

FRAMEWORK-LAW OF REGULATORY AUTHORITIES

january 2021





Law No. [67/2013](#), of 28 August (*Framework-Law of independent administrative bodies in charge of the regulation of economic activities of private, public, cooperative and social sectors*), amended by:

- [1] Law No. [7-A/2016](#), of 30 March (*State Budget for 2016*):
 - Extension of the effects of paragraph 6 of article 5 throughout 2016.

- [2] Law No. [12/2017](#), of 2 May (*1st amendment to the Framework-Law of Regulatory Authorities and to Law No. 67/2017, of 28 August, which approves it*):
 - Amendment to articles 3, 4, 10, 17, 19, 20, 25, 26, 32 and 48.

- [3] Law No. [71/2018](#), of 31 December (*State Budget for 2019*):
 - Amendment to article 38.

- [4] Law No. [75-B/2020](#), of 31 December (*State Budget for 2021*):
 - Amendment to articles 32 and 33



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FRAMEWORK-LAW OF REGULATORY AUTHORITIES

TITLE I

Subject-matter and scope of application

Article 1

Subject-matter

1 - This Framework-Law lays down the principles and rules that govern independent administrative bodies in charge of the regulation as well as the promotion and protection of competition in respect of economic activities of private, public, cooperative and social sectors, hereinafter and for the purposes of this Framework-Law referred to as Regulatory Authorities.

2 - Standards in this Framework-Law shall be of mandatory application on special rules currently in force, save where otherwise specifically provided for in European Union law or the competition legal system, or where explicitly indicated in this Framework-Law.

Article 2

Scope of application

1 - This Framework-Law shall apply to Regulatory Authorities defined as such by law.

2 - Provisions of this Framework-Law shall not apply where a European Union or international standard exists that specifies to the contrary and applies to the Regulatory Authority and to the respective activity, in which case the Statutes of the Regulatory Authority shall provide for this specificity.

3 - This Framework-Law shall not apply to Banco de Portugal (the Central Bank of Portugal) and Entidade Reguladora para a Comunicação Social (the Regulatory Authority for the Media), which shall be governed by specific legislation.

TITLE II

General principles and rules

Article 3^[2]

Nature and requirements

1 - Regulatory Authorities shall be legal persons governed by public law, with the nature of independent administrative bodies, in charge of the regulation of the economic activity, the defence of services of general interest, the protection of rights and interests of consumers and the promotion and defence of competition in private, public, cooperative and social sectors.

2 - In order to perform their tasks with independence, Regulatory Authorities shall be required to:

- a) Enjoy administrative and financial autonomy;
- b) Enjoy management autonomy;
- c) Enjoy organisational, operational and technical independence;
- d) Have their own bodies, services, staff and assets;



- e) Enjoy regulatory, implementing, supervisory, enforcing and infringement sanctioning powers;
- f) Guarantee the protection of rights and interests of consumers.

Article 4^[2]

Management principles

- 1 - Regulatory Authorities shall comply with the following management principles:
 - a) Performance of the respective activity according to the highest standards of quality;
 - b) Guarantee of economic efficiency with regard to their management and solutions adopted in the scope of their activities;
 - c) Management according to well-defined and quantified objectives and regular and performance-based evaluation;
 - d) Transparency of action through a public discussion of draft documents that lay down regulatory standards and the public disclosure of relevant documents on their activities and operation with an impact on consumers and regulated bodies, including the cost of their activity for the regulated sector;
 - e) Respect for the principles of prior budgeting and programming of expenditure underlying commitments entered into and belated payments of public bodies;
 - f) Transparency in the operation of bodies and management of staff.
- 2 - As far as their financial and asset management is concerned, Regulatory Authorities shall be governed by this Framework-Law, the respective Statutes, and additionally, by the legal system that applies to corporate public bodies.
- 3 - Bodies of Regulatory Authorities shall ensure that resources available to them are managed in an efficient and misspent manner, and shall adopt or propose at all times the organisational solutions and operating methods with the least cost whilst ensuring an effective performance of public tasks assigned to them.
- 4 - Regulatory Authorities shall not establish or participate in the establishment of profit-making bodies governed by private law, or acquire shares in such bodies.

Article 5^[1]

Legal system

- 1 - - Regulatory Authorities shall be governed by provisions set out in this Framework-Law, sector-specific legislation, the respective Statutes and rules of procedure.
- 2 - Without prejudice to the preceding paragraph and to the competition legal system, the following statutory instruments shall also apply, in the scope of the exercise of public powers:
 - a) Código do Procedimento Administrativo (the Administrative Procedure Code) and any other general rules and principles related to the State's administrative action;
 - b) Administrative litigation laws, with regard to action taken in the performance of the public authority role and to contracts of an administrative nature.
- 3 - The following shall also apply to Regulatory Authorities, in particular:
 - a) The public procurement system;



- b) The State civil liability system;
- c) Reporting duties arising from Sistema de Informação da Organização do Estado (SIOE - the State Organization Information System);
- d) The jurisdiction and financial control system conducted by Tribunal de Contas (the Court of Auditors);
- e) The State services' inspection and audit system.

Article 6 Establishment process

1 - Regulatory Authorities shall only be established for the purpose of the performance of tasks relating to the regulation of economic activities that recommend their not being subject to Government direction, in view of the need for independence in the respective development.

2 - Regulatory Authorities shall not be established in order to:

- a) Develop activities that, under the Constitution, must be performed by services and bodies under the State's direct or indirect administration;
- b) Participate, directly or indirectly, as operators in regulated activities or to establish any partnerships with addressees of the respective activity.

3 - The establishment of Regulatory Authorities shall jointly meet requirements laid down in paragraph 2 of article 3 as well as the following:

- a) Effective need and public interest in the establishment of a new legal person to achieve the objectives pursued;
- b) Need for independence in the performance of tasks concerned;
- c) Ability to guarantee financial conditions of self-sufficiency.

4 - The establishment of a Regulatory Authority shall be preceded at all times by a preliminary study on the need for and public interest in such establishment, which shall also weigh the financial and operational implications for the State, the effects on economic activities of the private, public, cooperative and social sectors where the Regulatory Authority is intended to operate and consequences for the respective consumers, as well as other matters deemed to be relevant or defined as such.

5 - Requirements provided for in paragraph 3 shall not apply to Regulatory Authorities the establishment of which is determined by European Union law, whereby the establishment of such Regulatory Authorities shall be preceded at all times by a preliminary study that shall weigh the financial and operational implications for the State, as well as other matters deemed to be relevant or defined as such.

Article 7 Establishment

1 - Regulatory Authorities shall be established by law.

