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FOURTH EVALUATION ROUND

Corruption prevention in respect of members of
parliament, judges and prosecutors

THIRD *INTERIM* COMPLIANCE REPORT PORTUGAL

Adopted by GRECO at its 95th Plenary Meeting
(Strasbourg, 27 November – 1 December 2023)

I. INTRODUCTION

1. This Third *Interim* Compliance Report assesses the measures taken by the authorities of Portugal to implement the recommendations made in the Fourth Round Evaluation Report on Portugal (see paragraph 2), which deals with "Corruption prevention in respect of members of parliament, judges and prosecutors".
2. The [Fourth Round Evaluation Report](#) on Portugal was adopted by GRECO at its 70th Plenary Meeting (4 December 2015) and made public on 10 February 2016, following authorisation by Portugal.
3. The [Compliance Report](#) on Portugal was adopted by GRECO at its 78th Plenary Meeting (8 December 2017) and made public on 6 March 2018, following authorisation by Portugal. The report concluded that only one of the fifteen recommendations contained in the Fourth Round Evaluation Report had been implemented satisfactorily or dealt in a satisfactory manner and three had been partly implemented. In view of this result, GRECO concluded that the very low level of compliance with the recommendations was "globally unsatisfactory" in the meaning of Rule 31, paragraph 8.3 of the Rules of Procedure. GRECO therefore decided to apply Rule 32, paragraph 2 (i) and requested further information from the delegation of Portugal.
4. The [Interim Compliance Report](#) was adopted by GRECO at its 83rd Plenary meeting (21 June 2019) and made public on 28 June 2019, following authorisation by Portugal. GRECO concluded that the level of compliance remained "globally unsatisfactory", and the authorities of Portugal were requested to submit further information.
5. The [Second Interim Compliance Report](#) was adopted by GRECO at its 87th Plenary meeting (25 March 2021) and made public on 12 April 2021, following authorisation by Portugal. The report concluded that the level of compliance with the recommendations was no longer "globally unsatisfactory" in the meaning of Rule 31 revised, paragraph 8.3 of the Rules of Procedure. GRECO therefore decided not to continue applying Rule 32 concerning members found not to be in compliance with the recommendations and the authorities of Portugal were requested to submit further information.
6. The [Second Compliance Report](#) was adopted by GRECO at its 91st Plenary meeting (17 June 2022) and made public on 6 September 2022, following authorisation by Portugal. In that report, GRECO concluded that only three of the fifteen recommendations had been implemented satisfactorily or dealt with in a satisfactory manner. Of the remaining recommendations, ten had been partly implemented and two remained not implemented. Since the vast majority of recommendations (twelve out of fifteen) remain partly implemented, GRECO had no choice but to conclude that the level of compliance with the recommendations was "globally unsatisfactory" within the meaning of Rule 31 paragraph 8.3 of the Rules of Procedure. GRECO therefore decided to apply Rule 32 concerning members found not to be in compliance with the recommendations contained in the Evaluation Report and requested further information from the delegation of Portugal by 30 June 2023.
7. The Situation Report on measures taken to implement the outstanding recommendations was received on 30 June 2023. GRECO had selected Serbia and Malta to appoint Rapporteurs for the compliance procedure. The Rapporteurs appointed were Ms Bojana SMARTEK on behalf of Serbia and Mr Mario SPITERI on behalf of Malta. They were assisted by GRECO's Secretariat in drawing up the current Third *Interim* Compliance report.

8. The Third *Interim* Compliance Report assesses the further implementation of the outstanding recommendations (i.e. recommendations i, ii, iii, iv, v, vi, vii, viii, x, xi, xiii and xv) since the adoption of the Second Compliance Report and performs an overall appraisal of the level of Portugal's compliance with these recommendations.

II. ANALYSIS

9. GRECO, in its Fourth Round Evaluation Report, addressed 15 recommendations to Portugal. In the Second Compliance Report, GRECO concluded that recommendations ix and xiv had been implemented satisfactorily and recommendation xii had been dealt with in a satisfactory manner, recommendations i, ii, iii, iv, v, vii, viii, x, xiii and xv had been partly implemented and recommendations vi and xi had not been implemented. Compliance with the outstanding recommendations is examined below.

