OECD Anti-Corruption and Integrity Outlook: Country Fact Sheet 2024

Portugal

Contextual factors

| State structure	Executive power	Legislative system	Legal system
Unitary	Dual Executive	Unicameral	Civil law

Strategy and institutions on anti-corruption and public integrity

The National Strategy to Combat Corruption 2020-2024 was adopted in September 2020, with the aim of strengthening and enhancing the mechanisms for the prevention and detection of corruption and related crimes. The strategy outlines four priority areas to combat corruption: (i) improving knowledge, training, and institutional practices in terms of transparency and integrity, (ii) preventing and detecting the risks of corruption in the public sector, (iii) strengthening the articulation between public and private institutions, and (iv) producing and periodically disseminating reliable information on the phenomenon of corruption.

The National Anti-Corruption Mechanism (MENAC) is the central co-ordination function responsible for co-ordinating the implementation, monitoring, reporting and evaluation activities of the action plan of the National Strategy to Combat Corruption. The Constitutional Court monitors compliance with conflict-of-interest regulations for political officials, while the Attorney General's Office has the same mandate for senior public officials. The Entity of Political Accounts and Financing is the independent body that works with the Constitutional Court and is responsible for supervising the accounts of political parties and election campaigns. The Court of Accounts is the supreme audit institution, while the Co-ordinating Council under the Ministry of Finance is the central harmonisation unit and oversees the internal control and internal audit functions. The Commission for Access to Administrative Documents (CADA) is responsible for public information issues while the National Communications Authority (ANACOM), Media Regulatory Authority (ERC), Agency for Administrative Modernisation (AMA), Transparency and Integrity, Civic Association (TI-PT) have responsibilities regarding open data policy. There is no institution responsible for monitoring lobbying activities.
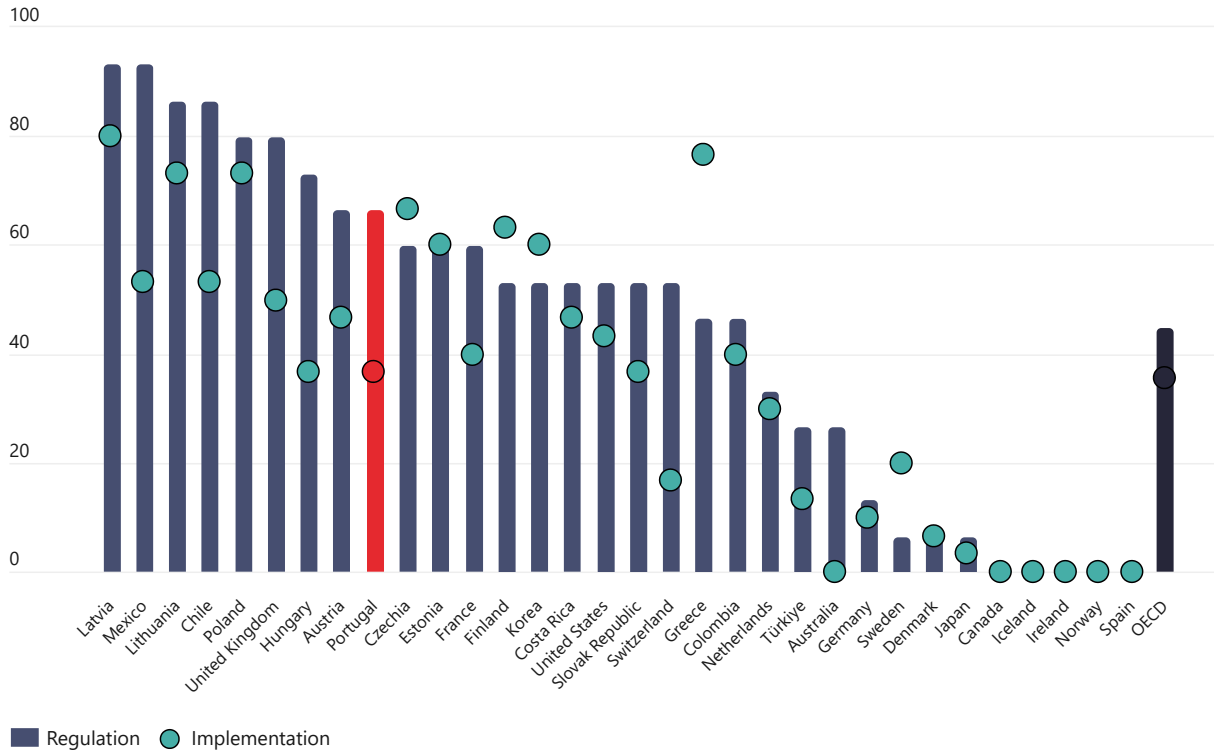
Overview

