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PRESIDÊNCIA DO CONSELHO DE MINISTROS



# INTRODUCTION



# 1 GOALS

**F**ocusing the whole Public Administration on the provision of a quick and effective response to the needs of both citizens and businesses is a goal that underlies the whole simplification process. It is also the fundamental principle behind **SIMPLEX 2006**.

This effort must help to increase people's trust in public services and public servants by facilitating their daily lives, the exercise of their rights and the fulfilment of their obligations, and reinforcing the protection of their fundamental rights.

It must enable enterprises to quickly obtain permits and authorisations and fulfil other formalities they need in order to get on with their business, or dispense them from such procedures when they are proven to be useless.

It must facilitate the rationalisation and efficiency of the Public Administration itself by promoting more sharing of resources and information between public departments, more cooperation in cross-cutting processes, and more networking

It must help Portugal to be more competitive by reducing the context costs of economic activities.





## 2 METHODS

### A SHARED RESPONSIBILITY

**S**implifying the law and administrative procedures is not something that any one ministry or public department can do on its own.

Simplification must be seen as a policy of continuously working to correct and compensate for excessive rigidity in both the form of the law and its associated regulatory and administrative practises, so that the Public Administration can respond effectively to the challenges of change and innovation that are inherent in today's world.

Undertaken under the Prime Minister's personal political direction, simplification must be a joint obligation and responsibility that each and every ministry shares in relation to its particular sphere of action.

This is why SIMPLEX 2006 is the outcome of a great deal of work by the whole government. The Office of the Secretary of State for the Presidency of the Council of Ministers and the Office of Public Services Reform (UCMA) have been selecting and systematising the proposed measures, and in future will be tasked with supervising and evaluating the whole programme.

### PUTTING IT INTO PRACTISE – TRANSPARENCY AND ACCOUNTABILITY

The Office of Public Services Reform will be in charge of controlling the programme's implementation. In doing so it will abide by the principles of transparency and accountability. Each calendar quarter it will produce a report on the measures that are already in place, and will explain the reasons for any delay.



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## 2006 – AN EXPERIMENT AND AN EXERCISE FOR THE FUTURE

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- **Simplex 2006** is a learning exercise. It is designed to lead public departments to continuously observe and survey their interactions with citizens and businesses alike, assess the costs and charges involved in each one, and question their relevance
- **Simplex 2006** is an open, participatory process that will stimulate and value both participation by the various public bodies and the mechanisms for consulting and listening to people and businesses. This participation will have to be precise and must specifically identify critical processes and procedures.
- **Simplex 2006** is an evolutionary programme. It identifies legal and bureaucratic constraints and blockages, groups them together, makes the applicable simplification measures coherent and consistent, and reformulates legal, regulatory and administrative environments.
- **Simplex 2006** is not a perfect programme, in the sense that it is not governed by a complete, ready-designed architecture based on rigid methods and articulations between all its measures that are already worked out to the millimetre. To a certain extent, in this initial phase it is also a pilot programme.
- **Simplex 2006** is not a complete programme that believes it can identify and implement all the necessary simplification measures by the end of this parliament. In 2006 we will be working out and adopting a methodology which is intended to provide us with a



more systematic assessment of the administrative burdens that exist for citizens and for businesses at the moment..

This assessment will then be used to establish the simplification priorities and the burden-reduction goals for 2007 and each of the following years.

## 3 THE SIMPLEX PROGRAMME

### FIRST ASSESS, THEN CORRECT

**I**t is possible to control and eliminate the excess administrative burdens that statutes and regulations or administrative procedures impose on citizens and businesses, either before they are created, or later on, when the negative impacts they generate become visible.

a) **Preventive simplification** is usually achieved by conducting an *ex-ante* assessment of the impact of legislative and/or administrative measures. Tests that assess the impact of rules (commonly known as regulatory impact assessment - RIA) are the instruments which are most widely used for this purpose. They are already in place in a number of EU countries, such as the United Kingdom and Belgium (Kafka test). In this phase it is also possible to opt for other approaches, like the Dutch one, which entail setting regulatory quotas based on the assessment and quantification of administrative costs, or controlling the stock of regulations (one in, one out).

Part I of this programme describes an RIA test which focuses on administrative costs and is to be applied to the Portuguese legislative process under the direct control of the Presidency of the Council of Ministers.



b) **Corrective (*ex-post*) simplification** is designed to alter the processes and procedures that are already in place as the result of existing laws and regulations, in cases in which there is a negative assessment of their impacts or usefulness.

The Office of Public Services Reform (UCMA) was charged with drawing up the simplification programme for 2006 (Part II). This meant coordinating and aggregating the measures that were proposed by the different ministries and departments and were due to be finalised by the end of the year. It will now be responsible for supervising those measures, implementation and assessing their progress, while simultaneously stimulating the growth of a culture which favours simplification by publicising the good practises that make a significant contribution to that goal.

These two aspects have been combined under the name **Simplex** 2006. The link between them is clear – without the first, the second would risk being an endless task!





# PART I



PRESIDÊNCIA DO CONSELHO DE MINISTROS





# 1 PREVENTIVE SIMPLIFICATION

## A DEFENCE AGAINST EXCESSIVE BUREAUCRACY

### 1.1 WHAT GOOD DOES RIA DO?

**T**hese days, the assessment of the regulatory impact is a technical tool that is indispensable to the legislative process. The issue that underlies the law is in the process of changing from the traditional paradigm of applying the law to concrete cases posed by neutral legal rules which are formulated in a general, abstract way, to one of emphasising the field of those rules' creation and their direct or indirect effects on the life of society and economic relations. This requires the legislator to ensure that the rules are of high quality, rational and efficient.

RIA is a good instrument for promoting better quality legislation. The legitimating of the legislative authority by the quality of the laws it produces, is fundamental so that people who are the targets of those legal rules are to feel that legislative work is based on solid justifications, trustworthy facts and analyses, and important values and interests. Simplifying legislative environments helps to increase the certainty, understandability and effectiveness of the Law. Modernising the legal and administrative environments enhances citizens' trust in political institutions, and helps to make the State and the Public Administration credible and to promote Portugal's competitiveness by reducing context costs.

Assessing the impact of rules in advance serves as an internal control of the legal validity and technical quality of lawmaking, and is simultaneously an important aid to political decision-making.

