

## Annex

To facilitate the provision of information on good practices and challenges with respect to the establishment of effective financial disclosure systems for appropriate public officials (inter alia information on legislation, policies, practices and institutions on establishing and maintaining effective financial disclosure systems for appropriate public officials, including measures as may be necessary to permit their competent authorities to share that information with the competent authorities in other States parties) the Secretariat has prepared the following questionnaire as a guide that States parties may wish to use.

The Secretariat also wishes to draw the attention of the Government to the note entitled “Asset and interest disclosure systems (article 8, paragraph 5, of the United Nations Convention against Corruption)” contained in document [CAC/COSP/WG.4/2018/3](#) that could be used as background material for the completion of the questionnaire.

### Contact information

**General context:** as will be stressed below, there is a transitional situation in Portugal, where, namely, a new entity and an electronic platform for filing single e-declarations are being put in place. Accordingly, the content of some answers will evolve and additional information to complete the data now shared may be provided.

## 1. Basic information

1.1. Does your country have a financial disclosure system(s) for appropriate public officials in line with articles 8, paragraph 5 and 52, paragraphs 5 and 6 of the Convention? **YES/NO**

### If YES,

- a. Please provide a broad overview of your country’s financial disclosure system(s) for public officials and list the relevant national legislation.

Article 13 of the Political and Senior Public Officeholders Act<sup>1</sup> requires, namely, political officeholders and senior public officials, to submit, by electronic means, a single declaration of income, assets, liabilities, interests, incompatibilities and disqualifications, as appended in an annex to such law, within 60 days from taking up office. The law provides for the electronic filing of the single declarations to be presented, but the electronic platform for filing single e-declarations is yet to become operational, being at the present moment technically in a concluding phase<sup>2</sup>.

The declaration includes (please check the declaration and the referred Article 13) disclosure of gross of income (from various sources for the purpose of paying personal income tax), assets (comprising real estate, shares, stocks or other financial stakes, portfolio investment, bank accounts, etc. whether in Portugal or held abroad), liabilities (including loans or financial security, the promise of a financial advantage) and interests (such as professional activities, public, private and social offices, other functions and activities, membership, participation, or performance of any duties in any association and corporate offices held in the three years prior

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<sup>1</sup> A translation into English is attached; it is also available at our Parliament’s website, in here: [2022.01-LEG-alteracao--RegimeExercicioFuncoesTitularesCargosPoliticsoAltosCargosPublicos.en.pdf \(parlamento.pt\)](#).

<sup>2</sup> As specified by a joint press release of the Presidents of the Constitutional Court and of the Authority for Transparency available here: [TC > Comunicados > Arquivo. \(tribunalconstitucional.pt\)](#).

to filing the declaration and/or to be carried out cumulatively or up to three years after ceasing functions). In addition, the declaration must include the acts and activities that might give rise to prohibitions or disqualifications.

It is to be stressed, therefore, that detailed disclosure requirements are imposed by said law, namely, on political officeholders, senior public officials and magistrates.

The single declaration is publicly accessible through an access-to-information request, subject to certain conditions laid down in Article 17 of the Political and Senior Public Officeholders Act. However, it may not be disclosed on the internet or social media. In accordance with Article 15 (2), the register of interests of members of the Government and of members of Parliament is published on the parliament's website<sup>3</sup>.

The declarations can be accessed upon filing an access-to-information request with the Constitutional Court – please check Article 17 of the Political and Senior Public Officeholders Act.

Under Article 14 (2) of the Political and Senior Public Officeholders Act, in the exercise of their functions, political officeholders and senior public officials are required to submit new, updated declarations, within 30 days, when there is an actual change in assets by reference to a specifically defined amount or there are new facts or circumstances warranting a new filing.

Article 14 (1) of the referred Act provides that political officeholders and senior public officials are to submit new, updated declarations within 60 days after ceasing the functions that led to the submission of the initial declarations or after the reappointment or re-election. The declarations to be submitted at the end of the mandate will reflect the evolution of assets during that period. In addition, Article 14 (4) of the same Act obliges political officeholders and senior public officials to submit a final declaration three years after ceasing their functions.

The declarations require the disclosure of some of the financial information of spouses (or civil partners) and dependent family members, namely the disclosure of shares in a company and financial subsidies.

At present the single declarations are presented in paper format with the Constitutional Court, which is responsible for receiving and carrying out the formal review of their regularity.

