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FOURTH EVALUATION ROUND

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

FOURTH *INTERIM* COMPLIANCE REPORT PORTUGAL

Adopted by GRECO at its 99th Plenary Meeting
(Strasbourg, 17-19 March 2025)

I. INTRODUCTION

1. This Fourth *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) remained 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.
7. In the [Third Interim Compliance Report](#) adopted by GRECO at its 95th plenary meeting (1 December 2023) and made public on 15 January 2024, it was concluded that the 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, vi, vii, viii, x, xi, xiii and xv were partly implemented. The level of compliance was again assessed as "globally unsatisfactory". Pursuant to Rule 32 2(i) of the Rules of Procedure, GRECO asked the Head of the Portuguese delegation to provide a report on the progress in implementing the outstanding recommendations.

8. The Situation Report was received on 7 January 2025 and forms the basis of this Fourth Interim Compliance Report, which assesses the implementation of the 12 outstanding recommendations and performs an overall appraisal of the level of Portugal's compliance with these recommendations.
9. GRECO had selected Serbia and Malta to appoint Rapporteurs for the compliance procedure. The Rapporteurs appointed were Ms Bojana SMARTEK on behalf of Serbia (with respect to members of parliament) and Mr Mario SPITERI on behalf of Malta (with respect to judges and prosecutors). They were assisted by GRECO's Secretariat in drawing up this Fourth *Interim* Compliance report.

II. ANALYSIS

10. GRECO, in its Fourth Round Evaluation Report, addressed 15 recommendations to Portugal. In the Third Interim 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, vi, vii, viii, x, xi, xiii and xv were partly implemented. Compliance with the 12 outstanding recommendations is examined below.

Corruption prevention in respect of members of parliament

Recommendation i

11. *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.*
12. It is recalled that this recommendation was considered by GRECO as remaining partly implemented in the Third *Interim* Compliance Report. Part (i) remained partly implemented pending further details substantiating the timeliness of the law-making process. Part (ii) of the recommendation was considered as implemented.
13. The authorities reiterate that measures had been adopted in 2020 to ensure compliance with the deadlines of the law-making process¹ and that an already reported further revision of these Rules took place in 2023².
14. In this respect, the authorities clarify that, since March 2020, compliance with deadlines in the law-making process are checked regularly by the President of the Assembly, as this appears as an item on the agenda of the Conference of Parliamentary Committee Chairpersons, which he chairs. This Committee meets on a regular basis³ and its agenda includes the supervision of the functional aspects of parliamentary committees' activities and assessment of the general conditions of the legislative process. This includes, issues pertaining to whether laws are duly

¹ The Assembly's Rules of Procedure, revised in 2019-2021 with the adoption of new Rules on 31 August 2020 (Rules of Procedure no. 1/2020, of 31 August (entered into force on 1 September 2020) [Legislation \(parlamento.pt\)](#), see [Second Compliance Report](#), paragraphs 11-12).

² Article 150 of the Rules was revised in August 2023 to establish that (i) discussions and voting on the details of bills within a committee are to be scheduled within 90 days from the referral of the bill to the committee concerned; (ii) in complex cases, another deadline may be set by the President of the Assembly of the Republic; (iii) Committee Chairpersons may only include the beginning of the discussion and voting on details of bills that are presented by MPs or parliamentary groups after the agreement of the author of the bill or after 45 days from its referral to the committee (see the [Third Interim Compliance Report](#), paragraph 14).

³ Article 21 of the Rules of Procedure.

implemented and the analysis of the efficiency of parliamentary work, which includes checking compliance with deadlines in the legislative process.

15. The authorities put forward that the above-mentioned information, despite the fact that there are no statistics, provides enough evidence to show that the adherence to the deadlines in the various stages of the law-making process is ensured. Although the meetings of the Conference of Parliamentary Committee Chairpersons are not public, which means that the summaries of their meetings are not published on the Assembly's website accessible to the public at large – they are available to those working in the Assembly (special access to the relevant section of the Assembly's website) i.e. to those directly involved and interested in the compliance with deadlines in the legislative process, such as opposition parties. The authorities also recall that parliamentary legislative proceedings are public, and that the entire parliamentary "legislative footprint" is available on the Assembly's website. Therefore, civil society and the media can verify whether deadlines have been respected for past and current initiatives.
16. GRECO takes note of the clarification provided by the authorities for outstanding part (i) of this recommendation. Notably, that the role of the President of the Assembly, as chair of the Conference of Parliamentary Committee Chairpersons, includes to regularly check the compliance with the deadlines in the law-making process. This task is included in the agenda of this Conference. While GRECO has not been made aware of any issues or breaches of relevant rules, or of irregularities, regarding the President of the Assembly's specific role in monitoring the compliance with deadlines in the law-making process, it still encourages the authorities to introduce statistics on the timeliness of law-making processes, for good practice.⁴ Furthermore, GRECO takes note and welcomes the continued operation of the Legislative Footprint Mechanism.
17. GRECO concludes that recommendation i has been dealt with in satisfactory manner.

Recommendation ii

18. *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.*
19. GRECO recalls that this recommendation was considered as remaining partly implemented in the Third *Interim* Compliance Report. Legislative initiatives on the rules on MPs' contacts with third parties had been resumed, but as concerned the scope of permissible contacts between MPs and third parties, the framework only stipulated general principles, providing no concrete rules on the matter. Also, no provisions were envisaged in the Statute for confidential counselling on integrity matters for MPs, nor on training on integrity matters.
20. The authorities report that the Parliamentary Committee for the Transparency and Statute of Members of Parliament (CTED) has included, in its [Plan of Activities](#) of May 2024, the implementation of advice to MPs through its Working Group on the Implementation of the Code of Conduct ([GT-ACC](#)) and its Working Group on the Registration of Interests ([GT-RI](#)). The authorities also reiterate, in this respect, that

⁴ See also [EC 2024 Rule of Law Report](#), 24 July 2024, p.26.

confidential counselling on ethical issues, in particular conflicts of interest, is part of the list of CTED's competences.⁵

