citizens’ complaints and suggestions provide feedback in the nature and quality they receive, and propose changes. At last, it is also taken for granted that citizens must be empowered in order to participate strongly in the reform process, to express its reactions to the functioning of the administration and put its weight behind the reform movement.
10. Can you describe examples of “promising practices,” including key factors or conditions contributing to their success, addressing:

10.1 Information for citizens?

What is INFOCID?

The system was created in 1991 and has since experienced a number of development stages corresponding to structuring strategies as regards the information itself and implementation within the system. Yet, a single aspect remains unchanged: the co-operative nature of information production.

INFOCID is an integrated information system providing services for citizens and economic and social agents with the participation of 40 public services.

♦ It combines a number of products:

- Information on citizenship: providing 15 thematic areas, with systematised and processed information, accessible to any citizen and it simultaneously serves as the starting point in any search for more in-depth information.
- A virtual space called Forum, which receives questions put forward by citizens and provides the respective answers, to clarify specific cases.
- Guide to Public Administration, which is a guide to all addresses (phone/fax numbers and streets, email and websites) of Central Government and Regional and Local Administration. This guide is published annually in book form.
- SIAE–(Information Service for Business Support). This service provides information on Community Programmes and the support available, and is targeted at economic agents.
- Correio@infocid.gov.pt by asking and answering questions within the perspective of direct contact.
- Specific Applications through the INTERNET such as: housing rent benefits for young people (to download);
  • Calculation of retirement pensions for civil servants (idem);
  • Courses on Higher Education;
  • Protected Areas of Continental Portugal;
  • Rural Tourism;
  • Simulation of calculation of Income Tax;

♦ Infocid is also linked to electronic public services provided by a number of other agencies:

- Information on the European Union;
- Parliamentary Activity;
- Communiqués issued by the Council of Ministers,
- Electronic Official Gazette;
- Electronic Tax Statements;
- Legal Information (Digest);
- Pay slips for Social Security purposes;
- Geographic Information (GeoCid);
- Provision of forms; etc.
10.2 Citizen consultation/active participation, either directly with individuals, and/or through intermediaries representing the public (e.g. NGOs, social partners)?

**Commission for Enterprise/Administration**

The Resolution of the Council of Ministers no. 188/96, of November 28th has reorganised the Commission for Enterprise/Administration relationships, with a view to pinpointing, studying and putting forward solutions for administrative simplification for enterprises dealing with the Public Administration.

The task of the Commission for Enterprise/Administration relationships covers the following areas:

a) pinpointing administrative practices by business sectors and departmental areas, which encumber dealings between enterprises and Public Administration;

b) selecting problems identified for study within the framework of one or several ministries as well as drawing up, harmonising, and putting forward specific simplification;

c) maintaining permanent dialogue between enterprises and Public Administration, within the framework of Commission activities;

d) drawing up an annual action plan and submitting the progress report to the Prime Minister; these documents will be published;

e) appraising subjects and projects submitted.

This Commission is composed of representatives of associations, confederations, co-operatives and unions in various economic and business areas and managers of Public Administration entities more directly involved in these areas.

**Citizen Administration Forum**

The Resolution of the Council of Ministers no. 110/96 of July 25th – set up the Citizen-Administration Forum – aimed at listing, studying and putting forward solutions for the simplification, debureaucratisation and improvement in the quality of services provided by the Public Administration to citizens.

The Forum is responsible for:

a) putting forward recommendations to the Public Administration in general or specific public organisations regarding their relationship with citizens;

b) receiving and directing suggestions and complaints presented by citizens to the competent services;

c) pinpointing administrative practices which hinder the Citizen-Administration relationship;

d) receiving and directing problems which may be dealt with within the same ministry, as well as drawing up and proposing specific measures for simplification;

e) appraising projects which are submitted for review;

f) co-operating in the defining and evaluation of quality indicator systems;
g) divulging cases of outstanding quality in public services;

h) drawing up an annual action plan and submitting the progress report to the Prime Minister; these documents will be published.

The Citizen-Administration Forum is presided over by the Secretary of State for Public Administration and includes representatives from different organisations (unions, non-governmental organisations, General Council of the Bar, the Engineering Council, the Medical Association and Consumers’ Associations), the chairmen of the most important economic confederations and associations and managers of Public Administration organisations which are more closely linked to citizens.

11. In considering examples of practices that worked less well, what were the main factors impeding their success? How can such difficulties be overcome?

A general consensus on the analysis of administrative deficiencies and on reform objectives helps to create a sound movement of change.

Governments should give a real priority to Administration Reform and modernisation. There is the State Reform and Public Administration Ministry and it was recently created, by Resolution of Council Ministers no 22/2000 of 1st February, the Mission for State Territorial Organisation Reform (Missão para a Reforma da Organização Territorial do Estado).

Civil society should be given the opportunity to participate in the reform process, to express its reactions to the functioning of the administration and put its weight behind the reform movement. The administration should create special channels to receive information on the needs of society. A certain degree of continuity in the reform teams helps the process of change to continue smoothly, building on previous achievements, and facilitates the learning process. On the other hand, the reform movement may lose its momentum if political developments create radical changes in the cadre of people assigned to this work.

A comprehensive approach to reform based on a "grand design" encounters implementation difficulties, because it attempts to cover all administrative processes at the same time. A more selective approach focused on a few key areas may prove to be more pragmatic. Initially, Portugal tried to introduce a comprehensive approach that proved to be extremely difficult to manage. Later, Portuguese reformers moved, step by step, to a more flexible strategy concentrating on selected areas that, if radically changed, could have a profound effect on all other areas, creating a chain reaction.

Sometimes change may be perceived only as a matter of promulgating laws, defining new rules and processes, and, finally, issuing instructions. However, laws and rules are only tools, and the change process is a management issue that needs to consider change dynamics and interrelationships. Portugal started its reform initiatives merely through issuing new rules and changing laws. This was part of the comprehensive approach. However, reformers began to move away from this orientation and take a more managerial attitude, although a heavy legalistic approach still shapes some interventions.

Reform goes beyond changing structures, methods and procedures: it also attempts to change the prevailing organisational culture, i.e. the way administrative units behave and relate to citizens and businesses. To change behaviour in the administration is an important objective for the Portuguese reformers. Most initiatives are based on a concern for citizen needs and service quality. This approach is expected to play a role in creating and strengthening cultural change.
Modernisation efforts may not produce effective results if imposed from the top without the involvement of the operational units. They may even create resistance or undesirable distortions in what is planned. Units should be encouraged to think about modernisation issues and to design and implement their own initiatives, provided a central unit co-ordinates and facilitates this work.

Public management reform is an effort that needs to be promoted. Effective mechanisms should be put into place to publicise it and ensure that public officials "buy into" it.

The effectiveness of the administration largely depends on the capacities of its employees, as well as their environment and morale. Improving this environment is not necessarily limited to interventions related to remuneration. In Portugal, the role assigned to public officials during the years of authoritarian rule had given them a negative image in society. After the Revolution, it became urgent to create a sense of respect for public service in order to attract capable people to the administration, to retain them, and to improve their capacities. Selection procedures have been modernised and made transparent. Extensive training programmes are continuously organised. Senior officials, who had long tenures under the previous regime and three-year renewable contracts starting in the eighties, are now selected by public competition for a period of three years, and the members of the jury are chosen by a Commission presided over by a magistrate. All the steps of these contests are published in the official journal, which provides complete transparency and information to all candidates.

Two important dimensions of citizen orientation are making administrative information fully accessible to citizens, and giving high priority to quality of service. Information helps citizens to understand their positions vis-à-vis the administration and encourages them to play a role in the modernisation process through the pressure they can exercise in line with their rights. Concern and commitment for quality is another element that can change the administration. Portugal launched numerous initiatives to provide information to citizens, and information technology played an important role in this. For example, INFOCID is a computerised system that allows citizens to reach information on administrative processes. There are also seven "one-stop-shops" that help people set up new businesses and that have reduced processing time from 3 months to 20 days. In addition, government units prepare quality charters that commit them to improved levels of service.

