

2025 RULE OF LAW REPORT – TARGETED QUESTIONS

1. Regarding the recommendation to “step up efforts to improve the efficiency of the justice system, in particular of Administrative and Tax Courts”:

a. What is the state of play of the creation of specialised chambers in the administrative and tax superior courts enacted in 2023? [in writing] In case there is data available – is there evidence of their effects on efficiency?

Please find attached two files: one containing data on the caseload of the administrative and tax courts (in Portuguese), covering several indicators for the period 2015–2025; and another containing the most recent data on the caseload of first-instance courts for the period 2015–2024.

It should be noted that the data for 2025 (January to September) are still provisional and purely indicative, as they constitute management indicators and have not been subject to the usual quality control procedures applied to official justice statistics.

6. [in writing] Please provide an update on the remaining vacancies of the map of personnel of judicial clerks.

With reference to the statutory staffing tables currently in force, 840 judicial clerk positions remain vacant in first-instance courts.

In light of the existing staff shortfall, the Directorate-General for the Administration of Justice (DGAJ) has adopted measures to ensure that the placement of clerks is carried out according to rigorous criteria for prioritising the needs identified by courts after consideration of the vacancy levels.

This forms part of an effort to ensure the equitable distribution of the available resources, notably through the periodic staff movements of judicial clerks such as the extraordinary movement of October 2025, in which 172 clerks were transferred.

During the previous legislative term, the Government introduced measures to enhance judicial clerks' career prospects and attract more candidates.

In addition, we would like to transmit that the legislative proposal that establishes the recruitment rules for the specialized career of judicial clerks as well as the ministerial order setting out the objective criteria for the placement of judicial clerks are in the final stages of preparation. Once

established, these rules will allow new recruitment and promotion procedures to be launched to strengthen human resources and fill vacant job positions.

Lastly, the Ministry of Justice has asked the DGAJ to carry out a study on the needs of court registries, taking into account caseload and existing digitalisation processes, in order to issue a ministerial order on staffing levels. The study estimates that around 840 posts are needed. Approval of the ministerial order and the multi-year recruitment plan is in its final stages.

7. Regarding the preparation of the National Anti-Corruption Strategy and its action plan for the period 2025-2028:

a. What is the state of play of their preparation, and how are stakeholders being involved in this process?

The Anti-Corruption Agenda was approved on 20 June 2024, after being submitted to public consultation, and is composed of measures that have garnered wide consensus, covering the following areas: prevention, education and repression. It should be recalled that the preparation of the Agenda had contributions from all the parliamentary parties and more than 30 public entities and organizations and that the respective Technical Report was also submitted to public consultation, which highlights the participatory nature of this process.

Of the 42 measures proposed, the vast majority are in the final stages of implementation and 17 have already been completed. The measures that are not yet completed are pending intervention from the Parliament or are being addressed by a working group, involving academics and members of the judiciary, the public prosecution service and the bar, that has been created to proceed with a deeper revision of the Code of Criminal Procedure.

The 2026 State Budget determines in its article 233 that the Government shall adopt the National Anti-Corruption Strategy, as well as its action plan for the period 2025-2028, and this plan must contain specific objectives and measures, identify the entities responsible for implementation, setting a calendar and deadlines and providing for the publication of implementation indicators.

The government's priority is to complete the implementation of the Anti-Corruption Agenda, followed by an evaluation of its outcomes. Then, the strategy 2025-2028 will be prepared, in line with the EU guidelines.

It should be noted that the preparation of the new strategy will be a participated process, involving several stakeholders, similarly to what happened with the Anti-Corruption Agenda. In fact, the Strategy 2025-2028 should also be subject to public consultation.

b. What is expected to be the relation between the new Strategy and the Anti-Corruption Agenda? Will the new Strategy overtake the Anti-Corruption Agenda?

The new National Anti-Corruption Strategy does not appear as a reality disconnected from the Anti-Corruption Agenda, but rather as its structured and programmatic development. The Anti-Corruption Agenda was presented by the Government as a set of 42 measures to be immediately promoted throughout the legislature, expressly including the preparation and approval of a new National Anti-Corruption Strategy for 2025-2028. Under the terms of the article 233 of the State Budget for 2026, the new Strategy must be accompanied by a specific action plan, with objectives, definition of responsibilities, timeline and indicators.

The Anti-Corruption Agenda is the main political-programmatic reference in terms of preventing and combating corruption and the government's priority is to complete its implementation. The new strategy will be defined in line with an evaluation of the Agenda's outcomes and the European guidelines.

c. What steps do you envisage in view of ensuring that annual monitoring reports on the implementation of the action plan will be published in the future?

Article 233 of the State Budget for 2026 already points to the elements that should allow serious and publishable annual monitoring: the definition of concrete measures, the identification of the entities responsible, the establishment of an implementation schedule and indicators. On this basis, it will be expected that the most consistent institutional solution would be to expressly include in the action plan the obligation to prepare and publicly disclose annual implementation reports, with a predefined calendar, measurable indicators and clear identification of the monitoring coordinating entity.

In this regard, the Government, in accordance with the article 286 (2) of the State Budget for 2025, shared with the Assembly of the Republic a report on the progress of the implementation of the Anti-Corruption Agenda, which sets out the current status of each of the measures set out in the

Agenda. Also, the Government intends to continue providing regular updates on the progress of the Agenda's implementation.

In addition, we note that MENAC's institutional framework was strengthened in 2025 and one of its duties is to approve plans and annual reports of activities to be presented to the Parliament and the Government, which should naturally be articulated with the monitoring of the future Strategy.

d. Are there plans to evaluate the National Anti-Corruption Strategy 2020-2024?