Figure 1. Overview
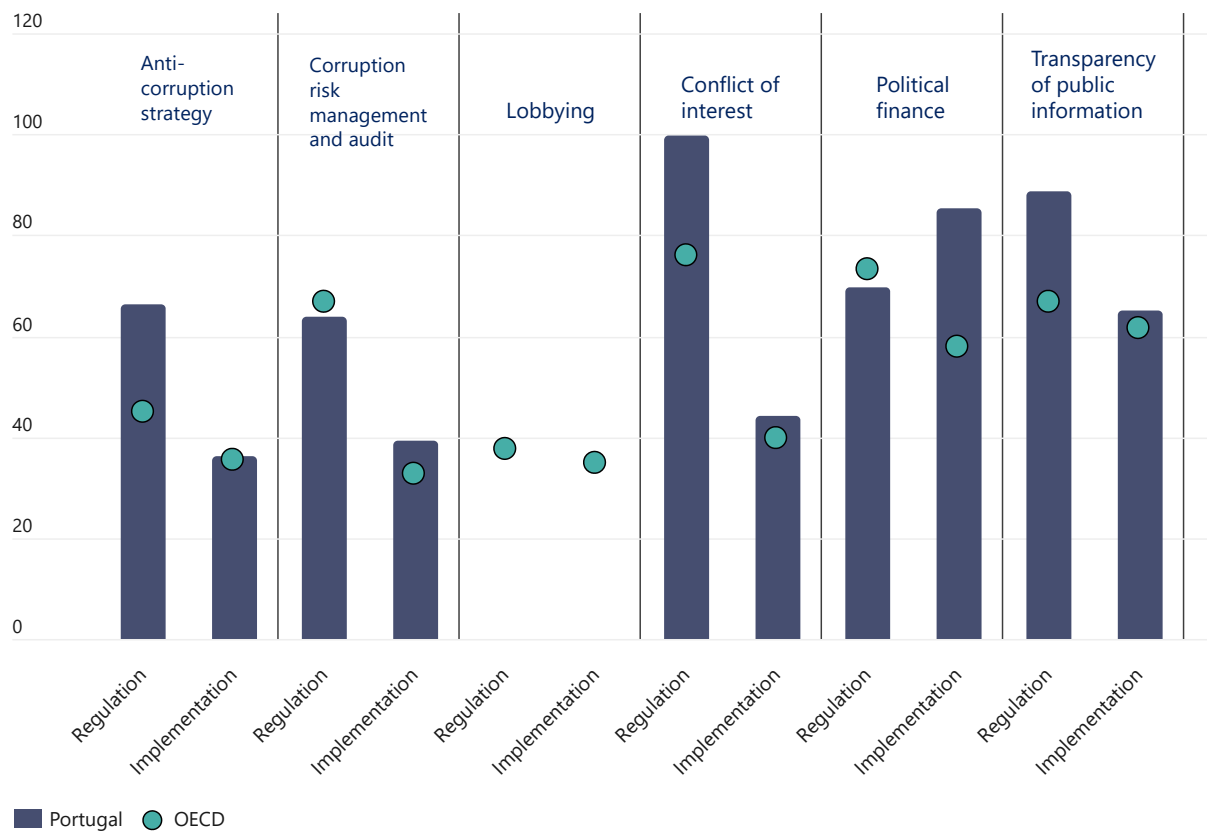
Greatest strengths	**Areas to improve**
Conflict of interest	Lobbying
Transparency of public information	Corruption risk management and audit - regulation
Political finance - implementation	Political finance – regulation

Anti-corruption strategy

Figure 2. Anti-corruption strategy


Legend: ■ Regulation ● Implementation

Portugal fulfils 67% of criteria regarding the quality of the strategic framework, and 37% for implementation of the strategy, compared to the OECD average of 45% and 36%, respectively.