One of the most important goals of this type of assessment is undoubtedly to prevent the creation of excessive, disproportionate administrative burdens on people and businesses.



## 1.2 WHAT ARE ADMINISTRATIVE BURDENS

Administrative burdens are costs for citizens, businesses or other agents and sectors of activity, caused by the need to comply with administrative formalities and obligations to provide information, and by the imposition of legal or regulatory onuses or charges that are directly or indirectly linked to the exercise of rights and the practise of acts and activities.

## 1.3 WHAT IS THE “SIMPLEX TEST”

The “Simplex Test” (see Annexe) is the specialised technical instrument that aids legislator to preventively assess the “administrative burdens” imposed by legal rules.

It is a model for assessing the impact of rules. The first part of it is inspired by the Kafka test, which has been used in Belgium since October 2004. Other models also played a part in its design, such as the Regulatory Impact Assessment system used in the United Kingdom, and the European Commission’s “Impact Assessment Guidelines”. We also considered the conclusions and recommendations set out in the final reports issued by: the “High Level Group for Legislative Quality (Mandelkern Group)”; and Portugal’s “Commission for Legislative Simplification”, which was created by Council of Ministers Resolution no. 29/2001, dated 9 March 2001, and “Technical Committee of the Strategic Programme for the Quality and Efficiency of the Government’s Rulemaking Acts”, which was created by Order of the Minister of the Presidency no. 12017/2003 (*Diário da República*, Series II, 25 June 2003).

In its present format the “Simplex Test” is a pilot project. It seems quite long, but many of the questions it asks are justified by the need to overcome the absence of any institutionalised RIA tradition, and in the process pedagogically help to generate enough of a critical mass to create a culture of rigueur and simplification when rules are first laid down.

The test is made up of four parts:

- The first assesses whether or not new burdens are going to exist, what sort they are, and any alternative solutions.
- The second quantifies the costs those burdens are going to impose on their target groups, using a formula inspired by the standard cost model, which is the



most widely used method in assessments of this kind and is recommended by the OECD.

- The third assesses the new measure in accordance with the priorities and good practices of electronic administration (dematerialising procedures and forms, sharing information).
- Finally, the fourth part aims to promote legislative consolidation by precluding the creation of the labyrinth that can arise from a very intense legislative process that does not take the trouble to systematise and rationalise its output.



## PART II



## 2 CORRECTIVE SIMPLIFICATION

### A DRIVING FORCE FOR SIMPLIFICATION

#### 2.1 A COMPLEX TASK

**C**orrective simplification processes are complex ones. They involve the application of diversified instruments and mechanisms, and sometimes depend on a whole set of interlinked actions.

The degree of difficulty involved in putting the measures we describe below into practice therefore varies greatly. There are measures which mean changing the legislative framework, and depend on joint work by various ministries and the development of interoperability and information-sharing solutions (such as the Unified Business Information (IEU) platform, for example), while others are purely administrative and sectoral in nature. Some require that processes be re-engineered in advance, whereas in other cases their dematerialisation can provide users with immediate gains.

The same is true of the impacts that these simplification initiatives are expected to have on the life of our citizens and businesses (or on the efficiency of the Public Administration). In some cases the positive impacts are very visible and almost immediate; in others they are just the first step in a simplification process that needs to be taken further.

#### 2.2 30 LEADING MEASURES

To give a few examples of what we are talking about we have chosen some of the 333 measures that make up the Simplex programme for 2006. 30 measures with particularly



significant impacts in terms of improving the quality of the relationship between the Public Administration on the one hand and Citizens (C) and Businesses (B) on the other.

In addition to their expected impacts, the selection of this list of measures also bore in mind the extent to which the various different ministries are responsible for implementing them, thereby indicating the extent to which the whole of the government is committed to this programme.

These impacts occur in areas which are so diverse that they range from registering students at the different levels of education, looking for a job, or integrating immigrants, to issuing permits, imports and exports, and registering trademarks. Providing free access to the *Diário da República* (the Official Gazette) is – symbolically at least – a sign of the commitment that runs right the way through this programme: to make the Public Administration more transparent, and to facilitate citizens' access to public services and departments.

**Table I – Emblematic measures**  
(C-Citizens /B-Business)

MEASURE	IMPACTS	C	B
<b>ELECTRONIC <i>DIÁRIO DA REPÚBLICA</i> AND FREE ACCESS FOR CITIZENS</b>  Grant the electronic edition of the <i>Diário da República</i> (the Official Gazette) full legal value, simplify the rules for its publication, facilitate its consultation, and ensure free access to citizens.	<ul style="list-style-type: none"> <li>• Savings of € 3,000,000 p.a. in relation to the paper edition.</li> <li>• Greater accessibility to the electronic <i>Diário da República</i>.</li> </ul>	✓	✓
<b>ON THE SPOT ASSOCIATION</b>  Make it possible to form associations “on the spot”, by means of a single personal visit to the applicable Registry, thus making the process faster, easier and cheaper.	<ul style="list-style-type: none"> <li>• Immediate formation during a single personal visit to a Registry.</li> <li>• Elimination of useless bureaucracies (notarised deed, publication in local newspaper, publication in the <i>Diário da República</i>, notification of the Attorney General's Office, and filing of documents with the Civil Governor's Office).</li> <li>• Adoption of a special, cheaper system for young people attending secondary education.</li> </ul>	✓	





