

## **Statute governing Members of the Assembly of the Republic**

**Law no. 7/93 of 1 March 1993,  
as amended by Law no. 24/95 of 18 August 1995<sup>1</sup>,  
Law no. 55/98 of 18 August 1998<sup>2</sup>, Law no. 8/99 of 10 February 1999,  
Law no. 45/99 of 16 June 1999, Law no. 3/2001 of 23 February 2001<sup>3</sup>  
(as rectified by Declaration of Rectification no. 9/2001 of 13 March 2001),  
Law no. 24/2003 of 4 July 2003, Law no. 52-A/2005 of 10 October 2005,  
Law no. 44/2006 of 25 August 2006<sup>4</sup>, Law no. 45/2006 of 25 August 2006<sup>5</sup>,  
Law no. 43/2007 of 24 August 2007<sup>6</sup> and Law no. 16/2009 of 1 April 2009**

Under the terms of Articles 164(d) and 169(3) of the Constitution the Assembly of the Republic hereby decrees the following:

### **Chapter I Mandate and term of office**

#### **Article 1 Nature and scope of mandate**

1 - Members of the Assembly of the Republic represent the whole country, and not the constituencies for which they are elected.

2 - Members of the Assembly of the Republic all possess the same status and all enjoy and are subject to the same rights and duties, without prejudice to specific conditions applicable to the exercise and fulfilment thereof and the regime governing the different parliamentary functions they perform, as laid down by law.

#### **Article 2 Beginning and end of term of office**

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<sup>1</sup> Article 4 of Law no. 24/95 of 18 August 1995 states that: *The present Law shall enter into force on the date on which the credentials of the Members of the Assembly of the Republic elected in the first electoral act that occurs after its publication are verified.*

<sup>2</sup> Paragraph (1) of Article 2 of Law no. 55/98 of 18 August 1998 states that: *The provisions of the present legislative act are applicable to situations preceding its entry into force on condition that they occurred during the current legislature; and paragraph (2) that: The provisions of the previous paragraph solely concern situations in which terms of office were suspended.* Article 3 of the same legislative act states that: *The present Law shall enter into force upon passage of the State Budget for the 1999 financial year.*

<sup>3</sup> Article 4 of Law no. 3/2001 of 23 February 2001 states that: *The regime governing incompatibilities and disqualifications that is provided for in the present Law applies to the Portuguese Members elected to the European Parliament, and any legislation to the contrary is hereby deemed derogated.* Paragraph (1) of Article 6 of the same legislative act states that: *The present Law shall enter into force immediately, without prejudice to the provisions of the following paragraphs; paragraph (2) that: The new regime governing the end of the term of office and other norms that impose greater restrictions derived from the legal provisions regarding incompatibilities shall only enter into force at the beginning of the new legislature; and paragraph (3) that: The financial effects derived from the amendments made by the present Law shall occur upon the entry into force of the Law governing the State Budget for 2001.* This legislative act republished and renumbered the Statute governing Members of the Assembly of the Republic.

<sup>4</sup> Article 2 of Law no. 44/2006 of 25 August 2006 states that: *The present Law shall enter into force on the first day of the next legislature (i.e. the first day of the 11<sup>th</sup> Legislature).*

<sup>5</sup> Article 2 of Law no. 45/2006 of 25 August 2006 states that: *The present Law shall enter into force on the first day of the next legislature (i.e. the first day of the 11<sup>th</sup> Legislature).*

<sup>6</sup> Article 5 of Law no. 43/2007 of 24 August 2007 states that: *Without prejudice to the provisions of Article 2 of Law no. 44/2006 and of Article 2 of Law no. 45/2006, both of 25 August 2006, the present Law shall enter into force on the first day of the 3<sup>rd</sup> Legislative Session of the 10<sup>th</sup> Legislature (15 September 2007).*

1 - The term of office of Members of the Assembly of the Republic begins upon the first sitting of the Assembly following elections thereto and ends upon the first sitting following the subsequent elections thereto, without prejudice to the suspension or termination of any individual term of office.

2 - The filling of vacancies which arise in the Assembly of the Republic shall be regulated by electoral law.

