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# **Executive Summary**

The period under review has been marked by significant changes to the government, the president and political outlook. On 26 November 2015, António Costa was sworn in as prime minister of a minority Socialist Party (PS) government. On 24 January 2016, Marcelo Rebelo de Sousa was elected president. Consequently, all the political actors that had governed between 2011 and 2015 were replaced.

This change in actors has been accompanied by a substantial change in political outlook. First, while a minority government, the Costa government has come to and remained in power with the parliamentary support of three parties that had previously been excluded from national government, namely the Portuguese Communist Party (PCP) and its close ally, the Ecologist Party (PEV), and the radical Left Bloc (BE).

This marks a considerable change vis-à-vis the previous 40 years. Notably, these three parties voted in favor of the 2016 and 2017 government budgets. This was the first time any of these three parties had voted favorably for a government budget. Indeed, the only previous instance that one of these three parties had not voted against a government budget was the PCP's abstention from the 1977 government budget.

To gain their support, the PS negotiated deals with all three parties, which required the reversal of several austerity measures, though the PS's 2015 election manifesto included several of these measures. This marked a stark contrast with the prevailing 2011 to 2015 austerity agenda pursued by the Social Democratic Party (PSD) and People's Party (CDS-PP) coalition government of Prime Minister Pedro Passos Coelho. This situation introduced some friction between fiscal consolidation and fiscal expansion policies, which the government must now negotiate to maintain its parliamentary majority that includes the far-left parties.

The second change pertains to the presidency. Portugal's semi-presidential system grants the president important legislative and non-legislative powers. Legislative powers include veto powers and the ability to refer legislation to the constitutional court. Non-legislative powers include the ability to dissolve parliament and call a general election. In October 2015, President Aníbal

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Cavaco Silva met with all the parties represented in the Assembly of the Republic. Then on 23 November 2015, before he allowed the formation of the Costa government, he stipulated a series of requirements dealing with the government budget, economic issues, domestic consultation and membership in collective defense organizations. Following the presidential election on 24 January 2016, Marcelo Rebelo de Sousa, leader of the PSD, was elected president with 52% of the vote. President Marcelo Rebelo de Sousa stated his determination to achieve political stability, and honor Portugal's economic and foreign policy commitments.

In appearance, President Marcelo Rebelo de Sousa differs little from his predecessor, Cavaco Silva. They were both leaders of the PSD, and were elected with the backing of PSD and CDS. Yet their presidential style has been markedly different. President Marcelo Rebelo de Sousa has been a popular president, adopting a supra-partisan position and avoiding tensions with the Costa government. In contrast, towards the end of his presidency, Cavaco Silva became very unpopular, had a difficult relationship with the Costa government and was perceived by the left as highly partisan.

In the previous review period, the government's policy agenda was driven by austerity, despite Portugal's successful conclusion of its EU bailout package. During the current review period, there has been a change in approach, which could be described as "turning the page on austerity." The government, with the backing of its parliamentary allies and the apparent support of the president, has sought to reverse a series of austerity measures. However, while its socio-economic policy agenda is very different from previous governments, Portugal's economic and political realities have changed little since the PS government of Prime Minister José Sócrates (2009-2011) under which the initial austerity program with "the Troika" was negotiated. Though there has been some changes to, for example, the pension system and civil servants' salaries. In 2016, economic growth is estimated to be only 1.1% and unemployment remains high at 11%. Furthermore, the government budget deficit was equivalent to 4.4% of GDP in 2015, despite a government target of 3% of GDP. While the European Union decided not to impose sanctions on Portugal and Spain in August of 2016, there remains the threat of future sanctions if certain targets for fiscal consolidation are not met, including a reduction of the government budget deficit.

Actual change lags behind the change in political outlook and discourse. Three factors underlie this stability. First, the PS government remains strongly committed to achieving Portugal's EU bailout commitments for fiscal consolidation. This has meant that "turning the page on austerity" has been a gradual process, balancing expansionary policies against other contractionary

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policies. While the government has increased some taxes (e.g. fuel), it has also reduced others (e.g. income tax). Second, the impact of some measures (e.g. increases in welfare expenditure) will take time to take effect. Third, this report only covers the first year of the Costa government with much of the Costa government's ambitious program yet to be implemented.

At the same time, Portugal's low governance scores relating to policy formulation must be noted. These remain largely unchanged in this period, with almost no regulatory impact assessments, weak strategic component of decision making, weak monitoring of institutional governing arrangements and little systematic effort to improve strategic capacity. This weak institutional capacity is likely to impinge on the quality and effectiveness of policymaking. While the Costa government program does include several measures regarding governance, the question remains whether the government can deliver in a policy area where so many of its predecessors promised more than they achieved.

# Key Challenges

There are three common challenges experienced by OECD countries, which do not confront Portugal, namely

First, migrants and refugees. Portugal remains outside the main migration routes from Africa, the Middle East and South Asia into Europe.

Second, Portugal has not experienced a problem with radical Islam, as several other EU member states have. Its small Islamic community is generally well integrated and participates in the strong interreligious dialogue within the country. Indeed, President Marcelo's inauguration in March 2016 included an interreligious ceremony held at Lisbon's mosque.

Third, unlike several other EU member states, Portugal has not experienced a rise in populist, anti-establishment, right- or left-wing parties.

However, Portugal does have face three key challenges. These challenges have all carried over from the previous report, a reflection of the lack of substantial development in Portugal.

First, fiscal sustainability. Portugal continues to face considerable challenges in achieving fiscal sustainability. Portugal's public debt to GDP ratio is one of the five highest in the world. The challenge for the government will be to

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make significant steps toward fiscal sustainability, while maintaining the support of its left-wing political allies in parliament.

Second, economic growth. Fiscal sustainability will require a higher rate of economic growth. Portugal's economy faced a contractionary period following its EU bailout in 2012 and 2013. Though the economy has experienced low growth since the early 2000s, well before the financial crisis. From 2002 to 2008, average annual real GDP growth was 0.97%, less than half the EU average and barely more than half of the euro-zone average. The Costa government's strategy to alleviate austerity aims to stimulate the economy, which will facilitate fiscal sustainability. However, so far economic growth has remained below the government's estimates, reflecting structural problems, notably low productivity, which successive governments have failed to resolve.

Third, improving governance capacity. Portugal has consistently scored poorly across several governance areas, including the use of evidence-based instruments in policymaking, the degree of strategic planning and expert input into the policymaking process, societal consultation, policy implementation and the degree to which institutional arrangements are subject to considered reform. Inevitably, these weaknesses undermine the design and implementation of policy. This governance capacity pertains not only to decision-making arrangements, but also to broader oversight mechanisms, notably of the financial sector. Indeed, the government has had to bailout banks in 2014 and 2015, with the banking sector remaining vulnerable.

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# **Policy Performance**

# L. Fconomic Policies

# **Economy**

Economic Policy Score: 6

The socialist minority government of António Costa (2015 to present) has sought to turn the page on austerity, while maintaining Portugal's EU commitments to reducing public debt. The Costa government has reversed several austerity measures, including a reduction to public sector wages and an income surtax, while increasing welfare benefits and the minimum wage. Yet, it has still sought to achieve fiscal consolidation through increasing several indirect taxes, notably on fuel. It has also attempted to facilitate investment through the SIMPLEX+ program, which aims to simplify bureaucratic processes,.

The government's goal is to foster economic growth, and reduce Portugal's very high and increasing public debt. In the second quarter of 2016, public debt was equivalent to 131.7% of GDP, which as an increase from 128.7% at the end of the second quarter of 2015.

The economy has grown during the period under review. Quarterly economic growth rates for 2016 were 1% in the first quarter, 1.1% in the second quarter, and 1.5% in the third quarter. However, these rates fall short of government's 2016 budget forecast, which was 1.8% GDP growth over 2016. These rates are also lower than the equivalent 2015 rates (1.7% in Q1, 1.5% in Q2, 1.6% in Q3 and 1.6% in Q4), and below the EU28 and euro zone averages.

The change in government strategy has done little to foster a reliable economic environment during the period under review. Though the Costa government has yet to fully implement its economic policy and its measures have yet to effect macroeconomic indicators.

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Citation:

Eurostat, "Gross domestic product, volumes" available online at: http://ec.europa.eu/eurostat/tgm/refreshTableAction.do?tab=table&plugin=1&pcode=teina011&language=en

#### **Labor Markets**

Labor Market Policy Score: 5 Unemployment maintained the downward trajectory identified in the last two reports. According to Eurostat, the unemployment rate was 13.6% in November 2014, 12.5% in October 2015 and 10.9% in October 2016.

This is the lowest unemployment level since July 2009 and marks a considerable decrease from the high of 17.9% in January 2013.

However, it is unclear whether this decline is the result of labor-market policies or is primarily due to other factors. The available evidence suggests there are two main factors driving this result. The first is a return to real economic growth after a period of contractionary between 2011 and 2012. The is the effect of very high levels of emigration since 2011. Based on National Statistics Institute (Instituto Nacional de Estatística, INE) data, Pordata estimate that 101,203 people emigrated either permanently or temporarily in 2015, down from 134,624 in 2014. The expectation is that the pattern in 2016 will maintain the slight downward trajectory of 2015. While this data points to a stabilization and gradual fall in the numbers of emigration, it remains very high and above 100,000 per year. This number is relevant if we consider that, according to Eurostat, the number of unemployed people fell by 81,000 from 633,000 in October 2015 to 554,000 in October 2016.

