

**Political and Administrative Statute of the Autonomous Region of the
Azores**

Preamble

Recognising the Azorean People's historical aspirations to self-government which, more than a century ago, gave birth to the struggle for the right to a free administration of the Azores by the Azoreans;

Honouring the memory of the first autonomists who asserted Azorean identity and the unity of its People, and paying homage to the enormous struggle of all those who, succeeding them in time, have kept, and still keep alive the ideal of autonomy;

Claiming to be heirs of those who historically resisted isolation and neglect, storms and other natural catastrophes, the cycles of material shortage and all kinds of adversity, thus forging a singular and proud sense of being Portuguese which they dared to call "Azoreanity";

Sharing with other Portuguese men and women the victory and the establishment of Democracy which consecrated the constitutional recognition of the political and legislative Autonomy of the Azores;

Proclaiming that Autonomy expresses Azorean identity, the free exercise of self-government and the promotion of the wellbeing of its People;

In exercising an exclusive constitutional prerogative, the Azorean People, through their legitimate representatives, presented a Statutory project before the Assembly of the Republic, that was debated and voted, resulting in the present Political and Administrative Statute of the Autonomous Region of the Azores.

PART I

THE AUNOMOUS REGION OF THE AZORES

Article 1

Regional autonomy

1. The archipelago of the Azores constitutes an Autonomous Region of the Republic of Portugal, endowed with a legal character of public law.
2. The political, legislative, administrative, financial and patrimonial autonomy of the Region is exercised within the framework of the Constitution and of the present Statute.

Article 2

Regional territory

1. The territory of the Autonomous Region encompasses the archipelago of the Azores, composed of the islands of Santa Maria, São Miguel, Terceira, Graciosa, São Jorge, Pico, Faial, Flores and Corvo, and their islets.
2. Its inland waters, territorial sea and adjacent continental shelf also constitute an integral part of the regional territory.

Article 3

Fundamental objectives of the autonomy

The Region, through the action of its organs of self-government, has the following goals:

- a) The free and democratic participation of its citizens;
- b) The strengthening of national unity and of the bonds of solidarity between all Portuguese citizens;
- c) The defence and promotion of Azorean identity, values, interests and historical heritage;
- d) The economic and social development of the Region and the well being and quality of life of its population, based on economic, social and territorial cohesion as well as on convergence with the remaining national territory and with the European Union;
- e) To guarantee the balanced development of each and every one of the islands;
- f) To reduce the unfavourable effects of the ultra-peripheral location of the Region, its insularity and isolation;
- g) To adapt the national tax system to the Region, in accordance with principles of solidarity, equity and flexibility, creating its own fiscal boundaries;
- h) The effective implementation of the fundamental rights consecrated in the Constitution;
- i) To protect the right to work, promoting the conciliation between family life and work;
- j) Equal access to the education, health and social security systems;
- k) ;
- l) The promotion of multi-polar higher education suited to the needs of the Region;

- m) The defence and protection of the environment, nature, the territory, landscape and natural resources;
- n) Its institutional recognition as an ultra-peripheral region and the consolidation of its integration in Europe;
- o) To promote and strengthen economic, social and cultural bonds with the Azorean communities residing outside the Region.

Article 4

The Symbols of the Region

1. The Region has its own flag, coat-of-arms, seal and anthem, approved by the Legislative Assembly.
2. The Symbols of the Region merit the respect and consideration of all.
3. The Region's flag and anthem are used together with the corresponding national symbols, safeguarding the precedence and pre-eminence befitting the latter, in the terms of the law.
4. The Region's flag shall be hoisted on the premises of the Region's organs of sovereignty and self-government and on those of institutions dependent upon those organs, as well as on the premises of local government bodies of the Azores.
5. The use of the Region's symbols is governed by regional legislative decree.

Article 5

Organs of self-government

1. The Region's organs of self-government are the Legislative Assembly and the Regional Government.
2. The organs of self-government are based on the democratically expressed will of the Azorean people.

Article 6

The Representation of the Region

1. The Region is represented by the President of the Legislative Assembly.

2. The Region is also represented by the President of the Regional Government in the cases established in the Constitution and laws and in the exercise of the powers of the Regional Government.

Article 7

The Rights of the Region

1 – Besides those listed in paragraph 1 of article 227 of the Constitution, the Region holds the following rights:

- a) The right to political, legislative, administrative, financial and patrimonial autonomy;
- b) The right to just compensation and to positive discrimination with a view to attenuating the costs of insularity and of the ultra-peripheral nature of the Region;
- c) The right to the cooperation of the State and other public bodies in the pursuit of its functions, namely through the signing of cooperation agreements;
- d) The right of access to such information as the State and other public bodies may have regarding the Region;
- e) The right to public and private authority in the Region;
- f) The right to a judiciary organisation suited to the specific characteristics of the Region;
- g) The right to be heard by the organs of sovereignty and to manifest its own position regarding all matters that affect the Region;
- h) The right to a meaningful share in the benefits resulting from international treaties or agreements related to the Region;
- i) The right to its own policies on foreign cooperation with foreign regional bodies, namely within the framework of the European Union and of the strengthening of cooperation within the scope of Macaronesia;
- j) The right to establish cooperation agreements with foreign regional bodies and to participate in international organisations that promote inter-regional dialogue and cooperation;

- l) The right to a public administration with its own staff as designated by the Region, as well as the guarantee of employee mobility within the different public administrations;
 - m) The right to the recognition of the administrative complexity resulting from the condition of being an archipelago in terms of the autonomous regional administration and of the organisation of the State's services in the Region;
 - n) The right to create independent administrative bodies;
 - o) The right to create regional sector ombudsmen;
 - p) The right to the recognition of its specific characteristics as islands as regards municipal organisation;
 - q) The right of access to the Constitutional Tribunal in defence of its rights as recognised by the Constitution and the present Statute.
- 2- The Region holds the right to participate whenever matters of its interest are in question:
- a) Defining, leading and implementing general State policy, including the negotiation and celebration of international treaties and agreements;
 - b) In the State policy-forming processes regarding European construction.
- 3 –All other rights listed in this Statute are also rights of the Region.

Article 8

Rights of the Region over Portuguese maritime areas

- 1- The region holds, in conjunction with the State, the right of management over inner waters and territorial sea belonging to the regional territory provided that there is no conflict with the integration of the said territories within the State's maritime public authority.
- 2- The Region is the entity with jurisdiction to licence private parties regarding activities related to the extraction of inert materials, fishing and the production of renewable energy, within the State's maritime public authority.

- 3- Other powers held by the Portuguese State regarding maritime zones adjacent to the archipelago of the Azores under national sovereignty or jurisdiction are, in accordance with the terms of national and international law, exercised within the framework of a shared management with the Region, except in cases where the State's integrity or sovereignty may be in question.
- 4- Goods belonging to the sub-aquatic cultural heritage within the inland territorial waters of the regional territory with no known owner, or whose owner failed to recover them within five years of the date of their loss, or whose owner abandoned, or was otherwise separated from them, are the property of the Region.

Article 9

Right of petition to the organs of self-government

- 1 – All Portuguese citizens may, individually or collectively, exercise the right of petition before the Region's organs of self-government, in defence of their rights, the Constitution, the present Statute, the general law or common interest, through the presentation of petitions, representations, claims or complaints.
- 2 – The right of petition obliges the receiving body to examine the petitions, representations, claims or complaints, as well as to communicate whatever decision is taken.
- 3 – The exercise of the right of petition is universal and free of charge, and the collection of signatures and other acts it may require shall not be hindered or prevented by any public or private body, neither shall it imply the payment of any kind of fee or tax.

PART II

FUNDAMENTAL PRINCIPLES

Article 10

Subsidiarity principle

The Region shall undertake the responsibilities it may assume more efficiently and adequately than the State.

Article 11

Principle of cooperation between the Republic and the Region

The Republic and the Region shall cooperate mutually in carrying out their respective responsibilities.

Article 12

Principle of national solidarity

1 - In the terms of the Finance Laws of the Autonomous Regions, the Region has the right to financial compensation for the costs of inequalities arising from insularity, namely with respect to communications, transport, education, culture, social security and health, encouraging the progressive integration of the Region in broader economic spheres, of national and international dimension.

2 – The State shall cover the costs of guaranteeing universal access to social benefits whenever it proves impossible to do so in the Region, in the terms of the Tax Laws of the Autonomous Regions.

Article 13

Principle of territorial and ultra-peripheral continuity

1 – The organs of sovereignty and the Region's organs of self-government, in the exercise of their respective attributions and responsibilities, should seek to promote the elimination of structural, social and economic inequalities between Portuguese citizens, caused by insularity and by the distance of each and all of the islands from the centres of power.

2 – The ultra-peripheral condition of the Azorean archipelago in relation to the national and Community territories, characterised by insularity, the small size and relevance of the islands, the climate and the economic dependence on a small number of products, should be a determining factor in the definition and implementation of the State's home and foreign policies.

Article 14

Principle of acquired autonomy

1 – The process of regional autonomy is strengthened gradually and dynamically.

2 – The possible suspension, reduction or suppression, by the organs of sovereignty, of the Region's rights, attributions and responsibilities, as the result of a transfer caused by the Republic's legislation or, indeed, regional legislation, shall be duly justified by ponderous reasons in the public interest and preceded by a qualified hearing of the Region.

Article 15

Principle of complementary national legislation

In the absence of regional legislation over matters not reserved to the competence of the organs of sovereignty, the established legal provisions shall apply in the Region.

Article 16

Implementation of legislative decisions

In the exercise of the responsibilities of the regional organs, the implementation of legislative decisions is carried out by the Regional Government.

PART III

ECONOMIC AND FINANCIAL REGIME

CHAPTER I

General principles

Article 17

The Region's economic and social development policy

- 1 – The guidelines and definitions of the economic and social development policies of the Region shall take into account the intrinsic characteristics of the archipelago.
- 2 – The economic and social development plans and the regional budgets provide the framework for and promote the development of the Region.
- 3 – In harmony with the principle of national solidarity, the State shall provide the Region with the financial means necessary to carry out the investments contemplated in the regional economic and social development plan which exceed the investment capacity of the Region,

in accordance with the fund transfer programme, in the terms of the Finance Law of the Autonomous Regions.

Article 18

Financial and patrimonial autonomy of the Region

1 – The financial and patrimonial autonomy of the Region is regulated by the Constitution, the present Statute and the Finance Law of the Autonomous Regions.

2 – The financial and patrimonial autonomy aims to guarantee the Region's organs of self-government the means necessary for the undertaking of their responsibilities, as well as the availability of the adequate means for the accomplishment of the objectives of autonomy.

CHAPTER II

Financial autonomy of the Region

Article 19

The Region's revenue

1 – In the terms of the Constitution, of the present Statute and of the Finance Law of the Autonomous Regions, the Region shall avail itself of the tax revenue levied or generated in the Region, as well as a share in the State tax revenue, established in accordance with the principle of national solidarity, as well as other revenue it may receive.

