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Third Evaluation Round

Compliance Report on Portugal

"Incriminations (ETS 173 and 191, GPC 2)"

"Transparency of Party Funding"

Adopted by GRECO
at its 58th Plenary Meeting
(Strasbourg, 3-7 December 2012)

I. INTRODUCTION

1. The Compliance Report assesses the measures taken by the authorities of Portugal to implement the 13 recommendations issued in the Third Round Evaluation Report on Portugal (see paragraph 2), covering two distinct themes, namely:
 - **Theme I – Incriminations:** Articles 1a and 1b, 2-12, 15-17, 19 paragraph 1 of the Criminal Law Convention on Corruption ETS 173), Articles 1-6 of its Additional Protocol (ETS 191) and Guiding Principle 2 (criminalisation of corruption).
 - **Theme II – Transparency of party funding:** Articles 8, 11, 12, 13b, 14 and 16 of Recommendation Rec(2003)4 on Common Rules against Corruption in the Funding of Political Parties and Electoral Campaigns, and - more generally - Guiding Principle 15 (financing of political parties and election campaigns).
2. The Third Round Evaluation Report was adopted at GRECO's 49th Plenary Meeting (29 November – 3 December 2010) and made public on 8 December 2010, following authorisation by Portugal (Greco Eval III Rep (2010) 6E, [Theme I](#) and [Theme II](#)).
3. As required by GRECO's Rules of Procedure, the Portuguese authorities submitted a Situation Report on measures taken to implement the recommendations. This report was received on 29 June 2012 and served as a basis for the Compliance Report.
4. GRECO selected the Netherlands and Monaco to appoint rapporteurs for the compliance procedure. The Rapporteurs appointed were Mr Don O'FLOINN, on behalf of the Netherlands, and Mr Frédéric COTTALORDA on behalf of Monaco. They were assisted by GRECO's Secretariat in drawing up the Compliance Report.
5. The Compliance Report assesses the implementation of each individual recommendation contained in the Evaluation Report and establishes an overall appraisal of the level of the member's compliance with these recommendations. The implementation of any outstanding recommendation (partially or not implemented) will be assessed on the basis of a further Situation Report to be submitted by the authorities 18 months after the adoption of the present Compliance Report.

II. ANALYSIS

Theme I: Incriminations

6. It is recalled that GRECO in its evaluation report addressed 6 recommendations to Portugal in respect of Theme I. Compliance with these recommendations is dealt with below.
7. As introductory remarks to its Situation Report in respect of this theme, Portugal reaffirms its commitment to prevent and repress corruption in all its manifestations. Several measures were taken to that end, such as the creation of an Asset Recovery Office in June 2011 and the establishment of a central banking accounts database in September 2010. Portugal stresses that general elections took place on 5 June 2011 and that the country is currently experiencing a difficult situation due to its sovereign debt crisis, which led to a request for financial assistance from the International Monetary Fund, the European Central Bank and the European Commission. Hence, the Portuguese government is currently following a Memorandum of

Understanding signed by the three major political parties with the European Union and the International Monetary Fund. This document sets a strict two-year policy plan for the implementation of several measures. In the past year, several broad reforms have been undertaken and implemented, addressing priority areas such as insolvency procedures, the functioning of the judicial system, the effective and timely enforcement of contracts and competition rules and the reduction of judicial backlogs. For these reasons, Portugal has not yet been able to approve the measures necessary to implement the recommendations addressed by GRECO with respect to the first theme of the Third Round Evaluation.

Recommendations i and ii.

8. *GRECO recommended to enlarge the scope of application of the legislation concerning active and passive bribery of foreign public officials, members of foreign public assemblies, officials of international organisations, members of international parliamentary assemblies as well as judges and officials of international courts, in order to fully comply with the requirements of Articles 5, 6, 9, 10 and 11 of the Criminal Law Convention on Corruption (ETS 173). (recommendation i)*

GRECO recommended to criminalise active and passive trading in influence in respect of foreign/international officials in conformity with Article 12 in conjunction with Articles 5, 6, 9, 10 and 11 of the Criminal Law Convention on Corruption (ETS 173). (recommendation ii)

9. The authorities of Portugal report that the Ministry of Justice has prepared amendment proposals to several provisions of the Criminal Code, the Criminal Procedure Code and other criminal legislation. Among these proposals, the amendment of Articles 118, 335.374-B and 386 of the Criminal Code, Article 8 of Law 20/2008 of 21 April 2008 and Article 3 of Law 34/87 of 16 July 1987 on the responsibility of political office holders is foreseen, in order to implement recommendations i and ii. This proposal and the wording of the relevant amendments are currently under consideration by the Council of Ministers, after which they will be submitted to Parliament.
10. GRECO takes note of the information provided and concludes that recommendations i and ii have not been implemented.

Recommendation iii.

11. *GRECO recommended to ensure that bribery of foreign arbitrators and jurors is criminalised under Portuguese law in conformity with Articles 4 and 6 of the Additional Protocol to the Criminal Law Convention on Corruption (ETS 191); and to proceed swiftly with the ratification of this Instrument.*
12. As regards the incriminations of the bribery of foreign arbitrators and jurors, the authorities of Portugal refer to the information already submitted under paragraph 9. As far as the ratification of the Additional Protocol to the Criminal Law Convention on Corruption is concerned, they state that the Council of Ministers has adopted the act of ratification. It is now up to the Parliament to conclude the ratification procedure.
13. GRECO takes note of the information provided and concludes that recommendation iii has not been implemented.

