## **Portugal**

Self-rule

## INSTITUTIONAL DEPTH AND POLICY SCOPE

Portugal currently has two tiers of intermediate governance: an upper regional tier consisting of five deconcentrated *comissões de cooperação e desenvolvimento regional* (commissions for cooperation and regional planning) and a lower regional tier consisting of inter-municipal communities (*comunidades intermunicipais*) and the metropolitan areas of Oporto (*Área Metropolitana do Porto*) and Lisbon (*Área Metropolitana de Lisboa*). A third regional tier of eighteen deconcentrated *distritos* (districts) existed between 1976–2011. There are also two special autonomous regions, the *regiões autónomas* of Açores (Azores) and Madeira, which have extensive self-governance.<sup>1</sup>

Distritos (which included the Azores and Madeira until 1976) were created in the early nineteenth century and modeled on the French départements (Council of Europe: Portugal 1998, 2006; Law No. 20/1835). Throughout their existence they remained deconcentrated governments (Barreto 1984; Riegelhaupt 1979). In 1969 the central government created an additional upper tier of governance, regiões de planejamento (planning regions), which became general purpose in 1979. The authoritarian Estado Novo regime lasted until 1975; a new democratic constitution was introduced in 1976.

The democratic constitution envisioned a reorganization of subnational governance but did not allocate competences across the different levels (Loughlin 2001d; Opello 1992; Pedroso 1991). Distritos served as central government outposts concerned primarily with the coordination of socio-economic, educational, and cultural policies and with supervising municipalities (C 1976, Art. 238; Law No. 98/1998; No. 56/1991, Art. 17; OECD: Portugal 2008). They had an indirectly elected district assembly, an advisory executive council, and a governor appointed by the central government (Committee of the Regions 2005; Law No. 56/1991, Arts. 10, 14, and 26). The constitution foresaw the creation of regiões administrativas (administrative regions) to replace the distritos (C 1976, Arts. 255–262). But a plan to create eight decentralized regiões with elected assemblies was rejected by referendum in 1998 (Freire and Baum 2003; Magone 2011; Nanetti et al. 2004). In October 2011, the central government did not reappoint the gobernadors civil (civil governors) of the distritos and transferred competences, assets, and staff from the distritos to central government organizations (Law No. 114/2011). The distritos are de facto abolished but they are still mentioned in the constitution pending a constitutional amendment.

In 1979 the *regiões de planejamento* were renamed *comissões de coordenação regional* (regional coordinating commissions) and their role was expanded to general purpose deconcentrated government (Law No. 494/1979; No. 228/2012; Nanett et al. 2004; Pachecho Amaral 2016). In 2003 they were fused with the regional directorates of the central offices of environment and territorial organization (Law No. 104/2003; OECD: Portugal 2008). *Comissões* 

<sup>&</sup>lt;sup>1</sup> We do not code Macau.

are also responsible for regional development and oversee local governments on behalf of the central government (Committee of the Regions 2005).

Azores' autonomy was framed in 1975 (Law No. 458-B/1975 and No. 100/ 1976). A *junta regional* (regional council) headed by a *gobernador militar* (military governor) and answerable to the prime minister was charged with drafting an autonomy statute within ninety days. In 1976 a provisional autonomy statute was adopted (Law No. 458-B/1975, Art. 15; No. 318-B/1976; Pachecho Amaral 2016). The legislation for the Azores was modified in February 1976 to make it match the Madeira legislation, which put appointment of regional cabinet members in the hands of the council of ministers rather than the prime minister and slightly expanded the legislative authority of the *junta* (Law No. 100/1976).

A new national constitution was passed on April 2, 1976, which recognized the autonomy status of the regions, including the election of regional assemblies and executives (Lewis and Williams 1994; Pereira 1995). These regions were given authority to legislate within the parameters of national legislation and could pass laws in any area of regional interest not specifically reserved for the center. They also had authority over local government (C 1976, Art. 229.1).

Following the passage of the constitution, the provisional statute for the Azores was approved by the central government and by the existing regional government (Law No. 318-B/1976). It enumerated the competences of the regional assembly which included drawing up the final statute, approving the budget, appointing the regional representative to the central consultation body dealing with regional autonomy, and determining its own institutional set up (Law No. 318-B/1976, Art. 22). Regional legislation could be vetoed by the national minister of the republic, but the veto could be overturned by an absolute majority of the regional assembly (Law No. 318-B/1976, Art. 24). The Azores scores 3 on institutional depth and 2 on policy scope from 1976.

The Azores' special statute was revised in 1980, 1987, 1998, and 2009 to expand its policy competences. These powers include principal authority over a wide range of economic and cultural–educational policies, including agriculture, transport, tourism, regional planning, natural resources, culture, sport, local government, and taxation (Law No. 39/1980, Art. 7; No. 9/1987, Art. 26; No. 61/1998, Art. 32; No. 2/2009, Art. 34). Immigration and citizenship remain in the hands of the central government (C 1976, Art. 167). From 1980 the Azores scores 3 on policy scope.