The strategic framework – the National Strategy to Combat Corruption 2020-2024 – has strategic objectives to mitigate integrity risks in human resource management, public financial management, internal control and risk management, public procurement, private sector, and to reduce fraud in the public sector. While the strategy includes outcome-level indicators for public integrity objectives, it does not set target-values for these indicators and does not include identification of existing public integrity risks. The strategy has undergone inter-governmental and public consultation processes, and an extended consultation process. While the strategy has a publicly available action plan in force, which includes objectives with dedicated outcome-level indicators, baseline targets, and a list of activities, there is no monitoring report on this action plan.

Corruption risk management and audit

### Figure 3. Corruption risk management and audit
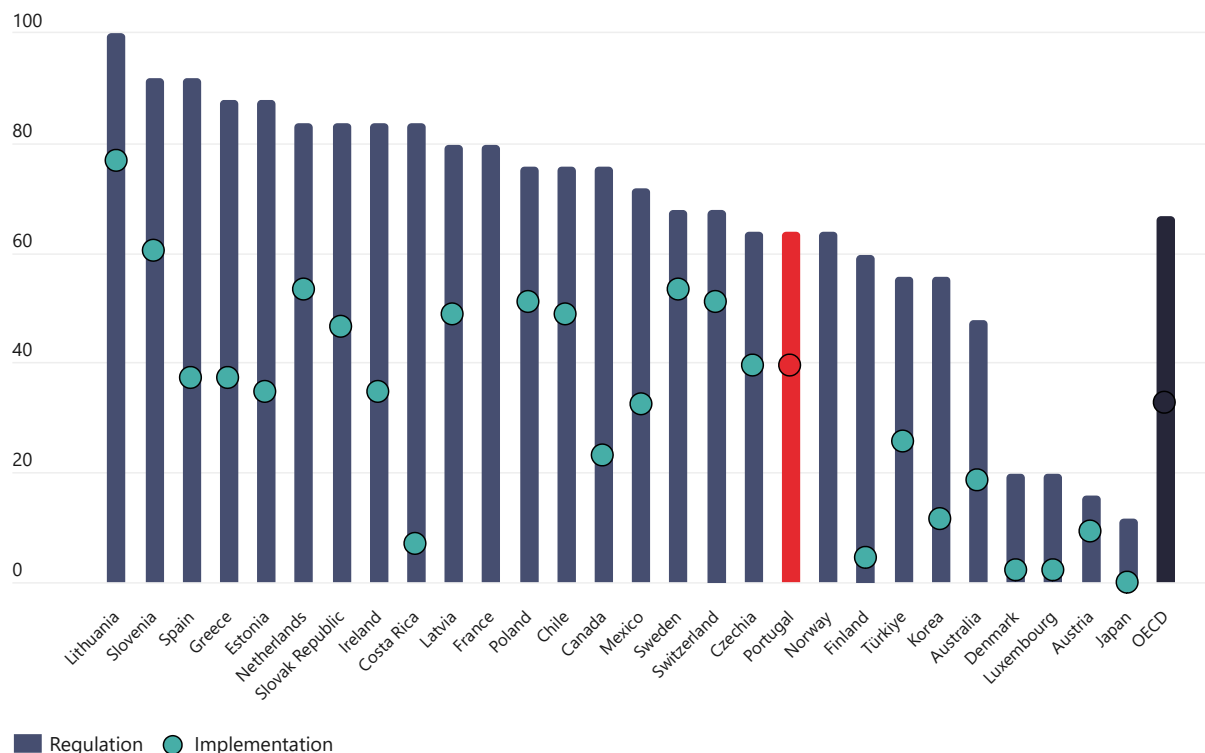
As measured against OECD standards on risk management, which includes internal control and internal audit, Portugal fulfils 64% of criteria for regulations, and 40% of those for practice, compared to the OECD average of 67% and 33% respectively.

