Public administration characteristics and performance in EU28:

Portugal

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1   SIZE OF GOVERNMENT

With a share of 51,93% in 2010 and 48,37% in 2015, the Portuguese General government total expenditure in % of GDP did not undergone major changes over the last 5 years standing in the first third of the 28 EU member states.

The fact that the Central Government share amounts to around 76% and the Local Government share does not reach 15% (neither in 2010 nor 2015) is due to the fact that there is a strong centralization in the Portuguese public administration.

On the other hand, the abrupt decline of Public Investment % in GDP between 2010 and 2015 (Portugal moving from 3rd place in EU 28 Rank to 24th place) is mainly due to the implementation of the measures agreed with the Troika in the MoU (2011-2015). Despite this, the "public debt" has not stopped growing, reaching almost 130% in 2015.

On the contrary, the "Deficit in % of GDP" has undergone a positive course, from 11,2% in 2010 to 4,4% in 2015, not having surpassed the 2.1% in 2016 (the lowest in the history of Portuguese democracy).

General government budget data

PORTUGAL	2010	*EU 28 Rank*	2015	*EU 28 Rank*	Δ Value	*Δ Rank*
Total expenditures (in % GDP)	51.93	*8*	48.37	*10*	-3.56	*-2*
Central government share (%)	75.46	*7*	75.89	*7*	+0.43	*0*
State government share (%)						
Local government share (%)	14.35		12.28			
Public investment (in % GDP)	5.28	*3*	2.28	*24*	-3.00	*-21*
Debt in % GDP	96.18	*26*	128.99	*25*	+32.81	*+1*
Deficit in % GDP	-11.2	*26*	-4.4	*25*	+6.8	*+1*

Sources*: AMECO, Eurostat*

According to data from DGAEP (2009, 2013), between December 2005 and September 2013, that is to say in only 8 years, the number of public employees registered a decrease of 24.64% on average. The influence of the New Public Management theses appealing to the idea of "less state better state", the subprime crisis in 2008 and Troika intervention from 2011 to 2014 are probably the factors that contributed most to this downsizing of the Portuguese Public Employment. In this way, it is surprising that according to OECD data between 2005 and 2011 the "general government employment in % of total labour force" has fallen only 1%.

On the other hand, the table below shows the value of 71.01% for the "central government share of general government employment" in 2011. By the end of 2015 this number had already increased to 76.24%. This is to say that in recent years there has been a greater concentration of public employees in the central administration.

Public sector employment*

PORTUGAL	2005	OECD EU21 rank	2011	OECD EU19 rank	Δ Value
General government employment in % of total labour force	12.50	17	11.50	15	-1.00
			2011	OECD EU17 rank	
Central government share of general government employment			71.01	4	

Sources: OECD- Government at a glance
*According to the OECD, general government employment does not include public corporations.

The data of government employment for 2015, listed in the table below, once again highlight the centralization of the Portuguese public administration (76.24% of public employees work for the central government), as well as the weight of the education sector (6) in the public employment.

PORTUGAL	31 December 2015
(1) General government employment (in thousands)	658 352
thereby share of central government (%)	76,24%
thereby share of state/regional government (%)	5,60%
thereby share of local government (%)	16,68%
(2) Public employment in social security functions (in thousands)	4 923
(3) Public employment in the army (in thousands)	35 077
(4) Public employment in police (in thousands)	47 398
(5) Public employment in employment services (in thousands)	**
(6) Public employment in schools and pre-school/daycare (in thousands)	172 385
(7) Public employment in universities (in thousands)	37 258
(8) Public employment in hospitals (in thousands)	29 481
(9) Public employment in core public administration (in thousands) calculated (1) minus (2)-(9)	331.831
(10) Core public administration employment in % of general government employment (9)/(1)	50,4%

Sources: National statistics – Direção-Geral de Administração e Emprego Público, Síntese Estatística de Emprego Público (SIEP), 15 de novembro de 2016
*According to the OECD, general government employment excludes public corporations.
** The number of public employees in employment services has already been included in item (2)

2 SCOPE AND STRUCTURE OF GOVERNMENT

2.1 State system and multi-level governance

Portugal is a unitary State with two autonomous regions (the archipelagos of Madeira and Azores).

The country is divided in 18 districts, 308 municipalities and 3092 parishes. The main level of territorial organization, which dates from the Romans, is the municipal system of local governance (Matoso 1993). Nevertheless, the four decades of dictatorship were responsible for the over-centralisation of government, until the 1974 Revolution, when a new Constitution defined Portugal as a unitary state that includes two autonomous regions with their own institutions of self-government, but one that must respect in its structure and activities the principle of subsidiarity, the autonomy of local authorities and the democratic decentralisation of public administration. These principles represented an absolute break with the past, but the practice proved to be problematic. Municipalities are the most important regional actors, being historically stable and linked to Portuguese identity, although dependent on central state for resources. The parishes have very limited functions, scant resources and little technical and administrative capacity.

Administrative regions were never created, reflecting limited territorial/regional demands for such structures and centralist opposition to regionalisation. However, the non-existence of administrative regions is balanced by the creation of structures above the municipality, as there are also supra-municipal institutions and de-concentrated regional bodies[1] (e.g. Regional Coordination and Development Commissions) with limited power. Notably, several associations of municipalities have emerged, including the National Association of Municipalities, which was created as an interest and pressure group to lobby on behalf of its members (Ruivo 2000). But, if decentralisation emerged as a key element for political and institutional reorganisation, the deep dualities which divide the country – coastal and inland areas, North and South, urban and rural, as well as an imbalanced distribution of resources and income continued to favour the concentration of power and administrative bodies in the capital. Many key issues of the welfare state, concerning both the distribution and the democratisation of the political system, went unaddressed. The state has remained highly centralised and dominant in the policy-making area, as in the pre-1974 period (Rodrigues & Madureira, 2010).

