

## Questionnaire on the organisation and operation of Official Gazettes in the EU

### (20) Answers by the Portuguese ‘Imprensa Nacional – Casa da Moeda’

#### I. Organisational data

PT		<b><u>1. Identification and contact person(s)</u></b>
1.1	<b>Organisation:</b>	Imprensa Nacional - Casa da Moeda, S.A. The Portuguese Official Printing Office and Mint The usual abbreviation of our organisation is INCM, S.A.
1.3	<b>Address :</b>	Av. António José de Almeida in Lisbon
1.5	<b>Internet :</b>	<a href="http://www.incm.pt">http://www.incm.pt</a>

PT		<b><u>2. Data on the organisation and its overall tasks</u></b>
2.1	<b>Form and nature:</b>	- private company owned by the government The INCM is an anonymous society whose capital funds are exclusively public since 1.1.1999. There isn't a responsible ministry. However, the financial

		<p>ministry indicate a representative agent of the government to exercise the government rights as a shareholder.</p> <p>The activity of the Official Gazette is supervised by the Prime Minister.</p>	
2.2	<b>Legal basis for publishing:</b>	- a regulatory text, decree etc.	
		Decreto-Lei n° 170/99, de 19.05	
		Decree -law nr. 170/99, of May 19th	
2.3	<b>Year of the found.:</b>	1972	
		<p>1st August 1972</p> <p>The organization is the result of a merge of the government agency named "CASA DA MOEDA" (Portuguese Mint) and a public company named "IMPrensa NACIONAL" (The Portuguese Official Printing Office).</p> <p>This merge resulted in a public enterprise named "Imprensa Nacional - Casa da Moeda, E.P." until 1.1.1999.</p>	
2.4	<b>Legal basis for co-operation:</b>	- law - regulatory text, decree etc.	
		<p>Constituicao da República Portuguesa (art. 119°);</p> <p>D.L. n° 170/99, de 19.05. (art. 12°/2);</p> <p>Despacho Normativo n° 15/92, de 20.02;</p> <p>Lei n° 74/98, de 11.11. (I Série);</p> <p>D.L. n° 391/93, de 23.11. (III Série);</p> <p>Decreto n° 365/70, de 5.08. (II e III Séries)</p>	
		<p>Constitution (article 119°)</p> <p>Decree-Law nr. 170/99, of May 19th</p> <p>Ministerial dispatch nr. 15/92, of February 20th</p> <p>Law nr. 74/98, of November 11th (I Series)</p> <p>Ministerial dispatch nr. 16/97, of March 3rd (II Series)</p> <p>Decree-Law nr. 391/93, of November 23rd (III Series)</p> <p>Decree nr. 365/70, of August 5th (II and III Series)</p>	
2.5	<b>Main tasks of the organisation</b>		
2.5.1	<b>Publ. of laws/regulations:</b>	<ul style="list-style-type: none"> <li>- laws and regulations</li> <li>- treaties and internal agreements</li> <li>- parliamentary documents</li> <li>- court decisions</li> <li>- legal notices - call for tender</li> <li>- legal notices - company data</li> <li>- legal notices - other</li> <li>- public recruitment competitions</li> </ul>	<p>mandatory</p> <p>mandatory</p> <p>mandatory</p> <p>mandatory</p> <p>mandatory</p> <p>mandatory</p> <p>mandatory</p>
2.5.2	<b>Operation of databases</b>	<p>Five databases:</p> <p>a) Four databases are not mandatory: 1st Series /Legislation; 2nd Series/Public recruitment competitions and 3 rd Series/Public</p>	

		tenders, Associations and acts of the trading companies which are subject to commercial registration b) One database is mandatory: Delivery dates of the Official Gazette
2.5.3	<b>Others (e.g. forms ...)</b>	The publication of the Government's journal Diário da Assembleia da República and the Parliament's journal Diário da Assembleia da República; the production of metal coins and paper money; the production of public bonds and stamped securities; the Assay Office; the production of security documents; the publication of books of relevant cultural interest; the exercise of any activity, complementary, subsidiary or accessory to the above mentioned activities.
		The court decisions which publication is legally mandatory are decisions of some superior courts.
2.6	<b>What language(s) is/are used</b>	Portuguese language
2.7	<b>Activities of public or private companies</b>	
2.7.1	<b>Subcontracts in isolated cases for</b>	- printing - adverting agencies
2.7.2	<b>Contracts for instit. or regular work</b>	- printing - CD-ROM/DVD duplication - others (consultants, auditors etc.)
2.8	<b>Other off. gazettes</b>	Official Gazette of the Regional Government (Madeira and Acores) The Town Hall Gazette
2.9	<b>Annual budget (global) of the organisation</b>	€112.000.000
2.10	<b>Do you have in-house</b>	- printing facilities - online publishing facilities
2.11	<b>How much of the following work is subcontracted</b>	
	pre-press	1
	printing	0
	dissemination	2

