



# PRESIDENCY OF THE COUNCIL OF MINISTERS

EIGHT CONSTITUTIONAL GOVERNMENT



Office of the  
Spokesperson

September 1, 2020

## Press Release

### New Anti-Corruption Law

After the National Parliament approval and the President of Republic promulgation, the Law 7/2020, which defines the new measures to prevent and combat corruption was published, on August 26<sup>th</sup>, and will come into force 180 days after the publication.

The new Law establishes the necessary mechanisms for an effective fight against the corruption, in order to meet the Constitution fundamental principles, such as the universality of rights, equality and legality.

This Law describes the general measures to prevent corruption and the income, assets and interests declaring regime. The corruption crimes, the applicable penalties and the special means of obtaining and retaining evidence are also defined.

This Law also changes other pieces of legislation related to preventing and combating corruption, namely the Penal Code, highlighting the creation of the new categories of illegal acts and the concentration of all corruption crimes in a single legal diploma.

As regard to the public sector, the Law 7/2020 provides guidelines that emphasize the need to observe appropriate procedures for the selection and training of people for public office, the turnover of these people in these positions and, finally, the need of implementing regular training program for them. The law also proposed a set of rules to be developed in guiding and regulating the conduct of public officials, in order to promote the personal behaviour standards of integrity, honesty, responsibility and impartiality.





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In order to facilitate the communication of corruption acts, it is foreseen that police and judicial authorities may accept anonymous complaints, the identity of whistle-blowers protection and protection against reprisals.

This law also emphasizes the promotion of publicity and transparency in procurement and public procurement procedures. It is also stressed the need for procurement procedures for goods and services acquisition to be carried out based on economic criteria and based on the principle of optimizing the cost and benefit relationship. Further, in addition to facilitate the public access to the competent authorities, it is expected that the administrative procedures may be simplified, thereby mitigating corruption opportunities.

Another innovation implemented through the Law in question concerns the obligation for all individuals in public service and their household members to declare income, assets and interests, thus enabling the State to discover and prevent conflicts of interest and monitor more efficiently the wealth variations, in order to identify significant and unjustified increases in the declarants wealth. These statements may be completed in an electronic form, to be prepared and provided by the relevant authorities.

It is also defined that public institutions disclose their activity, operation and decision-making processes to the public, through regular publication of activity reports and their broad dissemination through electronic media.

This Law also recognises the existence of more appropriate mechanisms to control corruption, such as the accountability of legal persons. Thus, commercial companies that engage in illegal practices such as bribery, influence peddling or other practices that result in the removal of competitors in procurement procedures or money laundering, for example, will be held criminally liable.

This law also forbids public official, in two years period after the end of his term, to exercise any activity in private sector, whenever the service to be rendered or the employment is directly related with the roles performed by him or under his supervision when he was in office holding a public position.





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Law 7/2020 defines as corruption crimes committed while exercising public roles, passive corruption of public official for illegal act, passive corruption of public official for legal act, active corruption of public official, embezzlement, embezzlement of public property, violation of the participation right and equal candidacy in procurement, sale or concession tenders, abuse of power, profiting from economic interest in business and conflict of interest.

Whoever is definitively convicted of a crime enshrined in this Law, punishable by imprisonment for more than five years, is prohibited from taking or being in public offices for a period of 5 to 10 years.

*The Minister of the Presidency of the Council of Ministers and Government Spokesman, Fidelis Manuel Leite Magalhães, expressed that “through the enactment and entry into force of this important Law, we mark a fundamental stage of our national cause to fight corruption. However, the determining factor of this effort goes beyond the enactment, which will be the institutional and social preparations to rigorously implement the Law, always maintaining the momentum and the political will to fulfil the purposes of this Law”. **END***

