

**EUROPEAN COMMITTEE OF SOCIAL RIGHTS  
COMITE EUROPEEN DES DROITS SOCIAUX**



**COUNCIL OF EUROPE    CONSEIL DE L'EUROPE**

30 January 2008

**Case document No. 5**

**European Council of Police Trade Unions (CESP)  
v. Portugal  
Complaint No. 40/2007**

**FURTHER RESPONSE OF THE GOVERNMENT  
TO THE RESPONSE OF THE CESP TO THE  
GOVERNMENT'S WRITTEN SUBMISSIONS  
ON THE MERITS**

Registered at the Secretariat on 28 January 2008



Ministério da Administração Interna  
Secretaria-Geral  
Direcção de Serviços de Assuntos Jurídicos e de Contencioso

**COMMENT TO THE ANSWER OF THE EUROPEAN COUNCIL OF POLICE UNIONS (ECPU) TO THE REMARKS MADE BY THE PORTUGUESE STATE CONCERNING COMPLAINT N. ° 40/2007.**

1. The EUROPEAN COUNCIL OF POLICE UNIONS (ECPU), that represents the Associação Sindical dos Profissionais de Polícia (ASPP/PSP) [*Police Professionals Union*], submitted an "ANSWER" to the "REMARKS" made by the Portuguese State via the Minister of Interior, reasserting that the Portuguese State does not respect the rights to collective bargaining to participate.
2. Under a contradictory procedure, the Portuguese State, represented by the Minister of Interior herein reassesses the statements in the "REMARKS" of 30AuGO07.
3. In fact, the Minister of Interior did not take any legislative initiatives on matters concerning remuneration, careers, social services and allowances of the members of the staff of the Polícia de Segurança Pública [*Public Security Police*] with police tasks without following the collective bargaining procedures that the Portuguese State is bound to follow under Article 35 of Law N.º 14/2002 of 19 February and the Minister of Interior simply modified specific provisions in Law-Decree No. 59/90 of



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24 February and in Law-Decree No. 511/99 of 24 November and approved  
Law-Decree No. 181/2001 of 19 June.

4. The fact that the lawgiver did not establish any time to regulate Article 69, paragraph 2 of the Staff Regulations of Polícia de Segurança Pública and the absence so-far of such Regulation does not in any way infringe the rights of the PSP staff with police tasks.

5. ASPP/PSP is well aware that the task of PSP is permanent and obligatory in nature and rosters fully respect the right to rest-days.

6. It is untrue that the draft legislation that has been submitted by the Minister of Interior are "*established facts*", since the participation of the various interlocutors in collective bargaining and participation is always acknowledged as a valuable contribution to find the best possible solution.

7. However, as previously stated, the fact is that the legislative initiative of the Minister of Interior follows criteria of necessity, convenience and timeliness and is limited by financial capacity and by the need to manage human resources with the aim of achieving the public interest vested upon this Ministry through PSP.



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8. Contrarily to what is stated by ASPP/PSP the yearly salary review is determined by the Government while bargaining with all Union stakeholders and is not dependant on any particular action by the Minister of Interior in what concerns the PSP staff with police tasks.

9. It was fully proven in Annexes VIII through XVI to the "REMARKS" that the Minister of Interior has fully respected the right to collective bargaining and the right to participate. Furthermore, ASPP/PSP does not submit and has not submitted any evidence likely to prove the opposite.

10. Therefore, it should be acknowledged that the Portuguese State has been complying with the provisions under Law No. 14/2002 of 19 February as specifically regards the rights of ASPP/PSP to collective bargaining and to participate.

Lisbon, 15 January 2008.

The agents appointed to represent the Portuguese State,

Lúcia Medina  
(Senior Advisor)

Francisco Gil Pinheiro  
(Head of Department)