

PAPERS, MY FRIEND, ARE BLOWING IN THE WIND: TOWARDS A PAPERLESS ADMINISTRATION

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Abstract

We are witnessing in Portugal an intense movement of dematerialization of files and administrative procedures. Of files, because Public Administration has been moving towards the promotion and effective implementation of documentary registers and their availability in electronic support to the detriment of the usual registration on physical paper support. Of procedures, since the procedural electronic process has been privileged in relation to the face-to-face contact during the office hours previously established by the services. We have thus passed from a model based on the ancient bureaucratic requirements to a Public Administration able to adapt to the new technological realities and the challenges of e-government. Today, the contact between the citizen and the Public Administration is, as often referred, "at the distance of a click", without any time constraints or imposition of unnecessary bureaucratic requirements. Therefore, we have today a Public Administration that tends to be more effective and more efficient, that, as a tendency, does not require more than it needs, being the tributary of a model of "intermittent administration". With this article, we intend to highlight some characteristics of 21st century public administration: a Public Administration that is intended to be closer to the citizen.

Keywords: administrative procedures, public administration, dematerialization of files, e-government.

JEL Classification: K23, H83

1. Inventory for computer-based administrative procedures

We are witnessing in Portugal an intense movement of dematerialization of files and administrative procedures³. Of *files*, because Public Administration has been moving towards the promotion and effective implementation of documentary registers and their availability in electronic support to the detriment of the usual (and now in many areas practically outdated) registration on physical paper support. Of *procedures*, since the procedural electronic process has been privileged in relation to the face-to-face contact during the office hours previously established by the services.

We have thus passed from a model based on the ancient bureaucratic requirements of the stamped paper⁴ and the official blue lined sheet of paper for submitting requirements⁵, to a Public Administration able to adapt to the new technological realities and the challenges of e-government.

Today, the contact between the citizen and the Public Administration is, as often referred, "*at the distance of a click*", without any time constraints or imposition of unnecessary bureaucratic requirements. Therefore, we have today a Public Administration that tends to be more effective and more efficient, that, as a tendency, does not require more than it needs, being the tributary of a model of "*intermittent administration*"⁶. In short, a Public Administration that is intended to be closer to the citizen.

What we have just indicated is in line with the provisions of Decree-Law 74/2014 of 13 May, under which the rule of the digital provision of public services has been established and the assisted digital service as its indispensable complement was set out. In fact, pursuant to article 2 of referred decree, it is stipulated that "*public services should, where their nature is not opposed to it, in addition to face-to-face service, also be rendered digitally, through their progressive availability on the*

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³ Dematerialise means to make immaterial (in the sense of non-physical) in *Dicionário Priberam da Língua Portuguesa* [online], 2008-2013, <http://www.priberam.pt/dlpo/desmaterializa%20a7%20a3o> [accessed on 18-10-2017].

⁴ Definitively abolished only in 1986, by Decree-Law 435/86 of 31 December, on the grounds that "(...) *it only constitutes a symbol of the bureaucratic burden, no longer justifying its use*".

⁵ For example, see article 5 (5) of Decree-Law 595/74 of 7 November.

⁶ Miguel Prata Roque, *O nascimento da Administração Eletrónica num espaço transnacional (Breves notas a propósito do projeto de revisão do Código do Procedimento Administrativo)*, in *Revista Eletrónica de Direito Público*, No. 1, 2014, p. 6.

Internet."

In Portugal, the government developed in 2006 a programme for administrative simplification and modernization, called the "SIMPLEX" Programme. Some of the measures we set out below were included in this programme and the data we are presenting were featured in the 6-year SIMPLEX Programme assessment report, held in 2011.

In 2016, the government resumed this programme, now named 'SIMPLEX + Programme': a programme integrating 255 measures of administrative and legislative simplification and of modernisation of public services⁷. We take the opportunity to also point out some of the dematerialisation measures contained in the said programme.

1.1. In public procurement law

Portugal was a pioneer in terms of electronic public procurement. In fact, the Public Procurement Code of 2008, approved by Decree-Law 18/2008 of 29 January, established the rule of the use of electronic platforms for the proceedings of pre-contractual procedures, which enabled not only the promotion of the dematerialization of procedures, but also the compliance with the principles of transparency and public access, corollaries of public procurement.

In particular, interested parties/competitors involved in any pre-contractual procedure are obliged to complete various acts through an "electronic platform", namely the submission of applications or proposals (cf. articles 62 (1) and 170 (1)) and the delivery of the supporting documents (cf. article 83 (1)). The contracting authority is also obliged to use the electronic platform for the purpose of publicising the list of competitors (cf. Article 138 (1)) and to make available the parts of the procedure until the closure of the system, in a free of charge and direct form (cf. article 240 (3)).

In addition, an internet portal dedicated to public procurement was created — "Public Procurement Portal" (cf. article 4 (1) of Decree-Law 18/2008 of 29 January), which, under the terms of Ordinance no. 701-F/2008 of 29 July, "*constitutes a multifunctional space providing information on the establishment and execution of public contracts subject to the establishing or implementation rules provided for in the Public Procurement Code.*"

It should also be stressed that, in the context of public procurement, the European directives (Directive 2014/23/EU, Directive 2014/24/EU and Directive 2014/25/EC, from the European Parliament and the Council of 26 February 2014) have determined the approval of a law (Law 96/2015 of 17 August), which transposes the articles relating to the electronic platforms in the context of public procurement, regulating the availability and use of the electronic platforms provided for in the Public Contracts Code, establishing the requirements and conditions to which they must comply and defining the obligation of interoperability with the Public Procurement Portal and with other public entities' systems.