Corruption prevention in respect of members of parliament

Recommendation i

10. *GRECO recommended that i) measures are taken to ensure that the timelines established by the Rules of Procedure for the various stages of the law-making process are adhered to; and ii) provision is made for ensuring equal access of all interested parties, including civil society, to the various stages of the law-making process.*
11. GRECO recalls that this recommendation had been partly implemented in the Second Compliance Report. During the first year of operation of the revised Assembly's Rules of Procedure that provided for a more predictable law-making process, it had not been possible to ensure full compliance with the new, prescribed timelines due to the acceleration of work of the Parliament. For this reason, the statistics proving compliance could not be presented and the first part of the recommendation had only been partly implemented. The second part of the recommendation remained not implemented as there was no new information suggesting that equal access of all interested parties to the law-making process had been ensured.
12. The authorities now report that in March 2022 the new Parliament took office and the revised Rules of Procedure have since then been applied in their normal terms. Compliance with established deadlines in the legislative proceedings has been closely monitored by the President of the Assembly. The Conference of Parliamentary Committee Chairpersons, chaired by the President, regularly meets to supervise the functional and operational aspects of the legislative procedure, as stated in the agenda of their meetings.
13. Regarding the second part of the recommendation, the authorities reiterate that the existing parliamentary rules and practices already provided equal access to the law-making process for all interested parties. They referred to the Parliament's website¹, which provides information on legislative initiatives, work agendas and public consultations, giving the possibility to provide suggestions, ideas or complaints to the initiatives under a proceeding in Parliament. Moreover, a publicity ad² was made available by the Parliament so as to clarify how citizens can participate in legislative proceedings. Additionally, Portugal informed that Article 134 of the Rules of Procedure of the Assembly of the Republic, as amended by the First Amendment to the Rules of Procedure of the Assembly of the Republic, which was approved on 9 August and is in force, provides for public consultation for all legislative initiatives

¹ [Iniciativas Legislativas \(parlamento.pt\)](#), [IniciativasDiscussaoPublica \(parlamento.pt\)](#), [Assembleia da República | Bolsa de sugestões \(parlamento.pt\)](#)

² [app.parlamento.pt/programas/videos/p-conhecer.mp4](#)

through the Assembly of the Republic website. The online consultation remains open throughout the entire processing period of the legislative initiative (up until the start of voting in the plenary) and the contributions received are to be considered in the final report of the relative parliamentary commission. Moreover, the competent parliamentary commission must also promote consultation with federations and confederations representing the sector whenever it concerns projects of law or proposals of law in matters in which there is a constitutional or legal right to a hearing, namely in matters regarding disabilities, consumer rights, family or education policy.

14. GRECO notes, with respect to the first part of the recommendation, that the Conference of Parliamentary Committee Chairpersons, chaired by the President, supervises the implementation of the revised Rules of Procedure, including compliance with the prescribed deadlines in the legislative proceedings. While this is undoubtedly a positive development, no statistics nor other concrete figures showing that deadlines are respected in practice during discussions in committees and in plenary session seem to be available to GRECO in order to assess the effectiveness of the measures taken, besides the supervision by the President of the Assembly of the Republic and the Conference of Parliamentary Committee Chairpersons. This part of the recommendation remains therefore partly implemented. Concerning the second part of the recommendation, the new provisions of the Rules of Procedure introducing online public consultation for all legislative initiatives and encouraging the involvement of civil society in projects of law concerning disabilities, consumer rights, family or education policy is a positive step. This part of the recommendation is therefore implemented.
15. GRECO concludes that recommendation i remains partly implemented.