In February 1976, Madeira institutions were created in a similarly incremental process (Law No. 101/1976). However, there was no clause stipulating that the regional assembly could propose an autonomy statute, and until a statute was passed, the *junta* and its president would remain in charge (Law No. 101/1976, Art. 11). The provisional Madeira autonomy statute was a short document establishing the governing institutions of the region and granting broad general competences, but with no discussion of fiscal autonomy, borrowing, or specific areas of autonomy for the region.

Madeira's autonomy statute was finally approved in 1991 (Law No. 13/1991) and amended in 1999 and 2000 (Aguiar et al. 2007: 73Law No. 130/1999; No. 12/2000). The 1991 statute formalized similar competences to those for the Azores (Law No. 13/1991, Arts. 29–30; No.

13/1999, Arts. 36–39). Regional legislation can be vetoed by the national minister of the republic, but the veto can be overturned with an absolute majority of the regional assembly (Law No. 13/1991, Art. 32; No. 13/1999, Art. 84).

A constitutional reform in 2004 (Law No. 1/2004) incorporated the statutory changes for the autonomous regions into the national constitution, and Title VII of the constitution was reformed to further consolidate regional authority. Madeira scores 2 on institutional depth and 2 on policy scope from 1976 until 1990, $^{\beta}$  and as of 1991 Madeira scores 3 on institutional depth and 3 on policy scope.

A law effective between 2004–2008 (Law No. 10/2003) distinguished between two types of inter-municipal collaboration: *grandes áreas metropolitanas* (large metropolitan areas) and *comunidades urbanas* (urban communities).<sup>2</sup> A large metropolitan area could be established by at least nine municipalities (*concelhos*) which collectively had at least 350,000 inhabitants. An urban community could be established by a minimum of three municipalities with at least 150,000 inhabitants (Law No. 10/2003, Art. 3; Oliveira 2009). Apart from different establishment criteria, there were other minor differences. For example, a large metropolitan area could appoint three executive directors whereas urban communities could appoint only one executive director (Law No. 10/2003, Art. 21). Five *grandes áreas metropolitanas* and ten *comunidades urbanas* collectively included 176 municipalities and they governed over about 4.8 million inhabitants. Their average population size was about 322,000 inhabitants.

Despite being classified as different entities, the autonomy exercised by metropolitan areas (grandes áreas metropolitanas) and urban communities (comunidades urbanas) was largely the same. They exercised tasks in education, environment, health, recreation, sanitation, sport, tourism, transportation, youth, and economic and social planning (Law No. 10/2003, Arts. 6 and 19; Oliveira 2009). These competencies were delegated by the member municipalities and central state administration (Council of Europe: Portugal 2012; Law No. 10/2003, Art. 6). Grandes áreas metropolitanas and comunidades urbanas score 1 on policy scope.

A reform in 2009 abolished the metropolitan areas and urban communities and introduced comunidades intermunicipais (inter-municipal communities) (Silva 2017). The grandes áreas metropolitanas and comunidades urbanas could reconstitute themselves as an inter-municipal community. The territorial boundaries of the 21 comunidades intermunicipais coincide with those of the NUTS-3 regions and their average population size is about 260,000 inhabitants. An intermunicipal community is established when an absolute of majority of the assemblies of the municipalities within the NUTS-3 region adopt the statute of the comunidad intermunicipais. Non-deciding or opposing municipalities can be forced to join a comunidad intermunicipaies and 21 inter-municipal communities together with the metropolitan areas of Oporto and Lisbon (discussed below) cover the whole of mainland Portugal since 2009 (Law No. 45/2008, Art. 4; No. 75/2013, Art. 139; OECD 2008: 113–116; Silva and Teles 2018).

<sup>&</sup>lt;sup>2</sup> The law on the establishment of metropolitan areas (Law No. 10/2003) was adopted on 13 May 2003 after which *grandes áreas metropolitanas* and *comunidades urbanas* were being set-up and most of these were established in 2004 (Council of Europe: Portugal 2006).

The competencies exercised by inter-municipal communities (comunidades intermunicipais) are broader than those exercised by its predecessors, the grandes áreas metropolitanas and comunidades urbanas. Comunidades intermunicipais are responsible for economic development, wastewater treatment, waste disposal, vocational education, spatial planning, environmental protection, public health facilities, public transport, and cultural, sports, and leisure facilities (Council of Europe: Portugal 2012; Law No. 45/2008, Art. 5; No. 75/2013, Art. 81; Oliveira 2009). The competences for comunidades intermunicipais will be expanded to include school bus transport, health care, firefighting brigades, tourism, and the management of EU funds during a reform that will be implemented between 2019 and 2021 (Law No. 50/2018, Arts. 30–37). Comunidades intermunicipais score 2 on policy scope.

Oporto (Área Metropolitana do Porto) and Lisbon (Área Metropolitana de Lisboa) have been metropolitan cities with a distinct status since 1991 either laid down in their own law (between 1991–2003 and 2009–2012; Law No. 44/1991; No. 46/2008) or in a separate section of a general law (between 2004–2008 and since 2013; Law No. 10/2003, Art. 8; No. 75/2013, Arts. 66–79).<sup>3</sup> The competencies exercised by Oporto and Lisbon were limited to water supply, environmental protection, spatial planning, and public transport between 1991 and 2003 (Law No. 44/1991, Art. 3; Oliveira 2009) and were extended to include economic development, education, health, tourism, culture, youth, leisure, and sport in 2004 (Law No. 10/2003, Art. 6; No. 46/2008, Art. 4; No. 75/2013, Art. 67).<sup>4</sup> Since 2004, Oporto and Lisbon also receive other tasks delegated by the participating municipalities and central government (Law No. 10/2003, Art. 6; No. 46/2008, Art. 4.3; No. 75/2013, Art. 67.3). Área Metropolitana do Porto and Área Metropolitana de Lisboa score 1 from 1991–2003 and 2 as of 2004 on policy scope.