In particular, article 61 (1) of aforementioned law specifies that "*all notifications and communications between the contracting authority or the jury of the procedure and those concerned, competitors or the successful tenderer, relating to the formation phase of the contract and which, in terms of the Public Procurement Code, must be carried out within a certain period, are made through the electronic platforms (...).*" (authors' highlight).

It is thus abandoned the rule of the contractual procedure on paper or in computer files and adopted the dematerialization of the whole procedure, which ensures its speed and simplification.

1.2. In taxation

In the area of taxation, the instruments used in the service of dematerialisation and procedural

⁷ On the concept of electronic administration in Portugal see also Cláudia Figueiras, Bárbara Magalhães Bravo, *Electronic administration: brief reflection on a new administration model*, in Rafał Szczepaniak, Cláudia Sofia Melo Figueiras (editors), *Contemporary Challenges in Administrative Law and Public Administration*, ADJURIS – International Academic Publisher, Bucharest, 2018, p. 167-177.

simplification are evident, of which the following are examples:

1.2.1. Finance Portal

In Portugal, it was created the "Finance Portal", an electronic platform where the tax information of all taxpayers is kept. By entering a password, the taxpayer can access his personal area and then submit declarations relating to all taxes, obtain payment references, issue receipts for the provision of services and tax payment documents, obtain certificates, amongst many other available functionalities.

In this case, there was a total dematerialization of procedures and files, eliminating the need for several travels to the services, and the filling of paper forms and of statements/requirements already of the knowledge of the Public Administration, as it was done in the past.

As the taxpayer's integrated tax situation is on the platform, it is possible to ensure the practice of actions related to several taxes in a single portal, as well as to obtain certificates and other documents prefilled out with the data already known to the fiscal administration.

1.2.2. E-invoice

Pursuant to Decree-Law 197/2012 of 24 August, since 1 January 2013 it is always compulsory to issue an invoice, even in cases where end-users do not request it.

Decree-Law 198/2012 of 24 August, which entered into force on 1 January 2013, created measures to control the issuance of invoices, as well as fiscal incentives. Once the tax identification number of the citizen who requested the invoice is referred, all information pertaining to his invoices is recorded on the website of the e-invoice in the personal area of each taxpayer in the Finance Portal.

By entering an access password, the taxpayer may manage the invoices registered and enter/submit the unregistered invoices therefore obtaining the right to deduct them in his income tax.

1.2.3. Personal income tax (PIT)

Currently, the annual declaration for personal income tax purposes, which is presented electronically by the taxpayer through the Finance Portal, is already prefilled out with the data known by the Administration, in particular annual income, employer, expenses relating to leasing and rental contracts, among others.

In 2017 the SIMPLEX + Programme implemented the measure called "Automatic PIT": the purpose is to phase-out the need to deliver the PIT declaration to taxpayers who only have incomes from dependent work (category A) and for retirees and pensioners (category H), being the tax payable or receivable calculated on the basis of the information previously available in the Tax Administration, without prejudice to the possibility of complaint by the taxable persons.

1.2.4. Simplified business information (SBI)

The legal reporting of accounting, fiscal and statistical nature, which previously took place in different formats and moments and involving several displacements, is now fulfilled in a single interaction and with greater convenience through the Internet;

The SIMPLEX + has a measure called SBI+, whose objective is to simplify the completion of some Simplified Business Information attachments, eliminating about half the number of tables and fields to be completed and prefilling out a significant part of the remaining fields with information extracted from the SAF-T (Standard Audit File for Tax Purposes). The remaining annexes will be simplified at a later stage.

1.2.5. Attestation of the tax or contributory situation

Companies may authorize the consultation of information on their tax or contributory situation in the Finance Portal and the Social Security Direct site, by indicating their fiscal and social security numbers.

Currently, the Portuguese Tax Administration issues "certificates" through the electronic platform (the same as in relation to the Social Security Institute).

1.3. In administrative litigation

In the field of administrative litigation, important innovations are also noted in the sense of procedural dematerialisation.

To start with, through Decree-Law 325/2003 of 29 December, an electronic procedural protocol for handling files was provided for in the courts of administrative and fiscal jurisdiction.

In turn, among others, the following rules were defined by the provisions of Ordinance 1417/2003⁸ of 30 December:

- The submission of procedural parts and documents by electronic means is made by email or by electronic transmission of data through the address <http://www.taf.mj.pt>;
- The submission of procedural parts and documents by electronic data transmission requires the use of the signatory's electronic signature;
- Procedural pieces submitted by electronic means must be sent in *rich text format* (rtf) or *portable document format* (pdf) file;
- Documents submitted by electronic means must be scanned and sent as one single file in *tagged image file format* (tif) or *portable document format* (pdf);
- Procedural parts and documents jointly submitted by electronic means must be scanned and sent as one single file in *tagged image file format* (tif) or *portable document format* (pdf);
- The part presenting documents by electronic means is exempted from sending referred documents on paper and respective copies, to the exception of the cases where the total amount of copies exceeds 100 pages;
- File consultation is performed on a computer terminal, which is available in judicial departments, or accessing <http://www.taf.mj.pt>;
- The procedural acts of magistrates and the judicial departments are carried out in computer-readable form, through *SITAF - Sistema de Informação dos Tribunais Administrativos e Fiscais* (Information System for Administrative and Fiscal Courts), with electronic signature.