Recommendation ii

16. *GRECO recommended that i) clear, enforceable, publicly-stated principles and standards of conduct for MPs are adopted and equipped with an efficient supervisory mechanism; and that ii) awareness of the principles and standards of conduct is promoted amongst MPs through dedicated guidance, confidential counselling and training on issues such as appropriate interactions with third parties, the acceptance of gifts, hospitality and other benefits and advantages, conflicts of interest and corruption prevention within their own ranks.*
17. GRECO recalls that this recommendation was partly implemented in the Second Compliance Report. GRECO noted that the framework in place only stipulated general principles on MPs' contacts with third parties as opposed to concrete rules, including on how to interact with those who might wish to drive the law-making process toward the fulfilment of partial interests. Also, rules did not explicitly envisage the provision of confidential counselling on integrity matters for MPs. As regards integrity training for MPs, its introduction was only being considered.
18. The authorities reiterate what has already been noted in previous compliance reports with regards to the legislative amendments included in the so-called transparency package. Several legal acts define the scope of permissible contacts between MPs and third parties (e.g. the Constitution, the Statute of the Members of Parliament and the Code of Conduct) by enshrining the principles of independence, respect and dignity of the mandate, transparency, appropriate conduct, pursuit of the public interest and political liability for acts and decisions. Regarding confidential counselling on ethical issues, the authorities reiterate that this competence is implicitly included in the CTED's mandate as stipulated in Article 27-A of the Statute. As additional

information, the current Parliament resumed some legislative initiatives in terms of MPs' contacts with third parties and the area of 'lobbying'³.

19. GRECO notes that some legislative initiatives regarding the rules on MPs' contacts with third parties have been resumed. However, as noted in the previous compliance report, in so far as the scope of permissible contacts between MPs and third parties is concerned, this framework only stipulates some general principles but not concrete rules on MPs' contacts with third parties, including those who might wish to drive the law-making process toward the fulfilment of partial interests. Similarly, although Article 27-A of the Statute is quite extensive, it does not envisage the provision of confidential counselling on integrity matters for MPs. Therefore, in the absence of further progress, including on the provision of training on integrity matters, this recommendation remains partly implemented.
20. GRECO concludes that recommendation ii remains partly implemented.

Recommendation iii

21. *GRECO recommended i) carrying out an independent evaluation of the effectiveness of the system for the prevention, disclosure, ascertainment and sanctioning of conflicts of interest of MPs, including specifically the adequacy of incompatibilities and disqualifications, and the impact that this system has on the prevention and detection of corruption, and taking appropriate corrective action (e.g. further developing and refining the regulatory framework, strengthening oversight, introducing dissuasive sanctions, etc.); and ii) ensuring that MPs' reporting of private interests – whether advance or periodic – is subject to substantive and regular checks by an impartial oversight body.*
22. GRECO recalls that this recommendation was partly implemented in the Second Compliance Report as an independent evaluation and impact assessment of the effectiveness of the conflicts of interest prevention system for MPs had still not been carried out. Similarly, the Entity for Transparency attached to the Constitutional Court and responsible for assessing single declarations of MPs' income, assets and interests had not been established.
23. The authorities now report that in the session of 17 January 2023, the members of the Entity for Transparency were appointed, and they took office on 15 February 2023. They are the President, an Associate Professor at the Faculty of Law of Coimbra, and two other qualified members. As regards technical and human resources' recruitment procedures to support the activity of the ET, it appears that eight members have started performing their duties while other recruitment procedures are still ongoing. The authorities reported also that the new premises in Coimbra are operational, the IT system has been installed and a training session on the Electronic Platform for the ET staff took place from 9 to 13 October.
24. GRECO notes that while an independent evaluation and impact assessment of the effectiveness of the conflicts of interest prevention system for MPs has still not been carried out, some progress, albeit slow, can be seen in the establishment of the Entity for Transparency. The Board has been appointed and the technical and human resources necessary for the functioning of the Entity have been provided for, as well as the establishment of its headquarters in Coimbra. However, given that the Entity

³ Bill No. 189/XV/1st (CH) - [Approves the transparency rules applicable to private entities that perform legitimate representation of interests \("Lobbying"\) with public entities, creating a representation transparency register of interests before the Assembly of the Republic](#); Bill No. 252/XIV/1st (PAN) - [Regulates lobbying activity and creates a Transparency Register and a Legislative Footprint Mechanism, making the first amendment to Organic Law no. 4 /2019, of 13 September, and the sixteenth amendment to Law no. 7/93, of 1 March.](#)

is not fully operational yet, GRECO can only consider this recommendation as partly implemented.

