



OBSERVATÓRIO DÁ LEGISLAÇÃO PORTUGUESA

BULLETIN 8

DECEMBER OF 2019



OBSERVATÓRIO
DA LEGISLAÇÃO
PORTUGUESA

BULLETIN 8

DECEMBER OF 2019

Index

THE OBSERVATORY OF PORTUGUESE LEGISLATION _____	4
PRESENTATION _____	5

PART I

ANALYSIS OF THE PRODUCTION OF LEGISLATION

1. General considerations _____	7
2. Detailed considerations about the period between 2017 and 2018 _____	10
3. Detailed considerations regarding 2017 and 2018 in the Autonomous Regions of Azores and Madeira _____	13

TABLES

Table I Total of published legal acts _____	16
Table II Laws _____	17
Table III Decree-Laws _____	19
Table IV Laws of transposition of directives / Laws that authorise Decree-Laws of transposition of directives _____	20
Table V Decree-Laws/ Decree-Laws of transposition of directives / Decree-Laws of implementation of European Regulations _____	23
Table VI Authorised Decree-Laws / Decree-Laws that transpose directives / Authorised Decree-Laws that transpose directives _____	25

PART II

The parliamentary production of legislation in the Autonomous Region of Madeira ¹ _____	31
---	----

COORDINATION
Francisco Pereira Coutinho
Sónia Rodrigues

PUBLISHING RIGHTS
Faculdade de Direito da
Universidade NOVA de Lisboa
Campus de Campolide
1099-032 Lisboa Telefone 213 847 420

POSTING CYCLE
Annual
Free distribution

NOVEMBER 2019
<https://olp.cedis.fd.unl.pt>
ISSN 1647-1296

COVER AND DESIGN
Amanda Argollo

This paper is sponsored by national funds through FCT – Fundação para a Ciência e Tecnologia, I.P., within the scope of the project PTDC/DIR-OUT/32353/2017

¹ This article was not translated. Therefore, it was not included in this document. It is available at olp.cedis.fd.unl.pt in Portuguese.

OBSERVATORY OF PORTUGUESE LEGISLATION

The Observatory of Portuguese Legislation is a research project of the Research Centre on Law and Society (CEDIS) of the NOVA School of Law, Lisbon. It is funded by Fundação para a Ciência e Tecnologia (FCT).

The founding coordinators of this investigation project were Professors João Caupers, Pierre Guibentif and Marta Tavares de Almeida. The rest of the initial team members were research fellows selected via an open call, which favoured the selection of students enrolled in the Legislative Science (Legisprudence) and Legal Sociology subjects.

The first Bulletin of the Observatory of Portuguese Legislation – CEDIS - NOVA School of Law, Lisbon (hereinafter: Bulletin) was published in July 2007. This publication intended to quantitatively assess different aspects of the Portuguese legislation.

Although the team's change due to both professional and personal reasons, the new coordination team decided to continue developing this research project. During this new development stage of the project, partnerships were established, namely with the Institute for Legal and Political Sciences – Lisbon Centre for Research in Public Law (ICJP-CIDP), seated in the University of Lisbon - School of Law. This partnership will most certainly allow an in-depth assessment of the Government and Parliament lawmaking processes in the short and long run and, therefore, enrich the information contained in this Bulletin.

A new website was created – <https://olp.cedis.fd.unl.pt> -, where all Bulletins are available, just as relevant information about Better Regulation. We thank the valuable contribution of Catarina Alves, NOVA School of Law' student, on its implementation and upgrade.

During the 2018/2019 school year, the legislation data was collected, inserted in the database of the Portuguese Legislation Observatory and analyzed (Part I) by Inês Inverno, Maria Bumbuk, Patrícia Raminhos and Sónia Rodrigues.

SCHOOL YEAR 2018/2019

2018 / 2019

COORDINATORS

FRANCISCO PEREIRA COUTINHO | SÓNIA RODRIGUES

RESEARCH FELLOW: INÊS INVERNO, Research fellow in the Rules for legal drafting in Portuguese-speaking countries

Presentation

1. Since Bulletin n.º 0 - the first publication of the Observatory of Portuguese Legislation, which was published in 2007 - the interpretation of the legislative activity in quantitative terms was considered a priority task. This consideration represented an important contribution to the comprehension of legislative policy. In the following Bulletins, the concern with the provision of quantitative data regarding the legislative activity was maintained. Furthermore, a study focused on a different topic every year within the sphere of legislative technique started to be included in the Bulletins.

From 2013 on, the project suffered from lack of funding, which dictated the delay - and later, the standstill - of the research work and the preparation of the Bulletin. The efforts made in order to retake the work can explain the fact that three years (2014, 2015, 2016) were exceptionally analysed in the latter Bulletin (n.º 7).

In this Bulletin, we display and elaborate on tables concerning the legal acts published in the period in analysis (2017 and 2018). For the first time, we analysed the production of legislation in the Autonomous Regions of Azores and Madeira.

In Part II, we present an article on “The parliamentary production of legislation in the Autonomous Region of Madeira”, of the authorship of Isabel Pereira, Advisor of the President of the Legislative Assembly of the Autonomous Region of Madeira.