MEASURE	IMPACTS	C	B
<p><b>ONCE UPON A TIME A SINGLE REGISTRATION FOR BASIC AND SECONDARY EDUCATION</b></p> <p>Eliminate the need to re-register basic and secondary education students each year, on condition that they remain at the same establishment. From the beginning of the next academic year in most schools.</p>	<ul style="list-style-type: none"> <li>Approximately 500,000 students no longer need to fill in registration forms, thanks to the generalisation of a good practice that has already been adopted by a few schools.</li> </ul>	✓	
<p><b>HIGHER EDUCATION APPLICATIONS AND ELECTRONIC REGISTRATIONS</b></p> <p>Introduce electronic applications for public higher education places, and generalise electronic registration for all higher education establishments (in the forthcoming academic year).</p>	<ul style="list-style-type: none"> <li>A universe of approximately 380,000 applicants will benefit from this measure.</li> </ul>	✓	
<p><b>APPOINTMENTS WHEN YOU NEED THEM</b></p> <p>Electronically book hospital appointments from local health centres. Simplify the procedure and attach medical information to the appointment request; requests are issued based on clinical criteria, and the patient is told how long he/she will have to wait.</p>	<ul style="list-style-type: none"> <li>Fewer trips to hospitals just to book appointments.</li> <li>Shorter waiting times.</li> <li>Organisation of medical files facilitated and greater control over appointments.</li> </ul>	✓	
<p><b>SINGLE CONTACT POINT FOR JOB OFFERS AND REQUESTS</b></p> <p>On the Citizen's Website, create a single contact point for people offering or looking for jobs (public or private sector) and vocational training opportunities, with quick, simple ways of consulting information and making applications for, or offers of, jobs.</p>	<ul style="list-style-type: none"> <li>More dynamic demand for, and offer of, jobs and vocational training.</li> <li>Reversal of the existing tendency for unemployment to rise (currently 8%).</li> </ul>	✓	
<p><b>LOCAL AUTHORITY BUILDING PERMITS</b></p> <p>Create a simplified system for local authorities to issue building permits, which (in certain circumstances) will dispense the need for the architectural design to be assessed and licensed, or for work to the inside of buildings to be notified to the authority in advance.</p>	<ul style="list-style-type: none"> <li>A faster and more flexible licensing process, thereby enabling local authority departments to rationalise their resources.</li> <li>Citizens freed from unjustified barriers.</li> </ul>	✓	✓



MEASURE	IMPACTS	C	B
<b>ELECTRONIC COMPLAINTS TO THE INSPECTORATE-GENERAL OF PLANNING (IGAT)</b>  Enable citizens to electronically submit complaints in relation to allegedly illegal procedures on the part of local authority bodies, via IGAT's website, using a standard form that allows filling the essential details about the situations in question.	<ul style="list-style-type: none"> <li>A reduction in the time complaints remain pending, by increasing the response capacity of the departments concerned and making sure that such situations are more rigorously reported.</li> </ul>	✓	
<b>PRE-COMPLETED ELECTRONIC INCOME TAX DECLARATION</b>  Provides a pre-completed electronic income tax declaration. Develops a "help/alert system" that warns people when facts or figures differ from the information held by the tax authorities.	<ul style="list-style-type: none"> <li>A simpler, faster and more flexible tax declaration.</li> <li>More reliable information.</li> </ul>	✓	
<b>SIMPLER TAX COMPLAINT SYSTEM</b>  Simplify the processes and procedures involved in making tax-related complaints, by making it possible to submit them via Internet, consult the applicable file online, and issue/receive electronic communications and notifications.	<ul style="list-style-type: none"> <li>Complaints remain pending for less time.</li> <li>Decisions implemented sooner.</li> </ul>	✓	✓
<b>FACILITATE APPLICATIONS FOR BENEFITS AND PENSIONS</b>  Make it possible to apply for social benefits and retirement pensions by Internet, as part of the Social Security Information System (SISS).	<ul style="list-style-type: none"> <li>More user convenience and satisfaction; easier for the Social Security Service to manage the process.</li> </ul>	✓	
<b>PORTUGAL ONLINE: VIRTUAL CONSULATE</b>  Provide online information and services that enable Portuguese citizens living abroad to submit certain applications and interact with the Public Administration without having to go to Portugal or a consular office.	<ul style="list-style-type: none"> <li>Increased quality and speed of user services.</li> <li>Portuguese citizens living abroad are thus closer to the Public Administration.</li> </ul>	✓	
<b>LESS BUREAUCRACY, MORE LEGALITY IN THE IMMIGRANT ADMISSION SYSTEM</b>  Replace the nine existing Portuguese residence and work permits with a single one.	<ul style="list-style-type: none"> <li>The various procedures will be simplified and standardised, and the immigration service's response capacity will thus be greater.</li> </ul>	✓	



MEASURE	IMPACTS	C	B
<b>IMMIGRATION SERVICE (SEF) RECEPTION CENTRE</b>  Create a multi-channel, multi-language reception centre with the ability to provide information and schedule acts that fall under the SEF umbrella.	<ul style="list-style-type: none"> <li>Access to SEF's various contact points will be less congested and simpler.</li> </ul>	✓	
<b>EQUIVALENCES FOR FOREIGN ACADEMIC QUALIFICATIONS</b>  Do away with the role the Ministry of Education's central services currently play in deciding to issue equivalences, by giving education establishments full power to grant both Portuguese and foreign citizens equivalences to academic qualifications from foreign education systems, on the basis of official tables.	<ul style="list-style-type: none"> <li>Time and cost savings for private individuals.</li> <li>Fast incorporation into the Portuguese education system in cases where people want to continue their studies.</li> <li>Improved ability to integrate into the job market.</li> <li>Greater capacity for social integration and cohesion.</li> </ul>	✓	✓
<b>ELIMINATION OF CERTIFICATES PROVING THE NON-EXISTENCE OF DEBTS</b>  Do away with the need for taxpayers to ask the Social Security or tax authorities for declarations that their contributions/taxes are in order, for use in their relationship with other public departments.	<ul style="list-style-type: none"> <li>Less time spent by citizens and businesses.</li> <li>Increased response capacity for the departments concerned (in 2005 the Social Security service issued around 150,000 certificates of this type).</li> </ul>	✓	✓
<b>SIMPLER BUILDING FIRE SAFETY SYSTEM</b>  Consolidate all the existing regulations that specifically concern fire safety in buildings and other facilities, in a single statute.	<ul style="list-style-type: none"> <li>Improved access to and dissemination of the applicable system.</li> <li>A more transparent legal system.</li> </ul>	✓	✓
<b>ELECTRONIC DECLARATION OF THE BEGINNING, ALTERATION OR END OF TRADING</b>  Permit the electronic submission to the tax authorities of the forms concerning the start-up or end of trading, or changes to the terms under which a business or professional person trades, and do away with the need to submit them to the Social Security Service altogether, in favour of internal information-sharing systems.	<ul style="list-style-type: none"> <li>Fewer trips to public departments and services for this purpose. In 2005 the tax authorities received 36,946 declarations of beginning of trading, 278,470 declarations of changes in existing terms of trading, and 24,677 declarations of end of trading.</li> </ul>		✓



