



***Independent Study on
Indicators for Media Pluralism
in the Member States – Towards
a Risk-based Approach***

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by

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Final Report - Annex III

COUNTRY REPORTS

Portugal

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Important Notice

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The country reports are not in any way intended to be an implementation of the Media Pluralism Monitor in the Member States. They were drafted during the initial stages of the study, with the intention of obtaining a better view of regulatory measures in the broad sense – including co- and self-regulatory measures – adopted in the Member States to promote or safeguard, directly or indirectly, pluralism in the media. The intention was to obtain a high-level snapshot of possible implementation problems and not to express any value judgements on existing rules. The resulting overview facilitated the development of methods for assessing the effective implementation of regulatory safeguards, which had to be, according to the Terms of Reference for the study, an intrinsic element of the legal indicators. We strongly recommend that you also download the file containing our Introduction as it sets out our approach to the initial stages of the project in detail and includes a short manual on how to read the country reports. We draw your attention to the Overview file as well.

Please note that the country reports were finalized in the middle of 2008 and do not therefore reflect progress made with the transposition of the Audiovisual Media Services Directive or any subsequent initiative by Member States. They are made available not as final deliverables of the study, but as interim deliverables, intended to illuminate part of the route taken by the study team and thereby to contribute towards the full transparency of the MPM project.

21. Overview of legal and policy measures promoting/supporting media pluralism

[PORTUGAL]

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General remark: Although provisions about media concentration, cross-participation, ownership transparency, etc. are still not included in the Portuguese media laws, they are included in a law-project. It is not clear when this law-project will be submitted to the Parliament for approval.

National regulations relevant in the area of media pluralism

• Legislation

- Constitution of the Portuguese Republic (as amended by the seventh constitutional revision: 2005)
- Television Act Law (2003) (Law No. 32/2003) (Lei da Televisao), partially repealed by Law No. 27/2007, adopted on 30 of July, that approved the Television Law, which regulates the access to and performance of the television activity. Articles 4 and 5 of Law 32/2003 are still in force
- Press Law (1999) (Law No. 2/99), altered by Law No. 18/2003 (Lei de Imprensa)
- Radio Law (2001) (Law No. 4/2001), changed by Laws No. 33/2003 and No. 7/2006 (Lei da Rádio)
- Financing model for public radio and television broadcasting service (2003) (Law No. 30/2003), amended by Decree-Law No. 169-A/2005 and Decree-Law No. 230/2007
- Law re-structuring the public radio and television broadcasting service (2007) (Law No. 8/2007) containing the new Statutes of the public service broadcaster “Rádio e Televisão de Portugal, S.A.”
- Decree-Law No 103/2006 on ERC’s fees, amended by Decree-Law No 70/2009
- ERC Statutes (2005) (Law No. 53/2005) creating the Regulatory Entity for the Media
- Law on electronic communications (2004) (Law No. 5/2004), amended by Decree-Law No. 176/2007 and Law No 35/2008)
- Law on competition (2003) (Law No. 18/2003, amended by the Decree-Law No. 219/2006 (Regime Jurídico da Concorrência)
- Law creating the Investment Fund for the Cinema and the Audiovisual Sector (2006) (Law No. 227/2006)
- Electoral Law (1979) (Law No. 14/79 amended by several Laws)
- Law on incentives to regional and local mass media (2005) (Decree-Law No. 7/2005, amended by Decree-Law No 35/2009)
- Decree-Law on incentives to foster the reading of local and regional newspapers (2007) (Decree-Law No 98/2007)
- Law on state secret (1994) (Law No. 6/94) (Lei do Segredo de Estado)
- Fixed Price Book Law (2000) (Law No. 216/2000) (Preço Fixo do Livro)
- Law of Cinematographic Art and the Audiovisual Sector (2004) (Law No. 42/2004)
- Law creating the Investment Fund for the Cinema and the Audiovisual Sector (2006) (Decree-Law No. 227/2006)
- Law of Access to Administrative Documents (1993) (Law No. 65/93), repealed by (2007) Law No. 46/2007 (LADA)
- Advertisement Code (1990) (Decree-Law No. 330/90, amended by several Laws and Decree-Laws) (Código da Publicidade)
- Code of the Penal Process, as changed by the Law No. 48/2007 (Código de Processo Penal)
- Journalist Statute (1999) Law No. 1/99, amended by Law No. 64/2007

- Decree-Law (Decreto Regulamentar) No. 8/99, amended by Decree-Law (Decreto Regulamentar) No 2/2009 on media registration (press, radio and television)
- Decree-Law No 43/2006 on equalizing the price of general content print publications in the whole national territory
- Council of Ministers Resolution No 190/2005 on Technological Plan
- **Codes of conduct**
 - Code of Ethics, adopted by the Portuguese Journalists Union in 1993 (Código Deontológico do Jornalista)
- **Other**
 - Contract of concession of television public service (25 March 2008)
 - Union of Journalists Labor Contract (2004) ('Contrato Colectivo de Trabalho')
 - Self-regulation Protocol RTP, SIC and TVI (2003)

TABLE 1. Constitutional protection of press and communication freedoms

Measure	Source	Scope of application	Key features
1.1. Freedom of expression	Art. 37, § 1 and § 2 Constitution	All media	Everyone has the right to express and publicize his or her thoughts freely, by words, images or other means. Exercise of said rights shall not be hindered or limited by any type or form of censorship.
<p><i>Note: Restrictions to freedom of expression can only be imposed by law, when expressly allowed by the Constitution and when needed to protect other fundamental rights.</i></p> <p>> <i>Television Law (art. 27) forbids television programs to incite to racial, religious or political hatred, or hatred due to skin colour, to ethnic or national origin, to gender or to sexual orientation.</i></p> <p>> <i>Press Law (art. 3) states that press freedom could only be limited by the Constitution and the law in order to safeguard accuracy and objectivity of information, to guarantee the right to one’s good name and image, to one’s privacy and intimacy, and to defend the public interest and the democratic order.</i></p> <p>> <i>The law on the State Secret allows the state to put exceptional restrictions to some documents and information (set case by case), for reasons of national safety, either internal or external. But it is rarely used.</i></p> <p>> <i>The Penal Law forbids everyone (including journalists) to diffuse any information regarding cases being investigated by the justice, until a certain point in the process. Many opinions suggest that this ‘Justice Secret’ is sometimes too extended in time and too narrow – and probably because of that, it is frequently disregarded by the media, especially when well-known people are involved.</i></p> <p>> <i>The Penal Law (Art. 180 & Art. 183): Any person who, while addressing a third person, accuses another person of a fact, even if under form of assumption, or makes a judgment concerning that person in any way offensive of that individual’s honour or consideration, or reproduces such accusation or judgment, shall be punished</i></p>			
	Art. 8 (a) ERC Law	All media	One of ERC’s duties in media regulation is to guarantee the free exercise of the rights to information and to press freedom.
1.2. Freedom of/ right to information			
	Art. 37, § 1 Constitution	All media	Everyone has the right to impart, obtain and receive information without hindrance or discrimination.
	Art. 38, § 2 Constitution	All media	Freedom of the press is guaranteed. This freedom comprises the right of journalists to have access to information sources.
	Art. 22 (b) Press Law	PM (N)	Access to information sources, including the right of access to public places and to protection, when necessary, is a fundamental right for journalists.
	Art. 6 (b) Journalist Statute	All journalists	Freedom of access to information sources is a fundamental right for journalists.
	Art. 268 Constitution	All media	Citizens shall enjoy the right to have access to administrative records and files, subject to the legal provisions with respect to internal and external security, investigation of crime and personal privacy.

	Art. 5 and Arts. 11-14 LADA	All media	Citizens are allowed to make written or oral requests for access to administrative documents (of any type) held by state authorities, public institutions, and local authorities (a total of 337 organizations). The authorities must respond no later than 10 days after receiving a request.
	Television Law, art. 9, § 1 (b)	AAVM (traditional linear TV)	The purposes of general television programming services are to promote the exercise of the right to inform, to inform oneself and be informed, accurately and independently, without any interdictions or discriminations.
	Radio Law, art. 9, § 1 (a)	AAVM (traditional Radio)	The purposes of general radio programming services are to promote the exercise of the right to inform, and be informed, accurately and independently, without any interdictions or discriminations; to contribute to political, social and cultural pluralism.
	Art. 7 Journalist Statute	All journalists	Journalists' freedom of expression and of creation can't be subject to interdictions or discriminations, nor subordinated to any kind of censorship.
	Art. 8 Journalist Statute	All journalists	Journalists' access to information sources must be guaranteed by the public administration and public companies, and also by private companies involved with public interest. If this access is denied, it must be justified in legal terms, and journalists can appeal to the Commission of Access to Administrative Documents (their complaint must get an answer with urgency).
<i>Note: In spite of this law, it is not rare that journalists have difficulties to accede to public documents. Even if access is not denied, access can be delayed more than it should be reasonable.</i>			
	Art. 9-10 Journalist Statute	All journalists	Journalists have the right of access to any place open to the public, if their purpose is the informative coverage of any event. All journalists have the right of access also to places which are not open to the public in general, but which open to the media. No one can be prevented of this access.
<i>Note: There have already been situations where journalists from some specific media were denied access to public events, or even to press conferences, because the organizer did not like the journalists (e.g. in football).</i>			

1.3. Explicit recognition of media pluralism	Art. 38, § 6 Constitution	PSB	The mass media in the public sector shall be so structured and operated as to be independent from the Government, the Public Administration and other public bodies, and to guarantee opportunities for the expression of, and challenge to, different lines of opinion.
	Art. 9, § 1 (c) Television Law	AAVM (TV)	The following shall be deemed as purposes of the television activity, according to the nature, subject-matter and coverage area of the television programme services made available. Engender the creation of habits for civic harmony proper to a democratic state and contribute to political, social and cultural pluralism.
	Art. 26, § 1 Television Law	AAVM (TV)	The freedom of expression of thought through television involves the fundamental right of citizens to free and pluralistic information, essential to democracy and to the social and economic development of the Country.
	Art. 9, § 1 (b) Radio Law	AAVM (R)	One purpose of general radio programming services is to contribute to political, social and cultural pluralism.
	Art. 34, § 1 (b) Radio Law	AAVM (R)	The freedom of expression of thought through radio broadcasting involves the fundamental right of citizens to free and pluralistic information, essential to democracy and to the social and economic development of the Country.
	Art. 47 §1 (a) (d) Radio Law	PSB (R)	Regarding specifically the public service of radio broadcasting, the company responsible for it (RDP) must guarantee pluralism, accuracy and impartiality and independence of information. It must have a programming orientation expressing the social and cultural national diversity, fighting all forms of exclusion and answering also to the minority interests of different publics.
	Art. 2, § 2 (a) Press Law	PM (N)	The right of citizens to be informed is guaranteed, namely, by measures which prevent levels of concentrated ownership such as jeopardise the pluralism of news reporting.
	Art. 4, § 1 Press Law	Regional / Local press	The State will organize a system of incentives to support [regional and local] press, aiming to guarantee the possibility of expression of the most different lines of opinion.