The Parliament of Portugal is made up of a single Chamber, called Assembly of the Republic. Being one of the organs of sovereignty consecrated in the Constitution, besides the President of the Republic, the Government and the Courts, the Parliament is, according to the fundamental law, "the representative assembly of all the Portuguese citizens".

As in all other states, in Portugal, the State and Public Administration Organization is a vast and complex reality. Traditionally, the Portuguese Public Administration is understood in a double sense: organizational sense and material sense. In the organizational sense, public administration is the system of units, structures and agents of the State and other public entities that aim at the regular and continuous satisfaction of collective needs. In the material sense, public administration is the proper activity developed by those units, structures and agents.

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[1] These regional bodies belong to the structure of central government.

Considering its organizational meaning, in Portugal it is possible to distinguish in the Public Administration three large groups of entities (a more detailed explanation of these entities and their degree of autonomy will be given in chapter 2.2):

- Direct State Administration (DSA) in Central Public Administration,

- Indirect State Administration (ISA) in Central Public Administration,

- Autonomous Administration (AA) in autonomous Regions of Azores and Madeira.

The relationship that these large groups establish with the Government, in its constitutional quality as supreme structure of the Public Administration, is different and progressively more tenuous. Thus, entities of the Direct State Administration are hierarchically subordinated to the Government (power of direction), entities of the Indirect State Administration are subject to its superintendence and guardianship (powers of guidance and supervision and control) and entities that integrate the Autonomous Administration are subject only to guardianship (power of supervision and control).

According to the classifications and typologies of comparison of public administrations usually used, we can affirm that Portugal is part of the Continental European Napoleonic Model, characterized by a strong centralized government, a comprehensive, political culture-rooted acceptance of centralized governmental regulatory authority and powerful centralized bureaucracy (Kuhlmann & Wollmann, 2014: 16). Within the Napoleonic tradition, Portugal is inserted in the subcategory of Southern European States marked by a formally dominant legalistic tradition and structure.

Indeed, in Portugal, power and decision making are very concentrated in the Central Government. However, as we shall see in the table below, there is some autonomy in the regions and in the local authorities at funding and provision levels.

Government level:	Legislation	Regulation	Funding	Provision
Central government	The laws of the country are produced by the Assembly of the Republic and the Central Government.	As stated in chapter 5.5 of this document, Regulation in Portugal is still very embryonic. So far, the responsibilities in this area have been taken over only by the Central Government .	Especially through taxes and indebtedness.	- Defense - External Affairs - Internal Affairs - Justice - Finance - Economic Affairs - Environmental Protection - Social Welfare - Health - Science and research - Education.
State/regional government	Autonomous Regions of Azores and Madeira can legislate in the		- revenues from the collection of taxes on the economic	- Autonomous Regions can provide services in all areas except

	regional scope in matters stated in the respective political-administrative status and which are not reserved to the organs of sovereignty.	-	activity generated in Regions or regional revenues, - indebtedness, - revenues from transfers from the State Budget, - revenues from projects of common interest.	national defense and external affairs.
Local government	Local Government has no legislative capacity.	-	- revenues of the municipalities: taxes, fees and rates, - transfers from Central Administration (State Budget), - indebtedness, - Decentralized cooperation (agreements and cooperation protocols), - use of public-private partnerships to Financing of investment projects	- Municipalities have competences in the following areas: Rural and urban equipment, energy, transport and communications, education, heritage and culture, leisure and sports, health, social action, housing, civil protection, environment and basic sanitation, consumer protection, development promotion, land use planning and urban planning, municipal police and external cooperation.

What distinguishes the Regional Governments from Central Government is its territorial and material competence. In fact, while in the case of the Central Government, competence concerns all matters and is exercised throughout the national territory, the public bodies, agents and services of the two Regional Governments of Madeira and Azores have limited competence to matters of interest to the respective populations that are not Constitutional and statutorily limited to the Central Government (as with national

defence and external relations, for example) and exercise their competence exclusively on the territory of the respective region and within the limits of regional autonomy defined in the Constitution of the Republic and in the respective political-administrative procedures.

Local government is made up of local authorities (legal entities with a territorial base, with their own representative bodies that seek to pursue the interests of their respective populations). The competence of Local Government bodies and services (autonomous) is also restricted to the territory of the respective local authority and to matters established by law. Traditionally they have fundamental competences in a wide range of domains and activity sectors (urbanism and territorial ordering, environment, health, education, social assistance, infrastructures, etc.). The decentralization of the state to the local autarchies constitutes the structural principles of this evolution. Another tendency has to do with the reinforcement of the abovementioned Regional Coordination and Development Commissions (CCDR) that constitute decentralized organisms of the state, with relevant functions in the domains of territorial ordering, support and planning of local autarchies.

Although they can manage their budget and legislate, regional and local governments always depend on the Central Government and on what is provided in the State Budget (*Orçamento do Estado*).

The reform of public administration in Portugal almost always depends on the decision-making of the Central Government. Indeed, even changes at the local level such as those introduced in 2012 (Legal Regime for Municipal Administrative Reorganization - law no. 22/2012) and 2013 Administrative Reorganization of Parishes Territory (law no. 11-A / 2013), which contributed essentially to the reduction of the number of parishes in the country, are legislated within the scope of central power.

State structure (federal - unitary) (coordinated – fragmented)	Executive government (consensus – intermediate – majoritarian)	Minister-mandarin relations (separate – shared) (politicized – depoliticized)	Implementation (centralized - decentralized
Unitary	Majoritarian	Shared Politicized	Centralized

In sum the Portuguese State structure is unitary, governments seek to govern in a majority (even if they do not always succeed), the relations between Ministers and Mandarins are clearly politicized and the implementation of public policies is highly centralized.