Recommendations iv and v.

14. *GRECO recommended (i) to increase the criminal sanctions in respect of bribery in the private sector and trading in influence in order to ensure effective, proportionate and dissuasive sanctions as required by Article 19 of the Criminal Law Convention on Corruption (ETS 173); (ii) to criminalise trading in influence (active form for "licit" act) in conformity with Article 12 of the same Convention and (iii) to adjust the limitation period for trading in influence to that of public sector bribery (recommendation iv)*

to analyse and accordingly revise the mandatorily total exemption from punishment granted to perpetrators of bribery offences in the public sector which is conceded in consequence of effective regret (recommendation v).

15. The Portuguese authorities report that, in the context of the already mentioned proposal to amend several criminal law provisions, the Ministry of Justice has prepared proposals for the amendment of Articles 8 and 9 of Law 20/2008, of 21 April 2008, Articles 118 and 335 of the Criminal Code, in order to implement recommendation iv, as well as of Article 374-B of the Criminal Code, in order to implement recommendation v.
16. GRECO takes note of the information provided and concludes that recommendations iv and v have not been implemented.

Recommendation vi.

17. *GRECO recommended to establish guidelines and training for the professionals who are to apply the criminal legislation on corruption and to collect information in order to assess how the legal framework operates in practice.*
18. Regarding the establishment of guidelines and training, the authorities of Portugal indicate that the Centre for Judicial Studies included the subject "prevention of and fight against corruption" in the 2011/2012 training plan for judges and prosecutors. Five training sessions were held in 2011 and five in 2012. The last one, which took place in March 2012, was attended by 40 judges and 40 prosecutors. In the framework of the 2012/2013 training plan, two seminars are planned on economic and financial crime, during which corruption issues will be discussed: 80 prosecutors are registered for the first seminar and an equivalent number of judges are expected to attend. Training is also foreseen on cybercrime, assets recovery and investigative techniques, where corruption issues will also be handled. Guidelines were established by the Centre on how to cover that subject in the annual curricula. The authorities add that this subject was included in the training of police officials delivered by the Criminal Police School several years ago.
19. As regards the collection of information, the authorities explain that the Ministry of Justice regularly receives information from the courts and the criminal police and publishes an annual collection of statistical data of the judicial system, where information on registered criminality and investigations, prosecutions and convictions for the commission of offences of corruption and other offences can be found. This collection is available online. A working group was also established by a Resolution of July 2010 of the Council of Ministers, to coordinate the implementation of the laws adopted in 2010 to prevent and combat corruption. This working group, which is working under the authority of the Ministry of Justice, gathers representatives of that Ministry as well as representatives of the Ministry of Finance and Public Administration and the Ministry of Environment and Spatial Planning. The working group issued a preliminary report

assessing the implementation of the legal framework adopted in 2010, which also contains recommendations for improvement of the system of prevention of and fight against corruption. This report will be further complemented with more recent information and statistics.

20. GRECO takes note that some training activities have apparently been organised for judges and prosecutors. In its opinion, the information regarding the organisation of a similar training in the past for police officials is irrelevant to the implementation of the present recommendation, since it was given to ensure that professionals would be acquainted with the practical implementation of newly adopted legislation in respect of corruption offences. GRECO also notes that some statistics appear to be systematically collected and published, and that they have been used in a report on the assessment of the practical operation of the new legal framework, as requested by the recommendation.
21. GRECO concludes that recommendation vi has been implemented satisfactorily.

Theme II: Transparency of Party Funding

22. It is recalled that GRECO in its evaluation report addressed 7 recommendations to Portugal in respect of Theme II. Compliance with these recommendations is dealt with below.

Recommendation i.

23. *GRECO recommended to further enhance the implementation of a common format of the accounts of political parties and election campaigns and to take measures relating to the accounting requirements of income and expenditure of regional and local level branches of political parties in order to increase the accuracy and transparency of such accounting and its presentation in the party accounts.*
24. The authorities of Portugal report that, at the request of the President of the Constitutional Court, a proposal for an accounting system for political parties has been drafted by the Entity for Accounts and Political Financing (hereafter EAPF) and sent for consultation to all political parties in May 2012. This proposal aims at establishing clear and common formats, adapting general accounting rules to political parties and candidates to elections, in accordance with international accounting standards. The EAPF has also proposed that a distinction be made between an accounting system for the political parties represented in Parliament, which receive public subventions, and another system with a simpler format for small parties not represented in Parliament and which do not benefit from public subventions. This would allow for an increased swiftness in the accounting and control of small political parties, which would be subject to requirements proportional to their size. During the consultation meeting held with political parties in May 2012, a timetable was agreed upon according to which the regulation containing the reported proposals would enter into force on 1 January 2013, to be applicable in the financial year 2013 – during which local elections are foreseen.
25. As regards regional and local branches of political parties, the authorities add that, according to article 12 (4) of the Law on the Financing of Political Parties (no.19/2003), political parties' national accounts have to include, in an appendix, the accounts related to their regional, district or autonomous structures or, alternatively, the consolidated accounts of such structures have to be submitted. In practice, parties have been presenting their annual accounts in a consolidated manner, including data regarding their branches. If, for any reason, information about regional

and local structures is not included in a consolidated manner, political parties have to submit in appendix the accounts of all their non-consolidated structures, so that they can be supervised by the EAPF. This obligation is also included in the new regulation of the EAPF referred to above.