21. The authorities also report that the [Code of Conduct for MPs](#) is now publicly accessible on the Assembly's website. The rules for MPs on the acceptance of gifts, hospitality and other privileges have been established. In addition, Guidelines for MPs on the acceptance of gifts, travel and hospitality are now available in the Register for Gifts, Travel and Hospitality⁶.
22. With respect to training, the authorities report that the above-mentioned Plan of Activities also sets out that, to implement this recommendation, training dedicated to MPs (and members of the support cabinets of the parliamentary groups) on integrity matters be organised i.e. completing and updating their declarations of assets; gifts; hospitality; incompatibilities and impediments and the prevention of conflicts of interest. The authorities report, with regards to MPs' ethics training, that at the beginning of each parliamentary term, MPs are given a "Handbook for Members of Parliament", which contains a chapter on the Statute of MPs, the Code of Conduct and Law no. 52/2019. Whenever new questions arise, the MP is advised to refer the situation to the CTED for decision.
23. The authorities reiterate what has been taken into account in previous compliance reports, notably the legislative amendments included in the "transparency package". They refer once again to several legal acts that define the scope of permissible contacts between MPs and third parties (i.e. the Constitution, the Statute of the Members of Parliament and the Code of Conduct), which enshrine 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. They reiterate that, besides what has been reported in previous compliance reports, contact by MPs with third parties and their possible influence in the legislative process is to be addressed by legislation, and that four legislative initiatives on "lobbying"⁷ are currently underway.
24. In this respect, reference is also made to the [new Anti-Corruption Agenda](#), published on 20 June 2024, and later supplemented by a [Technical Report of the Anti-Corruption Agenda](#), published on 2 July 2024. The regulation on lobbying activities is set as a top priority of this Agenda. Three elements are considered fundamental: (1) the *Transparency Register*, which identifies legitimate representatives, common to

⁵ Article 27-A of the Statute: *The Parliamentary Committee on Transparency and the Statute of Members shall be independent of other standing parliamentary committees and shall be fully endowed with the following competences: ... (b) To receive and record declarations that raise potential conflicts of interests; (c) At the request of the declarers or of the President of the Assembleia da República [President of Parliament], to consider the conflicts of interests raised, and issue the respective opinion on them; (d) To consider the potential existence of conflicts of interests that have not been the object of a declaration, and also to issue the respective opinion on them; ... (j) To conduct inquiries concerning facts that have occurred within the scope of the Assembleia da República [Parliament] and compromise the honour or dignity of any Member, as well as any serious irregularities committed in breach of the duties of Members of the Assembleia da República [Members of Parliament], on its own initiative, at the latter's request or upon a decision of the President of the Assembleia da República [President of Parliament]; (k) To issue general statements and recommendations promoting good parliamentary practice; (l) To consider any other questions concerning the mandate and term of office of Members of the Assembleia da República [Members of Parliament].*

⁶ Available at [Registo de ofertas, deslocações e hospitalidades \(parlamento.pt\)](#).

⁷ [Bill No. 179/XVI/1st](#) (PAN) - Regulates lobbying activities and creates a Transparency Register and a Legislative Footprint Mechanism, introducing the first amendment to Organic Law no. 4 /2019, of 13 September, and the sixteenth amendment to Law no. 7/93, of 1 March.

[Bill No. 190/XVI/1ª](#) (IL) – Regulates lobbying activities in Portugal and creates the Public Powers Transparency System;

[Bill No. 346/XVI/1ª](#) (PSD) – Approves transparency rules applicable to national or foreign private entities that carry out legitimate interest representation before public entities and creates a transparency register of the representation of interests ("Lobbying") within the Assembly of the Republic;

[Bill No. 366/XVI/1st](#) (CH) – Regulates the activity of legitimate interest representation ("Lobbying") before public entities and creates a transparency register of the representation of interests within the Assembly of the Republic.

all public entities, mandatory and publicly accessible; (2) the *Code of Conduct of the Transparency Register*, which provides general rules applicable to relations between public entities and interested representatives, and for the registration of interests and incompatibilities; (3) a *Public Agenda*, recording attendance, topics discussed, and decisions adopted.

25. The authorities recall that it is the CTED's task to ensure compliance and carry out inquiries into facts that may amount to a serious irregularity committed in breach of an MP's duties. Such an inquiry may be initiated either at the request of the MP *ex officio* or by a decision of the President of the Assembly (see Article 27-A(j) of the Statute of MPs⁸).⁹ In this context, the two above-mentioned Working Groups (GT-ACC and GT-RI) develop their activities in line with the work of the CTED and their activity reports are available online¹⁰.
26. GRECO takes note of the information reported by the authorities, much of which has already been dealt with in previous reports. Some progress can be noted, in particular with the creation of rules for MPs on the acceptance of gifts, hospitality and other privileges and that Guidelines for MPs on the acceptance of gifts, travel and hospitality are now available online.
27. A Code of Conduct is in place, coupled with monitoring and sanctions, as well as confidential counselling. Some awareness raising measures on the Code have been assured (including through the distributions of a Handbook) and others (training) are in the pipeline. GRECO trusts that the anticipated training events on ethics for MPs take place in due course and looks forward to receiving details on their effective implementation.
28. GRECO further notes that much work lies ahead regarding rules and guidance on MPs' interactions with third parties; this is a sensitive area that remains unregulated¹¹. GRECO looks forward to receiving information on developments in this respect.
29. GRECO concludes that recommendation ii remains partly implemented.

Recommendation iii

30. *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,*

⁸ "The CTED shall be independent of other standing parliamentary committees and shall be fully endowed with the following competences": "j) To conduct inquiries concerning facts that have occurred within the scope of the Assembleia da República and compromise the honour or dignity of any Member, as well as any serious irregularities committed in breach of the duties of Members of the Assembleia da República, on its own initiative, at the latter's request or upon a decision of the President of the Assembleia da República".

⁹ In this context, the CTED seeks, by considering the balance between the exercise, in political freedom, of the mandate of an MP and the fulfilment of the duties imposed on him/her, to conclude that the MP's conduct is appropriate and necessary and observes the general principles of conduct required by the Code of Conduct, in particular: respect and dignity for the mandate given to him/her by the citizens he/she represents, by the other MPs and by the Assembly of the Republic; the independence of his/her action *vis-à-vis* any natural or legal person (Article 4); the transparency with which he/she exercises the mandate by making public the personal interests that may condition it, as well as condition the pursuit of the public interest (Article 8); and political liability for his/her acts and decisions in the course of his mandate (Article 7).

¹⁰ As regards incompatibilities ([Pareceres \(parlamento.pt\)](#)); as regards the register of interests of MPs ([Pareceres \(parlamento.pt\)](#)); as regards immunities, in [Pareceres \(parlamento.pt\)](#); and as regards hospitalities, in [doc.pdf \(parlamento.pt\)](#).