The Public Prosecutor's Office at the Constitutional Court is responsible for carrying out the assessment of the declaration.

However, Article 20 of the Political and Senior Public Officeholders Act has entrusted a new entity with the review of single declarations: Organic Law n. 4/2019<sup>4</sup> of September 13 provides for the statute of the Entity for Transparency (*Entidade para a Transparência*), which is an independent entity that will operate within the Constitutional Court.

Under Article 8 of the statute of said entity, the Entity for Transparency (EfT) will be responsible for, amongst other things, reviewing the single declarations of political and senior public officeholders, requesting clarifications on the content of the declarations, deciding on the formal regularity of the declarations and compliance with the time-limits, reporting the suspicion of the commission of a criminal offence to the prosecutor's office, communicating the commission of an alleged offence to the entities responsible for sanctioning holders of political and senior public offices for the purpose of imposing an appropriate sanction.

On 17 January 2023, the plenary of the Constitutional Court appointed the three members of the Entity for Transparency<sup>5</sup>, who took office on 15 February 2023.

Under the terms of Article 5 of the Political and Senior Public Officeholders Act, declarations by judges and public prosecutors are submitted, respectively, to the Supreme Judicial Council, the Supreme Council of the Administrative and Fiscal Courts or the Supreme Council of the Public Prosecution Service.

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<sup>3</sup> Check namely <https://www.parlamento.pt/RegistoInteresses/Paginas/XXIII-Governo.aspx>

<sup>4</sup> <https://dre.pt/dre/detalhe/lei-organica/4-2019-124680587>

<sup>5</sup> <https://www.tribunalconstitucional.pt/tc/imprensa0200-bd6995.html>

- b. If your country has, in addition, ad hoc financial disclosure requirements, please provide a broad overview, including applicable categories of officials, sectors/activities, etc.

As referred above, under Article 14 (2) of the Political and Senior Public Officeholders Act, in the exercise of their functions, political officeholders and senior public officials are required to submit new, updated declarations, within 30 days, when there is an actual change in assets by reference to a specifically defined amount or there are new facts or circumstances warranting a new filing.

Article 14 (1) of the referred Act provides that political officeholders and senior public officials are to submit new, updated declarations within 60 days after ceasing the functions that led to the submission of the initial declarations or after the reappointment or re-election. The declarations to be submitted at the end of the mandate will reflect the evolution of assets during that period. In addition, Article 14 (4) of the same Act obliges political officeholders and senior public officials to submit a final declaration three years after ceasing their functions.

The categories of officials of political officeholders and senior public officials are defined under Articles 2 and 3 of the Political and Senior Public Officeholders Act:

- c. What is the objective(s) of your country's financial disclosure system(s) (please select all that apply)?

- Detection of illicit enrichment
- Prevention of conflicts of interest
- All of the above (combined system)
- Other, please describe: \_\_\_\_\_

**If NO,**

- a. Please describe (cite and summarize) the alternative measures put in place to ensure full compliance with article 8, paragraph 5 and article 52, paragraphs 5 and 6 of the Convention or is planning to take, together with the envisaged time frame, if any.

1.2. Has your country criminalized “illicit enrichment” as foreseen under article 20 of the Convention? ~~YES~~/NO

If YES, please explain.

## 2. Targeted officials

2.1. Please list the categories of officials required to file a financial disclosure. Please select all that apply and provide the range of targeted officials in each relevant category.

*[please check the blue color for those that the Portuguese system encompasses]*

- Public officials, including representatives from all branches and agencies of government
  - Members of the legislative branch, please list: Please check Article 2 of the Political and Senior Public Officeholders Act
  - Members of the judiciary and prosecution, please list: Please check Articles 4 and 5 of the Political and Senior Public Officeholders Act
  - Members of the executive branch, including armed forces and agencies subordinate to a minister, please list: Please check Articles 2 and 3 of the Political and Senior Public Officeholders Act
  - Officials of independent government bodies (e.g., standalone boards, commissions and agencies that fall outside the executive, legislative and

*judicial branches of government*), please list: [Please check Article 3 of the Political and Senior Public Officeholders Act](#)