26. GRECO takes note of the information provided with regard to the introduction of a new accounting system, which would take into account the specificities and size of political parties. This system would appear to allow for two common formats for party accounts, depending on their representation in Parliament and their receiving public subventions. Subject to the details of the adopted proposal, this system could increase the accuracy and transparency of reporting, as required by the recommendation. As regards the regional and local branches of political parties, GRECO notes that the arrangements reported seem to be essentially the same as those which were presented in the Evaluation Report. It recalls that the Evaluation Report (paragraph 86) highlighted the need for reporting on regional and local branches of political parties to be enhanced.
27. GRECO concludes that recommendation i has been partly implemented.

Recommendation ii.

28. *GRECO recommended to take measures to ensure that appropriate information contained in the annual party accounts and the accounts of election campaigns is made public in an expedient way which provides for easy and timely access by the public.*
29. The Portuguese authorities explain that the Constitutional Court publishes on its website the annual accounts of political parties, as well as the accounts of election campaigns, within five to ten days of their presentation. However, as regards election accounts, presentation of accounts is only required within 90 days (for local elections) or 60 days (for all other elections) from the payment of public subventions, according to Law 55/2010 of 24 December 2010. The authorities recognise that this delays the presentation of the accounts by several months. Example is given of the election of representatives for the legislative assembly of the autonomous region of Madeira, which took place on 9 October 2011. The final results were announced on 25 October 2011, the public subvention was paid on 6 February 2012 and the deadline for submission of the accounts consequently ended on 12 April 2012, meaning that a period of six months had elapsed between the election and the delivery of the accounts. As regards annual accounts, they have to be submitted by 31 May of the year following the year concerned. The authorities report that this deadline is generally met and that parties are subject to sanctions in case of delays.
30. GRECO takes note of the information provided. It recognises that the Constitutional Court has reduced the timeframe in which it publishes the financial reports it receives, from three weeks as mentioned in the Evaluation Report to five to ten days and that the delays in the presentation of annual accounts that were reported in the Evaluation Report do not seem to occur anymore. Yet, the fact that the deadline for presentation of election accounts is now to be counted from the date of payment of public subventions and not from the day of announcement of an election's official results, as was the case at the time of the Evaluation Report, runs counter to the recommendation's objective of a more timely access by the public to information on election financing. Moreover, GRECO notes that the information made public is very general overall, with only aggregate figures. It takes the view that more detailed reports, with a breakdown of figures within each category, would give more appropriate information to the public. GRECO urges therefore the Portuguese authorities to review current arrangements in order to fulfil the objective

of the recommendation, for example, by imposing on political parties an obligation to make their accounts public, in greater detail, at an earlier stage.

31. GRECO concludes that recommendation ii has been partly implemented.

Recommendation iii.

32. *GRECO recommended to consider introducing more frequent reporting on income – including donations – and expenditure relating to election campaigns by political parties, independent candidates and candidate groups at appropriate intervals during the electoral campaign period.*
33. The authorities of Portugal report that the EAPF noted that, in order for an obligation on more frequent reporting to be relevant, it ought to be a legal duty subject to the control of the EAPF and to sanctions from the Constitutional Court. Currently, political parties and election candidates are not subject to any obligation to report income at regular intervals during election campaigns.
34. GRECO takes note of the information provided, from which it does not appear that thorough consideration has been paid to the recommendation.
35. GRECO concludes that recommendation iii has not been implemented.

Recommendation iv.

36. *GRECO recommended that a study be carried out on political financing in respect of financial flows outside the regulated area, in particular, concerning various forms of third party contributions to various political stakeholders, including election candidates and to seek ways to increase the transparency concerning political financing from third parties.*
37. The Portuguese authorities indicate that a study on financial flows outside the regulated area should be carried out by a university or by a research institute. The matter is currently under consideration by the government. The EAPF is scheduled to participate on 29-30 November 2012 in the final conference of the project of Transparency International – National Integrity System, during which the issue of a study on political financing outside the regulated area will be discussed. The EAPF's position is that the work it performs helps preventing and avoiding this kind of financial flows. If it finds, in the course of its review, that a criminal offence may have been committed, it takes necessary steps to ensure that criminal charges will be brought by competent authorities.
38. GRECO takes note of the information provided, which indicates that no action has been taken to implement the recommendation. It recalls that the Evaluation Report (paragraph 89) had highlighted that there was a common belief in Portugal that individual election candidates and third parties played an important role in the political financial flows, which was not captured adequately by current legislation. For this reason, and notwithstanding the role of the EAPF and a possible criminal response to infringements, GRECO reiterates the importance of increasing transparency and studying the actual financial flows around the political parties, in order to gain a better understanding of this phenomenon.
39. GRECO concludes that recommendation iv has not been implemented.

Recommendation v.