Regarding labor market policy, the most significant change was the previous Coelho government's decision to increase the minimum wage to €30 per month in 2016. This decision continued a recent policy trend to increase the minimum wage, which the Costa government has pledged to further increase to €57 by 2017 and €600 by 2019.

The Costa government is also committed to protecting employees' rights following its negotiations with the Portuguese Communist Party (Partido Comunista Português, PCP), the Ecologist Party (Partido Ecologista "Os Verdes," PEV) and the Left Bloc (Bloco de Esquerda, BE). However, as yet there has been little change vis-à-vis the previous review period.

#### Citation:

 $http://www.doingbusiness.org/\sim/media/GIAWB/Doing\%20Business/Documents/Profiles/Country/PRT.pdf \\ http://www.oecd-ilibrary.org/economics/country-statistical-profile-portugal_20752288-table-prt.$ 

Eurostat, "Unemployment rate by sex and age - monthly average, %," available online at: http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=une\_rt\_m&lang=en

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Pordata, "Emigrantes: total e por tipo - Portugal," available online at: http://www.pordata.pt/Portugal/Emigrantes+total+e+por+tipo-21

Eurostat, "Harmonised unemployment rates (%) - monthly data", available online at: http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=ei\_lmhr\_m&lang=en

#### **Taxes**

Tax Policy Score: 4 The very high levels of taxation on income and consumption noted in the previous SGI report have remained in this period. The Costa government's 2016 budget partially alleviated the previous government's extraordinary income surtax, though without removing it. Moreover, it has not changed the high tax rates introduced in the 2013 budget. Moreover, the alleviation of some austerity measures was compensated through an increase in consumption taxes, notably on fuel, tobacco and cars.

Tax policy continues to fall well short of horizontal and vertical equity. While the government has adopted measures to combat tax avoidance, the problem is far from being eradicated regarding income tax. Moreover, at the corporate level, the effective tax rate often remains lower for comparatively profitable companies. Furthermore, the considerable dependence of public finances on indirect taxation, such as value-added tax, fails to satisfy the vertical-equity criterion.

While the Costa government's program indicates a commitment to combating tax evasion and making income tax more progressive, little change has changed during the period under review.

# **Budgets**

Budgetary Policy Score: 5 The Costa government faces a difficult challenge regarding fiscal policy. On the one hand, it has committed to turning the page on austerity following its deals with several left-wing political parties. On the other hand, it has also reaffirmed its euro-zone commitments to fiscal consolidation.

Portugal's budget deficit of 4.4% of GDP in 2015 was very high. However, this was inflated by the one-off bailout of the Banif bank in December 2015. Without the Banif bailout, the 2015 deficit would have stood at around 3%. Eurostat estimates the deficit would have been 2.8% without this bailout, Portugal's National Statistics Institute estimates 3% and the European Commission estimates 3.2%.

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For 2016, the government's budget, approved in March 2016, forecasts a reduction of the deficit to 2.2% of GDP, allowing Portugal to withdraw from the existing Excessive Deficit Procedure. While most external assessments consider this value to be optimistic, they nevertheless expect the deficit to be below or around 3% in 2016. Data for the first half of 2016 is consistent with these expectations, with a deficit of 2.8% of GDP until June 2016. The budget for 2017, approved by parliament on 4 November 2016, targets a deficit of 1.6%.

While this trajectory is very positive, it remains vulnerable to external shocks. Portugal's fiscal policy is vulnerable to several risks, notably a slowing economy, external shocks on export demand (a driver of recent GDP growth), a rise in the interest rates on government bonds and a vulnerable banking sector (government bailouts of private banks considerably inflated the 2014 and 2015 budget deficits). This vulnerability explains the IMF's cautionary statements about Portugal's fiscal consolidation, which expect Portugal to have the worst budget deficit within the euro zone in 2021 (albeit, at 2.9%, below the euro zone's 3% threshold).

#### Citation:

Diário de Notícias, "FMI. Portugal terá o pior défice orçamental da zona euro em 2021", 5 October 2016. Available online at: http://www.dn.pt/dinheiro/interior/-portugal-tera-o-pior-defice-orcamental-da-zona-euro-em-2021-5425731.html

Expresso, "Eurostat: sem ajudas ao sector financeiro défice de 2015 ficava em 2,8%", 21 April 2016. Available online at: http://expresso.sapo.pt/economia/2016-04-21-Eurostat-sem-ajudas-ao-sector-financeiro-defice-de-2015-ficava-em-28

Observador, "INE. Défice de 2015 ficou em 4,4% do PIB, com o Banif a pesar mais que o previsto", 24 March 2016. Available online at: http://observador.pt/2016/03/24/ine-defice-2015-ficou-44-do-pib-banif-pesar-previsto/

Diário de Notícias, "Bruxelas reitera que défice sem Banif foi 3,2% do PIB em 2015", 3 May 2016. Available online at: http://www.dn.pt/dinheiro/interior/bruxelas-reitera-que-defice-sem-banif-foi-32-do-pib-em-2015-5155268.html

# Research and Innovation

R&I Policy Score: 5 The European Union's 2016 Innovation Union Scoreboard classifies Portugal as a "moderate innovator," the second-lowest of four categories. It notes that Portugal's position has improved in relation to the EU average in 2014 and 2015. This contrasts with Portugal's performance between 2009 and 2013 when it declined against the EU average. This increase was particularly evident in 2014. Out of eight criteria, Portugal is above the EU average in one: human resources. Portugal's good score on this dimension reflects the number of recent doctorate graduates, which is 1.7 times greater than the EU average.

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Most importantly, the government has redefined the National Innovation Agency, which has received substantial funding from the European Union to he promote research and innovation across a wide range of areas. The program is currently accepting applications for funding and it remains to be seen if there are important results.

Nevertheless, research and innovation has improved and with the new funding program it is likely that there will be significant progress.

#### Citation:

http://ani.pt/inovacao-em-portugal/o-novo-quadro-de-incentivos/

"European Innovation Scoreboard 2016 – Portugal". 13/07/2016. Available online at: http://ec.europa.eu/DocsRoom/documents/17852

# Global Financial System

Stabilizing Global Financial Markets Score: 4 Portugal is a peripheral country and has not sought to contribute actively to the effective regulation and supervision of the international financial architecture. While this pattern is not recent, it has intensified following the recent bank bailout. The risk associated to the country's high level of public debt has led the government to overwhelmingly focus on achieving fiscal sustainability and financial stability. In addition, the Costa government has sought to play a bigger role in contributing to EU debates on regulation.

# II. Social Policies

# Education

Education Policy Score: 5

Much has been promised by the Programa do XXI Governo Constitucional, 2015 to 2019 for the education system.

In early 2015, the OECD called attention to the negative impact of successive education budget cuts and advocated for an increase in the education budget.

In the 2015 UNDP Human Development Index, Portugal ranked 43 out of 49 countries in the Very High Human Development category. However, with only 8.2 "mean years of schooling" in 2014, Portugal is below the other 49 countries, except Kuwait, even Spain had 9.6 "mean years of schooling."

Shortly after taking office in 2015, the Costa government decided to review the

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national system of assessing students, with these changes taking effect in 2015 to 2016 school year. According to one analyst, this is the fifteenth change to national assessment system since 2000, with the period under review reflecting an established pattern of policy instability in the sector.

Two positive notes, including an improvement in Portugal's PISA results and the decision to introduce free primary school textbooks from the school year 2017 to 2018.

#### Citation:

http://hdr.undp.org/sites/default/files/hdr\_2015\_statistical\_annex.pdf

Alexandre Homem Cristo, "Ziguezagues nos exames (e o silêncio do ministro)", 11/1/2016, Observador. Available online at: http://observador.pt/opiniao/ziguezagues-nos-exames-silencio-do-ministro/

### Social Inclusion

Social Inclusion Policy Score: 5 Government social policies seeking to limit socioeconomic disparities do exist, but they are poorly funded and are not very effective in preventing poverty. Between 2010 and 2014, taxes were first imposed and then increased on pensions, which are now taxed like ordinary income. In view of the need to reduce the government's social costs, there was also substantial pressure to reduce contributions to poverty-reduction programs, including pensions.

This led to an increase in the risk of poverty after social transfers, from a level of 17.9% in 2010 to 19.5% in 2014. The risk of poverty after social transfers has stabilized since 2014, with the level for 2015 remaining at 19.6%.

The Programa do XXI Governo Constitucional, 2015 to 2019 heavily emphasizes programs for tackling social inclusion, such as increasing the minimum wage and reversing austerity measures imposed on pension and welfare payments. Due to the critical economic situation and high public debt, equivalent to 4.4% of GDP, further social inclusion policies have been postponed.

#### Citation:

Expresso

Eurostat (2015), "At-risk-of-poverty thresholds - EU-SILC survey", Available online at: http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=ilc\_li01&lang=en

#### Health

Health Policy Score: 6 Portugal's population shows comparatively good levels of overall health. However, as in other areas of public policies, the country's National Health SGI 2017 | 12 Portugal Report

System (NHS) came under financial pressure in the previous review period because of the pressure on Portugal to curb public expenditure.