2 - Economic activities and sectors that fall under the scope of action of Regulatory Authorities shall be defined in the respective establishing statutory instruments.



3 - It shall be incumbent on the Government to define and approve by Decree-Law the Statutes of the Regulatory Authority, which shall include the following items:

- a) Name and headquarters;
- b) Purpose, tasks and scope of regulated sectors and economic activities;
- c) Regulatory, implementing, supervisory, enforcing and infringement sanctioning powers;
- d) Bodies, composition, respective competences and ways in which the Regulatory Authority becomes committed;
- e) Property and financial means that are allocated, including the financing model and all sources of funding incurred by addressees of the respective activity;
- f) Other legal provisions of a special nature as may prove to be necessary on matters not governed by this Framework-Law or in other statutory instruments that apply to the Regulatory Authority.

Article 8

Abolition, merger or separation

1 - The abolition, merger or separation of Regulatory Authorities shall be governed by law, which shall also provide, where a Regulatory Authority is abolished, for the settlement and redeployment of the respective staff.

2 - Regulatory Authorities shall be abolished where the reasons for their establishment are found not to remain or where the accomplishment of their mission or the performance of tasks for which they were established is no longer possible.

3 - The abolition of Regulatory Authorities shall be preceded by a preliminary study for the purposes set out in the preceding paragraph.

Article 9

Ministry in charge

1 - - Without prejudice to its independence, each Regulatory Authority shall be assigned to a ministry, herein simply referred to as the ministry in charge, and shall be indicated in the respective Organic Law.

2 - The Regulatory Authority shall be deemed to be assigned to the ministry whose member of the Government is in charge of the main area of economic activity which falls under the scope of action of the Regulatory Authority.

Article 10^[2]

Bodies and operation

1 - Statutes of Regulatory Authorities shall lay down provisions on the respective bodies and their operation.

2 - Without prejudice to the preceding paragraph, Regulatory Authorities shall establish, in the respective rules of procedure, provisions in the following matters:

- a) Work organisation and discipline;
- b) Staff system, including performance and merit assessment;
- c) Carrier system;



- d) Remuneration system that applies to the staff;
- e) Social protection system that applies to the staff;
- f) System for preventing conflicts of interest.

3 - Employees, through the employee committee, or in the absence thereof, inter-union committees, trade union commissions or trade union representatives, shall be entitled to be heard and to participate in the drafting of rules of procedure provided for in the preceding paragraph.

Article 11 Cooperation

1 - Regulatory Authorities shall establish forms of cooperation and association with other bodies governed by public or private law, namely with other Regulatory Authorities, at Community or international level, where this proves necessary or appropriate for the performance of the respective tasks.

2 - Regulatory Authorities shall establish forms of cooperation and association among themselves in matters that concern the performance of roles and matters of a common interest, with due regard to the specific tasks, regulatory and sanctioning powers assigned to each of them.

3 - Regulatory Authorities shall cooperate and collaborate with the Regulatory Authority with powers to enforce competition rules under the competition legal system, without prejudice to the establishment, under a protocol, between the latter, other Regulatory Authorities and other relevant public bodies, of other means of cooperation deemed to be appropriate to ensure that such provisions are enforceable.

Article 12 Principle of speciality

1 - Without prejudice to the respect for the principle of legality within the field of public management, and save as otherwise provided, the legal capacity of Regulatory Authorities shall cover the commission of all legal acts, the enjoyment of all rights and the compliance with all obligations as required for the performance of their tasks.

2 - Regulatory Authorities shall be entitled to provide Assembleia da República (the Portuguese Parliament) and the Government with technical assistance and advice, in accordance with the respective Statutes.

3 - Regulatory Authorities shall not perform activities or use their powers in matters falling outside their tasks, or focus their resources on purposes other than those to which they are subject.

4 - Regulatory Authorities shall not ensure compliance with obligations falling on other legal persons, either public or private, to third parties.

Article 13 Territorial scope and organization

1 - Regulatory Authorities shall be national in scope, without prejudice to Estatutos Político-Administrativos (the Political and Administrative Statutes) of the Autonomous Regions.

2 - Regulatory Authorities shall be entitled to be provided with territorially decentralised services, where appropriate, in accordance with the respective Statutes.



3 - The Statutes of Regulatory Authorities may determine the expansion of their scope beyond the provision of paragraph 1.

Article 14

Diligence and secrecy

Members of bodies of Regulatory Authorities, as well as their staff, service providers and collaborators, shall be subject to the duties of diligence and secrecy with regard to all matters entrusted to them or which come to their knowledge in the performance of their tasks.

TITLE III

Organization, services and management

CHAPTER I

Organization

SECTION I

Bodies

Article 15

Bodies

1 - Regulatory Authorities shall be required to have the following bodies:

- a) The Board of Directors;
- b) The Audit Commission or Statutory Auditor.

2 - The Statutes of each Regulatory Authority may provide for other bodies, of an advisory nature, with tariff regulation purposes or including the participation of addressees of the respective activity.

3 - The exercise of office in bodies provided for in the preceding paragraph may be paid, according to the respective Statutes, exclusively by means of attendance fees, the amount of which shall be defined in the rules of procedure of the Regulatory Authority, which shall not exceed the limit of twice the allowance paid by the Regulatory Authority for travel expenses within the national territory.

SECTION II

Board of Directors

Article 16

Role

The Board of Directors shall be the collegiate body responsible for the definition of the Regulatory Authority's action, as well as for the direction of the respective services.

Article 17^[2]

Composition and appointment

1 - The Board of Directors shall comprise a Chair and up to three other Board members, and may also have a Vice-Chair, whereby the composition of the Board shall ensure an odd number of members.



2 - Members of the Board of Directors shall be chosen among persons of acknowledged good repute, technical competence, skill, professional experience and appropriate qualifications for the performance of the respective roles, and shall be indicated by the member of the Government in charge of the main area of economic activity which falls under the scope of action of the Regulatory Authority.

3 - Members of the Board of Directors shall be appointed by resolution of the Council of Ministers, taking into account the reasoned opinion of the relevant commission of Assembleia da República.

4 - For the purpose of the preceding paragraph, the delivery of the opinion shall be preceded by a hearing in the relevant parliamentary commission, upon request of the Government, which shall attach an opinion from Comissão de Recrutamento e Seleção da Administração Pública (the Public Administration Recruitment and Selection Commission) on whether the concerned person's profile fits the role to be performed, as well as on whether applicable standards on incompatibilities and impediments are met.

5 - The appointment resolution, duly substantiated, shall be published in Diário da República (the Official Gazette), together with a note on the academic and professional qualifications of appointed persons and the conclusion reached by Assembleia da República in its opinion.