2. The collected data in this Bulletin, as well as in the past issues, was taken from the Diário da República Eletrónico [Electronic Official Journal], the Digesto (Integrated System for the Treatment of Legal Information), the databases of the Assembly of the Republic, the General Prosecutor’s Office of the district of Lisbon, the Official Journal of the Autonomous Region of Azores, the Official Journal of the Autonomous Region of Madeira and the databases of the regional legislative assemblies.

Furthermore, we seek to use the data already inserted in the Relational Database, which was developed within the scope of this project, and is still being updated. This database was designed to be a tool to complement the official databases, by storing the legislation published in Portugal. However, rather than allowing the query of individual legal acts, the relational database of the Observatory of Portuguese Legislation intends to provide data on the production of legislation as a whole, in the relation between legal acts. This will make for, namely, statistics regarding the volume of legislative matters, the distribution of this volume by areas of law, the longevity of legal documents, the rate of their changes, the arrangements for regulation, etc.

Taking into account that this is a project still in development, and believing that it can significantly contribute to the discussions on legislative production, we reaffirm that we are open to comments and suggestions in order to improve this publication.

Part 1

ANALYSIS OF THE PRODUCTION OF LEGISLATION

ANALYSIS OF THE PRODUCTION OF LEGISLATION

1. GENERAL CONSIDERATIONS

Following the continuous practice of the Bulletins of the Observatory of Portuguese Legislation, we will start, in this edition, with the analysis of the parliamentary and governmental production of legislation. The period we now analyse consists of the years between 2000 and 2018, with a special focus on 2017 and 2018. By doing this, we intend to compare these two years against one another and with the previous years.

Table I shows the quantitative data regarding the general Portuguese production of legislation. **Tables II** and **III** have a particular focus in the parliamentary and governmental production of legislation, respectively. In **Tables IV, V and VI**, we also present the data regarding the influence of European law, namely through the annual amount of laws and decree-laws of transposition of directives and implementation of European regulations.

For the first time, we will present the data relating to the production of legislation of the Autonomous Regions, with reference to 2017 and 2018.

In addition to the quantitative analysis, we highlight some measures that were implemented in these two years which will be analysed. We will shine light both in the initiative from the Government and the Parliament, which aimed to the legislative simplification and the quality of the law.

1.1 Government measures

The XXI Government adopted the legislative simplification as a vital goal of good governance, which has translated in legislating less, in due time, accurately and thoroughly. We can see that, in 2017 and 2018, 305 decree-laws were published (in 2015 and 2016, 367 decree-laws were published). Although the amount of decree-laws decreased in the last two years, 2016 is still the year with the least amount of decree-laws (98).

The SIMPLEX + Programme, which started to be implemented in 2016, went on for the following years². Thus, in 2017³, various measures to simplify legislation and

² Available at <https://www.simplex.gov.pt/>.

³ For more detailed information about SIMPLEX + 2017 <https://simplex.gov.pt/simplexmais/app/files/967ff-098fcc6a0f72d2af69cfab39e70.pdf>.

encourage access to law were planned. An example of this was the creation of the Lexionário [Lextionary] - a dictionary of legal terminology of public and civil law, which serves as a complement to the legal information at Official Journal (www.dre.pt), in which webpage Lexionário can be found⁴.

With the strengthening the increasingly clear and simple language, which simplifies the understanding of the law and other legal acts, we highlight the measure «Notificações + Simples» [simpler notifications]. This measure aims for the revision of the language used in the notifications that are sent to the citizens. The measure «Lei Clara» [Clear Law]⁵ - which had already been adopted when the *Legislar Melhor* [Better Regulation] Programme was in effect - was retaken. The first diploma that under the effect of this measure was accompanied by a Summary in Clear Language, was the Decree-Law n.º 48/2017, of 22th May.

Furthermore, we notice the creation of the app *Diário da República Eletrónico* – DRE [Electronic Official Journal]⁶, which is available to smartphones and tablets. This app allows an easier mobile access to the DRE and has alerts and other features in accordance with the user profile. In 2018, this measure (DRE +) received another update, which intended to develop new features in the mobile app of the Official Journal, namely by creating a customized profile for each user and an alert system (notifications).

Still in the framework of the DRE, we emphasize the rising number of diplomas with consolidated versions, an essential tool not only for the citizens, but also for the professionals who need to access the legislative acts in their latest version every day.

Scheduled for 2016, the measure «Revoga +» [Revoke +]⁷ has its first results in 2018, with the withdrawal of 1449 decree-laws dating back to the period of 1975-1980⁸. A draft law was also presented to the Assembly of the Republic for the withdrawal of 821 decree-laws of that same period⁹. This way, by clearing up a

⁴ Measure envisaged in page 28 of the SIMPLEX + 2017 Programme, available at <https://dre.pt/lexionario>.

⁵ This measure is part of the SIMPLEX + 2016 Programme, available at <https://simplex.gov.pt/simplexmais/app/files/332c67abd4420decd48c1c6429667a35.pdf>, which intends to “simplify the consulting of legislation by citizens without previous juridical knowledge, through the creation of a shorten version with clear and accessible language of the diploma, both in Portuguese and in English. This policy also aims for the creation of manuals of instruction for decree-laws and the reduction of publications in the supplements of the Official Journal.

⁶ Available for download at https://play.google.com/store/apps/details?id=pt.dre.incm&hl=pt_PT

⁷ “To systematically and sectorally reduce the legislative stock, revoking more laws than those that are approved, for governance, and systematically repealing legislation that should be formally repealed since 1976”.