- Officials at the supranational (high-level) bodies (*e.g., representatives of the country in regional and global organizations/bodies*), please list: [Please check Article 2\(1\)\(h\) of the Political and Senior Public Officeholders Act](#)
- Officials at subnational levels of government (*e.g., officials at the level of local government, provinces and municipalities*), please list: [Please check Article 2\(1\)\(g\), 2\(1\)\(i\), 2\(1\)\(j\) and 3\(1\)\(f\) of the Political and Senior Public Officeholders Act](#)
- Political party officials, please list: [Please check Article 2\(3\)\(a\) of the Political and Senior Public Officeholders Act](#)
- Representatives of publicly owned (fully and partially) enterprises, please list: [Please check Article 3\(1\)\(a\), 3\(1\)\(b\) and 3\(1\)\(c\) of the Political and Senior Public Officeholders Act](#)
- Representatives of private entities, professional associations, foundations and similar bodies performing public functions and services of public interest, please list: [Please check Article 3\(2\)\(b\) of the Political and Senior Public Officeholders Act](#)
- Other, please list:

2.2. What factor(s) shaped the decision on the targeted categories of officials? Please select all that apply.

- Objective of the system
- Hierarchical level and position of officials
- Corruption risk level of sectors and functions
- Resources and capacity to manage and verify disclosure
- Other.

2.2.1. Please elaborate on your response above.

2.3. Does any authority have the power to request any official who would usually fall outside the disclosure system to file financial disclosure (*e.g., designate those in high-risk categories, those under investigation for corruption offences, etc.*)? **YES/NO**

**If YES**, please list the authority(ies), and explain the applicable criteria and procedures.

2.4. How does your country create and update the list of filers? [The law determines it.](#)

2.5. Please provide the approximate number of filers.

### 3. Frequency of disclosure

3.1. When and how often are targeted officials required to file/submit financial disclosures? Please select all that apply.

- [X Upon entering office](#)
- [X Upon leaving office](#)
- Annually
- Biennially (once every two years)
- Once every three years
- Some categories of officials are more frequently required to declare than the others
- [X Other, please describe.](#) \_\_\_\_\_

Article 13 of the Political and Senior Public Officeholders Act requires, namely, political officeholders and senior public officials, to submit, by electronic means, a single declaration of income, assets, liabilities, interests, incompatibilities and disqualifications, as appended in an annex to such law, within 60 days from taking up office.

Under Article 14 (2) of the Political and Senior Public Officeholders Act, in the exercise of their functions, political officeholders and senior public officials are required to submit new, updated declarations, within 30 days, when there is an actual change in assets by reference to a specifically defined amount or there are new facts or circumstances warranting a new filing.

Article 14 (1) of the referred Act provides that political officeholders and senior public officials are to submit new, updated declarations within 60 days after ceasing the functions that led to the submission of the initial declarations or after the reappointment or re-election. The declarations to be submitted at the end of the mandate will reflect the evolution of assets during that period. In addition, Article 14 (4) of the same Act obliges political officeholders and senior public officials to submit a final declaration three years after ceasing their functions.

3.2. Does the competent authority have the power to request targeted officials (filers) to submit ad hoc financial disclosures between the official submission periods? ~~YES/NO~~

If YES, please explain.

3.3. Are the targeted officials required to update/amend their financial disclosures between submission periods? ~~YES/NO~~

If YES, please provide the ground for updating/amending submitted disclosures and the relevant time frame.

Please check the answer provided in 3.1 as regards “Other”.

#### 4. Competent authority and disclosure process

4.1. Which authority/entity is responsible for collecting and maintaining financial disclosures? Please select all that apply.

- Central competent authority
- Entities employing the targeted officials
- Other authorities depending on the categories/levels of officials (election Commissions, supreme courts, parliamentary committees, etc.). Please list: \_\_\_\_\_

At present the single declarations are presented to the Constitutional Court, which is responsible for receiving and carrying out the formal review of their regularity. The Public Prosecutor’s Office at the Constitutional Court is responsible for carrying out their assessment.

The new Entity for Transparency, which is an independent entity operating within the Constitutional Court, will take over such role.

Additionally, under the terms of Article 5 of the Political and Senior Public Officeholders Act, declarations by judges and public prosecutors are submitted, respectively, to the Supreme Judicial Council, the Supreme Council of the Administrative and Fiscal Courts or the Supreme Council of the Public Prosecution Service.

4.2. How are the financial disclosures submitted?

- X Centralized submission directly to the central competent authority via:
  - Electronic (online) submission system
  - X Submission using the paper submission <sup>6</sup>

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<sup>6</sup> This system is due to change with the new electronic platform.