6 - Where two or more members of the Board of Directors are jointly appointed, the expiry of their terms of office shall not coincide, differing by at least six months, through the restriction of one or more of the terms of office, where appropriate.

7 - The appointment or proposal for appointment shall not take place between the call for elections for Assembleia da República or the resignation of the Government and the parliamentary investiture of the newly appointed Government, save where posts concerned become vacant and require an urgent appointment, in which case the referred appointment or proposal for appointment which has not yet resulted in an appointment shall require the confirmation on the part of the newly appointed Government.

8 - The filling of the position of Chair of the Board of Directors shall guarantee a gender-based alternation system and the filling of the position of other board members shall ensure a minimum representation of 33% for each gender.

Article 18

Requirement for confidentiality

1 - Members of the Board of Directors shall not make statements or comments on ongoing processes or specific issues relating to bodies which fall under the scope of action of respective Regulatory Authority, save where the protection of their honour or some other legitimate interest is concerned.

2 - The requirement for confidentiality shall not cover statements on processes already closed, as well as the provision of information intended to meet legitimate rights or interests, in particular the right of access to information.

Article 19^[2]

Incompatibilities and impediments

1 - Members of the Board of Directors shall perform their respective roles on an exclusive basis, and shall not, in particular:

- a) Be office-holders in sovereign bodies, autonomous regions or local authorities, or perform any other public or professional role, except teaching or research duties, provided they are unpaid;



- b) Maintain, either directly or indirectly, any contractual link or relationship, whether paid or unpaid, with companies, groups of companies or other addressees of the Regulatory Authority's activity, or have any shares or interests therein;
- c) Maintain, either directly or indirectly, any contractual link or relationship, whether paid or unpaid, with other bodies the activity of which may conflict with their tasks and competences;
- d) Arrange transactions in financial instruments, directly or through an intermediary, relating to companies, groups of companies or other addressees of the Regulatory Authority's activity.

2 - Upon expiry of their term of office and for a period of two years, members of the Board of Directors shall be prevented from establishing any contractual link or relationship with companies, groups of companies or other addressees of the Regulatory Authority's activity, being entitled during the referred period of time to a compensation amounting to half their monthly salary.

3 - In the case of the Regulatory Authority with powers to enforce competition rules, the prohibition set out in the preceding paragraph shall concern companies or bodies that were involved in processes or were the addressees of that body's actions, decisions or deliberations, in the period of time during which members of the Board of Directors concerned held office.

4 - In the case of the Regulatory Authority with powers in the health area, for the purpose of point b) of paragraph 1, professionals of the national health system shall suspend the respective contractual link or relationship, and the provision in paragraph 2 shall not apply to them upon their return to their post of origin.

5 - The compensation provided for in paragraph 2 shall not be granted in the following situations:

- a) Where and for as long as the member of the Board of Directors performs any other paid role or activity;
- b) Where the member of the Board of Directors is entitled to a retirement pension, and opts for this solution; or
- c) Where the term of office of the member of the Board of Directors ends for any reason other than the expiry thereof.

6 - In case of non-compliance with paragraphs 2 and 3, the member of the Board of Directors shall be required to return an amount that corresponds to all net salaries received during the period in office, as well as the full amount of net compensation received under paragraph 2, whereby the update coefficient resulting from the corresponding annual average rates of change of the consumer price index determined by Instituto Nacional de Estadística, I. P. (the National Statistical Institute) shall apply.

7 - The Statutes of each Regulatory Authority may determine, under the law and applicable European Union legislation, the application of other incompatibilities and impediments to members of the Board of Directors.

8 - Members of the Board of Directors shall be subject to the system of incompatibilities and impediments that apply to senior positions in the civil service with regard to all issues not specifically governed by this Framework-Law and Statutes of the Regulatory Authority.

Article 20^[2]

Duration and expiry of the term of office

1 - The term of office of members of the Board of Directors shall be six years, which shall not be renewable, without prejudice to the following paragraph.



2 - Members of the Board of Directors shall be entitled to be appointed to hold positions in bodies of the respective Regulatory Authority six years after the expiry of their previous term of office.

3 - The term of office of members of the Board of Directors shall end upon expiry of the respective period, as well as in the following cases:

- a) Death or physical or mental incapacity that is permanent or the duration of which is expected to extend beyond the date of expiry of the term of office or of the period for which members were appointed;
- b) Resignation, by means of a written declaration submitted to the member of the Government in charge of the main area of economic activity which falls under the scope of action of the Regulatory Authority;
- c) Original incompatibility, detected after the appointment takes place, or supervening incompatibility;
- d) Conviction by final judgement for an intentional crime that calls the professional conduct of the Board member concerned into question;
- e) Enforcement of the penalty of imprisonment;
- f) Dissolution of the Board of Directors or dismissal of its members under paragraphs 4 and 5;
- g) Abolition of the Regulatory Authority;
- h) Provision of false information in the process of appointment or of proposal for appointment.

4 - The dissolution of the Board of Directors or the dismissal of any of its members shall only take place by means of a resolution of the Council of Ministers, on its own initiative, or further to a recommendation from Assembleia da República, which shall always be substantiated on duly justified grounds.

5 - For the purpose of the preceding paragraph, duly justified grounds shall be deemed to exist where a serious offence, bearing individual or joint liability, is detected further to a duly supported investigation, conducted by a body independent of the Government, which shall be preceded by an opinion from the Regulatory Authority's advisory council, where appropriate, and the hearing of the relevant parliamentary committee, in particular in the following cases:

- a) Serious and repeated breach of legal provisions or of Statutes, namely the failure to comply with transparency and reporting obligations related to the activity of the Regulatory Authority, as well as with regulations and guidelines issued by the Regulatory Authority;
- b) Failure to meet the duty to perform the respective role on an exclusive basis or serious or repeated infringement of the requirement for confidentiality;
- c) Substantial and unjustified failure to comply with the Regulatory Authority's activity plan or budget.

6 - Where the term of office ends on expiry or resignation, members of the Board of Directors shall continue in office until such time as they are effectively replaced.

7 - Where a post becomes vacant for one of the reasons specified in the preceding paragraphs, the vacancy shall be filled within at the most 45 days from the date on which it takes place.