MEASURE	IMPACTS	C	B
<b>SIMPLER INDUSTRIAL LICENCES AND PERMITS</b>  Replace the system under which less dangerous industrial units (Regime 4) have to apply for licences in advance, with one that entails making a declaration before industrial activities commence. Articulate this with the legal system governing urban development and building work.	<ul style="list-style-type: none"> <li>• 400 licensing acts will become simpler, including designs for company premises and modifications at existing businesses.</li> </ul>		✓
<b>SIMPLER RETAIL LICENCES</b>  Replace the need to license retail food and certain non-food and service establishments in advance, with a system that requires a prior declaration of the intention to trade in the field in question. Articulate this with the legal system governing urban development and building work, to include the possibility of extending exceptional status to cover some types of building work.	<ul style="list-style-type: none"> <li>• Lower costs and less time to get a final decision.</li> <li>• A better match between administrative requirements and the types of risk applicable to each establishment.</li> <li>• Traders are held responsible and physical/working conditions are checked <i>a posteriori</i>, with all the positive effects on job creation and the stimulation of the economy that this entails.</li> </ul>		✓
<b>DEMATERIALISATION OF THE EXPORT PROCESS</b>  Simplify the export process by doing away with manual procedures, replacing the paper declaration with an electronic one, and eliminating the systematic submission of attached documents.	<ul style="list-style-type: none"> <li>• The cost to economic agents of paper forms (about 250,000 forms and 250,000€/year) and the time spent on journeys and paperwork submissions will be eliminated.</li> <li>• A reallocation of Public Administration resources.</li> <li>• A more competitive export sector.</li> </ul>		✓
<b>CAP ONLINE</b>  Create online mechanisms for farmers to apply for aid under the Common Agricultural Policy (CAP), with simpler procedures and online follow-up.	<ul style="list-style-type: none"> <li>• Simpler procedures, with impacts on the number of applications, which currently exceed 300,000 from a universe of more than 250,000 beneficiaries.</li> </ul>	✓	✓



MEASURE	IMPACTS	C	B
<p><b>RECONCILE THE ECOLOGICAL BALANCE AND THE DEVELOPMENT OF THE POPULATIONS LIVING IN NATIONAL ECOLOGICAL RESERVE (REN) AREAS</b></p> <p>Facilitate actions and activities that are essential to the development of people living in REN areas, particularly the building of facilities designed to support farms and rural tourism, while simultaneously safeguarding protected ecological assets.</p>	<ul style="list-style-type: none"> <li>• A more balanced match between the private interests of people who live and work in the REN and the public interest in safeguarding resources.</li> <li>• A reduction of about a year in some application processes that used to have to go through the public interest recognition procedure before a project could go ahead in the REN.</li> </ul>	✓	
<p><b>SINGLE VIRTUAL PORTHOLE</b></p> <p>Centralise the information, documentation and processes concerning the various bodies that work in ports in one technological platform, thereby enabling economic agents to submit information by a single means (whatever the port of destination) and the port authorities to compile files and take administrative decisions electronically.</p> <p>The “Single Virtual Porthole” will be a “Virtual Single Contact Point” which will allow administrative procedures to be dematerialised and will create the conditions for the interoperability of the information systems belonging to the various authorities that work in ports (port, maritime, customs, border, sanitation, and veterinary).</p>	<ul style="list-style-type: none"> <li>• A reduction in delays for goods transiting the port and completing customs formalities, from 3 or 4 days to 1 or 2 hours.</li> <li>• Effective control of the information used to fight tax fraud and evasion.</li> <li>• Goods can be traced.</li> <li>• Development of the rolling inventory concept for logistical systems.</li> <li>• Processes are dematerialised.</li> <li>• A 12% gain in the maritime transport business, thanks to the added effectiveness and reliability of port-related processes.</li> </ul>		✓
<p><b>CORPORATE NOTARISED DEEDS NO LONGER OBLIGATORY</b></p> <p>Make notarised deeds concerning company life optional. In particular the following acts will no longer require notarising: forming a commercial company, altering its articles/memorandum of association, transforming the type of company, merging, or extinguishing it. These will simply need to be recorded at the Trade Registry.</p>	<ul style="list-style-type: none"> <li>• Economic agents will save the cost of an average of 65,000 notarised deeds/year.</li> </ul>		✓



MEASURE	IMPACTS	C	B
<b>COMPANY LEDGERS NO LONGER OBLIGATORY</b>  Simplify businesses' lives by doing away with the bureaucratic and financial burdens imposed by the need to keep special physical inventory, balance sheet, ledger and duplicate books that must form part of a company's bookkeeping at present. Books of minutes will remain, but they will no longer have to be legalised by the Trade Registry in advance.	<ul style="list-style-type: none"> <li>A potential reduction of around 22M€ in the costs imposed on economic agents (calculation based on the Trade Registry charge (14€) for each legalisation of a ledger, the universe of existing companies, and an estimate of the new companies that will be formed in the future.</li> </ul>		✓
<b>EASIER AND FASTER COMPANY DISSOLUTION AND LIQUIDATION</b>  Take the processes involved in the mandatory dissolution or liquidation of companies on the State's initiative away from the courts and transfer it to the Trade Registries.	<ul style="list-style-type: none"> <li>Simpler procedures.</li> <li>Administrative and economic activities facilitated.</li> <li>Transparency, up-to-date information and truth in the business dynamic.</li> </ul>		✓
<b>SINGLE FILING OF ACCOUNTS AND OTHER INFORMATION REQUIREMENTS</b>  Create a new model for electronically filing corporate accounts at a single contact point, together with and at the same time as other mandatory filings, particularly those concerning the Finance Ministry, the Labour Ministry and the Social Security Service. Allow them to be treated for statistical purposes and thus eliminate a number of surveys conducted by the Bank of Portugal and the National Institute of Statistics (INE).	<ul style="list-style-type: none"> <li>Around 80,000 fewer isolated bureaucratic acts undertaken by the universe of companies that are obliged to file their accounts, thanks to their incorporation into the other requirements to file information, thereby doing away with multiple submissions of documents to the State.</li> <li>More transparency in both business life and the statistical treatment of the ensuing information.</li> </ul>		✓
<b>ELECTRONIC MAILBOX</b>  Make a certified electronic mailbox available to every citizen who joins the scheme, with a guarantee that mail is delivered and received, and with accessibility and use by the holder anywhere in the world.	<ul style="list-style-type: none"> <li>Faster, more convenient and more secure relations between citizens and various public and private bodies, thereby making it easier to exercise rights and fulfil duties and contractual obligations.</li> </ul>	✓	✓
<b>ON THE SPOT TRADEMARK</b>  Simplify the process of registering trade names, brands and trademarks by allowing this to be done simply, immediately and at a single contact point.	<ul style="list-style-type: none"> <li>A simpler form of the trademark registration procedure, which currently takes an average of one year to complete.</li> </ul>		✓

