

**PUBLIC LAW**

# Public Financing Portugal 2030

**Background**

The purpose of this informative note is to highlight the recent publication of [Decree-Law 20-A/2023 of 22 March](#), which establishes the general rules for the application of the Portugal 2030 European Funds and the Asylum, Migration and Integration Fund for the programming period 2021-2027. In particular, this law aims to establish the general rules of the different thematic programmes, the requirements for the eligibility of beneficiaries and their obligations, and the methods and forms of financing.

Decree-Law 20-A/2023 entered into force on 23 March 2023 and applies to operations carried out under the extraordinary mechanisms to advance Portugal 2030 funds from the date of their reallocation to the respective programmes, with its effects dating back to the date of submission of the application.

[Ministerial Order 103-A/2023 of 12 April](#) was published pursuant to this law and contains the specific regulations of the thematic programme Innovation and Digital Transition of Portugal 2030.

In this informative note, we will highlight the main aspects of the general framework for the implementation of the European Funds of Portugal 2030, as well as the specific regulations of the thematic programme Innovation and Digital Transition. Finally, we will list the current calls for proposals published in the context of Portugal 2030.

**Objective and scope of application**

Decree-Law 20-A/2023 of 22 March establishes the general framework for the application of several European Funds for the period 2021-2027, in particular the European Regional Development Fund (ERDF) and the European Social Fund Plus (ESF+).

**This law aims to establish the general rules of the different thematic programmes, the requirements for the eligibility of beneficiaries and their obligations, and the methods and forms of financing.**

**Applications for the various funding programmes are submitted following the publication of calls for applications, which specify, among other things, the purpose and objectives pursued.**

This framework applies to the three types of programmes that make up Portugal 2030:

- a) Four thematic programmes: *(i)* Demography, Qualification and Inclusion, *(ii)* Innovation and Digital Transition, *(iii)* Climate Action and Sustainability, *(iv)* the Sea.
- b) Five regional programmes: *(i)* North, *(ii)* Centre, *(iii)* Lisbon, *(iv)* Alentejo, *(v)* Algarve.
- c) A technical assistance programme.

The provisions of this law also apply, with the necessary adaptations, to the programmes of the Autonomous Regions of the Azores and Madeira, to the territorial cooperation programmes and to the FAMI programme.

### General observations

- a) **Result-oriented:** the use of Portugal 2030 funds is focused on the results to be achieved, which should translate into more knowledge, innovation and added value, more sustainability and better use of resources, greater connectivity and proximity of territories, and the acquisition of more and better skills.

This has an impact on the processes of *(i)* selection of beneficiaries by acting as a weighting factor, *(ii)* allocation of resources by defining commitments and results indicators, *(iii)* implementation of the operation by presenting the results achieved.

- b) **Specific regulation:** although the general framework for the use of Portugal 2030 funds is set out in Decree-Law 20-A/2023, the specific regulations of the various thematic programmes are set out in their own legislation.

The specific regulations will include *(i)* the types of interventions and operations, *(ii)* the geographical area of application, *(iii)* the type of beneficiaries and any additional obligations.

- c) **Calls for and submission of applications:** applications for the various funding programmes are submitted following the publication of calls for applications, which specify, among other things, the purpose and objectives pursued, the geographical area of application, the eligible beneficiaries, the additional requirements and the selection criteria for the operations to be financed.

Applications are submitted through the [Balcão dos Fundos](#) (Funds' Desk) and they may be submitted individually or in cooperation between two or more entities. Cooperative applications may take one of three forms: *(i)* partnership, *(ii)* joint, or *(iii)* co-promotion.

## Beneficiaries

- Any natural or legal person from the public, cooperative, social or private sector, whether profit-making or not, may benefit from the Portugal 2030 European Funds. Entities expressly provided for in the specific regulations of the various programmes or in the calls for applications may also be beneficiaries.
- Failure on the part of the beneficiary to comply with their obligations, as well as the non-existence or loss of any of the conditions of eligibility, may result in the reduction or withdrawal of the support granted.

**Any natural or legal person from the public, cooperative, social or private sector, whether profit-making or not, may benefit from the Portugal 2030 European Funds.**

### 1. Eligibility requirements

From the date of submission of the application to the date of completion of the financing operation, beneficiaries must comply with several eligibility requirements. In particular, beneficiaries must:

- Be legally constituted and be up-to-date with regard to the CRBO<sup>1</sup>.
- Have fulfilled all tax and social security obligations.
- Be legally qualified to carry out the activity in question.
- Possess or be able to guarantee its own human resources and the technical and material means necessary to carry out the activity.
- Not be subject to insolvency proceedings.

### 2. Obligations

Regardless of any additional obligations that may result from the specific provisions of the thematic programmes, beneficiaries must:

- Carry out the operations in accordance with the approved terms and conditions, in particular as regards the timetable for implementation and compliance with the performance and results indicators.
- Keep the documents relating to the financing operation for a period of five years.
- Maintain the legal conditions necessary to conduct the activity.
- Repay any amounts unduly received.
- Provide the documentation/information necessary for the monitoring and evaluation of operations.

## Support, operations and payments

### 1. Form of support

The support to be granted under Portugal 2030 takes the form of (i) grants, (ii) financial instruments or (iii) a combination of the above. Grants may take the form of reimbursement of eligible costs, unit costs, lump sums or flat-rate financing.