In May 2015, the OECD published a near-200-page book evaluating Portugal's health care, called "OECD Reviews of Health Care Quality – Portugal: Raising Standards." The findings, as stated in the book's executive summary, are relatively positive. They call attention to the following points:

- An impressive array of quality-monitoring and improvement initiatives;
- A primary-care system that performs well, with rates of avoidable hospitalization, which is among the best in the OECD for asthma and chronic obstructive pulmonary disease (COPD);
- Significant efforts being made to reorganize the country's hospital sector; and
- Sustained progress in containing spending, while maintaining efforts to improve care quality.

However, the report also calls attention to several challenges to improving the quality of health care in Portugal.

Unsurprisingly, health is a big issue in the Program do XXI Governo Constitutional. However, with the continuing economic challenges and the need to reduce public debt, there is limited scope for government action.

#### Citation

http://www.oecd.org/health/health-systems/Review-of-Health-Care-Quality-Portugal-Executive-Summary.pdf

## **Families**

Family Policy Score: 7 The Programa do XXI Governo, 2015 to 2019 promises major improvements to family policy. Most of these pledges are yet to be adopted. However, those that have include the introduction of free primary school textbooks, and an increase in the amount and coverage of child support credit ("abono de família"). Both policies were approved in the 2017 government budget. In the 2016 government budget, the government changed income tax deductions for children, estimating that this change would improve the net income for 80% of households.

During the period under review, the birth rate increased from slightly higher than 7.9 births per 1,000 persons in 2014 to 8.3 births per 1,000 persons in 2015. Though this remains below the rate of 9.6 births per 1,000 persons in 2010. Data for 2016 suggests this increase is likely to continue. However, these changes appear to be driven more by improving economic conditions than by changes to family policy.

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Little has changed during the period under review with respect to the role of women in the labor market.

Citation:

See Diário da República 1, série-No 170 - 1 September 2015, Lei No 120/2015.

Expresso 27 November 2015

"Abono de família vai abranger 130 mil crianças em 2017", Expresso, 17 October 2015. Available online at: http://expresso.sapo.pt/politica/2016-10-17-Abono-de-familia-vai-abranger-130-mil-criancas-em-2017

"Fim do quociente familiar é bom ou mau para a classe média? Depende da "classe média". Público, 5 February 2016. Available online at: https://www.publico.pt/2016/02/05/economia/noticia/fim-do-quociente-familiar-e-bom-ou-mau-para-a-classe-media-depende-da-classe-media-1722544

Eurostat (2015), "Crude birth rate". Available online at: http://ec.europa.eu/eurostat/tgm/table.do?tab=table&init=1&plugin=1&pcode=tps00112&language=en

"Portugal tem a segunda taxa de natalidade mais baixa da União Europeia", Expresso, 8 July 2016. Available online at: http://expresso.sapo.pt/sociedade/2016-07-08-Portugal-tem-a-segunda-taxa-de-natalidade-mais-baixa-da-Uniao-Europeia

#### **Pensions**

Pension Policy Score: 5 The pension program has been one of the most closely scrutinized aspects of government policy since the 2011 bailout. It has been one of the main areas in which the government has sought to reduce public expenditure. The retirement age is linked to life expectancy. In 2016, it was increased to 66 years and 2 months and will increase to 66 years and 3 months in 2017.

Pension policy was a central issue in the 2015 election campaign. A key element in the Socialist Party and Portuguese Communist Party agreement concerned pensions. Consequently, a major change introduced by the Costa government has been an increase in the value of pensions. The 2017 government budget will increase the value of several pension categories.

## Integration

Integration Policy Score: 8

In the three previous SGI reporting periods, we noted that the economic crisis has been accompanied by a decrease in immigration. This pattern continued in 2015, with the immigrant population falling by 1.6% to 388,731 people.

Portugal has tried to receive refugees currently entering the European Union. Figures from the European Commission indicate that Portugal received the second largest number of asylum-seekers from refugee camps in Italy and Greece, although the total number remains low (379) and far from the 3,000 or more Portugal expects to receive. Indeed, the Prime Minister António Costa

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wrote to his EU counterparts in early 2016 indicating his government's willingness to accept an even larger number of refugees than previously agreed.

Overall, all evidence suggests that Portugal's integration policies have remained successful in the current period. The 2015 Migrant Integration Policy Index (MIPEX) ranked Portugal second in the European Union in terms of the most favorable migrant-integration policies. This points to the preponderance of economic conditions over specific policy in Portugal in terms of the country's role as an attractive destination – that is, the fall in immigration in Portugal in recent years has less to do with policy than with the country's lackluster economic performance. Likewise, existing evidence of Portugal's willingness to receive refugees is not matched by the desire of refugees to move to Portugal.

#### Citation

Migrant Integration Policy Index, "Key Findings - Portugal 2015," available online at: http://www.mipex.eu/portugal

"Imigrantes em Portugal diminuíram 1,6% em 2015". Jornal de Negócios, 23 June 2016. Available online at: http://www.jornaldenegocios.pt/economia/mundo/detalhe/imigrantes\_em\_portugal\_diminuiram\_16\_em\_2015

"Portugal disponível para receber no total 10 mil refugiados", Diário de Notícias, 19 February 2016, Available online at: http://www.dn.pt/portugal/interior/portugal-disponivel-para-receber-no-total-10-mil-refugiados-5038142.html

"Portugal recebe o 2.º maior número de refugiados recolocados", Público, 15 June 2016. Available online at: https://www.publico.pt/2016/06/15/sociedade/noticia/portugal-recebe-o-2-maior-numero-de-refugiados-recolocados-1735185

# Safe Living

Safe Living Conditions Score: 8 Portugal is signatory to and participant in all relevant Europe-wide programs regarding public security. In addition, Portugal has created a General Secretariat for the Internal Security System, which reports to the prime minister via the minister for internal administration.

The trend identified in the previous report continued during the review period. While there was a small increase in overall reported crime of 1.3% in 2015 relative to 2014, Portugal remains a relatively safe country in international terms. Furthermore, Portugal has not experienced a terrorist attack, as witnessed in Belgium, France, Germany, Norway, Turkey. Whether this is due to effective intelligence gathering and policing is unclear.

This pattern is consistent with that found in surveys. In the Eurobarometer survey on the issue of internal security, published in November 2011, Portuguese respondents indicated a lower degree of concern about terrorism, petty crime, cybercrime and religious extremism than the EU average.

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Eurobarometer survey for 2015 indicates that that the proportion of respondents that believed terrorism was a challenge to national security had increased to 54%, though this remains far below the EU average of 65% of respondents.

#### Citation:

Special Eurobarometer 371, "Internal Security. European Commission, Brussels. Available at http://ec.europa.eu/public\_opinion/index\_en.htm

Special Eurobarometer 432 " Europeans' Attitudes Towards Security," European Commission April 2015. Available at

http://ec.europa.eu/public\_opinion/index\_en.htm

Sistema de Segurança Interna, "Relatório Anual de Segurança Interna 2015," available online at: http://www.ansr.pt/InstrumentosDeGestao/Documents/Relat%C3%B3rio%20Anual%20de%20Seguran%C3%A7a%20Interna%20(RASI)/RASI%202015.pdf

# **Global Inequalities**

Global Social Policy Score: 5 There has been virtually no change in this area vis-à-vis previous reporting periods. Foreign aid remains very much a secondary consideration in foreign policy, with the main interest being in economic diplomacy to promote the Portuguese economy and exports. That does not mean that Portugal is disengaged – it still participates in terms of foreign aid, especially in the Portuguese-speaking countries of Africa and East Timor. However, while there is some funding for foreign aid projects, there is little concern with the overarching aid policy, which means that coherence was not as strong as it might be. This lack of interest also percolates through to the design of international policies and the lack of international leadership in that regard. It must also be kept in mind that Portugal is a follower, and not an international leader, and has very few resources. Therefore, while Portugal is supportive of the good intentions, it is in fact marginal with regard to the implementation and design of foreign assistance.

However, if the question were to be shifted to include foreign involvement beyond the financial and economic sphere, then Portugal is a "supplier of security" through its participation in U.N., NATO, and EU security- and humanitarian-support missions. Furthermore, in specific instances such as Guinea-Bissau, Portugal is very active in attempting to stabilize national governments, promote security, and ultimately promote development. Despite Portugal's limited resources, it is providing the first professional military education to the armed forces of Guinea-Bissau.

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# III. Enviromental Policies

### **Environment**

Environmental Policy Score: 6 Portugal has long had legislation in place meant to protect the environment. Although the government has failed to implement adequate policies to mitigate climate change, ensure renewable water sources, or to protect forest areas and biodiversity, the reduction in production resulting from the economic crisis eased the pressures placed on the environment.

However, Portugal's environmental performance has deteriorated since 2014 as the economy has slowly recovered. In the Climate Change Performance Index, Portugal ranked 16 out of 58 countries in 2016, having ranked 4 in 2015 and 3 in 2014. Moreover, the country's score dropped from 67.26 in 2015 to 59.52 in 2016, reducing Portugal's overall rating from good to moderate.

The Costa government's energy policy has come under attack from the renewable energy sector, with a recent international article citing an (anonymous) EU source as stating that "Portugal went from being a small country that was really ambitious and fantastic in renewables — with policy proposals that the Germans were calling 'the Portuguese option' — to being a desert".