Article 21 Competence

1 - Within the framework of the Regulatory Authority's direction and management powers, it shall be incumbent on the Board of Directors to:

- a) Guide the respective activity;
- b) Define and approve the internal organisation of the respective Regulatory Authority;
- c) Prepare plans and reports to be submitted every year to Assembleia da República and to the Government and to ensure the respective implementation;
- d) Follow and assess on a systematic basis the activities carried out, by holding the different services accountable for the efficient use of means made available to them and for results achieved;
- e) Draw up the activity report;
- f) Draw up the social balance sheet, under applicable legislation;
- g) Exercise staff direction, management and discipline powers;
- h) Perform all staff-related acts provided for under the law and the Statutes;
- i) Approve regulations provided for in the Statutes and those required for the performance of the Regulatory Authority's tasks;
- j) Perform all other day-to-day acts resulting from the application of the law and the Statutes that are necessary for the proper operation of services;
- k) Appoint the Regulatory Authority's representatives to other bodies;
- l) Perform an advisory role towards Assembleia da República under the Statutes and to provide information and clarifications on the respective activity in accordance with article 49;
- m) Support the Government by providing technical assistance, delivering opinions, studies, information and draft legislation;
- n) Ensure the representation of the Regulatory Authority and, at the request of the Government, the representation of the State, in national and international bodies and fora, within the framework of relationships with national and international counterparts or relevant bodies to the respective activity;
- o) Appoint the Regulatory Authority's authorised representatives in and out of court, with the power to appoint substitutes;
- p) Appoint a secretary, who shall be responsible for certifying acts and deliberations;
- q) Exercise all other competences laid down in the Statutes of the Regulatory Authority.

2 - Within the framework of the Regulatory Authority's financial and asset management powers, it shall be incumbent on the Board of Directors to:

- a) Draw up the annual budget and ensure the respective implementation;
- b) Collect and manage revenues and authorize the expenditure required for its operation;
- c) Draw up the management report and accounts;
- d) Manage assets;



- e) Accept donations, inheritances or legacies under benefit of inventory;
- f) Guarantee that conditions required for the exercise of the financial and asset control by legally responsible bodies are in place;
- g) Exercise all other powers provided for in the law and in the Statutes which have not been conferred on any other body;
- h) To perform any other tasks set out in the Statutes of the Regulatory Authority.

3 - Regulatory Authorities shall be represented, in particular in court or in the performance of legal acts, by the Chair of the Board of Directors, by two of its members or by authorised representatives specially appointed by them.

4 - Without prejudice to point o) of paragraph 1, the Board of Directors shall be entitled at all times to choose to request the support and representation in court by Ministério Público (the Public Prosecution Office), which in this case shall be responsible for protecting the interests of the Regulatory Authority.

5 - Actions performed by the Board of Directors may be contested, under the law, before the competent courts.

6 - The Board of Directors shall be entitled to delegate competences on any of its members.

Article 22

Operation

1 - The Board of Directors shall hold regular meetings at least once a week, and special meetings shall be held where convened by the Chair, on his or her initiative or at the request of any other member.

2 - Abstention from voting shall not be allowed, but members shall be entitled to give their explanations of vote.

3 - Minutes of meetings shall be signed by all members present, whereby members who do not agree with the contents of deliberations shall be entitled to enter the respective explanations of vote in the minutes.

Article 23

Competence of the Chair

1 - The Chair of the Board of Directors shall in particular:

- a) Chair meetings, guide the work and ensure compliance with the respective deliberations;
- b) Secure the relationship with Assembleia da República, the Government and other public or private bodies;
- c) Request opinions from the Audit Commission or Statutory Auditor, as well as from advisory bodies, where appropriate;
- d) Perform the tasks delegated by the Board of Directors;
- e) Perform any other tasks set out in the Statutes of the Regulatory Authority.

2 - The Chair shall be entitled to delegate, or sub-delegate, the performance of his or her tasks to the Vice-Chair, where appropriate, or to other members of the Board of Directors.



3 - In the event of absence or impediment, the Chair shall be replaced by the Vice-Chair, where appropriate, or by the member he/she appoints for the purpose, and in case of absence of the latter, by the longest serving member.

4 - Without prejudice to paragraph 4 of article 14 of Código do Procedimento Administrativo (the Administrative Procedure Code), the Chair or his/her legal substitute shall be entitled to veto deliberations of the Board of Directors that are deemed to be against the law, the Statutes or the public interest, whereby the veto shall be the subject of a substantiated explanation of vote, which shall be entered in the minutes.

5 - In the cases provided for in the preceding paragraph, the approval of deliberations shall require a new decision-making procedure, including the hearing of bodies deemed by the Chair or his/her legal substitute to be relevant.

Article 24

Liability of members

1 - Members of the Board of Directors shall be jointly liable for acts performed in the exercise of their tasks.

2 - Members shall be relieved of liability where they attended the meeting where the deliberation was taken but voted against it, in an explanation of vote entered in the respective minutes, as well as where they were not present at the meeting but declared their disagreement in writing, such explanation having also been entered in the minutes.

Article 25^[2]

Status of members

1 - Members of the Board of Directors shall be subject to the statutory system set out in this Framework-Law.

2 - The remuneration of members of the Board of Directors shall include a monthly salary and, to cover representation expenses, a monthly allowance paid twelve times per year, which shall not exceed 40% of the respective monthly salary.

3 - For the purpose of the preceding paragraph, the monthly salary shall not exceed 30% of the last remuneration level of the single remuneration scale provided for in Administrative Rule No. 1553-C/2008, of 31 December.

4 - The monthly salary and the monthly allowance paid to cover representation expenses of members of the Board of Directors shall be determined by comissão de vencimentos (the salary committee).

5 - The determination of the monthly salary and of the monthly allowance paid to cover representation expenses of members of the Board of Directors shall have no retroactive effects, nor shall such determination be altered in the course of the term of office, without prejudice to salary adjustments that apply across all public bodies.

6 - The use by members of the Board of Directors of credit cards and other means of payment, vehicles, communications, bonuses, wage supplements and social benefits shall be governed by Decree-Law No. 71/2007, of 27 March, and shall constitute remuneration, for tax purposes.



7 - Ex officio tasks performed or posts held by members of the Board of Directors in bodies or other structures related to Regulatory Authorities shall not confer the right to any additional remuneration or any other benefits or advantages.