<sup>1</sup> Central Register of Beneficial Owners

## 2. Eligibility of operations

To be eligible, operations must meet certain requirements. These include the following:

- i) Comply with approved programmes.
- ii) Comply with the applicable legal and regulatory provisions, including specific regulations.
- iii) Include output and result indicators allowing the contribution of the operation to the respective objectives to be evaluated.

**Each operation under Portugal 2030 will be subject to compliance with specific commitments linked to the approval of funding. These commitments take the form of performance and result indicators.**

## 3. Operation indicators

Each operation under Portugal 2030 will be subject to compliance with specific commitments linked to the approval of funding. These commitments take the form of performance and result indicators and are defined as minimum values in the calls for proposals.

The specific regulations of each thematic programme will define the penalty or bonus mechanisms associated with non-compliance or compliance with the performance and result indicators.

## 4. Payments

Payments to beneficiaries will be made in one of the following ways: *(i)* advance, *(ii)* reimbursement or *(iii)* final balance.

## PORTUGAL 2030: INNOVATION AND DIGITAL TRANSITION

We would also highlight the publication of [Ministerial Order 103-A/2023 of 12 April](#) on 12 April 2023. This sets out the specific regulations of the thematic programme Innovation and Digital Transition, of Portugal 2030.

### Objective and scope of application

Ministerial Order 103-A/2023 of 12 April lays down the common provisions applicable to the following Portugal 2030 incentive schemes:

- a) Incentive Scheme for Business Competitiveness
- b) Incentive Scheme for Research and Development
- c) Incentive Scheme with Territorial Basis
- d) Incentive Scheme for Climate and Energy Transition
- e) Incentive Scheme for the Qualification of Human Resources

## Beneficiaries

### 1. Eligibility requirements

In addition to the general eligibility conditions laid down in Decree-Law 20-A/2023 of 22 March, beneficiaries wishing to participate in the incentive schemes listed must also:

- i) Demonstrate that they are not in the situation of a company in difficulty.
- ii) Present a balanced economic and financial situation and prove that they have the financial capacity to carry out the proposed operation.
- iii) Present, where applicable, the electronic certificate attesting to their SME status.
- iv) Declare that they have no outstanding salary payment obligations.

### 2. Obligations

In addition to the obligations already imposed on beneficiaries by Decree-Law 20-A/2023 of 22 March, beneficiaries wishing to participate in the incentive schemes specifically regulated by Ministerial Order 103-A/2023 of 12 April must, for example:

- i) Obtain authorisation for any change or event relevant to the authorisation of the operation.
- ii) Not use for other purposes, lease, sell or otherwise encumber the goods and services acquired in the context of the supported operations without the prior authorisation of the body responsible for the decision approving the application.
- iii) Begin implementation of the operation within 90 working days of notification of the financing decision.

### Eligibility of operations

In addition to the eligibility requirements for operations already imposed by Decree-Law 20-A/2023 of 22 March, beneficiaries wishing to participate in the incentive schemes specifically regulated by Ministerial Order 103-A/2023 of 12 April must also:

- i) Demonstrate that the application or request for assistance has been submitted before the start of the work relating to the financing operation.
- ii) Prove, by means of a declaration signed by the applicant, that it has not received funding from any other type of instrument or, if activities supported by other instruments are included, prove that there is no overlapping of funding.

## PORTUGAL 2030: NEW CALLS FOR APPLICATIONS

The calls for applications can be consulted on the [Portugal2030](https://portugal2030.pt) website or at [Balcão dos Fundos](https://balcao-dos-fundos.pt). The currently open calls for applications are listed below:

CALL	PROGRAMME	DEADLINE
<a href="#">Professional Higher Technical Courses</a>	Algarve Regional Programme	31.03.2023 – 26.05.2023
<a href="#">Professional Higher Technical Courses (TeSP) – Public Bodies</a>	Northern Regional Programme	31.03.2023 – 02.05.2023
<a href="#">Technical Assistance</a>	Algarve Regional Programme	31.03.2023 – 21.04.2023
<a href="#">Health – Hospitals: Hospital Equipment</a>	Lisbon Regional Programme	31.03.2023 – 30.11.2023
<a href="#">Communication Methodologies for the European Funds</a>	Technical Assistance Programme	31.03.2023 – 15.06.2023
<a href="#">Professional Higher Technical Courses (TeSP) – Public Bodies</a>	Alentejo Regional Programme	31.03.2023 – 02.05.2023
<a href="#">Building the capacity of the Managing Authority to perform its responsibilities effectively</a>	Alentejo Regional Programme	31.03.2023 – 28.04.2023
<a href="#">Advanced Training</a>	Demography, Qualification and Inclusion Thematic Programme	31.03.2023 – 06.06.2023
<a href="#">Capacity Building for Partners of the Permanent Commission for Social Dialogue (CPCS)</a>	Demography, Qualification and Inclusion Thematic Programme	31.03.2023 – 06.06.2023
<a href="#">Protection and Defence of the Coast – Material Actions (1st Call)</a>	Climate Action and Sustainability Thematic Programme	31.03.2023 – 31.01.2024
<a href="#">Rail Infrastructure (RTE) – Modernisation of the Vendas Novas Line</a>	Climate Action and Sustainability Thematic Programme	31.03.2023 – 31.01.2024
<a href="#">Professional Higher Technical Courses (TeSP) Public Bodies – 2021/2023 cycle</a>	Central Regional Programme	31.03.2023 – 26.05.2023
<a href="#">Acquisition of Rolling Stock</a>	Climate Action and Sustainability Thematic Programme	03.31.2023 – 31.01.2024