	Art. 7 (a), Art. 8 (e) ERC Law	All media	One of the purposes of media regulation to be achieved by ERC is to promote and guarantee cultural pluralism and diversity of expression of all the lines of thought in the mass media. This must be made with respect both for the principle of pluralism and for the editorial line of each particular medium.
1.4. Protection of journalistic sources	Code Of Ethics, nr. 6	All journalists	Identification of sources is an essential criterion for the journalist. The journalist must not reveal, not even in court, his/her confidential sources, nor disrespect the promises made to them, except when they have provided false information.
	Art. 11, Art. 6 and Art. 14 Journalist Statute	All journalists	Journalists cannot be obliged to reveal their sources of information (and cannot suffer any direct or indirect sanction for their silence), UNLESS the penal law orders otherwise. Protecting the confidentiality of their sources is defined both as a RIGHT and a DUTY of all journalists.
	Art. 135 Code of the Penal Process	All journalists	Judicial authority, or court, can oblige the journalists to testify about facts protected by their professional secret, if it is regarded as an essential way to discover the truth in a serious crime. This court decision should be made only after consulting the organization representing the journalistic profession.
1.5. Right of reply	Art. 37, § 4 Constitution	All media	The right to reply and to make corrections, and the right to compensation for loss suffered, shall be equally and effectively guaranteed to all individuals and corporate persons.
	Art. 34, § 2 (f) and Art. 65- 68 69 Television Law	AAVM (TV)	All television operators shall guarantee the right of reply and rectification in compliance with constitutionally and legally stipulated terms.
	Art. 64, § 1 Television Law	PSB (TV)	Right of political refute of opposition parties. Parties represented in the Parliament [Assembly of the Republic] and which are not part of the Government have the right to refute, in the same program service, to the political declarations made by the Government on the public television service which affected them directly.
	Art. 65-69 Television Law	AAVM (TV)	Any natural or legal person, organization, service or public organism that has been the object of references on television program services, even if indirectly, which may affect their reputation or good name, has the right of reply on the same television program services.

	Art. 57, § 1 Radio Law	PSB (R)	Right of political refute of opposition parties. Parties represented in the Parliament [Assembly of the Republic] and which are not part of the Government have the right to refute, in the same program service, to the political declarations made by the Government on the public television service which affected them directly.
	Art. 58-62 Radio Law	AAVM (R)	Any natural or legal person, organization, service or public organism that has been the object of references on radio program services, even if indirectly, which may affect their reputation or good name, has the right of reply on the same radio program services.
	Art. 24-27 Press Law	PM	Any natural or legal person, organization, service or public organism, as well as the responsible person of any public institution, that has been the object of references, even if indirectly, which may affect their reputation or good name, has the right of reply on the periodical publications responsible for those references. The reply must be published on the same page, on the same place, and with the same presentation.
	Art. 8, (f) and Arts. 24 and 59 ERC Law	All media	One of the ERC’s attributions is to guarantee the exercise of the right to reply and the right of political refute. Citizens who want to complain about the denial of this rights (either by television or by radio or by press) can appeal to the ERC, and this entity can oblige the media to publish / broadcast the reply.
1.6. Ratification of international instruments: - CoE’s Framework Convention For The Protection Of National Minorities - UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions (Oct 2005)	- Yes - Yes		

TABLE 2. Editorial independence

Measure	Source	Scope of application	Key features
2.1. Journalists	Art. 38, § 4 Constitution	All media	The State shall guarantee the freedom and independence of the mass media from political and economic powers.
<i>Note: Legal measures hindering journalists from expressing themselves freely and independently: Although the Journalist Statute grants the right of authorship to all their work to all journalists, Art. 7-A, § 4 states that journalists can't oppose to formal changes made to their work by other journalists working in the same newsroom and being their superiors.</i>			
	Art. 8, (c) ERC Law	All media	One of ERC's attributions is to zeal for the independence of the mass media from the political and economic powers.
	Art. 22, (d) Press Law Art. 6 and Art. 12 Journalist Statute	All journalists	Editorial independency is one of the journalists' fundamental rights. 'Conscience clause': journalists can't be forced to do anything against their conscience and can't be punished for that.
	Art. 20 Press Law	PM (N)	It is up to the editor [director] of any medium to determine and supervise the content of the medium.
	Art. 3 § 1 Journalist Statute	All journalists	Working as a professional journalist is incompatible with working in advertising, marketing, public relations and similar activities. It is also incompatible with being in military service or in political positions.
	Art. 14 § 1 Journalist Statute	All journalists	One of journalists' fundamental duties is to refuse any functions or tasks that may put their independence and professional integrity at risk.
	Art. 10 Code Of Ethics	All journalists	A journalist must reject demands, functions, and benefits that could question his/ her independent status and professional integrity. He/she must not use his/her professional condition to report on subjects of his/her own interest.
	Art 12 Journalist Statute	All journalists	Journalists shall not be constricted to express or subscribe nor to abstain from expressing or subscribing opinions, or to perform professional duties contrary to their conscience, and shall not be subjected to disciplinary measures due to it. [...]

			<p>[...]</p> <p>Journalists shall have the right to oppose to the publication or disclosure of their work, even if these are not protected by copyright, in a different mass media entity editor from which the journalist performs its duties, even if it is part of the company or economic group to which they are bounded by agreement, as long as they reasonably claim the non compliance with the editorial guidelines.</p>
	Art. 6 and 13 Journalist Statute	All media	<p>One of the fundamental rights of journalists is the right to participate in the editorial orientation of the medium where they work, as well to give their opinion about all the issues regarding their professional activity.</p> <p>In every medium having five or more journalists, a ‘Newsroom Council’ (Conselho de Redacção) is elected, to represent journalists in every editorial or professional matter, cooperating with the editor. This council must be heard when a new editor or deputy editor is appointed. It must also participate in the elaboration of the editorial statute and of the medium code of conduct, when there is one.</p> <p>The existence of these Newsroom Councils is also referred and ordered in the three media laws (Press Law, Radio Law and Television Law).</p>
2.2. News / information programmes	Art. 34, § 2 (b) and (c) Television Law	AAVM (TV)	All television operators which operate general program services shall guarantee pluralism, accuracy, objectivity and independence of information.
	Art. 9, § 1 (a) Radio Law	AAVM (R)	It is a purpose of radio generalist programming operators to promote the citizens’ right to inform and be informed, with accuracy and independence, without any interdictions or discriminations.
	Art. 3 Press Law	PM (N)	The only limits to press freedom are the ones coming from the Constitution and the law, in order to safeguard accuracy and objectivity of information, to guarantee citizens’ rights to good name, image, word and privacy, and to defend public interest and democratic order.

2.3. Other media content	Art. 26, § 2 and Art. 27 Television Law	AAVM (TV)	<p>Except in cases stipulated in the Television Law, television broadcasting is based on the freedom of programming and neither the Public Administration nor any institute of sovereignty, with the exception of the courts of law, shall impede, limit or impose the broadcasting of any programs.</p> <p>The limits set by Television Law regard (art. 27) programs that incite to racial, religious or political hatred, or hatred due to skin colour, to ethnic or national origin, to gender or to sexual orientation. It also puts some restrictions to programs which may cause damage to children and young people, mainly those containing pornography.</p>
	Arts. 34-35 Radio Law	AAVM (R)	<p>Except in cases stipulated in the Radio Law, radio broadcasting is based on the freedom of programming and neither the Public Administration nor any institute of sovereignty, with the exception of the courts of law, shall impede, limit or impose the broadcasting of any programs.</p> <p>Limits defined by this law forbid (art. 35) any radio emission that attempts against the dignity of the human person, that violates fundamental rights and freedoms, or that incites to the practice of crimes.</p>
	Art. 1 Press Law	PM (N)	<p>The rights guaranteed by the freedom of the press (rights to inform and to be informed) cannot be prevented or limited by any form or kind of censorship.</p>
	Art. 12 Television Law	AAVM (TV)	<p>Television activity can't be exercised or financed by political parties or associations, directly or indirectly, except if it is exclusively made through the Internet and consist of doctrinaire, institutional or scientific programming (not news programs).</p>
	Art. 36 Television Law	AAVM (TV)	<p>Every television program service shall adopt an editorial statute that clearly defines its orientation and objectives and includes the commitment to respect the rights of viewers, as well as the deontological principles of journalists and professional ethics.</p>
	Art. 38 Radio Law	AAVM (R)	<p>Every radio program services must adopt an 'Editorial Statute' defining clearly their orientation and objectives, and including the commitment to respect listeners' rights, as well as journalists' deontological principles and professional ethics.</p>

	Art. 17 Press Law	PM (N)	Every informative periodical publication must adopt an ‘Editorial Statute’ defining clearly and in detail their orientation and objectives, and including the commitment to respect the journalists’ deontological principles and professional ethics, as well as readers’ good faith.
	Art. 4 of Annex of the Law no. 8/2007 (Restructure of Television and Radio Public Service, and Statutes of ‘Radio e Televisão de Portugal, S.A.’)	AAVM (TV + R Public Service)	The responsibility for the selection and content of programming and information of “Radio e Televisão de Portugal, S. A.”, is held by the directors that are in charge of those areas.
2.4. Subsidies/ Training of journalists (independence, ethic, recruitment, etc.)	Union of Journalists Labour Contract		The media companies shall promote the continuous professional education of their staff, organizing actions with that purpose or allowing the journalists to attend them during their working time.
<i>Implementation problem: The Union of Journalists Labour Contract is only a general declaration of good intentions, not pursued by many companies.</i>			
	Yes		Training programmes for journalists are supported.
<p><i>The Journalists Training Protocol Centre (CENJOR - Centro Protocolar de Formação Profissional para Jornalistas) is based upon an agreement between the Institute of Employment and Vocational Training (IEFP - Instituto do Emprego e Formação Profissional), the Office for the Media (GMCS - Gabinete para os Meios de Comunicação Social), the Union of Journalists (SJ- Sindicato dos Jornalistas), the Daily Press Association (AID - Associação da Imprensa Diária), and the Portuguese Press Association (APIMPrensa - Associação Portuguesa de Imprensa). The main task of CENJOR is to promote educational and vocational training activities and it was approved by Order 667/86, of November 7th as a body governed by public law, with administrative and budgetary autonomy and its own assets.</i></p> <p><i>Decree-Law 7/2005, of January 6th establishes the State’s aid scheme for the media in order to ensure and to strengthen the appropriate conditions for the exercise of the freedom of speech and information. The State’s aid scheme for the media includes incentives providing support to the training and integration of media professionals.</i></p>			
2.5. Consultative programming structure for participation of the public/citizens to media (i.e. a mechanism to allow citizens to participate in editorial decisions, under the form of e.g. an ombudsman, ethics or liaison committee, “Société des rédacteurs”...)	Law on Radio and Television Public Service (Law No. 8/2007). Annex, Art. 21 and 22	AAVM (Public Service R + TV)	The Radio and Television Public Service company has an Opinion Council (‘Conselho de Opinião’), composed of 27 members, where different sensitivities and organizations of the public are represented (trade unions and patrons unions, religious confessions, youth, parents’ and families’ associations, consumers’ associations, disabled people associations, women’s associations, etc.). This council meets three times a-year and must be consulted about the general activity of public Radio and Television, particularly about the duties attached to the Public Service contract signed by the company and the State. The council must also vote for the persons to be Radio and Television ombudsman.