A citizen orientation cannot produce the desired results if it is not supported by a fundamental change in the way the administration functions. This is primarily achieved by devolving managerial authority to lower levels, changing financial management systems, shifting attention to outputs and outcomes, and making managers accountable for them, giving higher priority to ex post control and management audit. Portugal realised the importance of modernising the financial management system and launched a comprehensive reform that would change the rules of the game in 1985. This reform introduces devolved authority, a simplified budgeting system, improved expenditure management, performance measurement, etc. However, Portugal took its first general census of public servants only three years ago, and some conditions for accelerating reform are being created now, such as the high-level General Inspection of Public Administration, which will oversee human resources management and the rule of law in public management, at first through an advisory role but later through a strict legal compliance obligation.
II. USE OF NEW ICTs

12. Does the government have an overall policy for making public information available online (e.g. objectives to make all or a certain percentage of public records accessible by e-mail or on the World Wide Web)?

12.1 If yes, please describe, including targets established for on-line provision of information.

Yes. To achieve this objective it will be necessary to mobilise resources and efforts at a national level. It is not sufficient to rely on the efforts of the public administration. Nevertheless, bearing in mind the usefulness of the information held by public bodies, the government, by way of Resolution of the Council of Ministers 95/99 of 25 August, made it compulsory for directorates-general and equivalent public services, as well as public institutes, to make their publications (whether periodicals or not), the forms they use as whatever information they produce for publication available to the public on the Internet in digital form.

The resolution further sets out that the Minister responsible for public administration will take steps to promote the attainment of the measures set out in it, and that to this end he will heighten awareness within the departments and organisations under him and will monitor implementation of those measures. The Minister of Science and Technology is responsible for the monitoring of implementation of the measures set out in the resolution, and has to inform the government of the stage reached in implementation.

On last July 29, 1999 the Portuguese Government, through its Council of Ministers, approved a resolution making mandatory the adoption of accessibility features for people with disabilities in the Web design of the information made available by the General Directorates and similar agencies, departments or services, as well as that rendered available by any public corporation. Concretely, the design must ensure that:

a) Reading can be performed without resorting to sight, precision movements, simultaneous actions or pointing devices, namely mouses.

b) Information retrieval and searching can be performed via auditory, visual or tactile interfaces.

The web sites of the organisations covered by this Legislative Act, when in compliance with the accessibility requirements established herein, must contain indication to this effect in the form of a clearly recognisable symbol.

12.2 Are there Web sites that can be identified as promising “models” for providing user-friendly information, services and opportunities for interaction?

URL and access figures for principal gateway(s) or portals to government information and services, including legislative as well executive branches of government:
- Ministério das Finanças - http://www.min-financas.pt
  - (15,000 accesses/month)
- Direcção-Geral Contribuições e Impostos -http://www.dgci_min-financas.pt (30,000 accesses/month)
  - (200,000 accesses/month)
Other Web sites that can be identified as promising “models” for providing user-friendly information, services and opportunities for interaction:

- Digesto - http://www.digesto.gov.pt
- Ministério da Cultura - http://www.min-cultura.pt

Provide a good design and easy navigation

13. What actions have been taken to facilitate and increase citizen use of new information technologies in their relations with the government (for example, subsidies for computers, training, publicity, etc.)?

The following represents just a few of what is being done in order to increase citizen use of new information technologies:

- Decree-law no 196/99 of 8th June sets the general rules to co-ordinate the acquisition and employment of information technologies by the Public Administration;
- Deliberation (despacho) no 84/95 of 27th December approves the Specific Support Rule (Regime de Apoio Específico), which supports the development of projects for the areas of information technologies, electronics and communication;
- Deliberation (Despacho) no 232/ME/)& of 4th October creates the Nōnio-XXIst Century Program in order to promote the application of information and communication technologies in Education;
- Decree-Law no 135/99 of 22nd April, which defines the rules for the modernisation of Government, namely as far as relationships between public utilities are concerned;
- Protocols of administrative modernisation. Resolution of the Ministers Council no 1/98 of 9th January, establish co-operation agreements between Administrative Modernisation Secretariat and Public Administration in order to develop quality and modernisation, enhancing public trust in public services;
- Decree-Law no 50/98 of 11th Mars set the right and also the obligation to professional training;
- Decree-Law n o. 55/97 of March 8th Establishing of Centres for Business Formalities (CFE) – (Changed by Decree-Law n o. 78-A/98 of March 31st).
- Resolution of Ministers Council no 176/97 of 21st October promoting the establishment of the Citizen Shop, in order to simplify the access to the most important public services. The Citizen shop-one-stop-shop is a new concept of public service, bringing together in a single place the main public services available to citizens. This one-stop-shop opens Monday to Friday from 9.00 am to 19.30pm, and on Saturday from 9.00am to 15pm. A special Team of public servants was selected and trained to inform and help clients (there are about 26 public servants at the one-stop-shop. The Citizen Shop intends to improve quality in public services, and also to develop a new philosophy of public management, better access to service, giving priority to help the citizens most in need of them, introduction to new technologies and best work practices. The first shop was opened in Lisbon in April 1999, and it was followed by other shops in Oporto and some other cities.

- Connected Schools: Learning in the Information Society

The information society demands continuous consolidation and updating of the population’s knowledge. The concept of life-long education must be considered as the continuous development of the human being, and his or her knowledge, aptitudes and ability to see and act. School plays a fundamental role in the whole process of training citizens for the information society and it must be one of the main focal points of action to guarantee that the way to the future is safe and sure.
Objectives and Challenges for the Informed School

We are witnessing a significant development in the information available to the population. A student arrives at school bringing along the image of a world - real or imaginary - that goes far beyond the limits of family and community. The different messages - recreational, informative, advertising - transmitted by the media clash with what children learn in school. The time spent in front of a television demands no effort on their part, for the information provided instantly by the media is easier and more gratifying than the effort required to achieve success in formal education.

In this way schools and teachers now face new tasks: to make the school a more attractive place for the students and to provide them with the keys to a real understanding of the information society. It must be looked upon as a place of learning instead of a space where the teacher simply relays knowledge to the student; it must be a place providing the means of developing knowledge, attitudes and values, and acquiring skills. Only then will the school be a pillar of the knowledge-based society.

The concept of education must then evolve and go beyond the frontiers of space and time in which the students have been receiving their education and passing through the different levels in the system, to give place to a lifelong learning process, that is, to give each individual the chance to know how to direct his or her own destiny in a world where the speed of the change is combined with the fact of globalization.

Lifelong training is based on four fundamental and interconnected forms of learning that are the basics of the individual’s knowledge:

- **learning to know**, that is, acquiring the instruments for understanding. This combines a satisfactory general knowledge with the possibility of the detailed study of a small number of subjects, which also means learning how to learn, in order to take advantage of the opportunities arising from lifelong education;
- **learning to do**, in order to act upon one’s environment in such a way as to acquire professional qualifications as well as the skills that enable a person to face a full range of different situations and to work in a team;
- **learning to live together**, so as to participate and co-operate with others, with respect for different values and opinions, mutual understanding and peace; and finally,
- **learning to be**, an essential path that encompasses the three above: it allows each and every one of us to develop our personalities and acquire the qualities of independence, judgement and responsibility.

Education is closely related to the information society, for it is based on the acquisition, updating and use of knowledge. This emerging society has greater and greater access to data and facts. For this reason education must grant everyone the chance to have this same information at their disposal, and to collect, select, arrange, manage and use it.

Schools can make a fundamental contribution to guaranteeing the principle of democracy in access to new information and communication technologies. They can take advantage of the far-reaching revolution in the communications world due to the computerization of information, the arrival of multimedia and the spread of telematic networks.

The information society thus presents a double challenge to democracy and education. It is up to the educational system to provide everyone with the means to master the explosion in information and to select and organize it critically, preparing people to deal with a huge amount of information that may be perfectly ephemeral.

Information and communication technologies offer a potential that is vital for education and training, allowing a steady improvement in knowledge. This leads to the educational system and lifelong training being re-evaluated in the light of the development of these technologies.

**Strategic Dynamization**

The success of the educational process largely depends on its value in the eyes of the local community. When education is fully appreciated and actively sought, the mission and the objectives of schooling are shared and supported by the surrounding community. That is why the grass-roots must be given a more and
more important part. It is also necessary for the community to look upon education as something relevant
to real life, corresponding to its needs and desires. It is necessary to take account of how to adapt the
teaching system to the community as far as programmes, content, teacher training and resources are
concerned. Local initiatives must be encouraged, in a process of decentralization, so as to improve
management skills and technical knowledge. We must find new forms of partnership between community
and educational representatives.

