
Unless another is given, the date shown in this declaration from which the provisions within the scope of Regulation (EC) No 883/2004 applied in Portuguese law is 1 May 2010. This is also the date from which the Regulation applies to Portugal.

I. DECLARATIONS REFERRED TO IN ARTICLE 1(L) OF REGULATION (EC) NO 883/2004 AND DATE FROM WHICH THE REGULATION APPLIES

None.

II. LEGISLATION AND SCHEMES REFERRED TO IN ARTICLE 3 OF REGULATION (EC) NO 883/2004 AND DATE FROM WHICH THE REGULATION APPLIES

1. Sickness benefits

   (i) Benefits in kind
   - National Health Service – Law No 56/79 of 15 September 1979, the Law that set up the National Health Service, as amended by Decree-Law No 361/93 of 15 October 1993.
   - Decree-Law No 11/93 of 15 January 1993 adopting the Constitution of the National Health Service, with subsequent amendments, the latest of which is contained in Law No 82-B/2014 of 29 December 2014.

   (ii) Cash benefits
   - Statutory sickness insurance scheme within the scope of the social protection system – Decree-Law No 28/2004 of 4 February 2004 (as corrected by Statement of Rectification No 29/2004 of 23 March 2004) and subsequent amendments, the latest of which is contained in Decree-Law No 133/2012 of 27 June 2012.
   - The General Law on Employment in the Public Sector – Law No 35/2014 of 20 June 2014 - the system of justified absences from work (Articles 15 to 39 of the preamble, as amended by Article 12 of Law No 25/2017 of 30 May 2017 repealing Articles 15(6) and 37(40) with effect from 1 June 2017) put into provisional application within the
convergent social protection scheme (workers performing public functions who were recruited before 31 December 2005) pending regulation of the social sickness insurance scheme converging with the social protection system (workers performing public functions who were recruited since 1 January 2006 are already automatically covered by the general social security system).

2. Maternity and equivalent paternity benefits

(i) Benefits in kind

None.

(ii) Cash benefits

- Parental protection scheme for maternity, paternity and adoption under the social protection system and the solidarity sub-system – Decree-Law No 91/2009 of 9 April 2009, amended by Decree-Law No 70/2010 of 16 June 2010 and Decree-Law No 120/2015 of 1 September 2015 (which came into force on 1 January 2016 with the State Budget for 2016).

3. Invalidity benefits

(i) Benefits in kind

None.

(ii) Cash benefits


Special social welfare scheme for disability granted to beneficiaries in a situation of permanent incapacity to work which is rapidly evolving into a situation of loss of autonomy with a negative impact on their profession, caused by familial amyloid polyneuropathy, Machado-Joseph disease, HIV/AIDS, multiple sclerosis, oncolgical illness, amyotrophic lateral sclerosis, Parkinson’s, Alzheimer’s and rare diseases or diseases stemming from other illnesses that are not occupational or are caused by a third party, that are sudden or early-onset, within the general social security system, the voluntary social security scheme of the social protection system, the non-contributory scheme and the convergent social protection scheme – Law No 90/2009 of 31 August 2009, as amended by Decree-Law No 246/2015 of 20 October 2015 and by Law No 6/2016 of 17 March 2016.


The public capitalisation scheme created under Decree-Law No 26/2008 of 22 February 2008 is voluntary, and guarantees a supplementary old-age or invalidity pension.


Retired Persons’ Statute (Estatuto da Aposentação) for public administration employees registered in the convergent social protection scheme – Decree-Law No 498/72 of 9 December 1972, with subsequent amendments and other supplementary legislation;

4. Old age benefits

   (i) Benefits in kind

   None.

   (ii) Cash benefits


• The public capitalisation scheme created under Decree-Law No 26/2008 of 22 February 2008 is voluntary, and guarantees a supplementary old-age or invalidity pension.


• Retired Persons’ Statute (Estatuto da Aposentação) for public administration employees registered in the convergent social protection scheme – Decree-Law No 498/72 of 9 December 1972, with subsequent amendments and other supplementary legislation;

5. Survivors’ benefits

   (i) Benefits in kind

   None.

   (ii) Cash benefits


   • Right of unmarried partners to receive death benefits, irrespective of sex, within the general scheme of the Portuguese social security system – Law No 7/2001 of 11 May

Survivors’ benefits scheme (public administration employees registered in the convergent social protection scheme) approved by Decree-Law No 142/73 of 31 March 1973 and subsequent amendments, the latest of which is contained in Law No 83-C/2013 of 31 December 2012.