40. *GRECO recommended (i) to ensure that the Constitutional Court and the Entity for Accounts and Political Financing (EAPF) are provided with appropriate resources for carrying out their tasks in an efficient and expedient manner; and (ii) to reduce considerably the time of the monitoring process of annual party accounts and election accounts.*
41. As regards the first part of the recommendation, the authorities of Portugal state that, considering it is operating as a body within the Constitutional Court, it is the court's duty to ensure that the EAPF always has the necessary resources for the exercise of its duties. The structure retained for the EAPF itself is a light one, with few staff and the possibility to select private auditors and experts for an in-field monitoring of electoral campaign accounts, as foreseen in article 13 of Law 2/2005 of 10 January 2005. For example in 2009, the EAPF employed 12 auditors and 60 persons for in-field monitoring of campaign events; in 2011, 10 to 15 auditors and 40 in-field experts were employed for the presidential elections and a similar number for legislative elections.
42. With respect to the second part of the recommendation, the authorities report that the EAPF has successfully managed to keep the legally established deadlines for its audits: the audit of the 2011 elections took place between May and October 2012 (presidential elections took place on 23 January 2011, parliamentary elections on 5 June 2011 and regional elections in Madeira on 9 October 2011). Since June 2012, the EAPF has been carrying out the audit of the 2011 political parties' annual reports, for which the law provides a period of six months from the date they are submitted, which is 31 May of the year following the year concerned.
43. The authorities also state that the total duration of the monitoring process, until the validation of the accounts by the Constitutional Courts, has been considerably reduced:
- Annual accounts of 2007 – Decision no. 498/2010; Decision no. 86/2012 (fines), Decision no. 149/2012 and Decision no. 368/2012;
 - Annual accounts of 2008 – Decision no. 118/2010 (failure to present accounts) and Decision no. 394/2011;
 - Annual accounts of 2009 – Decision n. 337/2010 (failure to present accounts) and Decision no. 104/2011 (fines);
 - Annual accounts of 2010 – Decision n. 392/2011 (failure to present accounts), Decision no. 87/2012 (decision on fines);
 - Annual accounts of 2011 – Decision no. 508/2012 (failure to present accounts);
 - Legislative elections 2009 – Decision no. 346/2012;
 - European Parliament elections 2009 – Decision no. 617/2011 and Decision no. 5/2012;
 - Legislative Region Azores 2008 – Decision n. 135/2011, Decision no. 139/2012, Decision no. 186/2012 and Decision no. 345/2012;
 - Legislative Region Madeira 2007 – Decision no. 167/2009 and Decision no. 316/2010;
 - General local elections 2005 – Decision no. 295/2008, Decision no. 567/2008, Decision no. 602/2009 and Decision no. 87/2010;
 - Local elections 2006 – Decision no. 343/2008, Decision no. 171/2009 and Decision no. 444/2010;
 - Lisbon election 2007 – Decision no. 217/2009, Decision no. 77/2011;
 - Local election 2008 – Decision no. 324/2009.

44. The authorities indicate that over the past three years, the EAPF has reduced its backlog from three years to three months, and the Constitutional Court has reduced its own backlog in the final validation of accounts from six years to three years.
45. As regards the first part of the recommendation, GRECO notes that the information submitted seems to indicate that the EAPF does have appropriate resources for carrying out its tasks in an efficient and expedient manner, as is demonstrated by the substantial reduction of the Entity's backlog. However, a substantial backlog still remains at the level of the Constitutional Court, which still has to provide final validation for the accounts of the years 2009 onwards. GRECO cannot yet conclude therefore, that the recommendation is fully implemented.
46. GRECO concludes that recommendation v has been partly implemented.

Recommendation vi.

47. *GRECO recommended to consider reinforcing the regulatory function of the Entity for Accounts and Political Financing (EAPF), and to develop its proactive advisory function, in particular, vis-à-vis political parties.*
48. The authorities of Portugal indicate that the EAPF has reported and the Constitutional Court has confirmed, that they consider that there is no need for the time being to reinforce the Entity's regulatory function. The EAPF namely seeks to play not only a function of control, but also of advice to political parties and election candidates. It takes preventive action and tries to avoid systematic sanctions in a role that is not to be neglected. The draft Regulation on accounting system referred to under recommendation i provides an example of the EAPF's current regulatory role, which the authorities recognise is still limited. The authorities also refer to the National Integrity Study¹ prepared by TIAC (*Transparência e Integridade, Associação Cívica*), Transparency International's Portugal Chapter, in which it is stated that "the controlling function of the EAPF and the Constitutional Court has been appropriately carried out".
49. GRECO takes note of the information provided, from which it appears that the recommendation has been given no more than passing consideration. It recalls that this recommendation had been given in response to concerns about problems of interpretation of the legislation on party financing, which had been qualified as ambiguous and unclear in the Evaluation Report (paragraph 93). The need had been expressed to "foster" and train political parties and other stakeholders, taking into account that the legislation was new. GRECO also underlines that, if the National Integrity Study referred to by the Portuguese authorities considers that the controlling function of the EAPF is appropriately carried out, it also points out that the complexity of the law has generated different interpretations by political parties and the EAPF, resulting in a lack of uniformity and formal irregularities in the reports presented. It would seem to appear, therefore, that the problems highlighted by the Evaluation Report still remain. In this context, GRECO urges the Portuguese authorities to consider the matter in more detail, in accordance with the requirements of the recommendation.
50. GRECO concludes that recommendation vi has not been implemented.