Article 26

Comissão de vencimentos

(Salary committee)

- 1 - Each Regulatory Authority shall operate with a comissão de vencimentos.
- 2 - Each comissão de vencimentos shall be composed of three members, appointed as follows:
 - a) One member appointed by the member of the Government in charge of the finance area;
 - b) One member appointed by the member of the Government in charge of the main area of economic activity which falls under the scope of action of the Regulatory Authority;
 - c) A third member appointed by the Regulatory Authority, who has preferably held office in one of its mandatory bodies, or failing any such appointment, a member co-opted by members referred to in the preceding paragraphs.
- 3 - The determination of remuneration amounts by comissão de vencimentos shall satisfy the following criteria:
 - a) The dimension, complexity, burden and responsibility that come with tasks;
 - b) The impact on the regulated market of the system of fees, tariffs or contributions established or received by the Regulatory Authority;
 - c) Standard market practices within the sector of activity of the Regulatory Authority;
 - d) The economic environment, the need for remuneration adjustment and limitation in which the country finds itself and the monthly salary of the Prime-Minister as reference value;
 - e) Remuneration amounts received by employees of the Regulatory Authority;
 - f) The development of economic activities which fall under the scope of action of the Regulatory Authority;
 - g) Opinions on the activity and operation of the Regulatory Authority;
 - h) Other criteria deemed to be appropriate in the light of specificities of the sector of activity of the Regulatory Authority.
- 4 - The determination of remuneration amounts shall be included in a duly substantiated report prepared by comissão de vencimentos, which shall be submitted to the Government and to Assembleia da República prior to the hearing of members of the Board of Directors.
- 5 - Comissão de vencimentos shall be required to review remuneration amounts of members of the Board of Directors at least once every six years.
- 6 - Members of comissão de vencimentos shall not be remunerated nor shall they be entitled to any other advantage or benefit.



SECTION III

Audit Commission and Statutory Auditor

Article 27

Role

The Audit Commission, or the Statutory Auditor, shall be the body responsible for monitoring the legality, regularity and sound financial and asset management of the Regulatory Authority, as well as for advising the respective Board of Directors in these areas.

Article 28

Composition, appointment and status

- 1 - Where an Audit Commission exists, it shall comprise a Chair and two other Board members, one of which shall be a chartered accountant.
- 2 - The Statutory Auditor shall be a chartered accountant or an audit firm.
- 3 - Members of the Audit Commission and the Statutory Auditor shall be appointed by order of members of the Government in charge of the finance area and the main area of economic activity which falls under the scope of action of the Regulatory Authority.
- 4 - The term of office of the Audit Commission and Statutory Auditor shall be four years, which shall not be renewable, without prejudice to the following paragraph.
- 5 - Members of the Audit Commission and the Statutory Auditor shall be entitled to be appointed to hold positions in bodies of the respective Regulatory Authority four years after the expiry of the previous term of office.
- 6 - Where the term of office ends, members of the Audit Commission and the Statutory Auditor shall continue in office until such time as they are effectively replaced or an order for the purpose of termination of office is issued by members of the Government in charge of the finance area and the main area of economic activity which falls under the scope of action of the Regulatory Authority.
- 7 - The Chair and the Statutory Auditor, as well as other members of the Audit Commission, shall be entitled to a monthly salary paid twelve times per year, amounting to $\frac{1}{4}$ of the monthly salary determined for the Chair and other members of the Board of Directors, respectively.
- 8 - Points b) and c) of paragraph 1 of article 19 shall apply to members of the Audit Commission and to the Statutory Auditor, which shall also not be allowed to maintain an employment relationship with the State.
- 9 - In the case of the Regulatory Authority with powers to enforce competition rules, the impediments set out in points b) and c) of paragraph 1 of article 19 shall only concern companies or bodies that are involved in processes or are the addressees of actions, decisions or deliberations of such body, in the period of time during which members of the Audit Commission and the Statutory Auditor hold office.
- 10 - The Statutes of each Regulatory Authority may determine the application of other incompatibilities and impediments to members of the Audit Commission and to the Statutory Auditor.

Article 29

Competences

- 1 - It shall be incumbent on the Audit Commission or the Statutory Auditor to:



- a) Regularly follow and monitor compliance with applicable laws and regulations, the budget implementation and the economic, financial, asset and accounting situation;
 - b) Give an opinion on the budget and respective reviews and amendments, as well as on the activity plan from the perspective of its budgetary provision;
 - c) Give an opinion on the report and accounts for the financial year, including documents attesting to the legal certification of accounts;
 - d) Give an opinion on the purchase, rent, sale and encumbrance of immovable property;
 - e) Give an opinion on the acceptance of donations, inheritances or legacies;
 - f) Give an opinion on whether loan agreements should be entered into, where the Regulatory Authority is entitled to do so;
 - g) Report the result of checks and examinations undertaken to the Board of Directors;
 - h) Draw up reports on its monitoring action, including an overall annual report;
 - i) Propose that external audits are carried out, where deemed to be necessary or convenient;
 - j) Give an opinion on any subject submitted to it by the Board of Directors, Tribunal de Contas or other public bodies in charge of the inspection and audit of services of the State;
 - k) Report to the relevant bodies any irregularities that are identified;
 - l) Perform all other competences set out in the Statutes of the Regulatory Authority.
- 2 - Opinions referred to in the preceding paragraph shall be delivered within 30 days from the date on which documents concerned are received, except in situations of extreme urgency.
- 3 - In order to perform their tasks, the Audit Commission or the Statutory Auditor shall be entitled to:
- a) Obtain from the Board of Directors all information and clarifications deemed to be necessary;
 - b) Be given free access to all services and documents of the Regulatory Authority, requesting the presence of persons in charge and seeking clarifications deemed to be necessary;
 - c) Hold meetings with the Board of Directors to analyse matters within the scope of its tasks, where justified by the nature or relevance thereof;
 - d) Take or propose any steps deemed to be indispensable.

Article 30

Operation of the Audit Commission

- 1 - Where an Audit Commission exists, it shall hold regular meetings once a month, and special meetings shall be held where convened by the Chair, on his or her initiative or at the request of any other member.
- 2 - Abstention from voting shall not be allowed, but members shall be entitled to give their explanations of vote.
- 3 - Minutes of meetings shall be signed by all members present, whereby members who do not agree with the contents of deliberations shall be entitled to enter the respective explanations of vote in the minutes.



CHAPTER II
Services and employees

Article 31
Services

Regulatory Authorities shall be provided with the services as required to perform their tasks.