## FISCAL AUTONOMY

The deconcentrated *comissões* depend on national and EU grants and have no autonomous tax authority (Law No. 494/1979, Art. 12; No. 228/2012, Art. 5; Nanetti et al. 2004). *Distritos* were deconcentrated state administrations that depended on local and central governmental grants (Law No. 56/1991, Arts. 36–39).

The statutes of the Azores and Madeira grant the right to tax within the framework of national law beginning in 1976 (Law No. 318-B/1976, Art. 53; No. 39/1980, Art. 82; No. 9/1987, Art. 95; No. 13/1991, Art. 67), from which point the regions score  $2^{\alpha}$  Since 1998, they can set the rate of income, corporate, and consumption taxes (Law No. 13/1998, Arts. 12–13 and 22; No. 1/2007, Arts. 16-17 and 19). In 2013, an amendment to the law on the finances of the autonomous regions reduced the rate deduction rates for VAT and corporate and personal income tax from 30 to 20 per

\_

<sup>&</sup>lt;sup>3</sup> The 1991 arrangement for Oporto and Lisbon was extended to five other metropolitan areas and they all became *grandes áreas metropolitanas* from 2004-2008 (Law No. 10/2003, Arts. 39–40). The 2013 local government reform made metropolitan areas (*área metropolitana*) a general category within the local government law but only Oporto and Lisbon are included in this category (Law No. 75/2013, Annex II).

<sup>&</sup>lt;sup>4</sup> As of 2008, Oporto includes 17 instead of 9 municipalities and its population size grew from around 1.3 to about 1.8 million inhabitants. We adjust the country score for this increase in population size.

cent (Fortuna 2016: 160–167; Law No. 2/2013, Arts. 25–26; Paixão and Baleiras 2013). Prior to the democratic transition, these regions did not have fiscal autonomy.

Grandes áreas metropolitanas and comunidades urbanas and their successors comunidades intermunicipais are fiscally fully dependent on user fees and intergovernmental transfers from the member municipalities, central government, and the European Union (Law No. 10/2003, Art. 7; No. 45/2008, Art. 26; No. 73/2013, Art. 68; Silva and Teles 2018). A similar fiscal regime applies to Oporto and Lisbon since 1991 (Law No. 44/1991, Art. 5; No. 10/2003, Art. 7; No. 46/2008, Art. 25; No. 73/2013, Arts. 2 and 68).

#### **BORROWING AUTONOMY**

Neither the deconcentrated *comissões* (Law No. 494/1979, Art. 12; No. 228/2012, Art. 5; Nanetti et al. 2004) nor the *distritos* have borrowing autonomy (Law No. 56/1991, Arts. 36–39).

The autonomy statutes for the Azores and Madeira stipulated that loans could be obtained via the national bank of Portugal or needed approval by the central government (Law No. 318-B/1976, Art. 58; No. 39/1980, Art. 87; No. 9/1987, Art. 101; No. 13/1991, Art. 72), so beginning in 1976 these regions score 1. With the adoption of a regional finance law in 1998 (slightly amended in 2007) the Azores and Madeira obtained more borrowing autonomy. Loans in foreign currency still must be approved by the central government but other loans can be freely obtained under rules laid down in law (Law No. 13/1998, Art. 23; No. 1/2007, Art. 27). Interest and debt repayment resulting from short term loans may not exceed 35 percent of current revenue and long term borrowing is allowed only for investment purposes (Law No. 13/1998, Arts.23.2 and 25; No. 1/2007, Art. 27.3). In addition, since 2007, the regional finance law established the general principle that debt issued by the regions cannot be guaranteed by the state (Fortuna 2016: 160–167; Law No.1/2007, Art. 35; OECD: Portugal 2008). Azores and Madeira score 2 beginning in 1998.

Borrowing autonomy for Azores and Madeira has been affected by stricter central government control on their budgets since 2016 when a reform of the state budget law introduced the possibility for the central government to set limits on the annual indebtedness of the autonomous regions (Law No. 151/2015, Art. 29). In addition, the reform requires autonomous regions to provide the central government with information on their annual budgets and accounts and they must provide detailed information on budget execution on a monthly basis (Law No. 151/2015, Art. 74; Pachecho Amaral 2016). We interpret this as a priori control on borrowing and Azores and Madeira score 1 on borrowing autonomy as of 2016.<sup>β</sup>

Grandes áreas metropolitanas, comunidades urbanas, and their successors comunidades intermunicipais are allowed to borrow on the same terms as municipalities and the issuing of bonds needs prior approval from the ministry of finance. Loans can only be taken out for investment in capital and annual charges may not exceed 25 per cent of the share of state taxes or 20 per cent of capital investment spending during the previous year (Council of Europe: Portugal 2006, 2012; Law No. 10/2003, Art. 8; No. 45/2008, Art. 27; No. 73/2013, Art. 70). A similar borrowing regime

-

<sup>&</sup>lt;sup>5</sup> The grant from the central government allocated to the *comunidades intermunicipais* will be increased when their competences will be increased between 2019–2021 (Law No. 51/2018, Arts. 30A and 80B).

applies to Oporto and Lisbon since 2004 (Law No. 10/2003, Art. 8; No. 46/2008, Art. 26; No. 73/2013, Arts. 2 and 70). Between 1991 and 2003, Oporto and Lisbon were not allowed to borrow (Law No. 44/1991, Art. 5).