Regulations specify the objectives of internal control and establish annual reporting both for internal control and internal audit activities. While regulations for implementing internal control are applicable to all central government institutions, there are no established definitions of internal audit and internal control that are applicable across all government institutions. Additionally, regulations do not establish the operational arrangements and managerial responsibilities for internal audit. A risk management framework is established, which explicitly addresses public integrity risks and delegates responsibility for conducting risk assessment to management. In practice, all central budget organisations have conducted at least one risk assessment exercise in the past three years and have established a system for documenting the results of risk assessments. Nevertheless, despite all organisations being covered by internal audit, only 39% were audited in the last five years, and they adopted 84% of internal audit recommendations but implemented only 56%.

Lobbying

Figure 4. Lobbying
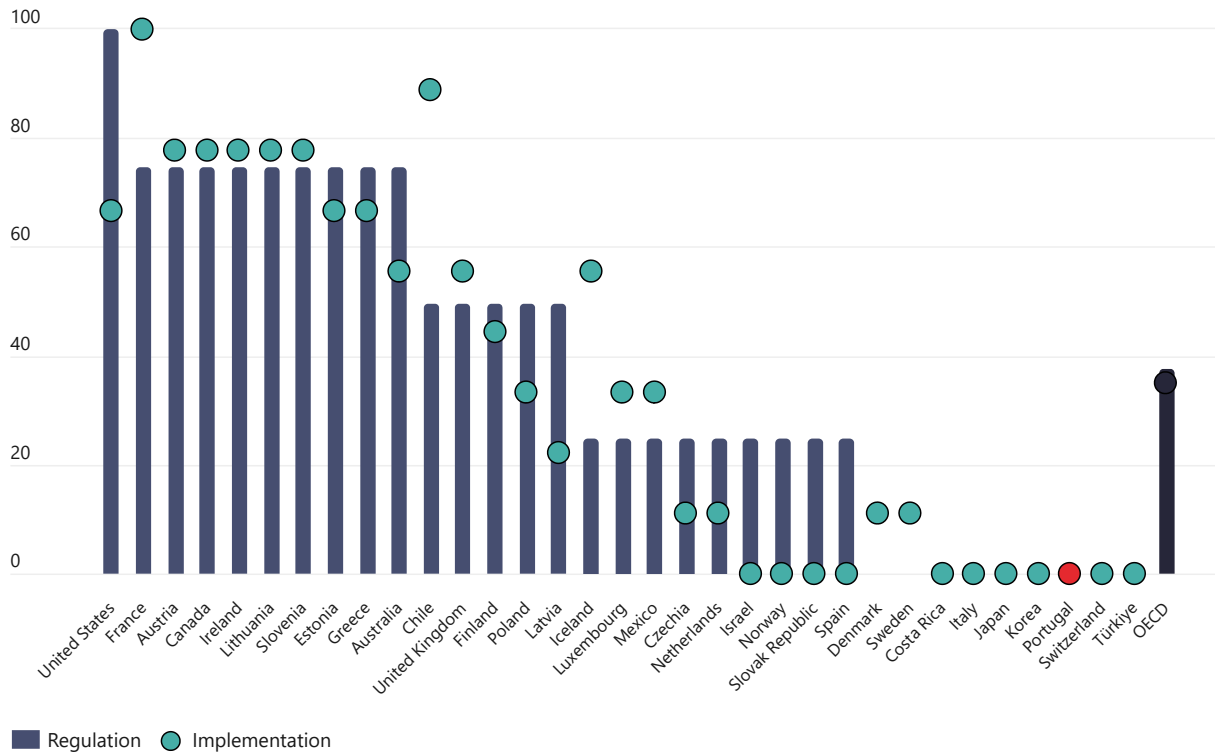
As measured against OECD standards on lobbying, on average OECD countries fulfil 38% of criteria for regulations and 35% for practice. However, Portugal does not fulfil any criteria on regulations and practice to mitigate corruption risks related to lobbying.