- Delegated submission using paper submission (e.g., to individual bodies, which store them and transmit them to the competent authority)
- Delegated submission using both paper and electronic (online) submission (*paper declarations are submitted to individual bodies while the electronic copies are submitted to a centralized online system of the competent authority*)
- Other.

4.2.1. Please elaborate on your response above and describe the processes and methods of submitting the disclosures.

Please check the answer above in 1.1.a.

4.3. If electronic submission is possible, please describe the online tools and platforms available for submitting financial disclosures.

Please check the answer above in 1.1.a.

4.4. Please describe the measures implemented to ensure compliance and appropriate quality of information when completing and submitting the financial disclosure (e.g., disseminating information materials, training, awareness raising, etc.).

There are different measures taken. For example, immediately after taking office members of Government are provided with a practical guide from the Secretariat General of the Presidency of the Council of Ministers. The practical guide for members of the Government contains information about the exclusive regime of the exercise of political officeholders' functions, the applicable regime of prohibitions/disqualification, the obligation to disclose conflicts of interest, the obligation to file a single declaration of income, assets, interests, liabilities and incompatibilities, the reception or acceptance of gifts, offers and hospitality, post-employment obligations. The practical guides for the heads of cabinets and members of ministerial cabinets, including the Prime Minister's, follow the same structure.

Said practical guides consist of several questions and simplified explanatory answers built around the applicable statutory provisions, and individual briefings also take place with members of the Government. Additionally, members of the Government may receive confidential advice from the transparency unit of the General Secretariat of the Presidency of the Council of Ministers. The role of the transparency unit is not to direct the conduct or behaviour of a member of the Government, but to provide advice in case of doubts regarding transparency issues. The transparency unit is composed of a director and four senior civil servants who perform their duties independently.

As referred above, it is also important to add that under Article 8 of its statute, the Entity for Transparency will be responsible for, amongst other things, reviewing the single declarations of political and senior public officeholders, requesting clarifications on the content of the declarations, deciding on the formal regularity of the declarations and compliance with the time-limits, reporting the suspicion of the commission of a criminal offence to the prosecutor's office, communicating the commission of an alleged offence to the entities responsible for sanctioning holders of political and senior public office for the purpose of imposing an appropriate sanction.

## 5. Scope of disclosures

5.1. Please list the assets and interests included in the financial disclosure forms, including categories of assets and other financial interests. Please also refer to the list below.

Please check the list included in article 13 and in the annex to the Political and Senior Public Officeholders Act, encompassing, in general (for example, gifts have a specific legal treatment, namely in Article 16 of the Political and Senior Public Officeholders Act), all elements of the list below.

- Immovable and movable assets
  - their value and source
  - those (assets) held in the name of others

- Income
  - their source
- Securities
- Investments
- Savings
- Bank accounts
  - Any other business relationships with financial institutions
- Liabilities / loans / mortgage
- Cash
- Gifts
- Livestock
- Ownership interests (*shareholdings*) in companies and other legal entities and arrangements
- Business / outside activities (*business interests and financial connections*)
- License(s) (*to carry out commercial activities*)
- Usufruct rights (to use and benefit from an asset owned by others)
- Information on all legal persons linked to the official in any way, individual economic activity, membership and position in undertakings, establishments, associations or foundations

5.2. Is the requirement to disclose an asset dependent on its value (*e.g., assets below a certain threshold do not need to be declared*)? Please explain.

Current bank accounts with money on disposal or credit rights that exceed the amount of 50 minimum wages are the ones to be disclosed.

5.3. Does the information mentioned in question 5.1 include assets and relevant financial interests located both in and outside the country? **YES/NO**

5.3.1. **If YES**, does it require the disclosure of an interest in or a signature or other authority over a financial account in a foreign country (please see article 52, paragraph 6, of the Convention)?

5.4. Does your country's financial disclosure system include a declaration of beneficial ownership (of legal entities and arrangements, including nominee arrangements and trusts)?<sup>7</sup> **YES/NO**

Please explain.

5.4.1. Are the targeted officials required to declare assets and interests held, managed or controlled through such legal entities and arrangements? **YES/NO**

**If YES**, please explain.

5.5. Are targeted officials also required to submit information for their family members? **YES/NO**  
Not in general, only on certain situations defined by the Political and Senior Public Officeholders Act.