Portugal has proposed a National Strategy for Sustainable Development (ENDS) since 2002, but implementation of this strategy continues to be postponed. The strategy could have a substantial positive impact by developing a green public-accounting system; harmonizing and publicizing existing environmental information; creating analysis and decision-making tools to combine environmental, social, economic and fiscal aspects; reviewing industry regulation; and rationalizing existing environmental funds.

In lieu of the ENDS, this assessment is based largely on newspaper reporting. In this regard, Portugal can be rated as good on climate issues; poor on water resources, though a National Plan for Water is under discussion; poor on forests, but very poor on forest fire prevention, as exemplified by the devastating fires of 2016; and good on biodiversity, particularly regarding marine environments.

Citation:

Source: Público 18/11/2013.

Technical Report for the DGEP Model Results prepared for the Commission for Green Fiscal Reform

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 $(http://www.portugal.gov.pt/media/1537849/20140917\%\,20fiscalidade\%\,20verde\%\,20anexo\%\,20IV\%\,20DGEP\,\%\,20model\%\,20results.pdf (doc 23 e 24)$ 

Jan Burck, Franziska Marten & Christoph Bals (2015), The Climate Change Performance Index Results 2016, available online at: https://germanwatch.org/en/download/13626.pdf

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Jan Burck, Franziska Marten & Christoph Bals (2013), The Climate Change Performance Index Results 2014, available online at: https://germanwatch.org/de/download/8599.pdf

"Portugal's clean-power problem", Politico, 22 August 2016, Available online at http://www.politico.eu/article/portugal-looks-to-free-its-stranded-renewables-wind-solar-energy-subsidies-european-union/

## **Global Environmental Protection**

Global Environmental Policy Score: 5 Portugal agrees to and participates in EU-wide policies on the environment. Portugal has also signed the Kyoto Protocol and more recently the Paris Agreement, which it ratified in September 2016. However, the country's primary challenge here concerns implementation in both the domestic and global settings. Portugal has become much more active in promoting global protection of marine environments in particular.

Citation:

www.eea.europa.eu

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# Quality of Democracy

### **Electoral Processes**

Candidacy Procedures Score: 9 Individuals and political parties enjoy largely equal opportunities to register for and to run in elections, both de jure and de facto. Parties espousing racist, fascist or regionalist values are all constitutionally prohibited, as are parties whose names are directly related to specific religious communities.

While individual citizens can run in municipal elections, they are barred from contesting legislative elections, where only registered political parties can present candidates. The requirements for registering a party are relatively onerous. To be formed, parties must acquire the legally verified signatures of 7,500 voters. Moreover, they must ensure that their internal party rules and statutes conform to the political-party law, which requires that parties' internal functioning must conform to "the principles of democratic organization and management" (Article 5 of the Political Party Law – Lei dos Partidos Políticos), and defines several internal bodies that parties must have (Articles 24-27).

However, these requirements do not prevent new parties from forming. Indeed, in the parliamentary elections of 4 October 2015, 20 parties and coalitions figured on the ballot, which represents the highest total since democratization in the 1970s.

#### Citation:

On the laws see, for example, Eleição da Assembleia da República 1 / Outubro/1995: Legislação eleitoral actualizada e anotada (Lisbon: STAPE/MAI, 1995); and Lei dos Partidos Políticos (Political Party Law) — Lei Orgânica n.º 2/2003, de 22 de Agosto, com as alterações introduzidas pela Lei Orgânica n.º 2/2008, de 14 de Maio. For the parties and coalitions in the parliamentary elections of 4 October 2015 see Expresso of 22 August 2015. For the results of the elections see "General Election in Portugal 04 October 2015," Fondation Robert Schuman.

Media Access Score: 9 Parties have access to broadcast time on television and radio for political purposes during the official campaign period of two weeks preceding an election. This time is divided equally among the parties, according to the number of candidates they present. Parties need to present lists in at least 25% of electoral districts, and field a total number of candidates equal to at least one-quarter of the total number of possible candidates, to qualify for these

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broadcasts. These short broadcasts (lasting a maximum of three minutes for each party) air during prime-time, and had a non-negligible audience during the recent elections. During two days of the official October 2015 legislative-election campaign, these broadcasts were among the top 15 most-watched programs of the day.

If one considers media access more broadly, access to news programs and political debates is overwhelmingly concentrated on the five lists that have parliamentary representation: the Socialist Party (Partido Socialista, PS), the Social Democratic Party (Partido Social Democrata, PSD), the Democratic and Social Center/Popular Party (Partido Popular, CDS-PP), the Left Bloc (Bloco de Esquerda, BE) and the Unitarian Democratic Coalition (Coligação Democrática Unitária, joining the Portuguese Communist Party and the Ecologist Party, CDU). Thus, television news coverage, which is popular in terms of TV ratings and is the predominant source of information for the Portuguese, is heavily concentrated on the five main parties.

In the previous period under review, there was an issue surrounding the National Election Commission's interpretation of legislation requiring media to provide equal coverage to all parties during an election campaign, which was resolved by providing greater editorial freedom. However, the requirements of the new law and the increase in the number of candidates meant that during the January 2016 presidential elections there were a total of 25 televised debates.

### Citation:

 $www.cne.pt/content/apresentacao\\ https://www.parlamento.pt.../Paginas?detalhelniciativa.aspx?BID$ 

Legislativas 2015, "Maioria vai aprovar lei da cobertura eleitoral contra toda a oposição," 18/06/2015, available online at: http://www.legislativas2015.pt/2015/06/18/maioria-vai-aprovar-lei-da-cobertura-eleitoral-contra-toda-a-oposicao/

Lei n.º 72-A/2015 de 23 de julho, available online at: http://www.cne.pt/sites/default/files/dl/lei\_72-a\_2015\_cobertura-jornalistica\_publicidade\_comercial\_1.pdf

Voting and Registrations Rights Score: 9

All adult citizens are guaranteed the right to participate in national elections. The government also provides transportation to those requiring it. Citizens in hospitals and in jails are also able to vote, with assistance provided as necessary, and provision is made for Portuguese citizens living abroad to cast their ballots. There is no observable discrimination.

Problems with substantial inflation of the electoral register remain, generating a problem of technical abstention. Estimates after the 2015 legislative elections pointed to a gap of about 780,000 between the register and actual number of voters. As noted in the report before last, this difference reflects the

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current emigration pattern and the failure of Portuguese emigrants registered to vote in Portugal to transfer their electoral registration to their overseas residence. As Portuguese voters can only vote in the administrative parish (or, if abroad, in the country) in which they are formally registered, this means that a substantial proportion of Portuguese emigrants are unable to exercise their voting rights. For instance, in the 2015 legislative elections, there were a total of 9,457 registered Portuguese voters in Switzerland, a minute fraction of the estimated 262,748 Portuguese citizens resident in Switzerland in 2014.

At the same time, it must be noted that this discrepancy is not due to legal barriers to registration. Both within and without Portugal, electoral registration is a simple and non-exclusionary process.

#### Citation:

Pedro Crisóstomo & Maria Lopes (2015), "Emigrantes registados nos cadernos eleitorais distorcem números da abstenção," Público online (11/10/2015), available online at: http://www.publico.pt/politica/noticia/emigrantes-registados-nos-cadernos-eleitorais-distorcem-numeros-da-abstencao-1710762?page=-1

Party Financing Score: 7

Political-party funding oversight lies with the Constitutional Court, which has a specific body to monitor party financing and accounts – the Entidade das Contas e Financiamentos Políticos (ECFP). There are two main sources of funds for political parties. First, the state provides funding to all parties that received vote shares above a certain threshold in previous elections (over 100,000 votes in the case of legislative elections); second, parties receive private contributions, which must be registered with the electoral commissions of each of the parties at the local, regional and national levels.

Parties' annual accounts and separate electoral-campaign accounts are published on the ECFP website and are scrutinized by this entity, albeit with considerable delay. During the current period under review, the ECFP pronounced judgements on the 2011 presidential elections, as well as on party accounts for the years 2011 and 2012.

As noted in the previous report, ECFP reviews tend to identify irregularities and/or illegalities. However, sanctions for infractions are relatively small and infrequent. A 2012 study examining oversight of party accounts – based on interviews with both the ECFP and party representatives – noted that the ECFP lacked resources, which limits its capacity to fully monitor party and election funding. This appears to have remained true in the current period.

#### Citation:

(1) Marques, David & Coroado, Susana (2012). "Sistema Nacional de Integridade – Portugal," p. 31

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Popular Decision-Making Score: 2 The institution of referenda exists at national and local levels. However, while citizens can propose referenda, the referendum itself only takes place if there is agreement from political officeholders. In the case of national-level referenda, the Assembly of the Republic or the government must propose the referendum to the president, and the president must accept this proposal. Citizens can propose local referenda, but the Municipal Assembly can decide whether to call these referenda or not.

In practice, referenda are rare in Portugal. There have been only three national referenda in Portugal since the transition to democracy, the most recent having been held in 2007. Local referenda are also rare, with five having officially taken place.

Neither of these types of referenda took place in the period under review. The only significant change during this period was the July 2016 decision to reduce the number of signatures required for a referendum from 75,000 to 60,000.