Article 32^[2] ^[4]
Employees

- 1 - Employees of Regulatory Authorities shall be subject to the legal scheme governing individual employment.
- 2 - Regulatory Authorities shall be entitled to be parties to collective working regulation instruments.
- 3 - The recruitment of employees and the appointment of holders of senior management positions or of similar positions shall follow a tender-like procedure which, in any event, shall abide by the following principles:
 - a) Advertisement of the job offer at the Regulatory Authority's website and at Bolsa de Empleo Público (the public employment pool);
 - b) Equal conditions and chance for all candidates;
 - c) Objective and detailed methods and criteria for assessment and selection;
 - d) Reasoned decision;
 - e) The provision in paragraph 3 of article 4.
- 4 - The adoption of the legal scheme governing individual employment shall be without prejudice to requirements and limitations resulting from the pursuit of public interest, namely those concerning the accumulation of roles and incompatibilities laid down by law for public servants.
- 5 - The provisions in points b) to d) of paragraph 1 of article 19 shall apply to all employees of Regulatory Authorities, as well as to all service providers with whom a conflict of interests may exist, namely where the provision of legal, economic or financial services is concerned, being incumbent on the Board of Directors and the Audit Commission to assess and prevent this kind of conflict.
- 6 - Upon termination of office, and for a two-year period, holders of senior management positions or of similar positions at Regulatory Authorities shall not establish any contractual link or relationship with companies, groups of companies or any other addressees of the activity of the respective Regulatory Authority, being required, in case of non-compliance, to return an amount that corresponds to all net salaries received, up to a maximum of three years, whereby the update coefficient resulting from the corresponding annual average rates of change of the consumer price index determined by Instituto Nacional de Estadística, I. P. (the National Statistical Institute) shall apply.
- 7 - In the case of the Regulatory Authority with powers to enforce competition rules, the prohibition set out in the preceding paragraph shall concern companies or bodies that were involved in processes or were the addressees of actions, decisions or deliberations of such body, in the period of time during which holders of senior management positions or of similar positions concerned held office.



8 - Paragraphs 6 and 7 shall not apply to situations of termination of office due to expiry of a fixed term contract, or of a service commission, where the person concerned returns to his/her position of origin, or on the initiative of the Regulatory Authority.

9 - The Statutes of each Regulatory Authority may determine the application of other incompatibilities and impediments to employees and services providers, as well as to holders of senior management positions or of similar positions.

10 - Staff management, including the employment of workers, shall not be subject to the opinion of the members of the Government.

CHAPTER III

Economic, financial and asset management

Article 33 ^[4]

Budget and financial system

1 - Regulatory Authorities, in the scope of their financial and asset management, shall enjoy autonomy as provided for in this Framework-Law, as far as their budget is concerned.

2 - Public accounting rules and the system of autonomous funds and services, namely provisions on the commitment of expenditure, the carryover and use of net results and fund blocking, shall not apply to Regulatory Authorities, without prejudice to the following paragraph.

3 - Funds resulting from the use of public goods or those that depend on allocations from the State budget shall be applied the budget and financial system of autonomous funds and services, namely in the scope of the commitment of expenditure, the carryover and use of net results.

4 - Without prejudice to Article 45, fund blocking over their own revenues shall not be imposed on Regulatory Authorities, nor shall they be subject to authorization by members of the Government for the conclusion of contracts or the commitment of expenditure.

Article 34

Contribution, fees and tariffs

1 - Regulatory Authorities shall be entitled to charge contributions, in accordance with the respective Statutes, to companies and other bodies subject to their regulatory powers, as well as to powers concerning the promotion and protection of competition, in respect of economic activities of private, public, cooperative and social sectors.

2 - Regulatory Authorities shall also be entitled to charge fees or tariffs, in accordance with the respective Statutes, to companies and other addressees of the activity pursued by the Regulatory Authority and services provided by the latter, except for the situations referred to in paragraph 4 of article 40.

3 - The subjective and objective incidence, the amount or aliquot, frequency and, where appropriate, total or partial exemptions and reductions, periods of application and maximum and minimum limits of the collection of the contribution and of each fee or tariff referred to in the preceding paragraphs shall be determined, after the Regulatory Authority has been heard, by administrative rule issued by members of the Government in charge of the finance area and the main area of economic activity which falls under the scope of action of the Regulatory Authority.



4 - The provision in the preceding paragraph shall not apply where the determination of regulated tariffs or prices is a task entrusted to the Regulatory Authority, in which case provisions set out in Statutes and in applicable sector legislation shall apply.

5 - It shall be incumbent on the Regulatory Authority to establish, by regulation, the methods and deadlines for the settlement and collection of contributions, fees and tariffs.

6 - Where the requirement to pay contributions, fees and tariffs is determined by law, the enforced collection thereof shall observe the tax execution procedure, governed by Código do Procedimento e de Processo Tributário (the Administrative and Judicial Tax Procedure Code), which shall be carried out by the relevant fiscal justice services, whereby such contributions, fees and tariffs shall be deemed to be equivalent to State claims.

7 - For the purpose of the preceding paragraph, an enforcement order certificate in accordance with Código do Procedimento e de Processo Tributário shall be enforceable.

Article 35

Assets

1 - Assets of Regulatory Authorities shall comprise property, rights and obligations of an economic content, assigned by the State or acquired by Regulatory Authorities.

2 - Regulatory Authorities shall comply with legal systems governing State-owned real estate, movable property and vehicle fleet, as regards property which has been assigned to them by the State, and with private law as regards any other property.

3 - Assets of Regulatory Authorities shall alone serve to cover the respective liabilities; notwithstanding, after all assets have been sold by way of execution or where the Regulatory Authority is abolished, creditors shall be entitled to take action against the State to satisfy their claims.

4 - In case of abolition, assets of Regulatory Authorities and property under their administration shall revert to the State, except in the case of merger or separation, in which case assets and property may revert to the new Regulatory Authority or be assigned to it, insofar as this possibility has been explicitly provided for in the legal statutory instrument that determines the merger or separation.

Article 36

Revenues

1 - Regulatory Authorities shall have their own revenues.

2 - Revenues of Regulatory Authorities shall in particular consist of:

- a) Contributions, fees or tariffs charged for the exercise of the regulatory activity, services provided or the removal of a legal barrier;
- b) Proceeds from fines applied for infringements which the Regulatory Authority is required to sanction, in accordance with the respective sanctioning system;
- c) Other contributions, fees or tariffs legally imposed on operators subject to their regulation or on final users;
- d) Additionally, State budget appropriations;
- e) Other revenues defined under the law or the respective Statutes.



3 - In exceptional and duly substantiated situations, and further to an administrative rule issued by members of the Government in charge of the finance area and the main area of economic activity which falls under the scope of action of the Regulatory Authority, earmarked revenues may be allocated to Regulatory Authorities.

4 - Regulatory Authorities shall not take out loans, save in exceptional circumstances explicitly provided for in the law on budgetary principles or with the prior authorization of members of the Government in charge of the finance area and the main area of economic activity which falls under the scope of action of the Regulatory Authority.

Article 37

Expenditure

Regulatory Authorities' expenditure shall be deemed to mean all expenses that result from charges deriving from the performance of the respective tasks.

Article 38^[3]

Accounting, accounts and treasury

1 - Regulatory Authorities shall be required to apply Sistema de Normalização Contabilística (SNC-AP - the national accounting system) for Public Administrations.