	<p>Law on Radio and Television Public Service (Law No. 8/2007). Annex, Art. 24 to 27.</p>	<p>AAVM (Public Service R + TV)</p>	<p>‘Rádio e Televisão de Portugal S.A.’, responsible for the public service, must appoint a listener’s ombudsman, for the radio, and a viewer’s ombudsman, for the television. Each of them serve for a period of two years, renewable for only one other period of two years. Their main task is to receive and appreciate public’s complains or comments and analyze them. Each ombudsman has a weekly program to publicly talk about the activity.</p>
<p><i>Note: Two Portuguese private daily newspapers (‘Público’ and ‘Diário de Notícias’) also have a press ombudsman, because they voluntarily decided to do so (they started back in 1997). A third daily newspaper (‘Jornal de Notícias’) also had an ombudsman for some time, but presently the place is vacant. A press ombudsman exists also in a sports newspaper (‘Record’).</i></p>			
	<p>Arts. 39-41 ERC Law</p>	<p>All</p>	<p>The Regulatory Entity for the Media has a Consulting Council (‘Conselho Consultivo’), composed of 16 members, where are represented different organizations and associations from the public (journalists, universities, media companies, advertising sector, consumers, etc.). This council meets twice a-year and has the purpose to give opinions (not compulsory) regarding the ERC’s regulatory activities in general.</p>

TABLE 3. Cultural pluralism

Measure	Source	Scope of application	Key features
3.1. Structural rules (guaranteeing or promoting access by the various cultural groupings to media companies’ bodies, structures...)			
3.1.1. Special representation requirements in media company structures	No. Only the Constitution states that no one can be discriminated by reasons of gender, race, colour, sexual orientation, political or religious beliefs, etc.		
3.1.2. Special representation requirements in media advisory bodies	Law on Radio and Television Public Service (Law No. 8/2007). Annex, Art. 21 and 22	AAVM (Public Service Radio + TV)	The Radio and Television Public Service company has an Opinion Council (‘Conselho de Opinião’), composed of 27 members, where different sensitivities and organizations of the public are represented (trade unions and patrons unions, religious confessions, youth, parents’ and families’ associations, consumers’ associations, disabled people associations, women’s associations, etc.). This council meets three times a-year and must be consulted about the general activity of public Radio and Television, particularly about the duties attached to the Public Service contract signed by the company and the State.
3.1.3. Legal or policy measures either prohibiting discrimination in recruitment or promoting equal opportunities (ethnic minorities, gender, age, disabled...)	No. There are no special laws. Only the Constitution states that no one can be discriminated by reasons of gender, race, colour, sexual orientation, political or religious beliefs, etc.		
3.2. Representation of the various cultural groupings in the media			
3.2.1. Access to airtime for cultural groupings	Clauses 7 and 10 Contract of Concession of the Television Public Service (2008)	PSB (TV)	It is a duty of this concession to guarantee a balanced, diversified and with quality television programming, promoting political, religious, social and cultural pluralism, as well as every viewer’s access to quality information, education, culture and entertainment. A pluralistic programming, taking into account the interests of minorities and the promotion of cultural diversity, is demanded. [...]

			[...] The second TV public channel (RTP2), gives particular emphasis to the need of public television to reflect cultural diversity, either open itself to the cooperation with institutions of the society, or offering a quality programming service oriented to the multiple needs of the diverse specific audiences, particularly young people, minorities and citizens with special problems of communication or mobility.
3.2.2. Content obligations			
3.2.2.1. Promotion of European works	Art. 45 Television Law	AAVM (TV)	Television operators which run television programming services with national coverage shall incorporate a majority percentage of works of European origin in their respective programming, excluding the time appointed to news, sports events, games, advertising, teleshopping and teletext services. (Wording of Directive incorporated directly into national law)
	Art. 34, § 2, (g) Television Law	AAVM (TV)	One of the general obligations of television operators is to diffuse creative works of European origin, mainly in Portuguese language, and to participate in the development of its production.
	Art. 51, § 2 (g) Television Law	PSB (TV)	The PSB's duty is to promote programs in Portuguese language and to reserve an important part of its airtime to European production, in higher percentages than the other television operators.
	Clause 7, (i) Contract of Concession of the Television Public Service (2008)	PSB (TV)	It is an obligation of the television public service to support national production and co-production with other countries, particularly those from the European Union. It is also its obligation to promote cooperation with the entities that are responsible for television public service in the space of the European Union, regarding particularly the exchange of experiences and the joint production of programs.
	Art. 44 Radio Law	PSB (R)	The quota of Portuguese music diffused in the radio public service (which is 25 % and 40 % of the whole music programming) must be fulfilled at least with 60 % of musical work composed or interpreted in Portuguese language by citizens of the European Union members.

3.2.2.2. <i>Promotion of European independent works</i>	Art. 46 Television Law	AAVM (TV)	Television operators which run television programming services with national coverage shall ensure that at least 10% of their respective programming, excluding the time appointed to news, sports events, games, advertising, teleshopping and teletext services, is filled with European works, created by producers who are independent of television operators, and produced less than five years ago.
3.2.2.3. <i>Promotion of national/regional works</i>	Art. 48 Television Act	AAVM (TV)	The State shall ensure incentive policies for the original production in Portuguese of audiovisual fiction, documentaries and animation, by adopting the appropriate legal, financial, fiscal or credit mechanisms.
3.2.2.4. <i>Language requirements</i>	Art. 44 Television Law	TV	<p>Broadcasts shall be spoken or subtitled in Portuguese, without disregarding the possible use of other languages in programs that fulfil occasional informative needs or are oriented the teaching of foreign languages, or address to specific immigrant communities.</p> <p>Television programming services with national coverage, with the exception of those whose nature and thematic content would not permit such an approach, shall devote at least 50% of their broadcasts, excluding the time reserved for advertising, teleshopping and teletext services, to the broadcast of original Portuguese language programs.</p> <p>Without prejudice to the previous paragraph, television operators shall devote at least 20% of their transmission time to creative programmes originally produced in Portuguese language.</p> <p>The percentages established in paragraphs 2 and 3 may be filled, up to 25%, by programs originating in other Portuguese-speaking countries.</p> <p>Television operators shall guarantee that the percentages referred to in paragraphs 2 and 3, are not shown in off-peak viewing periods.</p>

	Art. 44-A and 44-B Radio Law	AAVM (R)	The musical programming of the radio broadcasting services must have a minimum between 25% and 40% of the whole devoted to Portuguese music. As far as the radio public service is concerned, this quota of Portuguese music in its first channel must not be inferior to 60% of the total.
3.2.2.5. Contribution	Art. 48 Television Law	AAVM (TV)	The State shall ensure the existence of incentive measures for the original production in Portuguese of audiovisual fiction, documentaries and animation, with a view to creating conditions for compliance with the provisions of Articles 44 to 46, by the adoption of the appropriate legal, financial, fiscal or credit mechanisms.
3.2.3. Representation of minorities on the screen (e.g. presenting the news, in drama, movies...; can be engagement in an internal charter or can be imposed statutory)	(see above)		
	Television broadcasters are not legally obliged to have quotas of minority representatives in their programme services. Nevertheless paragraph 2 of article 27 of the Television Act could be relevant to this matter.		Television programme services must not incite to racial, religious or political hatred or hatred due to skin colour, to ethnic or national origin, to gender or to sexual orientation.
3.2.4. Subsidies (apart from general PSB funding)	Decree-Law on incentives to regional and local mass media (Decree-Law No. 7/2005) Decree-Law on incentives to foster reading of regional and local press (Decree-law no 98/2007)	Regional media	Considering the importance of ‘proximity’ media to the regional and local development, the State defined some financial incentives to these media, aiming to ensure and to reinforce the proper conditions to the exercise of freedom of expression and freedom of information.
	Laws on Cinema and Audiovisual (Law nr. 42/2004 and Law nr. 227/2006).	AAVM	The State considers its duty to support creation, production, distribution, diffusion and promotion of cinema and audiovisual works, considering them instruments of the integral development of the human person, of culture, of protection of the national identity and of protection and valuation of the Portuguese language. Consequently, the Ministry of Culture, through the Institute for the Cinema and Audiovisual, launches regular programs of financial support of cinema and audiovisual works in their diverse domains, respecting and fostering cultural diversity.

<p>3.3. Accessibility <i>(i.e. special measures to promote access to media contents by special needs groupings in society, like the elderly, disabled...)</i></p>	<p>Art. 51, § 2, (j) Television Law</p>	<p>PSB (TV)</p>	<p>The public broadcaster needs to guarantee the possibility of accompanying the programs to people with special needs, namely through subtitling, to gesture language, to audio-description or to other techniques considered adequate. It also must diffuse programs specifically devoted to those people with special needs.</p> <p>These obligations are also defined in the new contract of concession for the public service of television (clause 7).</p>
	<p>Art 34. 3 Television Law</p>		<p>The Regulatory Entity for the Media shall define, having heard television operators, the set of obligations that shall enable people with special needs to follow broadcasts, namely by means of subtitling, sign language, audio-description and other techniques deemed appropriate, based on a multiannual plan providing for their gradual implementation, taking into account technical and market conditions assessed by that regulatory entity at any given time.</p>

TABLE 4. Political pluralism

Measure	Source	Scope of application	Key features
4.1. Structural rules (relating to the organization and structures of media companies/advisory bodies)			
4.1.1. Restrictions to politicians' ownership/control of media (avoid one dominating voice)	Art. 12 Television Law	AAVM (TV)	Television broadcasting shall not be exercised or financed by political parties or associations, departments of local government or their associations, trade unions, or employer or professional associations, either directly or indirectly, by means of entities in which they hold capital or which are subsidized by them. An exception is open if the activity is run exclusively through the Internet and consists on programming services of doctrinal, institutional or scientific nature.
	Art. 6 Radio Law	AAVM (R)	Radio broadcasting shall not be exercised or financed by political parties or associations, local authorities, trade union organizations, business or professional organizations, either directly or indirectly through organizations in which they hold capital or are subsidized by such organizations.
4.1.2. Requirements of independence from political parties / politicians	Art. 34. ^o , 2, (c) Television Law	AAVM (TV)	All television operators that operate general television programme services of a national coverage shall to guarantee programming and information that is independent from political and economic powers.
	Art. 38, 4 Constitution	All media	The state shall ensure the media's freedom and independence from political power and economic power by imposing the principle of specialisation on businesses that own general information media, treating and supporting them in a non-discriminatory manner and preventing their concentration, particularly by means of multiple or interlocking interests.
	Art. 47, 1 (a) Radio Law	PSB (R)	Public service radio broadcaster shall provided a varied, accurate and impartial news service and be independent of all public and private powers.
4.1.3. Incompatibility of political mandate with membership in media advisory or regulatory bodies	Art. 18, 4-8 and Art 19 ERC Law		The five members of the Regulatory Council of the Media Regulatory Entity cannot have any other public function or professional activity during their mandate. Besides that, no one can be elected to this position if he/she was a member of the Government (national or regional) in the previous two years. Their five year term in the ERC cannot be renewed.