It is vital to adopt measures which associate the different participants in society with decision-making on
the subject of education. Administrative decentralization and autonomy for schools could lead in most
cases to innovation developing and spreading. The means provided by the information society may play a
very important role in allowing greater interaction between schools and their environment.

Equippping School Establishments

We must exploit the potential of information technologies that is capable of serving the ends of the
educational and training system, on account of the contribution it can make to improving the quality of
education and to preparing people for working life. For this reason one of the priorities should be to spread
the use of computers and access to electronic information networks to students at all educational levels.
According to the recommendations of the Council of Europe, a desirable goal for the year 2000 is for all
elementary and secondary schools to have at least one multimedia computer per classroom, connected to a
local network and to national and international telematic networks.

The MINERVA Project

The MINERVA Project (Meios Informáticos no Ensino: Racionalização, Valorização, Actualização -
Computers in Education: Rationalization, Upgrading, Updating) was the first initiative financed by the
Ministry of Education to introduce the new technologies into teaching on a national scale. Launched in
1985, it continued until 1994. Its purposes were varied: to provide schools with computer equipment, train
teachers and teachers of teachers, develop educational software and promote research on the use of
information and communication technologies in education at elementary and secondary levels.
The various centres (about twenty-five, spread over universities and higher education establishments
throughout the country) developed their activities autonomously and played a fundamental role in the
organization and vitalization of the project. National co-ordination was in the hands of the Studies and
Planning Office at the Ministry of Education. Each centre supported a number of schools at different levels
of education (elementary to high school, including special schools).

Activities were developed involving many thousands of students and teachers who placed computers as a
learning tool, on a single-subject or multidisciplinary level, in the classroom and in computer clubs and
laboratories. The type of software used focused on text processors, spreadsheets, databases, computer
assisted drawing and electronic publishing, along with other educational software. Teacher training was
designed on a technical and practical teaching basis oriented towards the use of information technologies in
the teaching-learning process. On account of its long duration and its implementation at national level, the
Minerva Project was an important step in awareness-raising in both teachers and students.

• The Nónio - Twenty First Century Programme

The Nónio - Twenty First Century Programme (the Programme for Information and Communication
Technologies in Education) was launched by the Ministry of Education in October 1996. It has four
subprogrammes:

1. the application and development of Information and Communication Technologies (IT);
2. IT training;
3. the creation and development of educational software;
4. the dissemination of information and international co-operation.
Nónio supports the creation of skill centres, with projects in areas of technology and teaching oriented towards schools, and also gives financial support to educational projects in elementary and secondary schools. It plans to work on defining priorities in technological areas and delineating training models for information technology teachers. It also plans to work on the accreditation of training programmes (jointly with the FOCO Programme).

NÓNIO was also created with the purpose of having an important role in support of the following activities:

• the production and publishing of educational software;
• the production of information of educational interest, as content for the Internet;
• the organisation of congresses within the scope of IT in education;
• the participation of elementary and secondary teachers in international congresses on IT in education; and
• the participation of PALOP citizens in congresses in Portugal on that subject.

Most of the measures that are going to give substance to the programme will be launched on the basis of a national tender.

**The Project for the University Communication Network**

The University Communication Network (RCU) is a project launched by Portugal Telecom (PT) in co-operation with INESC - the Institute of Systems Engineering and Computers - with the purpose of providing use of ISDN - the Integrated Services Digital Network (a digital telephone connection allowing 64 Kbps). The network gives access to 500 university students and teachers at the Instituto Superior Técnico in Lisbon, the University of Aveiro, the Engineering Faculty of Oporto University and the Faculty of Sciences at Lisbon University.

Students and teachers receive a kit composed of an ISDN plaque, basic ISDN access at home and the necessary communications software.

Through the use of this infrastructure students may access the Internet and their school computer infrastructures from home, thus significantly reducing travelling time, in a preliminary trial for "tele-studying". To this effect, PT gives special rates to the students who have joined the RCU. In April 1997, PT widened this initiative to other higher education establishments.

**Teachers’ Qualifications for the Information Society**

The importance of the teacher as an agent of change, promoting mutual understanding and tolerance, was never so obvious as it is today. Teachers have a decisive role to play in shaping attitudes, positive and negative, towards the teaching-learning process. They must arouse curiosity, develop autonomy, stimulate intellectual rigour and create the necessary conditions for the success of formal and continuing education.

With the development of new means of dissemination, information is no longer predominantly relayed by the schoolteacher. But information is not knowledge and the student still needs guidance from someone who has already processed or is able to process it.

Nothing can replace the richness of the dialogue between teacher and pupil. Information and communication technologies have enormously multiplied the means for information research, while multimedia and interactive equipment place an inexhaustible supply of information at students’ disposal. With these new instruments, students may become active "explorers" of the world that surrounds them. The teachers must show the students how to evaluate and manage, in a practical way, the information that presents itself. This process is much closer to real life than the traditional methods of transmitting knowledge. New types of relationships begin to appear in the classroom. The development of new technologies does not reduce the teacher’s role, it rather changes it completely, creating an opportunity that
must not be missed. It is clear that in an information society teachers can no longer be mere relayers of knowledge. They somehow become partners in the collective knowledge that it is up to them to organize. In order to prepare teachers to assume this new role, it is vital that their initial and on-going training gives them real mastery of these new pedagogical instruments. Experience has shown that the most advanced technology is no use whatsoever in education if the teaching is not adapted to it. So programmes must be elaborated to turn these technologies into real teaching tools, making teachers question their own practices in teaching. They must also be aware of the great changes these new technologies produce in cognitive processes. It is no longer enough for teachers simply to relay knowledge to students; they must also teach them to carry out research and relate different pieces of information to each other, thus showing a critical mind.

Bearing in mind the huge amount of information circulating in the digital networks at present, the ability to orient oneself within these systems has become a prerequisite for that knowledge itself, a need some already call "the new literacy". This computer-literacy is more and more necessary to arrive at a true understanding of reality. It thus gives privileged access to autonomy, leading each of us to behave in society as a free and enlightened individual.

The Academic and Research Network

Information and communications technologies offer great opportunities for reducing the gap between developed and developing countries, strengthening the connection and exchange between the scientific and educational communities. The expansion of telematic networks enables individuals and organizations to become closer in the exchange of information for formulating new knowledge and wisdom. By exploiting globalization, higher education institutions are extraordinarily well placed to reduce the "knowledge deficit" and to increase the dialogue between peoples and cultures. The cooperation between scientists in the same subject transcends national borders and is a powerful instrument for the internationalization of research, technology, ideas, attitudes and activities. The twinning of research institutions in industrialized countries with their counterparts in developing countries is profitable for both parties, permitting better understanding and resolution of the development problems of the "global village". This international interchange must also be promoted at other educational levels, by encouraging schools to join school networks at a European and international level. This is a way to develop common projects, obliging the students to learn other languages, become aware of their culture and its differences and cultivate an open mind in their relations with others. Likewise networks of higher education establishments must be developed on a national level, with a view to supporting and transferring didactic and technological knowledge in the different subject areas.

With schools being widely connected to the Internet, there will be a source of information available which will require a great effort as regards research into and selection and organization of the information of educational interest, in order to capitalize on it for teaching and learning purposes. The growing production and availability of information for educational purposes must be brought together and interlinked to simplify the search process. Projects for the creation of servers designed to support the educational system must be promoted. Participation in Community projects may be very important in this context, for it will allow a wider exchange of experience in different cultural and organizational environments.

The GLOBE Programme

GLOBE is an international programme involving students, teachers and scientists in the study of the environment at global level. It seeks to:

- develop the capacities to observe, understand and share information collected;
- contribute towards scientific knowledge on the planet, and
- spread the use of new information technology, particularly the Internet, to permit data sharing and direct and frequent contact between those participating in this international network.
GLOBE is an international network of students from several levels of education, specially elementary and secondary, who dedicate themselves to the study of environmental issues, recording data on the climate, soil, water etc. to be later shared with the international community connected with environmental science. The exploitation of synergies between different entities must be intensified. There is, for example, the Ministry of Education project for the vitalization of school libraries, where the Ministry of Culture intends to establish a connection between the National Library and municipal libraries while the Ministry of Science and Technology intends to ensure the availability of the access infrastructure. In this way, there will be library networks leading to the creation of an enlarged virtual library with telematic support.

