

**Declaration by the Portuguese Republic pursuant to Article 9 of Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems, for the year ending 31 December 2021.**

Unless another date is given, the date shown in this declaration from which the provisions within the scope of Regulation (EC) No 883/2004 applied in Portuguese law is 1 May 2010. This is also the date from which the Regulation applies to Portugal.

**I. DECLARATIONS REFERRED TO IN ARTICLE 1(L) OF REGULATION (EC) NO 883/2004 AND DATE FROM WHICH THE REGULATION APPLIES**

None.

**II. LEGISLATION AND SCHEMES REFERRED TO IN ARTICLE 3 OF REGULATION (EC) NO 883/2004 AND DATE FROM WHICH THE REGULATION APPLIES**

**1. Sickness benefits**

**(i) Benefits in kind**

- National Health Service – Law No 56/79 of 15 September 1979 setting up the National Health Service, as amended by Decree-Law No 361/93 of 15 October 1993.
- Framework Health Act – Law No 95/2019 of 14 September 2019.
- Decree-Law No 11/93 of 15 January 1993 adopting the Constitution of the National Health Service, as amended, most recently by Law No 82-B/2014 of 31 December 2014.

**(ii) Cash benefits**

- Framework Social Security System Act – Law No 4/2007 of 16 January 2007, as amended and republished by Law No 83-A/2013 of 30 December 2013.
- Labour Code – Law No 7/2009 of 12 February 2009, amended and regulated by Law No 105/2009 of 14 September 2009, as amended, most recently by Law No 83/2021 of 6 December 2021.
- Statutory sickness insurance scheme within the scope of the social protection system – Decree-Law No 28/2004 of 4 February 2004 (as corrected by Statement of Rectification No 29/2004 of 23 March 2004), as amended, most recently by Decree-Law No 53/2018 of 2 July 2018.

- The General Law on Employment in the Public Sector – Law No 35/2014 of 20 June 2014, as amended, most recently by Law No 2/20 of 31 March 2020. That most recent amendment, which introduced changes to the system of justified absences from work resulting from illness (Articles 15 to 39 of the preamble), was put into provisional application within the convergent social protection scheme (workers performing public functions who were recruited before 31 December 2005) pending regulation of the social sickness insurance scheme converging with the social protection system, which covers workers performing public functions recruited since 1 January 2006 who are already automatically covered by the general social security system.

## **2. Maternity and equivalent paternity benefits**

### **(i) Benefits in kind**

None.

### **(ii) Cash benefits**

- Framework Social Security System Act – Law No 4/2007 of 16 January 2007, as amended and republished by Law No 83-A/2013 of 30 December 2013.
- Labour Code – Law No 7/2009 of 12 February 2009, amended and regulated by Law No 105/2009 of 14 September 2009, as amended, most recently by Law No 83/2021 of 6 December 2021.
- Parental protection scheme for maternity, paternity and adoption under the social protection system and the solidarity sub-system – Decree-Law No 91/2009 of 9 April 2009, as amended, most recently by Decree-Law No 90/2019 of 4 September 2019.
- Parental protection scheme for maternity, paternity and adoption under the convergent social protection scheme – Decree-Law No 89/2009 of 9 April 2009, as amended, most recently by Decree-Law No 14-D/2020 of 13 April 2020.

## **3. Invalidity benefits**

**(i) Benefits in kind**

None.

**(ii) Cash benefits**

- Framework Social Security System Act – Law No 4/2007 of 16 January 2007, as amended and republished by Law No 83-A/2013 of 30 December 2013.
- Protection scheme for invalidity and old age under the general social security system – Decree-Law No 187/2007 of 10 May 2007, as amended, most recently by Decree-Law No 16-A/2021 of 25 February 2021.
- Extraordinary supplement to the minimum invalidity and old-age pension under the social security and pension system, and reform of the convergent social protection scheme – Decree-Law No 118/2018 of 27 December 2018.
- Special social insurance scheme for invalidity for beneficiaries in a situation of permanent incapacity for work, rapidly developing into a situation of loss of autonomy with a negative impact on their occupation, as a result of familial amyloid polyneuropathy, Machado-Joseph disease, HIV/AIDS, multiple sclerosis, diseases of an oncological nature, amyotrophic lateral sclerosis, Parkinson's, Alzheimer's and rare diseases or other non-occupational diseases or diseases attributable to third parties, that are sudden or early-onset, within the general social security scheme and the voluntary social security scheme, the non-contributory scheme of the solidarity sub-system and the convergent social protection scheme – Law No 90/2009 of 31 August 2009, as amended, most recently by Decree-Law No 136/2019 of 6 September 2019.
- Voluntary social security scheme – Code of Contributory Schemes – Law No 110/2009 of 16 September 2009, as amended, most recently by Law No 2/2020 of 31 March 2020; Decree-Law No 40/89, of 1 February 1989, as amended, most recently by Law No 110/2009 of 16 September 2009.
- The public capitalisation scheme (which is voluntary, and guarantees a supplementary old-age or invalidity pension) – Decree-Law No 26/2008 of 22 February 2008, as amended and republished by Decree-Law No 82/2018 of 16 October 2018.

