



SIMPLEGIS

Fewer laws, more access, improved enforcement

FAQs

GENERAL

1. What goals and measures are featured under SIMPLEGIS?

1st goal: to simplify legislation

The scope of SIMPLEGIS encompasses a wide array of **measures aimed at simplifying our legal system while rendering it clearer to citizens and businesses, thus allowing a greater degree of certainty and a clearer insight into the applicable rules.**

One relevant course of action in order to clarify the legal system consists of repealing legislation that is no longer enforced in spite of formally retaining its legal force. **In 2010 we set out to repeal at least 300 decree-laws (*decretos-lei*) and implementing decrees (*decretos regulamentares*) rendered obsolete, thus working towards the goal of having the number of acts revoked exceed the volume of new enactments.**

Moreover, we are bound to our goal of achieving a level of **“ZERO delay” as regards the transposition of EU directives before the end of the 1st semester of 2011**, while striving to avoid errors that might require correction by means of amending statements (*declarações de rectificação*) in light of the goal of ensuring a **success rate (*i.e.*, flawless legislative acts) of at least 95%.**



2nd goal: to make laws more accessible to citizens and businesses

SIMPLEGIS also includes measures aimed at allowing the citizens and business a greater access to legislation, thus making legal contents easier to apprehend by the public.

In particular, as from the 13th of October, **decree-laws and implementing decrees shall be made public along with summaries describing their contents in a clear and plain language, both in Portuguese and English.**

In addition, **by the same time a new web portal devoted to legal and legislative information shall be available online**, encompassing all the published laws as well as a series of brand new features.

SIMPLEGIS also features a set of measures aimed at improving the participation of citizens in public debate regarding legislation projects.

By the second semester of 2011 online submission of comments and suggestions on proposed legislation shall be available, along with the introduction of innovative methods of public hearing especially aimed at citizens and businesses' needs, with simple and straightforward queries.

3rd goal: to improve law enforcement

SIMPLEGIS also sets higher standards as regards the enforcement and application of legislation, setting the ground for greater levels of efficiency in pursuit of the regulatory goals of decree-laws and implementing decrees.

Between 2010 and 2011 ten “manuals of instructions” regarding particular decree-laws and implementing decrees shall be made available to the public in order to convey the necessary information on their correct application to those who deal with such regulation and can benefit from it.



2. What are the benefits of SIMPLEGIS?

SIMPLEGIS shall bring about relevant benefits for citizens and businesses, most notably centred on the following aspects:

- a) **Transparency:** It will allow citizens and businesses an easier insight into the rules which apply to their daily lives and activities.
- b) **Cost reduction:** An estimated yearly saving of 200 million euro in direct costs otherwise incurred by the citizens and companies.
- c) **Improved enforcement:** Greater efficiency while ensuring that laws fully produce the intended results.
- d) **International prestige:** Permanent compliance with Portugal's obligations towards the EU as regards the transposition of legislation, with consequent gains in the country's international prestige.

3. Who are the stakeholders working along with the government on SIMPLEGIS?

SIMPLEGIS is not solely a government project. It involves a wide range of entities with one single goal: making laws simpler, clearer and more accessible to citizens and businesses.

In order to achieve our goal of fewer laws, more access, improved enforcement the government is developing SIMPLEGIS in association with the following partners:

- a) AEP - Associação Empresarial de Portugal, Câmara de Comércio e Indústria;
- b) AIP - Associação Industrial Portuguesa;
- c) ANJAP – Associação Nacional de Jovens Advogados Portugueses;



- d) ANJE – Associação Nacional de Jovens Empresários;
- e) CAP - Confederação dos Agricultores de Portugal;
- f) CCP – Confederação do Comércio e Serviços de Portugal;
- g) CIP - Confederação da Indústria Portuguesa;
- h) CGTP-IN – Confederação Geral dos Trabalhadores Portugueses – Intersindical Nacional;
- i) CTP – Confederação do Turismo Português;
- j) DECO - Associação Portuguesa para a Defesa do Consumidor;
- l) OTOC - Ordem dos Técnicos Oficiais de Contas;
- m) OROC - Ordem dos Revisores Oficiais de Contas;
- n) UGT – União Geral de Trabalhadores.