#### Citation:

"Iniciativas legislativas de cidadãos já só precisam de 20 mil assinaturas", TVI24, 20 July 2016. Available online at: http://www.tvi24.iol.pt/geral/20-07-2016/iniciativas-legislativas-de-cidadaos-ja-so-precisam-de-20-mil-assinaturas

### Access to Information

Media Freedom Score: 7 Public and private media are independent from the government's influence, as mandated by the constitution of 1976. The media are regulated by the Entidade Reguladora da Comunicação Social (ERC). Four of the five members of the ERC board are appointed by a qualified majority of two-thirds of parliament, and the fifth member – who normally becomes the ERC's head – is selected by the other four members.

As noted in the report before last, the government changed the governance structure of the publicly owned Rádio e Televisão de Portugal (RTP) Group in 2014, most notably creating the Independent General Council of RTP, which is empowered to appoint and dismiss the RTP Group's administrative board. The creation of this Independent General Council aimed at reducing direct government oversight and interference. Aside from the criticisms that the Independent General Council received in 2015, it was also criticized as being "inexistent" by an RTP senior cadre who resigned in summer 2016.

## Citation:

"Luís Marinho deixa RTP com críticas à administração". Jornal de Notícias, 31 August 2016. Available online at: http://www.jn.pt/cultura/media/ntv/interior/luis-marinho-deixa-rtp-com-criticas-a-administracao-da-estacao-publica-5365963.html

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Media Pluralism Score: 7 Portugal's media market is a competitive and relatively diversified one. There are four free-to-air television networks – one public (RTP, with two channels) and two private (SIC and TVI), each of the latter owned by a different media conglomerate (Impresa and Media Capital). In the aftermath of the transition to digital television, the Portuguese Assembly's own channel, ARTV (previously only available on cable) was added to the roster of free-to-air channels in December 2012.

The national cable television news channels, once restricted to offerings from the RTP and SIC groups, has been diversifying substantially since 2009. However, the number of channels fell from five to four following the closure of Económico TV in October 2016.

This diversification increasingly reflects the newspaper market, where several leading groups emerge. The Controlinveste group (now renamed Global Media Group) holds several relevant titles, notably Jornal de Notícias (a leading daily in northern Portugal) and Diário de Notícias (another leading daily newspaper). The Impresa group also controls some print outlets, its flagship being the influential Expresso weekly. Meanwhile, the Sonae group is behind another influential title – the daily Público. Cofina Media has the tabloid Correio da Manhã and the daily financial newspaper Jornal de Negócios; The Sol weekly and "i" daily are held by Newsplex. There is also an online daily newspaper called Observador with a classical liberal orientation (as set out in its editorial statutes).

This diversity results in a degree of pluralism of views and opinions. At the same time, it must be noted that most media outlets – notably newspapers – face considerable financial challenges. Indeed, the period under review saw the closure of the Diário Económico business daily and its sister TV channel, while the Sol and i newspapers fired two-thirds of their journalists.

These financial challenges also produced greater volatility in media ownership. For instance, the Sol and i newspapers were transferred from Newshold to a new company Newsplex in December 2015, because of Newshold's financial difficulties. Of note in this regard is the influence of Angolan investors within the Portuguese media, with the international Index on Censorship organization raising concerns about how Portuguese media report on Angola as a result in 2015. Though it seems that the economic crisis in Angola has reduced this influence in 2016, with Angolan investors not increasing their ownership of Portuguese media outlets.

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João de Almeida Dias (2015), "Portugal's journalists under pressure from Angolan money," Index on Censorship 22/10/2015, available online at: https://www.indexoncensorship.org/2015/10/portugals-journalists-under-pressure-from-angolan-money/

"Newshold despede dois terços dos trabalhadores do 'Sol' e do 'i'", Expresso, 30 November 2015. Available online at: http://expresso.sapo.pt/sociedade/2015-11-30-Newshold-despede-dois-tercos-dos-trabalhadores-do-Sol-e-do-i

Access to Government. Information Score: 7 Free and readily available access to official information is guaranteed in Article 48, subsection 2 of the 1976 constitution, and there are mechanisms to ensure that this does in fact happen. There are extensive legal stipulations providing guarantees for access to official information. Additional support is supplied by the Aarhus Convention of the European Union which was signed on 25 July 1998 and ratified by Portugal on 7 September 2003. The government has recently put online virtually all official information and requirements such as permits and licenses. It can be readily accessed through home computers and for free in a wide variety of public places such as municipal libraries. The Commission on Access to Administrative Documents (Comissão de Acesso aos Documentos Administrativos, CADA), established in 1995, deals with complaints regarding public access to information.

That said, there remains scope for improvements in terms of access to government information. The Global Right to Information Rating index gives Portugal a score of 73 out of 150, placing the country 70th out of 102 countries. However, this survey's date of information collection for Portugal was 1993, while Russia ranked 34 and Kyrgyzstan 31 undermining confidence in this data.

More important than this very dated index rating is the fact that at the local level (municipios and freguesias), the population generally has access to government information, documents and more.

#### Citation:

Global Right to Information Rating, Country Data, available online at: http://www.rti-rating.org/country\_data.php

## **Civil Rights and Political Liberties**

Civil Rights Score: 8 The Portuguese Constitution of 1976 defines broad categories of rights and guarantees for the population in Articles 12-23 and 24-27. This is generally also the case in practice. However, poorer elements of society, as in any country, tend to lack the educational, legal and other means to take full advantage of these guarantees.

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The U.S. Department of State Human Rights Practices raises similar issues in its 2015 report, notably with regard to police violence and brutality, overcrowding and treatment of prisoners, and lengthy pretrial "preventive" detentions without charge.

Former prime minister José Sócrates remains under investigation for alleged corruption, money laundering and tax fraud. In addition, there are ongoing investigations into corruption involving foreigners, particularly Chinese, receiving "Gold" visas, as well as judicial proceedings against Miguel Macedo, former Minister of Internal Administration, and other important government officials within sthe Socrates government.

#### Citation:

US State Department, "Country Reports on Human Rights Practices for 2015 - Portugal," available online at: http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dlid=252889

Patricia Pires, "Europa quer mais medidas contra a corrupcao em Portugal" Reuters October 2, 2016.

Political Liberties Score: 9

political liberties. The basic goal of the political transition was to achieve and to guarantee political liberties. Portugal has been relatively successful in this regard, and there are widely agreed upon political liberties. The basic legislation in the constitution, and subsequent regular legislation, guarantees these political liberties. They function reasonably well.

Under the regime that ruled Portugal until 1974, there were virtually no

Non-discrimination Score: 7

State policies seek to redress discrimination, and cases of overt discrimination are rare. Nevertheless, two areas of concern remain:

First, the gender wage gap, which discriminates against women increased in 2014, continuing the recent trend in a widening gender wage gap. The unadjusted gender wage gap increased from 8.4% in 2006 to 14.9% in 2014. Though the gender wage gap in Portugal is below the EU average, the increase in Portugal contrasts with the modest downward trend in the EU average.

Second, regarding racial discrimination, the U.S. Department of State's 2015 Report on Human Rights Practices noted patterns of institutional and societal discrimination against the Roma.

However, the Costa government has the most diverse cabinet since Portugal's democratization. Aside from a prime minister of Indian (Goan) ascent, the cabinet also includes an Afro-Portuguese female Minister of Justice, Francisca Van Dunem, a Roma junior minister, and a blind junior minister.

#### Citation:

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US State Department, "Country Reports on Human Rights Practices for 2015 - Portugal," available online at: http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dlid=252889

#### Rule of Law

Legal Certainty Score: 7 Portugal is an extremely legalistic society, and legislation is often tedious, long and complex. In combination with pressure for reform arising from Portugal's bailout and economic crisis, this causes some legislative uncertainty. For example, some legal measures proposed in the 2012, 2013 and 2014 government budgets were subsequently deemed unconstitutional by the Constitutional Court. Since 2014, there has been a broad understanding that if international sanctions on Portugal's public debt to GDP ratio are not applied then reforms of the state will be necessary. Consequently, previously stable policy sector, such as health care, transport and education, may be reformed. Moreover, the Costa government has reversed several measures of the previous Coelho government. This pattern of successive governments overturning legislation introduced by the previous government further exacerbates political instability.

Judicial Review Score: 8

The judicial system is independent and is very active in ensuring that the government conforms to the law. Indeed, the high degree of judicial intervention continued in 2014 and 2015, with the Constitutional Court deciding a number of measures against the government, such as allowing 35-hour weeks to be implemented in municipalities without central-government consent and overturning the teacher-assessment exams, as noted above. In addition to the Constitutional Court, there are several other courts.

The highest body in the Portuguese judicial system is the Supreme Court constituted by four Civil Chambers, two Criminal Chambers, and one Labor Chamber. There is also a Disputed Claims Chamber, which tries appeals filed against the decisions issued by the Higher Judicial Council. The Supreme Court determines appeals on matters of law and not on the facts of a case, and has a staff of 60 justices (Conselheiros). There are also district courts, appeal courts, and specialized courts plus a nine-member Constitutional Court that reviews the constitutionality of legislation. In addition, there is the Court of Auditors (Tribunal de Contas). This is a constitutionally prescribed body, and is defined as a court in the Portuguese legal system. It audits public funds, public revenue and expenditure, and public assets, with the aim of ensuring that "the administration of those resources complies with the legal order." The Court of Auditors is active in auditing and controlling public accounts. In total, there are more than 500 courts in Portugal and 3,000 judges. Even so, there are shortages of judges in relationship to the number of cases and the delays in reaching judicial decisions are a problem.