⁸ Expressly revoked by the Decree-Law n.º 32/2018, of 8th of May.

⁹ Law Proposal n.º 124/XIII, admitted on the 10th of April 2018, that originated Law n.º 36/2019, of 29th of May (<https://www.parlamento.pt/ActividadeParlamentar/Paginas/DetalhelIniciativa.aspx?BID=42437>).

set of dispositions that were considered obsolete from the legal framework, the objectives were set in increasing the juridical clarity and legal certainty. This would allow the citizens to effectively know which legislation was in effect, leaving no doubts.

The *SIMPLEX + 2018 Programme*¹⁰ once again sought to ensure a measure with these objectives (+ Revoga), however with a different temporal scope: the years between 1981 and 1985.

Aiming to receive foreign investment, the PT Law measure was planned. The goal of this measure was to make a broad set of diplomas available, translated to English, which would allow the foreign investor to have an adequately wide knowledge on the Portuguese legal framework regarding essential matters, namely legislation regarding licensing, trade, tax and tax benefits, labour, environment, capital market, and entry and exit of foreign citizens.

In 2018, the initiative “Quanto Custa?” [How much does it cost?] was consolidated, which started to cover law drafts and measure the legislative impact not only on the enterprises, but also on the citizens and the Public Administration. In addition to the costs, the assessment of the benefits of the selected legislative measures was also carried out.

1.2. Parliamentary measures

Digital Parliament¹¹

The Digital Parliament Working Group (GTPD) was created in 2016, by initiative of the President of the Assembly of the Republic, “with the goal of the potential of new technologies to deepen and strengthen the relationship between citizens and the Assembly of the Republic”, dematerializing processes and implementing, namely, the following measures:

- i) Renewal of the Assembly of the Republic’s website;
- ii) Open data: the information available at the new website became accessible in a fully open and structured format, allowing its download and automatic treatment, and its reuse in websites and apps by other institutions,

¹⁰ Available at <https://simplex.gov.pt/simplexmais/app/files/c2beb3fe80370629c55c3f859a522eea.pdf>.

¹¹ For the final report from the Digital Parliament Working Group, <http://app.parlamento.pt/webutils/docs/doc.pdf?path=6148523063446f764c324679626d56304c334e706447567a-4c31684a53556c4d5a5763765231524255693948564546535545517651584a7864576c3262304e7662576c7a-633246764c314a6c6247463077374e796157397a4c314a6c6247463062334a70627955794d455a70626d46734c6e-426b5a673d3d&fich=Relatorio+Final.pdf&Inline=true>

researchers and general public;

iii) Platforms to strengthen the democratic participation, namely platforms to submit and gather signatures (regarding petitions, legislative initiatives and initiatives for referendum), to create a place to submit suggestions, and a system of alerts regarding law's regulation and completion of legislative duties and changes;

iv) Interinstitutional dematerialisation of the production of legislation; The digital interoperability between sovereign bodies in their relations with each other, within the framework of the production of legislation, was promoted. This involved the President of the Republic, the Assembly of the Republic, Government and the Constitutional Court;

v) Intern dematerialisation of the production of legislation, which consisted in the update of the database of the Parliamentary Activity, regarding all the acts submitted to the legislative procedure. These consist in bills and draft laws, draft laws about legislative authorisation, draft resolution with political nature, draft resolutions for the agreement of the Assembly of the Republic in the absence of the President of the Republic of national territory, draft resolution, draft deliberation bills and parliamentary consideration.

Impact assessment

The Law n.º 4/2018, of 9th February, established the legal regime of the impact assessment of normative acts elaborated by the central and regional administration, as well as the bills and draft laws submitted to the Assembly of the Republic.

In addition to the aspects stated in the article 3.º of the above mentioned law, on which the impact assessment will focus, there is also a particular attention to the use of “non-discriminatory language in the drafting of laws, by neutralizing or minimising the specification of gender, using inclusive or neutral manners, namely through real generics or use of unvarying pronouns” (article 4.º).

We underline the significance of the provision of the results of the previous gender impact assessment to those interested. This way, they will be able to play a role in the cases where the approval procedure of the normative act involves a participation phase, namely through public discussion (article 6.º).

2. DETAILED CONSIDERATIONS ABOUT THE YEARS 2017 AND 2018

Within the scope of the analysis of the parliamentary and governmental production of legislation of 2017 and 2018, we highlight the following aspects:

Laws: in 2017, **122** laws were published, with 4 of them being Organic Laws¹². In 2018, this amount decreased, with **74** laws published, 3 of them being Organic Laws. The sharp drop in 2016 (47 laws) seems, therefore, to have been a special case.

The year of 2017, together with 2015, was one of the years in which the highest amount of transposition of directives laws were registered (15). This number decreased again in 2018 (8), approaching the numbers of previous years.

It is worth mentioning the amount of legislative authorisation laws in 2018 – 7 –, since it was an increase in relation with the previous years (2016 – 1; 2017 – 2).

Decree-laws: in 2017, **177** decree-laws were published, and in 2018, **128**. Although the lowest amount of published decree-laws (98) happened in 2016 - which was highly influenced by the government policy to reduce the legislative stock - the numbers of the last years greatly increased again, even though the trend seems to be to maintain the numbers below the usual amount of previous years (2015 – 269; 2014 – 202; 2013 – 180).