Furthermore, Law 15/2002 of 22 February, in the wording of Decree-Law 214-G/2015 of 2 October, established the following rules:

- The procedural acts, including the acts of the parties that are to be practised in writing, and the processing of the files, are performed preferably by electronic means, in terms to be defined by the member of the government responsible for the area of justice;
- The submission of procedural parts and documents as well as their duplicates and copies by electronic means exempts their consignment to the court in paper support, notwithstanding the possibility of the judge requiring the presentation of the original in accordance with the civil law procedure;
- Once the petition is submitted by electronic means, the summons on the public entities or on the organs indicated therein is automatically carried out by electronic means, without the need for an order of the judge, except in the cases explicitly foreseen in which there is a preliminary order;
- In the situation described in the preceding paragraph the public entity is obliged to submit its procedural parts, any pre-trial enquiry and other documents preferably by electronic

⁸ Ordinance that regulates the functioning of the electronic system for Administrative and Fiscal Courts.

means, under the conditions to be defined by ordinance from the member of the Government responsible for the area of justice, and the applicant should, whenever possible, receive the judicial notifications by the same way, automatically;

- The procedural pieces referred to in the preceding paragraphs may also be submitted to judgment in one of the following ways:
 - Delivery to the judicial department, in paper, being the date of delivery considered as the date of the action;
 - Shipment by registered mail, being the date of posting considered as the date of the action;
 - Consignment by fax, being the sending date considered as the date of the action.

1.4. In general, national and local administration

The principle of one-stop-shop (point of single contact) was implemented in Portugal, so that it is possible in a single point to comply with all the acts and formalities necessary to access and engage in a service activity, including the availability of electronic means of payment. This way, all services are concentrated in one place (physical: citizen's shop / virtual: citizen's portal).

In this respect, the "entrepreneur's desk" is still the only point of access to services related to business activity and where the citizen can handle several matters such as creating a company, register a trademark, obtain certificates or licensing activities in a totally electronic way.

There are several examples of compliance with the referred principle. Let's see the most relevant.

1.4.1 Acquisition of property

a) House Ready. House Ready is a service that enables to perform in a single counter all acts related to the purchase and sale of property (for example, pay the municipal transaction tax, ask for the exemption from municipal tax on real estate, celebrate the purchase and sale agreement of the property and request the necessary records).

This service was recognized in the World Bank's *Doing Business 2011* report, allowing Portugal to become the country in the world where it is faster to register the property of real estate.

b) Property register on-line. It is a service that has made it possible to complete all the acts related to property registration through the Internet.

1.4.2. In business

a) Permanent Certificate of Company Register Extract. The service referred herein, like the online registers, has earned a strong adherence and preference of its users.

In this service, and through the provision of the respective access code, companies may authorize the consultation of their trade records to any public or private entities that request it, saving time, money and displacements previously spent to obtain the numerous paper certificates requested throughout the year. This certificate is also available in English.

b) Certification of Small and Medium-Sized Enterprises (SMEs). Through this service the SME certification process has been simplified and made available online dispensing with the delivery of documents.

The application for financial support provided by the Institute of Support for Small and Medium-sized Enterprises and Innovation, (*IAPMEI*) by this type of companies can also be made electronically and through an online "current account" they can access to their individual file.

c) Business Gateway. The "business gateway" allows the creation of businesses through a simple and rapid procedure. Before the existence of this service creating a company implied wasting time (approximately 1 month), filling in 20 forms and making several displacements. After the

creation of this service starting a company takes less than 1 hour, no need to fill any forms, and with only one travel.

The “business gateway” won the European bureaucracy reduction award sponsored by the European Commission, a contest that involved hundreds of participants from different Member States, and Portugal was considered *the top reformer* in the World Bank Report *Doing Business in 2007* at the opening of business indicator.

d) Business online. Creating a Business Online (BOL) became available to all citizen’s holders of a citizen’s card as well as lawyers, solicitors or notaries in possession of digital certificates.

In a few minutes it is possible to those interested to choose their business or company name, submit the memorandum and articles of association – which can be chosen from the pre-approved template or prepared individually -, digitally sign documents and proceed to the payment of fees, which are reduced for those who use this procedure.

In late 2008 it became possible to constitute a BOL without having to choose the designation of the company from the pre-approved names by using a name simulator.

e) Trademark on-the-spot. This service allows those who created a firm via the “business gateway” to have it linked to a trademark accomplishing it in about 1 hour (instead of about 12 months as before). Requests for registration may be submitted online, avoiding travel and waiting.

As of 2007 “trademark on-the-spot” became also available regardless of the constitution of the firm, for the most sought products and services.

1.4.3. In citizenship (services rendered to citizens)

a) Being born a citizen. This is a service that allows to register new-borns in maternities and hospitals, avoiding unnecessary trips to the civil registry office.

SIMPLEX+ Programme has a disposition named "Being Born a Citizen +", which means providing the service of citizen’s card application at the same time as the Birth Registration in a single counter in all hospital units where there is a counter "being born a citizen". This measure is already running.

b) Direct access to the exemption from payment of user charges (measure no. 1 of Simplex '09). This measure aims to ensure direct access to the exemption from payment of user fees, avoiding the annual displacement of about 2 million pensioners whose pensions do not exceed the minimum wage to public services in order to make proof of their right to exemption from payment of user fees. Proof of exemption is made in accordance with the information that the Administration already has from the tax department.

The measure in question won the 1st prize in the contest "*Ideias. Simplex '09*", having been adopted by the Ministry of Health and became operational in May 2010.

c) Electronic payment slip. This measure replaced the paper payment slip by the electronic payment slip.

This was one of the '*Ideias. Simplex '09*' that public services received under the Simplex '09 Programme, which covers a massive number of employees (more than 42,000 employees in 2011).

d) Electronic medical prescription. This measure adopted by the Ministry of Health consists in issuing and providing electronic medical prescriptions.

The SIMPLEX+ Programme implemented the measure "Paperless medical prescription PLUS" in 2017. Its purpose is to promote the complete dematerialization of medical prescriptions throughout the national territory by electronic authenticated access for citizens and health professionals.

e) Citizen’s card. The citizen's card is a single card that replaced the identity card and the social security, health and taxpayer cards, allowing citizens to authenticate themselves electronically and digitally sign documents with legal value, interacting with public services in a simple and safe way.