## REPRESENTATION

The *comissões* have no democratic representation, though they are advised by two consultative chambers—one for sectoral interests and one for municipal interests. Elected local representatives do not constitute a majority in these councils (Law No. 494/1979, Arts. 9–10; No. 228/2012, Arts. 7–8; Nanetti et al. 2004; OECD: Portugal 2008).

Distritos had an assembly dominated by local interests. It is comprised of representatives of the *câmaras municipais* (municipal executives), *assembleias municipais* (municipal assemblies), and *freguesias* (parish councils). Executive power was in the hands of a *gobernador civil* (civil governor), appointed by the central government, who was assisted by an advisory body consisting of four to six members elected by the district assembly and four policy specialists appointed by the central government (Committee of the Regions 2005; Council of Europe 1998, 2006; Law No. 56/1991, Arts. 26–31 and 40–41).

In the Azores and Madeira, *assembleias* are directly elected on a four-year cycle and the *governo regional* (regional executive) is responsible to the *assembleia* (C 1976, Art. 231).

The assemblies of the grandes áreas metropolitanas (assembleia metropolitana) and comunidades urbanas (assembleia da comunidade urbana) were indirectly elected by the councils of the member municipalities. The chairs of the member municipal councils elected a president and two vice-presidents (junta metropolitana/junta da comunidade urbana) (Law No. 10/2003, Arts. 13 and 19). There was also a council (conselho metropolitan/conselho da comunidade urbana) which advised the metropolitan assembly (Law No. 10/2003, Art. 24). This council consisted of assembly members and the president of the comissão de coordenação e desenvolvimento regional as well as representative from public interest organizations from within the area of the grandes áreas metropolitana or comunidad urbana (Law No. 10/2003, Art. 23).

The assembly of the *comunidades intermunicipais* (assembleia intermunicipal) is elected by the members of the assemblies of the participating municipalities on a proportional basis (Law No. 45/2008, Art. 11; No. 75/2013, Art. 83). The executive (conselho executivo) consists of the presidents of the councils of the municipalities within the comunidades intermunicipais who elect a president and two vice-presidents among themselves (Law No. 45/2008, Art. 15; No. 75/2013, Art. 88). The conselho executivo is advised by a council (órgão consultivo until 2012 and conselho estratétigo para o desenvolvimento since 2013) composed of representatives from central state administration and from economic, social and cultural organizations from within the comunidad intermunicipais (Law No. 45/2008, Art. 7; No. 75/2013, Art. 98).

Between 1991 and 2012, Oporto and Lisbon had assemblies (assembleia metropolitana) indirectly elected by the councils of the member municipalities and executives (junta metroipolitana) consisting of the mayors from the municipalities from within the metropolitan area who elected a president and two vice-presidents among themselves (Law No. 44/1991, Arts. 9 and

13, No. 10/2003, Arts. 13 and 19; No. 46/2008, Arts. 9 and 13). As of 2013, the assemblies (conselho metropolitano) consist of the mayors from the member municipalities and the executives (comissão executiva metropolitana) includes one first secretary (primeiro-secretário) and four metropolitan secretaries (secretário metropolitano) who are elected by the councils of the member municipalities (Law No. 75/2013, Arts. 69 and 73–77). Oporto and Lisbon also have a consultative committee advising the metropolitan council and executive since 1991. This body was named conselho metropolitano between 1991–2003, conselho da grande área metropolitana between 2004–2008, órgão consultivo between 2008–2012, and conselho estratégico para o desenvolvimento metropolitano since 2013 (Law No. 44/1991, Art. 18; No. 10/2003, Art. 23; No. 46/2008, Art. 5; No. 75/2013, Art. 98).

#### Shared rule

Distritos, comissões de cooperação e desenvolvimento regional, comunidades urbanas, grandes áreas metropolitanas, comunidades intermunicipais, Área Metropolitana do Porto, and Área Metropolitana de Lisboa do not have shared rule, but there is shared rule for the autonomous regions of the Azores and Madeira.

#### LAW MAKING

Five regional representatives for Azores and six for Madeira are directly elected to the unicameral assembleia nacional (national assembly), but the regions are not special electoral units. However, the assemblies of Madeira and Azores can influence—though not co-decide—national policies that affect their regions. Beginning with the 1976 constitution, they can propose legislation in the national legislature (L5) (C 1976, Art 170.1). Since 2005, the national assembly is constitutionally bound to consult the regional assemblies, and each regional assembly can submit amendments or legislative drafts with respect to taxation, environmental policy, criminal law, law and order, regional planning, and social security. If the national parliament approves these drafts, they become law in the region (L5) (C 2005, Art. 227.1v; Law No. 1/2004).