The educational services networks must have projects which set the change in motion. Distance learning is one of the areas with great potential to be exploited. This must not, however, be a substitute for the contact between students and teachers, but rather a complement to successful teaching methods and a contribution to the improvement of quality in education. The projects for distance work already in existence in the universities must likewise be supported and reinforced and their extension to other sectors of the educational system must be studied.

**Impact Studies and Assessment**

The changes the information society is going to bring about in the traditional interaction among students, schoolteachers and families suggest close monitoring of the measures being taken. It is generally recognized that family support for a student is a fundamental step to a more humane and effective school. Information technologies may offer new means to bring schools closer to the world around them, creating a global village for teaching. But we must assure the involvement of all the participants so as not to create new exclusions, whether for economic, cultural or social reasons.

The quality of education must urgently be improved. That is why the introduction of new technologies and support methods for teaching will be assessed to ascertain their effectiveness and suitability, with adaptations recommended for programmes already underway.

The way the objectives are being attained is analysed by a method of continuous assessment, which explains possible anomalies and presents estimates for the results of that part of the project. The assessments will relate to the validity of the activities in hand and the relevance of the defined objectives, so as to clarify the reason for suggested possible corrections or modifications related to the initial objectives.

The expansion of the projects to all teaching levels and a greater number of schools will be examined, specially from the viewpoint of the investment in equipment, infrastructure and training, and it will try to ensure the coverage of the whole school population in the shortest possible time.

**14. Please describe the government’s policies, plans and initiatives, including targets, to provide public servants with access to PC’s, e-mail, Intranets and the World Wide Web?**

**ELECTRONIC NET**

To reach the goal of open efficient government, it is of the utmost importance to have a virtual electronic network connecting the different public administration bodies and ensuring that information is effectively shared between the administration, industry and the population, with respect of course maintained for individual privacy, industry and private institutions’ rights, and national security.

This network should link all central, regional and local public administration bodies by providing a complete electronic network service, including general access to the Internet. This will foster a higher quality service for the population and industry, allow an increase in efficiency in the administration, and foster greater openness and sharing in decision-making processes. This interlinking of public bodies must be carried out in a flexible and de-centralised manner, without a strategic interest in a single network or in attributing it to a single operator.

In accordance with the goals mentioned above, all administrative organs will acquire electronic mail boxes so that individuals and industry can contact them by electronic means just the same as with any other
means of communication. This will not replace the need for the administration to prepare for the general use of electronic data interchange (EDI) based on international standards, particularly those of European and United Nations origin, as a way to allow direct dialogue between computers for commercial operations or to permit statistical communications between public and private organisations. The government will apply itself to the removal of legal barriers still in place that may have obstructed the full development of EDI in Portugal.

The legal validity of electronic documents must be covered by legislation to create the grounds for electronic notary services, one of the most important bases for the information society.

**Electronic File**

In the information and knowledge-based society it is intolerable to carry on with most administration records still on paper. For this reason the public administration must start systematically computerising the information available in its records. Only then will it be possible to promote electronic dialogue between the citizens, industry and the public administration.

Geographical or geo-referenced records have an essential role in territorial planning activities, and important applications in local government, in the construction of various types of infrastructure and in environmental protection. Examples of this are the activities connected with computerising national cartographic and hydrographic images in the Army Geographic Institute and the Hydrographic Institute. By keeping in mind these wide applications in the very sensitive area of national territory, which in the final analysis is the most important part of our heritage, the administration must use one of its services to provide a computerised cartographic base on an appropriate scale for the development of its main planning activities.

Administrative records are only one aspect of the wider process of computerising information that electronic medium technologies, specially optical discs provide. The ability to record and access instantly hundreds or even thousands of gigabytes of information that remain unalterable for long periods and that may be filed in highly secure conditions, has opened the door to the computerisation of historical and cultural records, in addition to those of our artistic and architectural heritage. The development of digital libraries must also be considered from the viewpoint of general access to information in digital format.

15. **Does the government attempt to encourage IT-enabled public consultation on government policy development?**

Yes

16. **What issues that are not fully covered by this survey in relation to government use of information technologies -- and emerging use of new technologies in particular -- may be of growing importance to your government in the future?**

N/R
ANNEXES

Some examples of integral legal texts:

Ministry of Science and Technology
National Initiative for Electronic Commerce

Decree-Law No. 290-D/99 - DR 178 / 99 SERIES I-A 1st SUPPLEMENT

Approves the legal framework for electronic documents and digital signatures.
The Resolution of the Council of Ministers No. 115/98, of 1st September, defined the legal framework applicable to electronic documents and digital signatures as one of the objectives to be attained within the scope of the National Initiative for Electronic Commerce, and a necessary one for electronic commerce to assert itself to the full.

Open electronic networks, like the Internet, have assumed growing importance in the daily life of the citizens and economic agencies and have given rise to a web of global commercial relations. To make the best of these opportunities, there is an urgent need to create a secure environment for electronic authentication. In reality, electronic communications and commerce demand electronic signatures and related services that allow electronic data to be authenticated.

Electronic signatures allow the user of electronically transmitted data to verify where it originated (authentication) and whether in the meantime the data has been modified (integrity). On the issue of electronic signatures, the present statute is based upon the prevailing technological model: the digital signature generated by means of cryptographic techniques. As can be gathered from studies available on digital signature technology based on public key encryption, digital signatures represent, at present, the most widely accepted electronic signature technique. They also offer the highest degree of security for exchanging data over open networks. It is this assessment of the state of the technology that has led foreign legislative initiatives to favour this form of electronic signature.

However, as the technology is constantly developing, this solution for authenticating data could find itself, in a short time, technically superseded by the success of other forms of electronic signature. With this in mind, the legal framework provided for in the present statute may also be applied to other kinds of electronic signature that meet the security requirements of digital signatures.

The verification of data authenticity and integrity granted by electronic signatures in general and digital signatures in particular do not necessarily prove the identity of the signatory that created the electronic signatures. Thus, in accordance with the practice that is technically recommended and internationally sanctioned, it is considered necessary to establish a system of confirmation by certification service providers. It is incumbent on these to guarantee the high levels of system security that are indispensable if the desired confidence in electronic document signatures is to be created.

Against this background, on the one hand, the present statute regulates the recognition and legal value of electronic documents and digital signatures. On the other, it entrusts control of the activity of signature certification to a body yet to be appointed, defining its powers and procedures, the conditions for accreditation in the activity and the rights and obligations of the certification service providers.

In line with the approach already sanctioned by other countries of the European Union, this activity of digital signature certification is not subject to prior administrative authorisation. It is important, however, for the state to provide for control of the fitness and security conditions guaranteed by the certification service providers. In this way it will offer the public and the market the orientation and quality guarantee that are indispensable for confidence in the new means of documentation and signature. In accordance with this goal, a voluntary system is laid down for accreditation and supervision of the certification service providers by the relevant authority.

In Portugal, this statute represents the first step towards the legal sanctioning of electronic signatures. It specifically bears in mind the solutions put forward within the framework of the European Union, in the
July 2001

proposal for a European Parliament and Council directive on a Community legal framework for electronic signatures. The revision, adaptation and extension of the regulations in the present statute will depend, in the medium term, on the technological development that is continuously taking place in this field.

Thus:
Under Article 198(1a) of the Constitution, the Government decrees that the following is adopted as the general law of the Republic:

CHAPTER 1
Electronic legal documents and acts

Article 1
Scope
1 - The present statute regulates the legal validity, force and value of electronic documents and the digital signature.
2 - The legal framework set out in the present statute may be made to apply to other kinds of electronic signature that meet identical security requirements to those of the digital signature.