		Dissemination: 1.800.000 euro
2.12	<b>How is the head of the organ. appointed</b>	Appointed by a legal act of the government.
2.13	<b>Number of staff of the organ.</b>	
		There are five members of the staff of the organisation. One is the chairman of the Board of Directors and the other four are the members of the Board of Directors, which are appointed by the government.
2.14	<b>Which services are offered by the organ.</b>	- reading room - information on documents - bookshop

## II. Details concerning the publication of legislation and of calls for tender

### (public procurement)

#### A. Publication of legislation

<b>PT</b>		<b><u>3. Publication procedures</u></b>
3.1	<b>Official Gazette:</b>	
3.1.1	<b>Full title of the official gazette:</b>	Diário da República The usual abbreviation of the title of the Gazette is DR.
3.1.2	<b>Contents:</b>	The Official Gazette is composed of three distinct parts: - The first series: It presents the main normative acts that are published, as laws; laws in decree as well the International Conventions; The resolutions of some courts of Justice and the result of elections, among others. - The second series: It comprises all the main acts of the Public Administration determined by law, and which are incorporated the legal typification. Therefore, it comprises the ministerial dispatch, the results of competition to hold position in the public Administration, and contumacy declarations.

		- The third series: It comprises acts of the trading companies that are the object of a commercial registration, Central and Local Administration's public tenders, advertisements for public employment in local administration, the decisions taken by several entities, and all the documents whose publication is required by individuals or by the Public Administration, by reasons of transparency.
3.1.3	<b>Address (URL):</b>	http://dre.pt
3.2	<b>Organisation of the exchange:</b>	- executive authority / electronic - executive authority / on paper - legislative authority / electronic - legislative authority / on paper
3.3	<b>Is electronic transmission part an integrated and seamless workflow:</b>	no
3.4	<b>Techniques based on XML or SGML:</b>	no
3.5	<b>Binding deadlines for publishing legislation:</b>	no
<b>PT</b>		<b><u>4. Details of the publication procedures for legislation</u></b>
4.1	<b>The legal basis for publication of legislation:</b>	Constituicao da República Portuguesa (art. 119°); Código Civil (art. 5°); Despacho Normativo n° 15/92, de 20.02; Lei n° 74/98, de 11.11. (I Série); Despacho Normativo n° 16/97, de 03.03. (II Série) ; D.L. n° 391/93, de 23.11. (III Série) ; Decreto n° 365/70, de 05.08 (II e III Séries).
		Constitution (article 119 <sup>th</sup> ); Civil Code (article 5 <sup>th</sup> ); Ministerial dispatch nr. 15/92, of February 20 <sup>th</sup> ; Law nr. 74/98, of November 11 <sup>th</sup> (I series); Ministerial dispatch nr. 26/97, of March 3 <sup>rd</sup> (II Series); Decree-Law nr. 391/93, of November 23 <sup>rd</sup> (III Series); Decree nr. 365/70, of August 5 <sup>th</sup> (II and III Series).
4.2	<b>Year of establishment of</b>	1715

	<b>the official gazette:</b>	
		The Official Gazette was established in 1715, when the Lisbon Gazette started to be printed.
4.3	<b>How is publication of legislation financed:</b>	- solely from sales revenue
4.4	<b>On what medium(a) is legislation legally binding:</b>	- paper
4.5	<b>Problems, if legislation is (in future) legally binding in electr. Form:</b>	- questionable in terms of democracy - technical difficulties (images, tables, etc.) - other
		Portugal is a country composed by a territory continent and two islands (Regional territory: Madeira and Acores). According to Portuguese law, the laws only come into force after their publication on the Official Gazette. The Portuguese legislation foresees a period of time between the date of the publication of the law on the Official Gazette and the beginning of its application, usually named “ omm. on legis”. This period of time is variable according to the different places where the law should produce it’s effects. The “ omm. on legis” is 5 days in the territory continent and 15 days in Acores and Madeira.
4.6	<b>On what media and from when onwards is legislation offered to end-users:</b>	- on paper from - on CD-ROM/DVD from - via online (database/web) from
4.7	<b>Availability of the online edition of legislation:</b>	
4.7.1	<b>In which format and from when onwards is legislation offered to end-users:</b>	- PDF from - HTML from
4.7.2	<b>Can the online edition be downloaded?:</b>	yes
		It is necessary to pay a price to download the online edition.