### **Article 3**

#### **Verification of credentials**

The Assembly of the Republic shall verify Members' credentials, in accordance with the respective Rules of Procedure.

### **Article 4**

#### **Suspension of term of office**

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

- a)* Approval of a request for temporary substitution when there are important grounds for it, in accordance with Article 5;
- b)* Criminal proceedings, as laid down in Article 11(3);
- c)* Occurrence of the situations referred to in Article 20(1)(a), except for President of the Republic, and in Article 20(1)(d), (e), (f), (g), (h) and (l).

2 - In the cases provided for in Article 20(1)(g), the suspension of the term of office set out in the previous paragraph is only admissible immediately after the verification of credentials by the Assembly of the Republic, or at the moment at which the Member is installed in the respective local authority position, and may not occur for more than a single period of up to 180 days.

### **Article 5**

#### **Temporary substitution on important grounds**

1 - When there are important grounds for doing so, Members of the Assembly of the Republic may ask the President of the Assembly to substitute them once or more than once during the course of the legislature.

2 - Important grounds shall mean:

- a)* Serious illness that involves being unable to exercise the functions of Member of the Assembly of the Republic for a period of not less than thirty and not more than one hundred and eighty days;
- b)* The taking of maternity or paternity leave;
- c)* The need to ensure the furtherance of proceedings, in accordance with Article 11(3).

3 - The request for substitution shall be submitted either directly by the Member of the Assembly of the Republic himself, or via the leadership of his parliamentary group, in which case it shall be accompanied by a declaration of consent by the Member who is to be substituted.

4 - When based on the grounds set out in paragraph (2)(a) or (b), the temporary substitution of a Member of the Assembly of the Republic shall not cause the processing of his remuneration to cease or any loss of length of service.

#### **Article 6** **End of suspension**

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

*a)* In the case of Article 4(1)(a), upon the end of the period of substitution, or upon the Member of the Assembly of the Republic's early return as directly notified to the President of the Assembly by the Member or the leadership of the parliamentary group to which he belongs;

*b)* In the case of Article 4(1)(b), upon the issue of a judicial decision absolving the Member of the Assembly of the Republic or equivalent, or upon completion of the sentence;

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

2 - All the powers possessed by the last Member of the Assembly of the Republic from the respective electoral list to have exercised the mandate on the date on which the original Member resumes the exercise of his mandate shall automatically cease on that date.

3 - Without prejudice to the provisions of Article 11(3)(b), no Member of the Assembly of the Republic may return before the end of the fifty days provided for in Article 5(5).

#### **Article 7** **Resignation of seat**

1 - Members of the Assembly of the Republic may resign their seat by means of a written declaration, which shall be submitted to the President of the Assembly either in person, or bearing a notarised signature.

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

3 - Without prejudice to their subsequent publication in the *Journal of the Assembly of the Republic*, resignations shall take effect when the Bureau announces them to the Plenary.

#### **Article 8** **Loss of seat**

1 - Members of the Assembly of the Republic shall lose their seat when:

*a)* They become subject to any of the disqualifications or incompatibilities provided for by law, even when due to facts that arose prior to their election; and the Assembly of the Republic may not reassess facts which have been the object of a judicial ruling that has already transited in rem judicatam or of an earlier decision by the Assembly itself;

*b)* They do not take up their seat in the Assembly of the Republic, or they exceed the permitted number of failures to attend, except for reasons that are justified under the terms of paragraph (2) and in accordance with the Rules of Procedure;

- c) They register as members of a political party other than that for which they stood for election;
- d) They are judicially convicted of participating in organisations that possess a racist or fascist ideology.

2 - Illness, marriage, maternity or paternity, mourning, force majeure, parliamentary missions or work, and political work or work pertaining to the political party to which the Member of the Assembly of the Republic in question belongs, as well as participation in parliamentary activities, in accordance with the Rules of Procedure, shall be deemed justified reasons.

3 - Any Member of the Assembly of the Republic who is present at a sitting or meeting and invokes duly substantiated reasons of conscience shall be deemed justified in not taking part in voting.

