

Creation of an “online company”, through a special scheme of online incorporation of commercial and civil law companies having a commercial form, and creation of a “trademark on the spot”

Decree-Law no. 125/2006 - Official Gazette no. 124/2006, Series I-A of 29 June 2006

Decree-law

Provides for the creation of an “online company”, through a special scheme of online incorporation of commercial and civil law companies having a commercial form, and the creation of a “trademark on the spot” (marca na hora), amending the scheme of the National Legal Persons Registry, the Fees Regulation of Registry and Notary Offices, Decree-Law no. 8-B/2002, of 15 January, and Decree-Law no. 111/2005, of 8 July.

This decree-law establishes a means to create companies online, introducing an innovative way for the incorporation of commercial and civil law companies having a commercial form in our legal framework.

This initiative aims to continue simplifying procedures according to the SIMPLEX Programme, contributing for the development of a Technological Plan and significantly reducing the context costs, improving the conditions for investment and generating profit and employment in Portugal.

The scheme adopted for the incorporation of commercial and civil law companies having a commercial form may be used by any stakeholder. Both natural and legal persons, represented by the corresponding binding persons, may now incorporate companies in this way, provided that they use an adequate electronic certification mean.

This is, therefore, a method for the incorporation of commercial companies with an obvious connection to the Citizen Card's project. Indeed, with the issue of an identification card for the citizen which contains an electronic identity certification means, the use of electronic signatures by natural persons is safety democratized and, therefore, the use of features and means - such as the incorporation of commercial companies online - that depend on the electronic recognition of an identification is also promoted.

Besides those directly involved in the online incorporation of the commercial company, the lawyers, solicitors and notaries may also incorporate them by certifying the identity, capacity, powers of representation and will of the stakeholders, always through the use of a means that electronically validates their identity.

The adopted scheme may be flexible and the stakeholder or his/her representative benefits from a wide set of options regarding the selection of the denomination and articles of association of the commercial company to be incorporated.

Therefore, regarding the denomination's selection process, three possibilities are available: the selection of a pre-approved denomination registered on behalf of the State, like in the “company on the spot”, the acquisition of an approved denomination chosen by the stakeholders electronically and the submission of a denomination approval certificate previously obtained through non-electronic means.

As regards the memorandum or instrument of incorporation of a commercial or civil law company having a commercial form, two options are provided: the selection of a memorandum or instrument of incorporation pursuant to a model approved by an order of the Director-General of Registry and Notary Services or the submission of the request with the transmission of the memorandum or instrument of incorporation prepared and submitted by the stakeholders.

Furthermore, this decree-law provides for the possibility of compliance with the tax obligations regarding the incorporated company's beginning of activity exclusively carried out electronically.

The commercial companies' online incorporation procedure is envisaged to be quick and inexpensive. Therefore, the incorporated company's registration must be carried out immediately or within two business days, depending on whether the stakeholders opt for a memorandum or instrument of incorporation of an approved model or for the submission of the memorandum or instrument of incorporation prepared by them. The cost of the company's electronic incorporation is also lower than the price of its incorporation through traditional means.

Another aspect worthy of mention is the fact that this commercial companies' online incorporation scheme is equipped with important and relevant security and control mechanisms embodied, for instance, in mandatory electronic communications to the entities responsible for compliance with the tax, social security and labour obligations of the incorporated commercial company.

Finally, this law adopts a legal mechanism that allows the implementation of the “trademark on the spot” project, enabling the acquisition, when incorporating a “company on the spot”, of a pre-approved brand, pre-registered on behalf of the State, that

corresponds to the denomination chosen.

The necessary steps for hearing the Portuguese Bar Association, the Solicitors Association and the Certified Accountants Association were promoted.

The Notaries Associated have also been heard.

Therefore:

Pursuant to Article 198, paragraph 1, subparagraph a) of the Constitution, the Government decrees the following:

Chapter I

Special scheme for online incorporation of companies

Article 1

Object

This decree-law establishes a special scheme for online incorporation of commercial and civil law companies having a commercial form of a private or public limited liability company, with or without the simultaneous acquisition, by the companies, of the trademark, through the website, regulated by an order of the Government member responsible for the Justice area.

Amendments

Amended by Article 16 of Decree-Law no. 318/2007 - Official Gazette no. 186/2007, Series I of 26 September 2007, in force since 27 September 2007.