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#### Citation:

Lei da Organização do Sistema Judiciário - Lei # 62/2013 of 26 August.

Appointment of Justices
Score: 9

Corruption Prevention Score: 7 The High Council of the Public Prosecution Department (Conselho Superior do Ministério Público), which oversees the appointment of judges, consists of 19 members, including the attorney general (Procurador-Geral da República). In October 2012, Portugal appointed its first female attorney general, Joana Marques Vidal, who remains in office.

Under Portuguese law, abuse of position is prohibited and criminalized. However, as elsewhere, corruption persists despite the legal framework. A 2012 assessment of the Portuguese Integrity System by the Portuguese branch of Transparency International concluded that the "political, cultural, social and economic climate in Portugal does not provide a solid ethical basis for the efficient fight against corruption," and identified the political system and the enforcement system as the most fragile elements of the country's integrity system. Transparency International's 2015 Corruption Perceptions Index ranked Portugal 28 out of 168 countries, an improvement of five positions on the last two years. However, Transparency International's ratings are based on public perceptions and are entirely subjective. Therefore, either recent laws are taking effect, the prosecution of high-profile corruption cases has affected public perceptions or other countries have become more corrupt.

A law was approved by the Assembly of the Republic in September 2011 on the illicit enrichment of public officeholders. However, this legislation was deemed unconstitutional by the Constitutional Court in April 2012. While practically all the parties that voted for the legislation declared that they would bring new legislation on this issue, no new legislation had been approved by the end of the review period.

Efforts have been made at the state level to impede corruption, although there remains room for improvement in terms of the implementation of anti-corruption plans. A survey by the Council for the Prevention of Corruption, published in June 2015, noted that half of the country's public entities admitted to having applied only parts of their corruption-prevention plans. The reasons given were largely related to a lack of human, technical and financial resources.

In October 2016, the Council of Europe's Group of States against Corruption (GRECO) released a report focusing on corruption involving deputies, judges and district attorneys. It analyzed the weaknesses in various administrative and legal systems which facilitate corruption.

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Former prime minister José Sócrates (2005-2011) remains under investigation for alleged corruption, money laundering and tax fraud, as do other important government officials from the Socrates government. Some of these officials have been detained due to suspicions of corruption in the granting visas.

# Citation:

Maria Lopes (2015), "Entidades públicas têm de reforçar planos de prevenção da corrupção," Público online, 15/06/2015, available online at: http://www.publico.pt/politica/noticia/entidades-publicas-tem-que-reforcar-planos-de-prevencao-da-corrupcao-1699049

Patricia Pires, "Europa quer mais medidas contra a corrupcao em Portugal," Reuters 2 October 2016.

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# Governance

# I. Executive Capacity

# Strategic Capacity

Strategic Planning Score: 5

Despite a new government and the continued need for EU support, there are virtually no changes regarding strategic capacity. While there are strategic planning bodies in most ministries, their impact is limited. The Costa government is a minority government, dependent on the parliamentary support of three other political parties. This situation appears not to have contributed to an increase in strategic planning during the period under review. It remains to be seen whether the increasingly stability demonstrated by the Costa government will change this situation.

Scholarly Advice Score: 5

The government utilizes academic experts for research on a wide variety of topics and to implement strategic development. However, they are largely used on an ad-hoc basis, and without a systematic pattern of academic consultation in place.

# **Interministerial Coordination**

GO Expertise Score: 6 The Prime Minister's Office (PMO) has limited policy expertise. While it can assess proposed legislation, it lacks in-depth policy assessment capabilities. Under the previous Coelho government, the assessment of policy largely centered on fiscal implications, notably in reducing public expenditure or increasing revenue. Under the current Costa government, fiscal implications remain important, as the government seeks to maintain its euro-zone commitments. However, the Costa government must now balance these commitments against its parliamentary entente with the Portuguese Communist Party, the Left Bloc and the Ecologist Party.

GO Gatekeeping Score: 8

The Prime Minister's Office (PMO) is able to return proposed legislation for revision. Considering the understanding among the four main political parties, the PMO's decision on returning policy must also anticipate political consequences. The priority given to fiscal consolidation has meant that the

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Ministry of Finance remains important, though less so than under the Coelho government.

Line Ministries Score: 7 The Prime Minister's Office (PMO) is regularly briefed on new developments affecting the preparation of policy proposals.

Cabinet
Committees
Score: 7

Most ordinary meetings of the Portuguese cabinet – the Council of Ministers – are used for policy decisions rather than strategic policy debates. More political issues and strategic policy considerations are by-and-large prepared by the Council's inner core of a few ministers, augmented by other ministers and staff when required.

Citation:

www.sg.pcm.gov.pt/media/8376/pa\_2015\_site.pdf

Ministerial Bureaucracy Score: 9

Since the mid-1980s, cabinet meetings have been prepared in advance by senior ministry officials such as junior ministers or director-generals (who are also political appointees), depending on the issue. Under the MoU and the subsequent continuing conditions of budgetary constraint, this coordination has been carried out in conjunction with the Ministry of Finance. This entity closely monitors all expenditure.

Informal
Coordination
Score: 7

Informal coordination mechanisms are central to government functioning and coordination. The horizontal informal links between ministries help compensate for the absence or rigidity of formal horizontal linkages. Informal coordination has become even more important under the current Socialist Party government of Prime Minister António Costa, which depends on the Portuguese Communist Party, the Left Bloc and the Ecologist Party for parliamentary support.

### **Evidence-based Instruments**

RIA Application Score: 4 There is little change from the previous period. RIA instruments have rarely been utilized. The Costa government's program includes the goal of "ex ante and ex post evaluation of the impact of structuring legislation, especially that which carries costs for small and medium-sized enterprises." Documents from the government indicate this will retain the small and medium-sized enterprise test ("PME test"), as well as the "one-in, one-out" or "Comporta Regulatória" rule designed to compensate citizens or companies for costs resulting from the new legislation, which were approved in 2014. While the Costa government is taking steps to implement these measures, notably through its Agency for Administrative Modernization, they have not yet been fully implemented. The Costa government is also seeking to implement a methodology for evaluating the economic impact of government proposals ("custa quanto" measure). Again, this is ongoing work, which is yet to be fully deployed.

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#### Citation:

 $https://www.ama.gov.pt/documents/24077/31275/20160630\_AAC\_03\_SAMA2020Anexo\_Global.pdf/55ad0d~27-c3fa-441e-ac2b-c824983aead4$ 

https://www.ama.gov.pt/documents/24077/177526/Apresenta%C3%A7%C3%A3o+Ana+Sofia+Figueiredo.pdf/efc0af11-998e-4f69-968e-adfe6bf8199f

Quality of RIA Process Score: 2 As noted above, systematic RIA does not exist in Portugal. Stakeholder participation does generally take place, albeit inconsistently and without full participation by all relevant stakeholders. Impact-assessment results are generally not made publicly available or systematically communicated. There are no evaluations of impact-assessment quality rendered by independent bodies.

Sustainability Check Score: 3 Sustainability checks are not integrated systematically into impact assessments. They may take place in some impact assessments but not in others, in a rather ad hoc fashion that depends on who is carrying out the impact assessment. The same is the case with regard to the indicators that sustainability draws on, as well as the temporal dimension of the analysis.

### Societal Consultation

Negotiating Public Support Score: 4 Former president Cavaco Silva consulted widely with social actors, businesses and individual experts before he asked António Costa, leader of the Socialist Party, to form a government with the parliamentary backing of the Portuguese Communist Party, the Left Bloc and the Ecologist Party. He previously requested clarification from António Costa regarding several issues, including the role of societal actors.

The government does consult some societal actors. For example, the Social and Economic Council (Conselho Económico e Social, CES) serves as a constitutional body for consultation and social concertation. Within the CES, there is a Standing Committee on Social Concertation (Comissão Permanente de Concertação Social, CPCS), which brings together the government, employer associations and trade unions. The CES and the CPCS continued to hold regular discussions during the period under review. This is clear in the CES' plan of activities and press releases. However, since mid-2012 there has been a gradual weakening of the government's ability to generate support, particularly as austerity measures have advanced.

See the CES Plan of Activities for the period under consideration at www.ces.pt/.../PLANO%DE%ACTIVIDADES%20CES%202015\_re

Cristina Oliveira da Silva (2015), "Silva Peneda 'preocupado' com 'regular funcionamento' do CES," Diário Económico, 18/3/2015, available online at: http://economico.sapo.pt/noticias/silva-peneda-preocupado-com-regular-funcionamento-do-ces\_214203.html

http://www.tamegasousa.pt

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# **Policy Communication**

Coherent
Communication
Score: 8

The Costa government has been effective in terms of communication and coordination, despite being a minority government with an unprecedented parliamentary coalition. Indeed, its first year in office, it has been marked by a remarkable degree of stability, with its coherent communication contributing to this stability.

Citation:

Lei orgânica do XXI Governo available at www.portugal.gov.pt/pt/0-governo/lei-organica/lei-organica.aspx

### Implementation

Government Efficiency Score: 7 The Costa government has published a very impressive Programa do XXI Governo Constitucional, 2015 to 2019. In its first year in office, it has implemented several measures to alleviate austerity to secure the parliamentary support of the Portuguese Communist Party, the Left Bloc and the Ecologist Party. More ambitious goals, such as administrative modernization, are being developed. The Costa government has proved to be considerably more stable than initially predicted, which may allow it to implement its ambitious policy objectives. At the same time, the Costa government faces keen scrutiny from the European Union and financial markets regarding fiscal consolidation, and from its parliamentary allies regarding austerity alleviation. These pressures will constrain policy options. However, in its first year in office, the Costa government has been largely successful in negotiating these pressures and advancing its policy agenda.