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

5 - In the applicable cases set out in Article 20 and if the Member of the Assembly of the Republic in question does not comply with the provisions of Article 21(7), failure to suspend his term of office in accordance with Article 4 shall cause the loss of his seat in accordance with Article 160(1)(a) of the Constitution. The loss of seat shall be declared following verification by the Assembly of the Republic, in accordance with the Rules of Procedure.

#### **Article 9**

#### **Substitution of Members of the Assembly of the Republic**

1 - In cases in which a Member of the Assembly of the Republic's seat falls vacant or his term of office is suspended, he shall be substituted for by the candidate who occupied the highest position on the same electoral list and was not elected.

2 - In the event that the candidate who is called upon to take up the functions of Member of the Assembly of the Republic is temporarily unable to do so, the candidate who occupied the next-highest position on the same electoral list shall take over his position.

3 - Once the inability has ended, the candidate shall once again take up his original position on the list for the purpose of future substitutions.

4 - If there are no longer any unelected effective or substitute candidates on the list of the Member of the Assembly of the Republic who is to be substituted, no substitution shall take place.

5 - Both the substitution provided for by this Article, and the recognition of the temporary inability on the part of an unelected candidate and of the end thereof, shall be subject to the issue of a request by the leadership of the Member of the Assembly of the Republic's parliamentary group, when one exists, or by the candidate with the right to fill the vacant seat.

#### **Chapter II Immunities**

#### **Article 10 Non-liability**

Members of the Assembly of the Republic are not civilly or criminally liable for or subject to disciplinary sanctions in relation to their votes or the opinions they express in the exercise of their functions or because of them.

### **Article 11** **Inviolability**

1 - No Member of the Assembly of the Republic may be detained, arrested or imprisoned without the Assembly's authorisation, save for a wilful crime which is punishable by imprisonment for a maximum term of more than three years and in flagrante delicto.

2 - Members of the Assembly of the Republic may not be heard as makers of declarations or official suspects without the Assembly's authorisation. In the event of the existence of strong indications of the wilful commission of a crime that is punishable by imprisonment for a maximum term of more than three years, the Assembly shall obligatorily authorise that a Member be heard as an official suspect.

3 - In the event that criminal proceedings are brought against a Member of the Assembly of the Republic and he is definitively charged, the Assembly shall decide, within the time limit laid down in the Rules of Procedure, whether or not he must be suspended so that the proceedings can take their course, as follows:

- a)* When the crime is of the type referred to in paragraph (1), suspension is obligatory;
- b)* The Assembly may limit the Member of the Assembly of the Republic's suspension to the time which, under the circumstances, it deems most appropriate to both the exercise of his mandate and the furtherance of the criminal proceedings.

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

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

5 - The competent judge shall submit the authorisation request referred to in the previous paragraphs in the form of a document addressed to the President of the Assembly of the Republic, and the request shall not lapse at the end of the legislature if the Member in question is elected for a new term of office.

6 - The decisions to which this Article refers shall be taken by the Plenary, which shall first hear the Member of the Assembly of the Republic involved and consider a formal written opinion from the committee with competence for the matter in question.

7 - The time limit for the prescription of the criminal proceedings shall be suspended when the authorisation request made by the competent judge is submitted to the Assembly of the Republic, in accordance with and for the purposes of Article 120(1)(a) of the Penal Code; if the

Assembly decides not to lift the Member's immunity, the suspension shall remain in effect for as long as he is entitled to the prerogative.

### **Chapter III** **Conditions under which mandates are exercised**

#### **Article 12**

##### **Conditions under which the function of Member of the Assembly of the Republic is exercised**

1 - Members of the Assembly of the Republic shall exercise their mandate freely and shall be ensured the conditions appropriate to the effective exercise of their functions, particularly with regard to the indispensable contact with registered electors, and to being informed regularly.

2 - Each Member of the Assembly of the Republic has the right to appropriate working conditions, particularly:

- a)* His own individualised office at the Seat of the Assembly of the Republic;
- b)* An individual assistant, to be recruited as laid down by law;
- c)* A dedicated electronic mailbox;
- d)* An individual page on the Assembly of the Republic's website.