Article 2

Scope

The scheme provided for by this decree-law does not apply to:

- a) Companies whose capital is paid-up with contributions in kind in which, for the transfer of the commodities used by the shareholders to join the company, a way more solemn than in writing is required;
- b) European limited liability companies.

Article 3

Competence

1 - The companies' incorporation procedure under the scheme referred to in Article 1 falls under the competence of the National Legal Persons Registry (RNPC), regardless of the location of the registered office of the company to be incorporated, without prejudice to paragraph 2 hereunder.

2 - The RNPC may distribute to other commercial registry offices the course of the companies' online incorporation procedures, under the terms established by an order of the Director-General of the Registries and Notary Services.

Article 4

Stakeholders

Natural and legal persons may apply to the scheme provided for by this decree-law.

Article 5

Certification means

1 - The data indication and the documents' submission in the website must be carried out through the electronic sign-in or apposition of an electronic signature, whose requirements and use conditions are established in the order referred to in article 1, in articulation with the mechanisms provided in the State's Electronic Certification System - Public Keys Infrastructure.

2 - Within the scope of the scheme provided for by this decree-law, the confirmation of the stakeholders' signature is carried out through the certification means referred to in the preceding paragraph..

3 - If more than one stakeholder intervenes in the company's incorporation, the joint, simultaneous or successive access of

different stakeholders to the corresponding online incorporation process may be possible.

Article 6

Online request

1 – Applicants to the company's incorporation shall address their online requests by submitting, among others deemed necessary, the following acts:

- a) Selection of a denomination composed of a made-up expression previously created and reserved on behalf of the State, associated or not to the acquisition of a brand previously registered on behalf of the State, through the electronic and automatic approval of the denomination pursuant to article 50-A of the RNPC's scheme or through verification of the denomination's approval and acceptability;
- b) If none of the possibilities in the preceding paragraph is selected, indication of the denomination present on the previously acquired denomination approval certificate;
- c) Selection of an incorporation pact or act of a model approved by the director-general of the Registry and Notary Institute or of an incorporation act prepared by them;
- d) Electronic filling of the elements necessary for the submission of the beginning of activity's statement for tax purposes;
- e) If not yet carried out, the shareholders must declare, under oath, that the deposit of the contributions in cash shall be paid-up within five business days, from the provision of the free proof document of the company's incorporation registry provided for by Article 12, paragraph 3, subparagraph b) or, in the cases and terms provided by law, that the correspondent contributions in cash shall be deposited in the company's coffers until the end of the first financial year;
- f) Payment, through electronic means, of charges due.

2 - In cases provided for by the first part of subparagraph a) above, applicants may complete the denomination's composition with any expression allusive to the social object which the stakeholders wish to insert between the made-up expression chosen and the above-mentioned additions.

3 - If the verification and approval of the denomination pursuant to the final part of subparagraph a) above has been requested, the request shall be assessed within a business day and the first of the requested denominations deemed as viable shall be approved.

4 - If that is the case, applicants must also submit through the website, among others deemed as necessary, the following documents:

- a) Documents showing their capacity and powers of representation for the act;
- b) Special authorizations necessary for the company's incorporation;
- c) In the case of companies whose capital is paid-up with contributions in kind in which, for the transfer of the commodities used by the shareholders to join the company, a way more solemn than in writing is not required, a report by the certified public accountant referred to in article 28 of the Commercial Companies Code, complying with paragraph 5 of that provision.

5 - Once the procedure is initiated or the denomination is approved pursuant to the final part of subparagraph a) of paragraph 1, the online request must be submitted by the applicants within twenty-four hours.

6 - All documents submitted through the website, if duly scanned and fully understandable, have the same probative value as the original documents.

Amendments

Amended by Article 5 of Decree-Law no. 33/2011 - Official Gazette no. 46/2011, Series I of 7 March 2011, in force since 6 April 2011.

Amended by Article 36 of Decree-Law no. 247-B/2008 - Official Gazette no. 251/2008, 1st Supplement, Series I of 30 December 2008, in force since 31 December 2008.

Amended by Article 16 of Decree-Law no. 318/2007 - Official Gazette no. 186/2007, Series I of 26 September 2007, in force since 27 September 2007.

Article 7

Intervention of lawyers and solicitors

1 - The lawyers and solicitors which hold the certification means according to the order referred to in Article 5, paragraph 1, shall submit, through the website, the company's incorporation pact or act, with the legalized signatures of the subscribers.