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<sup>7</sup> On beneficial ownership, please refer to the conference room paper prepared by the secretariat entitled "Good practices and challenges with respect to beneficial ownership and how it can foster and enhance the effective recovery and return of proceeds of crime" ([CAC/COSP/WG.2/2022/CRP.1](#)).

**If YES,**

- a. Please describe the scope of the family members (spouse(s), registered/non-registered partner(s), children (minor, financially dependent, within the same household, age limits, etc.)).
- b. Please describe the type of information that must be submitted for family members. Is it the same as of the public official?

As regards declarations there is an express requirement in Article 13(3)(b)(iii) and (iv) stating that the acts and activities that might give rise to incompatibilities and disqualifications are to be declared by the officeholder (for these situations please do also check Article 9 of the Political and Senior Public Officeholders Act, referring to family members as well), namely all relevant financial interests, which encompasses details of all acts that directly or indirectly generate payments, particularly (iii) companies in which they hold a capital stake, either in person or via a spouse from whom they are not separated from bed and board, or via a civil partner and (iv) financial subsidies or support received by them, or via a spouse from whom they are not separated from bed and board, or via a civil partner, or via a company in whose capital they hold a stake. Please refer also to Article 9.

5.6. Does the financial disclosure system cover individuals other than the family members of the filers? **YES/NO**

If **YES**, please list the applicable individuals and the type of information that needs to be submitted.

5.7. For subsequent regular financial disclosures, what is the extent of information included in such financial disclosures?

- Information required in the disclosure includes only changes in the equity of the filer since the last disclosure
- A complete new disclosure (i.e., a net worth statement)
- Other, please describe:  
A new disclosure has to be presented, as required by articles 13 and 14 of the Political and Senior Public Officeholders Act.

5.8. Does your country's financial disclosure regime require declaring expenditures? **YES/NO**

If **YES**, please provide an overview of the relevant features.

## **6. Access to disclosed information**

6.1. Is the information on financial disclosure publicly available? **YES/YES IN PART/NO**

### **If YES OR YES IN PART**

In general the answer to these questions is provided through Article 17 of the Political and Senior Public Officeholders Act, already referred above in the answer to question 1.1.a.

- a. Please describe the measures in place to ensure public access to financial disclosure information (e.g., proactive publication on a central online platform and/or on relevant authorities' websites, ad hoc disclosure in a paper form upon request, etc.)  
Please check Article 17 of the Political and Senior Public Officeholders Act and our answer on 1.1.a.
- b. If not all disclosures are publicly available, please list the categories of targeted officials whose disclosures are accessible and/or remain confidential.  
Please check Article 17 of the Political and Senior Public Officeholders Act and our answer on 1.1.a.

- c. If only part of the financial disclosure information is available, please list the type of information that is publicly available.  
[Please check Article 17 of the Political and Senior Public Officeholders Act and our answer on 1.1.a.](#)
- d. Does accessing financial disclosure information entail any costs?  
[No.](#)
- e. Does the publication of financial disclosure provide features to search information by different types of information, e.g., legally and beneficially held entities' names and business addresses, types of assets and interests? Please explain.  
[No.](#)
- f. Do the means of enabling public access allow for a comparison of the targeted officials' assets and interests over a specific period?  
[Yes, through a comparison of the data on those declarations.](#)
- g. Are any measures in place to protect the personal information of the targeted officials and their family members, when applicable? Please explain.  
[Yes, Article 17 of the Political and Senior Public Officeholders Act provides for limits.](#)
- h. Please provide the link(s) to the online platform/resource where financial disclosure information is available to the public, if applicable.  
[N/A.](#)

6.2. Do the relevant competent national authorities (law enforcement, FIU, tax and customs authorities, etc.) have access to the financial disclosures? **YES/YES IN PART/NO**

**If YES or YES IN PART**, please explain how such access is granted, including the list of competent national authorities that can access or request access.

## 7. Verification of financial disclosure information

7.1. Is the information disclosed verified? **YES/NO**

**If YES**, please describe the procedures and practices in place to verify the content of financial disclosures, including:

- a. Competent authority that conducts the verification (centralized and/or delegated)  
[Please check our answer on 1.1.a.](#)
- b. Frequency (regularity) of verifications (ad hoc and/or systematic and routine)  
Systematically and [in an ad hoc basis \(for example in cases of complaints, suspicious cases, etc\).](#)
- c. Extent of verification (verification of completeness, compliance with disclosure requirements and/or the analysis of the content of the disclosures)  
[Verification of completeness, compliance with disclosure requirements and, in specific cases, the analysis of the content of the disclosures.](#)
- d. Verification processes and methodologies (e.g., manual examination, electronic checks undertaken against other databases or relevant information, etc.)  
All the methodologies mentioned.

