

ORGANIC LAW



Banco de Portugal

BANCO DE PORTUGAL

ORGANIC LAW

Edition updated by the
Banco de Portugal - DSAID

Printing works of the Banco de Portugal
Lisbon ---1999

Copyright n° 3158/83
ISBN 972-9479-51-9

1999

**ORGANIC LAW
OF THE
BANCO DE PORTUGAL**

Approved by Law No. 5/98 of January 31.

Table of contents

Chapter I	Nature, head office and tasks	7
Chapter II	Capital, reserves and provisions	7
Chapter III	Currency issue	8
Chapter IV	Central Bank functions	10
	Section I General Provisions	10
	Section II Monetary and exchange rate policy	11
	Section III Exercise of supervision	11
	Section IV Relations between the State and the Bank	12
	Section V International monetary relations	12
	Section VI Operations of the Bank	13
Chapter V	Organs of the Bank	15
	Section I General Provisions	15
	Section II Governor	16
	Section III Board of Directors	18
	Section IV Board of Auditors	20
	Section V Advisory Board	22
Chapter VI	Organization of the Bank's departments	23
Chapter VII	Budget and Accounts	24
Chapter VIII	Employees	25
Chapter IX	General and transitional provisions	26

CHAPTER I

Nature, head office and tasks

Article 1

The Banco de Portugal, hereinafter called the "Bank", is a public-law legal person with administrative and financial autonomy and own property.

Article 2

The Bank has its head office in Lisbon and it may have subsidiaries, branches, delegations, or agencies elsewhere as well as delegations abroad.

Article 3

1. The Banco de Portugal, as the central bank of the Portuguese Republic, shall be an integral part of the European System of Central Banks, hereinafter called "ESCB".

2. The Bank shall pursue the objectives and shall participate in the performance of the tasks entrusted to the ESCB and shall be subject to the provisions of the Statute of the ESCB and of the European Central Bank, hereinafter called "ESCB/ECB Statute", acting in accordance with the guidelines and instructions of the European Central Bank, hereinafter called "ECB", pursuant to the same Statute.

CHAPTER II

Capital, reserves and provisions

Article 4

1. The capital of the Bank shall be the equivalent in euro to 200 million escudos and it may be raised, namely by incorporation of reserves, pursuant to a resolution of the Board of Directors.

2. The resolution on the capital increase shall be authorised by the Finance Minister.

Article 5

1. The Bank shall have a reserve with no fixed ceiling formed out of 10 per cent of the profit for each fiscal year assessed in accordance with Article 53.

2. In addition to the reserve mentioned in the foregoing paragraph, the Board of Directors may establish other reserves and provisions namely to meet depreciation risks or losses to which certain types of assets or operations are particularly liable.

CHAPTER III Currency issue

Article 6

1. Under the terms of Article 105a(1) of the Treaty establishing the European Community, the Bank shall have the right to issue banknotes, which shall be legal tender and have discharging power.

2. The Bank shall put into circulation metal coins, including commemorative coins.

3. The metal coins shall be put into circulation through and under the requisition of the Bank.

Article 7

1. The bank shall seize all the notes presented to it, which are liable to suspicion of counterfeiting, forging, or change in face value and shall draw up a writ with the identification of the notes and of their bearer as well as the ground of suspicion.

2. The writ mentioned in the foregoing paragraph shall be forwarded to the Criminal Police for the purpose of the relevant proceedings.

3. The Bank may resort directly to any authority or agent thereof, for the purpose envisaged in this Article.

Article 8

The legal procedure for the reform of banknotes denominated in escudos shall not be admitted.

Article 9

1. The imitation or reproduction, in whole or in part, by any technical means, of banknotes denominated in escudos shall be prohibited as well as the distribution of such imitations or reproductions.

2. The mere manufacture of plates, matrices, or any other technical means enabling the reproduction or imitation envisaged in the foregoing paragraph shall also be prohibited.

Article 10

1. Violation of the provisions of paragraphs 1 and 2 of the foregoing Article, other than the crimes of counterfeiting, forging, or change in face value of the currency, shall be a breach of regulations punishable by a fine ranging from Esc. 20,000 to 500,000 or from Esc. 50,000 to 6,000,000 depending on whether the agent is a physical or a legal person.

2. Attempt and negligence shall always be punishable.

3. The Bank shall be responsible for the proceedings on the breaches of regulations envisaged in this Article as well as for the enforcement of the applicable penalties. The proceeds of the fines shall fully revert to the State.