2 - For the purpose provided for in the previous number, the lawyers and solicitors shall witness the signatures of the incorporation pact or act subscribers, certifying their identity and, if applicable, their capacity and powers of representation, and also that they expressed their will to incorporate the company.

3 - The lawyers and solicitors' statements regarding the certification mentioned in the preceding paragraph must be carried out in a specific template available on the website and it is not necessary to carry out the online registration provided for by Article 38, paragraph 3, of Decree-Law no. 76-A/2006, of 29 March.

4 - If the applicants hold the certification means according to the order referred to in Article 5, paragraph 1, the lawyer or solicitor may submit, through the website, the company's incorporation pact or act signed by the stakeholders with this certification mean.

5 - If more than one lawyer or solicitor intervenes in the company's incorporation, the joint, simultaneous or successive access by different stakeholders, represented or not by a lawyer or solicitor, may be possible, pursuant to Article 5, paragraph 1.

Article 8

Representation of the stakeholders in the company's incorporation pact or act subscription

In the case of the intervention provided for by the preceding article, the lawyers and solicitors may not act as representatives of the stakeholders in the company's incorporation pact or act subscription.

Article 9

Intervention of notaries

1 - The stakeholders may ask the notaries who hold the certification means according to the order referred to in Article 5, paragraph 1, for the company's incorporation to be carried out through the procedure provided for in this decree-law.

2 - For this purpose, the notaries legalize the signatures of the incorporation pact or act's subscribers, certifying their identity and, if applicable, their capacity and powers of representation and also that they expressed their will to incorporate the company.

3 - The provisions of Article 7, paragraph 4, shall apply to notaries, mutatis mutandis.

Article 10

Request's validation

1 - The request for the company's incorporation submitted pursuant to this decree-law is only deemed as validly submitted after the issue of an electronic proof document, through the website, indicating the date and time when the request has been completed.

2 - The non-completion of the company's incorporation procedure due to a fact attributable to the applicant shall determine the expiry of the right to use the denomination related to the company to be incorporated, pursuant to Article 6, paragraph 1, subparagraph a) first part.

Article 11

Period for the request's assessment

1 - After the electronic proof document referred to in paragraph 1 of the preceding article is issued, the competent service assesses the company's incorporation request.

2 - If the stakeholders opted for an incorporation pact or act of a model approved by the director-general of the Registries and Notary Institute and if the submission of the documents referred to in Article 6, paragraph 4, subparagraphs b) and c) has not been carried out, the competent service, upon confirmation of payment by the stakeholders, immediately takes the steps provided for by Article 12.

3 - In other situations, the competent service takes the subsequent steps provided for by Article 12 within two days from the confirmation of payment by the stakeholders.

Article 12

Subsequent steps

1 - The processing of the indicated data and of documents submitted by the stakeholders, as well as the assessment of the company's incorporation, are carried out by the competent services.

2 - The competent service must perform the following acts:

a) Registry of the company's incorporation pact or act, which must be immediately communicated to the stakeholders electronically;

b) Automatic and electronic communication of the company's incorporation to the central legal persons archive and, if applicable, of the economic activity code (CAE).

3 - The competent service must also perform the following acts:

a) Communication of the access code to the company's electronic card and of the company's social security identification number and subsequent transmission of the company's card, free of charge;

b) In case a trademark has been acquired and regardless of the qualification of the corresponding commercial registry's act, issue and transmission/submission of the document certifying that acquisition, pursuant to a model approved by the *Instituto Nacional da Propriedade Industrial, I.P.* [National Institute of Industrial Property] (INPI, I.P.).

c) Free of charge provision of the access code to the company's permanent certificate, for a period of three months;

d) Promotion of the legal publications, which must be carried out automatically online;

e) Provision to the competent services, by computer, of the necessary data for the control of the tax obligations to the tax administration, of the necessary data for the purpose of communicating the company's beginning of activity to the General Labour Inspection, as well as the necessary data for the unofficial registration of the company in the social security services and, when applicable, in the commercial record;

f) If a trademark has been acquired, communication to the INPI, I.P., by computer, of the trademark transmission so that its unofficial inscription in the registration process may be carried out, and to the RNPC for the purposes of waiving the proof document referred to in Article 33, paragraph 6, of the RNPC's scheme;

g) Promotion of other procedures that may be established by a regulation or protocol;

h) (Revoked).