Law schools will also be consulted on the prospect of setting up a partnership with the government regarding certain measures featured in SIMPLEGIS, notably for the law consolidation process.

FEWER LAWS

4. What actions are being taken upon in order to simplify the existing legislation and reduce the number of laws?

In order to simplify our legal system and cut back on the volume of legislation, a new measure has recently been approved within the framework of SIMPLEGIS: **the repeal of 433 outdated laws, eliminating unnecessary legislative acts that are no longer applicable.**



The Council of Ministers has approved legislation that repeals 433 laws that have never been explicitly repealed, as part of a program aimed at eliminating unnecessary acts that are no longer applicable and hence introduce a significant degree of uncertainty and confusion to the legal system. It must now be discussed in the Portuguese Parliament.

E.g. 1: Decree-Law no. 211/75 of 19th April has made registration of company shares mandatory. Every time a company wished to issue new shares stock brokers and state prosecutors would have to forward copies of the share certificates issued to the company within eight days and through registered mail. This decree-law is now explicitly repealed.

E.g. 2: Decree-Law no. 609-A/75 of 8th November established rule about rice commercialization, assigning several powers to the Cereal's Institute. This decree-law is now explicitly repealed.

E.g. 3: The Administrative Code was originally approved in 1936, more than seventy years ago. Only very isolated parts of the Code were still in force, which made it difficult to comprehend what would still apply. Out of the over 600 articles of the Administrative Code, only a few were still in force. These provisions are now placed in other pieces of existing legislation, which makes it possible to repeal the Administrative Code.

5. To repeal unnecessary laws simplifies legislation and reduces the number of laws? What is the advantage of repealing 433 laws?

Cutting back on 433 laws grants citizens and businesses a **greater degree of certainty about the applicable rules** for several reasons.

On one hand, the repeal of 433 laws is **part of a program aimed at eliminating unnecessary acts that are no longer applicable** and hence introduce a significant degree of uncertainty and confusion to the legal system. It is not rare to consider that a certain law, although not explicitly repealed, is no longer applicable, and later on consider otherwise. An operation as the one that is being carried out, explicitly repealing unnecessary



legislation, makes it possible to **clarify which rules still apply and which rules are no longer in force.**

On another hand, repealing 433 laws makes it possible to ascertain what was not possible up until this moment: **to know, undoubtedly, how many and which laws are in force in Portugal for every year.**

For example: The repeal of 433 laws that is being carried out regards mainly laws, decree-laws and other acts of the year 1975. All the pieces of legislation that were considered no longer applicable were explicitly repealed. As such, when this legislation is approved and the repeal of these acts will formally occur, we will be able to know how many laws of 1975 are still in force and to identify them.

Thirdly, old codes, regarding which only very few and isolated rules were still in force, are also explicitly repealed.

For example: The Administrative Code was originally approved in 1936, more than seventy years ago. Out of its over 600 articles, only a few were still in force.

6. **What other actions will be carried out to simplify legislation and have fewer laws?**

By the end of 2010, within the framework of SIMPLEGIS, **the number of acts repealed during the year shall have exceeded the volume of new enactments.** This goal is taken up by the Portuguese Government in order to simplify our legal system.

Fewer laws make it easier for citizens and businesses to know which laws are in force and which rules apply to their lives and activities.

Therefore, in order to have fewer laws, the Government will keep on adopting two different courses of action.

On one hand, **regarding legislation to be approved,** the Government shall legislate solely when necessary, after thoughtful consideration of the regulatory needs in order to avoid unnecessary lawmaking.