4. The general law on breaches of regulations shall be subsidiarily applicable.

Article 11

As an additional penalty for the breaches of regulations envisaged in the foregoing Article, or regardless of the enforcement of a fine, under the general law mentioned in paragraph 4 of the same Article, the Bank may seize and destroy the reproductions, imitations, plates, matrices, and other technical means mentioned in Article 9.

CHAPTER IV Central Bank functions

SECTION I General Provisions

Article 12

Without prejudice to the requirements derived from its participation in the ESCB it shall be particularly incumbent upon the Bank to:

- a) Manage the foreign assets of the country or any other assets entrusted to it;
- b) Act as intermediary in the international monetary relations of the State;
- d) Provide for the stability of the domestic financial system, performing for the purpose the function of lender of last resort;
- e) Advise the Government in the economic and financial

fields. Article 13

1. The Bank shall ensure the collection and compilation of the monetary, financial, foreign exchange and balance of payments statistics, particularly, within the scope of its co-operation with the European Central Bank.

2. The Bank may require of any public or private body the direct supply of whatever information deemed necessary for compliance with the provisions of the foregoing paragraph or with the functions entrusted to it.

Article 14

It shall be incumbent on the Bank to regulate, oversee and promote the smooth operation of payment systems, namely within the scope of its participation in the ESCB.

SECTION II

Monetary and exchange rate policy

Article 15

Within the scope of its participation in the ESCB, the Bank shall be responsible for the direction and control of the money and foreign exchange markets.

Article 16

1. In order to direct and control the money and foreign exchange markets, pursuant to the measures adopted by the ECB, the Bank shall be responsible for:

- a) Adopting general measures or intervening, whenever necessary, to ensure compliance with the monetary and foreign exchange policy objectives, particularly as regards the behaviour of the interest and exchange rates;
- b) Receiving reserve requirements from the institutions subject thereto and co-operating in the implementation of other monetary control operational methods to which the ECB decides to resort;
- c) Laying down the conditions under which the institutions authorised to deal in foreign exchange may hold foreign assets or assume foreign liabilities.

2. Without prejudice to the penalties envisaged by law, the Bank may adopt the measures required to prevent or halt practices contrary to the rules adopted under the foregoing paragraph as well as to correct the effects of such practices.

SECTION III Exercise of supervision

Article 17

In accordance with the legal measures on financial supervision, the Bank shall be responsible for the supervision of credit institutions, financial

companies and other bodies legally subject to the Bank, namely by issuing directives to guide their action and to ensure the centralisation services of credit risks.

SECTION IV

Relations between the State and the Bank

Article 18

1. Overdraft facilities or any other type of credit facility with the Bank in favour of the State or other State-dependent services or bodies, other public-law legal persons and public undertakings, or any other bodies on which the State, the Autonomous Regions or local authorities may, directly or indirectly, have a dominant influence, shall be prohibited.

2. The Bank shall not guarantee any commitments of the State or of any other body mentioned in the foregoing paragraph and shall not directly purchase debt instruments issued by the State or by the same bodies.

Article 19

The provisions of the foregoing article shall not apply to:

- a) Credit institutions and financial companies, albeit with public capital, which shall benefit from a treatment similar to that enjoyed by credit institutions and financial companies in general;
- b) The financing of the obligations of the State towards the International Monetary Fund;
- c) The holding, by the Bank, of metal coins issued by the State and entered to the credit of the latter, as regards the part not exceeding 10 per cent of the metal coins in circulation.

SECTION V

International monetary relations

Article 20

The Banco de Portugal is the foreign exchange authority of the Portuguese Republic.

Article 21

In its capacity as exchange authority, the Bank shall be particularly responsible for the:

- a) Licensing and controlling of external payments whenever required in accordance with the Treaty establishing the European Community;
- b) Definition of the principles governing gold and foreign exchange operations.

Article 22

1. The Bank, either in its own name or on behalf and in the name of the State, may conclude clearing and payments agreements or any other contracts for the same purpose with public or private kindred institutions domiciled abroad.

2. With a view to the management of its foreign assets, the Bank may rediscount credit instruments from its own portfolio, pledge assets as security, and carry out abroad any other relevant operations.

Article 23

Subject to the approval of the ECB, the Bank may hold stakes in the capital of international monetary institutions and participate in their managing bodies.