4 - In cases referred to in paragraph 3, subparagraph b), the written document signed by the parties referred to in Article 31, paragraph 6, of the Industrial Property Code is not required and the concession title referred to in Article 27 of the same Code is not required.

5 - For the purposes provided for in paragraph 3, subparagraph e), the tax administration services must notify by electronic means the social security services on the elements regarding the beginning of the activity.

6 - (Revoked).

7 - The registrar and the registry officers are responsible for the execution of the acts provided for by paragraphs 2 and 3.

Amendments

Amended by Article 8 of Decree-Law no. 209/2012 - Official Gazette no. 182/2012, Series I of 19 September 2012, in force since 1st October 2012.

Amended by Article 36 of Decree-Law no. 247-B/2008 - Official Gazette no. 251/2008, 1st Supplement, Series I of 30 December 2008, in force since 31 December 2008.

Amended by Article 16 of Decree-Law no. 318/2007 - Official Gazette no. 186/2007, Series I of 26 September 2007, in force since 27 September 2007.

Article 13

Costs

1 - The company's incorporation procedure regulated by this decree-law implies the payment of costs regarding:

a) Fees provided for by the Fees Regulation of the Registry and Notary Offices;

b) The stamp duty, pursuant to the correspondent table.

c) Fees provided for by order of the Government member responsible for the justice area, in the case of trademark's acquisition.

2 - No personal fees are due within the scope of the special scheme for online incorporation of companies.

Amendments

Amended by Article 16 of Decree-Law no. 318/2007 - Official Gazette no. 186/2007, Series I of 26 September 2007, in force since 27 September 2007.

Article 14

Denominations and brands archive

1 - Within the procedure for incorporation of companies provided for by this decree-law, the denominations archive or the denominations and associated brands archive referred to in article 15 of Decree-Law no. 111/2005, of 8 July, shall be used.

2 - (Revoked).

Amendments

Amended by Article 16 of Decree-Law no. 318/2007 - Official Gazette no. 186/2007, Series I of 26 September 2007, in force since 27 September 2007.

Article 14-A

Intended use certificate

The holders of trademarks transmitted through this scheme are exempted from the submission of the first intended use certificate provided for by Article 256, paragraph 1, of the Industrial Property Code.

Amendments

Added by Article 17 of Decree-Law no. 318/2007 - Official Gazette no. 186/2007, Series I of 26 September 2007, in force from 27 September 2007.

Article 15

Subsidiary enforcement

The Commercial Registry Code applies, on a subsidiary basis, to the special scheme of online incorporation of companies.

Article 16

Protocols

1 - Protocols may be entered between the General Directorate of Registries and Notary Offices (DGRN) and the different Public Administration bodies involved in the company's incorporation procedure, aiming to establish the administrative procedures for data communication.

2 - The DGRN may also enter protocols with the General Directorate of Taxes or with the Certified Accountants Association aiming to establish the procedures regarding the filling and submission of the tax statement of beginning of activity and subsequent verification of these facts.

Article 17

Regulation

The following must be regulated by an order of the Minister of Justice:

- a) The designation, operation and functions of the website referred to in Article 1;
- b) The requirements and conditions of use of the electronic sign-in and electronic signature in the data indication and documents' submission on the above-mentioned website.

Chapter II

Legal amendments

Article 18

Amendment to the scheme of the National Legal Persons Registry

Article 45 of the National Legal Persons Registry's scheme, approved by Decree-Law no. 129/98, of 13 May, with the amendments introduced by Decree-Law no. 12/2001, of 25 January, Decree-Law no. 323/2001, of 17 December, Decree-Law no. 2/2005, of 4 January, Decree-Law no. 111/2005, of 8 July and Decree-Law no. 76-A/2006, of 29 March, are amended as follows:

“Article 45

[...]

1 - ...

2 - ...

3 - The issue of the denomination approval certificate provided for by paragraph 1 may be replaced by a verification of the denomination’s approval and acquisition, carried out electronically, under terms to be regulated by an order of the Minister of Justice.”

Article 19

Amendment to the Fees Regulation of the Registry and Notary Offices

Articles 27 and 28 of the Fees Regulation of the Registry and Notary Offices, approved by Decree-Law no. 322-A/2001, of 14 December, with the amendments introduced by Decree-Law no. 315/2002, of 27 December, by Law no. 32-B/2002, of 30 December, and by Decree-Laws no. 194/2003, of 23 August, 53/2004, of 18 March, 199/2004, of 18 August, 111/2005, of 8 July, 178-A/2005, of 28 October, rectified by the Rectification Statement no. 89/2005, of 27 December, 76-A/2006, of 29 March, and 85/2006, of 23 May, are amended as follows:

“Article 27

[...]