¹¹ In addition, in comparison to OECD standards on lobbying, Portugal does not fulfil any criteria on regulations and practice to mitigate corruption risks related to lobbying. See [OECD Anti-Corruption and Integrity Outlook: Country Fact Sheet 2024](#), p.6.

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.

31. It is recalled that this recommendation was considered by GRECO as remaining partly implemented in the Third *Interim* Compliance Report. For part (i), no independent evaluation and impact assessment of the effectiveness of the conflicts of interest prevention system for MPs had been carried out, but some progress had been noted for part (ii) with the establishment of the Entity for Transparency. The Board had been appointed and the technical and human resources necessary for the functioning of the Entity had been provided for, as well as the establishment of its headquarters in Coimbra. However, the Entity was not yet fully operational.
32. The authorities provide no further information for part (i) of this recommendation, with respect to carrying out an independent evaluation of the effectiveness of the system for the prevention, disclosure, ascertainment and sanctioning of conflicts of interest of MPs. They reiterate elements dealt with in previous compliance reports, notably the “transparency package”, which is now implemented¹² and that since October 2019, the Parliamentary Committee for the Transparency and Statute of Members of Parliament (CTED) has been responsible for consolidating the application of the transparency package by drafting opinions and recommendations with the contribution by the Working Group on the Registration of Interests (GT-RI)¹³.
33. For part (ii) of this recommendation, the authorities report that the Entity for Transparency has been operational since 2023 and equipped with the facilities and the required human and material resources that are essential to its functioning¹⁴. In this respect, they refer to the Technical Report that completed the new Anti-Corruption Agenda (published on 20 June 2024), which states that the Entity began its operations in 2023, with the election and taking of office of its members, the recruitment and commencement of the exercise of the functions of its collaborators and the electronic platform began operating on 7 March 2024¹⁵. In addition, the Constitutional Court reported that the Entity for Transparency approved Regulation no. 258/2024 of 6 March 2024¹⁶, adopted by the Plenary of Judges of the Constitutional Court, which further develops Law no. 52/2019 of 31 July and governs the electronic platform's operation.

¹² The set of legislative changes arising from the so-called transparency package, addressed the following issues:

- Law no. 60/2019, of 13 August, amending the Statute of Members of Parliament;
- Law no. 52/2019, of 31 July, approving the Regime for the Exercise of Functions by Holders of Political Offices and High Public Officials;
- Resolution of the Assembly of the Republic no. 20/2019, of 20 September, approving the Code of Conduct for Members of Parliament; and
- Organic Law no. 4/2019, of 1 September, establishing the Entity for Transparency.

¹³ The Group on the Registration of Interests (GT-RI), has the responsibility for:

- a) Examining MPs' records of interests at the beginning of their term of office and when they alter them, raising with the CTED the need to issue an opinion when it identifies situations of incompatibilities or impediments or relating to the exclusivity regime;
- b) Monitor the receipt and registration of declarations raising possible conflicts of interest;
- c) Preparing opinions on the matters referred to in the previous sub-paragraphs and submitting them to the CTED for its consideration and vote;
- d) Monitor the development of and/or access to electronic forms for the completion of registers of interests, as well as the publication of declarations, in liaison with the IT support services;
- e) Assisting MPs in completing their register of interests, by answering questions and liaising with the IT support services;
- f) To draw up an annual report on its activity.

The GT-RI, in particular as regards the adaptation of electronic platforms to the new legislation, can be followed through its annual reports, available online (for example, here [doc.pdf \(parlamento.pt\)](#)).

¹⁴ <https://www.tribunalconstitucional.pt/tc/ept/>.

¹⁵ [Notice no. 4847/2024/2 of 6 March 2024](#)

¹⁶ *Regulation for Standardising Procedures for the Electronic Registration of Single Declarations of Income, Assets, Interests, Incompatibilities and Impediments of Holders of Political Offices, Senior Public Officials and Similar Positions.*

34. The Electronic Platform's [statistics](#) of 27 December 2024 show that already 2167 single declarations had been submitted. The authorities indicate that this number covers all those who are obliged to report, including MPs. The statistics also show that 298 requests for the consultation of declarations have been made, out of which 269 were accepted while 24 were still pending¹⁷. In this context, it must also be noted that every single declaration undergoes a verification process.¹⁸
35. The authorities also report that, under the Technical Report (point 6.2) of the new Anti-Corruption Agenda, an evaluation of the Entity's functioning is foreseen in order to identify possible needs to clarify and/or strengthen the relevant legal framework. This will be carried out at a later stage, as the Entity has begun developing its main functions in March 2024. Nevertheless, the Technical Report has already identified a number of measures (6.2) to improve the Entity's role. These include evaluating the functioning of the electronic platform; improving this platform by strengthening interaction mechanisms for users of the platform; create interoperability mechanisms notably for the Tax Agency and Registries and coordinate with the Public Prosecutor's Office and other control and investigation bodies.
36. GRECO notes for part (i) of this recommendation, that no independent evaluation of effectiveness of the system for the prevention, disclosure, ascertainment and sanctioning of conflicts of interest of MPs has been carried out so far. With respect to part (ii), GRECO takes note that the Entity for Transparency is now operational and that the Electronic Platform, on which MPs submit their single declarations, is fully operational since March 2024, enabling GRECO to consider that part (ii) of this recommendation is now implemented. GRECO trusts that substantive and regular checks of MPs' single declarations will continue to be carried out by the Entity for Transparency¹⁹ and that the forthcoming evaluation of the Entity will identify precisely further measures to clarify and/or strengthen it in terms of resources and regulatory measures.
37. GRECO concludes that recommendation iii remains partly implemented.

Recommendation iv

38. *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.*
39. It is recalled that this recommendation was considered by GRECO as remaining partly implemented in the Third *Interim* Compliance Report. For Part (i), the sanctions'

¹⁷<https://www.tribunalconstitucional.pt/tc/ept/file/Dados%20estat%EDsticos%2027122024.pdf?src=1&mid=8408&bid=7106>.

¹⁸ The verification procedure consists of, first, confirming if the officeholder (political officeholder, equivalent to political officeholder, senior public officeholder and equivalent to senior public officeholder) has submitted the declaration. If not, the Entity for Transparency notifies the officeholder and, in case non-compliance persists, reports it to the competent authority/Public Prosecution Service at the Constitutional Court (Article 18 of Law no. 52/2019; Article 8 (1) (g) of Entity for Transparency Statute). If submitted, then the conformity and consistency of the declaration is analysed. If doubts arise or clarification is needed, the Entity requests the officeholder to provide additional information and/or explanations. By 11 December 2024, the Entity for Transparency issued 158 notifications to officeholders that had not submitted declarations as required by law and it sent two reports (not on MPs) to the Public Prosecutor's Office at the Constitutional Court that despite actions carried out by the Entity, the officeholders concerned did not comply.