2 – The Region's revenue is, specifically:

- a) The income from the Region's own assets;
- b) Income tax, other taxes, fines and additional fees charged within its territory, including stamp tax, customs duties and other customs taxes, namely taxes and price differentials on petrol and other petroleum-based products;
- c) Taxes on goods imported by the Region but purchased outside its territory, including value added tax and vehicle sales tax;
- d) Other taxes it is due, in the terms of the present Statute and the law, according to the place of origin of the respective tax imposition;
- e) The contributions mentioned in clause h) of paragraph 1 of Article 7;
- f) The return from loans;

- g) The financial support from the State to which the Region is entitled, in accordance with the principle of national solidarity;
- h) The income from the issue of stamps and coins of numismatic interest;
- i) The financial contributions of the European Union;
- j) The income from privatisations, re-privatisations and from the sale of financial shares;
- l) Inheritances and legacies left to the Region;
- m) Other revenue it may receive.

3 – The Region’s revenue is destined to its expenditure, in accordance with the annual budget approved by the Legislative Assembly.

4 – The State ensures that the Region will benefit from European Union funds, taking into account the specific characteristics of the archipelago.

Article 20

Tributary power of the Region

1 – The region exercises its own tributary power, in the terms of the law, and may adapt the national tax system to the specific characteristics of the Region, in accordance with the framework law of the Assembly of the Republic.

2 – The regional tax system is structured so as to ensure the correction of inequalities due to insularity and aims to ensure the just distribution of wealth and income and to implement an economic development policy with greater social justice.

Article 21

The legal character of public expenditure

In the Region, the legal character of public expenditure shall be assessed by a regional division of the Accounts Tribunal, with the powers and responsibilities established by law.

CHAPTER III

Autonomous assets of the Region

Article 22

Public domain of the Region

1 – All goods located in the archipelago that are historically included in the State's public domain or that of the extinct autonomous districts are part of the public domain of the Region.

2 – The public domain of the Region includes, namely:

- a) The lakes, lagoons, streams and other water courses, with their respective beds and banks, and those that by law are acknowledged as usable for the production of electric energy or for irrigation;
- b) The irrigation ditches and canals built by the Region and the dams considered of public utility;
- c) Mineral beds;
- d) Mineral water resources, including springs of natural mineral waters and industrial mineral waters;
- e) Natural underground cavities, with the exception of rock, common land and other materials commonly used for construction;
- f) Geothermal resources;
- g) Regional roads, highways and motorways, their accessories and works of art;
- h) The Public energy distribution network;
- i) Artificial ports, docks and mooring facilities;
- j) Airports and aerodromes of public interest;
- l) Palaces, monuments, museums, libraries, archives and theatres;
- m) Public rights over private classified buildings and over the use and fruition of any private assets;
- n) Administrative easement and the public utility restrictions to the right of property.

3 – Assets and goods belonging to the military public domain, to the maritime public domain, to the air public domain and, except when classified as cultural heritage, the assets and goods belonging to non-regional public services are excepted from the regional public domain.

ARTICLE 23

Public domain of the State in the Region

1 – The cessation of effective and direct attribution of the State’s public domain assets to non-regional public services and the maintenance of such a situation for a period of three years enables the Region to request their devolution and directs the State, if it should choose to contest such a demand, to indicate the purpose it has chosen for the said properties.

2 – If a period of two years elapses after the indication referred to in the previous paragraph without the said property being effectively and directly attributed to non-regional public services, it shall be automatically transferred to the Region, which shall thereafter hold the right of possession.

ARTICLE 24

Regional private domain

1 – Assets belonging to the Region but not included in its public domain are regional private domain assets.

2 – Assets that belonged to the extinct autonomous districts and those that in the Region are historically included within the State’s private domain, with the exception of those attributed to non-regional State services, are part of the Region’s private domain.

3 – The following belong to the regional private domain:

- a) The Region’s buildings and their inherent rights;
- b) The rights the Region holds as leaseholder;
- c) Stocks and securities representing shares in the capital of business companies and their respective obligations;
- d) Forward exchange and option contracts whose underlying assets are shares in business companies;
- e) The rights to intellectual property;
- f) The rights of any nature that derive from the possession of assets and rights;
- g) The assets and rights belonging to State services transferred to the Region;
- h) All assets forfeited to the State that are not regulated by specific legislation;
- i) Abandoned assets and those that are part of unclaimed inheritances that benefit the State, provided that both are situated within the territorial limits of the Region.

4 – The alienation of any part of the State’s public domain in the Region implies its automatic inclusion in the region’s private domain and the Region shall also be entitled to come into its possession.

PART IV
ORGANS OF SELF-GOVERNMENT

CHAPTER I
Legislative Assembly

SECTION I
Statute and election

Article 25
Definition and seat of the Legislative Assembly

1 – The Legislative Assembly is the representative organ of the Region with legislative and inspection powers over regional government actions.

2 – The Legislative Assembly has its seat in the city of Horta, island of Faial, and delegations in the remaining islands.

Article 26
Composition and mandates

The Legislative Assembly is composed by Deputies elected by direct and secret universal suffrage, in accordance with the principle of proportional representation, by electoral district, in the terms of the law, for a mandate of four years.

Article 27
Electoral Constituencies

- 1 – Each island comprises an electoral constituency, designated by its respective name.
- 2 – Each island electoral constituency elects two Deputies, plus the number of Deputies proportional to the number of registered voters.
- 3 – The electoral law also establishes a regional compensation constituency to reinforce the global proportionality of the system.
- 4 – The electoral law may grant the right of vote to citizens with double residence, in the Region and other parts of the national territory or abroad.
- 5 – In attributing mandates, the system of proportional representation and the Hondt rule of the highest average, are applied in each constituency, in the terms defined by the electoral law.

Article 28

Candidatures

- 1 – Deputies are elected by lists proposed by the political parties running in each constituency, individually, or as part of a coalition, and the lists may include citizens that do not belong to the respective party.
- 2 – No one person may run in more than one constituency, with the exception of the regional compensation constituency, or appear on more than one list.

Article 29

Political representation

The Deputies represent the entire Region and not only the constituency that elects them.

Article 30

Exercise of the Deputy's mandate

- 1 – The Deputies exercise their mandates freely, and are guaranteed suitable conditions for the efficient performance of their duties, namely the indispensable contact with the electorate and their regular access to information.

2 – The absence of Deputies from official acts or events due to Legislative Assembly meetings or missions constitutes justifiable cause for the postponement of the said acts or events, without any further encumbrance.

3 – No Deputy may invoke the provision referred to in the previous paragraph more than once regarding any one official act or event.

4 – All bodies have the obligation, in the terms of the law, to cooperate with the Deputies in the exercise of their duties.

Article 31

Powers of the Deputies

1 – The Deputies have the power to:

- a) Propose draft projects of the Political and Administrative Statute;
- b) Propose draft projects of the law related to the election of Legislative Assembly Deputies;
- c) Present draft proposals with respect to the legislative initiatives of the Legislative Assembly;
- d) Present projects of regional legislation decrees, of the Legislative Assembly Rules of Procedure and of resolution;
- e) Present draft projects for regional referendums;
- f) Raise motions of censure;
- g) Participate and intervene in parliamentary debate, in the terms of the Rules of Procedure of the Legislative Assembly;
- h) Request and obtain from the Regional Government or from the organs of any regional public body the elements, information and official publications they may consider useful in the exercise of their mandate;
- i) Question the Regional Government, orally or in writing, in accordance with the law and with the Rules of Procedure of the Legislative Assembly;
- j) Require that two debates be held per legislative session, on matters of regional policy, in accordance with the Rules of Procedure of the Legislative Assembly;

l) Request the constitution of parliamentary commissions of enquiry or specific committees;

m) Request the Constitutional Tribunal to declare the unconstitutional character of any norm on the basis of the violation of the rights of the Region, the declaration of the illegality of any norm that is part of the regional diploma on the basis of the violation of the present Statute, or the declaration of the illegality of any norm that is part of a diploma issued by the organs of sovereignty on the basis of the violation of the rights of the Region as established by the present Statute;

n) Exercise the other powers established by law and by the Rules of Procedure of the Legislative Assembly.

2 – The powers referred to in clauses f), j) and l) of the previous paragraph may only be exercised by a minimum of five Deputies or by a parliamentary group.

3 – The power referred to in clause m) of paragraph 1 may only be exercised by one tenth of the Deputies.

Article 32

Duties of the Deputies

1 – It is the duty of Deputies to:

a) Participate in the work of the Parliament;

b) Be present at the Assembly meetings and at the meetings of the commissions they are members of;

c) Carry out the duties of the Legislative Assembly and those they may be elected or designated to;

d) Participate in voting;

e) Respect the dignity of the Legislative Assembly and of all those who have a seat in it;

f) Observe the order and discipline established in the Rules of Procedure of the Legislative Assembly;

g) Contribute to the efficiency and prestige of the work of the Legislative Assembly and, generally, to the observance of the Constitution and the Statute.

2 – Deputies should visit each one of the islands of the region at least once during each legislative term.

Article 33

Substitution, suspension, loss and renunciation of the mandate

1 – Deputies hold the right to be substituted and to request the suspension of their mandate, in accordance with the regime of implementation of the statute of holders of offices in the organs of self-government.

2 – Deputies will lose their mandates if:

a) They should be involved in any of the incapacities or incompatibilities established in the present Statute, without prejudice to the provisions established in the regimes of mandate substitution or suspension;

b) Should they not take their seat in the Legislative Assembly or should they exceed the number of absences established in the Rules of Procedure;

c) Should they join a political party other than the one by which they were elected;

d) Should they be convicted of a crime of liability in the exercise of their duties or should they participate in racist or fascist organisations.

3 – Deputies may renounce their mandate through a written declaration addressed to the President of the Legislative Assembly.

SECTION II

Powers of the Legislative Assembly

SUBSECTION I

General Powers

Article 34

Political powers of the Legislative Assembly

The Legislative Assembly has the power to:

- a) Invest the Regional Government and approve its respective programme;
- b) Approve the economic and social development plan, broken down by investment plans;
- c) Approve the regional budget, broken down into expenditure and revenue, including the budgets of the regional services and autonomous funds and of the investment plans of each regional secretariat;
- d) Authorise the Regional Government to issue loans and other credit operations other than floating debt, establishing the respective general conditions;
- e) Establish the maximum limit of guarantees the Regional Government may concede each year;
- f) Vote repeal motions to the Regional Government programme;
- g) Vote motions of confidence and censure against the Regional Government;
- h) Present proposals for regional referendums before the President of the Republic;
- i) Give opinion, on its own initiative or at the request of the organs of sovereignty, on matters of the competence of the said organs;
- j) Participate in the definition of the positions of the Portuguese State, within the scope of the construction of Europe, in matters of its political and legislative competence;
- k) –
- l) Participate in the establishment of bonds of cooperation with foreign regional bodies;
- m) Approve cooperation agreements with foreign regional or local bodies that refer to matters of its competence or to the participation in organisations that aim to promote inter-regional dialogue and cooperation;
- n) Elect the members of bodies or holders of posts that, by law or agreement, it has the responsibility to assign;
- o) Participate in the meetings of the Legislative Assembly commissions where regional legislative initiatives are discussed, through its representatives, in accordance with the Rules of Procedure of the Assembly of the Republic.