Regulating lobbying activities is essential to avert capture of public policies by special interests. A regulatory framework that establishes clear definitions for lobbying can help to ensure that lobbying strengthens rather than weakens policymaking. Additional disclosure requirements such as a lobbying register increases transparency, thus enabling public awareness of the actors influencing policy.

Conflict of interest

Figure 5. Conflict of interest
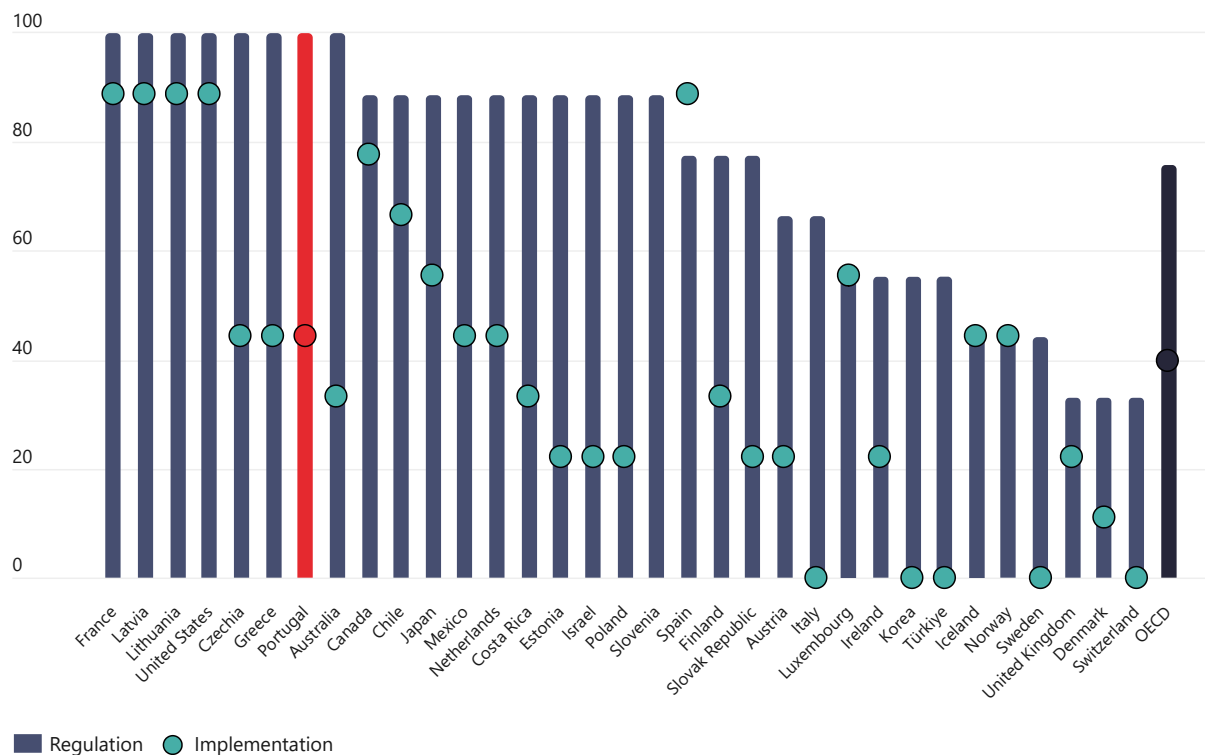
As measured against OECD standards on conflict of interest, Portugal has fulfilled 100% of criteria on regulations, and 44% on practice, compared to the OECD average of 76% and 40%, respectively.

Regulations define circumstances and relationships that can lead to conflict-of-interest situations for public officials, and institutional responsibilities, compliance, and verifications procedures for interest declarations. Additionally, regulations establish that ministers, members of parliament, all public employees, and judges of the Constitutional Court and the Court of Auditors, Ombudsman and members of the Superior Councils must submit an interest declaration. Furthermore, regulations define proportional sanctions for breaches of conflict-of-interest provisions. In practice, all interest declarations are submitted electronically, and the declarations are verified according to a risk-based approach. However, although 98% of members of parliament submitted interest declarations in the last five years, Portugal does not track the disclosure of interests for ministers, top-tier civil servants, and high-ranking judges.