<p>4.1.4. Representation requirements in media companies' bodies (board of directors...)</p>	<p>Article 21 of the Law 8/2007, of February 14th approving the law restructuring the concessionary of radio and television public service</p>	<p>PSB (TV) (R)</p>	<p>The opinion council of the Portuguese PSB consists of:</p> <ul style="list-style-type: none"> a) Ten members elected by the Portuguese Parliament according to Hondt's highest average rule; b) One member appointed by the Regional Legislative Assembly of the Autonomous Region of the Azores; c) One member appointed by the Regional Legislative Assembly of the Autonomous Region of Madeira; d) One member appointed by the Portuguese National Association of Municipalities; e) Two members appointed by the national unions and two members appointed by the employers' organizations; <p>[...]</p>
			<p>[...]</p> <ul style="list-style-type: none"> f) One member appointed by the most representative religious groups; g) One member appointed by the viewers associations; h) One member appointed by the parents' associations; i) One member appointed by the associations for the family preservation; j) One member appointed by the youth associations; l) One member appointed by the Portuguese authors' protection associations; m) One member appointed by the non-governmental organizations branch of the advisory council to the Committee for Equality and Women's Rights; n) One member appointed by the Advisory Council for Immigration Affairs; o) One member appointed by the people with disabilities associations; p) One member appointed by the consumer protection associations; q) Two members with recognized merit co-opted by the other members of the board.
<p>4.1.5. Representation requirements in media advisory bodies and/or regulators</p>	<p>Law on Public Service of Radio and Television</p>	<p>PSB (TV) (R)</p>	<p>There is an Opinion Council of 27 members, representing various institutions and associations of society (trade unions, labour organizations, TV spectators, parents, families, consumers, youth, Portuguese authors, disabled persons, etc.).</p>

	<p>Art. 15 , 38, 39 ERC Law</p>	<p>Four members of the regulatory board of ERC shall be nominated by resolution of the Assembly of the Republic. The members nominated by the Assembly of the Republic shall co-opt the fifth member of the regulatory board.</p> <p>The advisory council of ERC is a consultative body that takes part in the definition of the general guidelines for ERC activity, contributing towards the articulation with public and private entities representing relevant interests in the context of the mass media and associated sectors.</p> <p>The advisory council consists of:</p> <ul style="list-style-type: none"> a) A representative of the Competition Authority; b) A representative of the Department for the Media; c) A representative of ICP-ANACOM; d) A representative of the Consumer Institute; e) A representative of the Institute for Cinema, and Audiovisuals (Instituto do Cinema, Audiovisual e Multimédia); f) A representative of the Portuguese University Presidents Council (CRUP - Conselho de Reitores das Universidades Portuguesas); g) A representative of the Polytechnics Coordination Council (Conselho Coordenador dos Institutos Superiores Politécnicos); h) A representative of the Journalists Training Protocol Centre (CENJOR - Centro Protocolar de Formação Profissional para Jornalistas); i) A representative of the most representative journalists union; j) A representative of the most representative mass media confederation; <p>[...]</p>
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			[...] m)A representative of the most representative advertising agencies association; n)A representative of the most representative advertisers association; o)A representative of the Advertising Self-discipline Civil Institute (ICAP - Instituto Civil da Autodisciplina da Publicidade); p) A representative of the Portuguese Association for Copy and Distribution Control (APCT - Associação Portuguesa para o Controlo de Tiragem e Circulação); q) A representative of the Commission for Assessment and Analysis of Means (CAEM - Comissão de Análise e Estudos de Meios).
4.2. Content rules (relating to media programmes, press articles, other content)			
4.2.1. (Equal/proportionate) Access to airtime for political groupings			
	Art. 64, § 1 Television Law	PSB (TV)	Right of political refute of opposition parties Parties represented in the Parliament [Assembly of the Republic] and which are not part of the Government have the right to refute, in the same program service, to the political declarations made by the Government on the public television service which affected them directly.
	Art. 57, § 1 Radio Law	PSB (R)	Right of political refute of opposition parties Parties represented in the Parliament [Assembly of the Republic] and which are not part of the Government have the right to refute, in the same program service, to the political declarations made by the Government on the public radio service which affected them directly.
4.2.1.a. Non-paid access, e.g. right to insert own programmes or messages on the public channels	Art. 40, § 1-2 Constitution	PSB (TV) (R)	Political parties, trade unions, professional and business organizations and other social organizations with a national scope shall, in accordance with their size and representatives and with objective criteria that shall be defined by law, have the right to broadcasting time on the public radio and television service. Political parties represented in the Assembly of the Republic and do not form part of the Government shall, as laid down by law, have the right to broadcasting time on the public radio and television service, which shall be [...]

			<p>[...] apportioned in accordance with each party’s proportional share of the seats in the Assembly, as well as to reply or respond politically to the Government’s political statements. Such times shall be of the same duration and prominence as those given over to the Government’s broadcasts and statements. Parties represented in the Legislative Assemblies of the autonomous regions shall enjoy the same rights within the ambit of the region in question.</p>
	<p>Art. 59-63 Television Law</p>	<p>PSB (TV)</p>	<p>(‘Direito de Antena’) Political parties, the Government, trade unions, professional organizations and those representing economic activities and environmental and consumer protection associations are guaranteed the right to broadcast time on the public television service.</p> <p>The bodies referred to in the previous paragraph have the right, free of charge and annually, to the following broadcast times:</p> <ul style="list-style-type: none"> a) Ten minutes per party represented in the Assembly of the Republic, plus thirty seconds for each elected member; b) Five minutes per party not represented in the Assembly of the Republic, but which has participated in the most recent general election, plus thirty seconds for every 15,000 votes obtained in those elections; c) Sixty minutes for the Government and sixty minutes for the parties represented in the Assembly of the Republic which are not in Government, distributed in proportion to their representation; d) Ninety minutes for trade union organizations, ninety minutes for professional organizations and those representing economic activities, and fifty minutes for environmental, consumer and human rights protection associations, distributed in proportion to their representation. e) Fifteen minutes for other bodies which have the right to transmission time attributed to them by law. <p>Holders may not use the entitlement to broadcast time more than once every 15 days, nor may their broadcasts last more than ten minutes or less than three, unless total [...]</p>

			<p>[...] transmission time allowed overall is less.</p> <p>The right to broadcast time may not be exercised on Saturdays, Sundays and national public holidays, and shall also be suspended a month before the date established for the beginning of an electoral or referendum campaign.</p> <p>Entitlement times are broadcast in the television programming service with national coverage at peak viewing hours between 7.00 p.m. and 10.00 p.m.</p> <p>Holders of the entitlement to broadcast time shall request the reservation of the time to which they have the right 15 days before transmission, and the respective recording shall be made or the pre-recorded material handed in no later than 40 hours before the broadcast of the program.</p>
	<p>Art. 52-56 Radio Law</p>	<p>PSB (R)</p>	<p>(‘Direito de Antena’) Political parties, the Government, trade unions, professional organizations and those representing economic activities and environmental and consumer protection associations are guaranteed the right to broadcast time on the public radio service.</p> <p>The bodies referred to in the previous paragraph have the right, free of charge and annually, to the following broadcast times:</p> <ul style="list-style-type: none"> a) Ten minutes per party represented in the Assembly of the Republic, plus fifteen seconds for each elected member; b) Five minutes per party not represented in the Assembly of the Republic, but which has participated in the most recent general election, plus fifteen seconds for every 15,000 votes obtained in those elections; c) Sixty minutes, per category, for trade union organizations, professional organizations and those representing economic activities d) Ten minutes for other bodies which have the right to transmission time attributed to them by law. <p>Holders may not use the entitlement to broadcast time more than once every 15 days, [...]</p>

			<p>[...] nor may their broadcasts last more than five minutes or less than two, unless total transmission time allowed overall is less.</p> <p>The right to broadcast time may not be exercised on Saturdays, Sundays and national public holidays, and shall also be suspended a month before the date established for the beginning of an electoral or referendum campaign.</p> <p>Entitlement times are broadcast in the radio programming service with national coverage at peak viewing hours between 10.00 a.m. and 20.00 p.m.</p> <p>Holders of the entitlement to broadcast time shall request the reservation of the time to which they have the right 5 days before transmission, and the respective recording shall be made or the pre-recorded material handed in no later than forty-eight hours before the broadcast of the program.</p>
4.2.1.b. Paid access: rules on political advertising	Electoral Law	All media	<p>There is no ban of paid political advertising in television, except on electoral periods. When the date for an election is officially settled, then political paid advertising is forbidden in every medium until the election day (see Electoral Law, art. 72). An exception is open only to advertise political meetings and so. During that period, television and radio companies, both public and private, are legally obliged to give the political parties some airtime for their political propaganda ('direito de antena'), identified as such, and open to all competitors in the election (see Electoral Law, art. 62). But this 'public service' offered by the media is paid by the State (ibid., art. 69).</p> <p>The law on advertising (Advertisement Code) explicitly says that political propaganda is not considered as commercial advertisement, and doesn't fall under the scope of that law (see art. 3, § 3).</p>
	Art 31 Television Law	AAVM (TV)	<p>Without prejudice to chapter VI [Right to broadcast time], television operators shall not allow any transmission time for political propaganda.</p>

4.2.2. Government announcements	Art. 51, § 2, m) and n) Television Law	PSB (TV)	The television public service must transmit the messages required by the President of the Republic, the President of the Assembly of the Republic (Parliament) and by the Primer-Minister. It also must put airtime at the disposition of the Public Administration in order to diffuse information of general interest, especially concerning health and public security issues.
	Art. 48 Law Radio	PSB (R)	It is an obligation of radio public service to guarantee, with the due relevance and maximum urgency, the diffusion of messages required by the President of the Republic, by the President of the Assembly of the Republic (Parliament) and by the Primer-Minister.
	Art 30 Television Law	AAVM (TV)	Announcements requested by the President of the Republic, the President of the Assembly of the Republic and the Prime Minister shall be broadcasted through the television public service, and shall be carried out with due emphasis and most urgently. In the event a state of siege or state of emergency are declared, the obligation laid down in the preceding paragraph shall also apply to other television operators.
4.2.3. Impartiality obligations	Art. 34, 2, (b) Television Law	AAVM (TV)	All television operators that operate general television programme services of a national coverage shall to guarantee information that observes accurateness and independence.
	Art. 39, 1 (c) Constitution		An independent administrative body (ERC) shall be responsible for ensuring the independence of the media from political power and economic power.
	Art. 9, 1 (a) Radio Law	AAVM (R)	The purposes of general programme services in radio broadcasting consist of promoting the right to inform and be informed, accurately and independently, without impediment or discrimination.
	Art 14, 1 (c) Journalist Statue	Journalists	One of the fundamental journalists' duties consists of refusing tasks that may compromise their independence and professional integrity.
4.2.4. Fair representation of political viewpoints; special rules in election periods	Art. 40, § 3 Constitution	AAVM (TV) (R)	During electoral times and as laid down by law, candidates shall have the right to regular and equitable broadcasting time on radio and television stations with a national or regional scope ('Direito de Antena').