1.4.4. Enacting legislation establishing rules for dematerialization of administrative procedures and centralization of submission of applications and electronic communications at the 'Entrepreneur's desk'

In fact, there have been a number of legal regimes that ratified these rules. We enumerate the most relevant here.

a) Decree-Law 92/2010 of 26 July, laying down the principles and rules for simplifying the free access and practice of service activities;

b) Decree-Law 48/2011 of 1 April, known as 'Zero Licensing', which was awarded in 2013 by the European Commission as constituting the law that has transposed the Services Directive in a most innovative way;

c) Decree-Law 10/2015 of 16 January, which approved the legal framework of access and practice of trade, services and catering activities, partially repealing Decree-Law referred to in the previous point. In this Decree-Law the following rules have been established:

- i. Dematerialization of administrative procedures and centralization of the submission of applications and communications: all procedures, with the exception of inspection procedures and sanctions, are processed at the single electronic desk;
- ii. The single desk allows the communication to local authorities, in so far as it is within their competence, of the approval of the establishments or activities concerned;
- iii. Availability of electronic forms and information at the Entrepreneur's Desk;
- iv. The "Entrepreneur's Desk" automatically engages in the necessary consultations, forwarding the relevant procedural parts to each concerned authority, in addition to the entity responsible for issuing the authorisation;
- v. Enhancement of the features of the Entrepreneur's Desk and the interoperability between information systems of different public entities;
- vi. Extending the range of services that are likely to be carried out online;
- vii. Promotion of the development of a digital economy.

d) Decree-Law 135/99 of 22 April, defining the general principles of action to which Public Administration services and bodies must comply in their interaction with the citizens, compiling in a systematic manner the rules applicable to administrative modernization;

e) Decree-Law 74/2014 of 13 May, establishing as a general rule the digital provision of public services, instituting the assisted digital service as its indispensable complement and defining the concentration of public services in the citizen's shops.

1.4.5. In administrative procedure in general

The Administrative Procedure Code approved by Decree-Law 4/2015 of 7 January defined the principles of electronic Administration. In particular, it is stated that:

- Public Administration agencies and services must use electronic means in their activities in order to promote administrative efficiency and transparency and proximity to stakeholders;
- Electronic means used must ensure the availability, access, integrity, authenticity, confidentiality, conservation and security of information;
- The use of electronic means, within the limits established in the Constitution and in the law, is subject to the guarantees provided for in this Code and to administration general principles;
- The administrative services must provide electronic means of interaction with the Public Administration and disseminate them appropriately so that stakeholders can use them when exercising their rights and legally protected interests, in particular to communicate their claims, obtain and provide information, research, submit allegations, make payments and challenge administrative acts;
- Interested parties are entitled to equal access to Administration services, and under no circumstances can the use of electronic means imply restrictions or discrimination not

- foreseen for those relating to Administration by non-electronic means;
- Measures of positive differentiation can be adopted for those stakeholders using electronic means in their relationship with the Public Administration;
 - Electronic notifications can be carried out, promoting dematerialization: notifications may be sent by email or by electronic notification automatically generated by a system incorporated in a site belonging to the service of the competent body or at the electronic one-stop-shop;
 - The deadline for issuing electronic certificates is reduced to 3 days when the procedure is computerised (cf. Article 84 (3));
 - An explicit reference is made to the procedural protocol at the Electronic One-stop-shop (cf. Article 62).

1.4.6. In urban planning

In urban planning the following laws and measures implement the principle of dematerialization:

- a) Decree 10/2009 of 29 May defines the cartography to be used for territorial plans, as well as in the representation of any constraints and establishes the obligation of preparing basic cartography and the graphical parts of the territorial management instruments in digital form;
- b) Introduction of instruments for spatial information - geographical information systems (GIS) -, which allow the combination and cross-checking of geographical and alphanumeric data;
- c) Obligation of publicising existing municipal plans, permanently and updated, at the municipality's site to which they relate, including the geo-referred digital transcription of their entire contents (cfr. Legal Regime of Territorial Management Instruments approved by Decree-Law 80/2015 of 14 May);
- d) Electronic public participation: when disseminating the start of the public participation procedure it is customary to indicate that it can be made in a site and to provide a form for that purpose;
- e) Elimination of procedures and acts of public control (implying the liberalisation of some private activities) and the introduction of new mechanisms for preventive control of urban operations, among others (for example, the prior communication in the Legal Regime of Urban Planning and Building and prior communication with a deadline in "Zero Licensing"); These new features are designed by the legislator on the assumption that the respective processing will take place electronically, thereby establishing short deadlines, tacit deferrals or fictitious acts as well as the possibility of settlement of fees by electronic means.

2. Reasons to use electronic administrative procedures

i. For several centuries the Portuguese procedural culture has been a highly demanding bureaucratic model for both citizens and businesses and for the Administration's own employees. In fact, obtaining a license for the exercise of an activity or for the construction of a property implied: **(i)** personal presentation of various requests in several different services, in paper version and with supporting documents and copies of other documents already in possession of the Administration; **(ii)** obtaining certificates on paper from public administration services in order to apply before other services; **(iii)** obtaining several orders from each of the services consulted, and the articulation between all of them; **(iv)** the payment of "fees and more fees" for submitting each of the applications, in each of the services; **(v)** the displacement to each of the services for the consultation of the respective file and, very relevant; **(vi)** waiting several months and, in many cases, years, until a decision was issued.

Once this reality was ascertained, it was imperative to eliminate lengthy and complex procedures, dispersed by various branches of the Public Administration, for which various stamps and endorsements were required and which implied an infinite number of displacements.