The number of authorized decree-laws was very low, with no decree-laws in 2018, which had only happened in 2000.

In relation to the transposition of directives by decree-law, there were 16 decree-laws of transposition of directives published in 2016 – the lowest amount since 2000. In 2017, this amount increased again following the usual trend, with **44** decree-laws of transposition of directives published. However, 2018 became the year with the least amount of decree-laws of transposition of directives since 2000 – **14**¹³.

Regulatory decrees: in 2017, the number of regulatory decrees was **14**, with an identical amount in 2018, **13**. Throughout the years, the amount of regulatory decrees published was irregular. Nevertheless, apart from the year of 2015, these amounts have usually been low.

Resolutions of the Council of Ministers (RCM): in 2017, there were **228** RCM published, and in 2018, **196**. These numbers are higher than in previous years, which seems to show that the RCM has been gaining momentum in the legislative framework in Portugal.

¹² Organic laws cover matters identified in number 2 of article 166.º of the Portuguese Constitution.

¹³ What can be explained by the tool used by the XXI Constitutional Government - the omnibus legislation, which proceed the simultaneous transposition of numerous European directives. As an example, we point out Decree-Laws n.º 137/2017, of 8th November and Decree-Law n.º 41/2018, of 11th June.

Decrees: in 2017, **44** decrees were published. This number decreased in 2018, with just **29** decrees published. In comparison with 2016 (4), the number has greatly increased, approaching the steady numbers of previous years.

Orders: in 2017, there were **440** orders published. There was a decrease in 2018, with just **382**. These assumed, therefore, one of the main roles in the amount of legislation published in Portugal. These numbers are similar to the ones recorded since 2011.

Even though the previous Bulletins only analysed the most relevant legislative diplomas, this Bulletin contains the global numbers of the production of legislation in 2017 and 2018 (just the acts published in the I Series¹⁴ of the Official Journal)¹⁵.

	2017	2018
Resolutions of the Assembly of the Republic (RAR)	281	281
Notice (Ministry of the Foreign Affairs)	151	146
Decree (President of the Republic)	182	186
Declarations of Rectification ¹⁶	50	45
Official Map (National Electoral Commission)	2	5
Judgments (Administrative Supreme Court)	7	2
Judgements (Supreme Court of Justice)	8	6
Judgements (Constitutional Court)	5	9
Declaration (Assembly of the Republic)	8	7
Rules of Procedure of the Assembly of the Republic	0	1

¹⁴ Accordingly to Law n.º 74/98, also called Form Law, the Official Journal comprises the 1st and 2nd series.

¹⁵ We do not include here data from the Autonomous Regions, as they will have autonomous treatment in the following point.

¹⁶ For a more in-depth analysis, cfr. Bulletin nº 6.

3. DETAILED CONSIDERATIONS REGARDING 2017 AND 2018 IN THE AUTONOMOUS REGIONS OF AZORES AND MADEIRA

3.1. Prior considerations

The Autonomous Regions are endowed with their own governmental bodies: Legislative Assemblies and Regional Government, in accordance with article 231.º of the Constitution of the Portuguese Republic (CRP). The following legislative powers were attributed to these bodies [article 227.º, points a), b), c) and d) of the CRP].

The respective Political and Administrative Statutes¹⁷ list the competences of the regional bodies, namely in matters of regional scope, in which the Autonomous Regions have their own competence. The national legal norms only apply to the Autonomous Regions when there is no proper regional legislation regarding matters not reserved to the competence of the sovereign bodies (n.º 2 of article 228.º of the CRP).

Regarding the regulatory power, it is determined that the diplomas resulting from the regional legislative assemblies encase the form of the regional legislative decrees, and those approved by the Regional Governments have the form of regional regulatory decrees. Both are published in the respective Official Journal: Official Journal of the Autonomous Region of Madeira¹⁸ and the Official Journal of the Autonomous Region of Azores¹⁹. They are also published in the Official Journal of the Republic, within the terms of the points c) and q) of the n.º 1 of article 3.º of the Form Law²⁰.

¹⁷ Approved by the Law n.º 13/91, of 5th June, amended by Law n.º 130/99, of 21st August (Political-Administrative Statute Autonomous Region of Madeira) and by Law n.º 39/80, of 5th August, amended by Laws n.º 9/87, of 26th March, 61/98, of 27th August and 2/2009, of 12th January (Political and Administrative Statute of the Autonomous Region of the Azores).

¹⁸ Article 8 of the Regional Decree n.º 6/77/M, as amended by the Regional Legislative Decree n.º 11/86/M, of 27th June and of number 4 of article 41.º of the Political and Administrative Statute of the Autonomous Region of Madeira.

¹⁹ Article 4, number 2 of the Regional Legislative Decree n.º 25/2003/A, of 27th May

²⁰ Law n.º 74/98 of 11th November, amended by Laws 2/2005, of 24th January 26/2006, of 30th June, 42/2007, of 24th August and 43/2014, of 11th July.