- Regulation on the management of the retirement certificates fund – Order [*Portaria*] No 212/2008 of 29 February 2008, as amended by Order No 44/2018 of 7 February 2018.
- Retired Persons' Statute [*Estatuto da Aposentação*] (public sector employees registered in the convergent social protection scheme) – Decree-Law No 498/72 of 9 December 1972, as amended, most recently by Decree-Law No 2/2020 of 31 March 2020 and other supplementary legislation:
  - Law No 60/2005, of 29 December 2005, as amended, most recently by Decree-Law No 108/2019 of 13 August 2019.
  - Law No 52/2007, of 31 August 2007, as amended, most recently by Law No 108/2019 of 13 August 2019.

#### 4. Old age benefits

##### (i) Benefits in kind

None.

##### (ii) Cash benefits

- Framework Social Security System Act – Law No 4/2007 of 16 January 2007, as amended and republished by Law No 83-A/2013 of 30 December 2013.
- Protection scheme for invalidity and old age under the general social security system – Decree-Law No 187/2007 of 10 May 2007, as amended, most recently by Decree-Law No 16.º-A/2021 of 25 February 2021.
- Voluntary social security scheme – Code of Contributory Schemes – Law No 110/2009 of 16 September 2009, as amended, most recently by Law No 2/2020 of 31 March 2020; Decree-Law No 40/89, of 1 February 1989, as amended, most recently by Law No 110/2009 of 16 September 2009.
- The public capitalisation scheme (which is voluntary, and guarantees a supplementary old-age or invalidity pension) – Decree-Law No 26/2008 of 22 February 2008, as amended and republished by Decree-Law No 82/2018 of 16 October 2018.
- Regulation on the management of the retirement certificates fund – Order [*Portaria*] No 212/2008 of 29 February 2008, as amended by Order No 44/2018 of 7 February 2018.

- Retired Persons' Statute [Estatuto da Aposentação] (public sector employees registered in the convergent social protection scheme ) – Decree-Law No 498/72 of 9 December 1972, as amended, most recently by Decree-Law No 2/2020 of 31 March 2020 and other supplementary legislation:
  - Law No 60/2005, of 29 December 2005, as amended, most recently by Decree-Law No 108/2019 of 13 August 2019.
  - Law No 52/2007, of 31 August 2007, as amended, most recently by Law No 108/2019 of 13 August 2019.
- Extraordinary supplement to the minimum invalidity and old-age pension under the social security and pension system, and reform of the convergent social protection scheme – Decree-Law No 118/2018 of 27 December 2018.

## 5. Survivors' benefits

### (i) Benefits in kind

None.

### (ii) Cash benefits

- Framework Social Security System Act – Law No 4/2007 of 16 January 2007, as amended and republished by Law No 83-A/2013 of 30 December 2013.
- Death benefits scheme – Decree-Law No 322/90 of 18 October 1990, as amended, most recently by Decree-Law No 79/2019 of 14 June 2019.
- Right of unmarried partners to receive death benefits, irrespective of sex, within the general scheme of the social security system – Law No 7/2001 of 11 May 2001, as amended, most recently by Law No 71/2018 of 31 December 2018.
- Voluntary social security scheme – Code of Contributory Schemes – Law No 110/2009 of 16 September 2009, as amended, most recently by Law No 2/2020 of 31 March 2020; Decree-Law No 40/89, of 1 February 1989, as amended, most recently by Law No 110/2009 of 16 September 2009.
- Survivors' benefits scheme (public administration employees registered in the convergent social protection scheme) - Decree-Law No 142/73 of 31 March 1973, as amended, most recently by Decree-Law No 108/2019 of 13 August 2019.

