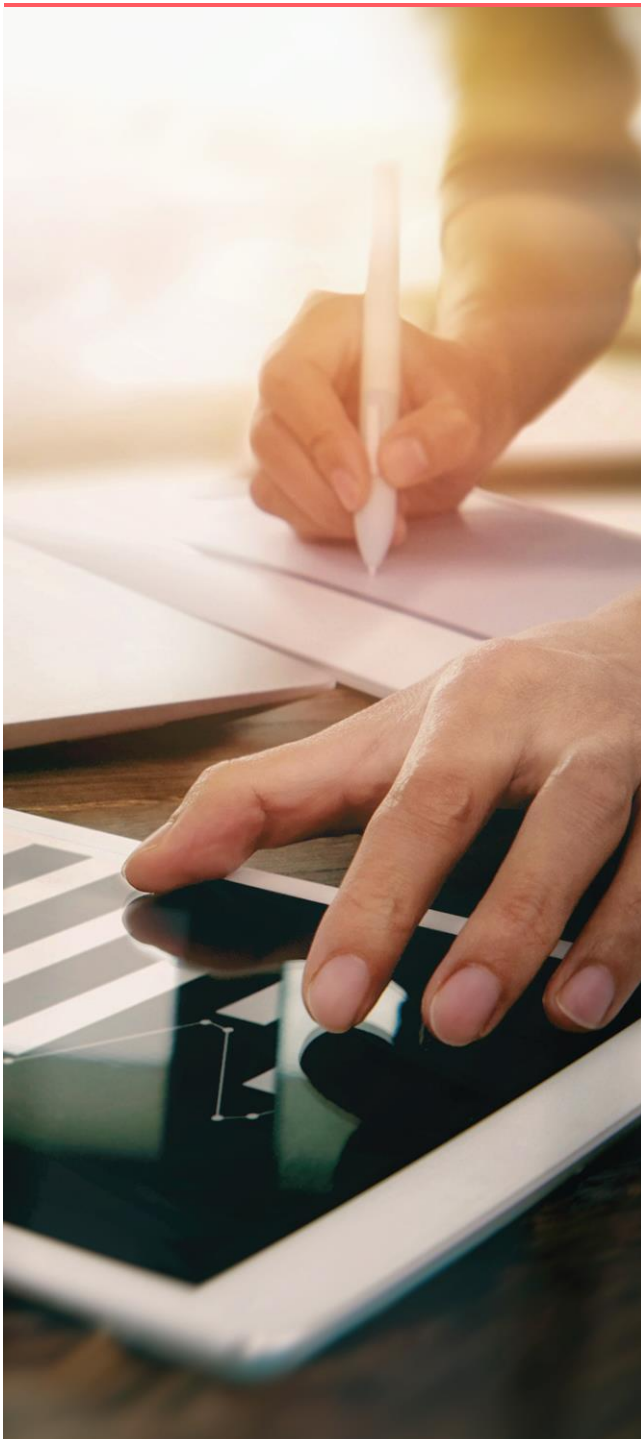


---

# Public Law

Newsletter | Portugal

2nd Quarter 2018



---

## Contents

- > **Extended topic** - with view to maintaining the good standing and reputation enjoyed by the CAAD, the Government has chosen to broaden its scope of competences.
- > **National legislation**



---

## I. Broadening the scope of competences of the CAAD

With view to maintaining the good standing and reputation enjoyed by the CAAD, the Portuguese Government has chosen to broaden its scope of competences.

To put this institution into context, the CAAD is a national center for arbitration, specialized in Administrative litigation, based in Lisbon. As an institution, it was created by Ministerial Order no. 5097/8009, of the Secretary of State for Justice, following the acknowledgement of institutionalized arbitration within the scope of administrative litigation through the reform operated on the Code of Procedure in Administrative Courts in 2002. By way of this amendment, the creation of permanent centers for arbitration to judge on matters arising, among others, from public contracts, Public Administration civil liability and spatial planning.

At an early stage, the creation of this non-profit private association will have aimed at promoting dispute resolution in the abovementioned areas of Public Law. This goal is still enshrined in the CAAD's by-laws (see article 3 of the CAAD by-laws).

The CAAD's competences, until June 2018, were focused solely on Public Law dispute resolution, in particular in what concerned tax and administrative law, with a special focus on public contracting and public employment.

In October 2016, the CAAD requested for a broadening of its competences, so as to be able to settle disputes concerning any issue which may lawfully allow for the constitution of an arbitral tribunal under the newly revised Code of Procedure in Administrative Courts (through the approval of Decree-Law no. 214-G/2015).

Hence, and in the performance of its delegated competence, the Secretary of State for Justice authorized the broadening of the scope of competences enjoyed by the CAAD, through the approval of Ministerial Order no. 5880/2018, considering that all requirements for good standing incumbent upon arbitral tribunals were met by the CAAD.