25. GRECO concludes that recommendation iii remains partly implemented.

Recommendation iv

26. *GRECO recommended that i) adequate sanctions are established for minor breaches of the asset reporting obligation, including incomplete and inaccurate reporting; and ii) MPs' asset declarations are made publicly available on-line.*
27. GRECO recalls that this recommendation was partly implemented in the Second Compliance Report. Part (i) of the recommendation had not been implemented as the sanctions' regime remained the same and appropriate sanctions, i.e. milder than dismissal or loss of mandate, had still not been established for minor breaches of the asset reporting obligation by MPs. As for part (ii) of the recommendation, it had been implemented satisfactorily as asset and interest declarations of MPs had been made publicly available on-line.
28. The authorities reiterate that Article 18 of Law No. 52/2019 provides for adequate sanctions for minor breaches of the asset reporting obligation. As explained in the previous compliance report, the Law foresees that in case of incomplete or inaccurate reporting, the MP is notified and failures to make the declaration after such warning may lead to the loss of seat and possible criminal action. Moreover, the said Law had already been amended in 2020, 2021 and 2022 and no need to change it in this regard was identified.
29. GRECO notes regarding the outstanding part (i) of the recommendation that the sanctions' regime still remains the same and that appropriate sanctions, i.e. milder than dismissal or loss of mandate, have not been established for minor breaches of the asset reporting obligation, including incomplete and inaccurate reporting. This part of the recommendation therefore remains not implemented.
30. GRECO concludes that recommendation iv remains partly implemented.

Recommendation v

31. *GRECO recommended that i) asset declarations of all MPs undergo frequent and substantive checks within a reasonable timeframe in accordance with law; and that ii) commensurate human and other resources are provided to the independent oversight body, including any of its auxiliary structures, and the effective co-operation of this body with other state institutions, in particular, those exercising control over MPs' conflicts of interest, is facilitated.*
32. GRECO recalls that this recommendation was partly implemented in the Second Compliance Report. As regards part (i) of the recommendation, Law 4/2019 does not deal with the issue of *frequent and substantive checks within reasonable time* of MPs' single declarations of income, assets and interests. This part of the recommendation therefore remained not implemented. Concerning part (ii), GRECO noted the fulfilment of legal and financial conditions for the setting up of the Entity for Transparency. However, since the Entity had not been established, this part of the recommendations was considered as only partly complied with.
33. The authorities refer again to Article 5(3) and 18 of the Law 4/2019, stating that the issue of frequent and substantive checks of asset declarations falls within the scope of the Entity for Transparency's own regulations and that, once it becomes operational, it will issue regulations on this matter. Concerning the Entity for

Transparency itself, while human and technical resources have been secured to it, it is not yet fully operational.

34. GRECO notes again, with respect to part (i) of the recommendation, that Law 4/2019 does not deal with the issue of *frequent and substantive checks within reasonable time* of MPs' single declarations of income, assets and interests. This part of the recommendation therefore remains not implemented. As far as part (ii) of the recommendation, until the Entity for Transparency is fully operational, GRECO cannot consider this recommendation as more than partly complied with.
35. GRECO concludes that recommendation v remains partly implemented.