Article 2
Definitions
The following definitions prevail for the purposes of the present statute:
a) electronic document: a document drawn up by means of electronic data processing;
b) electronic signature: result of an act of electronic data processing capable of constituting an object of individual and exclusive right and capable of being used to identify the originator of an electronic document to which it is added, in such a way that:
i) it uniquely identifies the holder as the author of the document;
ii) its addition to the document solely depends on the will of the holder;
iii) its link with the document allows any and every subsequent modification of the content to be revealed;
c) digital signature: an electronic signature process based on an asymmetric encryption system composed of an algorithm or a series of algorithms, by means of which a pair of interdependent and exclusive asymmetric keys are generated, one private and one public. They permit the holder to use the private key to declare the authorship of the document to which the signature is added and agreement with its contents. They permit a third party to use the public key to verify if the signature was created using the corresponding private key and if the electronic document has been modified since signing;
d) private key: the element of a pair of asymmetric keys that is intended to be known only to the holder. It provides the means for the digital signature to be added to an electronic document or for a previously encrypted electronic document to be decrypted with the corresponding public key;
e) public key: the element of a pair of asymmetric keys that is intended to be made known. It provides the means of verifying the digital signature added to an electronic document by the holder of the pair of asymmetric keys, or the means of encryption of an electronic document to be transmitted to the holder of the same pair of keys;
f) accreditation: the act by which an entity which duly requests it and which exercises the activity of certification service provider referred to in paragraph h) of this article is recognised as fulfilling the requirements set out in the present statute for the effects intended by it;
g) accreditation authority: the competent body for accrediting and supervising the certification service providers;
h) certification service provider: an accredited individual or corporate body that creates or provides the means of creating keys, issues signature certificates, guarantees the respective publicity and provides other services related to digital signatures;
i) signature certificate: an electronic document authenticated with a digital signature that certifies the holder of a public key and the period of validity of the same key;
j) time-stamp: the certification service provider’s declaration that states the date and time that an electronic document was created, dispatched and received;
1) electronic address: the identification of computer equipment that is suitable for receiving and storing electronic documents.

**Article 3**

**Legal form and force**

1 - An electronic document satisfies the legal requirements of the written form when its content can be represented as a written declaration.
2 - After the addition of a *digital signature* that is certified by an accredited body and complies with the requirements set out in this statute, an electronic document with the content referred to in the preceding paragraph has the legal force of a signed private document, within the provisions of Article 376 of the Civil Code.
3 - After the addition of a *digital signature* that is certified by an accredited body and complies with the requirements set out in this statute, an electronic document with contents that may not be represented as a written declaration has the legal force set out in Article 368 of the Civil Code and Article 167 of the Criminal Procedure Code.
4 - The provisions of the preceding paragraphs do not impede the use of other means of proving an electronic document’s authenticity or integrity, including an electronic signature that does not conform to the requirements of the present statute, provided that such means are adopted by the parties under the terms of a valid convention on proof or are accepted by the person to whom the document is presented.
5 - The legal value of electronic documents to which a certified *digital signature* has not been added by an accredited body, with the requirements laid down in this statute, is assessed under the general provisions of the law.

**Article 4**

**Copies of documents**

Copies of electronic documents, in the same or a different medium, are valid and effective within the general provisions of the law and have the legal value attributed to photocopies by Article 387(2) of the Civil Code and by Article 168 of the Criminal Procedure Code, if the requirements there laid down are satisfied.

**Article 5**

**Electronic documents for public bodies**

1 - Public bodies may issue electronic documents containing a *digital signature* that complies with the standards of this statute.
2 - In operations related to the creation, issue, storage, reproduction, copy and transmission of electronic documents that formalise administrative acts by means of computer systems, including their transmission via telecommunications, the data relating to the interested body and the person carrying out each administrative act must be shown in such a way as to make them easily identifiable and to confirm the function or responsibilities carried out by the signatory of every document.

**Article 6**

**Conveyance of electronic documents**

1 - An electronic document conveyed by means of telecommunications shall be considered dispatched and received by the addressee if it is transmitted to the electronic address agreed on by the parties and is received there.
2 - The date and time of creation, dispatch or receipt of an electronic document containing a time-stamp issued by a certification service provider are to be taken into account between the parties and by third parties.
3 When an electronic document is signed in accordance with the requirements of the present statute and conveyed by means of telecommunications that guarantee effective receipt, this is equivalent to delivery by registered mail and, moreover, if receipt is proved by a message of confirmation both sent with a *digital signature* by the recipient to the sender and received by the sender, this is equivalent to recorded delivery by registered mail.
4 - Data and documents conveyed by telecommunications are the property of the sender until they are received by the addressee.
5 - Operators that transmit electronic documents via telecommunications may not ascertain their contents, or duplicate them by any means or pass any information to third parties, even in the form of a résumé or extract, about the existence or the content of these documents, except when it is a matter of information that by its very nature or by the explicit affirmation of the sender, is intended to be made public.

CHAPTER II
Digital signatures

Article 7
Digital signature
1 - The addition of a digital signature to an electronic document, or to a copy, is equivalent to a handwritten signature on documents in the written form on a paper medium and creates the presumption that:
   a) the person who has added the digital signature is the rightful holder or is a representative, with due powers, of the corporate body that is the holder of the digital signature;
   b) the digital signature was added with the intention of signing the electronic document;
   c) the electronic document has not been modified since the digital signature was added, whenever for verification purposes a public key is used, contained in a valid certificate issued by a certification service provider accredited within the terms of this statute.
2 - A digital signature must refer uniquely to an individual or a corporate body and to the document to which it is attached.
3 - For all legal purposes, the addition of a digital signature substitutes the use of seals, stamps, marks or signs used to identify their owner.
4 - To add a digital signature, use must be made of a private key which on the one hand has a corresponding public key, consisting of a valid certificate, issued by a certification service provider accredited within the terms of this statute, and which on the other, at the time of signing, has neither been suspended nor revoked by decision of the certification service provider and has not exceeded its period of validity.
5 - The addition of a digital signature which has a public key consisting of a certificate that has been revoked or suspended or has expired, at the time of signing, or which disregards the conditions contained in the certificate is equivalent to the absence of a signature.

Article 8
Acquisition of the keys and the certificate
Under the provisions of Article 29(1), persons who intend to use a digital signature for the purposes of this statute must create or have issued a pair of asymmetric keys and also obtain the certificate for the respective public key issued by a certification service provider accredited under the terms of this statute.

CHAPTER III
Certification

SECTION I
Access to the activity of certification

Article 9
Free access to the activity of certification
Exercise of the activity of certification service provider referred to in Article 2(h) is unrestricted, and the request for accreditation as provided for in Articles 11 and following is optional.

Article 10
Unrestricted choice of certification service provider
1 - The choice of certification service provider is unrestricted.
2 - The choice of a particular body may not constitute a condition of an offer or of the conclusion of any legal business.

Article 11
The competent body for accreditation
Accreditation of certification service providers for the effects of the present statute is the responsibility of the entity to be appointed under the provisions of Article 40, hereafter referred to as the accreditation authority.

**Article 12**

**Accreditation of certification service providers**

On application to the accreditation authority, accreditation as a certification service provider for digital signatures will be granted to bodies that meet the following requirements:

a) that they are in possession of the appropriate capital and financial means;
b) that they provide guarantees of their absolute integrity and independence in exercising the activity of certifying digital signatures;
c) that they have at their disposal the technical and human resources to meet the standards of security and efficiency laid out in the regulations to which Article 38 refers;
d) that they maintain a valid insurance contract providing suitable third party cover for claims arising from the activity of certification.

**Article 13**

**Application for accreditation**

1 - An application for accreditation as a certification service provider for digital signatures will be submitted with the following documents:

a) the statutes of the corporate body, and, in the case of a limited company, the articles of incorporation, or, in the case of an individual, identification and proof of domicile;
b) in the case of a company, a record of all partners and their respective shareholdings in the company, also of the members of the administrative and supervisory bodies, and, in the case of a public limited company, of all shareholders with significant shareholdings, whether direct or indirect;
c) declarations, signed by all individuals and corporate bodies referred to in Article 15(1), that they are not in any of the situations referred to in Article 15(2) calling their fitness into question;
d) evidence of the assets and financial means available and, particularly, in the case of a company, evidence that the authorised capital is fully paid up;
e) a description of the internal organisation and the security plan;
f) a description of the material and technical resources available, including the characteristics and location of all the properties being used;
g) the name of the security auditor;
h) a general program of the activity planned in the first three years;
i) a general description of the activities carried out in the last three years or in the time that has elapsed since the formation of the company, if it is less, and the report and accounts for the corresponding fiscal years;
j) evidence of a valid insurance contract providing appropriate cover for third party claims arising from the activity of certification.

2 - If at the time of application the corporate entity has not been established, in place of the provisions of the preceding paragraph a), the application will be submitted with the following documents:

a) the minutes of the meeting at which incorporation was the object of deliberation;
b) the projected statutes or the articles of incorporation;
c) the agreement, signed by all founders, declaring that in the act of incorporation, and as a condition thereof, the capital demanded by the law will be fully paid up.

3 - The declarations laid down in paragraph 1c) may be submitted at a date subsequent to the application, under the terms and time-limits that the accreditation authority shall set.