The de-complexity of the procedural reality passed, among other things, by dematerializing procedures, allowing submission of requests, consultation of files and notifications by electronic means or the expected existence of an electronic one-stop-shop where the citizen could interact with the Administration.

But it was also necessary to eliminate bureaucratic requirements such as the presentation of photocopies and paper certificates and the submission of requests with documents already presented or that were in possession of the Administration.

It was therefore urgent to "take the leap" from the paper and stamp era to the age of the electronic platform.

This was the impetus to create in Portugal in 2006 the first SIMPLEX Programme (2006-2011), erected under the motto of ensuring an adequate combination of electronic administration and simplification policies in Public Administration.

This Programme's main objective, according to its Evaluation Report from 2011⁹ was clearly to *"transit to an Administration with services focused on the needs of citizens and businesses, organized by life events: being born, studying, creating a business, getting a job, going back to training, buying a house or closing a company. Integrated services, with one-stop-shop service, whatever the public entity or the level of Administration (central or local) that is behind them, such as House Ready, Being Born a Citizen, Business Gateway, I Lost My Wallet or We're Having a Child. An Administration with services concentrated in one place, be it physical (as a Citizen's Shop) or virtual (such as the Citizen's Portal or the Business Gateway), preventing last century's labyrinths from being reproduced in the electronic administration."* (authors' highlights)

This central objective could be divided into several specific objectives, namely:

- a) Decrease the number of face-to-face services;
- b) Reduce waiting times;
- c) Minimize the number of interactions related to the same file;
- d) Provide on-the-spot services;
- e) Simplify from a legislative and administrative perspective;
- f) Modernise public services;
- g) Offer more and better access to information.

All of the above with the ultimate purpose of simplifying and dematerializing.

This purpose can be achieved in many ways.

Therefore, considering the obligation to fill in several paper forms in which some information had been previously requested by the Administration, it was concluded that it was necessary to eliminate or merge forms and to foresee the possibility of obtaining information from previous files relating to the same situation/user.

On the other hand, it was a matter of ensuring that the requested information already available in other public services could be obtained through its demand to those services, rather than asking it again to the citizen, which would be achieved with the creation of permanent certificates available online.

With regard to the difficulties encountered in sharing information and articulating files between services, it was a matter of establishing electronic interfaces for the transmission of data, providing access to computer applications for other services and creating shared information databases.

Concerning the constraints caused to citizens by the need for several displacements to different services or to the same service in order to complete a particular file, in particular to obtain a licence or renew the driving licence, it was important to integrate the dossier into an one-stop-shop or to create a single interlocutor, establish procedures for transmission of information between services and create an alternative channel for some steps of the file (i.e. telephone for information, web for delivery of forms).

Regarding the requirement to pay several fees at different stages for the same file, which imposed several displacements, it was a matter of eliminating payment notes, allow payments by bank transfer and consent several payments in one act.

⁹ Cfr. Evaluation report "6 anos de SIMPLEX", available in <http://historico.simplex.gov.pt/downloads/Relatorio6anosSimplex.pdf>. [accessed on 18-10-2017].

In situations demanding the delivery of several copies of documentation, it was a matter of eliminating the request for copies or to request their delivery via the Internet.

Finally, in response to the difficulty arising from the time required to complete a file being too long, it was decided to segment the files according to the least degree of risk or complexity, eliminate unnecessary licenses and permits in situations of lower risk or less complexity, replace licenses and prior authorisations for notifications and certification systems and allow electronic monitoring of the file and create alternative contact channels¹⁰.

From above assertions it is clear that in Portugal the dematerialization measures always went hand in hand with the purpose of *simplifying and modernising Public Administration* as persistent targets of Governmental Programmes. In fact, there has always been a clear perception of the need to create a more effective, more efficient and more competitive Administration that would be able to respond, fully and appropriately, to the legitimate expectations of citizens and businesses, while adapting, through updating, to global reality.

ii. The demands arising from European law, which have contributed decisively to the implementation of measures to dematerialize files and procedures have a particular emphasis on this subject.

Indeed, and by way of example, the so-called "Services Directive" (Directive 2006/123/EC of the European Parliament and of the Council of 12 December on services in the internal market), transposed into Portuguese national law by Decree-Law 92/2010 of 26 July, determined that it was necessary to establish, in national law, principles and rules needed to simplify free access and exercise the activity of services with economic value.

In order to ensure the purposes of simplification and de-bureaucratization, it was created the *One-stop-shop for Services*, which provided all necessary information for the development of the activity in Portugal, as well as information relevant to the beneficiaries of the services. Consequently, it was possible, from a single portal, for any person or company that intended to provide services in the national territory, to know what requirements to fulfil for the exercise of their activity and which administrative acts and permits were needed for this purpose. In addition, the creation of the One-stop-shop for Services has enabled, on the one hand, to ensure that the necessary procedures and formalities were processed electronically, in a simple and swift manner and, on the other hand, that the receivers of the services could obtain the relevant information, as well as to report complaints or requests for specific information.

It was in this context that Decree-Law 48/2011 of 1 April was approved, being known as "Zero Licensing", with the purpose of adjusting the system of access and exercise of economic activities referred in Decree-Law 92/2010 of 26 June, previously mentioned, which transposed the Services Directive.

It established the dematerialization of administrative procedures and the modernisation of the way how the Administration interacted with the citizens and with the companies with a view to reducing the administrative burdens that citizens and businesses faced, through the elimination of permits, authorisations, inspections and preconditions for specific activities, replacing them with systematic actions of *a posteriori* surveillance and mechanisms of effective accountability of the promoters.

Still in the perspective of dematerialization of procedures, referred law created the Electronic One-stop-shop called 'The entrepreneur's desk' accessible through a portal established for the companies named Business Gateway or other adherent public or private desks.