Corruption prevention in respect of judges

Recommendation vi

36. *GRECO recommended that i) the role of the judicial councils as guarantors of the independence of judges and of the judiciary is strengthened, in particular, by providing in law that not less than half their members are judges elected by their peers; and ii) information on the outcome of disciplinary procedures within the judicial councils is published in a timely manner.*
37. GRECO recalls that this recommendation was not implemented in the Second Compliance Report. The composition of the High Judicial Council and of the High Judicial Council for Administrative and Tax Courts (CSTAF) remained the same as at the time of the evaluation (i.e. half of their members are still not judges elected by their peers). Also, only summary information on the outcome of disciplinary procedures within both councils was made available.
38. The authorities reiterate their position that the role of the judicial council as guarantor of the independence of judges and of the judiciary is not dependent only on the composition of it, and that factors including the following address in substance the recommendation: (i) the President and the Vice-President of the HJC are judges; (ii) the direction and management of the HJC's services are ensured by a judge secretary; (iii) the members of the HJC are assisted by a Cabinet composed of a chief of staff and four advisors, all of them judges and (iv) the inspectorate of the HJC's inspection services is composed exclusively by judges. They report no new legal provision requiring that not less than half the members of judicial councils are judges elected by their peers. As additional information, the Decree-Law No. 31/2023 of 5 May came into force on 1 June 2023, establishing the CSTAF administrative and financial autonomy, and its services' organisation.
39. Concerning part (ii) of the recommendation, the authorities state that the information on the outcome of disciplinary procedures conducted in the High Judicial Council and in the High Judicial Council for Administrative and Tax Courts is published through a summary on the respective websites. Links to the most recent summaries of the High Judicial Council plenaries have been provided (April 2023). These contain information as regards the disciplinary actions by the High Judicial Council, with the name of the sanctioned judge being anonymised. In some cases, a mention of the articles of the law that were violated and of the sanction were included. As in previous reports, reference is made to the communication plan of the Council that provides information on pending and closed disciplinary procedures to the media. Also, the authorities reiterate that the outcome of disciplinary procedures is also disclosed in the annual report of the High Judicial Council to the Parliament, which is published online and that the Supreme Court publishes online a summary of all the appeals from the Council's decisions that concern the Council's disciplinary action.

40. GRECO notes the absence of tangible progress concerning part (i) of the recommendation. The rules governing the composition of the High Judicial Council and of the High Judicial Council for Administrative and Tax Courts remain the same, i.e. the law does not provide that half of their members are judges elected by their peers. Concerning part (ii), GRECO welcomes that information on the outcome of the disciplinary procedures is published through the summary of the High Judicial Council deliberations, and that a few of them include a short summary of the facts of the case, along with the articles of the law that were violated and the sanction. It would be helpful for this practice to be generalised, for informational and educational purposes.

41. GRECO concludes that recommendation vi is partly implemented.

Recommendation vii

42. *GRECO recommended that at least half the members of the authorities taking decisions on the selection of second instance court and Supreme Court judges are judges elected (or chosen) by their peers.*

43. GRECO recalls that this recommendation was partly implemented in the Second Compliance Report. In respect of appeal court judges, the expectations of the recommendation had been met while no new developments were reported to fulfil the outstanding element of this recommendation with respect to the two Supreme Courts (the Supreme Court of Justice and the Supreme Administrative Court).

44. The authorities reiterate the same information already presented in previous compliance reports that ensuring a more varied background of the candidates to the Supreme Court justifies a deviation from the principle referred to in the recommendation.

45. GRECO regrets the absence of progress in respect of the outstanding element of this recommendation with respect to the two Supreme Courts (the Supreme Court of Justice and the Supreme Administrative Court).

46. GRECO concludes that recommendation vii remains partly implemented.

Recommendation viii

47. *GRECO recommended ensuring that periodic evaluations of first instance court judges and inspections/assessments of second instance court judges ascertain, in a fair, objective and timely manner, their integrity and compliance with the standards of judicial conduct.*

48. GRECO recalls that this recommendation was partly implemented in the Second Compliance Report as no new concrete action to fulfil the recommendation was reported. The authorities reiterated that the evaluation system is underpinned by sufficiently objective criteria and the evaluation of merit is objective and rigorous. A similar approach was being pursued in respect of administrative and tax court judges by the High Judicial Council for Administrative and Tax Courts.

49. The authorities mention again the legal framework governing the evaluation/inspection of first and second instance court judges, that was already assessed in previous compliance reports. In addition, and in connection with recommendation xi below, they report that the code of conduct of judges of the administrative and tax jurisdictions is currently in the process of being approved and that it is designed to define a framework of ethical standards, principles and duties. Work is also being undertaken within the HJC as regards its draft Code of Ethics.

50. GRECO takes note of the recent developments concerning the approval of new standards of judicial conduct. However, in the absence of concrete action regarding the formalisation of periodic evaluations and assessments that would include a “more elaborated assessment of the ethical dimension of a judge’s comportment based on standards of conduct”, as pointed out in the Evaluation Report, it can only consider this recommendation as partly implemented.