¹⁹ See also [EC 2024 Rule of Law Report](#), 24 July 2024, p.22 "While the Transparency Entity started operations in legal terms, the task of ensuring effective monitoring and verification of asset declarations remains to be confirmed" FN206 "It is, therefore, expected that following the parliamentary elections on 10 March and the submission of the relevant declarations by the new Members of Parliament and members of the Government within 60 days from the date they enter office, the Transparency Entity will monitor and verify them."

regime had not changed. Appropriate sanctions, i.e. milder than dismissal or loss of mandate, had not been established for minor breaches of the asset reporting obligation, including incomplete and inaccurate reporting. Part (ii) of this recommendation had already been considered as implemented.

40. The authorities reiterate that the sanctions regime is adequately dealt with by Law no. 52/2019 of 31 July. In particular, when an MP is notified to either present, complete or correct his/her declaration of assets, the notification itself serves as a warning. It is only the intentional non-submission of the declaration of assets, or its incompleteness or non-rectification after the notification, which may lead to the loss of an MP's mandate (a non-criminal sanction) and to possible criminal sanctions. This solution has proved to be efficient and, so far, there are no reports of wrongdoing in respect of MPs' reporting obligations.
41. The authorities further point out that Law no. 52/2019 of 31 July has been amended in 2020, 2021, 2022 and 2024 and that no need was identified to change the sanctions system provided in this Law. This sanction system should therefore be considered as satisfactory as regards the asset reporting obligations of MPs.
42. GRECO notes that, regarding outstanding part (i) of this recommendation, sanctions provided by Law no. 52/2019 of 31 July remain the same as at the time of the evaluation. This means that milder sanctions than the loss of mandate or criminal sanctions for minor breaches of the asset reporting obligation, including incomplete and inaccurate reporting, are still not in place, as required. This part therefore remains not implemented.
43. GRECO concludes that recommendation iv remains partly implemented.

Recommendation v

44. *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.*
45. GRECO recalls that this recommendation was deemed partly implemented in the Third *Interim* Compliance Report. The Entity for Transparency, entrusted *inter alia* with monitoring financial declarations, was not operational.
46. The authorities report, with respect to part (i) of this recommendation, that frequent and substantive checks within a reasonable time of MPs' single declarations of income, assets and interests are carried out by the Entity for Transparency. This falls within the scope of the Entity for Transparency's mission, competences and activity, as established by Articles 2 and 8 of the Statute of the Entity for Transparency, approved by Organic Law no. 4/2019 of 13 September.
47. The authorities further explain that, within the scope of the Working Group on the Registration of Interests GT-RI (under the Parliamentary Committee for the Transparency and Statute of Members of Parliament (CTED)), reporting obligations are permanently monitored, as follows: at the beginning of every Legislature, all declarations are checked and a request for any clarifications, corrections and additions are made. A final report is then produced and published on the Assembly's website²⁰. All declarations made by new MPs (and changes made thereto) are

²⁰ For the 15th Legislature, see [Pareceres \(parlamento.pt\)](https://www.parlamento.pt/Pareceres).

reviewed and assessed by the GT-RI. The latter also cross-checks the information held by the Assembly's services, and compliance with the exclusivity regime²¹ for MPs who have opted for this, is also verified. It should be noted that all declarations of assets submitted or modified by MPs are systematically subject to the GT-RI's control and inspection.

48. The authorities report, as regards part (ii) of this recommendation, that the Entity for Transparency is now operational and equipped with the facilities as well as the human and material resources it requires to function, highlighting that its Electronic Platform began operating on 7 March 2024.
49. As regards cooperation between the Entity for Transparency and state institutions monitoring the management of conflicts of interest of MPs, namely the GT-RI, Article 21 of Law no. 52/2019 expressly provides for the duty of collaboration between these two bodies. In addition, the CTED has access in real time, through the electronic platform, to the single declarations in the part of the register of interests submitted by MPs and members of Government, who have the duty to register these in line with the Statute of MPs as set out by Article 17 (13) of Law no. 52/2019. The authorities reiterate that the GT-RI has the competence to *"monitor the development and/or access to the electronic platform for the submission of the single declaration with regard to the field of registration of interests, in conjunction with the Entity for Transparency"* (Article 27-A sub-paragraph e) of the [Regulation of the CTED](#). CTED Members were invited for a working visit to the Entity for Transparency on 25 June 2024, which focused on showing its facilities and presenting aspects of the electronic platform. A [first visit](#) had already taken place on 16 November 2023.
50. [GRECO](#) takes note that the Entity for Transparency has been provided with the necessary resources to enable it to carry out its main functions – the operation of the electronic platform for the submission of declarations and the verification of the declarations submitted. It is also positive that the strengthening of this body is a priority under the new Anti-Corruption Agenda. GRECO notes that, in terms of human resources, more specialised staff (legal, audit, IT) would be welcome. GRECO trusts that the forthcoming evaluation of the Entity's activities will identify precisely further measures to clarify and/or strengthen it in terms of resources and regulatory measures.
51. GRECO notes that the Working Group on the Registration of Interests GT-RI (under the Parliamentary Committee for the Transparency and Statute of Members of Parliament (CTED)), also has the competence to monitor the electronic platform in conjunction with the Entity for Transparency. The authorities report good cooperation between the Entity for Transparency and the GT-RI. This is a positive development. That said, further action is needed to enhance the interoperability of the Electronic Platform and the cooperation between the Entity for Transparency and other control and investigation authorities in order to ensure substantive and effective checks²², as required by recommendation v.

²¹ Article 16(6) of Law 4/85, of 9 April 1985, establishing the Remuneration status of political office holders ([Estatuto remuneratório dos titulares de cargos políticos | DR](#)) provides that MPs [not referred to in preceding paragraphs (see nos.1 to 5)] are entitled to a monthly allowance for representation expenses in the amount of 10% of their salary, provided that they declare in the register of interests that they do not regularly carry out an economic activity (...). Thus, the "exclusivity" regime for MPs constitutes a choice made by them in the single declaration of income, assets and interests submitted to the Entity for Transparency, an option that gives them the right to receive a monthly allowance for representation expenses. It does not constitute a necessary condition for the exercise of the parliamentary mandate (see Article 6(1) of [Law No. 52/2019, of July 31](#)).