SECTION VI

Operations of the Bank

Article 24

1. In order to meet the objectives and to perform the ESCB tasks, the Bank may carry out any operations justified by virtue of its capacity as central bank, namely the following:

- a) To rediscount and discount bills of exchange, promissory notes, invoice statements, warrants and other similar credit instruments;
- b) To buy and sell public debt securities, on the secondary market, without prejudice to Article 18.2;

- c) To grant loans or to open current account credits to credit institutions and financial companies, in such forms as the Bank may deem appropriate, and duly secured by collateral;
- d) To take demand deposits from the State;
- e) To take demand or time deposits from credit institutions, financial companies and other financial institutions;
- f) To take deposits of securities issued by the State and held by the institutions mentioned in e) above;
To carry out all and any operations in gold and foreign exchange;
- h) To issue securities or carry out rego operations for the purpose of intervening in the money market;
- 1) To carry out any other banking operations not specifically forbidden by this Organic Law.

2. The Bank may, in the modes it deems advisable, pay interest on demand or time deposits in the following instances:

- a) Operations envisaged under d) and e) of the foregoing paragraph;
- b) Compulsory deposit of cash reserves of credit institutions, financial companies and other institutions subject to its supervision;
- c) Operations with foreign or international institutions within the scope of international co-operation in the monetary, financial and exchange fields;
- d) Reciprocity envisaged in bilateral agreements or contracts concluded by the State or by the Bank;
- e) Express stipulation in multilateral clearing and payments agreements.

Article 25

The Bank shall specifically not:

- a) Rediscount, in the country, credit instruments from its own commercial portfolio representing operations carried out under Article 24.1.(a);

- b) Grant open credit or credit secured under forms which run counter to the provisions of this Organic Law;
- c) Promote the setting of credit institutions, financial companies or any other companies, nor subscribe their capital stock, save as otherwise provided for in this Organic Law or authorised by special provision, or on account of repayment of credits, but in no circumstances as a partner with unlimited liability;
- d) Own real estate apart from the premises required for its business or for social purposes, unless on account of private composition with debtors, assignment of property by debtors, public auction or other legal means of fulfilling the obligations or intended to ensure such fulfilment, in which cases the Bank shall provide for their disposal as soon as possible.

CHAPTER V Organs of the Bank

SECTION General Provisions

Article 26

The organs of the Bank shall be the Governor, the Board of Directors, the Board of Auditors, and the Advisory Board.

Article 27

The Governor and the other members of the Board of Directors of the Bank shall be appointed by the Cabinet, on a proposal from the Finance Minister.

SECTION II Governor

Article 28

1. It shall be incumbent upon the Governor:

a) To carry out the tasks of member of the Governing Council and of the General Council of the ECB, pursuant to the provisions laid down in the Treaty establishing the European Community and in the ESCB/ ECB Statute;

b) To represent the Bank;

c) To act on behalf of the Bank with foreign or international institutions;

d) To supervise the co-ordination and dynamization of the activity of the Board of Directors and to call the meetings thereof;

e) To take the chair at any meeting of committees formed by members of the Board of Directors;

f) To initial the general books, for which purpose a facsimile of his signature may be used;

g) To exercise all other powers legally entrusted to him.

2. The Governor may, by means of a minute of the Board of Directors, under the terms of Article 34.2, delegate part of his powers to the Vice-governors or Directors as well as appoint, among them, one person to replace him, in the performance of the tasks referred to in a) of the foregoing paragraph.

Article 29

It shall be generally incumbent on the Vice-governors to assist the Governor and specifically to exercise the powers delegated to them by the latter, without prejudice to all other powers legally entrusted to them.

Article 30

1. Whenever serious interests of the country or of the Bank are at stake and it proves impossible to converse the Board of Directors, due to

urgent need, for lack of quorum, or any other justified reason, the Governor shall have full powers to act in all matters required for the accomplishment of the purposes assigned to the Bank and which fall within the competence of that Board.

2. Before third parties, including notaries, registrars, and other public office holders, the signature of the Governor, alleging the situation envisaged in the foregoing paragraph, shall be a presumption of the impossibility to hold a meeting of the Board of Directors.

Article 31

1. The Governor, if he is absent or prevented, shall be replaced in the following way and order:

a) By the senior Vice-governor or, in equal circumstances, by the oldest in age;

b) By the senior Director or, in equal circumstances, by the oldest in age;

2. The substitution rule laid down in the foregoing paragraph shall apply to vacancies.

3. Before third parties, including notaries, registrars, and other public office holders, the signature of a Vice-governor or of a Director, alleging the situations envisaged in the foregoing paragraphs, shall be a presumption of the aforesaid absence, prevention, or vacancy.