7.2. How does your country determine which disclosures to verify?

- Annual verification plan(s)
- Periodic mandatory verification of specific categories of officials
- Random sampling of declarations
- Media reports and/or complaints from the public
- Requests from law enforcement / investigative units
- Other, please describe: \_\_\_\_\_

7.3. If applicable, does the electronic financial disclosure mechanism(s) allow for automated verification (cross-checking) of information across various registers and databases held by the public and private entities, such as registries of various assets, company registers, HR, tax and real estate data, etc.? **YES/NO**

If **YES**, please explain.

Not applicable. As referred in the answer to Q. 1.1.a, the electronic platform for filing single e-declarations is yet to become operational, being at the present moment technically in a concluding phase.

7.4. Do the competent authorities have timely and direct access to databases and information necessary to verify information in the financial disclosure? **YES/NO**

Please explain.

Partially. Presently there is access to two databases (real estate and commercial registry).

7.5. Do competent authorities have access to the information held by financial institutions, including bank account records? **YES/NO**

Please explain.

7.6. Please provide the overall verification rate of financial disclosures in percentages for each applicable verification method.

## 8. Sanctions

8.1. Please provide an overview of sanctions for non-compliance with financial disclosure requirements, including the sanctionable conducts, type of sanctions, forms of sanctions (administrative/criminal) and targeted officials.

Articles 18 and 18-A establish the sanctioning regime for these cases:

*Article 18*

### ***Failure to comply with reporting obligations***

*1 – Where the declaration and updates thereto, as provided for in Articles 13 and 14, are not submitted, or they are incomplete or incorrect, the entity responsible for analyzing and reviewing the submitted declarations shall notify the officeholder or former officeholder in question for them to submit, complete or correct the declaration within a period of 30 consecutive days of the time limit for submitting the declaration.*

*2 – Any person who, following the notification provided for in the previous paragraph, fails to submit their declaration, except as regards the President of the Republic, the President of the Assembleia da República and the Prime Minister, shall be subject to a declaration of the loss of seat, dismissal or legal removal, depending on the case.*

*3 – Any former officeholder subject to the reporting obligations provided for in Articles 13 and 14 who, after being notified as provided for in paragraph (1), fails to submit their declaration shall be banned from exercising the functions that led to the aforementioned declaration and that do not correspond to exercising functions as a judge for a period of one to five years.*

*4 – For the purposes of the preceding paragraphs, the entities that include the officeholders to which this Law applies shall notify the entity responsible for analyzing and reviewing the declarations submitted of the dates of the beginning and end of their functions.*

*Article 18-A*

### ***Qualified disobedience and deliberate concealment of assets***

*1 – Without prejudice to the provisions of the preceding Article, failure to submit the declaration provided for in Article 13, following notification, shall be punished by a prison term of up to three years for the crime of qualified disobedience.*

*2 – Anyone who:*

*a) Fails to submit the declaration required under Article 14(3) and (4), following notification;*

*b) Deliberately fails to submit the declaration required under Article 14(2)(a);*

*c) Omits from the declarations submitted with the intention of concealing:*

*i) The assets referred to in Article 13(2)(a) to (d); or*

*ii) The increase in income, assets, or the reduction in liability, as well as the facts giving rise thereto, in accordance with Article 14(6);*

*shall be punished by a term of imprisonment of one to five years, where more severe punitive consequences do not take place.*

*3 – Where the facts described in paragraphs (1) and (2) are not accompanied by a failure to comply with reporting obligations with the tax authority during the period of performance of their functions or until the expiry of the three-year period provided for in Article 14(4), the conduct shall be punished by a fine of up to 360 days.*

*4 – Unjustified additions to assets determined under the tax scheme, by an amount exceeding 50 monthly minimum wages, shall be taxed for the purposes of income tax at the special rate of 80%.*

8.2. Is there any applicable statute of limitations? **YES/NO**

Please explain.

Criminal proceedings in general have a statute of limitations established in Articles 118 to 121 of the Criminal Code.

8.3. Please describe the powers available to the competent authority (responsible for verification of disclosures) to impose and enforce the sanctions described above.