	Art. 63 Television Law	AAVM (TV)	In election periods, the exercise of the entitlement to broadcast time is regulated by electoral legislation, covering all general television programme services on a free-to-air basis.
<i>Apart from the broadcast time reserved in the public service for all political parties and other organizations during all the year, in electoral times there is a particular definition of the rights of access to all mass media.</i>			
	Art. 34, § 2 (e) Television Law	AAVM (TV)	All television operators which operate general programming services, either public or private, shall guarantee the entitlement to party political broadcasts during electoral periods (‘Direito de Antena’), in compliance with constitutional and legal terms.
	Art. 56 Radio Law	AAVM (R)	During electoral times, the right of access to radio airtime by political parties and other candidates (‘Direito de Antena’) has particular rules, defined by the Electoral Law (<i>see next point</i>)
	Article 56 - 61 Electoral Law on Local Authority Bodies (Organic Law 1/2001, of August 14th)		<p>Under the terms of this section, all candidatures for election to local authority bodies shall have the right to usufruct of airtime in broadcasts of radio operators with local programme services whose headquarters are located within the territorial area of the correspondent municipality.</p> <p>During the election campaign period, operators shall reserve 30 minutes to all candidatures, on a daily basis, equally divided into two parts of 15 uninterrupted minutes: one between 7 am and 12 pm e another between 7 pm and 12 am.</p> <p>Broadcasting times reserved in the programmes’ services shall be equally awarded to political parties, coalitions, and opponent group of citizen voters.</p> <p>The Civil Governor shall determine by lottery the airtime distribution up until three days before the beginning of the campaign, which shall be immediately communicated to the involved operators within the same period.</p>
	Art 49 Electoral Law on Local Authority Bodies (Organic Law 1/2001, of August 14 th)		All media involved in the electoral campaign coverage shall give equal journalistic treatment to all candidatures.

	Art. 62-69 Electoral Law	AAVM	<p>During election times, political parties have the right to some airtime in television and radio stations, both public and private (the State pays them for the time they spend with that airtime).</p> <p>During electoral campaign, television stations must grant 15 minutes, between 19h00 and 22h00, from Monday to Friday, and 30 minutes on Saturday and Sunday. Public radio must grant 60 minutes a-day (20 minutes between 07h00 and 12h00, 20 minutes between 12h00 and 19h00, and 20 minutes between 19h00 and 24h00).</p> <p>[...]</p>
			<p>[...]</p> <p>Private radio stations of national scope must grant 60 minutes a-day (20 minutes between 07h00 and 12h00, 40 minutes between 19h00 and 24h00).</p> <p>Regarding the press, during the election campaign they all are asked to grant non-discriminatory treatment to all the candidates.</p>
	Article 56 and 64 Electoral Law of the Republic Assembly (Portuguese Parliament)		<p>Candidates and political parties or the coalitions that propose them shall have the right to equal treatment by public or private entities in order to carry out the election campaign freely and in the best conditions.</p> <p>In accordance with Decree-Law 85-D/75, of February 26th and other applicable legislation, daily publications or non-daily publications with a frequency under fifteen days shall give non-discriminatory journalistic treatment to all candidatures.</p>

Note: The other legislation governing the elections to the Republic Presidency, Autonomous Regions of Madeira and Azores and European Parliament have identical rules.

TABLE 5. Geographical pluralism

Measure	Source	Scope of application	Key features
<p>5.1. Licensing policy fostering local/regional types of media</p>	<p>Law on incentives to regional and local media (Law nr. 7/2005)</p>	<p>Regional / local media</p>	<p>The State can grant financial subventions to regional and local media companies in order to help the professionalization and qualification of their staff, to foster their technological development (with a particular emphasis in multimedia resources) and to enlarge the possibilities of diffusion of their products. The underlying idea is that regional and local media can be an agent for general development and help to guarantee pluralism and freedom of expression for all citizens. Incentives can also be granted to media especially interested in promoting the Portuguese language and culture among the Portuguese emigrant community living abroad.</p>
	<p>Art. 7 Television Law</p>	<p>AAVM (TV)</p>	<p>1 Coverage by television programme services may be on an international, national, regional or local level, according to whether they are intended to cover, respectively: a) Predominantly the territory of other countries; b) The national territory in general, including the Autonomous Regions; c) A group of districts in the mainland or a group of islands in the Autonomous Regions, or an island with several municipalities, or a metropolitan area; d) A municipality or a group of neighbouring municipalities.</p> <p>2 The geographic area allocated to each television programme service shall be covered by the same programme and recommended signal, unless otherwise authorized by determination of the Regulatory Entity for the Media, without prejudice to the use of additional coverage resources, where it is duly authorized. [...]</p>

			<p>[...]</p> <p>3 The determination referred to in the preceding paragraph shall establish the hourly limit of broadcast interruptions up to the maximum of two hour per day, which may be extended in exceptional and duly substantiated situations, in the terms provided therein.</p> <p>4 Ratings referred to in this article are incumbent upon the Regulatory Entity for the Media and shall be established in the licence or authorization document, without prejudice to its subsequent amendment at the request of interested parties, subject to the binding conditions for pursue of the activity, under article 21 hereof.</p>
	Clause 2, 2 (c) (e) Contract of Concession of the Television Public Service (2008)		The television public service broadcasts two regional programme s services in the autonomous regions of Madeira and Azores archipelagos and one programme service with a particular interest for the regions and specific communities.
	Art. 4 and Art. 5, 1 Radio Law	AAVM (R)	<p>With regard to the level of coverage, programme services may be national, regional or local, depending on whether they cover, with the same recommended signal, respectively:</p> <p>a) National territory in general;</p> <p>b) A group of districts on the mainland or a group of islands in the Autonomous Regions, or an island with several municipal areas;</p> <p>c) A municipal area and possible bordering areas in accordance with the technical requirements necessary for coverage of that area.</p> <p>The classification of programme services with regard to the level of coverage and content of programming is the responsibility of the Regulatory Entity for the Media (ERC). The frequencies available for local radio broadcasting may be reserved for programme services specifically for university populations</p>
5.2. Structural measures: access of various localities to media (e.g. obligation to have branches throughout country)	Art. 7 Television Law	(see above)	
	Art. 4 and Art. 5, 1 Radio Law	(see above)	

5.3. Content obligations: requirements to cover local events, etc.	Art. 34, n. 4, and Art. 56 Television Law	AAVM (TV)	General television programme services of a regional or local scope shall: To extend television programming to regional or local contents; b) To broadcast information with a specific interest for the audience's geographic scope; c) To promote typical values of regional or local cultures. PSB's television programme services aimed especially at the Autonomous Regions of the Azores and Madeira shall take due regard of the respective social and cultural realities and enhance regional production.
	Art 39, 2 and Art. 41, 1 Radio Law	AAVM (R)	Radio stations must transmit a minimum of three news services relating to their own geographical area. These news services must be transmitted between 07.00 h and 24.00 h and separated by periods of not less than three hours. Programme services for local coverage must transmit a minimum of eight hours of own programming, to be broadcast between 07.00 and 24.00
5.4. Regional State Aids	(see above)		
	Regional legislative decree 22/2006/A (of the Autonomous Region of the Azores)		Regional Support Programme (PROMEDIA - Programa Regional de Apoio à Comunicação Social Privada). The objectives of PROMEDIA are the following: a) Technological modernization of regional media; b) Information diffusion support; b) Vocational qualification of media agents.
	Order 233/94 (of the Autonomous Region of Madeira)		Support system to media entities in the Autonomous Region of Madeira.
5.5. Rules on national minorities	No.		
5.6. Rules on social inclusion of remote areas (Aménagement du territoire)	Art. 7, 1, b) Television Law		Coverage by television programme services on a national level should cover the national territory in general, including the Autonomous Regions of Madeira and Azores. The public service operator broadcasts two regional programme services, one in Madeira and another one in the Azores.

TABLE 6. Pluralism of ownership/control

Measure	Source	Scope of application	Key features
6.1. Sector specific rules limiting media ownership			
<i>Note: Art. 39 Constitution states that an independent administrative entity has to guarantee the non-concentration of ownership of the mass media. Presently, this entity is the Regulatory Entity for the Media (ERC). Provisions about media concentration, cross-participation, ownership transparency, etc. are not included in the Portuguese media laws, but in a law-project. It is not clear when this law-project will be submitted to the Parliament for approval.</i>			
6.1.1. Moment of intervention			
6.1.1.1. At moment of market entry (licensing procedure)			
	Art. 13 Television Law	AAVM (TV)	The access to television activity using the terrestrial spectrum is subject to State licence in the sequence of public contest. The concession is granted according to a number of obligations assumed by the operator (presently there are two private channels broadcasting in Portugal with a national licence. The access to television activity which doesn't use the spectrum (e.g. cable) is only subject to a previous authorization by the State
<i>This general legal precept is the same for every company, dealing with media or anything else. Specifications for the media industry will be available only when the new law is approved (see above).</i>	Art. 4 Television Law	AAVM (TV)	Television operators are submitted to the general legal regime to preserve competition, particularly in what concerns concentration and transparency of ownership.
	Art. 3 Radio Law	AAVM (R)	Access to radio activity using broadcasting system depends on the public authorization and licence, in order to preserve the attribution of radio electric frequencies. Radio through Internet doesn't fall under these conditions.
<i>This general legal precept is the same for every company, dealing with media or anything else. Specifications for the media industry will be available only when the new law is approved (see above).</i>	Art. 7 Radio Law	AAVM (R)	Radio broadcasting operators are submitted to the general legal regime to preserve competition, particularly in what concerns abuse of dominant position, concentration and transparency of ownership.
	Art. 5 and Art. 16 Press Law	PM (N)	The constitution of press companies is totally free and only subject to previous registration of the publication. The identification of the owners of journalistic companies must be published once a year and sent to the Media Regulatory Entity.