Article 32

1. The Governor shall have a casting vote at the meetings which he chairs.

2. The vote in the affirmative of the Governor shall be required for all the decisions taken by the Board of Directors or by Executive Committees, which, in his motivated judgement, may affect either his decision-making autonomy in his position as member of the Governing Council and of the General Council of the ECB or the compliance with the obligations of the Bank as an integral part of the ESCB.

SECTION III

Board of Directors

Article 33

1. The Board of Directors shall consist of the Governor, who shall be the Chairman, of one or two Vice-governors, and of three to five Directors.

2. The members of the Board of Directors shall be in office for renewable terms of five years.

3. The five-year term of office shall terminate on the date of the approval of the accounts for the last fiscal year started within that term.

4. The Governor and the other members of the Board of Directors may only be relieved from office should any of the circumstances envisaged in Article 14.2 of the ESCB/ECB Statute occur.

5. The Governor may institute proceedings against such decision, pursuant to the provisions laid down in Article 14.2 of the ESCB/ECB Statute.

Article 34

1. The Board of Directors shall be responsible for all the acts required to achieve the purposes assigned to the Bank which do not fall within the exclusive competence of other bodies.

2. The Board of Directors may, by means of a minute, delegate powers to one or more of its members or to employees of the Bank and authorise the subdelegation of such powers, establishing, in each case, the relevant limits and conditions.

Article 35

1. The Board of Directors, on a proposal from the Governor, shall assign to its members responsibilities for one or more sectors comprising one or more services of the Bank.

2. The assignment of a sector implies the delegation of powers within a limit and under conditions to be established on the occasion of the assignment.

3. The allocation of sectors shall not waive the duty, incumbent upon all the members of the Board of Directors, to monitor and

become acquainted with the general affairs of the Bank and to submit proposals concerning any of them.

Article 36

1. The Board of Directors shall meet:

- a) Regularly, at least once a week, save as otherwise provided for by the Governor and accepted by unanimity by the acting members;
- b) Extraordinarily, whenever convened by the Governor.

2. In order to make valid decisions, the Board meetings must be attended by the absolute majority of the acting members.

3. For the purpose of the foregoing paragraphs, the members of the Board on duty outside the head office or prevented due to illness shall not be considered acting members.

4. The decisions of the Board shall be taken by a majority of the members present; abstentions shall not be allowed.

Article 37

1. The Board of Directors may create standing or temporary Executive Committees as deemed necessary to the decentralisation and good operation of the services.

2. The Board of Directors may delegate part of its powers to the Executive Committees.

Article 38

1. All matters dealt with at the meetings of the Board of Directors and of the Executive Committees shall be mentioned briefly but clearly in the relevant minutes.

2. The minutes shall bear the signatures of all the members of the Board of Directors or of the Executive Committees who attended the meeting and shall be undersigned by the secretary.

3. The attendants at the meeting may dictate a summary of their participation to be recorded in the minutes and may vote "defeated" as to the decisions with which they disagree.

Article 39

Appeals in the general terms of the law may be filed against all and any administrative measures taken by the Governor, the Vice-governors, the Board of Directors, the Executive Committees, the Directors, or the employees of the Bank, in the use of delegated powers.

Article 40

The members of the Board of Directors shall:

- a) Have the right to a remuneration to be stipulated, on a yearly basis, by a salary committee comprising the Finance Minister or his representative, who shall be the Chairman, the Chairman of the Board of Auditors and a former Governor, appointed for the purpose by the Advisory Board;
- b) Enjoy the same social benefits as the employees of the Bank, in particular, and bearing in mind the specific nature of their tasks, retirement and survivorship pensions, under the terms established by the salary committee;
- c) Have the right to supplementary retirement subsidies, under the terms established by the salary committee.

SECTION IV

Board of Auditors

Article 41

1. The Board of Auditors shall consist of four members, three of them appointed by the Finance Minister and one by the employees of the Bank.

2. Of the members appointed by the Finance Minister one shall be the Chairman, who has the casting vote, another shall be a chartered accountant, and the third shall be a personality of a recognised competence in economic matters.