4 - For the purposes of this statute shareholdings that equal or exceed 10% of the public limited company's capital shall be deemed significant.

**Article 14**

**Assets required**

1 - Private certification service providers which are juristic persons must possess a minimum authorised capital of 40000000$, or, if they are not limited companies, assets of equivalent value.
2 - The capital, specifically the company's minimum authorised capital, shall always be fully paid up at the
time of accreditation, if the corporate body has already been formed, or shall always be fully paid up with
the formation of the corporate body, if this occurs at a later date.
3 - Certification service providers who are individuals must have and maintain assets, free of any
obligations, of equivalent value to that laid down in paragraph 1, for the whole period of their activity.

**Article 15**

**Fitness requirements**

1 - The individual person and, in the case of a corporate body, the members of the administrative and
supervisory boards, the employees, associated staff and representatives of the certification service provider
with access to the acts and instruments of certification, the partners in the company and, in the case of a
public limited company, the shareholders with a significant holding shall be persons of recognised fitness
and good repute.
2 - Among other situations to be taken into account, a person shall be considered unfit if he has been:
a) found guilty, in this country or abroad, of the crime of theft, robbery, fraud, communications and
computer fraud, extortion, abuse of confidence, disloyalty, falsification, false declarations, fraudulent
insolvency, insolvency with negligence, facilitation of creditors, issuing false cheques, credit or guarantee
card abuse, embezzlement of public or co-operative goods, administration causing damage within an
economic unit of the public or co-operative sector, usury, bribery, corruption, unauthorised receipt of
deposits or other repayable funds, the illegal execution of acts or operations belonging to the insurance or
pension-fund sectors, money laundering, misuse of information, manipulation of the securities market or a
crime under the Commercial Enterprises Code;
b) declared, by a national or foreign court, bankrupt or insolvent or judged responsible for the bankruptcy
or insolvency of a company managed by him or having him as a member of the administrative or
supervisory boards;
c) punished, in this country or abroad, for infractions of the rules or regulations that govern the activities of
document production, authentication, registration and maintenance and, in particular, the activities of
notary's offices, public record offices, the legal service, public libraries and the certification of digital
signatures.
3 - Non-compliance with the fitness requirements laid out in the present article are reason for accreditation
to be refused and revoked, under Article 19(1c) and Article 21(1f).

**Article 16**

**Security auditor**

1 - All certification service providers shall have a security auditor, an individual who or corporate body
which shall draw up an annual security report and send it to the accreditation authority, by 31st March of
every calendar year.
2 - The appointment of the security auditor shall be subject to the prior approval of the accreditation
authority.

**Article 17**

**Obligatory third party insurance**

The Minister of Finance will define, by ministerial order, the characteristics of the third party insurance
contract to which Article 12(d) refers.

**Article 18**

**Decisions**

1 - The accreditation authority can request the applicants to supply further information and proceed, itself
or through whomsoever it appoints to this effect, to such investigations, inquiries and inspections as it
deems necessary to assess an application.
2 - The interested party must be notified of the decision on the application for accreditation within three
months of receipt of the application or, when applicable, of receipt of the additional information requested
or of the conclusion of the further attention that may be deemed necessary, notwithstanding that the period
shall not exceed six months after the date of receipt.
3 - In the absence of notification within the limits referred to above, tacit rejection of the application will be presumed.
4 - The accreditation authority may include additional conditions for accreditation inasmuch as they are necessary to guarantee the fulfilment of the legal and regulatory provisions applicable to the exercise of this activity by the certification service provider.
5 - At the time accreditation is granted, the accreditation authority shall issue the keys certificate to be used by the certification service provider when issuing certificates.
6 - The decision on accreditation shall be conveyed to the supervisory authorities in the member states of the European Union.

**Article 19**

**Refusal to grant accreditation**

1 - Accreditation shall be refused whenever:
   a) an application for accreditation has not been prepared with all the necessary information and documents;
   b) the drafting of the application is flawed with inaccuracies or falsehoods;
   c) the accreditation authority deems that any of the requirements indicated in Articles 12 and 15 have not been satisfied.
2 - If the application is drawn up with omissions, the accreditation authority shall notify the applicant, before refusing accreditation, and allow a reasonable period to rectify the omission.

**Article 20**

**Lapse of accreditation**

1 - Accreditation lapses if the applicants explicitly renounce it, if they fail to initiate activity within 12 months or, in the case of a corporate body, it is not incorporated within 6 months.
2 - Accreditation also lapses if the corporate body is wound up, without prejudice to the exercise of the acts necessary for such liquidation.

**Article 21**

**Revocation of accreditation**

1 - Accreditation shall be revoked, without prejudice to other sanctions applicable under the law, when any of the following situations is ascertained:
   a) if it was obtained by way of false declaration or other illegal means;
   b) if any of the requirements enumerated in Article 12 are no longer the case;
   c) if the certification service provider desists from the activity of certification or reduces it to an insignificant level for a period exceeding 12 months;
   d) if serious irregularities occur in the administration, organisation or internal supervision of the certification service provider;
   e) if in the exercise of certification or any other social activity illegal acts are carried out that harm or put in jeopardy public confidence in the certification;
   f) if any of the circumstances defining unfitness, referred to in Article 15, is subsequently ascertained in relation to any of the persons alluded to in Article 15(1).
2 - Revocation of accreditation is the responsibility of the accreditation authority, in a properly grounded decision that shall be notified to the certification service provider within eight working days.
3 - The accreditation authority shall give the revocation decision appropriate publicity.
4 - The revocation decision shall be conveyed to the supervisory authorities of the member states of the European Union.

**Article 22**

**Anomalies in the administrative and supervisory bodies**

1 - If for any reason the legal and statutory requirements for the normal operation of the administrative and supervisory bodies cease to be fulfilled, the accreditation authority shall set a day for the situation to be rectified.
2 - If the situation is not rectified within the period fixed, accreditation shall be revoked under the terms of the preceding article.
Article 23
Notification of changes
The accreditation authority must be notified within 30 days of alterations in the certification service providers relating to:
 a) the firm or name;
 b) its purpose;
 c) the location of its headquarters, unless within the same or an adjacent administrative area (conselho);
 d) assets or capital, in the case of a significant change;
 e) the administrative or supervisory structure;
 f) any limitation to the administrative and supervisory bodies’ powers;
 g) a split, a merger or dissolution.

Article 24
Registration
1 - Registration of the persons referred to in Article 15(1), must be requested from the accreditation authority within 15 days of their assuming any of the capacities referred to therein, by way of a request from the certification service provider or the interested parties, and must be accompanied by evidence that the requirements stipulated in the same article have been fulfilled, under pain of accreditation being revoked.
2 - The certification service provider or the interested parties may request provisional registration, before assuming any of the capacities referred to in Article 15(1), notwithstanding that conversion to permanent registration shall be applied for within 30 days of acceptance, under pain of forfeiture.
3 - In the case of prorogation, this will be entered in the register, on request of the certification service provider or the interested parties.
4 - Registration shall be denied in the case of unfitness, under Article 15, and refusal shall be notified to the interested parties and the certification service provider, which will take the appropriate measures for the former to desist from their functions immediately or to terminate with the corporate body the relationship laid down in the same article, with the provisions of Article 22 then being applicable.
5 - Without prejudice to what may arise from other applicable legal provisions, the lack of registration does not per se determine the invalidity of the legal acts performed by the person in question in the execution of their duties.

SECTION II
Exercise of the activity

Article 25
Duties of the certification service provider
It is incumbent upon the certification service provider:
 a) to carry out a thorough check on the identity of those requesting pairs of keys and the respective certificates and, in the case of representatives of corporate bodies, on the respective powers to act on their behalf as well as, when applicable, on the specific capacities referred to in Article 30(1i);
 b) to issue pairs of keys or supply the technical means necessary for their production, and to issue the signature certificate, with strict adherence to the provisions of this statute and the regulatory standards, ensuring that the two keys of each pair operate together properly and that the information recorded in the certificates is accurate;
 c) at the request of the applicant for a pair of keys, to specify in the signature certificate or in an additional certificate, the existence of powers of attorney or other responsibilities associated with his professional activity or other duties carried out;
 d) to provide applicants with comprehensive and clear information on the certification procedure and the technical requirements necessary for access thereto;
 e) to observe the security regulations on processing personal data, as laid out in the relevant legislation;
f) to assure that the public keys and their certificates are made known and to provide information on them to those who wish to consult them, in an appropriate and expeditious manner, by means of informatics or telecommunications;
g) to refrain from ascertaining the content of private keys, accepting deposit of them, holding them, reproducing them or supplying any information about them;
h) to proceed to the immediate publication of the revocation or suspension of certificates, in the cases laid out in the present statute;
i) to retain certificates issued for a period of not less than 20 years;
j) to guarantee that the date and time of issue, suspension and revocation of certificates may be determined by means of a time-stamp.