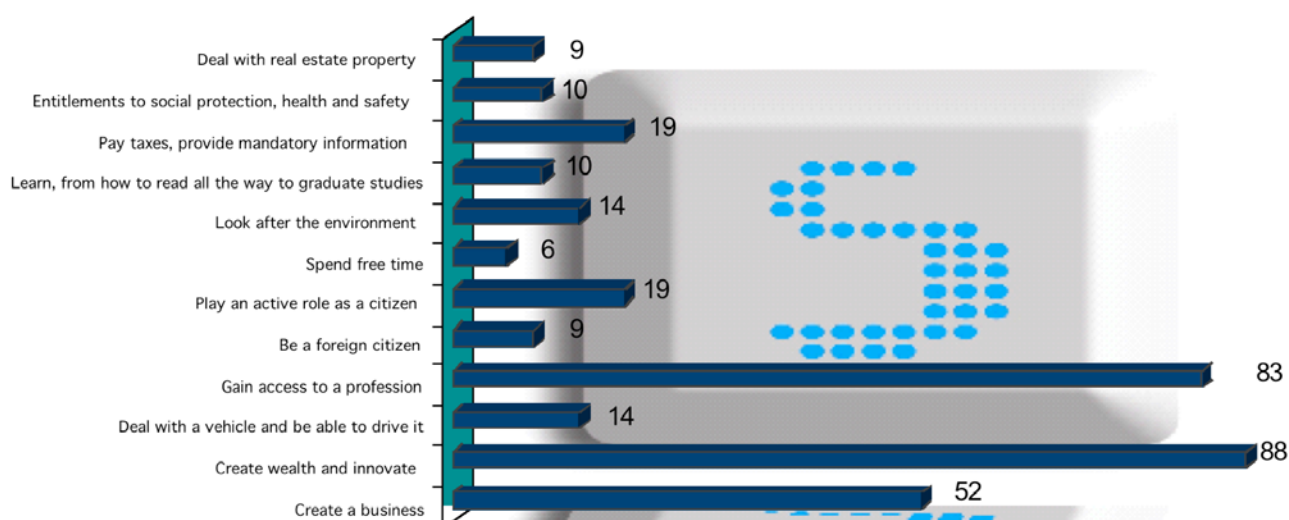


## 2.3 SEEN FROM THE USERS' POINT OF VIEW

The proposed initiatives rationalise the work of the Public Administration, but most of them have direct impacts on different fields of personal and business life. Some involve access to a profession, the creation of a company, the exercise of an economic activity, or the status of a worker, be he/she Portuguese or not. Others make it easier to exercise rights: the right to social protection both during and after the active life, the right to education, the right to healthcare, and the right to take part in politics.

Grouping measures together in accordance with the life events to which they relate is an attempt to see simplification not just as an instrument for rationalising the work of the Public Administration, but above all as a means of facilitating life for people and businesses and strengthening their trust in institutions which ultimately belong to them. In short, a way of reorganising the Administration which, among other things, looks at the demand for, and not just the offer of, public services.

This is why the method that we will be using in the next steps of this programme will help to get users and the organisations which represent them to play an active part in identifying critical areas that need simplification measures, and in laying down priorities.





## 2.4 A PROGRAMM THAT WORKS IN VARIOUS KEY AREAS

There are all sorts of simplification instruments. Deregulation is the most radical of them all, but is it not the only – or necessarily the most advisable – one. Significantly, the counterparts to Simplex that are underway in other countries or are recommended by international organisations – particularly the European Union and the OECD – are generically known as “better regulation” instruments and not “deregulation” ones.

Simplification can thus result from many factors – namely making access to services and information easier, doing away with redundant or obsolete procedures, dematerialising procedures and making them available via other types of channel (voice, for example), and legislatively harmonising and consolidating legal rules.

We have divided the 333 initiatives that are planned for 2006 into six main areas or groups, depending on their primary objectives:

**Table II – Key areas**

I.	<b>Eliminating certificates</b>
	Strengthening communication channels within the Administration and, with respect for citizens' rights (particularly personal data protection), sharing public information.
II.	<b>Eliminating paper / Dematerialisation</b>
	Taking advantage of the facilities offered by information and communication technologies to eliminate the old paper circuits, thereby making access easier and reducing management costs.
III.	<b>Simplification/debureaucratisation</b>
	Fighting procedural complexity, by reengineering processes and reducing both the amount of documents and the rigidity of administrative practices.





IV.	<b>Deregulation</b>
	Eliminating prior controls and constraints that are unnecessary or disproportionate, and going back to the principle of trust and accountability.
V.	<b>Easier access to public services</b>
	Getting the different public bodies that intervene in the same procedure to work together, from a standpoint of service integration and information sharing.
VI.	<b>Harmonising and consolidating sets of rules</b>
	Improving access to, and the understandability of, laws and regulations, and thereby reducing interaction costs both between the Public Administration on the one hand and citizens and businesses on the other, and within the Administration itself.

Table III (below) shows the breakdown of measures by key area. Each area is then described in more detail, with the names of the ministry or ministries that are responsible for them and the date by which they are expected to be completed.

This information will make it possible to issue a quarterly report on the programme's implementation, which will be available to the public.

**Table III – Measures by key area**

Topic		No. of Measures	
I.	Eliminating certificates	101	333
II.	Eliminating paper / Dematerialisation	108	
III.	Simplification/debureaucratisation	81	
IV.	Deregulation	7	
V.	Easier access to public services	21	
VI.	Harmonising and consolidating sets of rules	15	



## 2.5 A COMMITMENT FOR 2006

### I.

#### ELIMINATING CERTIFICATES

*Reforçar os canais de comunicação e a partilha da informação pública*

“Certificates” are the visible face of public administrative services’ incommunicability and the mistrust in which they hold citizens. Obliging people and businesses to provide evidence to one public department of information which was generated and is held by the same or other public departments is an anachronism that leads to unnecessary burdens and costs and fuels useless routines and bureaucracies.