Political finance
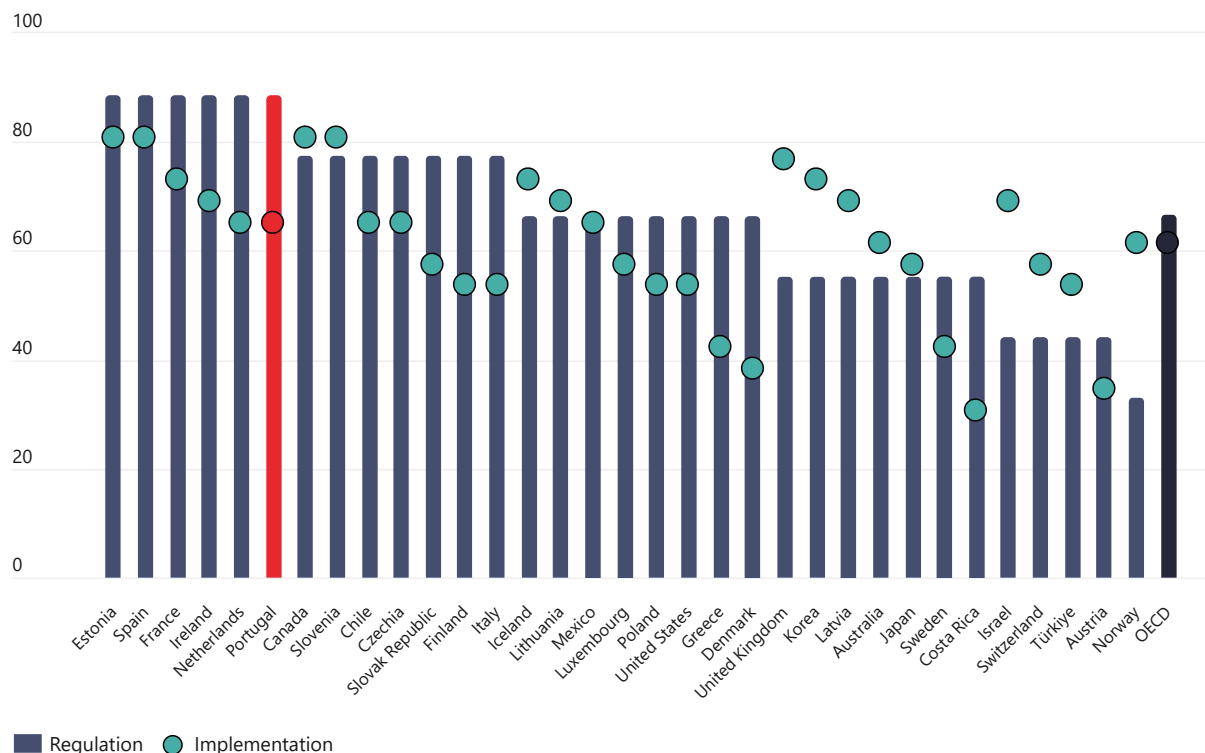
Figure 6. Political finance
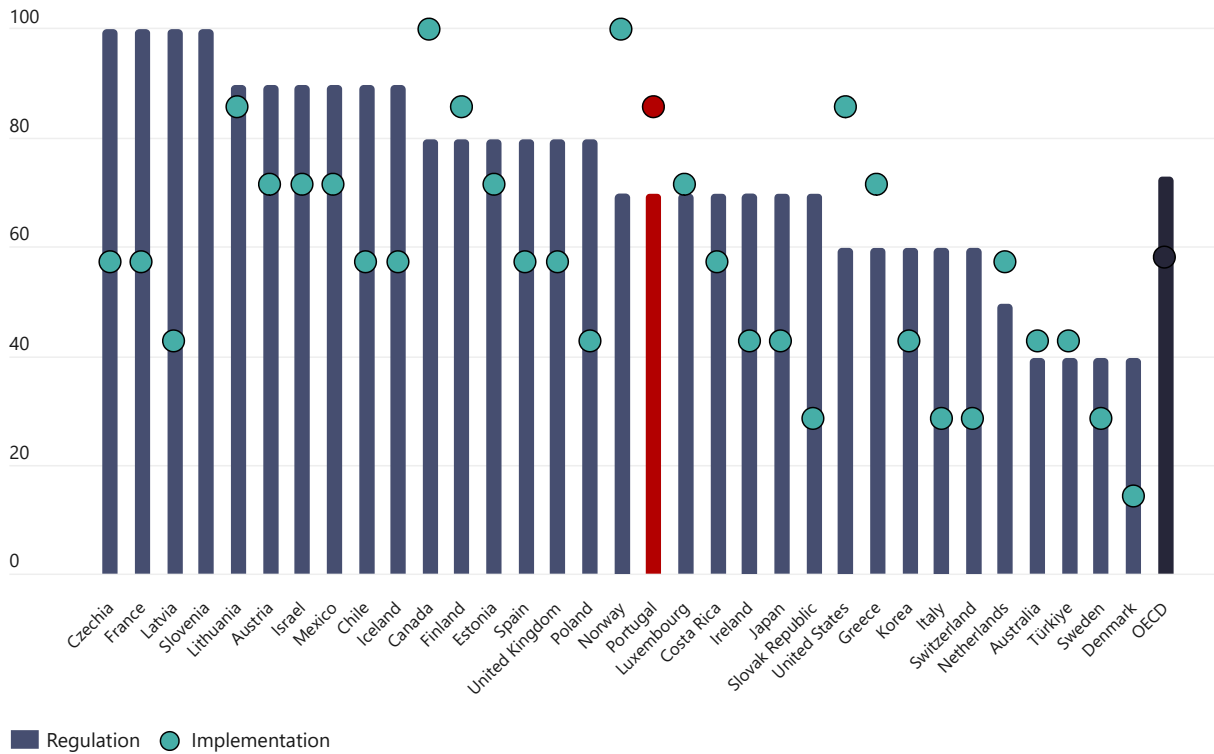
As measured against OECD standards on political finance, Portugal fulfils 70% of criteria on regulations and 86% of criteria in practice, compared to the OECD averages of 73% and 58%, respectively.