## **EXECUTIVE CONTROL**

There are several mechanisms for regional input in executive policy making, but none of these enable the autonomous regions to bind the central government. The presidents of the governments of the Azores and Madeira sit on the *conselho do estado* (council of state), which gives non-binding advice to the president on the executive's discretionary powers, including dissolution of the national or regional assemblies and declaration of war (C 1976, Arts. 145 and 148). More consequential for day-to-day policy making is a constitutional requirement for the central government to consult the government of an autonomous region on issues that might affect it.<sup>a</sup> This obligation has been extended in successive constitutional reforms, and since 2005 it also encompasses EU policy making (C 2005, Art. 227.1v; Lanceiro s.d; Law No. 1/2004). Azores and Madeira score 1 from 1976.

#### FISCAL CONTROL

Before the regional finance law of 1998, the Azores and Madeira regularly discussed matters of fiscal and monetary policy with the central government on an ad hoc basis. <sup>α</sup> These meetings were not institutionalized and did not result in binding decisions (Fortuna 2016: 160–167; Harloff 1987). Since 1998, the regional finance law stipulates that the central government and the governments of Azores and Madeira have to coordinate their taxing powers in a financial council (*conselho de acompanhamento das políticas financeiras*). This is an advisory body whose members are appointed by central and regional governments (Law No. 13/1998, Arts. 3–9). Since 2007, the financial council meets at least once a year, contains one representative from Azores and one representative from Madeira, and is presided by a representative of the ministry of finance (Law No. 1/2007, Art. 11).

## **BORROWING CONTROL**

Borrowing control did not exist until 1998 when the annual state budget could impose indebtedness ceilings for Azores and Madeira (Fortuna 2016: 160-167).<sup>α</sup> The autonomous regions may make proposals but annual budget legislation is adopted by the national parliament (Law No. 13/1998, Art. 26; No. 1/2007, Art. 30). The penalty for infringing the indebtedness limits is a commensurate reduction in transfers from the center (Da Cunha and Silva 2002).

## CONSTITUTIONAL REFORM

Ultimate authority for the statutes of Azores and Madeira lies with the Portuguese parliament. However, the regional assemblies have agenda setting power since they must initiate the process by submitting a draft statute (C. 1976, Art. 228 and C 2005, Art. 226). If the national assembly amends the draft, it is sent back to the regional assembly for consultation. As of 1976 Azores and Madeira score 2 on bilateral constitutional shared rule.

## **Primary references**

- Portugal. (1835). "Law No. 20/1835. Carta de Lei de 25 de Abril de 1835. (Divisão Administrative do Paiz)." April 25, 1835.
- Portugal. (1975). "Law No. 458-B/1975. Decreto-Lei no. 458-B/76 de 22 de Agosto." August 22, 1975.
- Portugal. (1976). "Law No. 100/1976. Decreto-Lei no. 100/76 de 3 de Fevereiro. Introduz alterações no Decreto-Lei no. 458-B/75, de 22 de Agosto, que cria na região dos Açores uma junta administrativa e de desenvolvimento regional. Extingue a Comissão de Planeamento Regional, criada pelo Decreto-Lei no. 48905, de 11 de Março de 1969. "February 3, 1976.
- Portugal. (1976). "Law No. 101/1976. Decreto-Lei no. 101/76 de 3 de Fevereiro. Cria na região da Madeira uma junta administrativa e de desenvolvimento regional designada por Junta Regional." February 3, 1976.