Modernising the Public Administration presupposes that departments be grouped together and communicate and share with one another. One of our goals is to completely do away with the need to ask for, and then physically submit, such certificates.

Without reducing citizens’ rights to privacy, and while strengthening the guarantees of the accuracy, relevance and current status of information, these certificates and other probative documents of the same type will be eliminated and replaced with internal controls, which will result from the exchange of information between the public departments involved.

**Doing away with these certificates thus emblematically occupies first place in the “SIMPLEX 2006” legislative and administrative simplification programme.**

### II.

#### ELIMINATING PAPER / DEMATERIALISATION



### *Promote the integration of information and communication technologies*

Information technology and the advances in electronics mean that these days the old paper circuits are being replaced by computerised, dematerialised processes.

Paper documents used to be at one and the same time both the record and the proof of a given fact or event. In order to replace them with electronic formats we must provide for both these functions, which are indispensable if the levels of trust needed to live in society are to be maintained.

Integrating new technologies into the Public Administration means reengineering administrative processes and procedures in such a way as to:

- Improve the exchange of information and promote the sharing of dematerialised information.
- Generalise the use of digital forms that are intelligent (possess a help function in relation to their completion), interactive (fields are completed automatically based on the data held by the applicable public department) and transactional (it must be possible to submit them online with an electronic signature).
- Facilitate the automatic electronic overcoming of the lack of certain elements in administrative processes.
- Give a boost to online complaint systems.
- Promote systems that allow interested parties to follow up their administrative processes online.

Dematerialising procedures does not always promote simplification straight away, but even when it does not, the mere fact that dematerialisation makes it easier to see just how complex certain procedures are, helps to bring about their simplification in the future.

**The “Citizen’s Card” will give each and every Portuguese citizen the means (electronic certification and digital signature) he/she needs to interact securely with public electronic services.**

## **III.**

### **SIMPLIFICATION/DEBUREAUCRATISATION**

**Work on procedural complexity, the amount of documents and the rigidity of administrative practices**

The complexity and the duplication of procedures and the excessive number of documents that citizens are required to provide as part of public decision-making processes are inherent



characteristics of organisational and operational models employed by a distant and above all closed Public Administration.

Simplifying and debureaucratising means questioning these paradigms, thereby making it possible to do things faster and better, without weakening the controls needed to ensure both the quality of the services concerned and the safety and security of our citizens.

The integrity of the circle of trust between administrators and administrated, which has traditionally been based on the complex and hermetic way in which the Public Administration works, must now be ensured by simplification and debureaucratisation. The latter must now be held up as guiding principles for administrative practices. The idea is to:

- Eliminate or reduce obligations that are disproportionately burdensome or complex for people and businesses, compared to the public interests involved.
- Eliminate unnecessary licences, permits, authorisations and procedures.
- Identify and correct administrative practices that are based on a lack of communication and information-sharing between public departments.
- Create debureaucratised administrative environments that facilitate peoples' daily lives and promote the development of economic activities and investment.

Their importance and weight as entry barriers to certain economic activities mean that some licensing procedures are already the object of a few simplification measures in 2006. However, this year we will be forming a working group to systematically look at various different aspects of the licensing of economic activities, and to set out a method for establishing priorities and making licensing faster and more flexible.

DEREGULATION	
IV.	<i>Develop the principle of trust, by eliminating legal and regulatory constraints and dual controls</i>

Excesses in the use of the use of the form of the law and in detailed regulations are fiscal practices that are employed by a culture of mistrust, based on multiple controls.

The SIMPLEX 2006 Programme is the beginning of the road to reversing this vision of the relationship between the administration and the administered. The very first step is to state the principle that the Public Administration trusts citizens.

At the same time it is also necessary to reorganise the control functions in terms of both



time and format. Many activities that are currently regulated by law could instead become self-regulated, co-regulated, regulated by codes of conduct or technical rules and standards...

What is more, for some types of activity there are prior licenses, permits and authorisations that are no longer justified.

Simplification/debureaucratisation works more on the level of processes and documents; deregulation focuses on doing away with legal and regulatory constraints.

**V.**

**EASIER ACCESS TO PUBLIC SERVICES**

*Improve the quality of service and the access to information*

Improving the ways and places in which people contact the Public Administration, and providing effective means of gaining fast access to the information that citizens and businesses need in order to interact with it are important factors in the democratisation of the life of society and the promotion of equal competition between businesses.

A legislative, regulatory and administrative simplification programme must pay particular attention to this issue, given that we know that the multiplication of the channels, processes and means whereby information is disseminated can lead to an excess which makes it harder to gain quick access to it and prejudices the up-to-date and pertinent nature of the information itself.

Simplification initiatives therefore entail rationalising administrative websites, and constantly updating and assessing the usefulness of and need for the information they provide.

They also entail modernising the way people are dealt with at physical contact points, by merging those points and locating them more conveniently, and also by improving the one-on-one attention given to users, by emphasising personal advice and direct contacts.



**VI.**

**HARMONISING AND CONSOLIDATING SETS OF RULES**

*Work on the complexity and opacity of the Law*

Our legislation has grown uncontrollably over the years and centuries, sometimes without the proper planning and without being subjected to rationalisation measures. As a result we are now faced with a system of laws that:

- is hard to understand.
- cannot identify which laws are in effect and which are not.
- does not lead people to get involved in singling out areas in which the current legislation ought to be changed and revised.
- never assesses the mechanisms via which the public can take part in the legislative process.

Today everyone agrees that the problem with our legislation is simultaneously one of its volume, opacity, understandability and ineffectiveness.

It is also unanimously recognised that solving the legislation problem is very important to economic development and competitiveness.

Legislating better is thus a democratic imperative. To a large extent, better democracy and better rule of law have become synonymous with fewer and better laws.

In this respect the issue of legislative and administrative simplification cannot go on being a kind of stranger who remains outside the legislative process.

Simplifying means reducing the existing amount of laws, by promoting the identification of sets of rules that are scattered among various statutes, and incorporating them into a single one.

Simplifying also means analysing alternatives to regulation and doing away with legislation that is manifestly obsolete.