AZORES	2017	2018
Regional Legislative Decrees	8	17
Resolutions of the Legislative Assembly of the Autonomous Region of Azores (RLAARA)	21	38
Regional Regulatory Decrees	6	6
TOTAL	35	61

MADEIRA	2017	2018
Regional Legislative Decrees	32	25
Resolutions of the Legislative Assembly of the Autonomous Region of Madeira (RLAARM)	26	41
Regional Regulatory Decrees	14	13
TOTAL	72	79

Notwithstanding the fact that the temporal range in analysis is too short to take conclusions, the data presented shows that the production of legislation of the Autonomous Region of Madeira is more active, and that the regional legislative assemblies have an overwhelmingly role in the implementation of the legislative power.

Tables

THE PRODUCTION OF
LEGISLATION

TABLE I

Total of published legal acts

	Total		Laws		Decree-Laws		Regulatory Decrees		Resolutions of the Council of Ministers		Decrees		Orders	
	n°.	%	n°.	%	n°.	%	n°.	%	n°.	%	n°.	%	n°.	%
2000	2203	100	46	2,09	378	17,16	22	1	188	8,53	29	1,32	1540	69,90
2001	2367	100	128	5,41	377	15,93	22	0,93	188	7,94	47	1,99	1605	67,81
2002	2278	100	40	1,76	334	14,66	50	2,19	155	6,80	41	1,80	1658	72,78
2003	2210	100	115	5,20	342	15,48	18	0,81	201	9,10	56	2,53	1478	66,88
2004	2465	100	63	2,56	257	10,43	26	1,05	195	7,91	39	1,58	1885	76,47
2005	1923	100	69	3,59	244	12,69	14	0,73	204	10,61	29	1,51	1363	70,88
2006	2012	100	65	3,23	257	12,77	21	1,04	174	8,65	26	1,29	1469	73,01
2007	2546	100	75	2,95	424	16,65	92	3,61	197	7,74	32	1,26	1726	67,79
2008	2276	100	73	3,21	259	11,38	21	0,92	213	9,36	58	2,55	1652	72,58
2009	2149	100	125	5,82	333	15,50	29	1,35	123	5,72	29	1,35	1510	70,27
2010	1749	100	63	3,60	164	9,38	6	0,34	112	6,40	20	1,14	1384	79,13
2011	659	100	70	10,62	137	20,79	2	0,30	70	10,62	20	3,03	360	54,63
2012	1058	100	72	6,81	281	26,56	52	4,91	124	11,72	42	3,97	487	46,03
2013	874	100	89	10,18	180	20,59	7	0,80	135	15,45	33	3,78	430	49,20
2014	787	100	95	12,07	202	25,67	7	0,89	99	12,58	34	4,32	350	44,47
2015	1168	100	179	15,33	269	23,03	20	1,71	156	13,36	24	2,05	520	44,52
2016	693	100	47	6,78	98	14,14	7	1,01	113	16,31	4	0,58	424	61,18
2017	1025	100	122	11,90	177	17,27	14	1,37	228	22,24	44	4,29	440	42,93
2018	822	100	74	9	128	15,57	13	1,58	196	23,84	29	3,53	382	46,47

Obs: This table shows the annual amount of legislative acts (laws and decree-laws), together with the other diplomas approved by the Government and published at the I Series of the Official Journal, in accordance with the Law n.º 74/98, of 11 November (regulatory decrees, resolutions of the Council of Ministers, decrees and orders). We did not consider, as was already mentioned, the regional legislation, which should be analysed on its own.

TABLE II

Laws

	Total		Constitutional Laws*		Organic Laws		Legislative Authorization Laws**		Basic Laws ^{21***}		Laws of Transposition of Directives		Other Laws		Laws to create districts, territorial limits and alteration of denominations ^{****}
	nº.	%	nº.	%	nº.	%	nº.	%	nº.	%	nº.	%	nº.	%	
2000	47	100	-		4	8,51	10	21,28	1	2,13	1	2,13	31	65,96	-
2001	128	100	1	0,78	6	4,96	3	2,34	-	-	-	-	51	39,84	67
2002	40	100	-	-	2	5	10	25	-	-	-	-	28	70	-
2003	115	100	-	-	2	1,74	20	17,39	-	-	3	2,61	48	41,47	42
2004	63	100	1	1,59	5	7,94	6	9,52	1	1,59	5	7,94	45	71,43	-
2005	69	100	1	1,45	5	7,25	3	4,35	-	-	1	1,45	28	40,58	31
2006	65	100	-	-	5	7,69	7	10,77	1	1,54	5	7,69	47	72,31	-
2007	75	100	-	-	2	2,67	13	17,33	2	2,67	3	4	55	73,33	-
2008	73	100	-	-	3	4,11	8	10,69	-	-	6	8,22	56	76,71	-
2009	125	100	-	-	4	3,20	12	9,60	0*	0	5*	4	77	61,60	27
2010	63	100	-	-	3	4,76	4	6,35	-	-	6	9,25	50	79,37	-
2011	70	100	-	-	1	1,43	1	1,43	-	-	7	10	61	87,14	-
2012	72	100	-	-	2	2,87	1	1,39	1	1,39	4	5,56	63	87,50	1
2013	89	100	-	-	2	2,25	5	5,62	1	1,12	8	8,99	72	80,90	1*
2014	95	100	-	-	6	6,32	10	10,53	3	3,16	7	7,37	64	67,37	5
2015	179	100	-	-	12	6,70	2	1,12	1	0,56	17	9,50	123	68,27	24
2016	47	100	-	-	1	2,13	1	2,13	-	-	4	8,51	41	87,23	-
2017	122	100	-	-	4	3,28	2	1,64	-	-	15	12,30	89	72,59	12
2018	74	100	-	-	3	4,05	7	9,46	-	-	4	4,05	59	79,37	2

*** Constitutional Laws:**

2001: Constitutional Law n.º 1/2001, which changes the Constitution of the Portuguese Republic (fifth constitutional revision), and publishes, attached, the new constitutional text.