Article 35

Participation in and accompaniment of the European Union construction process

In the exercise of its powers of participation in and accompaniment of the European Union construction process, The Legislative Assembly has the power to:

- a) Define the broad guidelines of the Region's intervention in the European Union construction process and accompany and assess the Regional Government's activity in this area;
- b) Participate in the process of European construction through due representation in the respective regional institutions and in the delegations involved in the community decision-making process, whenever the matters under discussion are of its political and legislative competence;
- c) Promote regional inter-parliamentary cooperation within the European Union;
- d) Inspect the application of structural funds in the Region and other regional or national community programmes with effect in the Region;
- e) Participate, in the terms of the law, in determining the appropriations attributed to local government in the distribution of public resources applied in specific regional community programmes;
- f) Assess the Regional Government's half-yearly report on the Region's participation in the European Union.

Article 36

Legislative initiative

1 – In the exercise of legislative initiative, the Legislative Assembly has the power to:

- a) Draw up the drafts of the Political and Administrative Statute of the Region and of the law relative to the election of the Legislative Assembly Deputies, as well as issuing opinion about the respective rejection or introduction of alterations by the Assembly of the Republic, in the terms of article 226 of the Constitution;
- b) Exercise legislative initiative through the presentation of proposals of law or of alterations to the Assembly of the Republic.

2 – In the exercise of the power referred to in the previous paragraph, the Legislative Assembly may request a declaration of urgency in its respective processing and scheduling.

Article 37

Regional legislative power

1 – The Legislative Assembly has the power to legislate, for the regional territory, on matters of the Region's own legislative competence and that are not constitutionally reserved to the organs of sovereignty.

2 – The matters referred to in subsection II of the present section are matters of the Region's own legislative power.

Article 38

Complementary legislative power

1 – The Legislative Assembly has the power to develop, for the regional territory, the general principles or guidelines of statutory schemes contained in the law or decree-law they are bound by, except when they refer to matters whose regime is exclusively restricted to the organs of sovereignty.

2 – Regional legislative decrees approved under the present article should specifically evoke the laws or decree-laws whose principles or guidelines they are based on.

3 – The power mentioned in paragraph 1 is not limited to matters of the Region's own legislative competence, as stated in subsection II of the present section.

4 – When basic laws or decree-laws contemplate matters within the Legislative Assembly's own legislative competence, the Assembly may choose to develop, for the Region, the principles or guidelines of the statutory regimes they contain, in the terms of the present article or, alternatively, to exercise its own legislative competence, in the terms of the previous article.

Article 39

Delegated legislative power

1 –The Legislative Assembly has the power to legislate on matters restricted to the Assembly of the Republic, if duly authorised, as provided in the second part of clause d) and clauses e), g), h), j) and l), the first part of clause m) and clauses n), r), u) and z) of paragraph 1 of article 165 of the Constitution.

2 – Proposals of law of authorisation should be accompanied by the draft project of the regional legislative decree to be authorised, and the corresponding laws of authorisation should be applied, as provided in paragraphs 2 and 3 of article 165 of the Constitution.

3 – The authorisations referred to in the previous paragraph shall lapse upon the end of the legislative term or upon the dissolution of the Assembly of the Republic or the Legislative Assembly.

4 – Regional legislative decrees approved under the present article should specifically evoke the authorisation laws under which they were drafted.

5 – The Assembly of the Republic may submit regional legislative decrees approved under the present article to their own assessment so that they may be revoked, in the terms of article 169 of the Constitution.

6 – The competence referred to in paragraph 1 is not restricted to matters of the Region's own legislative competence, as stated in subsection II of the present section.

Article 40

Legislative power to transpose legal acts of the European Union

The Legislative Assembly has the power to transpose the legal acts of the European Union to the Region's territory, in matters of self legislation.

Article 41

Regulatory power of the Legislative Assembly

It is the exclusive competence of the Legislative Assembly to regulate the laws and decree-laws produced by the organs of sovereignty that do not restrict their respective regulatory power to the Regional Government.

Article 42

Other powers

1 – In the exercise of its inspection duties, the Legislative Assembly has the power to:

- a) Ensure that the Constitution, the Statute and the laws are upheld and to assess the acts of the Government and of the autonomous regional administration;
- b) Approve the Region's accounts for each economic year and assess the reports on the implementation of the regional economic and social development plan;
- c) Request that the Constitutional Tribunal declare the unconstitutional character of any norm on the basis of the violation of the Region's rights, to declare the illegal character of any norm contained in a regional diploma on the basis of the violation of the present Statute, or to declare the illegal character of any norm contained in a diploma produced by the organs of sovereignty on the basis of the violation of the rights of the Region as established in the present Statute.

2 – In the exercise of its monitoring duties, the Legislative Assembly has the power to:

- a) Accompany the activities of the holders of offices designated by the Legislative Assembly;
- b) Accompany the Government's guardianship over the activities of the Azorean organs of local government;
- c) Assess the reports of the bodies created in the terms of the present Statute;
- d) Carry out the annual audition of the Director of the Regional Centre of public radio and television in the Azores and of the regional head of the public news agency.

3 – It is also a competence of the Legislative Assembly to approve its Rules of Procedure.

Article 43

Regional referendum

1 - The Legislative Assembly has the power to present before the President of the Republic proposals of regional referendums.

- 2 – The electorate for a regional referendum is constituted by the total number of registered voters within the territory of the Region.
- 3 – The regional referendum may raise questions of relevant regional interest that are of the legislative competence of the Legislative Assembly, except for questions and acts relating to budget, taxation and finances.
- 4 – The regulation of a regional referendum is established by law.

Article 44

The form of the acts

- 1 – The acts established in clauses b), c), d) and e) of article 34, in article 37, in paragraph 1 of article 38, in paragraph 1 of article 39, in article 40 and in article 41, are in the form of regional legislative decrees.
- 2 – The acts established in clause a) of paragraph 1 of article 36 are in the form of project and those established in clause b) of paragraph 1 of the same article are in the form of proposals.
- 3 – The remaining acts of the Legislative Assembly, including those established in the second part of clause a) and in clause h) of article 34 and in paragraph 3 of article 42 are in the form of resolutions.
- 4 – The acts established in clauses f) and g) of article 34 take the form of motions.
- 5 – The acts established in paragraphs 1, 3 and 4 of the present article are published in the *Diário da República* (official national gazette) and in the *Jornal Oficial da Região* (official regional gazette).

Article 45

Regional referendum and legislative initiative

- 1 – Regional legislative and referendum initiative is within the power of the Deputies, of the parliamentary groups and representations, of the Regional Government and also of groups of registered voters, in the terms and conditions established in the following article.
- 2 – The Deputies and parliamentary groups and representations shall not present projects or proposals of alteration of a regional legislative decree or draft projects of a regional

referendum that involve an increase in the expenditure or decrease in the revenue of the Region, within the current economic year, as established in the budget.

3 – Projects and proposals regarding regional legislative decrees or regional referendums that are definitively rejected may not be renewed within the same legislative session.

4 - Projects and proposals regarding regional legislative decrees or regional referendums that are not voted during the legislative session during which they are proposed, do not need to be renewed during the subsequent legislative sessions, except in the case of the end of the legislative term or dissolution of the Legislative Assembly.

5 – Proposals regarding regional legislative decrees or regional referendums lapse, should the Regional Government stand down.

6 – Parliamentary commissions may present substitute texts without prejudice to the projects and proposals they refer to.

7 – The present article applies, with due alterations, to draft projects and draft proposals of law.

Article 46

Citizen legislative and referendum initiative

1 – All duly registered voters in the Region hold the right to legislative initiative, the right to participate in legislative procedure they have given origin to and the right to petition for a referendum.

2 – The citizen legislative initiative may address all matters included in the legislative competence of the Legislative Assembly, except those of a budgetary, tributary or financial nature or content.

3 – The groups of registered voters may not present legislative initiatives that:

a) Violate the Constitution of the Portuguese Republic or the present Statute;

b) Do not contain a concrete definition of the sense of the alterations to be introduced in the legislative order;

c) Involve, within the current economic year, an increase in the expenditure or a decrease in the revenue established in the Region's budget.

4 – The citizen referendum initiative may address the matters referred to in paragraph 3 of article 43 and may not involve an increase in expenditure or a decrease in the revenue as established in the Region's budget, during the current economic year.

5 – The right of initiative is universal and free of charge and the gathering of signatures and other necessary acts may not be hindered or prevented by any public or private body, nor may they give rise to the payment of any duties or taxes.

6 – The right to the citizens' legislative initiatives is exercised through the presentation to the Legislative Assembly of a regional legislative decree, signed by a minimum of 1500 registered voters in the Region.

Article 47

Discussion and voting

1 – The discussion of projects and proposals of regional legislative decrees' and of draft projects or draft proposals of laws includes a general and a specific debate.

2 – Voting includes a general vote, a specific vote and a final overall vote.

3 – The projects of the Political and Administrative Statute and of laws regarding the election of Deputies to the Legislative Assembly are approved by a two-third majority of the Deputies in office.

4 – If greater in number to the simple majority of the Deputies in office, a two-third majority of the Deputies present is required to:

a) Approve the Rules of Procedure of the Legislative Assembly;

b) Elect the members of the independent regional administrative bodies it may designate;

c) Elect regional ombudsmen by sector.

5 – A simple majority of Deputies in office is required to:

a) Reject the Regional Government programme;

b) Approve motions of censure;

c) Reject motions of confidence;

d) Create or extinguish municipalities;

e) Elect the holders of offices or organs, in representation of the Region, in the terms of the law.

Article 48

Signature of the Representative of the Republic

The decrees of the Legislative Assembly are sent to the Representative of the Republic to be signed and published.

SUBSECTION II

Matters of legislative self competence

Article 49

Political and administrative organisation of the Region

1 – The Legislative Assembly has the power to legislate in matters of political and administrative organisation in the Region.

2 – Matters of political organisation in the Region include, namely:

- a) The drawing up of the Statute and its regulation;
- b) The organics of the Legislative Assembly;
- c) The regime of implementation of the statute of the holders of office in the organs of self-government;
- d) Inter-regional cooperation within the national, European or international sphere;
- e) The form of designating holders of office in organs of representation of the Region.

3 - Matter of administrative organisation in the Region includes, namely:

- a) The organisation of direct and indirect autonomous regional administration, including the scope and regime of the employees of the autonomous regional public administration and other agents of the Region;
- b) The statutory scheme of public institutions, including public foundations and autonomous regional funds, public companies and private institutions of public interest which carry out their activity exclusively or predominantly in the Region;

- c) The statute of independent regional administrative bodies;
- d) The creation of organs that represent the islands;
- e) The creation and extinction of local municipalities, as well as the alteration of their respective areas, and the raising of localities to the status of town or city.

Article 50

The power to levy tax and adapt the tax system

1 – The Legislative Assembly has the power to legislate on matters regarding its own powers to tax and to adapt the national tax system.

2 – Matters regarding its own powers to tax and to adapt the national tax system include, namely:

a) The power to create and regulate taxes, defining their respective incidence, the rate, liquidation, collection, tax benefits and guarantees of tax payers, in the terms of the Finance Law of the Autonomous Regions, including the power to create and regulate contributions on improvements to charge added value on real estate deriving from renovation and regional public investment and to create and regulate other special contributions tending to compensate greater regional expenditure deriving from private activities, that may erode or jeopardise public assets or the regional environment;

b) The power to adapt national taxes to the specific characteristics of the Region, in matters of tax incidence, rates, tax benefits and guarantees of the tax payers, in the terms of the Finance Law of the Autonomous Regions;

c) The power to levy surplus charges upon the collection of taxes implemented in the Autonomous Region of the Azores;

d) The power to reduce, in the terms of the Finance Law of the Autonomous Regions, the rates of national income and value added taxes, and of special consumer taxes, in accordance with current legislation;

e) The power to determine the application, in the Autonomous Region of the Azores, of reduced rates of the Tax on the Income of Collective Persons (IRC) defined in national legislation;

f) The power to concede collection deductions on commercial, industrial and agricultural profits reinvested by taxable persons;

g) The power to authorise the Regional Government to concede temporary and conditioned tax benefits, relative to national and regional taxes, within a contractual regime, applicable to meaningful investment projects, in the terms of the Finance Law of the Autonomous Regions.