Finally, simplifying means achieving a body of legislation that is reliable, up-to-date and easy to live with, in the interest of citizens, businesses and the Public Administration alike, by pursuing, in the words of the Government's Political Programme, the path of "a policy of quality, stability, rationality, coherence, clarity and legislative consolidation".



ANNEX



## Simplex Test

### INITIATIVE

Proposing Ministry																									
Initiative derived from	<table><tr><td><input type="checkbox"/></td><td>Constitutional imperative</td></tr><tr><td></td><td>Details:</td></tr><tr><td><input type="checkbox"/></td><td>Implementation of a Framework Law / Basic Law</td></tr><tr><td></td><td>Details:</td></tr><tr><td><input type="checkbox"/></td><td>Transposition of a Community Directive</td></tr><tr><td></td><td>Details:</td></tr><tr><td><input type="checkbox"/></td><td>The Government's Political Programme</td></tr><tr><td></td><td>Details:</td></tr><tr><td><input type="checkbox"/></td><td>Other legal imperative</td></tr><tr><td></td><td>Details:</td></tr><tr><td><input type="checkbox"/></td><td>Opportune reasons</td></tr><tr><td></td><td>Details:</td></tr></table>	<input type="checkbox"/>	Constitutional imperative		Details:	<input type="checkbox"/>	Implementation of a Framework Law / Basic Law		Details:	<input type="checkbox"/>	Transposition of a Community Directive		Details:	<input type="checkbox"/>	The Government's Political Programme		Details:	<input type="checkbox"/>	Other legal imperative		Details:	<input type="checkbox"/>	Opportune reasons		Details:
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Form of act	<table><tr><td><input type="checkbox"/></td><td>Bill</td></tr><tr><td><input type="checkbox"/></td><td>Executive Law</td></tr><tr><td><input type="checkbox"/></td><td>Regulatory Order</td></tr><tr><td><input type="checkbox"/></td><td>Normative Resolution</td></tr><tr><td><input type="checkbox"/></td><td>Decree</td></tr></table> <p>Please justify:</p>	<input type="checkbox"/>	Bill	<input type="checkbox"/>	Executive Law	<input type="checkbox"/>	Regulatory Order	<input type="checkbox"/>	Normative Resolution	<input type="checkbox"/>	Decree														
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<input type="checkbox"/>	Regulatory Order																								
<input type="checkbox"/>	Normative Resolution																								
<input type="checkbox"/>	Decree																								





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Object

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**I****ADMINISTRATIVE BURDENS**

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**I-1** Does the legislative or regulatory initiative entail administrative burdens for citizens, businesses or other agents and sectors of activity?

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**NO**, because:

<input type="checkbox"/>	The people affected by the rules do not have to bear any administrative burdens.
<input type="checkbox"/>	The obligations imposed by the initiative should not be called administrative burdens for this purpose. Please justify:

**Go to Part IV, Question 1**

**YES**. It does entail administrative burdens:

<input type="checkbox"/>	It maintains previous administrative burdens.
<input type="checkbox"/>	It creates new administrative burdens or additional charges.

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**I-2** What are the administrative burdens that the legislative or regulatory initiative creates, maintains or worsens?

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<input type="checkbox"/>	Requirement to submit reports.
<input type="checkbox"/>	Applications for benefits, grants, pensions, compensation.
<input type="checkbox"/>	Requirement to obtain licences or permits.



<input type="checkbox"/>	Requirement to obtain authorisations.
<input type="checkbox"/>	Requirement for certificates, diplomas or other evidence of qualifications, rights, duties...
<input type="checkbox"/>	Obligations to register acts, facts, formalities, characteristics...
<input type="checkbox"/>	Requirement to provide information for statistical purposes.
<input type="checkbox"/>	Maintain and update security/safety plans, health plans, hygiene plans.
<input type="checkbox"/>	Notify accidents, illnesses.
<input type="checkbox"/>	Obligations to notify facts, either in advance or afterwards: charts, personnel lists, working hours, equipment installations.
<input type="checkbox"/>	Obligations to provide information to third parties, labelling, characteristics, prices.
<input type="checkbox"/>	Requirement to produce documents about activities that have been undertaken.
<input type="checkbox"/>	Obligations to keep documents.
<input type="checkbox"/>	Obligations to receive and handle complaints.
<input type="checkbox"/>	Obligations to publish or disseminate.
<input type="checkbox"/>	Burdens involving payments, dues, taxes or other burdens of a financial nature (stamp duty, other duties, and fees).
<input type="checkbox"/>	Others. Please describe:

**I-3** Have alternative scenarios involving the elimination or reduction of the administrative burdens been studied?

<input type="checkbox"/>	Yes. Please state the conclusions:
<input type="checkbox"/>	No. Please justify:



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**I-4** Has the adoption of measures that would make fulfilment of the administrative burdens easier been considered?

<input type="checkbox"/>	The public services will be responsible for the measures needed to fulfil the burdens.
<input type="checkbox"/>	The number of procedures, signatures, official identifications, forms or duplicates has been reduced.
<input type="checkbox"/>	The target universe has been reduced.
<input type="checkbox"/>	The submission/application/filing and reception procedures have been made faster, more flexible or simpler, or have been dematerialised.
<input type="checkbox"/>	A help desk service has been provided.
<input type="checkbox"/>	Others. Please describe:
<input type="checkbox"/>	No. Please justify:

**I-5** Have the administrative resources and the bureaucratic and context costs that are inherent in the creation or maintenance of the administrative burdens been considered?

**YES:**

<input type="checkbox"/>	The administrative resources needed to apply the administrative burdens have been assessed.		
<input type="checkbox"/>	They increase public costs.	<input type="checkbox"/>	They increase public income.
<input type="checkbox"/>	They reduce public costs.	<input type="checkbox"/>	They reduce public income.
<input type="checkbox"/>	Have the impacts on the courts and other conflict resolution bodies been considered.		