Article 26
Data protection
1 - The certification service providers may only gather the personal data necessary for the exercise of their activities and obtain it directly from the persons interested in holding pairs of keys and the respective certificates, or from third parties from whom the former authorise it to be gathered.
2 - The personal data gathered by the certification service provider may not be used for any other purpose than that of certification, unless other use is explicitly permitted by the law or the interested person.
3 - The certification service providers and accreditation authorities shall observe the regulations in force on personal data protection, processing and circulation and on the protection of privacy in the telecommunications sector.
4 - Whenever the legal authorities so direct, under the provisions of the law, the certification service providers shall supply them with the data identifying the holders of certificates issued under pseudonyms, in which case the provisions of Article 182 of the Criminal Procedure Code are then applicable.

Article 27
Civil liability
1 - The certification service provider is liable in civil law for the damage sustained by the certificate holders and any third parties as a consequence of the culpable failure to fulfil the duties arising from the present statute and its regulations.
2 - The conventions of exoneration and limitation of liability provided for in paragraph 1 are null.

Article 28
Termination of activity
1 - In the case that the certification service provider intends voluntarily to cease activity, it must communicate its intention to the accreditation authority and the persons to whom it has issued certificates still in force, with a minimum of three months’ notice, and also within that period it must declare the certification service provider to which its documentation will be transmitted or the revocation of the certificates, in this last case retaining the obligation to place its documentation under the guardianship of the accreditation authority.
2 - A certification service provider at risk of being declared bankrupt, of having business recovery procedures instituted or of ceasing activity for any reason contrary to its will shall immediately inform the accreditation authority.
3 - In the case laid out above, should the certification service provider cease activity, the accreditation authority shall expedite the transmission of the documentation of the former to another certification service provider or, if this is impossible, the revocation of the certificates issued and the retention of the elements in those certificates for the period the certification service provider would have to do this.
SECTION III
Certificates

Article 29
The issue of keys and certificates
1 - At the request of an interested individual or corporate body, whose identity and powers of attorney, when they exist, will be confirmed by legally proper and secure means by the certification service provider, the latter will issue a pair of keys, private and public, in favour of the former or if this person or entity requests, will make available the technical means necessary for them to create a pair of keys.
2 - At the request of the holder of the pair of keys, the certification service provider will issue an original and copies of the signature certificate and the complementary certificate.
3 - The certification service provider shall take the proper measures to prevent falsification or alteration of the data recorded in the certificates and guarantee the fulfillment of the laws and regulations applicable, with the assistance of duly qualified personnel.
4 - The certification service provider will provide certificate holders with the necessary information for the proper and secure use of digital signatures, particularly regarding:
   a) the obligations of the certificate holder and the certification service provider;
   b) the procedure for using and authenticating a digital signature;
   c) the principle that documents already containing a digital signature be signed again when the technical circumstances that justify it arise.
5 - The certification service provider shall organise and keep permanently up to date a computer register of certificates issued, suspended or revoked, which shall be accessible to any person for consultation, including via telecommunications, and shall be protected against unauthorised alterations.

Article 30
Content of certificates
1 - The signature certificate must contain at least the following information:
   a) the name or title of the holder of the signature and other elements necessary for unique identification, and when powers of attorney exist, the name of the recognised representative or representatives, or a distinctive pseudonym of the signature holder, clearly indicated as such;
   b) the name and digital signature of the certification service provider, as well as an indication of the country in which it is established;
   c) the public key corresponding to the private key retained by the holder;
   d) the serial number of the certificate;
   e) the commencement and expiry dates for the validity of the certificate;
   f) the identifiers of the algorithms necessary for the use of the holder's public key and the certification service provider's public key;
   g) an indication of whether the use of the certificate is restricted or not to particular types of use, as well as the possible limits to the value of the transactions for which the certificate is valid;
   h) the conventional limitations to the certification service provider's liability, without prejudice to the provisions of Article 27(2);
   i) possible mention of a specific capacity of the signature holder, in accordance with the use to which the certificate is put.
2 - At the request of the holder, signature certificates or complementary certificates may contain information about the powers of attorney conferred on the holder by a third party, the holder's professional qualifications or other qualities, subject to the presentation of the necessary proof or, otherwise, to a mention that the information has not been confirmed.

Article 31
Suspension and revocation of certificates
1 - The certification service provider shall suspend a certificate:
   a) at the written request of the holder, duly identified for the purpose;
b) when sound reasons exist for believing that the certificate was issued on the basis of erroneous or false information, that the information contained therein has ceased to conform to reality or that the confidentiality of the private key has been breached.

2 - Suspension on one of the grounds laid out above shall in all cases be promptly communicated and explained to the holder, as well as immediately recorded in the register for the certificate, notwithstanding that it may be withdrawn when it is confirmed that such grounds do not exist.

3 - The certification service provider shall revoke a certificate:
   a) on the written request of the holder, duly identified for the purpose;
   b) when, after suspension of the certificate, it is confirmed that the certificate was issued on the basis of erroneous or false information, that the information contained therein has ceased to conform to reality or that the confidentiality of the private key has been breached;
   c) when the certification service provider ceases its activities without having transferred its documentation to another certification service provider;
   d) when the accreditation authority orders the revocation of the certificate on due legal grounds;
   e) when the period of validity expires;
   f) when it is acquainted of the death, interdiction or disqualification of an individual or the winding up of a corporate body.

4 - A decision to revoke a certificate on one of the grounds laid out in paragraphs (3b) to (3e) shall in every case be justified and communicated to the holder, as well as immediately registered.

5 - The suspension and revocation of a certificate may be taken into account for third parties, following entry in the respective register, unless it is proved that the reasons were already known to the third party.

6 - The certification service provider will retain the information relating to the certificates for a period of not less than 20 years from the suspension or revocation of each certificate and shall make them available to any interested party.

7 - The revocation and suspension of a certificate shall indicate the date and time from which they have effect, notwithstanding that this date and time shall not precede those on which this information is made public.

8 - As from the time of suspension or revocation of a certificate, or the expiry of its period of validity, the issue of a certificate referring to the same pair of keys by the same or another certification service provider is prohibited.

Article 32

The holder’s obligations

1 - The holder of a certificate shall take all the necessary organisational and technical measures to avoid damage to third parties and to maintain the confidentiality of all information transmitted.

2 - In case of doubt as to the breach of confidentiality for a private key, the holder shall request suspension of the certificate and, should the breach be confirmed, revocation.

3 - As from the suspension or revocation of a certificate, or the expiry of its period of validity, the holder is forbidden to use the respective private key to generate a digital signature.

4 - Whenever reasons exist to justify the revocation or suspension of a certificate, the holder shall, with due haste and diligence, submit the relevant request to the certification service provider for suspension or revocation.

CHAPTER IV

Supervision

Article 33

The certification service providers’ duties to provide information

1 - The certification service providers shall supply the accreditation authority, in a prompt and comprehensive manner, with all the information that it requires of them for the purposes of supervising their activity and shall permit it, for the same purposes, to inspect their establishments and to make spot-
checks on documents, objects, hardware, software and operational procedures, in the course of which the accreditation authority may make such copies and records as it deems necessary.

2 - The certification service providers shall always notify the accreditation authority, with the minimum delay possible, of all the important alterations that take place in the requirements and elements referred to in Articles 13 and 15.

3 - By the last working day of each half-year, the certification service providers shall send the accreditation authority an updated version of the record referred to in Article 13(1b).

Article 34
Chartered accountants and external auditors
Chartered accountants in the service of certification service providers and external auditors who, by legal requirement, offer the same bodies auditing services shall notify the accreditation authority of serious breaches of the legal provisions or regulations relevant to supervision which they detect in the exercise of their duties.

Article 35
Appeal
In the appeals lodged against the decisions of the accreditation authority when exercising its powers of accreditation and supervision, it is presumed, until proved otherwise, that the suspension of effectiveness establishes serious damage to the public interest.