2.2   Structure of executive government (central government level)

In the structure of Portuguese Government, Ministries are the main departments of Central Administration run by the Ministers concerned. The number and designation of Ministries vary according to the ruling government. In 2017, the XXI Constitutional Government is composed by 16 Ministries. Various public bodies (internal structures) reports to each Ministry. In the list of ministries presented below, we detail the number

of internal structures of Direct State Administration (DSA) and Indirect State Administration (ISA) that report to each of them[2].

- Ministry of Finance (12 structures of DSA and 2 of ISA)
- Ministry of Presidency and Administrative Modernization (15 structures of DSA)
- Ministry for National Defence (22 structures of DSA and 5 of ISA)
- Ministry of Foreign Affairs (12 structures of DSA and 4 of ISA)
- Ministry of Internal Administration (9 structures of DSA)
- Ministry of Justice (8 structures of DSA and 4 of ISA[3])
- Ministry of Culture (9 structures of DSA and 5 of ISA)
- Minister for Labour, Solidarity and Social Security (10 structures of DSA and 8 of ISA)
- Minister for Planning and Infrastructure (19 structures of DSA and 4 of ISA)
- Minister of Environment (4 structures of DSA and 2 of ISA)
- Ministry of Education (822 structures of DSA and 3 of ISA)
- Ministry for Science, Technology and Higher Education (2 structures of DSA and 220 of ISA[4])
- Ministry of Sea (6 structures of DSA and 1 of ISA)
- Ministry for Agriculture, Forestry and Rural Development (5 structures of DSA and 3 of ISA)
- Ministry of Health (22 structures of DSA and 107 of ISA)
- Ministry of Economy (10 structures of DSA and 6 of ISA)

The structure within each Ministry has a specific law, where the respective attributions/responsibilities are set and where structures/public bodies integrating the direct and indirect state administration are identified[5]. Ministries are headed by a Minister, who is supported by one or more State Secretaries (political posts). The senior management structure of the public service in each Ministry consists of the following levels: Secretary General or Director General (1st level); Deputy Director General (2nd level); Director of Services (3rd level) and Head of Division (4th level). The internal organization of public services obeys to the following models: hierarchical structure; matrix structure; mixed structure (combines the former two). The hierarchical structure is composed of nuclear units (departments) and flexible organic units (divisions) and sections in the administrative area (if needed). The matrix structure is made up of multidisciplinary teams based upon functional mobility, run by a head of team (EUPAN, 2013).

In terms of management autonomy, it is very limited for the entities inside the Direct State Administration (General-Directorates, General-Secretariats and General-Inspections). These bodies have administrative autonomy only (which means that in terms of budget, they are totally dependent on the state budget. They do not have the capacity to have their own revenues and have to manage their budget within very rigid legal limits).

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[2] These numbers are provided by the State Organization Information System (SIOE). Some (few) structures respond to more than one ministry. These structures are not included in this accounting by ministry.
[3] Courts are not included
[4] Including Faculties.
[5] See above.

On the contrary, in addition to the administrative autonomy, the public bodies that integrate the Indirect State Administration (like Public Institutes or Agencies, etc.) also have financial autonomy, which allows them to seek for additional revenues. When compared with the entities of the Direct State Administration, they also have a greater autonomy of management of their own budget.

However, and despite the implementation of some Agencies in the Portuguese public administration they cannot be compared, for example, with those that exist in the Anglophone public administration. In Portugal, although they have some autonomy, as already mentioned, the Agencies remain very close to the sphere of influence of the government and the central administration. Indeed, the decisions concerning Portuguese public administration and his operation still very centralized in Central Government.

The organizational reform waves such as the "Restructuring Program for Central Administration" (PRACE) in 2006 and the "Reducing and Improving Central Administration Plan" (PREMAC) in 2011, which sought both a reduction and a reconfiguration of the Portuguese public administration, have changed, at least in appearance, the configuration of public organizations. In addition, when a new political cycle begins, it is common to change the names of some of the ministries and even of some public bodies. However, in practice there is no major change in the normal functioning of the institutions.

The Court of Auditors (Tribunal de Contas) has the responsibility for auditing public funds, public revenue and expenditure and public assets, with a view to ensure that exercising the administration of those resources complies with the Legal Order, judging, if necessary, the inherent financial responsibility. Beyond the existence of the Court of Auditors there is in Portugal a timid attempt to develop bodies to strengthen performance, audit and accountability. The Shared Services Public Administration Entity (ESPAP), IP (responsible for evaluation and audit of the national procurement system), the Commission for Recruitment and Selection for Public Administration-CRESAP (an independent commission responsible for the selection of Top Managers) or the Technical Monitoring Unit (UTAP), which performs technical monitoring of public-private partnerships (PPPs) are examples of that. The setup of mechanisms such as the Assessment and Accountability Framework (QUAR), to evaluate the performance of all the public bodies and consequently the performance of their top managers, also contributes to deepening accountability in Government.

Over the last decades, according to the different governments in power, the administrative reform has been conducted by several ministries, such as the Ministry of Finance, the Ministry of State Reform and Public Administration, or by Public Administration State Secretariats. In the current Government, the administrative reform is being conducted by the Ministry of Presidency and Administrative Modernization. Reform efforts are currently focused on procedural issues, streamlining public services, and facilitating citizen access to government services (e.g. SIMPLEX).

There are also the General-Inspectorates (one for each Ministry) that are central services of the direct administration of the State endowed with administrative autonomy. These bodies are responsible for ensuring the strategic control of the State financial administration, legality control and financial and management audit.

3   KEY FEATURES OF THE CIVIL SERVICE SYSTEM

As stated in the Lithuanian EU Presidency Study (2014) and in Task 2 Phase A document, Portugal has a unique Information System for State Organization (SIOE), a cross-sectional information database whose function is to characterize government public structures and its human resources. At the same time, it enables both citizens and Administration to have access to comprehensive and up-to-date information.

The scope of SIOE is extended to regional administration in a way to cover all administration levels (central, local and regional), as well as stepped up the number of statistical categories for the characterization of public entities and its human resources.