4.8	<b>On what financial terms is legislation offered to end-users:</b>	- free of charge	- paper - online (database/web
		- at a profit	- paper - CD-ROM/DVD - online (database/web
		The 1 <sup>st</sup> series can also be offered online free of charge. The INCM, S.A. will offer the Official Gazette free of charge to blind people and other people with incapacities.	
4.9	<b>Electr. Formats, legislation is offered to the private sector for further processing and commercial use:</b>		
		INCM does not offer legislation to the private sector for further processing and commercial use.	
4.10	<b>Is legislation available to all private sector companies under the same conditions:</b>	no	
		Not applicable	
4.11	<b>What price is charged to the private sector for the electr. Version of leg. For further processing and omm.. Use:</b>		
4.12	<b>Copyright status of legislation in your country:</b>	- no copyright protection claimed for the information itself (content)	
4.13	<b>Copyright status of the official gazette lay-out/format in</b>	- copyright protection for the lay-out format with compulsory licensing for use	

	<b>your country:</b>	
		However, the databases of the D.R.E.'s projects are legally registered on the "Fundacao para a Computacao Científica" (national foundation for the scientific computations) and in the "Instituto da Propriedade Intelectual" (intellectual property institute).
4.14	<b>The owner of the content of legislation, if published by a private company:</b>	- other

## B. Calls for tender (public procurement)

<b>PT</b>		<b><u>5. Details of the publication procedures for calls for tender</u></b>	
5.0	<b>Competent organisation(s):</b>		
5.1	<b>Organisation of the exchange of information in what medium(a) is legislation legally binding:</b>	<ul style="list-style-type: none"> <li>- electronic</li> <li>- on paper</li> </ul>	
5.2	<b>Binding deadlines for publishing this information:</b>	yes	
		Internally, we have a minimum allowed delay between receiving and publishing and maximum date imposed by the act itself.	
5.3	<b>The legal basis for publication of public tenders:</b>	D.L. n° 59/99, de 02.03 ; D.L. n° 197/99, de 08.06 ; D.L. n° 245/2003, de 07.10.	
		Decree-Law nr. 59/99, of March 2 <sup>nd</sup> ; Decree-Law nr. 197/99, of June 8 <sup>th</sup> ; Decree-Law nr. 245/2003, of October 7 <sup>th</sup> .	
5.4	<b>How is publication of calls for tender financed:</b>	- solely from sales revenue	- paper - online (database/web)
		The call for tenders is financed by the entities that request the publishing, through the payment of a calculated price.	

5.5	<b>On what medium(a) is the information on public tenders deemed authentic:</b>	- paper
5.6	<b>On what media is the information on publ. tenders offered to end-users:</b>	- paper - via online (database/web)
		The entities that request the publication of public tenders can have access, free of charge, to the online edition of the public tender.
5.7	<b>On what financial terms is the information on public tenders offered to end-users:</b>	- at a profit - paper - online (database/web)
5.8	<b>Electr. Formats of the public tenders, which are offered to the private sector for further processing and commercial use:</b>	
		The INCM, S.A. does not offer the public tenders to the private sector for further processing and commercial use. However there are some users who sell the information on PDF format and in a word processing format as their own product, without authorization.
5.9	<b>What price is charged to the private sector for the electr. Version of the public tenders for further processing and omm.. Use:</b>	
5.10	<b>Copyright status of this information</b>	- copyright protection not claimed for the information itself (content)

	<b>in your country:</b>	
5.11	<b>Copyright status of the official gazette lay-out/format for this information in your country:</b>	- copyright protection for the lay-out format with compulsory licensing for use
5.12	<b>The owner of the content of calls for tender, if published by a private company:</b>	- other

### III. Future developments and strategies

PT		<b><u>6. Anticipated changes and other plans or discussed issues</u></b>
6.1	<b>Changes in your country in short (1-2 years) or medium term (3-5 years):</b>	<p>The Organization does not foresee any change in which concerns to financial resources.</p> <p>We are working in order to make, as soon as possible, the electronic certification of the information.</p> <p>We are going to edit, as soon as possible, a DVD collection with the publication of the last 42 years.</p> <p>The public tenders are also available in one of the Purchase sites belonging to state.</p>
6.2	<b>Other plans or discussed issues:</b>	<p>We have partnerships with public entities in which concerns to consolidated legislation and also with private entities in order that the end-users can have access not only to the country's legislation but also to the pertinent court decisions and doctrine.</p> <p>INCM, S.A. has a deep concern with the development of the equipment, software and training of its employees.</p> <p>In the DRE site there are links to the European databases. It's also available the Official Gazettes from the other State - members of the European Union as well as from the Portuguese language countries.</p> <p>The organization does not foresee a substantial change of the dissemination policy according to the existing supports (e.g. paper and internet).</p> <p>However the upward tendency is the development of the solutions in electronic supports considering it's utilization and technology development.</p>