Article 36
Collaboration of the authorities
The accreditation authority may request the police and legal authorities and any other authorities and public services to provide all the collaboration and help that it judges necessary for the accreditation and supervision of certification.

CHAPTER V
Final provisions

Article 37
The certificates of other countries
1 - Digital signatures that can be confirmed by a public key consisting of a certificate issued or guaranteed by a certification service provider accredited in another member state of the European Union or in another state included in an international agreement that binds the Portuguese state, shall be equivalent to the digital signatures certified within the provisions of this statute.

2 - The accreditation authority shall make known whenever possible and by such means of publicity as it considers appropriate, and shall make available to interested parties on request, the information it possesses on certification service providers accredited in foreign states.

Article 38
Regulations
1 - The regulations of the present statute, specifically regarding technical and security standards, shall take the form of a regulatory decree, to be adopted within 150 days.

2 - Public Administration services and bodies may issue regulations on the requirements which documents received by them electronically must satisfy.

Article 39
Technological development
The accreditation authority will monitor how electronic signature technology develops and may propose that the provisions laid down in the present statute for digital signatures be applied to other forms of electronic signature that satisfy the same security and reliability requirements.

Article 40
Nomination of the accreditation authority
The body referred to in Article 11 shall be nominated, in its respective statute, within 150 days.
Article 41
Entry into force

The present statute will come into force on the day subsequent to its publication.


Enacted on the 29th day of July, 1999.

Let it be published.

The President of the Republic, JORGE SAMPAIO
Countersigned on the 29th day of July, 1999.

The Prime Minister, António Manuel de Oliveira Guterres.

Ministry of Science and Technology
National Initiative for Electronic Commerce

*Decree-Law No. 375/99 - DR 219 / 99 SERIES I-A - 18/9*

Establishes the equivalence of paper-based and electronic invoices.

The Council of Ministers Resolution No. 115/98 of 1 September created the National Initiative for Electronic Commerce. As one of the objectives to be attained within the scope of the initiative, the resolution specifies that a legislative and regulatory framework should be defined to create the necessary conditions for electronic commerce to develop to its full extent. One statute that, against this background, is explicitly seen as needing to be approved is that defining the rules to be applied to electronic invoices.

The Council of Ministers Resolution No. 119/97 of 14 July has approved the general basis of fiscal reform for the twenty-first century. This recommends that new communications technologies be applied to taxation systems.

Electronic commerce involves radical change in traditional commercial practices and, concomitantly, the legal framework that governs them. In fact, it is important that the necessary conditions be created at a legislative level in order to allow electronic commerce to develop smoothly. Legislation should therefore seek to create an environment that is friendly to activities within the field of the digital economy. It should remove barriers to the full development of electronic commerce and build up the confidence that the different economic agents must have in it.

One of the objectives that need to be assured in this respect is the recognition of electronic invoices. In a world in which transactions are processed from computer to computer, it no longer makes sense to demand that invoices are printed on paper and then filed away. It is possible nowadays to guarantee the reliability and integrity of electronic documents by means that assure the quality is far above what the paper medium offers.

In these circumstances, it seems that a necessary condition for the development of electronic commerce is the emergence of the virtual invoice and, accordingly, the establishment in Portuguese law of the principle of equivalence for paper-based and electronic invoices. This measure will also benefit the whole spectrum of economic activity and commerce, in their broadest sense.

Preference has been given to the example that comparative law provides on this subject, especially for countries whose legal systems share common roots with ours. Thus, fundamentally, the present statute approves the basic principle that an electronic invoice is equivalent to an invoice on paper. Regulatory aspects of a more technical nature are reserved for a complementary statute. Furthermore, it is obvious that the present statute not only helps the information society to assert itself in this country but also has clear fiscal considerations. The decision to build up the legal regime covering electronic invoices in a phased process has the obvious advantage of giving the tax authorities the opportunity to create structures, adapt procedures, prepare services, train personnel and select means. In short, it offers them a period to adapt,
clearly not too long, but one that is reckoned as essential for the full and effective application of the provisions now approved.

Thus:

Under Article 198 (1a) of the Constitution, the Government decrees that the following is the law in the Republic:

**Article 1**

1 – An invoice or equivalent document can be transmitted electronically.
2 – For all legal purposes, an electronic document transmitted in this way is equivalent to original paper-based invoices or equivalent documents, provided that a digital signature has been affixed under the provisions of Decree-Law No. 290-D/99 of 2 August.
3 – From such persons as issue or receive an invoice or equivalent document transmitted within the terms of this article, the Directorate-General of Taxation may demand both access to its content, which shall be capable of being read in natural language, and a paper-based reproduction.

**Article 2**

1 – Taxable individuals and entities interested in using the electronic invoicing system in their economic activity and for tax purposes must request it from the Directorate-General of Taxation. They must also provide proof that the system that creates, transmits, receives and stores invoices or equivalent documents satisfies the legally established requirements, within the provisions of this statute and applicable complementary legislation.
2 – The Directorate-General of Taxation shall reply to a request formulated within the terms of the preceding paragraph within a period not exceeding three months, from the day the request is received, such request being considered tacitly granted should the reply not follow within this period.
3 – Should the Directorate-General of Taxation deem it necessary for the applicant to supply additional documents or provide further clarification, the period referred to in the preceding paragraph is considered suspended until these documents are received or the clarification is provided.
4 – Any modifications to a system which has already been registered with the Directorate-General of Taxation must likewise be notified and shall be considered tacitly accepted if the latter does not respond within three months of the date on which the applicant provides the notification.
5 – In the course of any of the procedures referred to in the preceding paragraphs, the Directorate-General of Taxation may carry out checks on the establishments or the equipment of the applicant, the message clearing house service provider or any other body that provides services for receiving, registering, storing or routing messages.
6 – After the Directorate-General of Taxation has issued a licence, the applicant shall register when use of the electronic transmission system for invoices or equivalent documents commences.
7 – Should use not commence within a period of one year, the permit issued by the Directorate-General of Taxation is considered to have lapsed.

**Article 3**

1 – The invoices or equivalent documents to which the present statute refers must be retained with their original contents, accessible in chronological order of their issuance by their issuer and of their receipt by their recipient, according to the periods and conditions laid down in the tax legislation applicable to the retention of paper-based invoices.
2 – For the period referred to in the preceding paragraph, it is compulsory to retain a sequential, paper-based list of invoices, equivalent documents and other messages issued and received and of corrections or possible anomalies, notwithstanding that the tax authorities may also stipulate, when grounds exist, that digital copies be retained in independent mediums.

**Article 4**

1 – Within the provisions of the tax legislation applicable, the Directorate-General of Taxation may at any moment enter the premises of taxpayers, message clearing house service providers, or any other bodies that provide services related to message receipt, registration, storage or routing, and, by means of the necessary technical operations to ascertain their reliability, verify that the system satisfies the legally established requirements.
2 – Without prejudice to other sanctions laid down in the law, refusal to grant access within the provisions of the preceding paragraph or, equally, resistance to or obstruction of inspection entails automatic cancellation of the licence to use an electronic transmission system for invoices or equivalent documents.

3 – Non-compliance with the conditions laid out in the present statute and the complementary legislation covering the operation of electronic transmission systems shall entail suspension of the licence, notwithstanding that the Directorate-General of Taxation shall grant the interested party a period of three months to rectify the situation.

4 – Should the failure to fulfil the conditions set out persist beyond the period referred to in the preceding paragraph, this will occasion the immediate cancellation of the licence granted.

**Article 5**

1 – The present statute shall be the object of further regulation, specifically regarding matters connected with the conditions and requirements that the creation, transmission, receipt and storage of electronically transmitted invoices and equivalent documents must satisfy and also regarding matters connected with the requirements that must be met by electronic transmission systems for invoices and equivalent documents, by message clearing house service providers and by other bodies providing services for the receipt, registration, storage and routing of messages.

2 – The regulations referred to in the preceding paragraph shall be published within 120 days of this statute’s entry into force.

**Article 6**

The Minister of Science and Technology will provide the momentum for monitoring and evaluating the implementation of this statute, through the Science and Technology Observatory and in co-operation with other relevant Administration bodies, particularly the Ministry of Finance.


Enacted on the 3rd day of September, 1999.

Let it be published.

The President of the Republic, JORGE SAMPAIO.

Countersigned on the 9th day of September, 1999.

The Prime Minister, António Manuel de Oliveira Guterres.