3.1   Status and categories of public employees

Currently, and in accordance with Law No. 35/2014 of June 20 (General Labour Law in Public Functions), there are three public employment modalities:

- Contract of employment in public functions (The overwhelming majority of Portuguese public employees have this type of contract. The term "civil servants" or "public servants" has been replaced by the term "public functions workers". This contract has many similarities with the contracts of private sector workers. With regard to dismissal, the law is silent, however there is an academic debate about whether or not these workers could be fired, a possibility that did not exist in the past);
- Nomination (the Nomination modality only applies to civil servants working in following areas: permanent army forces, state external representation, security information, criminal investigation, public safety and inspection. Nowadays, the Nomination is the only lifelong work link in the Portuguese public administration);
- Service Commission (applied principally for managers who serve 3 to 5 years in a modality of "Service Commission". When this Commission is finished managers should return to their professional place of origin).

Until 2008 the main kind of link between the Portuguese State and their public employees was the Nomination. However, the Law 12-A/2008 made a deep approach of public employment to private employment characteristics. Most of the employees (both the older and the newly hired employees) lost the nomination status and started to have a contract with several similarities to private sector contracts (the abovementioned contract of employment in public functions).

Despite the ongoing changes in Portuguese public employment we can affirm that the country continues to have a career based system compared to most OECD countries (OECD, 2012).

The list of rights and obligations of public employees is described in Articles 72 and 73 of Law No. 35/2014. We can highlight the duty of obedience and loyalty to the State as the most emblematic obligations for Portuguese public employees.

In Portugal the concept of mobility in public administration concerns the assignment of employees to other public or private entities due to public interest; internal mobility at the initiative of employees; mandatory transfer owing to organizational restructuring; and special mobility (law nº80/2013). "Special mobility" was created primarily to safeguard employees' rights who were left without work as a consequence of

restructuring by extinction or merger of public bodies. In practice, during the MoU period[6], the concept of "special mobility" led to attempts to promote the dismissal of public employees. Actually, through the Requalification system (also planned in the law nº80/2013), the XIX Government tried to legally provide the dismissal of "surplus" civil servants in "special mobility" who could not find a new job in public administration. However, this attempt was banned by the Constitutional Court. Moreover, the current government has suspended the possibility of dismissal of employees towards a mobility situation.

In fact, although there is an approximation of public employment to private employment (in terms of rules, rights and duties, number of holiday days, etc.), the great difference between the two systems remains the fact that, since the law is silent on dismissal issues, it is more difficult to dismiss an employee in the public sector.

3.2 Civil service regulation at central government level

In addition to the Constitution of the Republic, in 2014 a fundamental law was created allowing Portugal to develop a comprehensive legal framework for public workers. The main foundation, content and reform of civil service/public employees regulation at a central government level as been achieved by the publication of the Law nº 35/2014 of June 20. For the first time in the history of Portuguese public administration reform there's a single law containing, in an organized way, all the legal provisions on all matters related to public employment (guarantees and duties of employees, hiring methods, nominations, careers, recruitment and selection, training, remuneration, promotions, performance assessment, etc.).

Over the last 10 years, an allegedly more demanding and transparent performance evaluation system (SIADAP) has been developed, an investment has been made in the training of managers so that they could update not only their knowledge but also their leadership behaviors models (CAGEP and FORGEP programs), two restructuring and reduction programs have been carried out (PRACE and PREMAC) and a commission was created that supposedly would end the politicization in the selection of top managers (CRESAP)[7].

Based on a logic of approximation to employment rules in the private sector, Law 35/2014, as well as all other reform measures mentioned here, are not free of a critical evaluation. It is debatable whether the moment of entry into force of the law is the most appropriate. Considering that salaries have not been updated in the last 8 years, that the good performance of public employees does not contribute in practice to any promotion or improvement of their working conditions and that new hires are almost non-existent, the attempt to approach the classic model of employment in the private sector seems unreasonable. In the present moment, there seems to be a totally contradiction between theory and practice in the management of the human resources of Portuguese public administration.

According to OECD (2016), countries with high budgetary pressure are also those who have implemented more far-reaching changes in their HRM systems. However, it is too

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[6] More detailed information in EC, IMF & ECB (2011), *Portugal: Memorandum of Understanding on Specific Economic Policy Conditionality*, 3 May

[7] In Task 2 Report, these items are described with a greater level of detail

early to take stock of the changes introduced. The four years of MoU created an atypical situation in the Portuguese public administration which makes it difficult to evaluate immediately the practical effects of all these changes. Moreover, a systematic evaluation of these changes will be the main challenge in the coming years.

3.3   Key characteristics of the central government HR System

In terms of organization and management of human resources there's a significant degree of centralization. There are three public bodies of crucial importance:

- The Directorate-General for Administration and Public Employment (DGAEP) which provides advice on the legal framework as well as on management of pay systems, promotions, appraisal (SIADAP), recruitment and working conditions;
- The Directorate-General for the Qualification of Public Employees (INA), which is responsible for development, training and recruitment processes;
- The eSPap which provides Shared Services for Human Resources Management in Public Administration, aiming to provide quality services, contributing to the reduction of costs, supported by the use of common use solutions and capabilities, by integrated processes, standardized and best practice enablers for more and better information.

The provision of Shared Human Resources Services is supported in the shared Human Resources Management solution - GeRHuP - which integrates human resources management processes and the Integrated Management of Performance Assessment of Public Administration - GeADAP - which implements the SIADAP.

The GeRHuP is based on a modular logic, composed of different functional blocks, which offer a set of services, available through processes related to the worker's life cycle, in the following areas:

- Administrative management of human resources,
- Organizational management,
- Wage/Salary processing, among others.