3 - Every public entity is subject to the general duty of cooperation with Members of the Assembly of the Republic, both in the exercise of their functions and because of them.

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

5 - When so asked by Members of the Assembly of the Republic, civil governments must provide appropriate facilities that enable the Members to have direct contact with the media and with the citizens from their constituencies.

6 - In the exercise of their functions Members of the Assembly of the Republic have the right to use postal services and telecommunications systems free of charge, as well as to the use of the parliamentary IT network and other electronic information networks.

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

8 - The terms and conditions governing the use of each means of communication shall be set by the competent organs of the Assembly of the Republic.

#### **Article 13** **Compensation for damages**

1 - Members of the Assembly of the Republic who, in the exercise of their functions or because of them, are victims of acts that imply an offence against their life, physical or moral integrity, freedom or assets have the right to fair compensation.

2 - The facts which justify that compensation shall be the object of an inquiry to be ordered by the President of the Assembly of the Republic, who shall decide whether to award the compensation and the amount thereof, save if and to the extent that the damages are covered by other means.

#### **Article 14**

##### **Duties of Members of the Assembly of the Republic**

1 - Members of the Assembly of the Republic have the following duties:

- a)* To take part in parliamentary work, and particularly to attend Plenary sittings and meetings of the committees to which they belong;
- b)* To perform the offices in the Assembly and the functions that they are elected or appointed to at the proposal of the respective parliamentary groups;
- c)* To take part in voting;
- d)* To ensure the indispensable contact with registered electors;
- e)* To respect the dignity of the Assembly of the Republic and its Members;
- f)* To comply with the Rules of Procedure of the Assembly of the Republic.

2 - The exercise of any other activities, when legally permissible, may not prejudice the regular fulfilment of the duties provided for in the previous paragraph.

#### **Article 15**

##### **Rights of Members of the Assembly of the Republic**

1 - Members of the Assembly of the Republic's absences from official acts or procedures unrelated to the Assembly, due to Assembly sittings, meetings or missions, shall be sufficient reason to postpone the said acts or procedures without cost to the Members, but these grounds may not be invoked more than once in relation to each act or procedure.

2 - Members of the Assembly of the Republic who attend any officially recognised course at any level of education shall be subject to the most favourable of all the different regimes with regard to classes, examinations and the taking of other academic and scientific tests that are provided for in relation to other situations .

3 - Members of the Assembly of the Republic also enjoy the following rights:

- a)* Postponement of military service, civic service and civil mobilisation;
- b)* Free transit, which is deemed to mean free passage in public places to which access is restricted, upon display of the Member of the Assembly of the Republic's identity card;
- c)* A diplomatic passport per legislature, to be renewed in each legislative session;
- d)* A Member of the Assembly of the Republic's identity card, the model for and issue of which shall be determined by order of the President of the Assembly;
- e)* The remunerations and allowances laid down by law;
- f)* The rights provided for in the legislation governing the protection of maternity and paternity;
- g)* The right to use and carry a firearm, in accordance with paragraph (7);

h) Priority in reservations for travel on public air transport companies during periods in which the Assembly is in full session, or for reasons related to the performance of their mandate.

4 - In addition to the Member of the Assembly of the Republic's name and signature and the signature of the President of the Assembly, the Member's identity card shall include the validity date determined by the Member's term of office, together with the number of his national identity card or citizen's card.

5 - The integrated circuit of the Member of the Assembly of the Republic's identity card shall include the software for electronic voting, together with the qualified certificate for electronic signature, and other elements that are indispensable to any new software that may be incorporated into it.

6 - When a Member of the Assembly of the Republic's term of office ends or is suspended, his diplomatic passport and Member's identity card must immediately be returned to the President of the Assembly.

7 - For the purposes of the rules governing the possession of, permits for, and the use and carriage of firearms and their munitions, Members of the Assembly of the Republic are subject to the provisions of Article 5 of Law no. 5/2006 of 23 February 2006.