²² See also [EC 2024 Rule of Law Report](#), 24 July 2024, p.21: "However, some concerns related to the functioning of the Entity have been raised, in particular in relation to the geographical distance from the Constitutional Court, the current lack of the interoperability of the platform, in particular with the Bank of Portugal and the potentially burdensome manual checks of the information inserted in the platform."

52. GRECO concludes that recommendation v remains partly implemented.

Corruption prevention in respect of judges

Recommendation vi

53. *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.*
54. It is recalled that this recommendation was considered by GRECO as partly implemented in the previous report. Part (i) was considered not implemented, as the rules governing the composition of the High Judicial Council (HJC) and of the Administrative and Tax Courts High Council (CSTAF) remained the same, i.e. the law did not provide for half of their members to be judges elected by their peers. Part (ii) was considered to be partly implemented. Information on the outcome of the disciplinary procedures was published through the summary of the HJC deliberations, and a few of them included a short summary of the facts of the case, along with the articles of the law that were violated and the sanction. This practice should be generalised, for informational and educational purposes.
55. The authorities, as regards part (i) of the recommendation, reiterate what was reported for the previous compliance report with respect to the legislation not having been changed to address the specific point raised regarding the composition of both the HJC and the CSTAF.
56. As regards the CSTAF, the authorities reiterate that it also has a strong role as a guarantor of the independence of the judiciary. Its President is a Supreme Administrative Court Judge, the direction of its services are ensured by a judge secretary and the inspection services are composed exclusively of judges. They also reiterate that Decree-Law no. 31/2023 came into force on 1 June 2023, which established the CSTAF administrative and financial autonomy, and the organisation of its services. Since October 2024, the CSTAF is assisted by a technical and legal cabinet, currently composed of four advisors, one of whom is a judge.
57. As regards part (ii) of this recommendation, the authorities indicate that information on the outcome of disciplinary procedures in both the HJC and the CSTAF is made publicly available by both, in a timely manner. For the CSTAF, this information is made available on its official website (www.cstaf.pt) in the form of summaries of decisions rendered. The names of the judges involved in the disciplinary proceedings are anonymised. The CSTAF is currently designing a new website, more modern and interactive than the one which is currently available. This is to promote dissemination of information and increase the transparency of its decisions, not only for judges, but for the entire community. One of the purposes of this initiative is to ensure the prompt publication of decisions taken by the CSTAF.
58. For the HJC, the authorities underscore that there is a public and transparent communication plan, which safeguards the different interests at stake, based on which, among many other initiatives, public information is provided on the advancement, status and outcome of disciplinary proceedings. This applies particularly to cases involving a public interest, so as to establish effective, transparent and up to date communication channels with the media. The outcome of disciplinary proceedings is published in a timely manner on the HJC's website with

the names of the judges involved anonymised. The HJC also provides the media with timely and consistent information on pending and completed disciplinary proceedings in cases of public interest.

59. The authorities add that the Supreme Court of Justice also publishes on its website its decisions concerning disciplinary action by the HJC (on the websites of the Ministry of Justice ([DGSJ](#)) and on the European Case Law Identifier ([ECLI](#))).
60. GRECO takes note of the information above. With respect to part (i) of this recommendation, nothing new has been reported.
61. For part (ii), some progress is noted with the updating of the Administrative and Tax Courts High Council (CSTAF) website with the aim of rendering its website more interactive so as to promote the dissemination of information and increase access to its decisions by the public as well as to ensure the prompt release of decisions by the CSTAF. This part of the recommendation is considered as implemented satisfactorily.
62. GRECO concludes that recommendation vi remains partly implemented.

Recommendation vii

63. *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.*
64. GRECO recalls that this recommendation was considered as remaining partly implemented in the Third *Interim* Compliance Report, as no progress was reported on the outstanding element for this recommendation with respect to the Supreme Court of Justice and the Supreme Administrative Court.
65. The authorities report that the Administrative and Tax Courts High Council (CSTAF) has recently suggested to the Government that the rule in the Statute of the Administrative and Tax Courts, which provides for the composition of the panel responsible for selecting the judges of the courts of appeal, be amended so that at least half of its members are judges. This solution would involve the amendment of Article 69 (3) of the Statute of the Administrative and Tax Courts, to allow the panel to be composed of three judges and three non-judge members. The authorities add that the Council of Ministers has recently approved a draft law to be submitted to the Assembly, which provides for amendments to the statutes of magistrates, as well as to the Law on the Organisation of the Judicial System.²³
66. GRECO takes note of this information, notably of the possible amendment to the provision of the Statute of the Administrative and Tax Courts dealing with the composition of the panel responsible for selecting the judges of the courts of appeal so that at least half of its members are judges. It looks forward to receiving information on any future developments in this respect.
67. GRECO concludes that recommendation vii remains partly implemented.

Recommendation viii

68. *GRECO recommended ensuring that periodic evaluations of first instance court judges and inspections/assessments of second instance court judges ascertain, in a fair,*

²³ See point 1.d), press release of the Council of Ministers, 13 February 2025 - [Comunicado do Conselho de Ministros de 13 de fevereiro de 2025 - XXIV Governo Constitucional](#).

objective and timely manner, their integrity and compliance with the standards of judicial conduct.