Portugal's regulations define sanctions for breaches of political finance and election campaign regulations in proportion to the severity of the offence. In terms of political party financing, Portugal bans contributions from foreign states, foreign enterprises, and publicly owned enterprises, but anonymous donations are permitted under a certain threshold. Additionally, political parties must publish annual and election campaign finance reports. In practice, an independent body (Entity of Accounts and Political Funding) has the mandate to oversee the financing of election campaigns and political parties and has certified auditors on its payroll. All political parties have submitted accounts related to elections within the timelines defined by national legislation for the past two election cycles, and financial reports from all political parties are publicly available in a user-friendly format. However, not all political parties have submitted annual accounts within the timelines defined by national legislation for the past five years.

Transparency of public information

Figure 7. Transparency of public information

As measured against OECD standards on public information, which includes access to information and open data, Portugal fulfils 89% of criteria on regulations and 65% on practice, compared to the OECD average of 67% and 62%, respectively.

Portugal's regulations establish that all public institutions and private persons carrying out public duties are holders of public information, and restrictions applied to access to public information are in line with the Tromso Convention. While information must be provided in the requested format, requesters are not required to provide justification for their requests. Additionally, primary legislation specifies that Government data are ''open by default'', and regulations specify the list of datasets and mandatory information to be disclosed. In practice, many datasets are publicly available, such as consolidated versions of all primary laws, the state budget, the results of the last national elections, legislative proposals of the government, public tenders and their results, company and land registries, and salaries of individual senior civil servants. However, the following datasets are not publicly available: government sessions agendas, ministers' agendas, aggregated data on requests for information, and asset and interest declarations for ministers, members of parliament, top-two-tier public employees in the executive branch, and high-ranking judges.