Article 51

Economic autonomy

1 – The Legislative Assembly has the power to legislate on matters relating to its own assets and economic autonomy.

2 – Matters relating to its own assets and economic autonomy include, namely:

a) The assets of private domain in the Region;

b) The special regimes of expropriation and requisition, for public utility, of assets located in the Region.

Article 52

Agricultural policy

1 – The Legislative Assembly has the power to legislate in matters of agricultural policy.

2 – Matters of agricultural policy include, namely:

a) Agriculture, including biological agriculture, forestry and cattle breeding, as well as the agricultural food sector;

b) The regional agricultural reservations;

c) Pasture lands, free range lands and forest reservations;

d) The division into parts of the rural land and the agrarian structure of agricultural estates;

e) The good health of the fauna and flora;

f) The investigation, development and innovation in the agricultural, forestry and food sectors, including genetic improvement and the use of genetically modified organisms;

g) The defence, promotion and support of regional products, including the geographical denomination of origin and quality.

Article 53

Fisheries, sea and marine resources

1 – The Legislative Assembly has the power to legislate on matters of fisheries, sea and marine resources.

2 – Matters of fisheries, sea and marine resources include, namely:

- a) The conditions of access to the inland waters and territorial seas belonging to the Region's territory;
- b) Fishing resources and other aquatic resources, including their conservation, management and exploitation;
- c) Fishing activities in inland waters and territorial seas belonging to the territory of the Region or by vessels registered in the region;
- d) Aquaculture and the processing of fishery products within the regional territory;
- e) Fishing vessels that carry out their activity in the inland waters and territorial seas belonging to the territory of the Region or registered in the Region;
- f) Recreational fishing;
- g) Nautical recreational activities, including the regime applicable to recreational seamen;
- h) The crews.

Article 54

Trade, industry and energy

1 – The Legislative Assembly has the power to legislate on matters of trade, industry and energy.

2 – Matters of trade, industry and energy include, namely:

- a) The operation of regional markets and economic activity;
- b) The supply system;

- c) The promotion of competition;
- d) Consumer defence and the promotion of quality in regional products;
- e) The alternative resolution of consumer-related litigations;
- f) Privatisation and re-privatisation of public companies;
- g) The modernisation and competitiveness of private companies;
- h) Markets, fairs and trade in general, including food and beverage establishments, large shopping complexes, as well as their respective timetables and opening hours;
- i) Handicrafts;
- j) Licensing and inspection of industrial activity;
- l) Facilities for the production, distribution, storage and transport of energy and energy produced in the Region, including renewable energies and energy efficiency.

Article 55

Tourism

1 – The Legislative Assembly has the power to legislate on matters of tourism.

2 – Matters of tourism include, namely:

- a) The regime for the use of tourist resources;
- b) The training of human resources, including tourist activities and professions, as well as the certification of schools and courses;
- c) The statutory schemes of tourism companies, travel agents and tour operators, including their respective licensing, classification and operation;
- d) The use of places, localities or monuments of regional tourist interest for the purpose of tourism, including classified maritime areas with special interest for underwater tourism;
- e) Maritime tourism activities;
- f) Tourism investment;
- g) The regime for declaring tourist utility and interest;
- h) The delimitation and concession of betting areas, and the respective regime of operation, inspection and sanctioning framework;

- i) The regime of denomination of the origin and quality of tourism facilities, activities and products.

Article 56

Infra-structures, transport and communication

1 – The Legislative Assembly has the power to legislate on matters of infra-structure, transport and communication.

2 – Matters of infra-structure, transport and communication include, namely:

- a) Social facilities;
- b) Contractors and public works regime;
- c) Concession of public works and public services;
- d) Civil construction;
- e) Traffic and circulation routes, including fixing speed limits;
- f) Ports, marinas and other civil harbour infra-structures;
- g) Airports, aerodromes, heliports and other civil aviation infra-structures;
- h) Land, sea and air transportation;
- i) Telecommunications;
- j) The distribution of mail and consumer goods.

Article 57

The environment and regional planning

1 – The Legislative Assembly has the power to legislate on matters of the environment and regional planning.

2 – Matters of the environment and regional planning include, namely:

- a) The protection of the environment, promoting ecological balance and the defence of nature and natural resources, including inspection and monitoring of natural resources;
- b) Protected and classified areas and land and sea conservation and protection zones;
- c) The regional ecological reserve;

- d) Natural resources, including habitats, biodiversity, fauna and flora, geothermal, forest and geological resources;
- e) Assessment of the impact on the environment;
- f) Hunting and other associated activities;
- g) Water resources, including surface or underground mineral and thermal waters, canals and irrigation channels;
- h) The collection, treatment and distribution of water;
- i) The collection, treatment and rejection of effluent waters;
- j) The collection, management, treatment and recycling of waste;
- l) The control of soil and subsoil contamination;
- m) The control of environmental quality;
- n) Environmental information, sensitising and education;
- o) Environmental associations;
- p) Regional planning and instruments of regional land management;
- q) Town planning, including the regime for town planning and construction and the use of soils.

Article 58

Solidarity and social security

1 - The Legislative Assembly has the power to legislate on matters of solidarity and social security.

2 – Matters of solidarity and social security include, namely:

- a) The management and economic regime of social security;
- b) The institution of a regional supplement to disability and retirement pensions and social contributions;
- c) The regulation of social services, social protection and social solidarity;
- d) The regime of cooperation between the regional administration and the private social welfare institutions;
- e) The fight against social exclusion and the promotion of equal opportunities and social inclusion;

- f) The protection of citizens with special needs;
- g) Social action, volunteer work and spare time occupation.

Article 59

Health

1 – The Legislative Assembly has the power to legislate on matters of health policy.

2 – Matters of health policy include, namely:

- a) The regional health service, including its organisation, planning, operation, financing and personnel;
- b) Private health practice and its articulation with the regional health service;
- c) Public and community health;
- d) Preventive, curative and rehabilitation medicine;
- e) The licensing and operating system of pharmacies and access to medicaments.

Article 60

Family and migration

1 – The Legislative Assembly has the power to legislate on matters of family and migration protection.

2 - Matters of family and migration protection include, namely:

- a) The protection of minors, child welfare and maternity and paternity support;
- b) The protection of the elderly;
- c) The integration of immigrants;
- d) The protection of emigrant communities;
- e) The organisation of associations and the promotion of Portuguese and Azorean culture in the diaspora;
- f) The reintegration of returnee emigrants.

Article 61

Labour and professional training

1 - The Legislative Assembly has the power to legislate on matters of labour and professional training.

2 - Matters of labour and professional training include, namely:

- a) The promotion of the fundamental rights of workers and unemployment protection;
- b) The creation and regulation of a regional supplement to the minimum guaranteed monthly wage;
- c) Professional training and upgrading of personnel, the acquisition and ratification of professional certificates and the certification of employees;
- d) Consultations on labour matters and mechanisms for alternative solutions to labour disputes.

Article 62

Education and youth

1 - The Legislative Assembly has the power to legislate on matters of education and youth.

2 - Matters of education and youth include, namely:

- a) The regional education system, including its organisation, operation, personnel, facilities, administration and management of educational and teaching establishments;
- b) Assessment within the regional education system and curricular plans;
- c) Private education activity and its articulation with the regional education system;
- d) Social action in schools within the regional education system;
- e) Study incentives and means to fight school failure and absence;
- f) Organisation in student and youth associations;
- g) Mobility and youth tourism;
- h) Regulation and management of youth activities and facilities.

Article 63

Culture and the media

1 - The Legislative Assembly has the power to legislate on matters of culture and the media.

2 - Matters of culture and the media include, namely:

- a) Historical, ethnographic, artistic, monumental, architectural, archaeological and scientific heritage;
- b) Cultural facilities, including museums, libraries, archives and other facilities for culture and the arts;
- c) Support and diffusion of theatrical, musical, audiovisual, literary and dance creation and production, as well as other kinds of intellectual and artistic creation;
- d) Folklore;
- e) Shows and public entertainment in the Region, including bullfights and bullfight traditions in their different forms;
- f) Cultural sponsorship;
- g) The media, including the financial support system.

Article 64

Research and technological innovation

1 - The Legislative Assembly has the power to legislate on matters of research and technological innovation.

2 - Matters of research and technological innovation include, namely:

- a) Centres for research and technical innovation, including their organisation, coordination, operation, and protection and accreditation systems;
- b) Support of scientific and technological research;
- c) Training of researchers;
- d) Diffusion of scientific knowledge and of technologies.

Article 65

Sport

1 - The Legislative Assembly has the power to legislate on matters of Sport.

2 - Matters of sport include, namely:

- a) The regional sports system and the sports information system, including organisation, administration, planning, financing and inspection;
- b) Professional and non-professional sports activities, including sports exchanges, school sports, competition sports and volunteer sports;
- c) Sports infra-structures, facilities and equipment;
- d) Sports personnel;
- e) Sports sponsorship;
- f) The associative sports movement and sports societies.

Article 66

Public safety and civil protection

1 - The Legislative Assembly has the power to legislate on matters of public order and safety and civil protection.

2 - Matters of public order and safety and civil protection include, namely:

- a) The statutory regime for the licensing of firearms dealers;
- b) Civil protection, fire brigade, paramedics and medical emergency;
- c) Meteorological, oceanographic, seismic and volcanological monitoring and vigilance, as well as the mitigation of geological risks;
- d) Assistance and patrol of beaches and bathing areas and coastal safety and rescue.

Article 67

Other matters

It is also the competence of the Legislative Assembly to legislate on the following matters:

- a) The symbols of the Region;
- b) Regional protocol and mourning;
- c) Regional holidays;
- d) The creation and the statute of the regional sector ombudsmen;

- e) The foundations of private law;
- f) The institution of supplementary payments to civil servants, agents and other employees of the autonomous regional administration;
- g) Policies regarding gender and the promotion of equal opportunities;
- h) The special regimes for minor offences and the respective procedure;
- i) Special regimes for rural and urban leases;
- j) The systems of incentives and the negotiation of incentives in the case of investments that are structural or strategic to the economy;
- k) 0;
- l) Relevant foreign investment;
- m) The regime of public and private partnerships in which the Region participates;
- n) Statistics;
- o) Marketing and publicity;
- p) Road prevention and safety.

SECTION III

Organisation and operation of the Legislative Assembly

Article 68

Legislative term

- 1 – Each legislative term has a duration of four legislative sessions.
- 2 – Each legislative session has a duration of one year and begins on the 1st of September.
- 3 – The Assembly meets in a Plenary sitting, in nine legislative periods, at least, per legislative session, between the 1st of September and the 31st of July.
- 4 – Outside of the legislative terms established in the previous paragraph, the Legislative Assembly may meet extraordinarily, in a Plenary sitting, through the summoning of its President, in the following cases:
 - a) On the initiative of the Permanent Commission;
 - b) On the initiative of one third of the Deputies;
 - c) Upon the request of the Regional Government.