Negotiations regarding base salary, the employment framework, the right to strike/minimum service and the introduction of new management tools are centralized, with consultation of unions required by law. Bonuses and working conditions also require union consultation and are negotiated at central level or may be the result of collective bargaining. Union consultation is voluntary regarding the code of conduct, which is centrally negotiated, and unions do not receive public funding. Most public employees are granted the right to unionize and strike, except security and the armed forces or when striking is restricted by minimum service rules (OECD, 2012).

However we must highlight that:

- Due to public administrations fiscal deficit, annual pay negotiations continue not to be carried out. Public employees' salaries are frozen since 2010 (State Budget 2010).
- In 2013, the salaries of civil servants suffered a major cut from 2.5% for lowest wages (€ 600) up to 12% for higher wages. In 2010 the previous Socialist Government had already instituted cuts in salaries of civil servants, between 3.5% and 10%. However, the measure only applied for salaries above € 1,500.

In 2015, 20% of the salary cut has been repaid and in 2016 a gradual repay has been made (25% by quarter), so that in October the full value of the salaries be attained before the cuts.

- Public Administration contracting rule according to which it is possible to hire a public employee for each two leavers from is maintained.[8] In practice we can say that there is still a kind of hiring freeze in place. The main method of recruiting new public employees is through the Program of Advanced Studies in Public Management (CEAGP). Students who can be selected for this course, after completing it, have direct entry into the Portuguese Public Administration. However, the number of new entrants remains very low.

Despite the creation of the Commission for Recruitment and Selection for Public Administration (Cresap), which theoretically aimed to democratize the selection of top managers[9] as well as to make it more transparent and objective in order to reduce the degree of patronage and politicization in the Portuguese public administration, so far there is no data to allow us to conclude that the patronage has disappeared from the process of choosing top managers (Madureira & Ferraz, 2010; Madureira, 2013).

With regard to regulation and negotiation of remuneration in the Portuguese public administration, there is a tradition of social consultation that sits at the same table the Government (as employer) and the unions. However, today's public sector unions have little strength in determining wages for most of public administration careers. The ability to develop a collective bargaining of wages in the public sector is almost non-existent when compared to the private sector.

It should be recalled that Portuguese public employees continue to have their wages frozen since 2010.

HR system (Career vs. position based)	Employment status (civil servant as standard; dual; employee as standard)	Differences between civil servants and public employees (high, medium, low)	Turnover (high, medium, low)
Career	Public employee as standard	Medium	Low

Coherence among different government levels (high, medium, low)	compensation level vs. private sector (much higher, higher, same, lower, much lower)	Formal politicization through appointments (high, medium, low)	Functional politicization (high, medium, low)
Medium	Lower	Medium	Medium

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[8] Compilation of replies to the Austrian inquiry on pay negotiations 2016, (December 2016)
[9] By top managers we mean directors-general, secretary-generals, inspectors-general and all other public administration mandarins. All holders of political positions such as the cases of Ministers and Secretaries of State are excluded from this recruitment process

4 POLITICAL ADMINISTRATIVE SYSTEM AND POLITICAL ECONOMY

4.1 Policy-making, coordination and implementation

As mentioned above, Portugal has a unitary and centralized state structure. Since the 1974 revolution the alternation in power has been made between the two largest parties (the Socialist Party and the Social Democratic Party). When governments are not majoritarian, these parties have resorted to coalitions with smaller parties. The current ruling party has a minority government with a parliamentary agreement with the leftist parties. It was the first time in the history of Portuguese democracy that there was an understanding of this nature among leftist parties.

The existent relationship between politicians and senior civil service positions (top managers or "mandarins") is most of the times unclear. Until 2011, top managers were selected on the basis of personal or political trust/patronage[10]. After that, in 2011, the creation of Cresap, a Commission to select top managers on the basis of more objective and transparent criteria of performance, launched the idea of a professionalization of top level public managers. However, as we have already stated in 3.3, we can't affirm to date that there has been a de-politicisation of the top of the Portuguese public administration.

As far as policy-making or political decision-making is concerned, the institutional influence of NGOs, citizens or other stakeholders is very limited. It is true that, for example, at the level of local authorities, "participatory budgets" began to exist. In these cases citizens can decide how a small portion of the budgets of local authorities should be spent. However, even if there is an incremental interest of citizens in public matters, the participation of citizen groups or other non-governmental organizations in most cases is still very scarce.

Theoretically, the relationship between political power and administration is clear: government defines public policies and public administration implements them. However, as Matheson et al (2007) refer, the influence of political parties on public service varies with constitutional type and administrative history of the countries. In the Portuguese case there is a tradition of interference of politics in the administration. Still, political power draws on the expertise of senior officials and top managers, members of political offices or academics. There is also the use of advice from external experts, namely from law firms[11].

When the change of governments occurs, there is stability in the functioning of the Portuguese public administration. As a rule, changes are only made in ministerial cabinets. Nevertheless, we can say that changes of government often lead to the suspension of the implementation of public policies that are in progress. Informally, it is common to hear the ordinary citizen complaining that "when the government changes, what is done is destroyed and everything is restarted from the beginning". While this idea is not exact, it is true that there is a tendency for governments not to take advantage, at least in part, of policies implemented or under way.

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[10] As stated in 3.1, until 2011, top managers used to be selected on the basis of personal or political trust/patronage. Nevertheless, top managers who were appointed during a given political cycle may remain in the next political cycle (with a different government) as they are required to serve a 3-5-year service commission term.

[11] The use of these external experts is very expensive and therefore often disapproved by the administration within which there are academics and experts who allegedly could provide certain information and advice free of charge.

The concept of "public service bargain" is understood as some real or constructive deal concluded between public servants and other actors in the political system over their respective entitlements and duties, and expressed in convention or formal law or a mixture of both (Hood, 1999). Given this, we can say that in the Portuguese case, this concept is little applied. If the permanent interaction and influence between policy and administration is undeniable, and the informal influence of groups and people on one another is unavoidable, it's equally true there is no culture of a public service bargain in Portugal.