69. It is recalled that this recommendation was considered by GRECO as remaining partly implemented in the Third *Interim* Compliance Report. Developments had taken place regarding the approval of new standards of judicial conduct. However, no concrete action was reported on the formalisation of periodic evaluations to better incorporate ethics into the assessment process.
70. The authorities report that, in 2024, for administrative and tax court judges, the Administrative and Tax Courts High Council (CSTAF), following internal approval, launched a public consultation on draft Regulations for Judicial Inspections of Administrative and Tax Judges. These draft Regulations define criteria for the assessment of judges and include measures to promote the appointment of new judges for the inspection services in order to improve the periodicity of inspections of administrative and tax judges²⁴. The assessment criteria and the inspection process' format will enable the evaluation of judges' aptitude and conduct. Judicial inspectors can alert the CSTAF regarding any judicial misconduct. First instance judges, following their first year, undergo mandatory inspection, which can either result in a positive or negative assessment, proposing corrective measures should the result be negative (Article 34 (1) of the Statute of Magistrates (SOM)). First instance judges undergo a first classification after three years of service (Article 34 (3) of the SOM). Thereafter, first instance judges are classified according to an ordinary inspection: (i) after four years; (ii) then every five years (Article 36 (1) of the SOM). In addition, although s/he has no disciplinary power over judges, the presiding judge of each administrative and tax court is responsible for monitoring the activity of the court. In doing so, the presiding judge has the duty to communicate to the CSTAF any situations that could be construed as judicial misconduct. In addition, to ensure periodic evaluations of judges, the CSTAF has proposed to the Government amendments to the Statute of the Administrative and Tax Courts. The amendments would remove the exceptional appointment of second instance court judges, with at least 5 years' experience, as inspectors (to inspect the work of first instance judges) and to allow the CSTAF to determine the minimum and maximum number of judges to be included in the board of inspector judges (and hence adjust this number to the needs of the moment).
71. As regards the inspection of judges of the courts of appeal, i.e. second instance judges in civil courts, Article 37 (1) and (2) of the SOM provides that the HJC may decide, at the (substantiated) request of an interested party, that an inspection of the service of appeal court judges be carried out, who are possible candidates for the Supreme Court of Justice, or decide that an extraordinary inspection must be carried out. In both cases, the same provisions of the SOM on the inspection of judges of first instance apply, with the necessary adaptations, namely those relating to the guiding principles of the evaluation, the classifications, the criteria and effects of the classifications and the procedure (Article 37 (3) of the SOM, cross-referencing Articles 31 to 33 and 35). With respect to extraordinary inspections, this was covered in the Evaluation Report.
72. GRECO takes note of this information. In particular, that for the administrative and tax courts, the Administrative and Tax Courts High Council (CSTAF) has launched a public consultation on draft Regulations for Judicial Inspections of Administrative and Tax Judges. These draft Regulations define criteria for the assessment of judges and

²⁴ In the context of administrative and tax jurisdiction, Article 33 of the Statute of Magistrates (SOM) applies, *ex vi* Article 57 of the ETAF, to its magistrates, as does the Regulation for Judicial Inspections of the CSTAF (Deliberation extract 1692/2013, published in the Official Journal - *Diário da República*, 2nd series, no. 173, on 9 September 2013).

include measures to promote the appointment of new judges for the inspection services in order to improve the periodicity of inspections of administrative and tax judges. GRECO is looking forward to receiving information regarding progress made with respect to these draft Regulations and other measures.

73. GRECO concludes that recommendation viii remains partly implemented.

Recommendation x

74. *GRECO recommended that final first instance court judgments are made easily accessible and searchable by the public.*
75. GRECO recalls that this recommendation was considered as remaining partly implemented in the previous Compliance Report. Although substantial progress in the implementation of this recommendation had been made with regard to the process of restructuring the ECLI database, the latter did not yet provide for final first instance court judgments to be easily accessible.
76. The authorities report that there are continued efforts being made and important steps taken towards ensuring that final first instance court judgments are made easily accessible and searchable by the public in a systematic manner. For some first instance court judgments, this is already the case²⁵, but not for all.
77. To this end, the authorities report that a meeting was held on 9 January 2024 with representatives of the 23 first instance courts, to establish a standardisation of procedures on the selection, registration, anonymisation, and publication of first-instance judgments. This meeting was also held to test the content management system, the anonymisation application linked to the case-law publication page and the assignment of the national ECLI at <https://jurisprudencia.csm.org.pt/>. Since then, several first instance courts have gradually begun to publish their judgments, however additional human resources are required to reach the desired pace of publication as well as the need to optimise the relevant IT tools. In this respect, a new version of the case-law page and the content management system is being developed and expected to be available at the end of the first quarter of 2025.
78. The authorities also report that the Administrative and Tax Courts High Council (CSTAF) is currently studying a model for the publication of final first instance court judgments, defining the criteria for the selection of judgments to be published, and also for the protection, processing and anonymisation of personal data, ensuring the publicity of the criteria defined. It should be noted that Decree-Law no. 31/2023 of 5 May that established the CSTAF's administrative and financial autonomy, and the organisation of its services, entered into force on 1 June 2023 and the CSTAF's administrative autonomy only entered into force in 2024. Further progress will therefore be seen in the near future.
79. The authorities also refer to the [new Anti-Corruption Agenda](#) as well as its [Technical Report](#), an important target of which is to make final first instance court judgments easily accessible and searchable by the public²⁶. Furthermore, the [State Budget Law](#)

²⁵ That can be found namely in <https://jurisprudencia.csm.org.pt/>. Additionally, it is also to be stressed that several First Instance courts are already selecting and publishing decisions on their webpages, as is the case of:

- <https://jurisprudencia.csm.org.pt/ecli/ECLI:PT:TJFAR:2023:1013.20.1T8PTM/>
- <https://jurisprudencia.csm.org.pt/ecli/ECLI:PT:TJAVR:2022:3346.21.0T9AVR/>
- <https://jurisprudencia.csm.org.pt/ecli/ECLI:PT:TJPRT:2021:236.14.7T8MTS/>
- <https://jurisprudencia.csm.org.pt/ecli/ECLI:PT:TJLIS:2023:2084.15.8T8CSC/>
- <https://jurisprudencia.csm.org.pt/ecli/ECLI:PT:TJSTB:2021:6748.20.6T8STB/>
- <https://jurisprudencia.csm.org.pt/ecli/ECLI:PT:TJPRE:2023:1581.21.0T8PNF/>
- <https://jurisprudencia.csm.org.pt/ecli/ECLI:PT:TJVRL:2024:5.21.8GACHV/>

²⁶ Point 7.1 of the Technical Report sets out the following:

[for 2025](#), published on 31 December 2024, set out in Article 288 (Transparency of judicial decisions) that the Government is under the obligation to complete the necessary steps to ensure the anonymised publication of all final first instance court judgments and create a single database of anonymised case law, equipped with advanced search tools, through which all judgments issued by the courts are made available to the public.

80. GRECO takes note of these positive developments. In particular, the meeting held in January 2024 with representatives of all 23 first instance courts to establish a standardisation of procedures on the selection, registration, anonymisation, and publication of first-instance judgments; the Administrative and Tax Courts High Council (CSTAF) on-going study of a model for the publication of final first instance court judgments and the new Anti-Corruption Agenda, its Technical Report and the State Budget Law for 2025. All of these developments are in support of final first instance court judgments being made easily accessible and searchable by the public, clearly indicating the determination to implement this recommendation, which for the moment remains partly implemented until these aspirations materialise.
81. GRECO concludes that recommendation x remains partly implemented.