On another hand, **regarding legislation already approved**, the Government will carry out the **program aimed at eliminating unnecessary acts that are no longer applicable, by adopting legislation that explicitly repeals those acts, just like the one that has recently been approved by the Council of Ministers.**

7. When does this legislation to have fewer laws enters into force?

In order to have fewer laws, the legislation that repeals 433 unnecessary acts has been approved by the Council of Ministers and must now be submitted to the Parliament. It is estimated that it can come into force in a few months.

8. What kind of action is to be taken up in order to minimize the need for amending statements? What benefits will result?

The number of amending statements published in the official journal *Diário da República* as a result of flaws in decree-laws and implementing decrees in need of correction shall be greatly reduced. **From 2010 onward we shall strive to carry through a minimum success rate of 95% flawless decree-laws and implementing decrees, hence pushing for an achievement unparalleled in any other year throughout the previous decade.**

Legislative texts ought to remain stable from day one in order to allow citizens and businesses a greater confidence in duly published laws. Fewer corrections result in enhanced user-friendliness of laws which thus become easier to understand.

In order to accomplish fewer errors and meet the goal of **95% success rate of flawless decree-laws and implementing decrees** several checks shall be introduced into the government's internal legislative process aimed at ensuring that each project is analysed several times by different people, keeping typos and other errors to a minimum.



9. What measures are to be adopted to ensure that EU directives are transposed in due time? When will the “ZERO delay” policy on directive transposition be implemented?

By the end of the first semester of 2011 we will have reached a “ZERO delay” as regards the transposition of EU directives.

In order to make sure EU directives are adopted in due time several deadline-planning, control and alarm mechanisms as well as a strict scheduling of the transposition procedures concerning each EU directive have been introduced. Given the improvements in legislative workflow management the government is currently in a position that enables it to ensure swift transposition procedures with “ZERO Delay” by the end of the first semester of 2011.

10. What does the “practical guide for drafting legislation” consist of? What are its benefits?

Laws should be simple and clear so that anyone referring to them is able to fully grasp their meaning. Accessible legal texts require drafting rules able to guide lawmakers during all phases of the legislative process on such issues as public hearings and consultations, plain language, non-legislative alternatives to planned enactments, law evaluation and so forth.

The “practical guide for drafting legislation”, due to be completed by the end of 2011, will feature a practical approach on the legislative process, from preliminary evaluation to public hearings and consultations, offering a wide range of basic model drafts of the relevant documents.

The legislative process involves many different people with diverse backgrounds and experiences, rather than being solely a legal experts’ field. Different laws apply to all sorts of fields and activities, hence our great concern for guidance on good practices that are both easy to understand and to apply by everyone involved in lawmaking.



11. What does updating the handbook on rules for lawmaking (*Regras de Legística*) mean? What are its benefits?

Lawmaking rules are designed to ensure that legal drafting abides by certain uniform standards mostly aimed at simplicity, clarity and accuracy.

Lawmaking rules help defining, for instance, the logical sequence of rules in each act, the way each article should be drafted, the proper way to carry out legal references to other acts, guidance on repealing rules, or such topics as the use of capital and lowercase lettering and abbreviations.

One should mind that such rules, however insignificant they might appear at first glance, are actually extremely important as they set about relevant standards that allow people to understand the contents of laws.

These rules, currently compiled in the internal functioning regulation of the government (*Regimento do Conselho de Ministros*) and in the handbook on rules for lawmaking, **are about to undergo a thoughtful revision and update that shall result in a new version of the handbook due to be completed by the end of the first trimester of 2012, setting new standards on clearer and simpler law drafting.**

MORE ACCESS

12. What sort of action is to be taken up in order to ensure greater access to legislation by citizens and businesses?

In order to improve citizens and businesses' access to legislation, it has recently been determined to cease the publication of certain acts in the Official Gazette, so as to ensure better information about the published legislation.



The Council of Ministers has recently approved legislation determining that the latter shall no longer be published in the Official Gazette but in other websites instead.