Distribution of powers	Coordination quality (high, medium, low)	Fragmentation (high, medium, low)
Centralized	Low	Low

Political economy (liberal – coordinated)	Interest intermediation (corporatist - pluralistic	Citizen participation (strong – weak)	Policy style
Coordinated	Corporatist	Weak	Incremental

Sources of policy advice (mandarins, cabinets, external experts)	Administrative autonomy (high – medium – low)	Patronage & politicization (formal, functional (merit – patronage) (high – medium – low)	Public Service Bargains (Agency – Trustee)	Stability (high – low – no turnover after elections)
Mandarins, , cabinets, academic, external experts	Low	Attempt to transform a patronage system into a system of merit since 2011	Little applied	High in top and medium in administration levels despite the patronage

4.2   Administrative tradition and culture

There is a Letter of Ethics which, in practice, corresponds to a code of conduct for the Portuguese public administration which emphasizes the importance of the principles of Integrity, Justice and Impartiality, Equality, Proportionality, Collaboration and Good Faith, Information and Quality, Loyalty, Competence and Responsibility. However, many times the practice does not coincide with the Letter principles. Across the entire Administration, there is a culture of small favours or great favours among relatives, friends, etc. The same is to say that there are still forms of nepotism and corruption of different levels of gravity which most of the time are not scrutinized. Thus, there are no studies or sources that we can cite with confidence on this matter.

Despite the introduction of paradigms such as Management by Objectives and the application of some of the principles of New Public Management in the Portuguese

administration, in practice a logic of bureaucratic procedural administration based on legal rules and processes rather than results still prevails. Especially in the bodies of the direct administration of the State (directorates-general) the degree of autonomy of the top managers is extremely limited.

According to Pollitt and Bouckaert's (2011) dichotomy of *Rechtsstaat* and *Public Interest* administrative cultures, Portugal belongs to the Napoleonic tradition which is considered to be a sub-category of the legalistic oriented *Rechtsstaat* culture.

After the revolution of 1974, with the integration of the Portuguese who returned from the colonies and with the development of the National Health Service and the Education System, public administration grew in size and weight. However, the policies of state and administration reduction and the response to the impositions of the Troika (2011-2014) have led to a considerable reduction and thinning of the administration (Madureira, 2015). Between 2005 and 2013, according to official data, public employment decreased by 24,6%. However, we can still categorize the welfare state in Portugal as social democrat, since it continues to ensure the principle of universality in areas such as education and health. On the other hand, it is not yet a state with great openness regarding citizen participation in decision making.

Administrative culture Rechtsstaat, Public Interest	Welfare state (liberal, conservative, social-democratic)	Public Sector openness (open, medium, closed)
Rechsstaat	Social Democratic	Closed

Key PA Values	Managerial vs Procedural (Managerial. Mixed, Procedural)	Red Tape (regulatory density) (very high to very low)	Discretion/autonomy (high, low, medium)
Integrity, Justice, Impartiality, Equality, Collaboration, Good Faith, Proportionality, Information, Quality, Loyalty, Competence and Responsibility	Procedural	High	Low

This section focuses on the Hofstede's analysis of the administrative culture by highlighting some of its major elements (power distance, individualism/collectivism, masculinity/femininity, uncertainty avoidance, long-term orientation and indulgence/self-restraint).

The tradition and culture of administration is a reflection of the tradition and culture of the country as a whole. The weight of a dictatorship of almost five decades (from 1926 until 1974) left profound marks on behavioural models. It is therefore natural that, on

average, in Portugal there is a higher acceptance of hierarchy (power distance – score 63) when compared with other EU countries. However, Portugal proved to be collectivist more than individualistic (score 27) , which may be due to the involvement and commitment of the people in work environment. According to Hofstede national culture dimensions, Portugal is a Feminine (score 31) country which means the focus is more in « working in order to live » than in competition and success (this is very evident in Public Administration context). Conflicts are resolved by negotiation and compromise and incentives as free time and flexibility are appreciated.

Portugal stands out particularly in the Uncertainty Avoidance dimension (score 99). In fact, the mentalities in this country and in public administration particularly are not prepared for different or avant-garde ideas, maintaining strict codes of beliefs and behaviour. A low score (28) in Long-Term Orientation dimension shows that Portuguese culture prefers norms to pragmatism, exhibit great respect for traditions, a relatively small propensity to save for the future and a big focus on achieving quick results. Lastly, in terms of Indulgence/Self-Restraint (score 33) one can say that Portugal has a culture of restraint. As mentioned above, norms continue to have a very high weight in the lives of Portuguese citizens as well as in the work performance of public employees.

5   GOVERNMENT CAPACITY AND PERFORMANCE

5.1   Transparency and accountability

Indicator	Value 2014	EU28 rank	Value 2016	EU28 rank	Δ Value	Δ Rank
Access to government information (1-10)	7.00	15	7.00	16	0.00	-1
	Value 2013	EU28 rank	Value 2015	EU28 rank	Δ Value	Δ Rank
Transparency of government (0-100)	71.43	3	74.86	3	+3.43	0
	Value 2010	EU28 rank	Value 2015	EU28 rank	Δ Value	Δ Rank
Voice and acccountability (-2.5,+2.5)	1.10	14	1.12	14	+0.02	0
Control of corruption (-2.5,+2.5)	1.03	12	0.92	14	-0.11	-2
TI perception of corruption (0-100)	60.00	16	63.00	13	+3.00	+3
	Value 2010	EU28 rank	Value 2014	EU28 rank	Δ Value	Δ Rank
Gallup perception of corruption (%)	80.00	21	86.00	24	+6.00	-3

Sources: *Bertelsmann Stiftung, European Commission, World Bank, Transparency International, Gallup World Poll.*

« Southern European bureaucracies are characterized by (…) political and administrative clientelism, uneven development and unbalanced distribution of human resources and a lack of administrative élites, especially in Greece, Italy and Portugal » (NYSR, 2015 :266). Despite this assessment we can say that transparency issues are very bipolar in Portugal. Let's try to give an example : if, on the one hand, it is true that Portugal generally uses electronic procurement following all the rules and norms, on the other hand, Portugal's performance in the public procurement indicator is substantially lower than the EU average, mainly due to late payments by public authorities (79 days in Portugal compared to 28.2 average days in the Member States), almost three times higher than the EU average (NYSR, 2015).