51. GRECO concludes that recommendation viii remains partly implemented.

Recommendation x

52. *GRECO recommended that final first instance court judgments are made easily accessible and searchable by the public.*

53. GRECO recalls that this recommendation was partly implemented in the Second Compliance Report. The legal framework had been put in place and the necessary resources seemed to have been earmarked to secure the restructuring and maintenance of the European Case Law Identifier (ECLI) database. However, the part of the database covering all final first instance court judgements was not yet operational.

54. The authorities now report that several new developments have been carried out with regards to the ECLI database, notably concerning IT systems and tools, with particular attention to align with global standards on anonymisation and data protection. On October 4, a cooperation protocol has been signed between the HJC and the Supreme Court of Justice (STJ), so as to enable bringing the anonymiser of court decisions to all first instance court. According to the authorities, publication of final first instance court judgments is expected in the first quarter of 2024.

55. GRECO notes substantial progress in the implementation of this recommendation with regard to the process of restructuring the ECLI database. However, as the database does not provide for final first instance court judgments to be easily accessible yet, this recommendation cannot be considered more than partly implemented.

56. GRECO concludes that recommendation x remains partly implemented.

Recommendation xi

57. *GRECO recommended that i) clear, enforceable, publicly-available standards of professional conduct (covering e.g. gifts, conflicts of interest, etc.) are set out for all judges and used inter alia as a basis for promotion, periodic evaluation and disciplinary action; and that ii) awareness of the standards of conduct is promoted amongst judges through dedicated guidance, confidential counselling, and initial and in-service training.*

58. GRECO recalls that this recommendation was not implemented in the Second Compliance Report. Some steps had been taken in the furtherance of this recommendation which however fell short of even partly meeting its prerequisites. The text of the draft code of ethics prepared by the High Judicial Council had not been provided. The code of conduct for tax and administrative court judges was still under preparation, and the implementation of the second part of the recommendation remained contingent on compliance with its first part.

59. The authorities now provide the text of the draft code of ethics prepared by the High Judicial Council, after an opinion verifying its relevance and adequacy was finalised. The text includes provisions on outside activities, undue advantages, confidentiality,

gifts and hospitality. Moreover, it foresees the setting up of an Ethics Council responsible for issuing opinions on the compatibility of certain behaviours with the code and formulating opinions or recommendations on issues related to its implementation. The function of the Council is exclusively of an advisory nature as it shall not intervene in any disciplinary procedure. The draft text is to be presented to the Plenary Council and discussed on 7 November 2023.

60. With regard to the administrative and tax jurisdiction, the "Regulation on the reporting obligations of magistrates in matters of income, assets, interests, incompatibilities and impediments" has been approved. However, this will only be effective and operational when the technical, financial and human resources that are necessary for the High Council for Administrative and Tax Courts to fulfil the obligations that arise from it are present; a process that is still ongoing. Likewise, the approval of the draft code of conduct of judges of the administrative and tax jurisdiction is also pending on the provision of adequate resources. After completion of the draft Code, which is expected soon, this will be discussed in a CSTAF session. No information concerning confidential counselling and training other than that already furnished in the previous compliance report was provided.
61. The authorities also add that in January 2022 a code of conduct for judges of the Constitutional Court was approved and entered into force, also being publicly available on its website.
62. GRECO welcomes the provision of the draft code of ethics prepared by the High Judicial Council. The text covers permissibility and acceptance of gifts, hospitality, together with extra-judicial activities. It foresees the setting up of an Ethics Council to monitor compliance with the Code. However, a clear definition and guidance on the type of conflicts of interest that judges may encounter and how to appropriately deal with such cases is still lacking. GRECO also notes that the draft Code will go through upcoming Plenary discussions and consultations.
63. As per the Regulation concerning tax and administrative court judges' assets and interests' declarations, GRECO takes note of the ongoing process for its effectiveness in practice. However, it concerns only a specific area of interest, while the relative code of conduct is still in the consultation process and will be analysed in the future.
64. GRECO also takes note of the adoption of the code of conduct for judges of the Constitutional Court, that sets *inter alia*, standards of conduct with regards to gifts' management. However, the code deals in very general terms with the questions of impartiality and integrity.
65. Overall, GRECO recognises that some more steps have been taken in the furtherance of part (i) of the recommendation, that can now be considered as partly implemented. Regarding part (ii) of the recommendation, as it is contingent on the fulfilment of part (i), i.e. the final adoption of clear and enforceable standards, this remains not implemented.
66. GRECO concludes that recommendation xi has been partly implemented.