## **6. Benefits in respect of accidents at work and occupational diseases**

### **(i) Benefits in kind**

- Regulation governing the compensation scheme for accidents at work and occupational diseases, including professional rehabilitation and reintegration into the labour market – Law No 98/2009 of 4 September 2009, as amended, most recently by Law No 83/2021 of 6 December 2021.
- Scheme concerning accidents at work and occupational diseases suffered by employees of the public administration (applicable to all public employees regardless of the social protection scheme) – Decree-Law No 503/99 of 20 November 1999, as amended, most recently by Law No 19/2021 of 8 April 2021; Law No 98/2009, of 4 September 2009 (applicable by default), as amended, most recently by Law No 83/2021 of 6 December 2021.

### **(ii) Cash benefits**

- Framework Social Security System Act – Law No 4/2007 of 16 January 2007, as amended and republished by Law No 83-A/2013 of 30 December 2013.
- Labour Code – Law No 7/2009 of 12 February 2009, amended and regulated by Law No 105/2009 of 14 September 2009, as amended, most recently by Law No 83/2021 of 6 December 2021.
- Regulation governing the compensation scheme for accidents at work and occupational diseases – Law No 98/2009 of 4 September 2009, as amended, most recently by Law No 83/2021 of 6 December 2021.
- National Table of disabilities following an accident at work or occupational disease — Decree-Law No 352/2007 of 23 October 2007.
- Regulation of obligatory insurance against accidents at work for self-employed persons – Decree-Law No 159/99 of 11 May 1999.
- Scheme concerning accidents at work and occupational diseases suffered by employees of the public administration (applicable to all public employees regardless of the social protection scheme) – Decree-Law No 503/99 of 20 November 1999, as amended, most recently by Decree-Law No 19/2021 of 8 April 2021; Law No 98/2009, of 4 September 2009 (applicable by default), as amended, most recently by Law No 83/2021 of 6 December 2021.

## **7. Death grants**

### **Cash benefits**

- Framework Social Security System Act – Law No 4/2007 of 16 January 2007, as amended and republished by Law No 83-A/2013 of 30 December 2013.
- Death benefits scheme – Decree-Law No 322/90 of 18 October 1990, as amended, most recently by Decree-Law No 79/2019 of 14 June 2019.
- Right of unmarried partners to receive death benefits, irrespective of sex, within the general scheme of the social security system – Law No 7/2001 of 11 May 2001, as amended, most recently by Law No 71/2018 of 31 December 2018.
- Voluntary social security scheme (Code of Contributory Schemes), approved by Law No 110/2009 of 16 September 2009, as amended, most recently by Law No 2/2020 of 31 March 2020; Decree-Law No 40/89, of 1 February 1989, as amended, most recently by Law No 110/2009 of 16 September 2009.
- Allocation of death grants (public sector employees registered in the convergent social protection scheme) – Decree-Law No 223/95 of 8 September 1995, as amended, most recently by Decree-Law No 108/2019 of 13 August 2019.

## **8. Unemployment benefits**

### **(i) Benefits in kind**

None.

### **(ii) Cash benefits**

- Framework Social Security System Act – Law No 4/2007 of 16 January 2007, as amended and republished by Law No 83-A/2013 of 30 December 2013.
- Unemployment benefits scheme for employees — Decree-Law No 220/2006 of 3 November 2006, amended and republished by Decree-Law No 72/2010 of 18 June 2010, as amended, most recently by Decree-Law No 119/2021 of 16 December 2021.

- Regulation of the Labour Code – Law No 105/2009, of 14 September 2009, as amended, most recently by Law No 93/2019 of 4 September 2019.
- Unemployment benefits scheme for self-employed service providers who are economically dependent on a contracting authority – Decree-Law No 65/2012 of 15 March 2012, as amended, most recently by Decree-Law No 119/2021 of 16 December 2021.
- Unemployment benefits scheme for self-employed workers pursuing business activities – Decree-Law No 12/2013 of 25 January 2013, amended by Decree-Law No 119/2021 of 16 December 2021.
- Unemployment benefits scheme for teachers of public-sector primary and secondary schools – Decree-Law No 67/2000 of 26 April 2000.
- Unemployment protection for citizens who have served in the armed forces under contract, special contract or voluntary service – Decree-Law No 76/2018 of 11 October 2018 (Article 20).
- Unemployment benefits for all other public administration employees – Law No 11/2008 of 20 February 2008, kept in force by Law No 4/2009 of 29 January 2009.