The competent authority responsible for the verification of disclosures acts within the powers defined in Article 18 (please check above the answer to 18.1) and in what regards to Article 18-A it reports the facts to the competent public prosecution services, which trigger the criminal proceedings at stake.

## **9. International cooperation and asset recovery**

9.1. Does your country (proactively or at the request of another State party) share financial disclosure information with foreign States? **YES/NO**

Such sharing of financial disclosure would be possible under judicial cooperation mechanisms, as long as such information would be relevant and necessary for a case or proceeding of judicial nature, i.e. falling within the jurisdiction of a court.

**If YES**, please describe the channels and mechanisms for cooperation.

The channels would be the same as those used in the context of judicial cooperation, either through a central authority or directly between judicial authorities, depending on the level of cooperation involved.

9.2. Does your country cooperate and execute requests received from foreign authorities to assist them in the verification of information in their financial disclosures? **YES/NO**

The possibility of cooperation will depend on the nature and purpose of the request made. If the request is made by a judicial authority or by a central authority for the purposes of judicial cooperation under a relevant convention or legal instrument, such cooperation will be possible.

**If YES**, please explain, including the channels used.

9.3. If applicable, please provide the contact details of the authority responsible for the above types of international cooperation (for exchanging financial disclosure information).

## 10. Good practices

- 10.1. Please provide examples of any good practices in connection with your country's financial disclosure regime that facilitated the recovery and return of proceeds of crime.
- 10.2. Do you have any case studies or examples where the financial disclosure regime has enabled or facilitated the recovery and return of proceeds of crime in (or for) your country?
- 10.3. Please provide examples of good practices concerning the operation of your country's financial disclosure system, including policies and measures adopted to enhance compliance with financial disclosure requirements.

## 11. Challenges

- 11.1. What were the main challenges faced by your country when introducing the financial disclosure system(s)?
- 11.2. In your opinion, what are the main challenges faced by competent authorities of your country to verify financial disclosures, including accessing information regarding assets and financial interests located abroad?
- 11.3. What are the main challenges faced by your country when imposing and enforcing sanctions for non-compliance?

## 12. Follow-up to the special session of the general assembly against corruption

- 12.1. Please describe any other measures, if any, that your country may have taken to implement paragraph 7<sup>8</sup> of the political declaration adopted by the General Assembly at its special session against corruption held in June 2021.

As referred to above in our answer to Q. 1.1.a, Article 20 of the Political and Senior Public Officeholders Act has entrusted a new entity with the review of single declarations: Organic Law n. 4/2019 of September 13 provides for the statute of the Entity for Transparency, an independent entity operating within the Constitutional Court.

The Entity for Transparency (EfT) will be responsible for, amongst other things, reviewing the single declarations of political and senior public officeholders, requesting clarifications on the content of the declarations, deciding on the formal regularity of the declarations and compliance with the time-limits, reporting the suspicion of the commission of a criminal offence to the prosecutor's office, communicating the commission of an alleged offence to the entities responsible for sanctioning holders of political and senior public offices for the purpose of imposing an appropriate sanction.

On 17 January 2023, the plenary of the Constitutional Court appointed the three members of the Entity for Transparency, who took office on 15 February 2023.

As reported in a press release of April 21, of the Constitutional Court and the Entity for Transparency, all efforts are being made so as to ensure the installation of the EfT, namely in what regards to recruitment of their staff and the acquisition of the necessary equipment. The electronic platform, as mentioned above, is technically nearing completion. Its premises have now seen completed the works of the first phase, being available to start receiving the first members of the staff and equipment.

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<sup>8</sup> 7. We will strengthen our efforts to prevent, identify and manage conflicts of interest, including by assessing and mitigating corruption risks and through effective and transparent financial disclosure systems, with information disclosed by appropriate public officials made available as widely as possible, and we will use innovative and digital technology in this field, with due regard for data protection and privacy rights.

### **13. Other**

13.1. Please provide any other information you consider relevant to your country's legal framework and practices in connection with establishing an effective financial disclosure system that is not highlighted in the questions above.

## **Annex**

Regime governing the exercise of functions by political officeholders and senior public officeholders  
Law no. 52/2019 of 31 July 2019 as amended by Law no. 69/2020 of 9 November 2020, Law no.  
58/2021 of 18 August 2021 and Law no 4/2022 of 6 January 2022