Corruption prevention in respect of prosecutors

Recommendation xiii

67. *GRECO recommended ensuring that periodic evaluation of prosecutors attached to first instance court and inspections/assessment of prosecutors attached to second instance courts ascertain, in a fair, objective and timely manner, their integrity and compliance with the standards of professional conduct.*

68. GRECO recalls that this recommendation was partly implemented in the Second Compliance Report. The Code of Conduct for public prosecutors had entered into force, but it was not clear whether this Code, and the integrity standards it contains, could also be used as a basis/criteria for promotion and evaluation of public prosecutors. Progress had been noted in addressing the issue of substantial delays in carrying out evaluations.
69. The authorities reiterate that in 2021 three more prosecutors were appointed as inspectors to tackle existing delays. They indicate that the process of catching up on the most overdue inspections/evaluations is under way and the total number of inspections increased by 20% in comparison to 2021/2022. Information has also been provided by the authorities as regards recommendation (xv) below with relevance for this recommendation. In particular, the authorities state that compliance with or violation of the adopted standards of professional conduct influence the evaluation of prosecutors in a global manner, as this represents one of the parameters taken into consideration.
70. GRECO notes that, according to the authorities, compliance with the standards of professional conduct is a factor that is considered in the global evaluations of prosecutors, and that adherence or violation of the code's rules can impact these evaluations. However, in the absence of clear provisions and explicit criteria provided in the internal rules on evaluations that allow for a comprehensive assessment of the prosecutors' ethical dimensions in line with the Code of Conduct, this recommendation remains partly complied with.
71. GRECO concludes that recommendation xiii remains partly implemented.

Recommendation xv

72. *GRECO recommended that i) clear, enforceable, publicly-available standards of professional conduct are set out for all prosecutors and used inter alia as a basis for promotion, evaluation and disciplinary action; and ii) awareness of the standards of conduct is promoted amongst prosecutors through dedicated guidance, confidential counselling, and in the context of initial and in-service training.*
73. GRECO recalls that this recommendation was partly implemented in the Second Compliance Report. GRECO welcomed the adoption of a Code of Conduct for public prosecutors, which addressed conflicts of interest, gifts, training, and professional development. The High Council of Public Prosecution's Ethics and Deontology Unit was responsible for monitoring compliance with the Code. However, it was unclear whether breaches of the Code led to sanctions or affected promotions and evaluations. Therefore, GRECO could not confirm full compliance with the first part of the recommendation. As for the second part, this could only be assessed once the Code served as a basis for initial and on-going integrity training for all prosecutors. As no information in this regard had been provided, including on the provision of confidential counselling, the second part of the recommendation remained not implemented.
74. The authorities have informed that the Code of Conduct for public prosecutors entered into force on 15 April 2022. The Ethics and Deontology Unit is responsible for its monitoring and while sanctions are not provided for in the Code, some disciplinary procedures were initiated based on identified breaches of the Code. The authorities state that they have made efforts to widely publicise and make this code accessible to prosecutors, ensuring that they are aware of its existence and content. They also mention that difficulties in interpreting the code can be addressed by consulting the Ethics Unit.