Ex. 1: **Hunting chase-related acts will cease to be published in *Diário da República* (e.g.: hunting chase-related acts) and will be made available elsewhere on the internet instead.** Only throughout 2009, 787 of these acts were published in the Official Gazette, which will no longer be necessary.

Ex. 2: Another example regards the **maps that are included in the land management plans.** With this new measure, the laws and resolutions that approve land management plans will continue to be published in the Official Gazette but a digital version of the maps will be available on the Portuguese Directorate General of Planning and Urban Development website.

**13. What is the advantage of having better information in the Official Gazette?
What is the advantage of publishing certain acts in other websites instead of the Official Gazette?**

Ceasing to publish certain acts in the Official Gazette and publishing them in other websites instead, has two major benefits.

On one hand, it avoids the overload of the Official Gazette website, in result of the multiple acts that must compulsory be published therein, which makes the search for, identification and perusal of such acts, as well as other laws, quite difficult.

On another hand, it provides citizens with other sorts of public information regarding very specific acts, allowing those who are interested in this niche-oriented information quicker and easier ways to access them.



14. When are these measures implemented?

The decree-law that adopts measures aiming to have better publicity in the Portuguese Official Gazette sets out different dates for the implementation of each of its measures.

As such, the measure determining the publication of postage stamps acts in the “CTT” Internet webpage will be effective as from the moment the decree-law enters into force.

Regarding the hunting-chase related acts, as well as the maps included in the land management plans, their publication in other websites shall be implemented as from the 10th January 2011.

15. What other sort of actions will be taken up in order to ensure greater access to legislation by citizens and businesses? Which measures shall be adopted to make legislation clearer, more user-friendly and transparent?

Firstly, **explanatory summaries written in plain and accessible language, both in Portuguese and English, shall be published along with decree-laws and implementing decrees from the 13th of October 2010 onward.**

Secondly, **a new legal and legislative information web portal shall be available online by the second semester of 2011**, encompassing all the published laws as well as a wide set of new features.

Thirdly, **throughout 2010 a number of laws will be selected for consolidation, followed by the online publishing of the consolidated versions by the second semester of 2011.** The importance to citizens and businesses of being able to rely on the State to offer consolidated versions of a significant number of laws is crucial, as it sets the record straight as to the legal texts effectively in force, however obscured by multiple amendments.

Lastly, SIMPLEGIS also includes measures aimed at improving the people’s participation in public discussions regarding decree-law and implementing degree projects.



During the second semester of 2011 online submission of comments and suggestions on proposed legislation shall be made available, along with the introduction of innovative methods of public hearing especially aimed at the citizens and businesses' needs, with simple and straightforward queries.

**16. Will the laws be accompanied by summaries written in simple language?
Will these summaries be available in more than one language?**

Most certainly.

Explanatory summaries written in plain and accessible language shall be published along with decree-laws and implementing decrees from the 13th October 2010 onward, in order to allow citizens and businesses a deeper understanding of the laws applicable to their daily lives and activities.

These summaries will be published in Portuguese and English, allowing foreign citizens and businesses a greater knowledge of the Portuguese laws and the rules that apply in Portugal.

17. What does law consolidation mean? What benefits will it bring? Which legislation is to be consolidated?

Law consolidation means offering the most up-to-date version of laws to everyone needing to refer to them, including all the amendments suffered throughout their lifespan.

Making out which version of a given act is in force at each time, the amendments it has undergone and the texts that should be considered as up-to-date can sometimes be a challenge even for legal experts.

The new legal and legislative information web portal shall incorporate a significant number of consolidated acts, featuring all amendments and repeals of individual rules that have occurred throughout the lifespan of those laws.



Law consolidation is essential for making laws more accessible to the ordinary citizen and such a task is to be carried out in association with several law schools.