Decree-Law 48/2011 was largely replaced by Decree-Law 10/2015 of 16 January, which approves the legal framework of access and exercise of trade activities, services and catering, which is the result of the purpose to deepen the transposition of EU law, in particular and once again, of the Services Directive, undertaken to ensure the provision of digital public services through the principle '**digital as a rule**', established in paragraph 1 of article 2 of Decree-Law 74/2014 of 13 May and the

¹⁰ Synthesis built after the document entitled "*Orientações para a simplificação - Orientations to simplification*", available in <http://historico.simplex.gov.pt/downloads/orientacoessimplex.pdf>. [accessed on 18-10-2017]

principle of electronic one-stop-shop - the 'Entrepreneur's Desk' -, that is, the existence of a dedicated website where economic agents interact with the Public Administration. This law performed, once again, a major simplification of procedural formalities, by eliminating or removing several steps and supporting elements, but also a general dematerialization of the procedures applicable to each particular situation, including those belonging to other areas of law (for example, environmental procedures or procedures for use of the public domain, among others), integrating them into sectorial controls applicable to the activities regulated at the electronic one-stop-shop, referred to as the "Entrepreneur's desk". To that end, it was assured the interconnection with the respective digital platforms in the "Entrepreneur's desk".

Within the framework of public procurement, European directives (Directive 2014/23/EU, Directive 2014/24/EU and Directive 2014/25/EC of the European Parliament and of the Council of 26 February 2014) led to the adoption of a law (Law 96/2015 of 17 August), which transposed those articles linked to the electronic platforms by regulating the provision and use of electronic public procurement platforms, provided for in the Public Procurement Code, establishing the requirements and the conditions they must satisfy and the obligation of interoperability with the Public Procurement Portal and other public entities.

3. Repercussions of electronic administrative procedures

3.1. Outcomes of the use of electronic administrative procedures from the point of view of procedural efficiency

The implementation of electronic procedures permitted to meet the needs of citizens and businesses in a *speedier, more efficient and cheaper* way, without unprotecting other values such as the safety of business or consumer protection.

Shown below are some results of the implementation of measures of procedural dematerialization / administrative simplification.

3.1.1. Measures concerning the creation of companies

a) Business Gateway (BG)

Before Business Gateway	After Business Gateway	Estimated savings
<ul style="list-style-type: none"> • About 1 month • 20 forms • Several displacements to different services 	<ul style="list-style-type: none"> • Less than 1 hour (an average of about 36 minutes, according to data from May 2011) • 0 forms • 1 displacement (one-stop-shop) 	20.1 m€ (value calculated in 2011). Corresponds to estimated savings of 111,135 companies created through the Business Gateway until 2011, considering displacements, information gathering, waiting time and filling in forms (66% less!) ¹¹

b) Business on-line (BOL). Creating a Business Online (BOL) became available to all citizens holding a citizen's card as well as lawyers, solicitors or notaries holders of digital certificates.

In *a few minutes* it is possible to those interested to choose their business or company name, submit the memorandum and articles of association – which can be chosen from the pre-approved template or prepared individually -, digitally sign documents and proceed to the payment of fees, which are reduced for those who use this procedure.

In late 2008 it became possible to constitute a BOL without having to choose the designation of the company from the pre-approved names by using a name simulator.

Data collected during the evaluation of the SIMPLEX Programme show that in 2011 20,733 requests for online firm had already been presented, which corresponded to 25.7% of total businesses

¹¹ Source: Study 'Avaliação de 6 medidas SIMPLEX com base na metodologia Standard Cost Model (SCM)', CapGemini, Feb. 2008.

created¹².

The data calculated in May 2011 showed that the aggregate number of Business Gateway and BOL represented 93% of the total number of businesses created in the same period, which emphasizes the success of the dematerialization measures implemented.

c) Trademark on-the-spot

Before Business Gateway	After Business Gateway
A period of 12 months in average	<ul style="list-style-type: none"> - Allows those who created a firm via the “business gateway” to have it linked to a trademark - About 1 hour - Requests for registration may be submitted online, avoiding travel and waiting time - As of 2007 “trademark on-the-spot” became also available, regardless of the constitution of the firm, for the most sought products and services

Data from May 2011 show that 99% of trademark registration requests were submitted online¹³.

As evidenced by the assessment data, the constitution of societies in Portugal became easier, simpler and cheaper.

3.1.2. Measures concerning the elimination of unnecessary obligations

Measures	Achieved benefits/estimated savings
<ul style="list-style-type: none"> - Inventory, accounting balance, ledger and copier books. The books of minutes were kept, but the obligation to certificate them previously in the conservatory was eliminated - Double bookkeeping system 	<ul style="list-style-type: none"> - € 60M, with the exemption of 500,000 acts of certification for the accounting books - € 65,000, corresponding to notarial deeds/year that are no longer necessary¹⁴
<ul style="list-style-type: none"> - Several notarial deeds became optional 	
<ul style="list-style-type: none"> - Effort to aggregate and centralize the obligation of information to the Administration, in accordance with the one-stop-shop principle: Simplified Business Information (SBI) - Accounting, fiscal and statistical accountability, which was made previously in different formats and moments and involving several displacements, is now fulfilled online in a single interaction and with greater convenience -The accounts of the companies are accessible online, eliminating around 500,000 photocopies, which were requested each year to the companies 	From 2007 until March 2011 were submitted some 1,551,300 “simplified business information”, the equivalent to an annual estimate of 6,000,000 pages spared with the dematerialization of the accountability register ¹⁵
<ul style="list-style-type: none"> - Unofficial transmission by electronic means to Tax Administration and Social Security, by the registration services, of business registration elements updates, thus eliminating companies’ repeated communications to Public Administration and improving the quality of information - Phasing out of the certificates by attributing legal value to dematerialized probative documents or by encouraging communication between services - Online availability of updated business information by means of the Permanent Certificate of Company Register Extract 	1,696,241 Permanent Certificates of Company Register Extracts requested, which represents estimated savings of € 51.6M with the same extracts available online, until March 2011 ¹⁶
<ul style="list-style-type: none"> - Exemption from presenting the tax status certificate or a certificate for fulfilled tax obligations concerning public entities - Companies may authorize the consultation of referred information in the Finance Portal and the Social Security Direct site, by indicating their fiscal and social security numbers 	Approximately 1,802,769 certificate requests for fulfilled tax obligations replaced by online consultation ¹⁷
Development of online services: a) the Social Security Direct site has become the preferred channel concerning the interaction of companies with the Administration	57,482 certificate requests for companies’ fulfilled tax obligations via the Social