Article 42

1. The members of the Board of Auditors shall perform their duties for renewable three-year periods.

2. The functions of the Board of Auditors may be discharged jointly with other non-conflicting professional duties.

Article 43

1. The Board of Auditors shall be responsible for:

- a) Monitoring the business of the Bank and the observance of the laws and regulations applicable thereto;
- b) Examining the periodic statements submitted by the Board of Directors during its term of office;
- c) Issuing its opinion on the budget, the balance sheet, and the annual accounts;
- d) Examining the books, vaults, and safes of the Bank whenever it deems convenient, subject to the appropriate security measures;
- e) Drawing the attention of the Governor or of the Board of Directors to any matter which it deems should be considered, and making recommendations on any subject submitted to it by those bodies.

2. The Board of Auditors may be assisted by any Bank departments or officials it chooses.

Article 44

1. The Board of Auditors shall meet regularly once a month and extraordinarily whenever meetings are called by its Chairman.

2. To be effective, the decisions of the Board of Auditors shall require a quorum of the absolute majority of its acting members.

3. The decisions of the Board of Auditors shall be taken by majority vote of the attending members, no abstentions being allowed.

4. The provisions of Article 38 shall apply to the minutes of the Board of Auditors.

5. The members of the Board of Auditors shall be entitled to a monthly remuneration to be determined by the Finance Minister.

Article 45

The members of the Board of Auditors may participate in the meetings of the Board of Directors, with no voting power; the presence of one of them in rotation shall be compulsory at regular meetings.

Article 46

Without prejudice to the powers of the Board of Auditors, the accounts of the Bank shall also be audited by external auditors, pursuant to the provisions laid down in Article 27.1 of the ESCB/ECB Statute.

SECTION V Advisory Board

Article 47

1. The Advisory Board shall consist of the Governor of the Bank, who shall be the Chairman, and the following members:

- a) The Vice-governors;
- b) The former Governors;
- c) Four personalities of a recognised competence in economic, financial and business matters;
- d) The Chairman of the Portuguese Association of Banks;
- e) The Chairman of the Public Credit Management Institute;
- f) A representative of each of the Autonomous Regions of the Azores and Madeira, to be appointed by the competent self-government bodies;
- g) The Chairman of the Advisory Board of the Bank.

2. The members mentioned under c) above shall be appointed by the Cabinet, on a proposal from the Finance Minister, for renewable terms of three years.

3. The members of the Advisory Board, who are not members of other bodies of the Bank, may also be remunerated, on a proposal from the Governor approved by the Finance Minister.

4. Whenever deemed convenient, the Chairman of the Advisory Board may invite certain bodies or sectors of activity to be represented at their meetings, as well as suggest to the Government the attendance of officials from public bodies or services competent in the matters to be appraised, but in both cases with no voting power.

Article 48

It shall be incumbent on the Advisory Board to issue its non-binding opinion on:

- a) The annual report of the Bank, before its release;
- b) The measures taken by Bank within the scope of its functions;
- c) The matters referred thereto by the Governor or by the Board of Directors.

Article 49

The Advisory Board shall meet regularly once every six months and extraordinarily whenever convened by the Governor.

CHAPTER VI

Organisation of the Bank's departments

Article 50

The Board of Directors shall decide on the structure and operation of the Bank's departments and shall draw up the necessary internal regulations.

Article 51

The subsidiaries, branches, delegations, and agencies shall be responsible, under the direction, control, and supervision of the Board of Directors, for the discharge, in their respective areas, of the duties assigned thereto.

CHAPTER VII Budget and Accounts

Article 52

1. An operating budget shall be drawn up every year.
2. The annual budget shall be forwarded to the Finance Minister not later than November 30 of the preceding year.

Article 53

1. The result for the fiscal year shall be assessed by deducting from the total income and other profits attributable to the fiscal year the amounts corresponding to the followings costs:

- a) Annual operating and administrative costs;
- b) Annual appropriations for the formation of, or increase in, provisions for bad debts and depreciation of other assets, or for the emergente of other requirements under the terms to be defined by the Board of Directors;
- c) Special appropriations to the Pension Fund.
- d) Extraordinary profits and losses.

2. The profit for the fiscal year, assessed according to the foregoing paragraph, shall be distributed as follows:

- a) 10 per cent to the legal reserve;
- b) 10 per cent to other reserves to be decided by the Board of Directors;
- c) The remainder to the State, as dividends, or to other reserves proposed by the Board of Directors and approved by the Finance Minister.