6.1.1.2. <i>At the moment of mergers & acquisitions</i>	Art. 9 and Art. 57 Competition Law	All	Every operation of companies' concentration must be communicated in advance to the authorities, namely when it leads to the creation of a share of 30 % or more of the market of any goods or services. The merger or fusion depends on those authorities permission. When the merger or acquisition involves media companies, the Media Regulatory Entity must authorize it too. And this authorization will not be given if there's a clear risk of menacing the free expression and exchange of different lines of opinion.
6.1.1.3. <i>Other (constant monitoring/supervision)</i>	Art. 8, (b) and (g) ERC Law		One of ERC legal attributions is to zeal that there is no concentration of ownership of mass media companies, in order to preserve pluralism and diversity. This attribution is understood as complementary to the ones committed to the Competition Authority. Another ERC attribution is work in cooperation with the Competition Authority in order to guarantee the regular and efficient functioning of the press and audiovisual markets, in good conditions of transparency and equity.
<i>Note: As stated above, these general attributions committed to ERC regarding media ownership can be more concrete only when the law on media concentration (presently being discussed) is approved by Government and by the Parliament. In the meantime, some specifications of the Competition Law can be used also to analyze the media businesses.</i>			
	Art. 24, (o), (p) and (q) ERC Law		It's a specific competence of ERC's Regulator Council to determine, in cooperation with the Competition Authority, which are the economically relevant markets in the media sector; to judge about property acquisitions or about concerted practices by any company dealing with media; to identify the powers of influence on the public opinion, in order to defend pluralism and diversity, and to adopt the necessary measures to its safeguard.
<i>Note: As stated above, these general attributions committed to ERC regarding media ownership can be more concrete only when the law on media concentration (presently being discussed) is approved by Government and by the Parliament. In the meantime, some specifications of the Competition Law can be used also to analyze the media businesses.</i>			
6.1.2. <i>Scope (i.e. trying to prevent one of the following forms of concentrated ownership and/or control)</i>			
6.1.2.1. <i>Monomedia</i>			
	Art. 7, § 3 and § 4 Radio Law	AAVM (R)	No one can own shares on more than five radio companies, and no company can own more than a 25% share in two or more stations that operate in the same municipality and has local programming.
	Art. 4, §2 Press Law	PM (N)	Every news company or journalistic company that buys any participation or share in a similar company must notify the Regulatory Entity for the Media (ERC) of that acquisition.

6.1.2.2. <i>Crossmedia</i>	No restrictions. <i>Restrictions in this domain are defined in the future Concentration Law (now in preparation and in public debate)</i>		
6.1.2.3. <i>Vertical integration with networks</i>	No restrictions. <i>Restrictions in this domain are defined in the future Concentration Law (now in preparation and in public debate)</i>		
6.1.2.4. <i>Integration with advertising sector</i>	No		
6.1.2.5. <i>Integration with other (e.g. energy) sectors</i>	No		
6.1.2.6. <i>Control over both commercial and public media</i>	No restrictions. <i>Restrictions in this domain are defined in the future Concentration Law (now in preparation and in public debate).</i>		
6.1.3. Criteria used to define thresholds for maximum ownership and/or control			
6.1.3.1. <i>Number of licences</i>	Art. 7, § 3 and 4 Radio Law	AAVM (R)	No one can own shares on more than five radio companies, and no company can own more than a 25% share in two or more stations that operate in the same municipality and has local programming.
6.1.3.2. <i>Market shares</i>	Art. 9 Law on Competition		Concentrations between undertakings are subject to prior notification to the Competition Authority when one of the following conditions is fulfilled: a) Their implementation creates or reinforces a share exceeding 30% of the national market for a particular good or service or for a substantial part of it. b) In the preceding financial year, the group of undertakings taking part in the concentration have recorded in Portugal a turnover exceeding EUR 150 million, net of directly related taxes, provided that the individual turnover in Portugal of at least two of these undertakings exceeds two million euros.
6.1.3.3. <i>Circulation and audience shares</i>	<i>Criteria will be defined in the future Concentration Law (now in preparation and in public debate).</i>		
6.1.3.4. <i>Capital shares</i>	<i>Criteria will be defined in the future Concentration Law (now in preparation and in public debate).</i>		
6.1.3.5. <i>Voting shares</i>			
6.1.3.6. <i>Advertising revenues</i>			

6.1.3.7. <i>Involvement in number of media sectors</i>	<i>Criteria will be defined in the future Concentration Law (now in preparation and in public debate).</i>		
6.2. Sector specific rules preventing cooperation between media companies	<i>Restrictions in this domain are defined in the future Concentration Law (now in preparation and in public debate)</i>		
6.3. (Sector specific or general) rules preventing (non-EU) foreign ownership	No restrictions		
6.4. General competition rules	Art. 4, Television Law	AAVM (TV)	The general regime of defence and promotion of competition is applicable to television operators, particularly with regard to prohibited practices, especially the abuse of a dominant position, and also to concentration of companies.
	Art 4, § 2 Law No 32/2003		Concentration operations between television operators subject to intervention of the Competition Authority are communicated by this body to the regulatory authority, which issues prior judgments that are binding in nature and which shall only involve refusal when these operations present clear risk to both freedom of expression and the presentation of different opinions.
	Art. 7 Radio Law	AAVM (R)	Radio broadcasting operators are submitted to the general legal regime to preserve competition, particularly in what concerns abuse of dominant position, concentration and transparency of ownership.
6.4.1. Antitrust			
6.4.1.1. <i>Specific provisions for media sectors</i>	<i>Restrictions in this domain are defined in the future Concentration Law (now in preparation and in public debate)</i>		
6.4.1.2. <i>Case law in media sectors (examples of leading cases; any specificities?)</i>	<i>Restrictions in this domain are defined in the future Concentration Law (now in preparation and in public debate)</i>		
6.4.2. Merger control			
6.4.2.1. <i>Specific provisions for media sector (e.g. possibility for government to overrule NCA decision)</i>	Art. 57 Competition Law	All media	When deciding on concentrations and mergers within the media sector, the Competition Authority decisions are subject to a binding prior opinion of the ERC [which replaced the former AACS-High Authority for the Media] , who assess the impact of such a merger on the freedom of expression and the diversity of opinion.

	Art. 7, §2, and Art. 18 Radio Law	AAVM (R)	Any concentration operation among radio operators, either horizontal or vertical, leading to changes in the control of the medium, is possible only three years after the broadcasting licence has been granted (or one year after it was renewed) and must be previously approved by the Regulatory Entity (ERC). These operations will not be allowed if they put at risk the freedom of expression and of the various opinion lines.
6.4.2.2. Case law in media sectors (examples of leading cases; any specificities?)			
6.5. Transparency obligations			
6.5.1. Transparency towards consumer (e.g. identification obligation; cf. Art. 3a AVMS Directive)	Art. 16 Press Law	PM (N)	The list of all the shareholders of news companies, as well as the indication of any other participation of those shareholders in similar companies, must be published every year (together with the economic and financial report) in every media they own and sent it to the Regulatory Entity for the Media.
	Art 5 § 1 and 2 Law No 32/2003	AAVM (TV)	Shares representing the capital of television operators, taking the form of a public limited company, shall be nominative. The description of holders of qualified holdings in the capital of the television operators and of holders of special rights, respectively itemized, and indications of holdings in other similar entities are published together with the report and accounts and the respective editorial policy every year in one of the national large-circulation general periodicals.
	Art 8 § 1 Radio Law		Shares representing the capital of radio operators, taking the form of a public limited company, shall be nominative.
	Art 41 § 2 Radio Law		During the time dedicated to own programming, radio programme services must be identified by name, the transmission frequency if any, and the transmission location, at intervals not longer than one hour.
6.5.2. Transparency obligations towards regulator or in general (info on capital structure, balance sheets, either in specific media laws or in general company laws...)	Art. 4, Television Law	AAVM (TV)	Television and distribution operators are submitted to the general regime of defence and promotion of competition, particularly in what concerns the forbidden practices and companies' concentration, as well as to the juridical regime that regulates ownership transparency and ownership concentration in the mass media.

Note: Specific measures in this domain, regarding specifically the media companies, are defined in the future Concentration Law (now in preparation and in public debate). Until now, there has been no specific ‘juridical regime’ to this sector.

	Art. 8, § 2 Radio Law	AAVM (R)	Any changes in the capital of the radio broadcasting companies must be communicated within 30 days to the Regulatory Entity for the Media (ERC).
	Art. 16 Press Law	PM (N)	News companies are obliged to inform the Regulatory Entity for the Media – ERC (previous ‘High Authority for Social Communication - AACS) annually of the details regarding shareholders in the company. Additionally publishing companies must publish annually in their newspapers the details of annual accounts and shareholder interests (see above).
	Art 1 § 1 and 2 Media Registration Decree-Law	All media	One of the ERC attributions is to register the media (press, radio and television) in order to prove the legal situation of the media ant to guarantee the transparency of the media ownership.

TABLE 7. Pluralism of media types and genres

Measure	Source	Scope of application	Key features
<p>7.1. Minimum service in a number of programme strands for commercial / community / public service media</p>	<p>Art. 51 Television Law, Art. 47 and Radio Law</p>	<p>PSB</p>	<p>Operators holding the public television and public radio service concession shall assure quality programming that is balanced and diverse and which contributes to the cultural and civic development of viewers, promoting political, religious, social and cultural pluralism, and allowing access by all viewers to information, culture, education and quality entertainment.</p> <p>Public television operator is specially are obliged to:</p> <ul style="list-style-type: none"> a) Provide pluralist programming which takes into account minority interests and promotes cultural diversity; b) Provide accurate, independent and pluralist information; c) Ensure news coverage of the main national and international events; d) Ensure the production and transmission of educational and entertainment programs destined for young people and children, which will contribute to their education; e) Broadcast programs destined especially for Portuguese people resident outside Portugal and for nationals of other Portuguese-speaking countries also resident outside Portugal; f) Promote access to programmes for the deaf or those with hearing disabilities (TV); g) Support national production, as regards international commitments which bind the Portuguese State, and co-production with other countries, especially European and Portuguese-speaking countries; <p>[...]</p>

		<p>[...]</p> <p>h) Guarantee the entitlement to broadcast time, the right to reply and political refutation, in compliance with constitutionally and legally stipulated terms;</p> <p>i) Broadcast any messages requested by the President of the Republic, the President of the Assembly of the Republic or by the Prime Minister;</p> <p>j) Give transmission time to the Civil Service, in order to disseminate information of general interest, particularly in matters of public health and safety.</p> <p>Public radio operator is specially obliged to:</p> <p>a) Provide a varied, accurate and impartial news service and be independent of all public and private powers;</p> <p>b) Transmit innovative and varied programming, which stimulates learning and cultural development, with special attention to young audiences;</p> <p>c) Transmit programming of a convergent nature which is accessible to the whole population, taking into consideration different age groups, professions and interests;</p> <p>d) Transmit programming which conveys national, social and cultural diversity, work against all forms of exclusion or discrimination and which meets the interests of different minority public groups;</p> <p>e) Ensure news coverage of the main national and foreign events;</p> <p>f) Promote and inform on national art and develop knowledge of the historical and cultural heritage of the country;</p> <p>g) Transmit regular programmes specializing in the international promotion of Portuguese language and culture.</p>
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	Art. 34 Television Law	AAVM (TV)	<p>All television operators, whether public or private, exploring national generalist programming services, have the obligation: a) to provide a diversified and plural programming; b) to provide information that respects pluralism, accuracy and fairness; c) to ensure a programming service independent from political and economic powers; d) to guarantee the rights to reply and to rectification; e) to diffuse creative works of European origin, particularly in Portuguese language, and to participate in the development of their production.</p> <p>The operators of regional or local scope have the obligations above mentioned from a) to c) and, furthermore, the obligations: a) to diffuse content of regional and local interest; b) to promote the characteristic values of the regional and local cultures.</p>
7.1bis. Special framework for community media (“medias associatifs”): Is there a special legal framework granting protection to community media (including rules determining the criteria - e.g. being independent of political parties, non-profit, respecting the law, etc. - in order to qualify as community media; granting certain privileges to that type of media, like guaranteed access to spectrum or networks, etc.)	No		
7.2. Events list (please indicate what type of events are listed, e.g. only sports events or also cultural, political events...)	Art. 32 (4) Television Law, and Ministerial Order Ministerial Order (Despacho) No 24768/2007, of 18 October (For the years 2008-2009: Ministerial Order No 26037/2008, of 10 October)	AAVM (TV)	<p>In the case of some events considered to be of general interest, the TV channel that owns the broadcasting rights is obliged to allow other broadcasters of national scope and open access to diffuse those events too. The list of those events is determined every year by the Government.</p> <p>For the years 2007-2008, the Ministerial Order listed – after having consulted the ERC – a series of events of general public interest, all of them coming from sport (football mainly, as well as other international competitions where Portuguese athletes are involved).</p>
7.3. Short news reporting	Art. 33 Television Law	AAVM (TV)	<p>Neither those responsible for the production of shows or other public events, nor the holders of exclusive rights to them, may oppose the transmission of brief extracts of those events, which are of an informative nature, by any television operator, national or otherwise.</p>