6. Benefits in respect of accidents at work and occupational diseases

(i) Benefits in kind

- Regulation governing the compensation scheme for accidents at work and occupational diseases, including professional rehabilitation and reintegration into the labour market – Law No 98/2009 of 4 September 2009.
- Scheme concerning accidents at work and occupational diseases suffered by employees of the public administration (applicable to all public employees regardless of the social protection scheme) – Decree-Law No 503/99 of 20 November 1999 and subsequent amendments, the latest of which is contained in Law No 82-B/2014 of 31 December 2014; Law No 98/2009 of 4 September 2009 (applicable by default).

(ii) Cash benefits

- Regulation of the compensation scheme for accidents at work and occupational diseases – Law No 98/2009 of 4 September 2009.
- National Table of disabilities following an accident at work or occupational disease — Decree-Law No 352/2007 of 23 October 2007.
- Regulation of obligatory insurance against accidents at work for self-employed persons – Decree-Law No 159/99 of 21 May 1999.
- Scheme concerning accidents at work and occupational diseases suffered by employees of the public administration (applicable to all public employees regardless of the social protection scheme) – Decree-Law No 503/99 of 20 November 1999 and
subsequent amendments, the latest of which is contained in Law No 82-B/2014 of 31 December 2014; Law No 98/2009 of 4 September 2009 (applicable by default).

7. **Death grants**

   **Cash benefits**

   - Allocation of death grants (public administration employees registered in the convergent social protection scheme) – Decree-Law No 223/95 of 8 September 1995 and subsequent amendments, the latest of which is contained in Law No 66-B/2012 of 31 December 2012.

8. **Unemployment benefits**

   (i) **Benefits in kind**

   None.

   (ii) **Cash benefits**

• Unemployment benefits for military personnel serving under contract or on a voluntary basis covered by the convergent social protection scheme – Decree-Law No 320-A/2000 of 15 December 2000 and subsequent amendments, the latest of which is contained in Decree-Law No 13/2015 of 26 January 2015.

9. Pre-retirement benefits

None.

10. Family benefits

   (i) Benefits in kind

None.

   (ii) Cash benefits

• Family benefits scheme — Decree-Law No 176/2003 of 2 August 2003, amended and republished by Decree-Law No 133/2012 of 27 June 2012 and subsequent amendments, the latest of which is contained in Law No 114/2017 of 29 December 2017 (State Budget for 2018).

11. Special non-contributory cash benefits

a) Special non-contributory cash benefits intended to guarantee a minimum subsistence income pursuant to Article 70(2)(a)(i) of Regulation (EC) No 883/2004

Cash benefits

• Old-age and invalidity pension:


Special non-contributory cash benefits intended to guarantee specific protection for the disabled having regard to their social situation, pursuant to Article 70(2)(a)(i) of Regulation (EC) No 883/2004

None.

III. Conventions referred to in Article 8(2) of Regulation (EC) No 883/2004 and date from which the Regulation applies

None.

IV. Legislation and schemes referred to in Article 58 of Regulation (EC) No 883/2004 and date from which the Regulation applies

Unless another is given, the date shown hereafter on which Regulation (EC) No 883/2004 applied to the minimum benefits shown below, provided these were within the scope of that Regulation, is 1 May 2010. This is also the date from which the Regulation applies to Portugal.


- The rules for updating pensions and other social benefits provided by the social security system - Indexante dos Apoios Sociais [Index of Social Support] – Law No 53-B/2006 of 29 December 2006 and subsequent amendments, the latest of which is contained in Law No 114/2017 of 29 December 2017 (State Budget for 2018).
- Death benefits scheme – Decree-Law No 322/90 of 18 October 1990 and subsequent amendments, the latest of which is contained in Law No 82-B/2014 of 31 December 2014.

V. Possibility of cover, for any category of self-employed persons, by an unemployment benefits scheme (Article 65a(1) of Regulation (EC) No 883/2004) and respective legal references, where applicable

Portuguese legislation provides for the possibility of cover by an unemployment benefits scheme for the following self-employed persons:
- self-employed service providers who are economically dependent on a contracting authority (Decree-Law No 65/2012 of 15 March 2012, as amended by Decree-Law No 13/2013 of 25 January 2013).
- self-employed workers pursuing business activities or holding individual limited-liability establishments (Decree-Law No 12/2013 of 25 January 2013).