2 - Accountability shall be governed, first and foremost, by provisions laid down in Lei de Organização e Processo (the Law on Organization and Proceedings) of Tribunal de Contas and respective regulatory provisions.

3 - Regulatory Authorities shall be required to comply with the State Treasury system, and in particular, with the principle and rules on unity of treasury.

4 - Regulatory Authorities shall draw up and update, on an annual basis, the inventory of the respective immovable property, in accordance with the legal system that governs public real estate.

5 - Net results of Regulatory Authorities shall be carried over to the subsequent year, and may be used, in particular, to the benefit of consumers or of the regulated sector, in accordance with conditions to be defined in the Statutes of each Regulatory Authority, except where such results derive from the use of State-owned property or from transfers from the State budget, in which case such results may revert to the State.

Article 39

System of performance indicators

1 - Regulatory Authorities shall be required to use a coherent system of performance indicators, that reflects the set of activities carried out and results achieved.

2 - The system shall include indicators for measuring efficiency, effectiveness and quality.

3 - It shall be incumbent on the Audit Commission or on the Statutory Auditor to assess the quality of systems of performance indicators, as well as to evaluate, on an annual basis, the results achieved by the Regulatory Authority according to available means, whereby conclusions reached shall be reported to members of the Government in charge of the finance area and the main area of economic activity which falls under the scope of action of the Regulatory Authority.



CHAPTER IV powers and procedures

Article 40 Powers

1 - In accordance with and within the limits of the respective Statutes, it shall be incumbent on Regulatory Authorities, in the exercise of their regulatory, supervisory, enforcing and infringement sanctioning powers in respect of economic activities of private, public, cooperative and social sectors, in particular, to:

- a) Enforce the law, regulations and law and applicable European Union legislation;
- b) Determine or collaborate in the determination of fees, tariffs and prices to be charged in the respective regulated sector;
- c) Lay down the rules governing access to the regulated economic activity, in accordance with and within the limits of the law;
- d) Ensure, as regards network-based activities, a fair and non-discriminatory access to such networks by the various operators, under the law;
- e) Ensure, as regards activities providing “services of general interest”, the relevant “public service obligations” or “universal service obligations”;
- f) Implement laws and other regulations that apply to the respective sector of activity;
- g) Verify compliance with legal or regulatory duties to which addressees of the respective activities are subject;
- h) Verify compliance with any guidelines or determinations issued by the Regulatory Authority or with any other obligation related to the respective sector of activity;
- i) Issue orders and instructions, grant authorizations and accreditation or approvals in situations provided for in the law.

2 - In accordance with and within the limits of the respective Statutes, it shall also be incumbent on Regulatory Authorities, in the exercise of their implementing powers, in particular, to:

- a) Draw up and approve regulations and other standards of a general nature, instructions or other standards of a specific nature that concern the interests, obligations or rights of regulated bodies or activities or of their users;
- b) Issue general recommendations and directives;
- c) Propose and approve codes of conduct and best practice guides for addressees of the respective activity;
- d) Give their opinion, at the request of Assembleia da República or of the Government, on legislative or other initiatives that concern the regulation of the respective sector of activity;
- e) Make suggestions with a view to creating or reviewing the legal or regulatory framework.

3 - In accordance with and within the limits of the respective Statutes or of the applicable sanctioning system, it shall be incumbent on Regulatory Authorities, in the exercise of their inspection and audit, supervisory and sanctioning powers, in particular, to:



- a) Monitor and audit the application of laws and regulations, as well as other applicable standards, as well as obligations entered into by concession-holders or service providers in the respective contracts for the provision of the public service or universal service, where activities subject to their regulation are concerned;
- b) Monitor and audit the application of laws and regulations, as well as other standards that apply to activities falling under their jurisdiction and to carry out the necessary inspections, investigations and audits;
- c) Launch sanctioning procedures in case of infringement of duties or obligations that arise from legal or regulatory provisions, as well as obligations entered into by concession-holders or service providers in the respective contracts for the provision of the public service or universal service, where activities subject to their regulation are concerned;
- d) Adopt the necessary precautionary measures and to apply the appropriate sanctions;
- e) Report to the competent bodies any infringements the punishment of which does not fall is not within the scope of their tasks, and to collaborate with such bodies;
- f) Impose fines.

4 - In accordance with and within the limits of the respective Statutes, it shall be incumbent on Regulatory Authorities, where they enjoy mediation powers, in particular, to:

- a) Disclose the existence of voluntary arbitration for the purpose of the settlement of disputes and to make available dispute mediation services;
- b) Take action in the scope of the settlement of disputes between companies and other bodies subject to their jurisdiction, or between the latter and their clients or third parties, whether or not rights that are alleged and claimed are acknowledged;
- c) To assess complaints made by consumers or third parties and to adopt the necessary steps, under the law;
- d) Provide information, guidance and support to users and consumers of the respective sectors of economic activity, as well as on complaints presented.

5 - Bodies of the Regulatory Authority shall not delegate the performance of any of its tasks or regulatory and sanctioning powers, or grant a concession thereon, to public or private bodies, whether for a fixed or indefinite period of time and whether or not against payment, compensation or regular income.

Article 41

Implementing procedure

1 - Prior to the approval or amendment of any regulation that includes provisions with external effectiveness, Regulatory Authorities shall provide for the intervention of the Government, companies, other addressees of Regulatory Authorities' activity, relevant user and consumer associations and the general public.

2 - For the purpose of the preceding paragraph, the Regulatory Authority shall disclose the respective draft at its website, for public discussion purposes, and interested parties shall be entitled to submit their comments and suggestions.



3 - The public consultation shall take place within a period not shorter than 30 days, save where a different period of time is defined in the Statutes or where duly substantiated urgent situations justify the definition of a shorter period.

4 - The Regulatory Authority shall draw up a preliminary report of regulations, which shall substantiate the decisions taken, referring in particular any comments or suggestions presented in the course of the public discussion stage.

5 - Regulations laying down standards with external effectiveness shall be published in *Diário da República* (the Official Gazette) and made available immediately at the Regulatory Authority's website.

Article 42

Inspection and audit powers

1 - Regulatory Authorities shall conduct inspections and audits on a regular basis, with a view to implement inspection plans approved in advance and whenever any circumstances that suggest a disruption in the respective sector of activity occur.