In the ranking of 28 EU countries (both in 2014 and 2016), in the indicator "Transparency of Government" Portugal ranks 3rd. This rank is probably a consequence of the introduction of reform measures to increase transparency and accountability, such as the Assessment and Accountability Framework (QUAR), since 2007, which aims to

evaluate all public bodies and their performance as well as the accountability of top managers.

As stated in our first report for Task 2, despite all the initiatives taken over last decade to address and fight corruption, there is no anti-corruption global strategy in Portugal. According to the Staff Working Document (based on the European Semester document for Portugal), the reform of public administration in Portugal should be complemented by a comprehensive national anti-corruption strategy: corruption is perceived to be a widespread problem and an obstacle for doing business in Portugal. Lack of transparency and weak public governance and corruption have an impact on investment and economic growth, as explained in the 2016 Annual Growth Survey.

When we look at the indicators in the table, "Voice and Accountability", "TI perception of corruption" or "Control of Corruption", we realize that Portugal is in the middle of the list of the 28 Member States. Taking into account what was said above, the indicators seem to be consistent and reflecting the current situation.

5.2   Civil service system and HRM

Indicator	Value 2012	*EU28 rank*	Value 2015	*EU28 rank*	Δ Value	*Δ Rank*
Impartiality (1-7)	3.69	*19*	3.32	*19*	-0.37	*0*
	Value 2012	*EU26 rank*	Value 2015	*EU26 rank*	Δ Value	*Δ Rank*
Professionalism (1-7)	4.06	*16*	3.74	*22*	-0.32	*-6*
Closedness (1-7)	5.26	*13*	5.06	*12*	-0.20	*+1*

Sources: *Quality of Government Institute Gothenburg*.

The aim to improve impartiality and equality, particularly in access to top management positions, has become more relevant in the Portuguese administration. An example of this is the creation of Cresap (the abovementioned Commission set up to professionalize the selection of top managers). However, there is a tradition of favouring friends, family or political fellows that continues to have a significant weight.

According to data, there is a decrease in professionalism between 2012 and 2015 and Portugal goes from 16th to 22nd, falling 6 places in the EU ranking. This result can only be interpreted in view of the brutal decline in the standard of living of Portuguese civil servants over the last 8 years as outlined in chapter 3. Since 2010 civil servants have seen for several times their wages been cut and frozen along with progressions and promotions being frozen. In addition, the MoU (EC, IMF & ECB, 2011) and the XIXº Government contributed to implement measures like cutting the number of vacation days, increasing working hours and cutting salaries further (Madureira, 2015). In a context of this nature it is natural that a decrease in professionalism should occur.

The degree of closedness of the civil service system and the human resources management remained stable between 2012 and 2015, being more or less in the middle of the list of EU countries. We believe that, in addition to cultural issues, the fact that the crisis has contributed to a strong decrease in the workforce size, a very low human resource renewal (the entry of new human resources has been very low since 2010) is fundamental in a certain closedness of Portuguese public administration and a lower engagement of human resources.

5.3   Service delivery and digitalization

Indicator	Value 2013	EU28 rank	Value 2015	EU28 rank	Δ Value	Δ Rank
E-government users (%)	26.83	11	28.44	15	+1.61	-4
Pre-filled forms (%)	65.14	10	81.00	4	+15.86	+6
Online service completion (%)	96.43	2	97.71	3	+1.28	-1
	Value 2010	EU28 rank	Value 2016	EU28 rank	Δ Value	Δ Rank
Online services (0-1)	0.39	22	0.75	15	+0.36	+7
	Value 2013	EU27 rank				
Barriers to public sector innovation (%)	27.25	16				
			Value 2015	EU28 rank		
Services to businesses (%)			37.00	18		
	Value 2011	EU28 rank	Value 2016	EU28 rank	Δ Value	Δ Rank
Ease of Doing business (0-100)	73.42	13	77.40	12	+3.98	+1

Sources: *European Commission Digital Economy and Society Index UN e-government Index, EU Scoreboard Public innovation, Eurobarometer num.417, World Bank Ease of Doing Business.*

The data given in the table above coincides with the most recent data released by the European Commission (2016). On one side the percentages of (1) individuals using the internet for interacting with public authorities in Portugal, (2) individuals using the internet for obtaining information from public authorities in Portugal and (3) individuals using the internet for downloading official forms from public authorities in Portugal are below the European average, whereas on the other side, the percentage of individuals using the internet for sending filled forms to public authorities is higher in Portugal than in the European Union as a whole. In the "Online service completion", Portugal is also clearly above the EU average.

Under the motto "A STRONG, INTELIGENT AND MODERN STATE", the new Simplex Program seeks to improve the relationship between citizens and public administration, as well as the reduction of costs for companies. The Program is publicly available online. Simplex generated 255 measures to be implemented by the Portuguese government until the end of 2017. In that sense, the Simplex Program brings, among many other measures, "the sharing of services and resources and the improvement of management tools for public directors. This program contains new one-stop shops where you can address a number of issues of daily life, organized according to the needs of citizens, such as a one stop shop for vehicles-related matters, or the Employment One-Stop Shop" (European Commission, 2016).

The Simplex is led by the Ministry of the Presidency and for Administrative Modernization, herself and executed by the Head of Administrative Modernization and Digital Government, also President of the Administrative Modernization Agency (AMA).

It can be said that through Simplex we can observe the beginning of an organization and a systematization of several issues and dimensions of digitization and e-government that to date, although they did already exist, were dispersed.