Article 69

Dissolution of the Assembly

- 1 – The Legislative Assembly may be dissolved by the President of the Republic, once the Council of State and the represented parties have been heard.
- 2 – The Legislative Assembly may not be dissolved during the six months after its election or during a state of siege or a state of emergency in the Region's territory.
- 3 – The non-observance of the provision established in the previous paragraph determines the legal non-existence of the dissolution decree.
- 4 – The dissolution of the Legislative Assembly shall not jeopardise the maintenance of the Deputies' mandate, or the competence of the Permanent Commission, until the first meeting of the Assembly after the subsequent elections.
- 5 – In the event of the dissolution of the Legislative Assembly, if elections are not held within 60 days, the said act will have no legal existence.
- 6 – Should it be dissolved, the newly elected Legislative Assembly shall begin a new legislative term, the duration of which shall be initially increased with the necessary lapse of time to complete the period corresponding to the current legislative session at the time of the election.

Article 70

Beginning of the Legislative term

- 1 – The Legislative Assembly meets, without needing to be convened, on the tenth day after the general election results are confirmed.
- 2 – The first meeting of the Legislative Assembly verifies the powers of its members and elects its own governing committee.

Article 71

Operation

- 1 - The Legislative Assembly operates in plenary meetings and in commissions.
- 2 – The plenary meetings are open to the public and those of the commissions may also be so.
- 3 – A gazette of the Legislative Assembly is published with the full transcription of the Legislative Assembly’s plenary meetings, as well as the reports and opinions of the commissions, whose meetings are recorded in minutes.
- 4 - The Legislative Assembly is considered to have a quorum in a plenary meeting provided that the minimum legal number of its members are present.
- 5 - The Legislative Assembly may, on its own initiative or on the request of the Regional Government, declare any one initiative as urgent and it should then be the object of special procedure.

Article 72

Participation of the members of the Regional Government

- 1 - The members of the Regional Government have a seat in the Legislative Assembly meetings and the right to speak for the presentation of any communication or clarification.
- 2 - The members of the Regional Government may request to participate in the work of the commissions and should appear before them whenever requested to do so.

Article 73

Commissions

- 1 – The Legislative Assembly Rules of Procedure provide for the establishment of commissions and may set up specific commissions of enquiry, or commissions for any other given purpose.
- 2 – The composition of the commissions corresponds to the party representation in the Legislative Assembly.

3 – The presidency of each set of commissions is shared by the parliamentary groups in proportion to their number of Deputies.

4 – Petitions addressed to the Legislative Assembly are appreciated by the commissions or by a commission specially constituted for that purpose, which may hear other competent commissions and request a statement from any citizen.

5 – Without prejudice to their general constitution, parliamentary enquiry commissions are compulsorily constituted whenever such is requested by one fifth of the practising Deputies, to the limit of one per Deputy per legislative session.

6 – Parliamentary commissions of enquiry hold powers of investigation akin to those of judicial authorities.

7 – The statutory regime for parliamentary commissions of enquiry is established by regional legislative decree.

Article 74

Permanent Commission

1 – Outside the legislative terms, whenever it is dissolved and in the other cases established in the Constitution and the Statute, the Permanent Commission represents the Legislative Assembly.

2 – The Permanent Commission is presided by the President of the Legislative Assembly and is composed by the Vice-Presidents and the Deputies indicated by all the parties, in accordance with their respective representation in the Legislative Assembly.

3 – The Permanent Commission has the power to:

- a) Ensure the observance of the Constitution, the Statute and the laws and to monitor the acts of the Government and of the autonomous regional administration;
- b) Provide an opinion, on its own initiative or at the request of the organs of sovereignty, regarding the matters of the said organs' competence which have to do with the Region;
- c) Exercise the powers of the Legislative Assembly relative to the mandate of the Deputies;
- d) Convene the Legislative Assembly whenever necessary;
- e) Prepare the opening of the legislative session.

Article 75

Parliamentary groups and representation

1 – Elected Deputies of each party or coalition of parties may constitute a Parliamentary group.

2 – Each parliamentary group has the right to:

- a) Participate in the Legislative Assembly commissions in accordance with their number, and to indicate their representatives in the said commissions;
- b) Be heard when the day's agenda is fixed and lodge appeals to the Plenary regarding the fixed agenda;
- c) Promote debates on current and urgent matters of public interest, with the presence of the Regional Government;
- d) Promote, through the questioning of the Regional Government, two debates per legislative session, on matters of general or specific policy;
- e) Request the Permanent Commission to convene the Legislative Assembly;
- f) Request the constitution of parliamentary commissions of enquiry;
- g) Carry out legislative initiative;
- h) Submit motions of rejection of the Regional Government's programme;
- i) Submit motions of censure;

j) Be informed by the Regional Government, regularly and directly, about the proceedings of the principal matters of public interest.

3 – A Deputy who is the sole representative of a party or coalition may constitute a parliamentary representation.

4 – Parliamentary representations hold the rights established in clauses a), b), d), g) and j) of paragraph 2 of the present article.

5 – Each parliamentary group or representation has the right to a workplace in the seat and in the other installations of the Legislative Assembly, and to technical and administrative staff of its confidence, in the terms determined by the law.

6 – Deputies who are not part of parliamentary groups or representations are ensured a minimum of rights and guarantees, in the terms of the Legislative Assembly Rules of Procedure.

CHAPTER II

Regional Government

SECTION I

Function, structure, composition and responsibility

Article 76

Definition and seat of the Regional Government

1 – The Regional Government is the executive organ in the implementation of the Region's policies and the highest organ of the autonomous regional administration.

2 – The Presidency and the Regional Secretariats constitute the Regional Government departments and have their seats in the cities of Angra do Heroísmo, Horta and Ponta Delgada.

Article 77

Composition of the Regional Government

1 – The Regional Government is constituted by the President and the Regional Secretaries.

2 - The Regional Government may include Vice-Presidents and Regional Under-Secretaries.

3 – The number and denomination of the members of the Regional Government, their area of competence and the structure of the government departments, are determined by regional regulatory decree.

4 – Regional Under-Secretaries hold the powers delegated to them by the respective members of the Regional Government.

Article 78

Regional Council of Government

1 – The Regional Council of Government is composed of the President, the Vice-Presidents, should there be any, and the Regional Secretaries.

2 – The Regional Under-Secretaries may be called upon to participate in the meetings of the Regional Government.

3 - The Regional Council of Government meets whenever it is convened by its President and defines the general guidelines of government policy.

Article 79

The President of the Regional Government

- 1 – The Regional Government is represented, led and coordinated by its President.
- 2 – The President of the Regional Government may have charge of any of the government departments.

Article 80

Substitution of the members of the Regional Government

- 1 – In his absences and impediments, the President of the Regional Government shall designate a Vice-President, should there be one, or a Regional Secretary, to substitute for him.
- 2 – Each Vice-President or Regional Secretary is substituted, in his absence or impediment, by the member of the Regional Government indicated by the President of the Regional Government.

Article 81

Beginning and cessation of office

- 1 – The President of the Regional Government is appointed by the President of the Republic, in accordance with the results of the Legislative Assembly elections, after hearing the represented parties.
- 2 – Vice-Presidents, Regional Secretaries and Under-Secretaries are appointed and exonerated by the Representative of the Republic, on the proposal of the President of the Regional Government.
- 3 – The Regional Government takes up office officially before the Legislative Assembly.

4 – The duties of the Vice-Presidents and Regional Secretaries shall cease with those of the President of the Regional Government, and those of the Under-Secretaries, with those of the members of Government upon whom they depend.

5 – Should the Regional Government resign, the President of the Regional Government shall remain in office and shall be exonerated on the date upon which a new President of the Regional Government takes office.

6 – Before its programme is approved by the Legislative Assembly or after its resignation, the Regional Government shall limit its acts to those strictly necessary to secure the current management of public affairs.

7 – Acts considered strictly necessary to secure the current management of public affairs, as referred to in the previous paragraph, are:

- a) Acts which are, cumulatively, urgent or cannot be delayed, whose pursuit is of significant public interest and that are adequate for the realisation of the objective invoked;
- b) Acts of current administration, operational maintenance and conservation;
- c) Acts of mere execution or implementation of measures decided prior to the resignation of the Regional Government.

Article 82

Political responsibility

The Regional Government is politically responsible to the Legislative Assembly.

Article 83

Regional Government Programme

1 – The Regional Government Programme contains the main political guidelines and measures to be adopted or proposed in government activity.

2 - The Regional Government Programme is submitted to the Legislative Assembly within a maximum of ten days after the Regional Government takes up office.

3 - The Regional Government Programme is submitted to be assessed and put to the vote by the Legislative Assembly, which will meet specifically for this purpose, within fifteen days after the Regional Government takes up office.

4 – The debate about the Regional Government Programme shall not exceed three days.

5 – Until the end of the debate, any parliamentary group may propose the rejection of the Regional Government Programme, by means of a duly founded motion.

Article 84

Motions and votes of confidence

1 - The Regional Government may request the Legislative Assembly, once or more times, to approve a motion of confidence regarding its acts.

2 - The Regional Government may also request the Legislative Assembly to approve a motion of confidence regarding any matters of specific policy

Article 85

Motions of Censure

1 – The Legislative Assembly may vote motions of censure regarding the implementation of the Regional Government Programme or regarding matters of relevant interest to the Region.

2 – A motion of censure shall not be debated within seven days of its submission and the debate shall not continue for more than two days.

3 – Should the motion of censure not be approved, its signatories may not present another during the same legislative session.

Article 86

Resignation of the Regional Government

1 – The Regional Government will resign:

- a) At the beginning of a new legislative term;
- b) Should the President of the Regional Government present a request of resignation before the Representative of the Republic;
- c) In the event of the death or lasting physical incapacity of the President of the Regional Government;
- d) Should the Regional Government Programme be rejected;
- e) Should a motion of confidence not be approved;
- f) Should a motion of censure be approved.

2 – In the cases whereupon the Regional Government should resign as established in clauses b) to f) , and without prejudice to the power of the President of the Republic to dismiss the Legislative Assembly, the Representative of the Republic will appoint a new President of the Regional Government unless, after hearing the parties represented in the Legislative Assembly, it proves impossible to do so, taking into account the electoral results.

Article 87

Compulsory visits of the Regional Government

1 – The Regional Government will visit each of the Region's islands at least once each year.

2 – On one of the visits referred to in the previous paragraph, the Regional Council of Government will meet in the island visited.

