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DISPUTE RESOLUTION

The Lobbying Law

The new law that establishes a general transparency framework applicable to the legitimate representation of interests was published on 29 January 2026, and this is the first such framework in Portugal. It creates the Transparency Register for the Representation of Interests (*Registro de Transparéncia da Representação de Interesses* – “RTRI”) at the Assembly of the Republic and implements a binding Code of Conduct for representatives and public entities. The law will enter into force 180 days after publication, with phased implementation and an ex-post evaluation.

This regulation follows strong public pressure for greater scrutiny of the relationship between the public and private sectors and brings Portugal into line with practices already in place in other European countries. Its main aim is to promote transparency and traceability of interactions, rather than to punish. The administrative sanctions are not particularly severe, and the framework provides for a review after three years, based on a public evaluation.

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1. What does the law do?

The law establishes a transparency framework for interactions between Portuguese and foreign public and private entities, creating the RTRI at the Assembly of the Republic to record and disclose relevant contacts. Registration does not grant preferential access to decision-makers, and it safeguards existing participation rights. Registration with the RTRI is a condition of transparency, not a guarantee of preferential or privileged access.

2. What is the representation of legitimate interests?

- Activities intended directly or indirectly to influence public policy, legislation, regulation, administrative acts, or public contracts, whether done on one's own behalf or on behalf of third parties.
- Contacts by any means, the submission of documents or position papers, organisation of events, and participation in consultations during the preparatory phase of legislative initiatives or other normative acts.

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This new law applies to sovereign bodies and their respective offices, both internal and external. It also applies to the governing bodies of the autonomous regions and the Republic's representatives, including their respective offices.

The law only covers public administration in the organic sense, including independent administrative bodies and regulatory bodies, so it seems that private entities performing public functions may not be subject to it.

3. Exclusions

- Acts inherent to legal representation by lawyers or paralegals.
- The role of social partners, such as trade unions and employers' and business organisations, in the context of social dialogue.
- Responses to personalised requests for information or formal invitations to hearings.
- Exercise of procedural rights under the Administrative Procedure Code and the Public Procurement Code, as well as under legislation on access to administrative documents, with a view to performing administrative acts or concluding contracts.
- The exercise of the right of petition, complaint, denunciation or grievance without remuneration or consideration.
- The exercise of other fundamental individual and institutional rights, particularly regarding the right to protest and freedom of expression, whether individual or corporate.

It is unclear whether requests for the drafting of administrative regulations, or other requests formally submitted under the general principles of the Administrative Procedure Code and Public Contracts Code, are excluded as well.

Participation in public consultations on the drafting of legislation and regulations appears to fall within the scope of the law. However, doubts arise in the latter case because such participation is conducted in the exercise of procedural rights set out in the Administrative Procedure Code.

4. Registration: who and when

Any individuals or entities wishing to represent their own or third parties' interests must register with the RTRI, which is a public register that is free of charge. Until the RTRI becomes operational, public bodies must record and disclose meetings held by them. Professional representatives of third parties have 60 days to register with the RTRI once it begins operating.

5. RTRI governance

The RTRI will be managed by a body defined by an Assembly of the Republic regulation. This body will be responsible for managing registrations and decisions on registration/cancellation, as well as for imposing sanctions. It will also consult with public bodies to ensure interoperability and the publication of data. The new law will define this management and monitoring model within six months of its publication.

6. Interaction with public entities

Registration with the RTRI is usually a mandatory prerequisite for holding meetings or participating in hearings, regardless of any procedural steps permitted under the Administrative Procedure Code or the Public Contracts Code. In sensitive cases, disclosure of contacts may be deferred, particularly where confidentiality, secrecy or data protection obligations apply. Public entities must make current consultations publicly available and adopt a legislative footprint to record interactions during the preparatory phase of normative initiatives. Any interactions with bodies holding legislative powers or a right of initiative must be identified using the designated form at the end of the procedure.

7. Representatives' duties

Registered entities must comply with their reporting obligations and ensure that the information they provide in the RTRI is accurate and up to date. They must identify their registration number and the individuals making contacts, while respecting the rules on access to public buildings. They must also refrain from obtaining preparatory documents through improper means or by breaching applicable rules and must not provide incomplete or inaccurate information. They must publicly appoint someone to be responsible for institutional public relations.

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Anyone who represents the professional interests of third parties must keep records of their contractual relationships in this area. These records may be requested by any public entity with which they intend to establish a professional relationship. Compliance with the Code of Conduct annexed to the new law, and with any applicable internal codes (e.g. those relating to gifts and hospitality), is mandatory, and such policies must be made public on the respective websites.

8. Incompatibilities and cooling-off periods

Regarding incompatibilities, the new law does not alter the cooling-off periods established in other statutes. However, it introduces several important new provisions:

- i) it extends the three-year cooling-off period to staff and cabinet members, and this applies only in relation to the legal entity, ministry, or body where they previously worked;
- ii) it provides that anyone holding political office, senior public office, positions in regulators or independent administrative authorities, or roles in support cabinets may not represent third-party interests; and

iii) imposes explicit conflict-prevention duties on intermediary entities. These duties must align with existing codes of conduct and professional rules. The two work together and the stricter rule always prevails. This includes avoiding simultaneous or successive representations that compromise independence, impartiality, or objectivity. It is also necessary to adopt or update internal conflict-management policies, such as client and interest mapping, information barriers, refusal procedures, and registers/transparency measures.

9. Sanctions

- Full or partial suspension of registration, restricted access for individuals, and suspension of contacts with public entities for up to two years.
- Exclusion from public consultations, with the publication of decisions on institutional websites.
- Judicial review before the administrative courts, as well as whistleblowing channels and real-time monitoring.
- Referral to the Public Prosecutor's Office where unregistered activity or false information is detected.

10. Evaluation and review

Public bodies must disclose the measures they have taken and publish annual reports. The Assembly of the Republic will conduct an annual evaluation of the RTRI (registrations, access, updates, processes, and sanctions), and a review of the framework is planned for after the publication of the three-year evaluation report.

11. When will it enter into force?

The Assembly of the Republic may begin creating the RTRI on the day following publication. The start date for registration will be announced by notice in the Official Gazette, *Diário da República*. The new law will enter into force 180 days after publication.

12. What should organisations do now?

Anyone interacting with public decision-makers should assess whether their activities constitute legitimate interest representation and, if so, prepare for RTRI registration and compliance with transparency duties. The new law strengthens a culture of responsibility and disclosure, with oversight, whistleblowing channels, and the possibility of judicial challenge, and includes legislative footprints, public agendas, and reports. Organisations must speed up the development of their compliance programme and implement internal and external control mechanisms to ensure compliance with the law. This involves mapping interactions, creating mandate records, and updating policies relating to offers/hospitality and conflicts of interest, among others. A well-developed, operational compliance programme is becoming increasingly essential across regulated and non-regulated sectors, including health, energy, financial services, and technology. It is now a requirement for lawfulness. It is also a critical mitigator of reputational and regulatory risk in the emerging legislative landscape. ■