7.4. Fixed book price	Fixed Price Book Law (Law n° 216/2000, of 2 September), art. 4, 12 and 14	B	Maximum discount: 10% for books published or imported in the last 18 months. In certain specific cases, discount can reach 20% when the books are acquired by public libraries, school libraries, institutions of public utility, or on activities of promotion of reading (book fairs). School manuals and used books are not included.
7.5. Public service media			
7.5.1. Structural rules - organization			
7.5.1.1. Independence (from government, political powers, economic powers; is this explicitly guaranteed, how?)	Art. 38, § 6 Constitution Art. 50, § 1 Television Law Art 47 § 1 (a) Radio Law	PSB	The structure and the operation of the media that remain within the radio and television public sector must ensure their independence against the Government, the administration and other public bodies; it also ensures that the different lines of opinion may be expressed and confronted.
<i>Implementation problem: The fact that the management of the company responsible for the Radio and Television Public Service (one single company since 2007) is actually appointed by the Government causes frequent controversies regarding the issue of political independence. In spite of that, the laws stress the fact that the management shouldn't interfere in any matters linked to the information services. But suspicions about it are frequent. Besides that, the existence of an Opinion Council, as well as of an ombudsman for the public radio and for the public television allegedly grants some internal scrutiny about the issue of independence (among others).</i>			
	Art. 2, § 3 Law on the Radio and Television Public Service Company (Law no. 8/2007)	PSB	The radio and television public services work with total editorial autonomy in what concerns their programming and information.
	Law on the Radio and Television Public Service Company (Law no. 8/2007) - Annex, art. 4, § 1, 2 and 3	PSB	The responsibility for the selection and for the content of the public radio and television programs belongs to their directors (editors-in-chief). Management orientations can't deal with matters which involve editorial responsibility for the radio and television information services, because this responsibility belongs exclusively to the editor-in-chief.
7.5.1.2. Election of management, composition of board member (government? Parliament? Other?)	Law on the Radio and Television Public Service Company (Law no. 8/2007) - Annex	PSB	As the company responsible for the Radio and Television Public Service is a company totally owned by the State, the board is elected by the State as the only shareholder. The board ('Conselho de Administração') is appointed by the Government. It has five members and the law doesn't define any particular requisites for them. They can be dismissed only when they commit any serious fault in their duties or when they fail to respect the public service concession contract.
7.5.1.3. Specific representation requirements for board of directors, other bodies	No		

<p>7.5.1.4. <i>Advisory bodies: ensured broad representation of cultural, political and geographic groupings</i></p>	<p>Law on the Radio and Television Public Service Company (Law no. 8/2007) – Annex, art. 21 to 23</p>	<p>PSB</p>	<p>The public broadcaster has an Opinion Council, composed of 27 members, where different sensitivities and organizations of the public are represented (trade unions and employers’ associations, religious confessions, youth, parents and families’ associations, consumers’ associations, disabled people associations, women’s associations, etc.). This council meets three times a-year and must be consulted about the general activity of public Radio and Television, particularly about the duties attached to the Public Service contract signed by the company and the State. The council must also vote for the persons to be Radio and Television ombudsman.</p>
<p>7.5.1.5. <i>Employment: ensured broad representation of cultural, political and geographic groupings</i></p>	<p>No</p>		
<p>7.5.2. Structural rules - funding</p>			
<p>7.5.2.1. <i>Source of funding (state / tax money, public / licence fees, advertising, merchandising...)</i></p>	<p>Art. 1, § 2 , Law no. 30/2003</p>	<p>PSB (R)</p>	<p>The public radio service is financed by means of a charge corresponding to audiovisual licence fee.</p>
<p><i>Note: The amount of this fee (collected monthly through the electricity bill) was set in 1,60 euros per month (subject to annual actualizations), which means 19,20 euros per year. Only the consumers spending annually less than 400 kWh of electric power are exempted of this fee. For the year 2008, the fee was set in 1,71 euros per month, which means 20,52 euros per year (see Law n° 67-A/2007, of 31 December). (For the year 2009, the fee was set in 1,75 euros per month, which means 21 euros per year (see Law n.° 64-A/2008, of 31 December).</i></p>			
	<p>Art. 1, § 3 Law no. 30/2003 (financing the public service of radio and television)</p>	<p>PSB (TV)</p>	<p>The public television service is financed by means of compensation indemnities and by the revenue from audiovisual licence fee which is not used by the public service radio.</p>
<p><i>Implementation problem: Besides the compensation indemnities, public television also has revenues from commercial advertising (only in the first channel, RTP1, and with some limitations of time), although these revenues must be totally used to pay the previous debts of the company, and not to finance programming or other investments. Private TV chains often criticize this competition in collecting advertising, arguing that the public service should have no commercial advertising at all, since it has the financial resources coming from the State (unlike the private chains, who live only from advertising revenues)</i></p>			
<p>7.5.2.2. <i>Sufficiency of resources (taking into account the missions and new media activities)</i></p>	<p>Art. 2, § 1 and 2, Law no. 30/2003 (financing the public service of radio and television)</p>	<p>PSB</p>	<p>The licence fee for the audiovisual and the compensation indemnities are established in accordance to the global needs of financing the public service and must respect the principles of transparency and proportionality. This public financing system must be subject to annual control, through an external audit designed by the Regulatory Entity for the Media (ERC).</p>
	<p>Art. 57, § 5 Television Law</p>	<p>PSB</p>	<p>With the aim of ensuring an adequate and efficient management of resources, in accordance with forecasts for the economical and social environment, expenses resulting from the financing of the public radio and television service will be established on a multi-annual basis over four-year periods</p>

7.5.3. Definition of public service remit			
7.5.3.1. <i>Obligation to provide a varied and pluralistic offer</i>	Art. 38, § 6 Constitution	PSB	The structure and the operation of the media that remain within the public sector must be independent from the Government and ensure that the different lines of opinion may be expressed and confronted.
<i>Implementation problem: The ERC defined a set of quantitative criteria (percentage of airtime allegedly due to the Government and to every political party, according to their electoral results) to check if the public television respected adequately the political pluralism in the news programs. The first results were presented in April 2008, and they suggested that there was a sub-representation of the main opposition party and an over-representation of Government in public television news. But these issue also caused some controversies, for instance because it was only quantitative, disregarding the qualitative aspects of the news and other criteria of newsworthiness.</i>			
	Art. 50 Television Law	PSB	Public television service observes the principles of universality and national cohesion, of diversity, excellence and indivisibility in programming, of pluralism, objectivity and independence of information, as well as of innovation.
	Art. 47 Radio Law	Public Service Radio	The radio public service must have an innovative programming, with high quality standards, satisfying the cultural, educational, formative, informative and entertainment needs of the most various publics. It must ensure pluralism, accuracy and impartiality of information, and produce an innovative and diverse programming.
7.5.3.2. <i>Obligation to engage in new media activities</i>	Clause 3 Contract of Concession of the Television Public Service (2008)		In accordance with the exigences of diversification and innovation principles, the public service television shall be present in the various technological platforms appropriated to the public service television broadcasting; it may include programme services or any other form of organization of audiovisual content, specially created for each platform.
7.5.4. Content obligations (not yet mentioned in table 3, 4 or 5)	Arts. 51-52 Television Law	PSB	The PSB must provide: <ul style="list-style-type: none"> • one or more programmes of interest to Portuguese language viewers living abroad as well as specific programmes for countries that speak the Portuguese language; • a specific service particularly tailored for cultural, scientific, independent production and Portuguese cinema programmes; provision of two program services specifically addressed to the Azores and Madeira.
	Art. 54, § 1 Television Law	PSB	The public television service will also involve a service of programs (the Second Channel) particularly directed at culture, science, research, innovation, social involvement, amateur sport, religious faiths, independent production, Portuguese cinema, the environment, defence of consumer rights and audiovisual experimentation.

	Self-regulation Protocol RTP, SIC and TVI (2003)		<p>Private broadcasters SIC and TVI are engaged:</p> <ul style="list-style-type: none"> - to support an finance the independent production; - To offer 1 hour, per day, of their own contents, to the international channels of the public service broadcaster; - To broadcast , at least 2h:30m per week, news programming , educational, entertainment or religious programmes with sign language; - To broadcast, at least 5 hours per week, fiction programmes or documentaries with teletext; - To broadcast, 2 hours per month, cultural programmes (literature, cinema, theatre, dance, painting, architecture, audiovisual production and design, etc.) - To broadcast 18 hours per year of fiction works of national production; <p>[...]</p>
			<ul style="list-style-type: none"> - To broadcast, 30 minutes per week, programmes aimed to ethnic, religious or cultural minorities. <p>Concerning the public service television broadcaster (RTP) it shall broadcast more then the double of the hours and contents referred above.</p>
7.5.5. Universal coverage obligations	Art. 50, § 2, and Art. 51, § 1 Television Law	PSB	<p>Television Public Service must guarantee the respect for the principles of universality and national cohesion.</p> <p>This service must have a programming service that promotes guarantees the access of everybody to information, to education and to entertainment with quality standards.</p>
	Art 18 § 2 Television Law	AAVM (TV)	<p>The licensing of television activity concerning the general national programme services is subjected to the coverage of the whole national territory including the Autonomous Regions (Azores and Madeira).</p>
	Art. 47 § 1 (c) Radio Law	PSB (R)	<p>The Radio Public Service must have a programming service accessible to the whole population, taking into consideration the different ages, occupations and interests of the audience.</p>