Recommendation xi

82. *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.*
83. It is recalled that this recommendation was considered by GRECO as remaining partly implemented in the Third *Interim* Compliance Report. As regards part (i) of the recommendation, a Code of Conduct for judges was being drafted, and an Ethics Council was envisaged to monitor the Code; however, this was still work in progress. The implementation of part (ii) of the recommendation was contingent upon the completion of part (i).
84. The authorities report, with respect to part (i) of this recommendation, that the *Code of Conduct for Judges of the Judicial Courts* was approved unanimously by decision of the HJC of 16 April 2024²⁷ (provided to GRECO) and three members of the Ethics Council were appointed on 15 October 2024²⁸ and the remaining two on 19 November

"7.1. Publicise court decisions.

The publication of court decisions, including those of first instance, allows for effective knowledge of judicial practice and contributes to the transparency of the judicial system, to public information on the functioning of justice and to the certainty and harmonisation of the application of the law. It has been recommended by several international bodies, including GRECO.

In compliance with its Program, the Government will continue to monitor the solution for anonymizing the texts of decisions (a prerequisite for making them available online), currently under testing, and will develop the means for publishing the decisions of all courts, including first instance courts, in conjunction with the HJC and the CSTAF."

²⁷ Published in the Official Gazette (*Diário da República*) no. 87/2024, Series II, of 6 May 2024, entered into force on 7 May 2024.

²⁸ The decision of the Ordinary Plenary of the HJC of 15 October 2024 ratified the results of the vote among the judicial magistrates and the three members of the Ethics Council referred to in Article 7(1) (a), (b) and (c) of the Code of Conduct were appointed.

2024²⁹. The Ethics Council met for the first time on 17 December 2024³⁰. Its Internal Regulations were published in the Official Gazette on 24 February 2025.³¹

85. The authorities explain that this Code of Conduct adopted a deontological approach and established no rules of a disciplinary nature as these are expressly covered by the Statute of Judicial Magistrates (Articles 4 *et seq.*). However, the ethical standards covered by the Code of Conduct are still relevant to the evaluation and promotion of judges. This must be seen in the context of the application of the *Regulation of Inspections of the HJC*, which established as evaluation criteria not only technical, productivity and efficiency criteria, but also “human” criteria, such as dignity, suitability, respect and restraint (see Article 12(2)), which are further developed in the Code of Conduct e.g. Article 3 (transparency), Article 4 (integrity) and Article 5 (gifts, invitations and hospitality). The Code of Conduct provides for the creation of an Ethics Council, now in operation, which has an advisory function and its opinions, although not binding, may serve as an indicator of the suitability, independence and impartiality of a judge. In addition, the *competition notices for access to the higher courts*, generally contain graduated criteria that include professional and social merit or prestige, which could be taken into account as proof of being in line with ethical standards and in line with maintaining the dignity of and trust in the judicial system.
86. Administrative and tax courts are preparing a code of their own; the relevant consultation process is ongoing.
87. As regards part (ii) of this recommendation, the authorities reiterate the role played by the Centre for Judicial Studies (CEJ), which includes several training sessions, some of which deal with matters concerning professional ethics and deontology. Ethics and deontology are also a part of the syllabus in the initial mandatory training for judges of the different jurisdictions as well as for prosecutors³². Under the Ongoing Training Plan for 2024-2025, the last training session took place in July 2024 (“[Judicial Integrity: Understanding the Codes of Conduct](#)”) and was attended by 139 judges and prosecutors. The next training session on judicial integrity and codes of conduct³³ is scheduled for May 2025, which will adopt a theoretical and practical approach. So far 106 judges and prosecutors are enrolled.
88. As regards confidential counselling, the authorities indicate that this falls within the Ethics Council’s competences. In addition, under Article 69 (1) (d)) of the Code for Administrative Procedure, in the event a judge provides informal counselling on integrity issues, s/he will be prevented from participating in any disciplinary proceedings pertaining to that judge.
89. GRECO welcomes the reported developments. With regards to part (i) of this recommendation, GRECO is pleased that the Code of Conduct for Judges of the Judicial Courts has been adopted, that the Ethics Council established by this Code is operational and that training on ethics is being provided. GRECO trusts that the Ethics Council, with its advisory powers, will effectively monitor compliance with this Code and thereby provide guidance (and counselling) to judges. GRECO notes that a code of conduct for judges of administrative and tax courts is being developed to address the specificities of their role.

²⁹ By deliberation of the Ordinary Plenary of the HJC on 19 November 2024, the remaining two members were appointed as personalities of recognised merit to sit on the Ethics Council, as referred to in Article 7(1)(d) of the Code of Conduct.

³⁰ <https://csm.org.pt/primeira-reuniao-do-conselho-de-etica-no-csm/>

³¹ [Regulamento nº 267/2025 I DR.](#)

³² A subject matter that is part of the Study Plan of the [41st Training Course for Magistrates \(judges and public prosecutors\) for the judicial courts](#) and of the [11th Training Course for judges of the administrative and tax courts.](#)

³³ [Plano de Formação Contínua 2024-2025](#), p.55.

90. GRECO concludes that recommendation xi has been implemented satisfactorily.

Corruption prevention in respect of prosecutors

Recommendation xiii

91. *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.*
92. GRECO recalls that this recommendation was considered as partly implemented in the previous Compliance Report due to the lack of clear provisions and explicit criteria on ethics in the periodic appraisals of prosecutors.
93. The authorities reiterate what was mentioned in previous compliance reports. In particular, that the rules for the technical evaluation of public prosecutors are set out in the Regulation of the Inspection Procedures of the Public Prosecution³⁴, which describes all the objective criteria that form the basis for all inspections carried out on Public Prosecutors. They also reiterate that compliance with the standards of professional conduct is a factor that is considered in the global evaluation of prosecutors, and that compliance with or a breach of the Code of Conduct for Prosecutors can impact these evaluations. The authorities also report that the Regulation of the Inspection Procedures of the Public Prosecution is being further analysed by a Working Group appointed by the Public Prosecution High Council, in order to consider possible amendments to be made to it, including as regards these matters (its first meeting took place on 12 February 2025).
94. With respect to substantial delays in carrying out evaluations, the authorities recall that three additional prosecutors were appointed as inspectors of the Public Prosecution Service in November 2021 to tackle the delays. Since then, another four were appointed in December 2023 and the process of catching up on the most overdue inspections remains ongoing, the total number of inspections having increased again since 2023.
95. GRECO takes due note of the information and clarifications provided by the authorities. GRECO recalls its request for clear provisions and explicit criteria in the internal rules on evaluations of prosecutors to address ethics.
96. GRECO concludes that recommendation xiii remains partly implemented.