#### **Article 16** **Travel**

1 - In the exercise of their functions and because of them, Members of the Assembly of the Republic have the right to travel allowances and the corresponding expense allowances.

2 - The Assembly of the Republic shall decide the general principles to which such travel allowances and expense allowances are subject.

3 - When Members of the Assembly of the Republic are on official missions abroad they shall be entitled to life insurance in an amount to be set by the Board of Administration of the Assembly.

4 - Subject to a favourable written opinion from the Board of Administration of the Assembly, the Assembly of the Republic may take out an insurance policy that covers the travel risks that Members run in Portugal or as may arise from missions abroad.

5 - When Members of the Assembly of the Republic are on official journeys or journeys which the Conference of Leaders deems to be of parliamentary interest, the Assembly shall bear the costs of any emergency medical assistance.

#### **Article 17** ***Use of postal and communication services***

*Revoked.*

#### **Article 18** **Social security regime**

1 - Members of the Assembly of the Republic shall enjoy the benefits of the general social security regime.



2 - In cases in which Members of the Assembly of the Republic opt for the social security regime applicable to their profession, the Assembly of the Republic shall bear the costs that would otherwise be borne by the employer.

#### **Article 19**

##### **Guarantees with regard to work and social benefits**

1 - Members of the Assembly of the Republic may not be prejudiced in their professional assignments, social benefits or permanent employment due to the fulfilment of their mandate.

2 - Members of the Assembly of the Republic have the right to be dispensed from all professional, public and private activities during the legislature.

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

4 - In the case of a function that is temporary by law or by contract, fulfilment of a Member of the Assembly of the Republic's mandate shall suspend the counting of the respective time period.

#### **Article 20**

##### **Incompatibilities**

1 - The following positions and functions are incompatible with the exercise of the mandate of Member of the Assembly of the Republic:

- a)* President of the Republic, member of the Government, and Representative of the Republic to an Autonomous Region;
- b)* Member of the Constitutional Court, the Supreme Court of Justice, the Supreme Administrative Court, the Court of Audit, the Supreme Judicial Council, the Supreme Council of the Administrative and Fiscal Courts, Attorney General, and Ombudsman;
- c)* Member of the European Parliament;
- d)* Member of the self-government organs of Autonomous Regions;
- e)* Ambassador, unless the Member of the Assembly of the Republic is a career diplomat;
- f)* Civil Governor and Deputy Civil Governor;
- g)* Mayor, deputy mayor, legal substitute for the mayor, and municipal councillor, either full- or part-time;
- h)* Employee of the state or another public legal person;
- i)* Member of the National Electoral Commission;
- j)* Member of a ministerial office or legally equivalent position;
- l)* Holder of a senior international office or function, if it prevents exercise of the parliamentary mandate, and employee of an international organisation or foreign state;
- m)* President and Vice-President of the Economic and Social Council;
- n)* Member of the Media Regulatory Body;
- o)* Member of the board of directors of a public-sector company, of a company with public capital or in which the state holds a majority stake, or of an autonomous public institute.

2 - The provisions of subparagraph (h) of the previous paragraph do not encompass the exercise without charge of higher education teaching functions, research work and other

similar activities that are of important social interest and are recognised as such on a case-by-case basis by the Ethics Committee of the Assembly of the Republic.

3 - Without prejudice to the provisions of Article 4(1)(a) and (2) and following implementation of the provisions of Article 21(7), the exercise of an incompatible position or function shall imply the loss of the Member of the Assembly of the Republic's seat.

## **Article 21** **Disqualifications**

1 - Members of the Assembly of the Republic require the Assembly's authorisation in order to be jurors, expert witnesses or witnesses.

2 - Members of the Assembly of the Republic require the Assembly's authorisation in order to serve as arbiters in proceedings in which the state or any other public-law legal person is a party.

3 - The authorisation referred to in paragraph (1) must be requested by the competent judge or by the official responsible for the committal proceedings, in the form of a document addressed to the President of the Assembly of the Republic, and the Member in question shall be heard prior to the decision as to whether to grant the authorisation.

4 - Members of the Assembly of the Republic may exercise other activities, on condition that they are not excluded by the provisions of the following paragraphs, and they must notify the Constitutional Court of the nature and details thereof.