Moreover, it is worth noting that this center for arbitration holds a list of highly qualified arbitrators, as well as the necessary material, technical and personnel required to operate functional arbitral tribunals.

Consequently, the CAAD is now competent to settle disputes arising from any issues which fall within the competence of Administrative Courts, as per articles 180.º and 187.º of the Code of Procedure in Administrative Courts.



---

## II. National legislation

### > Energy

**Order no. 3306/2018 – Official Gazette no. 65/2018, Series II of 2018-04-03**

Approves the regulation that establishes transitional provisions related to the connection of PV and CPV generators to the public utility grid (RESP).

**Regulation no. 224/2018 – Official Gazette no. 74/2018, Series II of 2018-04-16**

Modifies the commercial relations regulation of natural gas sector.

**Regulation no. 225/2018 – Official Gazette no. 74/2018, Series II of 2018-04-16**

Approves the natural gas sector tariffs/prices regulation.

**Decree-Law no. 36/2018 – Official Gazette no. 98/2018, Series I of 2018-05-22**

Approves an exceptional/extraordinary regime for the provisional supply of electric energy to areas of substandard housing.

**Order no. 5571/2018 – Official Gazette no. 98/2018, Series I of 2018-05-22**

Establishes provisions relating to the implementation of the Low Carbon Strategic Plan and the Energy Efficiency Program in Public Administration in public health sector units.

**Opinion no. 6/2018 – Official Gazette no. 98/2018, Series II of 2018-06-11**

Public Ministry/Public Prosecution's opinion on social tariff of natural gas supply.

**Regulation no. 225/2018 – Official Gazette no. 118/2018, Series II of 2018-06-21**

Modifies the natural gas sector tariffs/prices regulation.

**Directive no. 9/2018 – Official Gazette no. 119/2018, Series II of 2018-06-22**

Approves the natural gas tariffs and prices to the 2018-2019 year gas.

**Regulation no. 387/2018 – Official Gazette no. 119/2018, Series II of 2018-06-22**

Modifies the commercial relations regulation of natural gas sector.

### > Territorial Planning

**Notice no. 4323-C/2018 – Official Gazette no. 64/2018, Series II of 2018-04-02**

Announces that from April 26, 2018 will be open the public discussion of the proposed amendment to the National Program of Territorial Planning Policy.



**Ministerial Order no. 95/2018 – Official Gazette no. 68/2018, Series I of 2018-04-06**

Modifies the Ministerial Order no. 330-A/2017 of October 31<sup>st</sup>, which creates a line of credit to diminish the effects of 2017 period of drought.

**Notice no. 4860/2018 – Official Gazette no. 72/2018, Series II of 2018-04-12**

Announces that will be open a public discussion on the proposal to the Status Regional Planning Report (Lisbon and Vale do Tejo).

**Order no. 3692/2018 - Official Gazette no. 72/2018, Series II of 2018-04-12**

Identifies the districts with a high degree of danger relating to the occurrence of natural catastrophes/disasters.

**Legislative Order no. 7/2018 - Official Gazette no. 77/2018, Series II of 2018-04-19**

Extends the order no. 12/2017, of September 12<sup>th</sup>, validity to 2018 due to the maintenance of the existing situation of agro-meteorological drought.

**Parliament Resolution no. 119/2018 - Official Gazette no. 85/2018, Series I of 2018-05-03**

Recommends the Government to urgently conclude the rating of national critical infrastructures and the approval of its safety plans.

**Resolution of the Council of Ministers no. 56/2018 – Official Gazette no. 87/2018, Series I of 2018-05-07**

Approves the *From housing to habit* Program (Da Habitação ao Habit).

**Ministerial Order no. 144/2018 – Official Gazette no. 97/2018, Series I of 2018-05-21**

Proceeds to alter a number of ministerial orders within the Rural Development Program for the Continent.

**Ministerial Order no. 167/2018 – Official Gazette no. 122/2018, Series I of 2018-06-12**

Establishes the *Entrance Door – Urgent Housing Support Program*.

**Resolution no. 2/2018 – Official Gazette no. 117/2018, Series II of 2018-06-20**

Approves the civil protection emergency plans.

**Parliament Resolution no. 2/2018 – Official Gazette no. 121/2018, Series II of 2018-06-26**

Recommends the Government to expand the support and the policies related to forest planning to all districts affected by 2017 major fires.



**Notice no. 8732/2018 – Official Gazette no. 122/2018, Series II of 2018-06-27**

Notice about the support to projects relating to the climate changes affecting water resources.

> **Environment**

**Ministerial Order no. 91/2018 - Official Gazette no. 64/2018, Series I of 2018-04-02**

Proceeds to alter a number of ministerial orders within the Rural Development Program for the Continent

**Parliament Resolution no. 102/2018 - Official Gazette no. 70/2018, Series I of 2018-04-10**

Recommends the Government to assess the microplastic origin and impact on environment and food.