1 - ...

2 - ...

3 - Special schemes for immediate, online incorporation of companies:

3.1 - For the practice of acts covered by the special scheme for immediate incorporation of companies, with or without the appointment of the governing bodies or the company’s secretary - (euro) 360.

3.2 - The fee provided for in the preceding number has a unique value and includes the cost of the registry’s mandatory publication.

3.3 - From the fee provided for in paragraph 3.1, deducted from the tax due for the publication referred to in paragraph 3.2, two thirds belong to the commercial registry office and one third to the National Legal Persons Registry (RNPC).

3.4 - For the practice of acts comprised in the special scheme for online incorporation of companies, with or without the appointment of the governing bodies or the company’s secretary and with the option for an incorporation pact or act of the approved model - (euro) 360.

3.5 - In the case of online incorporation of companies, with or without the appointment of the governing bodies or the company’s secretary and with the option for an incorporation pact or act prepared by the stakeholders - (euro) 380.

3.6 - The fees provided for in paragraphs 3.4 and 3.5 have a unique value and include the cost of the registry’s mandatory publication.

4 - ...

4.1 - ...

4.2 - ...

4.3 - In the case of upholding in part, the fee mentioned in paragraph 4.1 shall be reduced by half.

5 - ...

6 - ...

7 - ...

Article 28

[...]

1 - ...

2 - ...

3 - ...

4 - ...

5 - ...

- 6 - ...
- 7 - ...
- 8 - ...
- 9 - ...
- 10 - ...
- 11 - ...
- 12 - ...
- 13 - ...
- 14 - ...
- 15 - ...
- 16 - ...
- 17 - ...
- 18 - ...
- 19 - Fees due by the special schemes of immediate and online incorporation of companies are reduced in 60 (euros) when the company's main activity is classified as an IT or similar activity or as research and development, in which case no fee contribution is due for this reduction.
- 20 - ...
- 21 - ...
- 22 - ...
- 23 - ...
- 24 - ...
- 25 - ...
- 26 - ...
- 27 - ...”

Article 20

Amendment to Decree-Law no. 8-B/2002, of 15 January

Article 4 of Decree-Law no. 8-B/2002, of 15 January, with the amendment introduced by Decree-Law no. 111/2005, of 8 July, is amended as follows:

“Article 4

[...]

1 - ...

2 - ...

3 - ...

4 - Employers incorporated under the special scheme of immediate incorporation of companies and under the special scheme for online incorporation of companies are deemed as unofficially registered in social security.”

Article 21

Amendment to Decree-Law no. 111/2005, of 8 July

Articles 1, 3, 6, 8, 11, 12, 14 and 15 of Decree-Law no. 111/2005, of 8 July, as amended by Decree-Law no. 76-A/2006, of 29 March, are replaced by the following:

“Article 1

[...]

This Decree-Law establishes a special scheme for immediate incorporation of commercial and civil law companies having a commercial form of a private and public limited liability company, with or without the simultaneous acquisition, by the companies, of a trademark.

Article 3

[...]

The following are prerequisites for the enforcement of this Decree-Law:

a) The selection of a denomination composed of a made-up expression previously created and reserved on behalf of the State, associated or not to the acquisition of a trademark previously registered on behalf of the State or to the submission of the denomination approval certificate issued by the National Legal Persons Registry; and

b) ...

Article 6

[...]

1 - The stakeholders of the company's incorporation submit their request to the competent service, expressing their option for a denomination or for a denomination and trademark and for the incorporation pact or act model.

2 - ...

Article 8

[...]

1 - After the initial verification of the identity, capacity and representation powers of the stakeholders for the act, as well as of the correctness of the submitted documents, the competent service performs the following acts, in the following order:

a) ...

b) Assignment, by computer and in favour of the company to be incorporated, of the chosen denomination or the chosen denomination and trademark and the legal person identification number (NIPC) associated to the denomination, in cases covered by Article 3, paragraph a) first part;

c) ...

d) ...

e) ...

f) ...

g) ...

h) ...

i) ...

2 - ...

Article 11

[...]