2 - Employees authorised by the respective Regulatory Authorities to carry out an inspection or audit shall be regarded as law enforcement authorities, and shall have the power to:

- a) Enter any premises, land and means of transport of companies and other addressees of the activity of the Regulatory Authority and bodies working in collaboration therewith;
- b) Examine the books and other records related to companies and other addressees of the activity of the Regulatory Authority and bodies working in collaboration therewith, irrespective of the medium on which they are stored;
- c) Obtain in any form copies of or extracts from checked documents;
- d) Ask any legal representative, employee or collaborator of the company or other addressee of the activity of the Regulatory Authority and bodies working in collaboration therewith for explanations on facts or documents relating to the subject-matter and purpose of the inspection or audit and to record the answers;
- e) Identify bodies that break laws and regulations which the Regulatory Authority is required to enforce, for subsequent action;
- f) Obtain assistance from administrative and police authorities, where deemed to be necessary for the proper performance of their tasks.

3 - Employees of Regulatory Authorities that perform inspection and audit roles shall carry an identification card for the purpose.

4 - Collaborators of persons authorised to accompany an inspection or an audit shall carry accreditation documents.

Article 43

Sanctioning powers

It shall be incumbent on Regulatory Authorities, in accordance with the respective sanctioning systems, to practise all acts required to process and punish infringements of the law or regulations which Regulatory Authorities are required to implement or enforce, as well as the failure to comply with their own determinations.



Article 44

Obligation to collaborate

For the purpose of this Framework-Law, legal representatives of companies or other addressees of the activity of the Regulatory Authority and bodies working in collaboration therewith shall provide all assistance that is requested by the Regulatory Authority for the proper performance of its tasks, namely information and documents that are requested, which shall be made available within the deadline set by Regulatory Authorities, which shall not exceed 30 days.

CHAPTER V

Independence, liability, transparency and consumer protection

Article 45

Independence

- 1 - Regulatory Authorities shall be independent in the performance of their tasks and shall not be subject to Government oversight or authority, without prejudice to the following paragraphs.
- 2 - Members of the Government shall not be entitled to address any recommendations or issue any directives to governing bodies of Regulatory Authorities as regards their regulatory activity or priorities adopted in the respective performance.
- 3 - The member of the Government in charge of the area of economic activity which falls under the scope of action of the Regulatory Authority shall be entitled to request information from bodies of Regulatory Authorities on the implementation of annual and multiannual activity plans, budgets and respective multiannual plans.
- 4 - Budgets and respective multiannual plans, balance sheets and reports and accounts shall be subject to the prior approval of members of the Government in charge of the finance area and of the main area of economic activity which falls under the scope of action of the Regulatory Authority, within 60 days from the reception of such documents.
- 5 - Other acts with a financial impact the prior approval of which is provided for in the Statutes shall also be subject to the prior approval of the member of the Government in charge of the main area of economic activity which falls under the scope of action of the Regulatory Authority, within the same period of time.
- 6 - Approvals provided for in paragraphs 4 and 5 shall only be refused by means of a decision based on illegality or detriment to the Regulatory Authority's objectives or to the public interest, or on an unfavourable opinion delivered by the advisory council, if there is one.
- 7 - Where deadlines provided for in the preceding paragraphs expire and no explicit decision is issued on such matters, the respective documents shall be deemed to be tacitly approved.
- 8 - The following acts shall be subject to the approval of members of the Government in charge of the finance area and of the main area of economic activity which falls under the scope of action of the Regulatory Authority, otherwise they shall be ineffective:
 - a) Acceptance of donations, inheritances or legacies;
 - b) Purchase or sale of immovable property, under the law;
 - c) Other acts with an impact on assets the prior approval of which is provided for in the Statutes.



Article 46

Liability

- 1 - Members of bodies of Regulatory Authorities and their employees shall be held liable at civil, criminal, disciplinary and financial levels for acts and omissions committed in the performance of their tasks, under the Constitution and other relevant legislation.
- 2 - Financial liability shall be effected by Tribunal de Contas, under the respective legislation.
- 3 - Where, under paragraph 1, legal action is taken by third parties against members of bodies of the Regulatory Authority and its employees, the latter shall be entitled to legal aid provided by Regulatory Authority, without prejudice to this Authority's general right of recourse.

Article 47

Consumer protection

- 1 - It shall be incumbent on Regulatory Authorities to promote in an appropriate manner the defence of services of general interest and the protection of rights and interests of consumers in areas of economic activity which fall under their scope of action.
- 2 - 2 - The Statutes of Regulatory Authorities shall provide for the representation of consumer associations in the respective bodies of an advisory nature, tariff regulation or participation of addressees of the respective activity, as well as the participation of these associations in consultation and public hearing procedures to be carried out when decisions likely to affect the rights and interests of consumers are required.
- 3 - 3 - Without prejudice to Decree-Law No. 156/2005, of 15 September, it shall be incumbent on Regulatory Authorities to settle disputes between operators subject to their regulation, or between the latter and consumers, and in particular, to:
 - a) Stimulate and cooperate with existing out-of-court dispute-settlement mechanisms or, in collaboration with other bodies, to establish other mechanisms, in which case Regulatory Authorities shall be required to ensure that stakeholders of the area of economic activity which falls under their scope of action adhere to the referred mechanisms;
 - b) Provide information, guidance and support to consumers and to cooperate with consumer associations in the promotion of their rights and interests within the regulated sector;
 - c) Disclose every six months a statistical chart of consumer complaints, operators against whom most complaints were filed and results of measures adopted;
 - d) Encourage the handling of complaints by means of mediation, conciliation or arbitration, upon request from interested parties, under simple, and streamlined procedural terms that tend to be free of charge;
 - e) Issue recommendations or, following the handling of complaints, to order operators subject to their regulation to adopt measures required to achieve fair compensation of consumer rights.

Article 48^[2]

Transparency

Regulatory Authorities shall provide for a website, with all relevant data, in particular:

- a) All statutory instruments that govern them, Statutes and regulations;



- b) The composition of bodies, including the respective biographical data and the value of items of the applied remuneration status;
- c) All activity plans and activity reports;
- d) All budgets and reports and accounts, including the respective balance sheets and multiannual plans;
- e) Information on their regulatory and sanctioning activity;
- f) Staff charts, without personal identification, the respective remuneration status and career system;
- g) Reports and opinions of the Audit Commission or Statutory Auditor;
- h) Report of Comissão de Vencimentos;
- i) Rules of procedure referred to in paragraph 2 of article 10.

Article 49

Provision of information

1 - In the first quarter of each year of operation, Regulatory Authorities shall present the respective multiannual activity plan and development programme to the relevant parliamentary commission of Assembleia da República.

2 - Regulatory Authorities shall be required to prepare and submit to Assembleia da República and to the Government, on an annual basis, a detailed report on the respective activity and operation for the preceding year, which shall be published in the respective website.

3 - Members of bodies of Regulatory Authorities shall appear before the relevant parliamentary commission, when so requested, to provide information or clarifications on the respective activity.

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