Citation:

Programa do XXI Governo Constitucional, 2015 - 2019.

Ministerial Compliance Score: 7 The organization of power relations in the cabinet system ensure that ministers have incentives to implement the government's program. While Prime Minister António Costa will be able to rely on his Socialist Party ministers, depending on three other political parties, with very different policy agendas, will make policy implementation much more difficult. Furthermore, the Costa government must deal with a relatively powerful president, who has a veto on government policy and the ability to dismiss the government, as well as a terrible economic situation. Even though the European Union did not impose sanctions on Portugal for its huge public debt equivalent to 4.4% of GDP, there remain severe restraints on the ability of the government to provide incentives.

Monitoring Ministries The government in the period under review is relatively small, with 17 ministries and 41 secretaries of state. Ministries in Portugal are not independent

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Score: 7

of the prime minister. The prime minister is also assisted by the Presidência do Conselho dos Ministros and by the Adjunct Secretary of State of the Prime Minister. The Prime Minister's Office (PMO) can thus monitor implementation activities of all line ministries. However, the lack of in-depth policy capacity within the PMO constrains the overall degree of control, although this is partially compensated by the government's political staff.

Lei Orgânica do XXI Governo (http://www.portugal.gov.pt/pt/o-governo/lei-organica/lei-organica.aspx

Monitoring Agencies, Bureaucracies Score: 8 Portugal has seen a proliferation of quasi-autonomous nongovernmental organizations and other structures in addition to an already complex direct administrative structure in the 1990s and 2000s. These structures were often left with little in the way of ex post monitoring. In the context of the bailout and the continuing need to reduce public expenditure, the previous Coelho government increased its scrutiny of the number and operation of these non-governmental organizations as well as the state administration. However, this interest was fundamentally centered on financial and budgetary aspects rather than the implementation of policy per se. Since the bailout, there has been little change. Indeed, the Programa do XXI Governo Constitucional, 2015 to 2019 makes no mention of these.

Task Funding Score: 6

Portugal, unsurprisingly given its extremely small size, is one of the most centralized countries in Western Europe, with autonomous self-governing areas in the island regions of the Azores and Madeira. A total of 308 municipalities represent the main subnational level of government. OECD figures for 2016 show Portugal to have among the group's lowest relative levels of subnational public expenditure in several areas of education, health and security. These are among the lower levels in the OECD, but have improved significantly since 2012. The subnational sector has long been burdened with increasing debts, and several municipalities have needed the support of the Municipal Support Fund (Fundo de Apoio Municipal, FAM), which requires beneficiaries to undergo an adjustment program. During the period under review, several municipalities have initiated or requested these Municipal Adjustment Programs, including Aveiro, Vila Nova de Poiares, Vila Real de Santo António and Portimão.

The Costa government has expressed its commitment to decentralization and has placed the issue at the center of its proposal for state reform. However, there has been little substantive change during the period under review.

## Citation:

www.portal autarquico.pt = PT/financas-locais/transferencias/freguesias

OECD (2013), "OECD Regions at a Glance 2013"

OECD (2016) "OECD Regions at a Glance 2016" available at http://www.oecd.org/regional/oecd-regions-at-a-glance-19990057 htm

http://www.fundodeapoiomunicipal.pt/category/noticias/

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Constitutional Discretion Score: 5

Formally, the central government enables subnational governments to make full use of their constitutional scope of discretion with regard to implementation. However, subnational governments do not have their own sources of revenue, instead being dependent on central-government transfers. This means that the central government generally has considerable control. This control increased with the bailout, and continues to be substantial afterward as the country seeks to reach the euro zone deficit targets. For example, the central government imposed its own conditionalities on the Madeira regional government in a bailout package that ended on 31 December 2015, as well as on municipalities that have requested central-government help. However, much the same is true of municipalities that have not sought a central-government bailout, as the increasing tightening of financial expenditure has resulted in budget cuts for programs that involved partnerships between central and local governments.

There has been some indications that municipalities will have a great role in managing public services, but it will not happen before the end of 2017.

National Standards Score: 6 National standards are largely uniformly applied, albeit as a result of the control and provision of most public services by the central government. There are, however, differences between municipalities in some services, such as infrastructure, culture and extracurricular educational offerings.

# Adaptablility

Domestic Adaptability Score: 7 The European Union is extremely important to Portugal in all respects. Since joining the European Economic Community (EEC) in 1986, Portugal has become an integral part of Europe with all the implications arising from integration into a huge variety of legal and organizational frameworks. While the government of Portugal has not yet applied all the EU laws and regulations, it is increasingly adopting EU policies. Obviously, since Portugal is part of the European Union, and dependent upon it for funds and trade, the country has had to adapt its structures accordingly.

International Coordination Score: 8

Although Portugal is small, relatively poor, and not very influential as a nation, it is a member of the European Union, the Organization for Security and Cooperation in Europe, the Council of Europe, NATO, OECD, the World Trade Organization, the Community of Portuguese Language Countries (Comunidade dos Países de Língua Portuguesa, CPLP), among other groups. It works with other nations through these organizations to develop policies. Given the country's size and importance, it collaborates quite effectively in shaping and implementing collective efforts to provide global public goods.

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Portugal punches well above its weight in military diplomacy through participation in peacekeeping and humanitarian relief programs under the auspices of the European Union, the United Nations and NATO. The last president of the European Commission and the incoming Secretary General of the United Nations are former prime ministers of Portugal. Between 1995 and 1996, Dr. Freitas do Amaral was president of the General Assembly of the United Nations.

## Organizational Reform

Self-monitoring Score: 6

The previous Coelho government spoke of the need to reform the state and produced a 98-page plan. However, few policies included in this plan have been implemented.

The current Costa government, coming into office on 26 November 2015, has published a Programa do XXI Governo Constitucional and the Lei Orgânica do XXI Governo. Both documents, if implemented, necessitate monitoring the institutional arrangements of governance. However, it remains to be seen whether this government, as with its predecessors, will be able to deliver on its plans for institutional reform beyond mere legal approval of new arrangements.

#### Citation:

Programa do XXI Governo Constitutional, 2015 - 2019.

Lei Orgânica do XXI Governo Decreto - Lei # 251 - A/2015 de 17 December 2015.

Institutional Reform Score: 5 There is no evidence that the Costa government has significantly changed institutional arrangements to improve strategic capacity during the period under review.

# II. Executive Accountability

# Citizens' Participatory Competence

Policy Knowledge Score: 5 Portugal's bailout increased citizens' interest in public policy, as did the general election during the previous review period. During the current period under review, the situation appears to have regressed, as the bailout and ensuing austerity measures recede from public consciousness. In a May 2016 Eurobarometer survey, 50% of respondents in Portugal expressed a "strong" or "medium" interest in politics, a five-percentage point decrease vis-à-vis a similar survey in May 2015. Moreover, this is the lowest reported rate of interest

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in any EU member state and well below the EU average of 63%. Equally, 34% of respondents expressed no interest in politics in May 2016, a six-percentage point increase compared to May 2015.

This result further indicates the limited and unevenly distributed public knowledge of public policy. The factors that limit citizens' policy knowledge include: insufficient and partial explanation of policy by the government; partial and insufficient explanation of policy alternatives by the opposition; a media system that tends to focus more on short-term issues and scandals than on indepth policy analysis; presentation of policy in terms that tend to be exclusionary for most citizens; and a weak civil society that is unable to socialize and educate citizens on policy issues.

During the period under review, this was reflected in the 2016 presidential election campaign, which was marked by a highly personal campaign and the almost total absence of policy topics.

#### Citation:

Eurobarometer 83 (Annex), May 2015. Available online at: http://ec.europa.eu/COMMFrontOffice/publicopinion/index.cfm/ResultDoc/download/DocumentKy/66899

Eurobarometer 85 (Annex), May 2016. Available online at: http://ec.europa.eu/COMMFrontOffice/publicopinion/index.cfm/ResultDoc/download/DocumentKy/74267

## Legislative Actors' Resources

Parliamentary Resources Score: 6 The Assembly of the Republic does have a very robust committee structure composed of standing and ad hoc committees, as well as committees to assess implementation of the Plano do Governo and the Orçamento de Estado. Moreover, it can call members of the executive to explain issues and has some degree of autonomy in terms of its budget allocations. However, there remains a substantial lack of expert support staff. Members of the assembly do not generally have their own staff, and in most but not all cases, have little ability to rely on expert support. As such, the assembly's capacity to monitor government activity is mainly contingent on the legislators' own expertise. However, during the Costa government there is both a great deal more interest by the members of the assembly and a huge increase in the number of meetings involving the different political parties supporting the Costa government. This does not imply, however, that they have adequate personnel and structural resources, but they do have the energy and the interest.

#### Citation

Sergio Goncalves, "Portugal's political stability if Europe's rare pleasant surprise," Reuters June 22, 2016.