- Portugal. (1976). "Constitution of the Portuguese Republic." April 2, 1976.
- Portugal. (1976). "Law No. 318-B/1976. Decreto-Lei no. 318-B/76 de 30 de Abril. Estatuto Provisório da Região Autónoma dos Açores" April 30, 1976.
- Portugal. (1979). "Law No. 494/1979. Decreto-Lei no. 494/79 de 21 de Dezembro. Revogado pelo art. 76. do DL no. 224/2001, de 9/8, com excepção do artigo 1. na parte em que procede à criação das CCR." December 21, 1979.
- Portugal. (1980). "Law No. 39/1980. Lei no. 39/80 de 5 de Agosto. Estatuto Politico-Administrativo da Região Autónoma dos Açores" August 5, 1980.
- Portugal. (1987). "Law No. 9/1987. Lei no. 9/87 de 25 de Março. Primeira Revisão do Estatuto Político-Administrativo da Região Autónoma dos Açores." March 25, 1987.
- Portugal. (1991). "Law No. 13/1991. Lei no. 13/91 de 5 de Junho. Estatuto Politico-Administrativo da Regicão Autónoma da Madeira." June 5, 1991.
- Portugal. (1991). "Law No. 44/1991. Lei no. 44/91 de 2 de Agosto Áreas metropolitanas de Lisboa e do Porto." August 2, 1991.
- Portugal. (1991). "Law No. 56/1991. Lei no. 56/91 de 13 de Agosto. Lei quadro das Regiões administrativas." August 13, 1991.
- Portugal. (1998). "Law No. 13/1998. Lei no. 13/98 de 24 de Fevereiro. Lei de Finanças das Regiões Autónomas." February 24, 1998.
- Portugal. (1998). "Law No. 61/1998. Lei no. 61/98 de 27 de Agosto. Segunda alteração ao Estatuto Político-Administrativo da Região Autónoma dos Açores." August 26, 1998.
- Portugal. (1998). "Law No. 98/1998. Lei no. 19/98 de 28 de Abril. Lei de criação das regiões administrativas." April 28. 1998.
- Portugal. (1999). "Law No. 130/1999. Lei no. 130/99 de 21 de Agosto. Primeira revisão do Estatuto Político-Administrativo da Região Autónoma da Madeira." August 21, 1999.
- Portugal. (2000). "Law No. 12/2000. Lei no. 12/2000 de 21 de Junho Segunda alteração do Estatuto Político-Administrativo da Região Autónoma da Madeira." June 21, 2000.
- Portugal. (2003). "Law No. 10/2003. Lei no. 10/2003 de 13 de Maio Estabelece o regime de criação, o quadro de atribuições e competências das áreas metropolitanas e o funcionamento dos seus órgãos." May 13, 2003.
- Portugal. (2003). "Law No. 104/2003. Decreto-Lei no. 104/2003 de 23 de Maio. Extingue as comissões de coordenação regionais e as direcções regionais do ambiente e do ordenamento do território e cria as comissões de coordenação e desenvolvimento regional no âmbito do Ministério das Cidades, Ordenamento do Território e Ambiente." May 23, 2003.
- Portugal. (2004). "Law No. 1/2004. Lei Constitucional no. 1/2004 de 24 de Julho. Sexta revisão constitucional." July 24, 2004.
- Portugal. (2005). "Constitution of the Portuguese Republic." July 24, 2004.
- Portugal. (2007). "Law No. 1/2007. Lei Orgânica no. 1/2007 de 19 de Fevereiro. Aprova a Lei de Finanças das Regiões Autónomas, revogando a Lei no. 13/98, de 24 de Fevereiro." February 19, 2007.
- Portugal. (2008). "Law No. 45/2008. Lei no. 45/2008 de 27 de Agosto Estabelece o regime jurídico

- do associativismo municipal, revogando as Leis n.os 10/2003 e 11/2003, de 13 de Maio." August 27, 2008.
- Portugal. (2008). "Law No. 46/2008. Lei no. 46/2008, de 27 de Agosto Estabelece o Regime Jurídico das Áreas Metropolitanas de Lisboa e do Porto." August 27, 2008.
- Portugal. (2009). "Law No. 2/2009. Lei no. 2/2009 de 12 de Janeiro. Aprova a teceira revisão do Estatuto Político-Administrativo da Região Autónoma dos Açores." January 12, 2009.
- Portugal. (2011). "Law No. 114/2011. Decreto-Lei no. 114/2011, de 30 de Novembro." June 30, 2011.
- Portugal. (2012). "Law No. 228/2012. Decreto-Lei no. 228/2012 de 25 de outubro." October 25, 2012.
- Portugal. (2013). "Law No. 2/2013. Lei Orgânica no. 2/2013 de 2 de Setembro. Lei das Finanças das Regiões Autónomas." September 2, 2013.
- Portugal. (2013). "Law No. 73/2013. Lei no. 73/2013 de 3 de setembro Estabelece o regime financeiro das autarquias locais e das entidades intermunicipais" September 3, 2013.
- Portugal. (2013). "Law No. 75/2013. Lei no. 75/2013 de 12 de setembro Estabelece o regime jurídico das autarquias locais, aprova o estatuto das entidades intermunicipais, estabelece o regime jurídico da transferência de competências do Estado para as autarquias locais e para as entidades intermunicipais e aprova o regime jurídico do associativismo autárquico." September 12, 2013.
- Portugal. (2015). "Law No. 151/2015. Lei no. 151/2015 de 11 de setembro. Lei de Enquadramento Orçamental." September 11, 2015.
- Portugal. (2018). "Law No. 50/2018. Lei no. 50/2018 de 16 de Agosto. Lei-quadro da transferência de competências para as autarquias locais e para as entidades intermunicipais." August 16, 2018.
- Portugal. (2018). "Law No. 51/2018. Lei no. 51/2018 de 16 de Agosto. Altera a Lei das Finanças Locais, aprovada pela Lei no. 73/2013, de 3 de setembro, e o Código do Imposto Municipal sobre Imóveis, aprovado pelo Decreto -Lei no. 287/2003, de 12 de novembro." August 16, 2018.

## **Secondary references**

- Aguiar, Gerardo Delgado. 2007. Puertos y Sistemas Portuarios de las Islas Atlanticas Europeas. Ediciones IDEA.
- Barreto, António. 1984. 'Estado central e descentralização: antecedentes e evolução, 1974–84.' *Análise Social*: 191–217.
- Baum, Michael A. and, Freire, André. 2003. "Parties and Territory in Portuguese Politics." In Jeanie Bukowski, Simona Piattoni, and Marc E. Smyrl (eds.), *Between Europeanization and Local Society: Political Actors and Territorial Governance*, 21–46. Lanham, Md.: Rowman & Littlefield.
- Committee of the Regions. 2005. Devolution Process in the European Union and the Candidate