2004: Constitutional Law n.º 1/2004, which changes the Constitution of the Portuguese Republic (sixth constitutional revision), and publishes, attached, the new constitutional text.

2005: Constitutional Law n.º 1/2005, which changes the Constitution of the Portuguese Republic (seventh constitutional revision), and publishes, attached, the new constitutional text.

²¹ Laws that define the main guidelines of the policy in a certain area of activity. Usually lacks complementary legislation to be issued by the Government. Defined in art.198.º, n.º 3, of the Portuguese Constitution.

**** Legislative Authorization Laws:**

The legislative authorizations contained in the Budget Law are not included. The “used” and “not used” authorization laws are included.

***** Basic Laws:**

Law n.º 17/2000, which approves the general foundations for the solidarity and social security system.

In the years of 2002 and 2005, there were no basic laws approved, but some changes to the regime of the already existent basic laws were introduced.

Law n.º 13/2002, which approves the Statute of the Tax and Administrative Courts, changes the legal regime of the public works contracts, the Civil Procedure Code, the Expropriations Code and the Basic Law of Environment.

Law n.º 30/2004, which approves the Basic Law for Sports.

Law n.º 49/2005, which changes the Basic Law of Education System and the Basic Law for Higher Education Funding.

Law n.º 27/2006, which approves the Basic Law for Public Protection.

Law n.º 4/2007, which approves the General Foundations for the Social Security System.

Law n.º 5/2007, which approves the Basic Law for Physical Activity and Sports.

Law n.º 1-A/2009, which approves the Organic Basic Law for the Organisation of the Armed Forces.

Law n.º 52/2012, which approves the Basic Law for Palliative Care.

Law n.º 30/2013, which approves the Basic Law for Social Economy.

Law n.º 19/2014, which defines the Foundations for the environmental policy.

Law n.º 17/2014, which establishes the Foundations for the Planning Policy and the National Maritime Area Management.

Law n.º 54/2015, which approves the Foundations for the juridical regime of revelation and exploitation of geological resources on national territory, including those located in the national maritime area.

****** Laws to create districts, territorial limits and alteration of denominations: to facilitate the comparison between the years in analysis, the laws in this category are not considered for the calculation of percentages.**

TABLE III

Decree-Laws

	Total		Authorised Decree-Laws*		Other Decree-Laws	
	nº.	%	nº.	%	nº.	%
2000	378	100	-	-	378	100
2001	377	100	2	0,53	375	99,47
2002	334	100	1	0,30	333	99,70
2003	342	100	15	4,39	327	95,61
2004	257	100	13	5,06	244	94,94
2005	244	100	2	0,82	242	99,18
2006	257	100	4	1,56	253	98,44
2007	424	100	17	4,01	407	95,99
2008	259	100	13	5,02	246	94,98
2009	333	100	24	7,21	309	92,79
2010	164	100	4	2,44	160	97,56
2011	137	100	5	3,65	132	96,35
2012	281	100	3	1,07	278	98,93
2013	180	100	9	5,00	171	95,00
2014	202	100	9	4,46	193	95,54
2015	269	100	10	3,72	259	96,28
2016	98	100	4	4,08	94	95,92
2017	177	100	3	1,69	174	98,31
2018	128	100	-	-	128	100

* Authorised Decree-Laws: in the majority of the years, there is no correlation between the annual amount of approved legislative authorisation laws and the annual amount of authorised decree-laws. This can be explained with three different reasons: the decree-laws could have been approved under authorisation laws of the previous year; the implementation of legislative authorisation laws can be broken down into parts; the legislative authorisation laws may not have been used.

TABLE IV

Relevance of the European Law
Laws of transposition of directives/ Laws that authorise
decree-laws of transposition of directives

	Total of laws	Total of laws which transpose directives	Total of laws that authorise decree-laws of transposition of directives
2000	46	1	1
2001	128	-	-
2002	40	-	1
2003	115	3	2
2004	63	5	-
2005	69	1	-
2006	65	5	2
2007	75	3	2
2008	73	6	1
2009	126	5	1
2010	63	6	1
2011	70	7	-
2012	70	4	-
2013	87	8	1
2014	89	7	1
2015	179	17	-
2016	47	4	-
2017	122	15	1
2018	74	4	2

Laws of transposition of directives

2000: Law n° 9/2000, of 15th June

2003: Law n° 3/2003, of 15th January; Law n° 53/2003, of 22nd August; Law n° 67/2003, of 23rd August

2004: Law n° 18/2004, of 11th may; Law n° 25/2004, of 8th July
Law n° 34/2004, of 29th July; Law n° 41/2004, of 18th August; Law n° 50/2004, of 24th August