5 - Without prejudice to the provisions of the regimes governing incompatibilities and disqualifications set out in special laws, particularly with regard to the exercise of positions or professional activities, the following situations shall also preclude the exercise of the mandate of Member of the Assembly of the Republic:

- a) Holding a position as member of a corporate organ of a public legal person, or of a company whose capital is wholly or majority held by the public sector, or of a company that holds a public service concession, with the exception of a consultative, scientific or pedagogical organ or one that forms part of the autonomous institutional administration;
- b) Serving as a paid expert or arbiter in any proceedings in which the state or other public-law legal persons are a party;
- c) Holding a government appointment, acceptance of which has not been authorised by the parliamentary committee with competence for the matter in question.

6 - Without prejudice to the provisions of special laws, Members of the Assembly of the Republic are also precluded from accumulating the following activities with that of Member:

- a) In the case of the direct or indirect exercise of commercial or industrial activities, with a spouse from whom the Member of the Assembly of the Republic is not judicially separated from bed and board, or for or on his own behalf or that of an entity in which he holds a significant stake, particularly one greater than 10% of the entity's capital, entering into contracts with the state or other public-law legal persons, or taking part in competitive calls for tender with regard to the supply of goods or services, or works contracts or concessions issued by the state or other public-law legal persons, by companies whose capital is wholly or majority held by the public sector, or by the holders of public service concessions ;

- b) Acting as a lawyer for the plaintiff in civil suits brought against the state under any jurisdiction;
- c) Sponsoring foreign states;
- d) Being a member of a corporate organ of a public legal person, or of a company whose capital is wholly or majority held by the state, or of an autonomous public institute, when not covered by Article 20(1)(o).
- e) Personally and improperly benefiting from acts or being a party to contracts in which the process leading to the act or contract involves intervention by organs, departments or services over which the Member of the Assembly of the Republic has direct influence;
- f) Appearing or in any way participating in acts involving commercial advertising.

7 - In the event that the parliamentary committee referred to in Article 27-A determines that a disqualification or incompatibility exists and the Plenary approves the respective opinion, the Member of the Assembly of the Republic shall be notified that he must put an end to the situation concerned within thirty days.

8 - Without prejudice to any liability that may arise with regard to the case in question, and following implementation of the provisions of the previous paragraph, in the event that a Member of the Assembly of the Republic breaches the provisions of paragraphs (4), (5) or (6) above he shall be warned, his term of office shall be suspended for as long as the irregularity persists and in any event for a period of at least fifty days, and he shall be obliged to reimburse an amount equal to the whole of his remuneration for the exercise of public functions from the moment at which the disqualifying situation began.

## **Article 22**

### **Duty to declare**

Every Member of the Assembly of the Republic shall make a declaration of the absence of incompatibilities and disqualifications and shall deposit it with the parliamentary committee referred to in Article 27-A within the sixty days following the date on which he takes his seat.

## **Article 23**

### **Failures to attend**

1 - Any Member of the Assembly of the Republic who fails to attend any Plenary session or voting that was scheduled in advance, without grounds for doing so that are duly justified under the terms of Articles 8 and 24, shall lose 1/20 of the month's pay for each of the first, second and third failures and 1/10 for any subsequent ones, up to the number of failures that determines the loss of his seat.

2 - Any Member of the Assembly of the Republic who fails to attend a committee meeting without due justification shall lose 1/30 of the month's pay, up to a limit of four failures per committee and per legislative session.

3 - Any Member of the Assembly of the Republic who exceeds the limit provided for in the previous paragraph shall lose his seat on the respective committee.

4 - The losses of pay and loss of seat referred to in the previous paragraphs shall only be implemented at the end of a period of eight days after the President of the Assembly of the Republic has notified the Member in question to inform him of the reasons for the failures for which due justification has not been provided, and then only if those reasons are deemed inapplicable or if the Member says nothing.

## **Article 24 Absences**

In the event that the lack of a quorum for sitting or taking decisions is verified, the President of the Assembly of the Republic shall summon the Members to the Plenary and record any absences for the purposes provided for in the general regime governing failures to attend.