Recommendation xv

97. *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.*
98. GRECO recalls that this recommendation was considered as partly implemented in the Third *Interim* Compliance Report. Part (i) was considered as having been dealt with in a satisfactory manner. Part (ii) was considered partly implemented pending the provision of more substantiated information regarding confidential counselling and training.

³⁴ Entered into force on 1 January 2020.

99. The authorities report that with respect to outstanding part (ii), the Ethics and Deontology Unit within the Public Prosecution High Council's composition has been revised in September 2024³⁵. This Unit is responsible for monitoring the implementation of the Code of Conduct for Public Prosecutors and for issuing opinions and recommendations on prosecutors' compliance with this Code. It is also preparing the provision of confidential counselling, which will soon be available. Any issues pertaining to the interpretation of the Code is resolved by consulting this Unit. This has occurred three times during the course of 2024.
100. With respect to training, the authorities report that the Code of Conduct for Public Prosecutors serves as the basis for initial and on-going integrity training for all prosecutors. Furthermore, the Centre for Judicial Studies promotes training for judges and prosecutors regarding rules of conduct, namely on the existing codes of conduct, both at the initial and ongoing training levels. The initial training is mandatory for all trainees wishing to become judges or prosecutors. There is a Study Plan of the 41st Training Course for Magistrates (judges and prosecutors) for the judicial courts³⁶ and of the 11th Training Course for judges of the administrative and tax courts³⁷. Ethics and Deontology are covered in eight sessions of one academic unit (90 minutes) each and take place in groups of auditors from both magistracies (common training), aimed at reinforcing their interactive nature. Topics covered are: ethical and deontological standards; suspicions, impediments and excuses; and independence, impartiality, integrity, suitability, accountability and competence.
101. In the ongoing training, the Centre for Judicial Studies regularly promotes training on the rules of conduct among judges and prosecutors. The last training session took place in July 2024 ("[Judicial Integrity: Understanding the Codes of Conduct](#)"), the purpose of which was to provide reflection and spark discussion around the importance of the Codes of Conduct in judicial professions, their importance in strengthening judicial integrity and consequences for the different judicial actors. It was attended by 139 judges and prosecutors. The next training session on judicial integrity and codes of conduct³⁸ is scheduled for May 2025, which will adopt a theoretical and practical approach. So far 106 judges and prosecutors are enrolled.
102. GRECO takes note of this information. As regards outstanding part (ii) of this recommendation, the Code of Conduct for Public Prosecutors now serves as the basis for initial and on-going integrity training for all prosecutors. The Ethics and Deontology Unit within the Public Prosecution High Council is responsible for monitoring the implementation of the Code of Conduct for Public Prosecutors and for issuing opinions and recommendations on prosecutors' compliance with this Code. It will also provide confidential counselling, which is currently in the pipeline and therefore not yet available to prosecutors.
103. GRECO concludes that recommendation xv remains partly implemented.

III. CONCLUSIONS

104. **In view of the foregoing, GRECO concludes that Portugal has implemented satisfactorily or dealt with in a satisfactory manner five out of the fifteen**

³⁵ [Núcleo de Deontologia | Portal do Ministério Público - Portugal](#)

³⁶ https://cej.justica.gov.pt/Portals/30/Ficheiros/formacao/initial/curso_41/1.%C2%BA ciclo/Plano de Estudos 41.%C2%BACurso.pdf?ver=a2SNIu6WJibD1S1VjFklbw%3D%3D

³⁷ https://cej.justica.gov.pt/Portals/30/Ficheiros/formacao/initial/taf_11/1.%C2%BA ciclo/Plano de Estudos 11.%C2%BATAF.pdf?ver=0Ndut9y0fm5tzFHLc1FNwA%3D%3D

³⁸ [Plano de Formação Contínua 2024-2025](#), p.55.

recommendations contained in the Fourth Evaluation Round Report. All ten outstanding recommendations remained partly implemented.

105. More specifically, recommendations ix, xi and xiv have been implemented satisfactorily and recommendation i and xii has been dealt with in a satisfactory manner. Recommendations ii, iii, iv, v, vi, vii, viii, x, xiii and xv are partly implemented.
106. With respect to members of parliament, compliance with deadlines in the law-making process established by the Rules of Procedure are regularly checked by the Conference of Parliamentary Committee Chairpersons and the authorities have been encouraged to introduce statistics in this respect. Some progress has been made with the creation of rules for MPs on the acceptance of gifts, hospitality and other privileges and Guidelines for MPs on the acceptance of gifts, travel and hospitality are now available online. The Entity for Transparency, responsible for evaluating MPs' declarations of income, assets and interests, is now operational and the electronic platform, on which MPs submit their asset declarations (single declarations), is also operational. Lobbying remains unregulated. An impact assessment of the effectiveness of the conflicts of interest prevention system for MPs is yet to be carried out. The applicable enforcement rules still lack adequate sanctions for minor breaches of financial declaration requirements.
107. As far as judges are concerned, some progress has been noted with respect to providing access to final first instance court judgments online and more is in the pipeline. It is also positive to note that the Code of Conduct for Judges of the Judicial Courts has now been adopted and that an Ethics Council has been established. Regrettably, no progress was made in enhancing the composition of judicial councils to safeguard judicial independence and the selection method for Supreme Court judges remains unchanged.
108. Regarding the Public Prosecution Service, the Code of Conduct for Public Prosecutors now serves as the basis for initial and on-going integrity training for all prosecutors. The Ethics and Deontology Unit within the Public Prosecution High Council is currently preparing to provide confidential counselling, which is not yet available. Clear provisions and explicit criteria should be introduced in the internal rules for the evaluations of prosecutors to address ethics.
109. Portugal must substantially step up its response to GRECO's outstanding recommendations. Since the majority of the recommendations (10 out of 15) 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 ii, iii, iv, v, vi, vii, viii, x, xiii and xv by 31 March 2026.
110. In addition, in accordance with Rule 32, paragraph 2, sub-paragraph (ii.b), GRECO invites the President of the Statutory Committee to send a letter to the Permanent Representative to the Council of Europe of Portugal, 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.
111. 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.