75. Furthermore, they explained that the provisions of the Code of Conduct are reflected in the Statute of the Public Prosecution Service and other legal norms, and non-compliance with these can have disciplinary or criminal consequences. Moreover, they state that compliance with the code is a factor that is considered in the global evaluations of prosecutors, and that adherence or violation of the code's rules can impact these evaluations. As far as dedicated guidance and awareness-raising initiatives, the authorities state that the Code served as a basis for initial and on-going integrity training for all prosecutors, as it was mentioned on a recent summary of an initial training on ethics and deontology prepared by the Centre for Judicial Studies.
76. GRECO welcomes the entry into force of the Code of Conduct for prosecutors. While sanctions for breaches of the Code are still not provided for, some disciplinary proceedings were initiated on identified breaches of the Code and brought before the High Council of the Public Prosecution. Confidential counselling is a responsibility of the Ethics and Deontology Unit, although this is not formally provided for in the Code nor corroborated with information or data about the practice. Also, no statistics on participants' attendance, nor other complete information, was provided with regards to dedicated guidance, initial and in-service training based on the Code other than a summary of the topics covered in the initial training on ethics and deontology that mentions the Code. For these reasons, part (i) of the recommendation is now dealt with in a satisfactory manner and part (ii) is now partly implemented.
77. GRECO concludes that recommendation xv remains partly implemented.

III. CONCLUSIONS

78. **In view of the foregoing, GRECO concludes that Portugal has made limited progress in connection with the fulfilment of recommendations found to be not implemented or partly implemented in the Fourth Round Second Compliance Report; only three of the fifteen recommendations have been implemented satisfactorily or dealt with in a satisfactory manner.** The remaining twelve recommendations have now been partly implemented.
79. More specifically, recommendations ix and xiv have been implemented satisfactorily and recommendation xii has been dealt with in a satisfactory manner. Recommendations i, ii, iii, iv, v, vi, vii, viii, x, xi, xiii and xv are partly implemented.
80. With respect to members of parliament, the effectiveness of the revised Assembly's Rules of Procedure, creating a more predictable legislative process and reducing unexpected and last-minute agenda items, could not be fully assessed. On the other hand, the amendment to the Rules of Procedure of the Assembly of the Republic provides in Article 134 for an online public consultation for all categories of bills, in order to ensure equal access of all interested parties, including civil society, to the various stages of the law-making process. The current rules and regulations for Members of Parliament (MPs) still do not adequately address the permissible interactions between MPs and third parties, nor do they establish appropriate penalties for improper actions. An impact assessment of the effectiveness of the conflicts of interest prevention system for MPs remains to be carried out. Likewise, the independent Entity for Transparency, responsible for evaluating MPs' declarations of income, assets and interests it is still not fully operational. The applicable enforcement rules lack adequate sanctions for minor breaches of the MPs' requirement to report assets.

81. As far as judges are concerned, the ECLI database is still not operational in providing access to final first instance court judgments online. There have been no improvements in enhancing the composition of judicial councils to safeguard judicial independence and the selection method for Supreme Court judges remains unchanged. The High Judicial Council prepared a first draft of a code of conduct for judges which, together with a draft code for judges of the administrative and tax jurisdiction, awaits adoption. The need for the formalisation of periodic evaluations of judges aligned with the standards of conduct remains unaddressed.
82. Regarding the Public Prosecution Service, the entering into force of the Code of Conduct for prosecutors represents a positive development. The complementary training and guidance based on it remains to be seen and assessed in practice, together with the formalisation of confidential counselling and of explicit criteria for evaluations and assessments that are based on the Code of Conduct.
83. Portugal must substantially step up its response to GRECO's outstanding recommendations. Since the vast majority of recommendations (twelve out of fifteen) remain partly implemented, GRECO has no choice but to conclude that the current level of compliance with the recommendations remains "globally unsatisfactory" within the meaning of Rule 31 paragraph 8.3 of the Rules of Procedure. GRECO therefore decides to apply Rule 32 concerning members found not to be in compliance with the recommendations contained in the Evaluation Report and asks the Head of the delegation of Portugal to provide a report on the progress made in implementing recommendations i, ii, iii, iv, v, vi, vii, viii, x, xi, xiii and xv by 31 December 2024.
84. In addition, in accordance with Rule 32, paragraph 2, sub-paragraph (ii.a), GRECO instructs its President to send a letter – with a copy to the President of the Statutory Committee – to the Head of the Portuguese delegation, drawing his attention to the non-compliance with the relevant recommendations and the need to take determined action with a view to achieving tangible progress as soon as possible.
85. Finally, GRECO invites the authorities of Portugal to authorise, as soon as possible, the publication of the present report, to translate it into the national language and to make the translation public.