2005: Law n° 58/2005, of 29th December

- 2006:** Law n° 19/2006, of 12th July; Law n° 20/2006, of 23rd June; Law n° 24/2006, of 30th June; Law n° 31/2006, of 21st July; Law n° 37/2006, of 9th August
- 2007:** Law n° 22/2007, of 29th of June; Law n° 30/2007, of 6th August; Law n° 46/2007, of 24th August
- 2008:** Law n° 8/2008, of 18th February; Law n° 14/2008, of 12th march; Law n° 16/2008, of 1st April; Law n° 25/2008, of 5th June; Law n° 27/2008, of 30th June; Law n° 32/2008, of 17th July
- 2009:** Law n° 6/2009, of 29th January; Law n° 9/2009, of 4th march; Law n° 12/2006, of 26th march; Law n° 19/2009, of 12th may; Law n° 29/2009, of 29th June
- 2010:** Law n° 1/2010, of 15th January; Law n° 12/2010, of 25th June; Law n° 19/2010, of 23rd of August; Law n° 24/2010, of 30th of August; Law n° 25/2010, of 30th August; Law n° 27/2010, of 30th August
- 2011:** Law n° 3/2011, of 15th February; Law n° 8/2011, of 11th April; Law n° 16/2011, of 3rd may; Law n° 37/2011, of 22nd June; Law n° 46/2011, of 24th June; Law n° 51/2011, of 13th September; Law n° 56/2011, of 15th November
- 2012:** Law n° 14/2012, of 23rd march; Law n° 17/2012, of 26th April; Law n° 18/2012, of 7th may; Law n° 46/2012, of 29th August
- 2013:** Law n° 9/2013, of 28th January; Law n° 26/2013, of 11th April; Law n° 32/2013, of 10th may; Law n° 36/2013, of 12th June; Law n° 37/2013, of 14th June; Law n° 55/2013, of 08th August; Law n° 60/2013, of 23rd August; Law n° 82/2013, of 6th December
- 2014:** Organic Law n° 1/2014, of 9th January; Law n° 4/2014, 7th February; Law n° 25/2014, of 2nd may; Law n° 26/2014, of 5th may; Law n° 47/2014, of 28th July; Law n° 52/2014, of 25th August; Law n° 82-C/2014, of 31st December
- 2015:** Law n° 1/2015, of 8th January; Law n° 2/2015, of 8th January; Law n° 9/2015, of 11th February; Law n° 16/2015, of 24th February; Law n° 18/2015, of 4th March; Law n° 23-A / 2015, of 26th March; Law N° 32/2015, of 24th April; Law N° 71/2015, of 20th July; Law N° 81/2015, of 3rd August; Law N° 96/2015, of 17th August; Law N° 103/2015, of 24th August; Law N° 109/2015, of 26th August; Law N° 130/2015, of 4th September; Law N° 144/2015, of 8th September; Law N° 146/2015, of 9th September; Law N° 147/2015, of 9th September; Law N° 148/2015, of 9th September
- 2016:** Law N° 5/2016, of 29th February; Law N° 26/2016, of 22nd August; Law N° 30/2016, of 23rd August; Law N° 39/2016, of 19th December
- 2017:** Law N° 26/2017, of 30th May; Law N° 27/2017, of 30th May; Law N° 28/2017, of 30th May; Law N° 29/2017, of 30th May; Law N° 30/2017, of 30th May; Law N° 46-A / 2017, of 5th July; Law N° 49/2017, of 10th July; Law N° 64/2017, of 7th August; Law N° 83/2017, of 18th August; Law N° 88/2017, of 21st August; Law

Nº 89/2017, of 21st August; Law Nº 98/2017, of 24th August; Law Nº 99/2017, of 25th August; Law Nº 102/2017, of 28th August; Law Nº 104/2017, of 30th August

2018: Law nº 23/2018, of 5th June; Law Nº 29/2018, of 16th July; Law Nº 35/2018, of 20th July; Law Nº 46/2018, of 13th August

TABLE V

Decree-Laws/Decree-Laws of transposition of directives/
Decree-Laws of implementation of European Regulations

	Total of Decree-Laws		Decree-Laws of transposition of directives*		Decree-Laws of implementation of European Regulation**		Other Decree-Laws	
	n°.	%	n°.	%	n°.	%	n°.	%
2000	378	100	56	14,81	1	0,26	321	84,92
2001	377	100	41	10,88	1	0,27	335	88,86
2002	334	100	54	16,17	3	0,90	277	82,93
2003	342	100	100	29,24	-	-	242	70,76
2004	257	100	52	20,23	2	0,78	203	78,99
2005	244	100	66	27,05	4	1,64	174	71,31
2006	257	100	51	20,23	6	2,33	200	77,82
2007	424	100	74	17,45	8	1,89	342	80,67
2008	259	100	47	18,15	8	3,09	204	78,76
2009	333	100	44	13,21	8	2,40	281	84,38
2010	164	100	52	31,71	8	0,61	111	67,68
2011	137	100	38	27,74	1	2,19	96	70,07
2012	281	100	41	14,59	3	1,42	236	83,99
2013	180	100	39	21,67	4	1,67	138	76,67
2014	202	100	32	15,84	3	1,98	166	82,18
2015	269	100	34	12,64	4	2,97	227	84,39
2016	98	100	16	16,33	8	3,06	79	80,61
2017	177	100	44	24,86	3	2,82	128	72,32
2018	128	100	14	10,94	-	-	114	89,06

*It is to be noted that the number of decree-laws of transposition of directives do not give us an exact notion of the directives that were effectively transposed. In fact, in many cases, a decree-law proceeds the transposition of various directives.