SECTION II
Competence of the Regional Government

Article 88
Political Competence of the Regional Government

It is the competence of the Regional Government, in the exercise of its political duties, to:

- a) Carry out the Region's policies, defending democratic legality;
- b) Give its opinion, on its own initiative or at the request of the organs of sovereignty, on matters of the said organs' competence that are relevant to the Region;
- c) Participate in the drafting of national plans;
- d) Participate in the definition and implementation of fiscal, monetary, financial and currency exchange policy, in such a way as to ensure regional control over the modes of payment in circulation and over the financing of the necessary investments for the economic and social development of the Region;
- e) Participate in the definition of policies regarding inland waters, territorial sea, the contiguous zone, exclusive economic zone and the continental shelf adjacent to the archipelago;
- f) Submit to the Legislative Assembly proposals of regional legislative decrees, regional referendums and draft proposals of laws;
- g) Draw up its programme and submit it to the Legislative Assembly, for approval;
- h) Draw up proposals for the regional economic and social development plan;
- i) Draw up the budget proposal and submit it to the approval of the Legislative Assembly;
- j) Present the Region's accounts before the Legislative Assembly;
- k) 0;
- l) Participate in the definition of the positions of the Portuguese State within the scope of the European construction process in matters of interest to the Region;

- m) Participate in the negotiation of international treaties and agreements that have directly to do with the Region and administer the benefits forthcoming from such treaties or agreements;
- n) Establish relations of cooperation with foreign regional bodies, namely through the negotiation and settlement of agreements;
- o) Represent the Region in organisations whose purpose is to foster inter-regional dialogue and cooperation;
- p) Participate in the European construction process, through representation in the respective regional bodies and in the delegations involved in community decision processes, whenever matters of regional interest are at stake.

Article 89

Regulatory power of the Regional Government

1 –The Regional Government has the power, in the exercise of its regulatory duties, to:

- a) Approve its own organisation and operation;
- b) Regulate regional legislation;
- c) Regulate legal acts of the European Union;
- d) Draft the necessary regulations for the efficient operation of the autonomous regional administration and for the proper enforcement of its laws.

2 – The matters listed in clause a) of the previous paragraph are of the exclusive competence of the Regional Government.

Article 90

Executive power of the Regional Government

1 – The Regional Government has the power, in the exercise of its administrative duties, to:

- a) Exercise its own executive power;

- b) Conduct the services and activities of the autonomous regional administration;
- c) Coordinate the drafting of the regional plan and budget and guarantee its implementation;
- d) Adopt the necessary measures to promote economic and social development and to satisfy collective regional needs;
- e) Administer and use the regional patrimony and celebrate such acts and contracts as may be of interest to the Region;
- f) Administer, in the terms of the present Statute and of the Finance Law of the Autonomous Regions, the tax revenue charged or levied in the Region, as well as the participation in the State's tributary revenue, and other revenue it may receive and include in its expenses;
- g) Exercise tutelary power over the local authorities;
- h) Superintend services, public institutions and public and nationalised companies that carry out their activities exclusively or predominantly in the Region, and in other cases that regional interest may justify;
- i) Exercise civil requisition and expropriation for public use, in the terms of the law;
- j) Carry out all acts demanded by law regarding staff and agents of the autonomous regional authority;
- l) Carry out all other executive duties attributed by law.

2 – In tributary matters, the Regional Government also has the power, in the terms of the law, to:

- a) Impose, liquidate and collect duties and taxes through its own services or by resorting to the State's services;
- b) Receive the revenue of other duties, taxes or equivalent revenue;
- c) Assume a position as an active subject in the tributary relations the Region may participate in;
- d) Concede fiscal benefits.

Article 91

The form of the acts of the Regional Government

1 – The acts of the Regional Government established in clauses a) to d) of paragraph 1 of article 89 are in the form of regional regulatory decrees.

2 - Regional regulatory decrees, proposals of regional legislative decrees and regional referendums and draft proposals of laws are approved by the Regional Council of Government.

3 - Regional regulatory decrees are sent to the Representative of the Republic to be signed and will be published in the *Diário da República* (national gazette) and in the *Jornal Oficial da Região* (regional gazette).

4 – All other acts of the Regional Government and its members will be published in the *Jornal Oficial da Região* (regional gazette), in the terms defined by regional legislative decree.

CHAPTER III

Statute of the holders of political offices

SECTION I

Common dispositions

Article 92

Holders of political offices in the organs of self-government

The Regional Assembly Deputies and the members of the Regional Government are holders of political offices in the organs of self-government of the Autonomous Region of the Azores.

Article 93

Remunerative statute of the holders of political offices

1 – The President of the Legislative Assembly and the President of the Regional Government have a remunerative statute identical to that of a Minister.

2 – The Legislative Assembly Deputies receive a monthly salary corresponding to that of the Assembly of the Republic Deputies, with a deduction of 3.5%.

3 – The Vice-President of the Regional Government receives a monthly salary corresponding to half of the sum of the salary of the President of the Regional Government plus the salary of a Regional Secretary.

4 - The Vice-President of the Regional Government is entitled to an allowance for representation expenses equal to half the sum of the equivalent allowance received by the President of the Regional Government plus the equivalent allowance received by a Regional Secretary.

5 - Regional Secretaries have a remunerative statute identical to that of the Secretaries of State and the Regional Under-Secretaries, to that of the Under-Secretaries of State.

6 - Vice-Presidents of the Legislative Assembly and the presidents of parliamentary groups are entitled to a monthly allowance for representation expenses equivalent to 25% of the income of the President of the Legislative Assembly.

7 – The vice-presidents of parliamentary groups, the Deputies with parliamentary representation and the presidents of parliamentary commissions are entitled to a monthly allowance for representation expenses equivalent to 20% of the income of the President of the Legislative Assembly.

8 – The secretaries of the Chair and the secretaries of the parliamentary commissions are entitled to a monthly allowance for representation expenses equivalent to 15% of the income of the President of the Legislative Assembly.

9 – The remaining Deputies not contemplated in paragraphs 6, 7 and 8 are entitled to a monthly allowance for representation expenses equivalent to 10% of the income of the President of the Legislative Assembly, provided that they carry out their mandate under the exclusive dedication regime.

Article 94

Per Diem allowance

1 - Holders of political offices travelling outside their island of residence on official business may opt for one of the following benefits:

- a) A per diem allowance equal to the amount attributed to the members of the Government of the Republic;
- b) Paid stay in a hotel plus 50% or 70% of the per diem allowance, depending on whether the trip takes place within the country or abroad.

2 – The provision established in the previous paragraph also applies to the holders of political offices travelling within their island of residence, on official business, except when the distance between their place of residence and the workplace does not exceed 40 kilometres, in which case they are entitled to one third of the per diem allowance established in clause a) of the previous paragraph.

3 – Deputies are entitled to the per diem allowance fixed in the terms of the present article for each day of presence in parliamentary work, to which should be added the allowance equivalent to two days for each week in which parliamentary work takes place.

Article 95

Time in office

The time spent in any political post in the Region's organs of self-government is added to the time spent as a holder of any political office in the organs of sovereignty.

Article 96
Register of interest

1 – A public register of interest is created in the Legislative Assembly, and shall be regulated by regional legislative decree.

2 – The register of interest consists of the registration, in the respective document, of all activities carried out by the holders of political offices susceptible of causing incompatibility or impediment.

3 – The register is public and may be consulted by any one who requests to do so.

SECTION II
The Statute of the Legislative Assembly Deputies

Article 97
Rights, privileges and immunity of Deputies

The Statute of the Assembly of the Republic Deputies is applicable to the Legislative Assembly Deputies as regards constitutional and legally consecrated rights, privileges and immunity, with the necessary adaptations and in accordance with the specific characteristics consecrated in the present Statute and in the respective implementation legal regime.

Article 98
Deputies' social security

1 – Deputies are entitled to the social security regime of the civil service.

2 – Should any Deputy opt for the social security regime of his profession, the Legislative Assembly will assume the costs corresponding to the respective employer.

Article 99

Deputies assigned on a non-permanent basis

1 – Deputies may opt not to be permanently or exclusively assigned to the Legislative Assembly.

2 – In the case established in the previous paragraph, the Deputy will be assigned to the Legislative Assembly only during the Plenary meetings or during the carrying out of such work or official missions as they may have been specifically elected or designated for.

3 - Deputies assigned to the Legislative Assembly on a non-permanent basis have the right to be exempted from all public or private professional activities:

- a) During the effective running of the Legislative Assembly Plenary, the Chair and the commissions or groups of Deputies they may belong to;
- b) During the five days that precede the Legislative Assembly Plenary or the departure for the said session and for an equal duration after the end of the Plenary or of the Deputy's return, in his constituency;
- c) Up to five days per month, in a row or with interruptions, in the Deputy's constituency;
- d) During the Deputy's return home at the end of each week of Plenary or commission work at the Assembly;
- e) During the Deputy's travel between residence and constituency whenever they are different, up to five times per legislative session;
- f) During travel between residence and the Region's islands, namely for the purposes established in paragraph 2 of article 32, once a year.

Article 100

Travel

The Deputies have the right to the corresponding transportation, life insurance and emergency medical assistance when travelling in the exercise of their duties or because of them.

Article 101
Incompatibilities

1 – The following offices or functions are incompatible with the exercise of the mandate as a Deputy to the Legislative Assembly:

- a) President of the Republic, Deputy to the Assembly of the Republic and member of the Government of the Republic;
- b) Representative of the Republic and member of the Regional Government;
- c) Member of the Constitutional Tribunal, of the Supreme Court of Justice, of the Supreme Administrative Court, of the Accounts Tribunal and of the Higher Council of Magistrates and Ombudsman;
- d) Member of the European Parliament;
- e) Ambassador;
- f) Civil Governor or Vice-Governor;
- g) Town Council President or full or part-time Town Councillor;
- h) Civil Servant with the State, the Region or other public body;
- i) Member of the National Election Committee;
- j) Member of the Government of the Republic's cabinet, of the Representative of the Republic's cabinet or of the Regional Government cabinet or any equivalent office;
- l) Employee of an international organisation or of a foreign State;
- m) President or Vice-President of the Economic and Social Council or of the Economic and Social Council of the Azores;
- n) Specific regional ombudsmen;
- o) Directors or administrators of independent regulatory bodies, public companies or public institutes.

2 – The provision in clause h) of the previous paragraph does not include unremunerated teaching activities in higher education, research or activities with significant social interest, if previously authorised by the competent parliamentary commission on questions of incompatibilities and impediments.

Article 102
Impediments

1 – A Deputy to the Legislative Assembly may carry out other activities, within the limits of the present Statute and of the law, duly informing the Constitutional Tribunal and the competent parliamentary commission on matters of incompatibilities and impediments, of their nature and identification.

2 – Without prejudice to the provisions in specific law, the following prevent the exercise of the mandate as a Deputy to the Legislative Assembly:

- a) Participation in organs with directing or administrative duties in companies with concession privileges which operate in the Region;
- b) The Presidency of an executive organ of a private association or foundation with a lasting financial cooperation agreement with the State, the Region, the municipalities or other public bodies.

3 – Without prejudice to the provisions in specific law, Deputies also may not:

- a) Participate in commercial or industrial activities, directly or indirectly through a spouse not legally separated in terms of person or assets or through bodies in which he may hold a significant participation or dominating influence, in proceedings which are compulsorily open, in terms of the law, to different competitors or candidates, within the scope of drafting public contracts whose objective includes payments that are or may be susceptible to market competition and that will be adjudicated by the Region, the municipalities of the Azores or any body that is part of its indirect administration;
- b) Exercise a legal mandate as author of civil proceedings, in any jurisdiction, against the Region;
- c) Sponsor foreign States;
- d) Benefit, personally and unduly, from acts, or take part in contracts, in whose drafting process organs or services under his direct influence intervene;
- e) Figure or in any way participate in acts of commercial publicity.