	<p>Art. 52.^o, n. 3 Television Law Clause 2 Contract of Concession of the Television Public Service (2008)</p>	<p>PSB</p>	<p>The concession of the public television service must include: a) A general programme service distributed simultaneously throughout the national territory, including the Autonomous Regions, which aims to meet the educational, informative, cultural and entertainment needs of the general public; b) A second general programme service distributed simultaneously throughout the national territory, including the Autonomous Regions, open to the participation of the civil society, which aims to meet the informative and entertainment needs, and specially the education and cultural needs of various public sections, including the minorities c) Two television programme services intended respectively to the Autonomous Region of the Azores and the Autonomous Region of Madeira; d) One or more programme services aimed at Portuguese-speaking viewers resident abroad or in countries where Portuguese is an official language, promoting the affirmation, enhancement and defence of Portugal's image in the world.</p>
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TABLE 8. Distribution (networks/network facilities/print distribution)

Measure	Source	Scope of application	Key features
8.1. Guarantees for 'public contents' to be distributed (must carry or other)	Art 43, § 1 and 2, Law on electronic communications		Must-carry obligations can be imposed on electronic communications networks which are used by a significant number of end-users as their principal means to receive radio and television broadcasts. These obligations can be imposed only when they are necessary to pursue objectives of general interest clearly defined, and must be reasonable, proportionate, transparent and subject to periodical revision.
	Art. 25., n.º 2 and 3, Television Law	AAVM (TV)	Operators of electronic communications networks used in the television activity must provide, following a decision of the national communications regulatory authority, issued according to paragraphs 1 and 2 of article 43 of Law no. 5/2004, of 10 February, the transport of television programme services specified by the Regulatory Entity for the Media under point s) of paragraph 3 of article 24 of Law no. 53/200, of 8 November. 3 – For the purposes of the preceding paragraph, television operators responsible for the organization of the television programme services referred therein must provide the respective signal.
8.2. Guarantees for network operators to distribute 'public contents' (must offer or other)	Art. 24 § 3 s) of ERC Statutes		The Regulatory Entity for the Media (ERC) shall specify the radio and television programme services that are subjected to must carry and to must offer by the companies distributing electronic communications networks in accordance with the competences attributed to the Competition Authority and to Communications Authority in this domain.
<i>Note: ERC has not yet implemented this provision, because terrestrial channels are currently available on different platforms (cable, ADSL, etc.). (No need that ERC implement the provision)</i>			
8.3. Ex ante regulation (in electronic communications): SMP market analysis for broadcasting transmission			
8.3.1. Implementation of market analysis procedure in ECNS Directives			
8.3.2. Result of (first) round of market analysis of market 18			

8.4. Ex ante regulation for associated facilities of networks, so-called 'bottleneck facilities'			
8.4.1. Conditional access	Art. 78, § 1 (a) Law on electronic communications		All operators of conditional access services which, irrespective of the means of transmission, provide access services to digital television and radio services, whereby broadcasters depend on such services in order to reach any group of potential viewers or listeners, shall offer technical services to all broadcasters, on a fair, reasonable and non-discriminatory basis compatible with Community competition law,
8.4.2. EPG (or other search tools)	Art. 77, 1 (b) Law on electronic communications		The NRA is charged with imposing obligations of access and interconnection on any undertaking, as far as such obligations may be necessary, regardless of whether or not it holds significant market power, to provide access to EPGs (electronic programme guides), on fair, reasonable and non-discriminatory terms.
8.4.3. API	Art. 77, 1 (b) Law on electronic communications		The NRA is charged with imposing obligations of access and interconnection on any undertaking, as far as such obligations may be necessary, regardless of whether or not it holds significant market power, to provide access to to APIs (application program interfaces), on fair, reasonable and non-discriminatory terms.
8.4.4. Other			
8.5. Interoperability requirements	Art. 102 § 1 Law on electronic communications		In order to promote the free flow of information, media pluralism and cultural diversity: a) Providers of digital interactive television services for distribution to the public on digital interactive television platforms, regardless of the transmission mode, shall favour the use of an open API; b) Providers of all enhanced digital television equipment deployed for the reception of digital interactive television services on interactive digital television platforms shall encourage compliance with an open API in accordance with the minimum requirements of the relevant standards or specifications.
8.6. Specific rules for distribution systems in print media	No		
8.7. General competition law			

8.8. Policies fostering distribution systems (libraries, broadband networks...)?			A number of municipal libraries receive subsidies to enlarge their holdings and rebuild the facilities.
	Council of Ministers Resolution No 190/2005 on Technological Plan		The measures of the Technological Plan consist in promoting the access to broadband, tripling the number of households accessing the Internet by broadband until 2010 and implementing in all schools the access to Internet by broadband.
	Decree- Law No 43/2006 on equalizing the price of general content print publications i		In order to equalize the price of general content print publications in the whole national territory, the State pays the total transportation price of the publications between mainland and the Madeira and Azores islands
8.9. State Aids to distribution platforms and/or schemes (can be based on one or more of the following criteria: - Regional - Linguistic/minority - National)			

TABLE 9. Supervision

Measure	Source	Scope of application	Key features
9.1. National Regulatory Authority			Entidade Reguladora para a Comunicação Social (ERC) (http://www.erc.pt)
9.1.1. Structure/ organization	Law creating ERC (Law no. 53/2005)		ERC is composed by a Regulatory Board (Conselho Regulador) of five members. In order to ensure independence from the Government, four members of the Regulatory Board are elected by the Parliament, with a qualified majority of votes (two thirds). Once elected, these four members co-opt a fifth member, who will be the President ERC also includes a Consulting Council, composed of 16 members, where are represented several institutions somehow linked to the media and the public (consumers, journalists, universities, advertisers, media monitoring entities, media companies, etc.)
9.1.1.1. Guarantees for independence	Art. 39 Constitution		An independent administrative body
<i>Note: In order to ensure independence from the Government, four members of the Regulatory Entity are elected by the Parliament, with a qualified majority of votes (two thirds). Once elected, these four members co-opt a fifth member, who will be the President.</i>			
9.1.1.2. Representation requirements	Art. 38 Law creating ERC (Law no. 53/2005)		ERC also includes a Consulting Council, where are represented several institutions somehow linked to the media and the public (consumers, journalists, universities, advertisers, media monitoring entities, media companies, etc.)

	Art. 18 ERC Statutes		<p>The members of the regulatory board of ERC shall be nominated and co-opted from among persons of an acknowledged reputation and independence as well technical and professional skills.</p> <p>The members of the regulatory board shall be functionally independent, and shall not be subject to any specific instructions or guidelines.</p> <p>The members of the regulatory board shall not be removable.</p> <p>Whoever holds, or held for the last two years, a post as member of executive bodies of companies, unions, confederations or business associations of the mass media sector shall not be nominated.</p> <p>Whoever holds, or held for the last two years, a post as member of the Government, of executive bodies of the Autonomous Regions or of local authorities shall not be nominated.</p> <p>The members of the regulatory board are subject to the incompatibilities and impediments of holders of high public office.</p>
			<p>During their term of office, the members of the regulatory board shall not:</p> <p>a) Retain interests of a financial nature or shares in companies that pursue mass media activities;</p> <p>b) Carry out any other public function or professional activity, except with regard to part-time teaching duties in higher education.</p> <p>8 - The members of the regulatory board shall not hold any executive post in companies, unions, confederations or business associations of the mass media sector for a period of two years from the date of termination of service.</p>
9.1.2. Credibility and efficiency	Art. 4 ERC Statutes		<p>ERC shall be independent in the performance of its duties, defining freely the focus of its work, without being subject to any lines of approach from political authorities, in strict compliance with the Constitution</p>
9.1.2.1. Sufficient resources	Art. 50, ERC Statutes (Law 53/2005) Decree-Law No 103/2006 on ERC's fees		<p>ERC revenues consist mainly of money directly transferred from the State Budget, and of fees paid by every media company in the country, according to their size and income.</p> <p>Besides that, ERC charges for the services it supplies (issuing licenses and authorizations, registry acts, ...) and keeps part of the money due for any penalty or fine it applies to any media company.</p>
<p><i>Implementation problem: The tax to be paid by every media company to ERC was subject to various criticism and some companies refused to pay it, intending to raise the question in the Constitutional Court.</i></p>			

<p>9.1.2.2. <i>Tasks and duties</i></p>	<p>Art. 24, ERC Statutes (Law 53/2005)</p>		<p>Among the various tasks and duties, ERC has the authority to:</p> <ul style="list-style-type: none"> • approve and publish directives and decisions , as well as deliberations, related to the media • adopt opinions on the object of public contests before the granting of TV and radio broadcasting licences; • grant radio and TV broadcasting licences as well as decide on requests for renewal; • impose sanctions; • decide over complaints about the right to reply and the right to airtime; • opinion about the appointment of editors-in-chief for the public radio and television; • opinion about concentration and mergers in the media business; • determine, in articulation with the Competition Authority, which are the economically relevant markets in the media business; • Register the media (press, radio and television); • Publish every year a report on the situation of the media sector, as well as the ERC regulatory and supervision activity; • zeal for the accuracy and independence of opinion polls and inquiries; • verify the good respect for the PBS concession contracts
	<p>Art. 39 Constitution</p>		<p>It is up to an independent administrative authority (ERC) to guarantee in the media:</p> <ol style="list-style-type: none"> a) The right to information and the freedom of the press; b) The non-concentration of ownership of the media; c) Independence from political power and economic power; d) Respect for personal rights, freedoms and guarantees; e) Respect for the statutes and rules that regulate the work of the media; f) That all different currents of opinion are able to express themselves and confront one another; g) Exercise of the rights to broadcasting time, of reply and of political response.

9.1.2.3. <i>Effective sanctioning powers</i>	Art. 12, ERC Statutes (Law 53/2005)		ERC assumes the rights and obligations attributed to the State in what concerns: a) The coercive collect of taxes and other fees; b) The protection of their staff and locations; c) The monitoring of the public service, including the application of sanctions.
	Art. 45, ERC Statutes (Law 53/2005)		ERC staff and agents, when looking for any infractions in media companies, have the right of access to their locations and documents, and must be treated, in that function, with similar rights to those of a police officer.
9.1.3. Cooperation with other regulators	ERC Statutes (Law 53/2005)		ERC is supposed to cooperate with other regulatory entities with any links to the media industry, mainly the Competition Authority (for economic issues) and the Regulatory Authority for Telecommunications and Electronic Communications (ANACOM) (for technical issues, for example those regarding the management of the radio-electric spectrum).
9.2. Press Council	No Press Council		
9.2.1. Broad representation of sector			
9.2.2. Sufficient resources			
9.2.3. Credibility			
9.3. Competition Authority			http://www.concorrencia.pt/
9.3.1. Structure/ organization (<i>What this row should learn is whether there is a problem for media pluralism because NCA does not function properly; it should not contain an in-depth analysis of functioning of NCA!</i>)	Law no. 18/2003 (Competition Regime)		
9.3.2. Cooperation with other regulators	Law no. 18/2003 (Competition Regime), art. 27, § 4		When a case being analyzed by the Competition Authority refers to a particular market with a particular regulator ((which is the case for the media)), this particular regulator must be asked to give its opinion about the case.



Independent Study on
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