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Obtaining
Documents
Score: 7

The government is obliged to respond within 30 days to requests for information from the Assembly of the Republic. While there is no data on how it responds specifically to requests from parliamentary committees, delivery of information to requests from members of parliament can be untimely or incomplete. During the first session of the thirteenth legislature, held during the current period under review (23 October 2015 to 14 September 2016), parliamentarians issued 2,775 questions of which 55% (1,536) were answered. This marks an improvement vis-à-vis the previous review period when 40% of questions were answered, though still below results in other recent legislatures.

There was also an improvement regarding requests to central government, with 52% of these requests being answered during the period under review. This is a considerable improvement compared to the previous review period when 13% of requests were answered, though still short of the first three sessions of the previous legislature when 58%, 59% and 54% of questions were answered.

As noted in previous reports, this response rate does not appear to reflect a deliberate attempt to conceal information from the Assembly. In general, it is likely that committee requests are answered more promptly and fully than those made by individual legislators.

## Citation:

Divisão de Informação Legislativa e Parlamentar, Assembleia da República, "Atividade Legislativa - XII Legislatura, 1ª Sessão Legislativa," available online at: http://www.parlamento.pt/actividadeparlamentar/documents/estatisticas\_actividade\_parlamentar\_xiileg/activid adelegislativa xii 1 (14092012).pdf Divisão de Informação Legislativa e Parlamentar, Assembleia da República, "Atividade Legislativa - XII Legislatura, 1ª Sessão Legislativa," available online at: http://www.parlamento.pt/actividadeparlamentar/documents/estatisticas\_actividade\_parlamentar\_xiileg/activid adelegislativa\_xii\_1\_(14092012).pdf Divisão de Informação Legislativa e Parlamentar, Assembleia da República, "Atividade Legislativa - XII Legislatura, 2ª Sessão Legislativa," available online at: http://www.parlamento.pt/actividadeparlamentar/documents/estatisticas\_actividade\_parlamentar\_xiileg/activid adelegislativa\_xii\_2.pdf Divisão de Informação Legislativa e Parlamentar, Assembleia da República, "Atividade Legislativa - XII Legislatura, 3ª Sessão Legislativa," available online at:  $https://www.parlamento.pt/Actividade Parlamentar/Documents/Estatisticas\_Actividade\_Parlamentar\_XIILeg/A$ ctividadeLegislativa\_XII\_3.pdf Divisão de Informação Legislativa e Parlamentar, Assembleia da República, "Atividade Legislativa - XII Legislatura, 4ª Sessão Legislativa," available online at: https://www.parlamento.pt/ActividadeParlamentar/Documents/Estatisticas\_Actividade\_Parlamentar\_XIILeg/A ctividadeLegislativa\_XII\_4.pdf

Summoning Ministers Score: 9 Ministers must be heard at least four times per legislative session in their corresponding committee. Additionally, committees can request ministers to be present for additional hearings. A committee request requires interparty consensus. However, each parliamentary group may also unilaterally request ministerial hearings. These vary from one to five per session, depending on the size of the parliamentary group. Ministers accede to requests for their attendance

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at hearings.

Summoning Experts Score: 9 Task Area Congruence Score: 9 Parliamentary committees are generally free to request the attendance of experts at committee meetings.

The Assembly of the Republic has 12 permanent committees, each with a policy focus. Each committee can create sub-committees to work on a specific area or project. Creating a sub-committee requires the prior authorization of the president following consultation with the Conference of Presidents of the Parliamentary Commission. Further, each commission can also create working groups for even more specialized tasks.

In addition, and of greater importance for monitoring government ministries, the assembly can create ad hoc commissions of inquiry. Their specific purpose is to monitor whether the government or a ministry is complying with the constitution and laws, and the policies of the government. These ad hoc commissions of inquiry have investigative power and judicial authority.

Audit Office Score: 4 The Tribunal de Contas or Supreme Audit Office (SAO) is totally independent of the Assembly of the Republic and the executive. It is part of the judicial system, on an equal level with the rest of the judicial system. However, while not accountable to the Assembly, it must report to it regularly.

Ombuds Office Score: 2

Portugal does not have a parliamentary ombudsman. However, there is a judicial ombudsman (Provedor de Justiça), which is situated in the judicial system. It serves as the advocate for citizens' interests.

## Media

Media Reporting Score: 6

There continues to be a lack of systematic in-depth policy analysis. Policy analysis is usually delegated to expert commentators, with little or no journalistic work performed on policy issues.

In the SGI report before last, we noted the large amount of commentary time allotted to former politicians, particularly on television, a pattern that generates potential conflict-of-interest questions and does not seem to have contributed to improving the quality of policy analysis. Perhaps the most salient example of the confluence between politicians and television during the review period was provided by Marcelo Rebelo de Sousa, a former leader of the PSD and Portugal's most popular TV commentator. De Sousa held a regular slot in the main evening news every Sunday on the TVI channel. It is probably not accidental that he won the presidential election on the first round with 52% of the vote, despite a field of 10 candidates.

#### Citation:

Corinne Deloy, "Marcelo Rebelo de Sousa wins the presidential election in Portugal in the first round," Foundation Robert Schuman 24 January 2016.

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#### **Parties and Interest Associations**

Intra-party
Democracy
Score: 5

A total of seven parties, running in five lists, won seats in the parliamentary elections held on 4 October 2015. These included the Social Democratic Party (Partido Social Democrata, PSD) and Democratic and Social Center/Popular Party (CDS-Partido Popular, CDS-PP), which ran together as the Portugal Ahead (Portugal à Frente, PAF) alliance. This won 38.5% of the vote and 107 seats, of which 89 were allocated to the PSD and 18 to the CDS-PP. The Socialist Party (Partido Socialista, PS) received 32.4% of the vote, and 86 seats. The Left Bloc (Bloco de Esquerda, BE) won 10.2% and 19 seats. The Unitarian Democratic Coalition (Coligação Democrática Unitária, CDU), which included the Portuguese Communist Party (Partido Comunista Português, PCP) and the Ecologist Party (Partido Ecologista "Os Verdes," PEV) took 8.3% of the vote and 17 seats, which resulted in 15 for the PCP and two for the PEV. Finally, the People-Animals-Nature party (Pessoas-Animais-Natureza, PAN) won 1.4% and one seat.

Of these seven parties, only three gained more than 10% of the vote in the 4 October 2015 legislative elections: the PSD, the PS and the BE.

Both the PS and PSD hold direct elections of their party leadership by party members and have congresses whose delegates are also elected by party members. However, regarding policy issues and candidates other than the party leader, the rank-and-file members have little say. Instead, decisions are largely made by the party leadership, which – depending on the internal balance of power – may have to negotiate with the leaders of opposing internal factions.

In January 2015, the PS approved new statutes that would allow primary elections to choose political candidates and would let registered party sympathizers (not just members) to vote to choose the party leader. While current party leader António Costa gained the party leadership because of a primary election, this technique was not used to select candidates for the 2015 legislative elections, nor was it used for the 2016 party leadership election in May 2016, where Costa ran unopposed. The latter election reverted to the direct election model previously noted.

The BE elects delegates that convene at the party's national convention to elect an 80-member national committee called "Mesa Nacional," which is elected proportionally. The Mesa Nacional then votes for the party's 21-member Political Commission. In its tenth convention, held in June 2016, the party changed its statutes slightly, albeit the change does not significantly alter the

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degree of internal democracy. Due to this change, it is now up to the Political Commission to elect a seven-member Secretariat. Until the ninth party convention held in November 2014, the BE had two national coordinators within the permanent commission. After this convention, the party returned to the model of a single coordinator, in this case Catarina Martins (the only female party leader among Portugal's main parties), who retained her position in the tenth convention. Within the BE, internal factions tend to be more ideological than in other parties (as the run-up to both the ninth and tenth conventions illustrated). To some extent, this reflects the different parties that came together to form the BE in the late 1990s. It would also appear that party members have more interest and participation in policy choices, though there the number of active party members is small, meaning that the rank-and-file is relatively close to the party leadership. For instance, just 2,653 party members voted to elect the 617 delegates to the ninth convention, producing a ratio of rank-and-file members to delegates of approximately 4:1.

While only these three parties met the 10% criteria in recent legislative elections, two other parties are potentially relevant within Portugal's political landscape: the Portuguese Communist Party (Partido Comunista Português, PCP) and the CDS-PP. These are also marked by a high degree of centralization in their national-level internal decision-making. The former abides by the rules of democratic centralism. The latter is characterized by a small rank-and-file base.

Association Competence (Business) Score: 4 A few employers' associations and trade unions are capable of formulating relevant policies. However, their proposals are largely reactive to government measures rather than being proactive in setting policy debate. While employers and trade unions have both expressed dissatisfaction at some austerity measures, these are generally reactions to specific government measures rather than ex ante and overall policy proposals.

However, President Cavaco Siva conferred with business associations - CIP, CCP, CAP and CTP - as well as with important businesses and even economists, before supporting the formation of the Costa government.

Association Compentence (Others) Score: 4 Despite the alleviation of austerity and initial signs of economic recovery, non-economic interest associations continue to have little impact. The focus in recent years on economic issues means that proposals by established groups engaged with other issues attract less visibility than before Portugal's bailout (e.g. proposals by the environmental group Quercus). Interaction with associations appeared to be largely instrumental and related to political or group objectives rather than policy-based. For example, in October 2016, taxi drivers protested against Uber in Lisbon.

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