**Regulation no. 222/2018 – Official Gazette no. 73/2018, Series II of 2018-04-13**

Revises the Tariff Regulation on Urban Waste Management Services.

**Notice no. 5573/2018 – Official Gazette no. 80/2018, Series II of 2018-04-24**

Notice related to the program *Apoiar a Economia Circular* under the construction sector.

**Resolution of the Council of Ministers no. 55/2018 – Official Gazette no. 877/2018, Series I of 2018-05-07**

Approves the National Strategy of Nature and Biodiversity Preservation/Protection (2030)

**Notice no. 6147/2018 – Official Gazette no. 90/2018, Series II of 2018-05-10**

Notice related to the initiative *Apoiar a Economia Circular* within public procurement (CIRCULAR – public acquisitions).

**Order no. 4707/2018 - Official Gazette no. 92/2018, Series II of 2018-05-14**

Establishes the recovery allowances for material to each Waste Management System for the next two years (2018-2019).

**Notice no. 6955/2018 – Official Gazette no. 99/2018, Series II of 2018-05-23**

Notice relate to the project *Environment Education + Sustainable: Promoting a New Civic and Territorial Culture*.

**Notice no. 7563/2018 – Official Gazette no. 108/2018, Series II of 2018-06-06**

Notice concerning support for nature preservation related projects.



**Decree-Law no. 39/2018 – Official Gazette no. 111/2018, Series I of 2018-06-11**

Approves the prevention and control of emissions of pollutants Directive (2015/2193).

**Decree no. 19/2018 – Official Gazette no. 124/2018, Series I of 2018-06-29**

Revises the 1979 Convention on Long Distance Transboundary Atmospheric Pollution.

**Regulation no. 395/2018 – Official Gazette no. 124/2018, Series II of 2018-06-29**

Revises the Tariff Regulation on Urban Waste Management Services.

> **Tourism**

**Decree-Law no. 39/2018 – Official Gazette no. 111/2018, Series I of 2018-06-11**

Creates the Supporting Fund for Tourism and Cinema.

> **Public Procurement**

**Decree-Law no. 30/2018 – Official Gazette no. 87/2018, Series I of 2018-05-07**

Establishes new provisions for the acquisition of travel and accommodation services in the matter of public service's displacements/dislocation.

> **Relevant jurisprudence**

**Order no. 5880/2018 – Official Gazette no. 114/2018, Series II of 2018-06-15**

Authorizes the extension of CAAD's competence in administrative matters.

**Ruling by Constitutional Court no. 123/2018 – Official Gazette no. 17/2018, Series II of 2018-05-15**

Rules in favour of the constitutionality of Article 14 (4 and 5) from the Sanctioning System of the Energy Sector, approved by Law/Act no. 9/2013 of January 28<sup>th</sup>.



---

## Contact

Cuatrecasas, Gonçalves Pereira & Associados,  
Sociedade de Advogados, SP, RL  
Sociedade profissional de responsabilidade limitada

### Lisboa

Praça Marquês de Pombal, 2 (e 1-8º)  
1250-160 Lisboa I Portugal  
Tel. (351) 21 355 3800 I Fax (351) 21 353 2362  
cuatrecasasportugal@cuatrecasas.com I www.cuatrecasas.com

### Porto

Avenida da Boavista, 3265 - 5.1  
4100-137 Porto I Portugal  
Tel. (351) 22 616 6920 I Fax (351) 22 616 6949  
cuatrecasasporto@cuatrecasas.com I www.cuatrecasas.com

---

For additional information on the contents of this document, please contact Cuatrecasas.

© Cuatrecasas, Gonçalves Pereira & Associados, Sociedade de Advogados, SP, RL 2018. The total or partial reproduction is forbidden. All rights reserved. This communication is a selection of the news and legislation considered to be relevant on reference topics and it is not intended to be an exhaustive compilation of all the news of the reporting period. The information contained on this page does not constitute legal advice in any field of our professional activity.

#### Information about the processing of your personal data

**Data Controller:** Cuatrecasas, Gonçalves Pereira & Associados, Sociedade de Advogados, SP, RL ("Cuatrecasas Portugal").

**Purposes:** management of the use of the website, of the applications and/or of your relationship with Cuatrecasas Portugal, including the sending of information on legislative news and events promoted by Cuatrecasas Portugal.

**Legitimacy:** the legitimate interest of Cuatrecasas Portugal and/or, where applicable, the consent of the data subject.

**Recipients:** third parties to whom Cuatrecasas Portugal is contractually or legally obliged to communicate data, as well as to companies in its group.

**Rights:** access, rectify, erase, oppose, request the portability of your data and/or limit its processing, as described in the additional information. For more detailed information on how we treat your data, please go to our [data protection policy](#).

If you have any questions about how we treat your data, or if you do not wish to continue to receive communications from Cuatrecasas Portugal, we kindly ask you to inform us by sending a message to the following email address [data.protection.officer@cuatrecasas.com](mailto:data.protection.officer@cuatrecasas.com).