Despite these progresses, in indicators like "barriers to public sector innovation" or "services to business" Portugal still below the EU average, even though at the indicator "ease for doing business" the country is slightly above the average.

5.4   Organization and management of government

Indicator	Value 2014	EU28 rank	Value 2016	EU28 rank	Δ Value	Δ Rank
Strategic planning capacity (1-10)	5.00	15	5.00	16	0.00	-1
Interministerial coordination (1-10)	6.83	15	7.00	13	+0.17	+2
SGI Implementation capacity (1-10)	6.86	10	6.43	15	-0.43	-5
	Value 2012	EU26 rank	Value 2015	EU27 rank	Δ Value	Δ Rank
QOG Implementation capacity (1-7)	4.44	21	4.88	18	+0.44	+3

Sources: *Bertelsmann Stiftung, Quality of Government Institute Gothenburg*.

According to the data presented in the table above, Portugal is roughly in the middle of the list of 28 Member States for "Strategic Planning Capacity, Inter-ministerial Coordination and SGI Implementation Capacity".

In the last decade, the Portuguese State has taken some steps to improve organization and government management and make it more flexible. Several examples prove this. The Public Administration Integrated Performance Assessment System (SIADAP) was set up in 2004 to implement management by objectives throughout all the ministries and public administration. In 2006, the Restructuring Program for Central Administration (PRACE) was implemented with the aim to introduce a new strategic and structural reform perspective across the entire Central Administration: less public bodies and less top managers with the expectation of more effectiveness and efficiency.

Later, in 2011, under Troika's supervision, the Reducing and Improving Central Administration Plan (PREMAC) aimed at deepening the organizational philosophy brought by PRACE. However, the overwhelming majority of existing skills in public bodies extinct by both programs (PRACE and PREMAC) were transferred to other public bodies (some of which already exist; others were created for this purpose). As stated in the EUPACK task 2 report, there was no significant extinction of powers and duties of Central Public Administration, but rather a reframing and redistribution of the same within an overall smaller number of units (Madureira, Asensio and Rodrigues, 2013).

We can say that in terms of organization and management reform, even if the administrative system follows a logic of procedural administration, like so many other European countries, Portugal adopted measures framed by the paradigm of New Public Management. However, in the absence of the necessary assessments and evaluations, it is difficult to draw final conclusions on the outcome of these measures.

5.5   Policy-making, coordination and regulation

Indicator	Value 2014	EU28 rank	Value 2016	EU28 rank	Δ Value	Δ Rank
Societal consultation (1-10)	4.00	21	4.00	23	0.00	-2
Use of evidence based instruments (1-10)	1.67	26	3.00	23	+1.33	+3
	Value 2010	EU28 rank	Value 2015	EU28 rank	Δ Value	Δ Rank
Regulatory quality (-2.5,+2.5)	0.73	24	0.94	19	+0.21	+5
Rule of law (-2.5,+2.5)	1.04	16	1.14	14	+0.10	+2

Sources: *Bertelsmann Stiftung, World Bank*.

Despite the creation of the State Organization Information System (SIOE) in 2011, which poses a fundamental change in the coordination of public bodies and their human resources as a whole, the data indicate a lack of quality of policy-making and coordination compared to the European average. This is particularly clear in the

indicators "Societal Consultation" and "Use of evidence based instruments". As stated on chapter 4.2, "(…) in Portugal there is a higher acceptance of hierarchy (power distance) when compared with other EU countries". Hierarchy still has a much more important role in Portuguese society than social participation or even science evidences.

It is true that new and alternative models have been evolving in a sense of greater citizen involvement, however consultation and social participation are not yet "obvious" in Portuguese society. The same is true for the use of instruments tested empirically or scientifically.

Regarding "Regulatory quality and "Rule of law", although Portugal continues to occupy a modest position in the EU ranking, there is a positive evolution between 2014 and 2016. The development of better Regulation policies in Portugal is relatively recent compared with other OECD countries. Nevertheless, it is fair to say that Portugal has made significant efforts to reduce administrative burdens and reform its public administration. Recently, the "Simplificar" program seeks to promote more systematic and comprehensive ex ante and ex post assessment of Regulations (OECD, 2015). If carried out properly, this assessment will play a key role.

5.6 Overall government performance

Indicator	Value 2010	EU28 rank	Value 2016	EU28 rank	Δ Value	Δ Rank
Trust in government (%)	20.00	23	33.00	12	+13.00	+11
	Value 2011	EU27 rank				
Improvement of PA over last 5 years (%)	3.00	25				
	Value 2010	EU28 rank	Value 2015	EU28 rank	Δ Value	Δ Rank
Public sector performance (1-7)	4.42	15	4.39	14	-0.03	+1
Government effectiveness (-2.5,+2.5)	1.02	16	1.23	12	+0.21	+4

***Sources**: Eurobarometer 85, Eurobarometer 370, World Bank, World Economic Forum.*

In 2016, the XXIst Constitutional Government had as one of its major objectives the restitution of salaries to all civil servants in the country. At the end of the year this goal was fulfilled. In a context where the ordinary citizen has become used to « defaults » on political promises, we believe that achieving this goal has increased the trust of citizens (and not just civil servants) in government. This may help to explain the strong increase in trust in government between 2010 and 2016 as indicated in the table.

According to a study carried out between 2011 and 2012 « Portugal's overall public administration performance, as depicted by the World Bank's government effectiveness indicator, is below the EU-average. Hence, perceptions point to a relatively low quality of public services, policy implementation and commitment of public servants to those when compared to the EU-benchmark » WIFO/ZEV/Ideaconsult (2012 :216).

However, according to the aforementioned reasoning and although no data are presented for "PA's last 5 years improvement" for the year 2016, we believe that perceptions have been improving over the last few years. The data also point to a timid improvement of the "public sector performance" and of "government effectiveness".

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