The measures that form part of the Anti-Corruption Agenda involved a detailed evaluation of the 2020–2024 Strategy, therefore, it was considered unnecessary to produce a specific document on this matter.

The Technical Report of the Anti-Corruption Agenda expressly states the monitoring and evaluation of the Anti-Corruption Strategy 2020-2024, assessing the degree of implementation of the planned measures, the effectiveness of the measures implemented and the identification of those that have not been implemented, precisely to serve as a basis for the preparation of the 2025-2028 Strategy.

However, as mentioned above, a report on the progress of the implementation of the Anti-Corruption Agenda was already published.

8. What is the state of play of the implementation of the Anti-Corruption Agenda and what are the upcoming reforms, e.g. evaluation of the functioning of the Transparency Entity to assess the need for amendments to its legislative framework?

The Anti-Corruption Agenda, approved by the Council of Ministers in June 2024, comprises 42 measures and was presented as an instrument for the immediate implementation of the Government's priorities in the prevention and combat to corruption.

The Agenda is being implemented, with translation already visible in concrete legislative and institutional measures. As previously stated, of the 42 proposed measures, 17 have already been completed and the remaining ones are in the final stages of implementation.

Among the developments already materialized are, namely, the restructuring and institutional strengthening of MENAC by Decree-Law No. 70/2025, which overcome operational difficulties

detected since the creation of the body, giving it a more operational, stable and autonomous structure, the subsequent designation of the board of directors of MENAC by Resolution of the Council of Ministers No. 125/2025 and the order n.º 116/2026/1, of 18 March, that approved the human resources plan of MENAC.

In the context of reinforcing transparency in public procurement, the functionalities of the BASE Portal have been improved. In particular, it is being published more information regarding simplified direct awards, and it will soon be possible to treat and analyse large amounts of data using technologies such as *big data* and artificial intelligence.

Also within the area of corruption prevention, specifically within the Local Authorities, it was decided, by the Council of Ministers of 27 February 2025, to recruit 50 new inspectors for the Portuguese Audit Authority and the General Inspection of Agriculture, Sea, Environment and Spatial Planning.

Additionally, there is also a significant investment in strengthening the preparation of judges and other workers in public services, both through the Centre of Judicial Studies and the National Institute of Administration.

Beyond that, it is also important to underline that the Portuguese Parliament approved Law no. 5-A/2026, of 28 January, which establishes transparency rules applicable to private entities, national and foreign, that carry out legitimate representation of interests before public entities and creates the Transparency Register of Interest Representation. This Law regulates lobbying activities, implementing one of the main vectors of the Anti-Corruption Agenda and complying with international recommendations.

Regarding the education system, particular mention should be given to the conclusion of the Framework for Education in Ethics and Integrity and the inclusion of content on corruption in the programme of the Citizenship and Human Development subject.

In terms of repression of corruption, one of the key measures of the Agenda is the introduction of new mechanisms on asset recovery and confiscation, through the transposition of the Directive (EU) 2024/1260, of the European Parliament and of the Council. A working group created for this purpose prepared a preliminary legislative proposal, which was subject to public consultation. Subsequently, the legislative proposal was approved by the Council of Ministers on 11 December

2025 and was submitted to the Assembly of the Republic as Law Proposal No. 50/XVII/1, having been approved in the general debate on 13 February 2026.

Furthermore, in order to strengthen the efficiency and celerity of criminal proceedings, which is one of the most important measures of the Anticorruption Agenda, a legislative proposal was developed and approved by the Council of Ministers on 11 December and then submitted to the Assembly of the Republic as Law Proposal No. 54/XVII/1, having been approved in the general debate on 20 February 2026.

Also in relation to this matter, we note that a new working group, involving academics and members of the judiciary, the public prosecution service and the bar, has been created to proceed with a deeper revision of the Code of Criminal Procedure, which will also enable a large number of the measures in the Anti-Corruption Agenda to be fulfilled.

Finally, it is worth mentioning the strengthening of the Judicial Police resources, both in terms of recruiting more inspectors and in terms of digital transformation. Regarding the strengthening of human resources, more than 1000 inspectors will be recruited between 2022 and 2025. In terms of digital transformation, the key developments are the opening of a new digital forensics laboratory and the development of an application for analysing banking data.

With regard specifically to the Entity for Transparency, the Anti-Corruption Agenda identifies as a priority the promotion of its full activity, recalling that the entity started working in 2023. The 2024 Activity Report of the Constitutional Court stated that the EpT was in the process of strengthening capacity, with an expected increase in resources in 2025, which, in fact, occurred. Furthermore, the State Budget Law for 2026 also provides for the reinforcement of the budget allocation destined, among other entities, to the Entity for Transparency.

It can therefore be said that the efforts made in this area are already clearly visible, and a movement of functional consolidation and strengthening of the capacity of these entities is evident, which unequivocally reveals the Government's concern with their full operationalization, including the reinforcement of the respective means.

As for the following reforms, remains the approval of the National Anti-Corruption Strategy 2025-2028 and the respective action plan, whose adoption in 2026 is determined by the State Budget Law for 2026. Regarding the strengthening of the sanctioning regime established in the general

regime of the corruption prevention, it is necessary to first evaluate the effectiveness of the current regime, considering the structural changes of MENAC that took place in 2025. In addition, it is also necessary to fully operationalize the new transparency instruments referred at the Law no. 5-A/2026.