## **9. Pre-retirement benefits**

None.

## **10. Family benefits**

### **(i) Benefits in kind**

None.

### **(ii) Cash benefits**

- Framework Social Security System Act – Law No 4/2007 of 16 January 2007, as amended and republished by Law No 83-A/2013 of 30 December 2013.
- Family benefits scheme — Decree-Law No 176/2003 of 2 August 2003, amended and republished by Decree-Law No 133/2012 of 27 June 2012, as amended, most recently by Law No 71/2018 of 31 December 2018.

## **11. Special non-contributory cash benefits**

### **a) Special non-contributory cash benefits intended to guarantee a minimum subsistence income pursuant to Article 70(2)(a)(i) of Regulation (EC) No 883/2004**

#### **Cash benefits**

- Framework Social Security System Act – Law No 4/2007 of 16 January 2007, as amended and republished by Law No 83-A/2013 of 30 December 2013.
- Old-age and invalidity pension:
  - Social security benefits for those persons not covered by any other social protection scheme – Decree-Law No 160/80 of 27 May 1980, as amended, most recently by Decree-Law No 126-A/2017 of 6 October 2017.
  - Conditions for the award of a social pension – Decree-Law No 464/80 of 13 October 1980, as amended, most recently by Decree-Law No 136/2019 of 6 September 2019.
- Widow's/widower's pension – Regulatory Decree No 52/81 of 11 November 1981 and Order [*Despacho*] No 7394/97 of 22 August 1997, published in Series II of the Portuguese Official Gazette [*Diário da República*] on 10 September 1997.
- Solidarity supplement for the elderly – Decree-Law No 232/2005 of 29 December 2005, as amended, most recently by Law No 94/2020 of 3 November 2020.

#### **Special non-contributory cash benefits intended to guarantee specific protection for the disabled having regard to their social situation, pursuant to Article 70(2)(a)(i) of Regulation (EC) No 883/2004**

None.

#### **III. Conventions referred to in Article 8(2) of Regulation (EC) No 883/2004 and date from which the Regulation applies**

None.

#### **IV. Legislation and schemes referred to in Article 58 of Regulation (EC) No 883/2004 and date from which the Regulation applies**

Unless another date is given, the date shown hereafter on which Regulation (EC) No 883/2004 applied to the minimum benefits shown below, provided these were within the scope of that Regulation, is 1 May 2010. This is also the date from which the Regulation applies to Portugal.

- Framework Social Security System Act – Law No 4/2007 of 16 January 2007, as amended and republished by Law No 83-A/2013 of 30 December 2013.
- Protection scheme for invalidity and old age under the general social security system – Decree-Law No 187/2007 of 10 May 2007 (Articles 44 to 47), as amended, most recently by Decree-Law No 16-A/2021 of 25 February 2021.
- Extraordinary supplement to the minimum invalidity and old-age pension under the social security and pension system, and reform of the convergent social protection scheme – Decree-Law No 118/2018 of 27 December 2018.
- The rules for updating pensions and other social benefits provided by the social security system, Index of Social Support [*Indexante dos Apoios Sociais*] – Law No 53-B/2006 of 29 December 2006, as amended, most recently by Decree-Law No 16-A/2021 of 25 February 2021.
- Death benefits scheme – Decree-Law No 322/90 of 18 October 1990, as amended, most recently by Decree-Law No 79/2019 of 14 June 2019.

**V. Possibility of cover, for any category of self-employed persons, by an unemployment benefits scheme (Article 65a(1) of Regulation (EC) No 883/2004) and respective legal references, where applicable**

Portuguese legislation provides for the possibility of cover by an unemployment benefits scheme for the following self-employed persons:

- Self-employed service providers who are economically dependent on a contracting authority – Decree-Law No 65/2012 of 15 March 2012, as amended, most recently by Decree-Law No 119/2021 of 16 December 2021.
- Self-employed workers pursuing business activities – Decree-Law No 12/2013 of 25 January 2013, as amended, most recently by Law No 119/2021 of 16 December 2021.