## **Article 25 Protocol**

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

## **Chapter IV Register of interests**

### **Article 26 Register of interests**

- 1 - A register of interests is hereby created at the Assembly of the Republic.
- 2 - The register shall consist of listings, in the form of a specific document, of all the acts and activities that might give rise to incompatibilities or disqualifications.
- 3 - The register shall include lists of the activities that are exercised, regardless of their form of the regime governing them, particularly:
  - a) A list of public and private positions, functions and activities that have been exercised in the last three years;
  - b) A list of public and private positions, functions and activities that will be exercised in accumulation with the parliamentary mandate.
- 4 - The list of significant financial interests shall include details of all acts that directly or indirectly generate payments, particularly:
  - a) Public and private legal persons to which services have been provided;
  - b) Participation on consultative boards and councils, audit boards and other collegial bodies, when provided for by law or during the exercise of the audit or control of public funds;
  - c) Companies in which the Member of the Assembly of the Republic holds a capital stake, either in person or via a spouse from whom he is not judicially separated from bed and board;
  - d) Financial subsidies or support received by the Member of the Assembly of the Republic, or via a spouse from whom he is not judicially separated from bed and board, or via a company in whose capital they hold a stake;
  - e) The holding of conferences, talks, short-duration training actions and other activities of the same nature.
- 5 - The list of other significant interests must in particular mention the following facts:
  - a) Participation in commissions, committees or working groups for which they receive remuneration;
  - b) Participation in civic associations that benefit from public resources;

c) Participation in professional associations or associations that represent interests.

6 - The register of interests must be deposited with the Parliamentary Ethics Committee within the sixty days following the installation in the office of Member of the Assembly of the Republic, and must be updated within at most fifteen days following the occurrence of facts or circumstances that justify new records.

7 - The register of interests is public and must be made available for consultation on the Assembly of the Republic's website and to anyone who asks for it.

### **Article 27** **Possible conflicts of interest**

1 - When they present a Member's bill or intervene in any parliamentary work in a committee or in the Plenary, Members of the Assembly of the Republic must declare the existence of any private interest, when one exists, in advance.

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

a) If the Member of the Assembly of the Republic, his spouse or relative or equivalent person to whom he is related directly or to the second degree of a collateral line, or a person with whom he lives in joint economic circumstances, is the holder of rights or stakes in any legal business or dealing whose existence, validity or effects are altered as a direct consequence of the law or resolution of the Assembly of the Republic in question;

b) If the Member of the Assembly of the Republic, his spouse or relative or equivalent person to whom he is related directly or to the second degree of a collateral line, or a person with whom he lives in joint economic circumstances, is a member of a corporate organ, agent or attorney, employee or permanent member of staff of a company or a or not-for-profit legal person whose legal situation might directly be modified by the law or resolution that is to be passed by the Assembly of the Republic.

3 - The declarations referred to in the previous paragraphs may either be made during the Member of the Assembly of the Republic's first intervention in the parliamentary procedure or activity in question, if the said procedure or activity is recorded or minuted, or be addressed and delivered to the Bureau or the parliamentary committee referred to in Article 27-A prior to the procedure or activity that gives rise to them.

### **Article 27-A** **Parliamentary committee with competence for matters regarding the application of the Statute governing Members of the Assembly of the Republic**

The parliamentary committee with the competence to consider questions regarding the application of the Statute governing Members of the Assembly of the Republic, or any other questions pertaining to the exercise of the mandate of Member, is hereby fully endowed with the following powers and responsibilities:

a) To verify cases of incompatibility, inability and disqualification of Members of the Assembly of the Republic and, in cases of breaches of the law or the Rules of Procedure, to conduct the committal aspect of the corresponding proceedings and issue the respective opinion;

b) To receive and record declarations that raise possible conflicts of interest;

c) When asked to do so by the declarers, or at the request of the President of the Assembly, to consider the conflicts of interests so raised, and issue the respective opinion on them;