Throughout 2010 a set of laws will be selected for consolidation, followed by the online publishing of the consolidated versions at the new legal and legislative information web portal by the second semester of 2011.

18. What will be the benefits of the new legal and legislative information web portal that will replace the existing *Diário da República Electrónico*?

Firstly, the new legal and legislative information web portal shall aggregate all the information previously held in the *Digesto* and *Diário da República Electrónico* databases as means to ensure that all the relevant information is made available in a more complete and accessible fashion.

Secondly, the web portal will feature new services and tools that will certainly become most invaluable to citizens and businesses, such as:

- a) A whole new approach, designed to enable easy browsing even by citizens and businesses lacking any legal expertise. The relevant legislation will be categorised by business sectors in order to facilitate searches;
- b) A user-friendly, efficient and vast-reaching search engine similar to the most popular ones available on the Internet;
- c) Complete information on EU directives;
- d) An online legal dictionary assisting the user with any legal concepts he might be unfamiliar with.

19. Are *Diário da República Electrónico* and *Digesto* to be discontinued? What will happen to the information lodged therein?

Diário da República Electrónico and *Digesto* will cease to exist in their current forms, as these web tools shall be replaced by one single web portal combining the benefits of each,



harbouring a greater volume of information and a wider set of tools than currently available.

20. What new means of participation in the legislative process will be made available to citizens and businesses?

Public hearing procedures currently in existence are mostly aimed at promoting the participation of government bodies and authorities, not citizens and businesses.

In order to improve the chances of regulation really tackling the problems of citizens and businesses it is essential to widen the scope of the hearings on certain projects so that anyone to whom they might concern is able to actually add his or her own contribution.

Therefore, **during the second semester of 2011:**

- a) **Online submission of comments and suggestions on legislation projects** shall be made available;
- b) **New methods of public hearing especially aimed at the citizens and businesses' needs, with simple and straightforward queries** shall also be introduced.

IMPROVED ENFORCEMENT

21. What measures will be introduced to improve the enforcement of laws? What are the “manuals of instructions” regarding laws?

Inadequate law enforcement results in added costs to citizens and businesses, as new rules fail to apply as foreseen and tend to underperform their goals.

In order to improve the enforcement of laws ten “manuals of instructions” shall be created on the topic of certain decree-laws and implementing decrees throughout 2010 and 2011.



These manuals will clarify the contents of such acts to those who deal with and are affected by them. They shall be drafted in clear and straightforward language so that everyone concerned – both enforcers and end users – is able to fully understand the new rules. The manuals will also allow a correct and uniform enforcement in cases where the rules are dealt with by a vast number of people and authorities.

In addition to these manuals, new methods of law evaluation shall also be put into practice in order to monitor the effectiveness of legal rules and assess the extent to which their goals are met.

22. How shall the evaluation of laws be put into practice?

The evaluation of laws shall take place both prior to their enactment in order to assess the adequacy of rules to the goals and at a later stage, while the rules are in force, allowing an evaluation of the quality of enforcement and ability of the rules to meet the intended aims.

The introduction of such legal assessment checks shall require thoughtful consideration from the drafting stage onward of the new rules' impact on the legal system and most importantly on the lives and activities of citizens and businesses.

Preliminary evaluation of laws shall enable conclusions on whether each particular new law results in fewer or more administrative procedures, if it creates or eliminates administrative burdens, if it raises or decreases fees or taxes and so forth.

Post-enactment evaluation of laws allows a comparison between the conclusions drawn from a preliminary evaluation and the actual field results. Monitoring the enforcement of laws shall enable the possibility of correcting in a timely fashion any flaws that might be hindering the full performance of their rules.

Two models of evaluation of laws shall be introduced: a basic one and a thorough one, either of them applicable as the size and complexity of each law might require.

The simple model shall be introduced by January 2011.



The complex model shall be applied to especially selected acts. **Legal evaluation teams shall be formed and trained during 2010 in order start monitoring ten laws throughout 2011.**