¹ http://www.transparency.org/whatwedo/nisarticle/portugal_2012

Recommendation vii.

51. *GRECO recommended to ensure that the sanctions in relation to political financing available in law – and as implemented – are effective, proportionate and dissuasive, taking into account factors such as the economic circumstances of natural and legal persons, including parties subject to such sanctions.*
52. The Portuguese authorities state that the draft regulation mentioned under recommendation i may contribute to a greater proportionality in the monitoring of accounts, distinguishing between parties with high financial turnover and parties with a lower one.
53. They also provide information about fines pronounced by the Constitutional Court in the years 2010 to 2012, following proceedings carried out by the public prosecution service and the opinion provided by the EAPS, which are reproduced in appendix I to this report. The authorities state that some of the smaller political parties and representatives have had difficulty in paying the fines and that as a result, compliance with their reporting obligations has improved. At present, one bigger party and several small ones are now fully complying with the legal and reporting rules. Some other parties still fail to meet all requirements because of weak internal structures and will continue to face sanctions. However, a culture of due accounting in the political and electoral field, which used to be absent or very poor, is currently developing. As regards criminal sanctions, the authorities submit that the public prosecution service and the criminal courts have been dealing with criminal liability resulting from political financing, but that such procedures take more time because of the due process of law.
54. GRECO takes note of the information provided. It would appear that, as regards fines pronounced by the Constitutional Court, in some instances at least, bigger parties have been given higher fines than smaller parties. This would indicate that some account is taken of the size and the economic situation of the party. As regards fines given to the financial representatives of the parties, it seems that there as well, some differentiation is ensured. GRECO also welcomes the improved compliance of political parties as a result of the fines imposed. However, the fact that some of the same parties seem to be sanctioned after every election raises doubts about the effective and dissuasive character of the sanctions applied. GRECO moreover recalls that fines pronounced by the Constitutional Court are only one of the three sets of sanctions available under the legislation on political financing in Portugal. The others are criminal sanctions, which are applicable by the competent criminal courts following prosecution and fines that may be directly applied by the EAPF for failure of the parties or the relevant persons to cooperate in the monitoring process. It does not seem that these sets of sanctions have yet been applied. GRECO takes the view, therefore, that additional measures – for instance a study of the effect of applied sanctions on the practice of the relevant parties, as well as of the reasons why not all available sanctions seem to be applied in practice – are necessary.
55. GRECO concludes that recommendation vii has been partly implemented.

III. CONCLUSIONS

56. **In view of the above, GRECO concludes that Portugal has implemented satisfactorily only one of the thirteen recommendations contained in the Third Round Evaluation Report.** With respect to Theme I – Incriminations, recommendation vi has been implemented satisfactorily and recommendations i-v have not been implemented. With respect to Theme II – Transparency of Party Funding, recommendation(s) i, ii, v and vii have been partly implemented and recommendations iii, iv and vi have not been implemented.
57. The information provided by the Portuguese authorities under both themes clearly indicates that the process of implementation of nearly all recommendations issued in the Third Round Evaluation Report is still at an initial stage. Taking into account the constraints of the Portuguese government under the current Memorandum of Understanding with the International Monetary Fund and the European Union, this almost complete lack of results may be understandable with respect to Theme I, which requires the amendment of a number of criminal law provisions. Limited progress has also, however, been recorded in respect of Theme II, where several recommendations do not call for legislative changes and where it would appear that they have been given insufficient consideration. GRECO therefore urges the authorities to do their utmost to give careful consideration to each of the recommendations, in order to improve their level of compliance.
58. In view of the above, GRECO thus concludes that the current very low level of compliance with the recommendations is "globally unsatisfactory" in the meaning of Rule 31, paragraph 8.3 of the Rules of Procedure. GRECO therefore decides to apply Rule 32 concerning members found not to be in compliance with the recommendations contained in the mutual evaluation report, and requests the head of the Portuguese delegation to provide a report on the progress in implementing the outstanding recommendations (i.e. recommendations i-v regarding Theme I, and recommendations i-vii regarding Theme II) as soon as possible, however – at the latest – by 30 June 2013, pursuant to paragraph 2(i) of that rule.
59. Finally, GRECO invites the authorities of Portugal to translate the report into the national language and to make this translation public.

FINES IMPOSED BY THE CONSTITUTIONAL COURT WITH RESPECT TO INFRACTIONS TO THE POLITICAL FINANCING LEGISLATION

FINES IMPOSED IN 2010

Regarding annual accounts

Decision 198/2010 of 18 May 2010 – With reference to the accounts of political parties in the year 2005, it condemns several parties and its financial representatives for illegalities, as shown in the following table:

Political parties	Financial representatives	Infraction (Law 19/2003)	Voluntary payment
B.E. – 12.000,00 €	Mr. R.P.M. – 2.500,00 €	Art.29.1 (party) and 29.2 (representative)	Yes
CDS-PP – 60.000,00 €	Mr. M.J.R.B.F – 3.500,00 €	Art.29.1 (party) and 29.2 (representative)	Yes
PND – 5.000,00 €	Mr. M.C.L. – 2.000,00 €	Art.29.1 (party) and 29.2 (representative)	No (party) Yes (representative)
PCTP/MRPP – 11.000,00 €	Mr. D.A.C.B. – 2.500,00 €	Art.29.1 (party) and 29.2 (representative)	Non communicated (party) No (representative)
PCP – 25.000,00 €	10 persons – 3.000,00 € each	Art.29.1 (party) and 29.2 (representative)	Yes
MPT – 6.500,00 €	Mr. L.F.C.M. – 2.200,00 €	Art.29.1 (party) and 29.2 (representative)	No (party) Yes (representative)
PDA – 8.000,00 €	Mr. J.F.N.V. – 2.200,00 €	Art.29.1 (party) and 29.2 (representative)	No
PEV – 4.500,00 €	3 persons – 2.000,00 €	Art.29.1 (party) and 29.2 (representative)	Yes
P.H. - 5.000,00 €	Mr. L.F.B.S.G. – 2.000,00 €	Art.29.1 (party) and 29.2 (representative)	No (party) Yes (representative)
PNR – 11.000,00 €	Mr. J.A.V.P.C. – 2.500,00 €	Art.29.1 (party) and 29.2 (representative)	No
PPM – 9.000,00 €	Mr. A.C.S.F. – 2.500,00 €	Art.29.1 (party) and 29.2 (representative)	Yes
PPD/PSD – 65.000,00 €	-----	Art. 29.1	Yes
PS – 55.000,00 €	-----	Art. 29.1	Yes
POUS – no fine was imposed	-----		
PCTP/MRPP –	Paid the reimbursement of 100,00 €		

Regarding accounts of political campaigns

Decision 87/2010, of 3 March 2010 - With reference to the local elections of October 2005, it condemns several parties and its financial representatives for illegalities and irregularities as shown in the following table:

Political parties	Financial representatives	Infraction (Law 19/2003)	Voluntary payment
B.E. – 12.000,00 €	Ms. D.M.V. – 2.500,00 €	Art. 30.1, 32.2 and 31.2 (party); Art. 32.1 and 31.1 (representative)	Yes
CDS-PP – 14.000,00 €	Mr. M.J.R.B.F. – 3.000,00 €	Art. 32.2 and 31.2 (party); Art. 32.1 and 31.1 (representative)	Yes
PCP-PEV – 20.000,00 €	Mr. A.M.P.A. – 3.000,00 €	Art. 30.1, 32.2 and 31.2 (party); Art. 32.1 and 31.1 (representative)	Yes
PND – 7.000,00 €	Mr. G.R.C. – 2.200,00 €	Art. 32.2 and 31.2 (party); Art. 32.1 and 31.1 (representative)	No (party) Yes (representative)
PCTP/MRPP – 8.500,00 €	Mr. D.B.C. – 2.300,00 €	Art. 30.1, 32.2 and 31.2 (party); Art. 32.1 and 31.1 (representative)	No
MPT – 4.000,00 €	Mr. A.L.P. – 400,00 €	Art. 31.2 (party); Art. 31.1 (representative)	Yes (party) No (representative)
P.H. – 6.400,00	Mr. M.S.G.A. – 2.000,00 €	Art. 30.1, 32.2 and 31.2 (party); Art. 32.1 and 31.1 (representative)	No (party) Yes (representative)
PNR – 7.500,00 €	Mr. J.P.C. – 2.500,00 €	Art. 32.2 and 31.2 (party); Art. 32.1 and 31.1 (representative)	No
PPM – 7.500,00 €	Mr. A.C.S.F. – 2.300,00 €	Art.32.2 and 31.2 (party); Art. 32.1 and 31.1 (representative)	No
PPD/PSD -30.000,00 €	Mr. J.M.R. – 3.000,00 €	Art. 30.1 and 31.2 (party); Art. 31.1 (representative)	Yes
PS – 30.000,00	Mr. A.A.P. – 3.000,00 €	Art. 30.1, 32.2 and 31.2 (party); Art. 32.1 and 31.1 (representative)	Yes

Political parties	Financial representatives	Infraction (Law 19/2003)	Voluntary payment
GCE - Amar Amarante com Ferreira Torres	Mr. A.J.A.A. – 2.500,00 €	Art. 31.1	No
GCE – Amarante com Ferreira Torres	Mr. A.J.P.S. – 2.200,00 €	Art. 32.1 and 31.1	No
GCE - Independentes de Tomar	M.F. - 400,00 €	Art. 31.1	Yes
GCE – Isaltino – Oeiras Mais à Frente	Ms. O.C.F. – 2.300,00 €	Art. 32.1 and 31.1	Yes
GCE – Movimento Sempre Presente - Felgueiras	Mr. H.A.M.L.R. – 1.000,00€	Art. 31.1	Yes
GCE – Valentim – Gondomar no Coração	Mr. T.A.M.V. – 1.000,00 €	Art. 31.1	Yes
PS	Pay the reimbursement of 2.000,00 €	Art. 16.1.al.c	Yes

Decision 444/2010, of 16 November 2010 – With reference to the interim local elections of 2006, 2007 and 2008, it condemns several parties and its financial representatives for illegalities and irregularities as shown in the following table:

Political parties	Financial representatives	Infraction (Law 19/2003)	Voluntary payment
CDS-PP – 6.500,00 €	Mr. J.P.R.C. – Warning	Art. 32.2 (party)	Non Communicated
PCP – 8.000,00 €	4 persons – 2.200,00 € , each	Art. 32. 2 (party); Art. 32.1 (representatives)	
MPT – 4.000,00 €	Mr. J.M.T.N. – 2.100,00 €	Art. 32. 2 (party); Art. 32.1 (representative)	
PPD/PSD (2006) – 12.000,00 €	5 persons – 2.100,00 € each	Art. 32. 2 (party); Art. 32.1 (representatives)	
PPD/PSD (2006) – no fine was imposed	Mr. R.M.M. – 2.400,00 €	Art. 32.1	
PPD/PSD (2007) – no fine was imposed	3 persons - 2.200,00 € each	Art. 32.1	
PPD/PSD (2008) – no fine was imposed	5 persons – 2.130,00 € each	Art. 32.1	
PS (2008) – 7.000,00 €	4 persons – 2.130,00 € each	Art. 32. 2 (party); Art. 32.1 (representatives)	

Decision 316/10, 14 July 2010 - With reference to the regional elections of 2007 for the Parliament of the Autonomous Region of Madeira, on the 6 May 2007, it condemns several parties and its financial representatives for illegalities and irregularities as shown in the following table:

Political parties	Financial representatives	Infraction (Law 19/2003)	Voluntary payment
B.E. – 6.000,00 €	Ms. M.A.B.S. – 1.000,00 €	Art. 31. 2 (party); Art. 31.1 (representative)	Yes
CDS-PP – 8.000,00 €	Mr. L.R.S.A. – 1.500,00 €	Art. 31. 2 (party); Art. 31.1 (representative)	Yes
PCP/PEV – 8.000,00 €	Ms. H.M.G. – 1.500,00 €	Art. 31. 2 (party); Art. 31.1 (representative)	Yes
PND – 4.500,00 €	Mr. J.F.A.F.V. – 500,00 €	Art. 31. 2 (party); Art. 31.1 (representative)	Yes (party) No (representative)
MPT – 4.500,00 €	Mr. J.I.G.F. – 500,00 €	Art. 31. 2 (party); Art. 31.1 (representative)	No
PPD/PSD – 10.000,00 €	Mr. A.A. – 1.800,00 €	Art. 31. 2 (party); Art. 31.1 (representative)	Yes
PS – 6.000,00 €	Mr. D.P.B.G. – 1.000,00 €	Art. 31. 2 (party); Art. 31.1 (representative)	Yes

FINES IMPOSED IN 2011

Regarding annual accounts:

Decision 301/2011, of 21 June 2011 - With reference to the accounts of political parties in the year 2006, it condemns several parties and its financial representatives for illegalities as shown in the following table:

Political parties (All sanctions pronounced for violation of Art. 29. 1 of Law 19/2003)	Financial representatives (All sanctions pronounced for violation of Art. 29.2 of Law 19/2003)
B.E. – 10.000,00 €	Mr. R.P.M. – 2.200,00 €
CDS-PP – 60.000,00 €	Mr. M.J.R.B.F. – 3.400,00 €
PND – 6.500,00 €	Mr. M.C.L. – 2.300,00 €
PCTP/MRPP – 6.500,00 €	Mr. D.A.C.B. – 2.300,00 €
PCP – 45.000,00 €	11 persons – 3.000,00 €
MPT – acquitted	
PDA – 4.500,00 €	Mr. J.F.N.V. – 2.200,00 €
PEV – 8.000,00 €	4 persons – 2.300,00 €
PNR – 8.000,00 €	Mr. J.A.V.P.C. – 2.500,00 €
POUS – 4.030,00 €	Mr. C.A.A.M. – 2.015,00 €
PPM – 4.500,00 €	Mr. A.C.S.F. – 2.200,00 €
PPD/PSD – 65.000,00 €	Mr. M.B.M.C.M.S. – 3.600,00 €
PS – 55.000,00 €	7 persons – 3.200,00 €
PSR – no fine was imposed	Mr. J.A.F.P.F. – 2.200,00 €
Política XXI – no fine was imposed	Mr. P.A.F. – 2.200,00 €

Decision 104/2011, 22 February 2011 - With reference to the accounts of political parties in the year 2009, it condemns several parties and its financial representatives for illegalities (Omission of accounts) as shown in the following table:

Political parties (All sanctions pronounced for violation of Art. 29. 1 of Law 19/2003)	Financial representatives (All sanctions pronounced for violation of Art. 29.2 of Law 19/2003)	Voluntary payment
PNR – 6.000,00 €	Ms. R.A.G.M. – 2.500,00 €	No
PPM – 6.000,00 €	Mr. A.C.F. – 2.500,00 €	Yes
PTP – 6.000,00 €	Mr. A.C.M. – 2.500,00 €	No

Regarding accounts of political campaigns

Decision 77/2011, 8 February 2011 – With reference to interim local elections for the municipality of Lisbon which took place on the 15 July 2007, it condemns several parties and its financial representatives for illegalities and irregularities as shown in the following table:

Political parties (All sanctions pronounced for violation of Art. 31.2 of Law 19/2003)	Financial representatives (All sanctions pronounced for violation of Art. 31.1 of Law 19/2003)
B.E. – acquitted	Ms. D.M.V.N.- acquitted
CDS-PP – 6.000,00 €	Mr. J.R.R. – 1.000,00 €
PCP/PEV – 5.000,00 €	Mr. C.M.C.R. – 500,00 €
PND – 4.500,00 €	Mr. J.M.B.N. – 500,00 €
PCTP/MRPP - acquitted	Mr. D.A.C.B. - acquitted
MPT – 4.030,00 €	Mr. A.J.S.F.S. – 403,00 €
PNR – 5.500,00 €	Mr. P.D.G.M.s – 1.000,00 €
PPM - 5.000,00 €	Mr. A.A.C – 800,00 €
PPD/PSD – 5.000,00 €	Mr. R.P.C. – 500,00 €
GCE – Cidadãos por Lisboa	Mr. J.P.C.S – 1.600,00 €
GCE – Lisboa com Carmona	Mr. P.M.R – 1.200,00 €

FINES IMPOSED IN 2012 (UNTIL MAY)

Regarding annual accounts

Decision no. 86/2012, 15 February 2012 - With reference to the accounts of political parties in the year 2007, it condemns several parties and its financial representatives for illegalities as shown in the following table:

Political parties (All sanctions pronounced for violation of Art. 29.1 of Law 19/2003)	Financial representatives (All sanctions pronounced for violation of Art. 29.2 of Law 19/2003)	Voluntary payment
B.E. – 12.000,00€	Mr. R.P.M. – 2.600,00 €	Yes
CDS-PP – 60.000,00€	Mr. J.R.P.A.– 3.500,00 €	Yes
PND – 7.000,00 €	Mr. J.B.N. – 2.500,00 €	No (party) Yes (representative)

Political parties (All sanctions pronounced for violation of Art. 29.1 of Law 19/2003)	Financial representatives (All sanctions pronounced for violation of Art. 29.2 of Law 19/2003)	Voluntary payment
PCTP/MRPP – 9.000,00€	Mr. D.A.C.B. – 2.700,00 €	Yes
PCP – 75.000,00 €	2 persons – 4.000,00 €	Yes
MPT – 8.000,00 €	7 persons – 2.600,00 €	Yes (party) Not communicated (representatives)
PEV – 12.000,00 €	Mr. J.L.T.F. – 2.800,00 €	Yes
PH – 5.000,00 €	Mr. L.F.B.S.G. – 2.300,00 €	No (party) Yes (representative)
PNR – 10.000,00 €	Mr. P.D.G.M. – 2.800,00 €	No (party) Not communicated (representative)
POUS - acquitted	Mr. C.A.A.M. - acquitted	
PPM – 5.000,00 €	-----	No
PPD/PSD – 65.000,00 €	Mr. J.R.E. – 3.600,00 €	Yes
PS – 45.000,00 €	7 persons – 3.000,00 €	Yes
PSR	Mr. J.A.F.P.F. – 2.200,00 €	Yes

Decision 149/2012 - Declares null and void the proceedings in Decision 498/2010, referring to the accounts of 2007:

Political parties	Financial representative
MPT -	6 persons
PNR -	4 persons

Decision 87/2012, 15 February 2012 (Omission of accounts) - With reference to the accounts of political parties in the year 2010, it condemns several parties and its financial officers for illegalities as shown in the following table:

Political parties (All sanctions pronounced for violation of Art. 29.1 of Law 19/2003)	Financial representatives (All sanctions pronounced for violation of Art. 29.2 of Law 19/2003)	Voluntary payment
PPM – 15.000,00 €	Mr. V.P.C.C.A. – 3.000,00 €	No
PCTP/MRPP – 15.000,00 €	Mr. D.A.C.B. – 2.500,00 €	Not communicated

Regarding accounts of political campaigns

Decision 139/12, 13 March 2012 – With reference to the regional elections of 2008 for the Parliament of the Autonomous Region of Azores, on the 19 October 2008, it condemns several parties and its financial representatives for illegalities and irregularities as shown in the following table:

Parties	Financial Officer	Infraction (Law 19/2003)	Voluntary payment
B.E. – 4.260,00 €	Ms. C.C.N. – 426,00 €	Art. 31.2 (party); Art. 31.1 (representative)	Yes
CDS-PP – 6.000,00 €	Mr. P.G.C.N.T.P. – 1.000,00 €	Art. 31.2 (party); Art. 31.1 (representative)	Yes
PCP / PEV – 12.000,00 €	Mr. M.J.B. – 2.000,00 €	Art. 31.2 (party); Art. 31.1 (representative)	Yes
MPT – 7.000,00 €	Mr. M.M. – 2.300,00 €	Art. 31.2 and 32.2 (party); Art. 31.1 and 32.1 (representative)	Yes
PDA – 9.000,00 €	Mr. J.F.N.V. – 4.500,00 €	Art. 30.1 and 31.2 (party); Art. 30.2 and 31.1 (representative)	No
PPM – 7.000,00 €	Mr. P.J.A.E. – 2.300,00 €	Art. 31.2 and 32.2 (party); Art. 31.1 and 32.1 (representative)	No
PPD/PSD – 10.000,00 €	Mr. P.G.S. – 1.800,00 €	Art. 31.2 (party); Art. 31.1 (representative)	Yes
PS – 6.000,00 €	Mr. C.P.M.F. – 1.000,00 €	Art. 31.2 (party); Art. 31.1 (representative)	Yes