The non-completion of the procedure within the term referred to in Article 5 due to reasons attributable to the stakeholders shall determine the expiry of the right to use the denomination, or the denomination and trademark chosen related to the company to incorporate, pursuant to Article 8, paragraph 1, subparagraph b), not granting the right to the refund of the collected charges.

Article 12

[...]

1 - After the company's incorporation procedure is concluded, the competent service immediately delivers to the company's representatives, free of charge:

a) A certificate of the incorporation pact or act of the registry of the latter;

b) The payment receipt regarding the charges due;

c) Where the company's incorporation and the acquisition of the trademark registration are simultaneous, besides the above-mentioned documents, a proof document of this acquisition according to a model approved by the National Industrial Property Institute (INPI);

2 - In cases referred to in paragraph 1, subparagraph c) above, the INPI shall subsequently provide the company with a trademark registration title, as well as with a receipt regarding the payment of costs due for the trademark registration acquisition act.

Article 14

[...]

1 - The company's incorporation procedure provided for by this Decree-law implies the payment of costs regarding:

a) ...

b) ...

c) ...

d) Charges provided for in the Industrial Property Rates Table for the acquisition of the trademark registration, in cases where this fact occurs simultaneously with the company's incorporation.

2 - The State is exempt from the payment of the taxes due for the practice of acts before the INPI, pursuant to this Decree-Law.

3 - Without prejudice to the provisions of Article 11, no charges are due for the refusal of titration and registration and, in such cases, the amounts charged for the company's incorporation procedure regulated in this Decree-law must be returned.

4 - No personal fees are due for the companies' incorporation procedure regulated by this Decree-Law.

Article 15

Denomination and trademark

archive

1 -

2 - The RNPC and the INPI shall create an archive of reserved denominations and trademarks on behalf of the State, comprising made-up expressions and to which a NIPC and a trademark procedure number are associated, regardless of the location of the company's registered office, for the purpose of allocation to the companies to be incorporated within the scope of this Decree-law.

3 - The trademarks present in the above-mentioned archive are registered on behalf of the State, represented by the RNPC, for the products and services established by a joint order of the director-general of the Registries and Notary Offices and the chairperson of the INPI's board of directors.

4 - Until their allocation pursuant to Article 8, paragraph 1, subparagraph b), the denominations present in the archives referred to in paragraphs 1 and 2 are protected within the national territory.

5 - The use of the archive referred to in paragraph 2 implies the joint adoption of the denominations and trademarks reciprocally associated.

6 - The dependence referred to in the preceding paragraph expires with the conclusion of the immediate incorporation of the company, from which moment the denomination and trademark are autonomously in force.

7 - The reservation in favour of the State of the denominations in the archives referred to in paragraphs 1 and 2 above grants the right to its exclusivity within the national territory."

Chapter III

Final and transitional provisions

Article 22

Trial period

1 - The special scheme of immediate incorporation of companies with the simultaneous acquisition of the trademark registration operates on an experimental basis in the RNPC, in the corresponding service desks before the Companies' Formalities Centres of Lisbon, in the Commercial Registry Offices of Vila Nova de Gaia and Coimbra and in the corresponding service desk of the Companies' Formalities Centre of Coimbra, for a period of four months, from the entry into force of this decree-law.

2 - After the trial period provided for in the preceding paragraph, the extension of the scheme to other services depends on an order by the Minister of Justice.

Article 23

Entry into force

This decree-law enters into force on 30 June 2006, with the following exceptions:

a) The provisions of articles 1 and 17, regarding the preparation of the regulation mentioned therein, enter into force on the day following its publication;

b) The legislative amendments to Decree-Law no. 111/2005, of 8 July, enter into force on 14 July 2006;

c) The final part of paragraph c) of no. 1 of article 6, which allows the stakeholders to submit the company's online incorporation request through the submission of an incorporation pact or act prepared by them, enters into force on 31 October 2006.

Signature

Seen and approved in the Council of Ministers on 8 June 2006. - José Sócrates Carvalho Pinto de Sousa - António Luís Santos Costa - Fernando Teixeira dos Santos - Alberto Bernardes Costa - Manuel António Gomes de Almeida de Pinho - Fernando Medina Maciel Almeida Correia - José Mariano Rebelo Pires Gago.

Promulgated on 22

June 2006. Published.

The President of the Republic,

ANÍBAL CAVACO SILVA. Ratified on

26 June 2006.

The Prime-Minister, José Sócrates Carvalho Pinto de Sousa.

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