- d) To consider the possible existence of conflicts of interest that have not been the object of a declaration, and also to issue the respective opinion on them;
- e) To consider whether declarations should be corrected, either on its own initiative, or when doing so is the object of a duly substantiated request made by any citizen in the exercise of his political rights;
- f) To issue an opinion on the verification of the credentials of Members of the Assembly of the Republic;
- g) To pronounce itself on lifting immunities, in accordance with the present Statute;
- h) To issue an opinion on the suspension and loss of a Member of the Assembly of the Republic's seat;
- i) To conduct the committal aspect of proceedings in challenges against eligibility and losses of seat;
- j) To conduct inquiries with regard to facts which have occurred within the ambit of the Assembly of the Republic and which compromise the honour or dignity of any Member, at the latter's request or upon a decision of the Assembly;
- l) To consider any other questions with regard to the mandate and term of office of Members of the Assembly of the Republic.

## **Chapter V**

### **Former Members of the Assembly of the Republic and Honorary Members**

#### **Article 28**

##### **Former Members of the Assembly of the Republic**

- 1 - Former Members of the Assembly of the Republic who held a Member's seat for at least four years have the right to a specific Member's identity card.
- 2 - The former Members referred to in the previous paragraph have the right to free transit within the Assembly of the Republic building.
- 3 - The Members of the Assembly of the Republic to whom the present Article refers, or any association or associations they together decide to form under the general terms of the law, when recognised by the Plenary of the Assembly as associations that are of parliamentary interest, may enjoy such rights and benefits as the President of the Assembly orders after first consulting both the Conference of Leaders and the Board of Administration of the Assembly.
- 4 - Members of the Assembly of the Republic who have exercised the functions of President of the Assembly enjoy a special status, to be determined in accordance with the last part of the previous paragraph.

#### **Article 29**

##### **Honorary Members of the Assembly of the Republic**

- 1 - The title of honorary Member of the Assembly of the Republic is hereby created.
- 2 - The said title shall be awarded by decision of the Plenary upon a substantiated proposal subscribed by one quarter of all the Members of the Assembly of the Republic in full exercise of their office, to Members who, by means of important services in defence of the parliamentary institution, have made a decisive contribution to enhancing its dignity and prestige.

3 - Honorary Members of the Assembly of the Republic have the right to the corresponding Member's identity card, and shall enjoy both the prerogatives applicable to former Members as provided for in Article 28 and any others defined by the President of the Assembly.

**Chapter VI**  
**Final and transitional provisions**

**Article 30**  
**Costs**

The costs that result from the implementation of the present Law shall be borne by the budget of the Assembly of the Republic, save any special legal provisions to the contrary.

**Article 31**  
**Revocatory provision**

1. The part regarding Members of the Assembly of the Republic of Article 3(1)(a) of Executive Law no. 70/79 of 31 March 1979, as amended by Law no. 18/81 of 17 August 1981 and by Law no. 3/87 of 9 January 1987, is hereby revoked.

2. All other legislation that contradicts the present Statute is hereby revoked.

Note - Member of the Assembly of the Republic's Identity Card<sup>7</sup>

ANNEXE - Special identity card referred to in Article 15(4) and (5) of the Statute governing Members of the Assembly of the Republic

[image]

(Front)

(Reverse)

Observations – The card shall be white with a green and red diagonal stripe in the top left corner. It shall be authenticated by the signature of the President of the Assembly of the Republic and the affixing of the dry seal in such a way that the latter covers the bottom left corner of the photograph.

Size: A7.

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<sup>7</sup> Law no. 7/93 of 1 March 1993 included an annexe that set out the special identity card referred to in Article 15(2) of the Statute governing Members of the Assembly of the Republic. Law no. 3/2001 of 23 February 2001 then stated that: *The annexe to the Statute governing Members of the Assembly of the Republic, of which it forms an integral part, regarding the model for the Member's identity card is hereby amended in conformity with the text of Articles 157 and 158 of the Constitution of the Republic.* Subsequently, Law no. 16/2009 of 1 April 2009 revoked the annexe to the Statute governing Members of the Assembly of the Republic in the version approved by Law no. 3/2001 of 23 February 2001.