Article 54

1. Not later than March 31, the Bank shall submit the annual report, balance sheet, and accounts referred to the last day of the previous year for the Finance Minister's approval, after discussion and appraisal thereof by the Board of Directors, with the opinion of the Board of Auditors.

2. Unless a decision to the contrary is given by the Finance Minister, the report, balance sheet, and accounts shall be considered approved thirty days after the date of their receipt.

3. The report, balance sheet, and accounts shall be published in the Official Gazette within thirty days after their approval.

4. After the presentation of the report, balance sheet and annual accounts, the Governor shall inform the Parliament, through the Standing Committee on Economy, Finance and Planning, on the monetary and exchange rate policy stance and guidelines.

5. The Bank shall not be subject to the financial system governing the autonomous funds and services of the Public Sector.

6. The Bank shall not be subject to the prior control of the Court of Auditors, nor to its successive control in the issues relating to its participation in the performance of the tasks entrusted to the European System of Central Banks.

7. The provisions of the foregoing paragraph shall be applicable to the Funds operating at the Bank or in whose management the Bank participates.

Article 55

The Bank shall publish weekly in the Official Gazette a synopsis of its assets and liabilities.

CHAPTER VIII Employees

Article 56

1. The employees of the Bank shall be subject to the legal regulations of the individual labour contract.

2. The Bank may sign collective labour regulation instruments, under the terms of the general law, for whose purpose its legitimate representatives shall be the members of the board of directors or the holders of a written mandate, expressly entrusted with contracting powers.

3. The employees of the Bank shall benefit from the social security scheme and from the other social benefits, established in the collective labour regulation instruments of the banking sector.

Article 57

1. The Board of Directors, bearing in mind the specific nature of the functions entrusted to the Bank, shall define the personnel policy after hearing the institutional bodies of representation of the workers.

2. The Board shall provide for the instruments required for the proper execution and disclosure of the personnel policy, defined under the foregoing paragraph.

Article 58

1. Within the scope of the Bank's social action, there exists a welfare fund with the appropriations which the Board of Directors decides to allot thereto so as to ensure the achievement of its purpose.

2. The welfare fund shall be governed by the regulations approved by the Board of Directors and shall be managed by a committee appointed by the said Board, with delegated powers for the purpose, and which will include representatives of the workers' committee of the Bank.

CHAPTER IX

General and transitional provisions

Article 59

1. The Bank shall be bound by the signature of the Governor or of two other members of the Board of Directors and of whomsoever is empowered thereto under Articles 28.2, 31.1, 31.2, and 34.2.

2. The Notices of the Bank shall be signed by the Governor and published in Series I, B of the Official Gazette.

Article 60

The members of the Board of Directors, Board of Auditors, and Advisory Board, as well as all the employees of the Bank, are bound to secrecy under the terms of the law.

Article 61

1. Unless when representing the Bank or its employees, the members of the Board of Directors and the other employees shall not be members of the supervisory and managing bodies of other credit institutions, financial companies or any other institution subject to the Bank's supervision, or perform any other duties therein.

2. Without prejudice to other legally envisaged incompatibilities or preventions, the members of the Board of Directors shall not perform any remunerated duties outside the Bank, except lecturing at Universities, or be members of the supervisory and managing bodies of any company, unless when representing the Bank's interests and when duly authorised by the Board of Directors.

Article 62

Without prejudice to the provisions laid down in Article 39, it will be incumbent on the Judicial Courts to arbitrate any disputes in which the Bank is one of the parties, including the proceedings to determine the civil liability towards third parties for acts of the Bank's bodies, as well as the assessment of the civil liability of the members of such bodies towards the Bank.

Article 63

1. The Chart of Accounts of the Bank shall be approved by the Finance Minister, on a proposal from the Board of Directors after hearing the Board of Auditors.

2. Decree-Law No. 23/93 of 27 January shall remain in force up to the date of the approval mentioned in the foregoing paragraph.

Article 64

The Bank shall be governed by the provisions of this Organic Law and of the regulations to be adopted for its execution as well as by the

applicable provisions of the legislation governing the activity of credit institutions and, subsidiarily, by private law.

Article 65

Articles 6 to 9 of the Organic Law of Banco de Portugal, with the wording of Decree-Law No. 337/90 of 30 October, shall remain in force up to a date to be fixed in a special ordinance, without prejudice to the exclusive powers of the European Central Bank to authorise the issue.