**NO:**



Please justify:

**II****ASSESSING ADMINISTRATIVE BURDENS****II-1 How big is the universe that is obliged to fulfil the administrative burdens?**

Citizens

Description	
Expected number	

Businesses

Description of type	
Sector of activity	
Expected number	

Other agents or sectors of activity

Description	
Expected number	

**II-2 How often must the administrative burdens be fulfilled?**

<input type="checkbox"/>	Annually	<input type="checkbox"/>	Twice a year
<input type="checkbox"/>	Once a quarter	<input type="checkbox"/>	Monthly
<input type="checkbox"/>	Once only		

**II-3 On average, how much time does each member of the target universe spend in order to fulfil the administrative burdens?**



<input type="checkbox"/>	Less than 4 hours	<input type="checkbox"/>	1 day (8hrs)
<input type="checkbox"/>	2 days (16hrs)	<input type="checkbox"/>	More than 2 days
<input type="checkbox"/>	Other. Please describe:		

#### II-4 What is the monetary cost of the administrative burdens?

Total:

Use the following formula to calculate the cost of the administrative burdens **(EA)**:

$$T \times C \times Q = EA$$

Where:

➤ **T** represents the average real or estimated time that the members of the target group spend fulfilling the administrative burdens.

Real time	_____	<input type="checkbox"/>
Estimated time	_____	<input type="checkbox"/>

➤ **C** represents the cost of fulfilling the obligations, in accordance with the following classification / table:

<input type="checkbox"/>	Low level function	= 30 Euro/hr.
<input type="checkbox"/>	Medium level function	= 45 Euro/hr.
<input type="checkbox"/>	High level function	= 60 Euro/hr.
<input type="checkbox"/>	Contracted out	= 100 Euro/hr.

➤ **Q** is the product of multiplying the forecast number of members of the target group covered by the burden **(N)** by the frequency with which they have to fulfil it **(F)**. Thus **Q=NxF**.



**II-5** What are the administrative and bureaucratic costs to the Public Administration?

<input type="checkbox"/>	Use of existing databases, networks or physical formats.
<input type="checkbox"/>	Creation of new databases, networks or physical formats.
<input type="checkbox"/>	Creation or maintenance of support services.
<input type="checkbox"/>	Publicity and awareness-raising campaigns.
<input type="checkbox"/>	Staff allocated to the work.
<input type="checkbox"/>	Operation and maintenance of administrative units tasked with the application of the initiative.
<input type="checkbox"/>	Others. Please describe:

**II-6** What is the cost/benefit ratio?

List at least one net benefit:

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**III****COMPATIBILITY WITH ELECTRONIC ADMINISTRATION****III-1** Has the possibility of using electronic forms been provided for?

<input type="checkbox"/>	Yes
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<input type="checkbox"/>	No. Please justify:

**III-2** What sort?

<input type="checkbox"/>	Simple
<input type="checkbox"/>	Interactive, dispensing the need to send/confirm by normal post, and with electronic delivery of a fully valid receipt.
<input type="checkbox"/>	Intelligent, with pre-completion of fields.
<input type="checkbox"/>	Others. Please describe:

**III-3** Has a prior assessment of the usefulness and current nature of the data that are asked for on the forms been carried out?

<input type="checkbox"/>	Yes.
<input type="checkbox"/>	The public departments have no other way of gaining access to these data.
<input type="checkbox"/>	The data are truly necessary and cannot be merged with others.
<input type="checkbox"/>	No. Please justify:

**III-4** What means of communication for fulfilling the administrative burdens is/are provided for?



<input type="checkbox"/>	Internet	<input type="checkbox"/>	File transfer
<input type="checkbox"/>	E-mail	<input type="checkbox"/>	Fax
<input type="checkbox"/>	Telephone	<input type="checkbox"/>	Normal post
<input type="checkbox"/>	Registered letter	<input type="checkbox"/>	Personal delivery
<input type="checkbox"/>	Other. Please describe:		
<input type="checkbox"/>	This is not laid down in the initiative. Please justify:		

**III-5** Is provision made for single points at which to collect and access the information?

<input type="checkbox"/>	Yes
<input type="checkbox"/>	No. Please justify:

**IV****CONSOLIDATION OF RULES AND ASSESSMENT****IV-1** Have any alternatives to the proposed legislation been analysed?

<input type="checkbox"/>	Self regulation.	<input type="checkbox"/>	Co-regulation.
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<input type="checkbox"/>	Contractualisation.	<input type="checkbox"/>	Code of conduct.
<input type="checkbox"/>	Other. Please describe:		

**IV-2** To what extent are the legal rules, which effectively or apparently govern the subject of the legislative or regulatory initiative at the moment, dispersed?

<input type="checkbox"/>	Between 0 and 2 statutes.	<input type="checkbox"/>	Between 3 and 4 statutes.
<input type="checkbox"/>	More than 4 statutes. In this case, please explain why the rules are not going to be consolidated (if this is not already planned):		

**IV-3** What is the extent of the changes that are being made to the original version of the legislative or regulatory act?

<input type="checkbox"/>	Taken together, they affect less than 1/3.
<input type="checkbox"/>	Taken together, they affect more than 1/3. In this case, please explain why all the rules on the matter are not republished in a consolidated form (if this is not already planned):

**IV-4** Have all the legal acts that are effectively or apparently related to the subject of the legislative or regulatory initiative been taken into consideration?



**YES.** The following have been addressed:

<input type="checkbox"/>	An update and harmonisation of the rules.
<input type="checkbox"/>	The elimination of obsolete and useless rules.
<input type="checkbox"/>	Express revocation.

**NO.** Please justify:

--

#### IV-5 Is provision made for the statute to be assessed in the future?

**YES**, in order to:

<input type="checkbox"/>	Assess the extent to which it is implemented (efficacy / efficiency / effectiveness).
<input type="checkbox"/>	Assess the costs/benefits of the statute's implementation and its economic and financial repercussions.
<input type="checkbox"/>	Weigh up acceptance / resistance / conflictuality indices.
<input type="checkbox"/>	Other impacts. Please describe:

<b>NO.</b>	<input type="checkbox"/>
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#### CONCLUSIONS / FORMAL OPINION



**IV-6** The legislative initiative and/or the imposition of administrative burdens is/are:

<input type="checkbox"/>	Necessary and appropriate	<input type="checkbox"/>	Positive (cost/benefit)
<input type="checkbox"/>	Immediately feasible	<input type="checkbox"/>	Clear, concise, understandable
<input type="checkbox"/>	Easy to accept	<input type="checkbox"/>	Hard to accept
<input type="checkbox"/>	Other. Please describe:		

**FINAL OPINION ABOUT THE ASSESSMENT OF THE ADMINISTRATIVE BURDENS**

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Specialist responsible	
Telephone no. / E-mail	
Date	