¹² Source: Ministry of Justice, May 2011.

¹³ Source: Ministry of Justice, May 2011.

¹⁴ Source: Ministry of Justice, May 2011.

¹⁵ Source: Ministry of Justice, May 2011.

¹⁶ Source: Study ‘Avaliação de 6 medidas SIMPLEX com base na metodologia Standard Cost Model (SCM)’, CapGemini, Feb. 2008.

¹⁷ Source: Ministry of Finance and Public Administration and Ministry of Labour and Social Security, May 2011.

b) the registration of several corporate acts was dematerialized	Security Direct site ¹⁸ 171,353 corporate acts registered online ¹⁹
- Simplification of import and export procedures through the availability of electronic forms related to applications and several proceedings, fully dematerializing some of the procedures and implementing mechanisms for communication between information systems that enabled the electronic authentication of documents (e.g. licences or certificates)	1,150,000 export declarations submitted in a dematerialized way ²⁰ , which corresponds to estimated savings of €1.4M – in search for information, displacements, waiting times and fulfilling of forms, in the first year evaluation ²¹
- Possibility of extinguishing and liquidating firms electronically	6,608 firms extinct online ²²



Measure	4.23 M€	2.81 M€	- 11 h
Business Gateway			
Provide a new system for creating businesses, which is faster, more convenient and less expensive. Allows setting up business corporations, limited companies and single shareholder limited liability companies, in a single place and in just 1 hour.			
Permanent Certificate of Company Register Extract	8.83 M€	8 M€	- 2:11 h
Any company can have this certificate permanently available online, ensuring that as long as this certificate is online no public or private entity may require from those who adhered to this service a paper certificate.			
Dematerialization of Export Proceedings	3.90 M€	1.74 M€	- 1:16 h
Simplification of export procedures with the elimination of all manual proceedings. The implementation of this measure implies the replacement of paper-based statement for each export by an electronic declaration and the elimination of unceasing delivery of attached documents (invoices, proof of origin, permits, etc.).			
Single Port Window	0.15 M€	0.115 M€	- 30:05 h
Centralize in a technological platform -“Virtual One-stop-shop” - the information, documentation and procedures relating to various authorities operating in ports (port, maritime, customs, border, health and veterinary authorities), allowing the economic agents the presentation of information in a single point (regardless of destination port) and facilitating proceedings and administrative decision-making to port authorities by electronic means.			

- Previous costs
- Savings (in €)
- Savings (in time)

Results available in <http://historico.simplex.gov.pt/SCM/avaliacaoSCM.html>

3.1.3. Measures relating to citizens

Measures	Achieved benefits/estimated savings
- Medical consultation on time	It is possible for health centres to make the first specialist’s appointment by electronic means to hospitals of user’s geographical area, avoiding his/her displacement. This procedure also allows to annex the user’s clinical information <i>Medical consultation on time</i> is available in all institutions of the National Health Service ²³

¹⁸ Source: Ministry of Labour and Social Security, April 2011.

¹⁹ Source: Ministry of Justice, May 2011.

²⁰ Source: Ministry of Finance and Public Administration, February 2011.

²¹ Source: Study ‘Avaliação de 6 medidas SIMPLEX com base na metodologia Standard Cost Model (SCM)’, CapGemini, 2008.

²² Source: Ministry of Justice, May 2011.

²³ Source: Ministry of Health, 2011.

<p>- Simplification of procedures to obtain documents</p>	<p>Provision of integrated services, which are more convenient for citizens. One example is the citizen's card that replaced the identity card and the social security, health and taxpayer cards, allowing citizens to authenticate themselves electronically and digitally sign documents with legal value, interacting with public services in a simple and safe way</p>
<p>Provision of new services online at the civil registry office and at social security: a) Project Being Born a Citizen b) property register on-line c) computerisation of rural property registration d) possibility to apply online for the University, as well as to enrol in universities through their respective websites e) diploma for Higher Education f) electronic submission of complaints g) prefilled electronic annual tax declaration for individuals h) elimination of certificates for fulfilled tax obligations i) implementation of "Electronic <i>Diário da República</i>"- National Official Gazette"</p>	<p>a) allows to register new-borns in maternities and hospitals, avoiding unnecessary trips to the civil registry offices b) enabled to complete all the acts related to property registration through the Internet. 586,453 requests for property register submitted²⁴ c) provided on the Internet a set of services related to rural property information, eliminating the need to travel to the finance offices d) 59,878 applications for the University made online, and in the 2nd. and 3rd. phases of this procedure 100% of the submissions were made online²⁵ e) Students and alumni of several universities can request through the portal of the institutions and view online their Diploma permanently updated f) a virtual one-stop-shop that allows citizens to submit complaints concerning different crimes, permitting also the integrated access to all information regarding their protection g) all the citizen has to do is to validate the prefilled data h) allows citizens to authorize the consultation of information on their tax or contributory situation in the Finance Portal and the Social Security Direct site i) gives full legal value to the electronic edition of the National Official Gazette and allowed free access to citizens. Savings: 14,000 tons/year in paper²⁶</p>

3.2. Outcomes of the use of electronic procedures from the point of view of public agents

Implemented dematerialization measures allowed officials to be more efficient in carrying out their duties, since they no longer have to devote so much time to merely bureaucratic tasks, treating files and handling procedures in a more quickly and simpler way.