- Countries. Devolution Schemes (Situation on January 2005 in 28 Countries). Brussels: Committee of the Regions.
- Council of Europe. 1998. Regionalisation and Its Effects on Local Self-Government: Local and Regional Authorities in Europe. (No.64). Strasbourg: Council of Europe Publishing.
- Council of Europe. 1998. *Structure and Operation of Local and Regional Democracy. Portugal.* Strasbourg: Council of Europe.
- Council of Europe. 2003. *Local and Regional Democracy in Portugal*. Strasbourg: Council of Europe.
- Council of Europe. 2006. *Structure and Operation of Local and Regional Democracy. Portugal.* Strasbourg: Council of Europe.
- Council of Europe. 2012. Local and Regional Democracy in Portugal. Strasbourg: Council of Europe.
- Da Cunha, Jorge Correia, and Silva, Patricia. 2002. *Local Finance and Fiscal Consolidation in Portugal*. Banco de Portugal: Economic Bulleting.
- Elazar, Daniel J. 1991. Federal Systems of the World. A Handbook of Federal, Confederal and Autonomy Arrangements, 8–11. London: Longman.
- Fortuna, Mário. 2016. "Portugal's Multi-Level Finance Adjustments Within the Sovereign Debt and Euro Crises." In Ehtisham Ahmad, Massimo Bordignon, and Giorgio Brosio (eds.), *Multi-Level Finance and the Euro Crisis*, 148–174. Cheltenham: Edgar Elgar.
- Freire, André, and Baum, Michael A. 2003. "Referenda Voting in Portugal, 1998: The Effects of Party Sympathies, Social Structure and Pressure Groups." *European Journal of Political Research*, 42(1): 135–161.
- Freire, André, and Leite Viegas, José Manuel. (eds.) 2012. "Portuguese Politics Today." *Portuguese Journal of Social Sciences*, 11(2).
- Freire, André, and Manuel Meirinho. 2012. "Institutional Reform in Portugal: From the Perspective of Deputies and Voters Perspectives." *Pôle Sud Revue de Science Politique*, 36(1): 107–125.
- Harloff, Eileen M. 1987. *The Structure of Local Government in Europe: Survey of 29 Countries*, 113–119. The Hague: International Union of Local Authorities.
- Hooghe, Liesbet, and Gary Marks. 2001. *Multi-level Governance and European Integration*, 189–212. Oxford: Rowman & Littlefield Publishers.
- Humes, Samuel, and Eileen Martin. 1969. *The Structure of Local Government. A Comparative Survey of 81 Countries*, 594–599. The Hague: International Union of Local Authorities.
- John, Peter. 2001. Local Governance in Western Europe. London: Sage Publication.
- Journard, Isabella, and Per M. Kongsrud. 2003. "Fiscal Relations Across Government Levels." *OECD Economics Department Working Papers No.375*. Paris: OECD Publishing, 2003.
- Lewis, J. R., and A. M. Williams. 1994. "Regional Autonomy and the European Communities: The View from Portugal's Atlantic Islands." *Regional Politics and Policy*, 4(2): 67–85.
- Loughlin, John. 2001. "Portugal: The Difficulties of Regionalization." In John Loughlin (ed.), Subnational Democracy in the European Union. Challenges and Opportunities, 255–270.

- Oxford: Oxford University Press.
- Magone, Jozé M. 2011. "Portugal: Local Democracy in a Small Centralized Republic." In John Loughlin, Frank Hendricks, and Anders Lidström (eds.), *The Oxford Handbook of Local and Regional Democracy in Europe*, 384–409. Oxford: Oxford University Press.
- Nanetti, Raffaella Y., Helena Rato, and Miguel Rodrigues. 2004. "Institutional Capacity and Reluctant Decentralization in Portugal: the Lisbon and Tagus Valley Region." *Regional & Federal Studies*, 22(3): 375–386.
- OECD. 1997. Managing Across Levels of Government, 93–106. Paris: OECD.
- OECD. 1999. "Taxing Powers of State and Local Government." *OECD Tax Policy Studies No.1*, 63–64. Paris: OECD.
- OECD. 2008a. Review of Budgeting in Portugal. Paris: OECD.
- OECD. 2008b. OECD Territorial Reviews. Portugal. Paris: OECD.
- Oliveira, Fernanda Paula. 2009. "The Evolution and Regulation of the Metropolitan Areas in Portugal." *Working Paper*. Law School of the University of Coimbra.
- Opello Jr, Walter C. 1992. "Portuguese Regionalism in the Transition from the Estado Novo to the Single Market." *Regional & Federal Studies*, 1(2): 162–186.
- Pachecho Amaral, Carlos E. 2016. "Portugal." In Francesco Merloni (ed.), *Regionalisation Trends in European Countries*, 146–148. Strasbourg: Council of Europe.
- Pachecho Amaral, Carlos E. 2016. "Decentralisation and Asymmetries in Portugal." In Ferran Requejo, and Klaus-Jürgen Nagel (eds.), *Federalism Beyond Federations. Asymmetry and Processes of Resymmetrisation in Europe*, 203–222 London: Routledge.
- Paixão, Manuela, and Rui Nuno Baleiras. 2013. "Analysis of Debt Limits in the Regional and Local Finance Bills." *Occasional Paper No. 1/2013*. Conselho das Finanças Publicas.
- Pedroso, J.M. 1991. "Portugal: Overcoming the Central-Local Government Dichotomy." In Joachim J. Hesse (ed.), *Local Government and Urban Affairs in International Perspective:* Analyses of Twenty Western Industrialized Countries, 497–516. Baden-Baden: Nomos Verlagsgesellschaft.
- Pereira, Armando. 1991. "The System of Local Government in Portugal." In Richard Batley, and Gerry Stoker (eds.), *Local Government in Europe: Trends and Developments*, 134–145. Houndsmills: MacMillan.
- Pereira, Armando. 1995. "Regionalism in Portugal." In Barry Jones, and Michael Keating (eds.), *The European Union and the Regions*, 267–280. Oxford: Oxford University Press.
- Riegelhaupt, Joyce Firstenberg. 1979. "Os camponeses ea política no Portugal de Salazar—o Estado Corporativo eo 'apoliticismo' nas aldeias." *Análise Social*: 505–523.
- Silva, Carlos Nunes. 2017. "Portugal." In *Report on the State of Regionalism in Europe*, 86–87. Brussels: Assembly of European Regions. Full country report available at: <a href="http://bit.ly/AER-portugal">http://bit.ly/AER-portugal</a>
- Silva, Carlos Nunes. 2017. "Political and Administrative Decentralization in Portugal: Four Decades of Democratic Local Government." In Carlos N. Silva, and Ján Buček (eds.), *Local Government and Urban Governance in Europe*, 9–32. Switzerland: Springer International