4 – The Deputy requires the authorisation of the Legislative Assembly, through the competent parliamentary commission, to:

- a) Be arbiter, jury member, expert or witness;

b) Hold a post appointed by the Government.

5 – The authorisation referred to in clause a) of the previous paragraph should be requested by the competent judge or by the instructor of the process, in a document addressed to the President of the Legislative Assembly, and the deliberation will be preceded by the hearing of the Deputy.

6 – No authorisation shall be given to the exercise of the duties of a paid expert or arbiter in any process in which the Region, the municipalities of the Azores or any body that is part of its indirect administration, may participate.

7 – An infraction to the provision in paragraphs 1, 2, 3 and 4 of the present article determines, for the Deputy in question, without prejudice to other eventual responsibilities:

a) A warning;

b) Suspension of the mandate while the impediment lasts, for a period of at least 50 days;

c) Compulsory reimbursement of the total sum received due to the exercise of public duties, during the period the impediment may last.

Article 103

Impediment and incompatibility control

Once any impediment or incompatibility has been verified by the competent parliamentary commission and the respective position of the Plenary has been approved, the Deputy is notified to put an end to the said situation, within 30 days.

SECTION III

Statute of the members of the Regional Government

Article 104

Statute of the members of the Regional Government

The statute of the members of the Government of the Republic is applicable to the members of the Regional Government, as regards duties, responsibilities, incompatibilities, rights, privileges and immunities, with the necessary adaptations and in agreement with the specific characteristics consecrated in the present Statute and in the respective legal regime of implementation.

Article 105

Limitation of the mandates of the President of the Regional Government

1 – The President of the Regional Government may only be appointed for three consecutive mandates.

2 - The President of the Regional Government, upon the conclusion of the mandates referred to in the previous paragraph, shall not assume a new mandate during the four years immediately subsequent to the last permitted consecutive mandate.

3 – Should he/she resign during the third consecutive mandate, the President of the Regional Government shall not be appointed after the following elections, nor after any elections that may occur within the four year period subsequent to the resignation.

CHAPTER IV

Representative of the Republic

Article 106

Representative of the Republic

1 – The Representative of the Republic for the region is appointed and exonerated by the President of the Republic, after hearing the Government of the Republic.

2 – Except when exonerated, the mandate of the Representative of the Republic has the same duration as that of the President of the Republic and ceases upon the stepping into office of a new Representative of the Republic.

3 – In the event that the post becomes vacant, as well as during absences and impediments, the Representative of the Republic will be substituted by the President of the Legislative Assembly.

Article 107

Competence

1 – It is the competence of the Representative of the Republic to:

- a) Appoint the President of the Regional Government, taking into account the electoral results;
- b) Appoint and exonerate the other members of the Regional Government, upon proposal by the respective President;
- c) Sign and have published the regional legislative decrees and regional regulatory decrees;
- d) Exercise the right to veto, namely in the terms of articles 278 and 279 of the Constitution of the Portuguese Republic.

2 – Within fifteen days, counting from the reception of any Regional Legislative Assembly decree he may receive for signature, or from the publication of a Constitutional Tribunal decision that does not consider unconstitutional a norm included in the said decree, the Representative of the Republic shall sign it or exercise his right to veto, requesting a new assessment of the diploma through a well-founded message.

3 – Should the Regional Legislative Assembly confirm the vote by absolute majority of its members in effective duty, the Representative of the Republic shall sign the diploma within eight days of its reception.

4 – Within 20 days, following the reception of any Regional Government decree he may have been sent for signature, the Representative of the Republic shall sign or refuse to sign, communicating in writing the reasons for his refusal to the Regional Government, who may convert the decree into a proposal and present it to the Regional Legislative Assembly.

PART V

RELATIONSHIP OF THE REGION WITH OTHER PUBLIC LEGAL PERSONS

CHAPTER I
Of cooperation in general

Article 108
General principles

The relationship between the Region and other public legal persons is governed by the principles of cooperation, of shared information and transparency, of institutional loyalty, of national solidarity, of complementation and decentralisation.

Article 109
Instruments of cooperation with the Republic

Within the scope of their respective duties, the Region and the Republic may enter into agreements and resort to any other means of cooperation necessary for the accomplishment of their common objectives.

Article 110
Cooperation agreements

- 1 – The Regional Government and the Government of the Republic may enter into legally binding agreements on matters of common interest with the specific or general objective of creating mixed organs, public or private mixed capital companies, proceeding with joint plans, programmes or projects, or to manage and run services within their competences.
- 2 – Agreements that imply the accomplishment of State duties by the Region shall be accompanied by the transfer to the Region of the necessary financial means.

Article 111
Participation in organs of the Republic

The Region participates in the definition, conduct and implementation of the State's general policies on matters of its interest through the competent organs, in accordance with the provisions of the present Statute and the law.

Article 112

Delegation of the powers of the Government of the Republic to the Regional Government

1 – In matters whose regulatory competence is reserved to the Government of the Republic, in the terms of the Constitution, it may, by resolution of the Council of Ministers, delegate the said competence to exercise an administrative duty, in full or in part, to the Regional Government.

2 – The competence to carry out administrative duties, in compliance with the previous paragraph, includes the emission of regulations, the practise of administrative acts and the signing of administrative agreements, as well as the joint exercise of competence.

3 – The Government of the Republic may also delegate to the Regional Government powers of coordination of the State's services in the Region with the regional services.

4 – The delegation of powers established in paragraph 1 of the present article does not cease upon a change of the holders of the offices of the Government of the Republic and of the Regional Government.

5 – The provision established in the Administrative Procedure Code applies to the act of delegating power from the Government of the Republic to the Regional Government, with the due adaptations.

Article 113

Relationships with local and regional bodies

The Region, through the Regional Government, may establish special relationships of coordination, collaboration or cooperation, inclusively through the celebration of agreements, with other public bodies, namely the Autonomous Region of Madeira, the administrative regions and other local authorities or their associations, and the regime established for the celebration of agreements of cooperation with the State will apply, with the due adaptations.

CHAPTER II

Hearing of the organs of self-government by the organs of sovereignty

Article 114

Hearing by the President of the Republic on the exercise of political powers

The organs of the Regional Government should be heard by the President of the Republic before dissolving the Legislative Assembly and setting a date for regional elections or regional referendums, in the terms of paragraph 2 of article 229 of the Constitution.

Article 115

Hearing by the Assembly of the Republic and by the Government on the exercise of political powers

The Assembly of the Republic and the Government should hear the Region, through the Regional Government, on the exercise of its political duties and powers, as well as when participating information about matters of interest to the Region, within the scope of community institutions, in the exercise of political powers.

Article 116

Hearing on the exercise of legislative powers

1 – The approval of laws and decree-laws applicable within the regional territory should be preceded by the hearing of the Legislative Assembly on matters concerning the Region.

2 – Matters concerning the Region are the norms with specific incidence in the Region or that refer to predominantly regional interests, namely:

- a) Inland waters, territorial sea, the adjacent zone, the exclusive economic zone and the continental shelf adjacent to the archipelago;
- b) The regional referendum regime;
- c) The regional finance regime;

- d) The statute of local authorities in the Azores and their respective financing;
- e) The general regime for drafting and organising the regional budget;
- f) The definition and regime of assets of the regional public domain and of the State's public domain within the Region;
- g) Judiciary organisation within the Region;
- h) Public safety and the organisation of security forces within the Region;
- i) Planning and regulating territorial and town planning, as regards the Region;
- j) The regional regime for integrated means of production in the cooperative and social property sectors.

3 – The Region should also be heard by the Assembly of the Republic when it exercises its legislative competence, especially as regards regional development legislative competence, on the following matters:

- a) The bases of the education system;
- b) The bases of the social security and national health systems;
- c) The bases of the nature and ecological balance protection systems;
- d) The bases of the cultural heritage;
- e) The bases of agricultural policy;
- f) The bases of the regime and scope of the civil service;
- g) The general bases of the regime of public companies and foundations;
- h) The general bases of territorial and town planning.

Article 117

Hearing about the exercise of administrative powers

The Government of the Republic should hear the Region, through the Regional Government, on the exercise of its administrative powers, as well as when participating information about matters of interest to the region, within the scope of community institutions, in the exercise of administrative powers.

Article 118

Form of hearing and timetable

- 1 – The organs of self-government make their attitude known through the emission of founded opinions.
- 2 – In situations of manifest urgency declared by the organ of sovereignty or whenever it is so justified, namely in relation to single-member organs, the hearing may be carried out orally.
- 3 – The organs of sovereignty may determine the secret character of the hearing when the nature of the situation or of the matter so justify it or when national defence is at stake.
- 4 – A reasonable date limit for the pronouncement should be set by the organs of sovereignty, which shall not be less than 15 days for the Regional Government and 20 days for the Legislative Assembly.
- 5 – Time periods established in the previous paragraph may be extended, when the complexity of the matter so justifies, or shortened, in situations of duly founded manifest urgency, declared by the organ of sovereignty, and may not be less than five days, except under the provision established in paragraph 2.
- 6 – The organs of self-government may request a prorogation of the time period allowed by the organ of sovereignty for pronouncement, through a founded decision.
- 7 – Other forms of hearing the organs of self-government on the activity of the organs of sovereignty that are of regional interest may be agreed, as well as the terms of its collaboration in such activity.

Article 119

Qualified hearing

- 1 - The Assembly of the Republic and the Government of the Republic adopt the procedure of qualified hearing, in the following cases:
 - a) Legislative initiatives susceptible of being contrary to any norm in the present Statute;
 - b) Legislative or regulatory initiatives envisaging the suspension, reduction or suppression of regional rights, duties or powers, in accordance with paragraph 2 of article 14;

- c) Legislative initiatives aiming to transfer duties and powers of the State administration to the local authorities of the Azores, in accordance with article 135.
- 2 – The procedure of qualified hearing begins with the sending to the competent organ of self-government of a proposal or project of an act accompanied by a special, fully grounded justification of the proposed solution, in the light of the principles of priority of the Statutes, the acquired autonomy and subsidiary character.
- 3 – Within the time period indicated by the organ of sovereignty in question, which may never be less than 15 days, the competent organ of self-government will give its founded opinion.
- 4 – In the case of a negative opinion or of the non-acceptance of the alterations proposed by the organ of sovereignty in question, a bilateral commission shall be formed, with an equal number of representatives from both organs, in order to formulate an alternative proposal, by common agreement, within 30 days, unless there is a contrary agreement.
- 5 – At the end of the time period established in the previous paragraph, the organ of sovereignty shall decide freely.

Article 120

Pronouncement by the organs of self-government

- 1 – The organs of self-government may also, on their initiative, make a pronouncement on matters of the competence of the organs of sovereignty that are in the Region's interest, through a founded opinion.
- 2 – In their actions the organs of sovereignty should take into account the opinions of the organs of self government, in accordance with the previous paragraph.

PART VI

THE REGION'S INTERNATIONAL RELATIONS

Article 121

Participation of the Region in the foreign policy of the Republic

1 – The Region, through the Regional Government, shall participate in the definition and implementation of the foreign policy of the Republic whenever matters of interest to the Region are at stake.