****Decree-Laws of implementation of European Regulations:**

2000: Decree-Law n° 54-A/2000

2001: Decree-Law n° 168/2001

2002: Decree-Law n° 119/2002; Decree-Law n° 142/2002; Decree-Law n° 240/2002

2004: Decree-Law n° 16/2004; Decree-Law n° 168/2004

2005: Decree-Law n° 102/2005; Decree-Law n° 152/2005; Decree-Law n° 209/2005; Decree-Law n° 223/2005

2006: Decree-Law n° 5/2006; Decree-Law n° 36/2006; Decree-Law n° 65/2006; Decree-Law n° 113/2006; Decree-Law n° 122/2006; Decree-Law n° 226/2006

2007: Decree-Law n° 49/2007; Decree-Law n° 112/2007; Decree-Law n° 175/2007; Decree-Law n° 195/2007; Decree-Law n° 265/2007; Decree-Law n° 323/2007; Decree-Law n° 360/2007; Decree-Law n° 376/2007

2008: Decree-Law n° 35/2008; Decree-Law n° 37-A/2008; Decree-Law n° 45/2008; Decree-Law n° 60/2008; Decree-Law n° 125/2008; Decree-Law n° 127/2008; Decree-Law n° 178/2008; Decree-Law n° 241/2008

2009: Decree-Law n° 4/2009; Decree-Law n° 39/2009; Decree-Law n° 58/2009; Decree-Law n° 169/2009; Decree-Law n° 211/2009; Decree-Law n° 255/2009; Decree-Law n° 293/2009; Decree-Law n° 311/2009

2010: Decree-Law n° 76/2010

2011: Decree-Law n° 23/2011; Decree-Law n° 36/2011; Decree-Law n° 56/2011

2012: Decree-Law n° 95/2012; Decree-Law n° 109/2012; Decree-Law n° 220/2012; Decree-Law n° 257/2012

2013: Decree-Law n° 123/2013; Decree-Law n° 130/2013; Decree-Law n° 141/2013

2014: Decree-Law n° 7/2014; Decree-Law n° 40/2014; Decree-Law n° 85/2014; Decree-Law n° 189/2014

2015: Decree-Law n° 33/2015; Decree-Law n° 35/2015, Decree-Law n° 60/2015; Decree-Law n° 103/2015; Decree-Law n° 130/2015; Decree-Law n° 145/2015; Decree-Law n° 164/2015; Decree-Law n° 189/2015

2016: Decree-Law n° 70/2016; Decree-Law n° 56/2016; Decree-Law n° 26/2016

2017: Decree-Law n° 33/2017, of 23rd march; Decree-Law n° 121/2017, of 20th September; Decree-Law n° 122/2017, of 21st September; Decree-Law n° 140/2017, of 10th November; Decree-Law n° 145/2017, 30th November

TABLE VI

Authorised Decree-Laws/ Decree-Laws that transpose directives/ Authorised Decree-Laws that transpose directives

	Authorised Decree-Laws	Decree-Laws of transposition of directives	Authorised Decree-Laws that transpose directives*
2000	-	56	-
2001	2	41	-
2002	1	54	-
2003	15	100	1
2004	13	52	1
2005	2	66	-
2006	4	51	3
2007	17	74	5
2008	13	47	-
2009	24	44	4
2010	4	52	2
2011	5	38	-
2012	3	41	2
2013	5	39	2
2014	9	32	2
2015	10	34	-
2016	4	16	1
2017	3	44	-
2018	-	14	-

***2003:** Decree-Law n° 296/2003, of 21st November

2004: Decree-Law n° 7/2004, of 7th January

2006: Decree-Law n° 52/2006, of 15th March; Decree-Law N° 144/2006, of 31st July; Decree-Law N° 145/2006, of 31st July

2007: Decree-Law n° 357-A / 2007, of 31st October; Decree-Law n° 357-B/2007, of 31st October; Decree-Law n° 357-C / 2007, of 31st October; Decree-Law N° 393/2007, of 31st December; Decree-Law N° 394/2007, of 31st December

2009: Decree-Law N° 126/2009, of 27th May; Decree-Law 186/2009, of 12th August; Decree-Law N° 313/2009, of 27th October 27; Decree-Law n° 317/2009, of 30th October

2010: Decree-Law n° 73/2010, of 21st June; Decree-Law N° 134/2010, of 27th December

2012: Decree-Law n° 197/2012, of 24th August; Decree-Law N° 242/2012, of 7th November

2013: Decree-Law n° 61/2013, of 10th May; Decree n° 63-A / 2013, of 10th May

2014: Decree-Law N° 157/2014, of 24th October; Decree-Law n° 158/2014, of 24th October

2016: Decree-Law n° 64/2016, of 11th October

Part 2

THE PARLIAMENTARY PRODUCTION OF LEGISLATION IN THE AUTONOMOUS REGION OF MADEIRA*

*This article was not translated. Therefore, it was not included in this document.
It is available at olp.cedis.fd.unl.pt in Portuguese.



OBSERVATÓRIO
DA LEGISLAÇÃO
PORTUGUESA

December of 2019