Publishing.

- Silva, Patricia, and Filipe Teles. 2018. "Intermunicipal Cooperation: The Quest for Governance Capacity?" *International Review of Administrative Sciences*, 84(4): 619–638.
- Van Ginderachter, Jef. 1993. "Part II: Summary of the National Contributions." In Christian Engel, and Jef Van Ginderachter (eds.), *Trends in Regional and Local Government in the European Community*, 93–96. Leuven: Acco.

@Version, February 2021 - author: Arjan H. Schakel

# **Self-rule in Portugal**

			Institutional	Policy	Fiscal	Borrowing	Represe	6 16 1		
			depth	scope	autonomy	autonomy	Assembly	Executive	- Self-rule	
Distritos	I	1950-2011	1	0	0	0	1	0	2	
	<b>-&gt;</b>	1979-2011	1	0	0	0	1	0	2	
Comissões de cooperação e desenvolvimento regional	ı	1979-2018	1	0	0	0	0	0	1	
Açores	I	1976-1979	3	2	2	1	2	2	12	
	I	1980-1997	3	3	2	1	2	2	13	
	I	1998-2015	3	3	3	2	2	2	15	
	I	2016-2018	3	3	3	1	2	2	14	
Madeira	I	1976-1990	2	2	2	1	2	2	11	
	I	1991-1997	3	3	2	1	2	2	13	
	I	1998-2015	3	3	3	2	2	2	15	
	I	2016-2018	3	3	3	1	2	2	14	
Área Metropolitana do Lisboa	Ш	1991-2003	2	1	0	0	1	2	6	
	Ш	2004-2011	2	2	0	1	1	2	8	
	->	2012-2018	2	2	0	1	1	2	8	
Área Metropolitana de Porto	Ш	1991-2003	2	1	0	0	1	2	6	
	Ш	2004-2011	2	2	0	1	1	2	8	
	->	2012-2018	2	2	0	1	1	2	8	
Comunidades urbanas	Ш	2004-2008	2	1	0	1	1	2	7	
Grandes áreas metropolitanas	Ш	2004-2008	2	1	0	1	1	2	7	
Comunidades intermunicipais	III	2009-2011	2	2	0	1	1	2	8	
	->	2012-2018	2	2	0	1	1	2	8	

@Version, February 2021 – author: Arjan H. Schakel

## **Shared rule in Portugal**

			L	aw ı	maki	ing		<b>Executive control Fiscal control</b>			Borrowing control		Constitutional reform		Shared	
	-	L1	L2	L3	L4	L5	L6	М	В	М	В	М	В	М	В	rule
Distritos	1950-2011	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Comissões de cooperação e	1979-2018	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
desenvolvimento regional	1979-2018	U	U	U	U	U	U	U								
Açores	1976-1997	0	0	0	0	0.5	0	0	1	0	0	0	0	0	2	3.5
	1998-2018	0	0	0	0	0.5	0	0	1	0	1	0	1	0	2	5.5
Madeira	1976-1997	0	0	0	0	0.5	0	0	1	0	0	0	0	0	2	3.5
	1998-2018	0	0	0	0	0.5	0	0	1	0	1	0	1	0	2	5.5
Área Metropolitana do Lisboa	1991-2018	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Área Metropolitana de Porto	1991-2018	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Comunidades urbanas	2004-2008	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Grandes áreas metropolitanas	2004-2008	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Comunidades intermunicipais	2009-2018	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

National legislature has: L1 = regional representation; L2 = regional government representation; L3 = majority regional representation; L4 = extensive authority; L5 = bilateral regional consultation; L6 = veto for individual region. Total for shared rule includes the highest score of either multilateral (M) or bilateral (B).

@Version, February 2021 – author: Arjan H. Schakel