2 – Matters of interest to the Region, as regards the previous paragraph, are, namely:

- a) Those susceptible to special implications in its duties and powers;
- b) Policies related to the territorial sea, the exclusive economic zone and the continental shelf;
- c) Fiscal, monetary, financial and exchange policies, in order to ensure the Region's control over the means of payment in circulation and the financing of the investments necessary to its economic and social development;
- d) Its condition as an ultra-peripheral region and its insularity;
- e) The use of military bases within the Region;
- f) Public safety within the Region;
- g) Agriculture and fishing policy whenever it applies to the Region;
- h) The regulation of protected denominations of origin, protected geographical indications or other systems of protection and appreciation of value of products and brands of the Region;
- i) Policies on the environment, resource management and the protection of the fauna and flora of the Region;
- j) International trade, when affecting goods produced in the Region;
- l) Investment in the Region;
- m) Cultural heritage of the Region.

3 – Within the scope of the right to participation referred to in paragraph 1 of the present article, the Region has the right to:

- a) Request from the Republic the celebration or adhesion to international treaties and agreements considered adequate to the accomplishment of the fundamental objectives of the Region;
- b) Be informed by the Republic about the negotiation of treaties or agreements;
- c) Participate, as part of the Portuguese delegation, in the negotiation of international treaties or agreements or other international negotiations or summit meetings;

- d) Participate, as part of the Portuguese delegation, in international organisations;
- e) Present, before the organs of sovereignty, through the Legislative Assembly or the Regional Government, the observations and proposals considered pertinent within the scope of the previous clauses of the present paragraph.

4 - Within the scope of its own duties and powers, the Region should implement, in its territory, the international treaties and agreements, as well as all binding decisions of international organisations.

Article 122

Participation in European construction

1 – The Region has the right to participate in the processes of forming the position of the Portuguese State within the scope of European construction whenever matters of its interest are at stake, in accordance with paragraph 2 of the previous article.

2 – As regards the previous paragraph, the Region has the right to:

- a) Integrate delegations of the Portuguese State to negotiate within the scope of the revision of the original laws of the European Union, the approval of new treaties, or the decision-making process;
- b) Participate in the Committee of the Regions, through the President of the Regional Government or whoever he may nominate, as well as in other European Union organisations;
- c) Be consulted, through the Legislative Assembly, about normative initiatives of the European Union, within the scope of the verification procedure of the principle of subsidiarity, whenever they affect its duties and powers or its ultra-peripheral condition;
- d) Be informed, by the organs of sovereignty, of initiatives and proposals they may submit to European institutions, or of the procedures they may be directly involved in;
- e) Establish relationships of collaboration with the European Parliament through the Legislative Assembly;

f) Propose legal proceedings in the European courts, in accordance with their legitimacy or request the Republic to resort to the appropriate legal means before the community tribunals in defence of its rights.

3 – Whenever matters of the exclusive interest of the Region are at stake, the State should ensure a preponderant position in the respective negotiations.

Article 123

Foreign cooperation of the Region

1 – The Region, through the Regional Government and under the guidance and supervision of the Legislative Assembly, exercises its foreign policies and affairs, in the defence and promotion of the interests it is constitutionally and statutorily obliged to carry out.

2 – The region coordinates its international actions according to the guidelines defined by the organs of sovereignty with competence in matters of foreign policy.

3 – The foreign representation services of the State will afford the Region all the help necessary for the fulfilment of its foreign cooperation policy.

Article 124

Foreign relations with other bodies

1 – Within the scope of its foreign relations with other bodies, it is the duty of the Region, in particular:

- a) To promote the development of cultural, economic and social bonds with territories with resident Portuguese emigrant communities originating from the Region and their descendants, or territories of origin of immigrant communities residing in the Region;
- b) To develop privileged relations with bodies of Portuguese speaking countries, namely through the participation in cooperation projects and actions within the scope of the Community of Portuguese Speaking Countries;
- c) To establish relations of cooperation and collaboration with bodies of European States, in particular, member States of the European Union, namely at the level of providing and operating public services;

d) To develop partnerships with other ultra-peripheral regions, namely within the scope of European territorial cooperation programmes and to strengthen cooperation within the scope of Macaronesia;

e) To participate in international organisations which aim to foster inter-regional dialogue and cooperation.

2 – Within the scope of the previous paragraph, the Region may, through the Regional Government, establish or have access to cooperation agreements with bodies from other States.

PART VII

THE ORGANISATION OF PUBLIC ADMINISTRATION

CHAPTER I

Autonomous regional administration

Article 125

Administrative organisation of the Region

The administrative organisation of the Region should reflect the geographical, economic, social and cultural reality of the archipelago so as to better serve its population and, simultaneously, foster Azorean unity.

Article 126

Regional services

1 – The autonomous regional administration envisages the pursuit of public interest, respecting the citizens' legally protected rights and interests and the principles of equality, proportionality, justice, impartiality and good faith.

2 – The organisation of the autonomous regional administration obeys the principles of decentralisation and non-concentration of services, takes into consideration the conditioning

circumstances of each island and aims to ensure a speedy, efficient and quality administrative activity.

3 – The Regional Government, with a view to ensuring an effective approximation of the services and the populations, provides each island with its department's services or with a delegation of the Regional Government.

Article 127

Regional civil service

1 – The autonomous regional administration has its own executive staff, who shall obey criteria of economy of means, qualification and professional efficiency.

2 – The foundations and the general recruitment regime for the civil service in the regional services, for technical training, of the executive staff and career regime, of the disciplinary statute and of the retirement regime are those defined by law for the State's public administration.

3 – The mobility of the executive staff of the autonomous regional administration, local administration and State administration is guaranteed, without prejudice to acquired rights, namely in matters of length of service and career.

CHAPTER II

Other regional organs

Article 128

Organs of island representation

1 – Each island has an organ representative of its interests.

2 – It is the duty of the organs of island representation to:

- a) Provide opinion on matters of interest to the island, on its initiative or at the request of one of the organs of self-government;

- b) Promote collaboration and cooperation between municipalities in the same island and standardise municipal regulations;
 - c) Carry out all other duties they may be attributed by regional legislative decree.
- 3 – The organs of island representation should be composed by representatives of the organs of self-government, of the local municipalities and of society.
- 4 – The constitution, organisation and operation of the organs of island representation, as well as the rights and duties of its members, are regulated by legislative regional decree.

Article 129

Independent regional administrative bodies

- 1 – The Region may, within the scope of its duties and by regional legislative decree, create independent regional administrative bodies, whenever justified by the nature of the administrative activity in question.
- 2 – Independent regional administrative bodies may undertake duties of regulation, inspection and supervision.
- 3 – The independent regional administrative bodies are local authorities and have budgetary and financial autonomy.
- 4 – Their specific scope of action, composition, organisation and operation are regulated by regional legislative decree.

Article 130

Specific regional ombudsmen

- 1 – The Region may create specific regional ombudsmen who, in respect for the powers of the National Ombudsman and in coordination with him, will receive complaints from citizens for actions or omissions of the organs or services of the autonomous regional administration, of the public or private organisations that depend upon them, of private companies in charge of the management of regional public services or that carry out activities of general or universal interest within the scope of the region.

2 - Specific regional ombudsmen may direct such recommendations as they deem necessary to the bodies referred in the previous paragraph and carry out the other duties they may be attributed by regional legislative decree.

3 - Specific regional ombudsmen are elected by the Legislative Assembly and hold a statute of independence.

4 - The creation of a specific regional ombudsman does not impose any restriction upon the right to complain to the national Ombudsman or upon his powers.

Article 131

Economic and Social Council of the Azores

1 - The Economic and Social Council of the Azores is the corporate independent body to be consulted by and to monitor the organs of self-government on economic, labour, social and environmental matters, with the objective of promoting dialogue between political authorities and civil society.

2 - The Economic and Social Council of the Azores participates in the drafting of economic and social development plans, promotes social dialogue and may give its opinion, at the request of the organs of self government or on its own initiative, on matters of its competence.

3 - The composition, competences, organisation and operation of the Economic and Social Council of the Azores are regulated by regional legislative decree, guaranteeing the fair participation of social, entrepreneurial, economic and professional groups of the Region.

CHAPTER III

State administration

Article 132

General principles of the State administration in the Region

1 - The administration of the State in the Region is organised in such a way as to combat the negative consequences of insularity and the ultra-peripheral characteristics of the archipelago and takes the specific characteristics of the Region into account.

2 – The State ensures a balanced distribution of its services throughout the different islands.

3 – The Region may request the State to create regional delegations within the scope of its direct or indirect administration, when justified by its nature or its duties.

Article 133

Judicial organisation

1 - Regional judicial organisation takes into account the Region's own specific needs and characteristics.

2 – At least one Court of Law of first instance should correspond to each island, with the exception of Corvo.

CHAPTER IV

Local administration

Article 134

Relationships with local bodies of the Azores

1 – The Region has special cooperation, coordination and collaboration relationships with local authorities and the respective associations within its territory.

2 – The Region encourages the establishment of mechanisms of inter-municipal cooperation within its territory.

Article 135

Administrative power reserved to the Region

The transfer of duties and powers from the State administration to the local authorities of the Azores should take into account the specific regional characteristics, respecting the principle of subsidiarity, and should, in any case, be preceded by the qualified hearing of the Region

Article 136

Municipality of the island of Corvo

The municipality of the island of Corvo, due to its own conditioning characteristics, is the holder of the general powers of the administrative parishes, with due adaptation, within its respective territory.

PART VIII REVISION OF THE STATUTE

Article 137

Reserved legislative initiative

The present Statute may only be revised on the initiative of the Legislative Assembly, through the drafting and approval of a project presented to the Assembly of the Republic.

Article 138

Drafting of the project

- 1 – The initiative of opening the revision process of the Statute belongs to the Deputies.
- 2 – The power to undertake statutory revision, the definition of the respective procedure and the consequent opening of the process of revising the Statute is deliberated by the absolute majority of the Deputies in office.

Article 139

Assessment of the project by the Assembly of the Republic

- 1 – The Assembly of the Republic, on assessing the project to revise the Statute, should hear the Legislative Assembly whenever it deems appropriate.
- 2 – The Legislative Assembly designates a delegation representative of the parties with a seat in the Assembly to present the Statutes revision project to the Assembly of the Republic, who may request to be heard by the President of the Assembly of the Republic, by the commissions

that will discuss the project, by the parliamentary groups or by the Deputies, at any moment of the legislative procedure in the Assembly of the Republic.

3 – The Legislative Assembly may deliberate, by absolute majority of Deputies in office, to withdraw the Statute revision project, until the proposal has been voted in general terms.

Article 140

Alteration of the project by the Assembly of the Republic

1 – Should the Assembly of the Republic alter the Statute revision project, it should return it to the Legislative Assembly so that it may assess all the alterations introduced and give an opinion on them.

2 – The powers of revision of the Statutes by the Assembly of the Republic are limited by the statutory norms that regulate Legislative Assembly initiative and correlated matters.

Article 141

New text of the Statute

The alterations to the Statute are inserted in the proper place, in accordance with the necessary substitutions, suppressions or appendixes, and the Statute, in its new text, will be republished in an appendix to the revised law.

Approved on 25th September, 2008.

The President of the Assembly of the Republic, Jaime Gama.

Promulgated on 29th December, 2008.

The President of the Republic, Aníbal Cavaco Silva.

Signed on 30th December, 2008.

For the Prime-Minister, Luís Marques Amado, Minister of State and Foreign Affairs