However, dematerialization does not determine necessarily downsizing. In fact, either citizen's shops or citizen's spaces presume the direct contact between officials and the citizen. Also "digital service" means that on "the other side" there is an official who receives the data and proceeds to their respective treatment.

3.3. Outcomes of the use of electronic procedures from the point of view of public data

As stated at the time of presentation of the dematerialization measures implemented in Portuguese Public Administration, one of the purposes pursued was, in fact, to prevent the citizen from delivering several times the same document or from requesting a document from a public entity to deliver it to another. Therefore, the principle known as "only once" was applied, established by Decree-Law 73/2014 of 13 May, which amended Decree-Law 135/99 of 22 April, following the data collection on administrative duplication in information requests and documents.

By virtue of this principle, citizens are exempted from presenting to public authorities' documents and information that they already have, regardless of the authority which has them, as long as they give their consent to the concerned entity to get them.

On the other hand, the Portuguese legal system foresees that public authorities and bodies shall ensure the mutual sharing of data and or public documents necessary for a given file or service provision, respecting the rules concerning the protection of personal data.

Furthermore, as shown above, it was legally planned the promotion of permanent certificates online or consultation mechanisms of electronic data through the interoperability of Public Administration platforms, reducing to the minimum the need for citizens to deliver supporting

²⁴ Source: Ministry of Justice, May 2011.

²⁵ Source: Ministry of Science, Technology and Higher Education, 2011.

²⁶ Source: Presidency of the Council of Ministers.

documents.

Finally, it is noted that in the field of electronic procurement the Procurement Portal was created, making publicly available all contracts awarded by any public body to any economic operator, which, on the one hand, fulfils the principle of transparency that should underlie any legal business and, on the other hand, ensures access to information relating to public procurement.

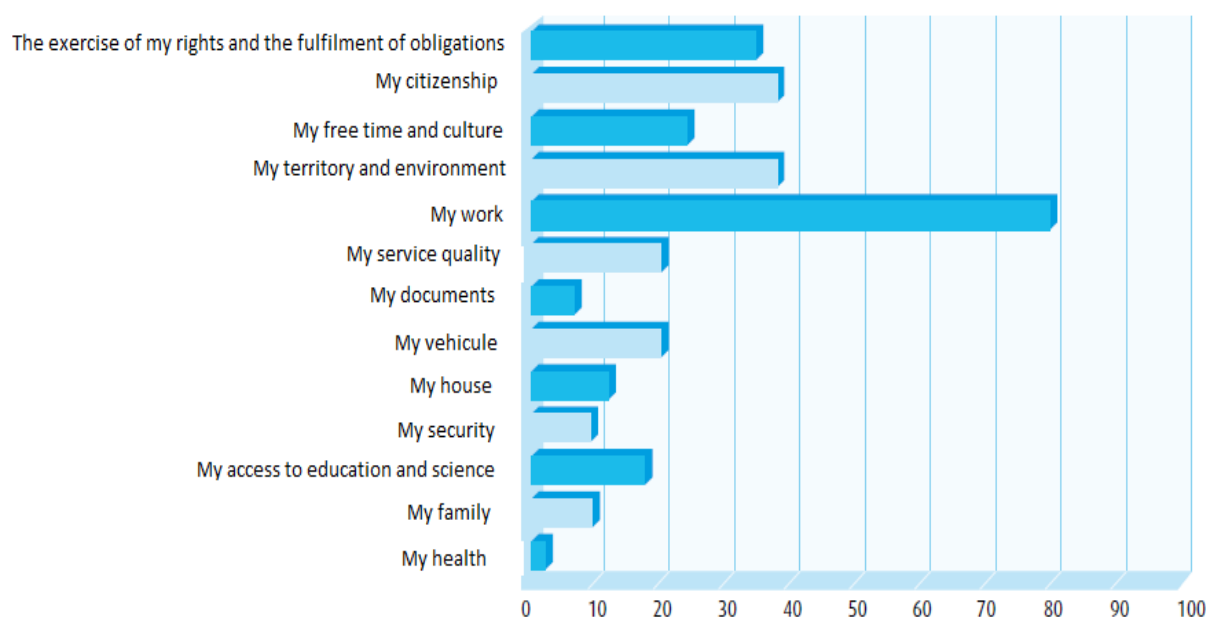
3.4. Outcomes of the use of electronic procedures from the point of view of users of public services

In the light of the results achieved through the implementation of dematerialisation and simplification measures identified above, namely the reduction of the complexity of procedures, the cost and the average processing time, citizens and businesses revealed their satisfaction in the evaluation studies carried out. Indeed, it was possible to ensure, among others, the following ambitions:

- i. Elimination or fusion of forms;
- ii. Services rendered in an one-stop-shop – integration of services;
- iii. Creation of alternative channels for some procedural steps (research of information, submission of documents, file consultation, payment of fees);
- iv. Provision of online pay slips and procedures forms;
- v. Creation of single interlocutors;
- vi. Segmentation of files according to their degree of risk or complexity;
- vii. Simplification of legislation;
- viii. Dematerialization of certain steps or even of the entire procedure or file;
- ix. Elimination of the duplication of information requests and controls.

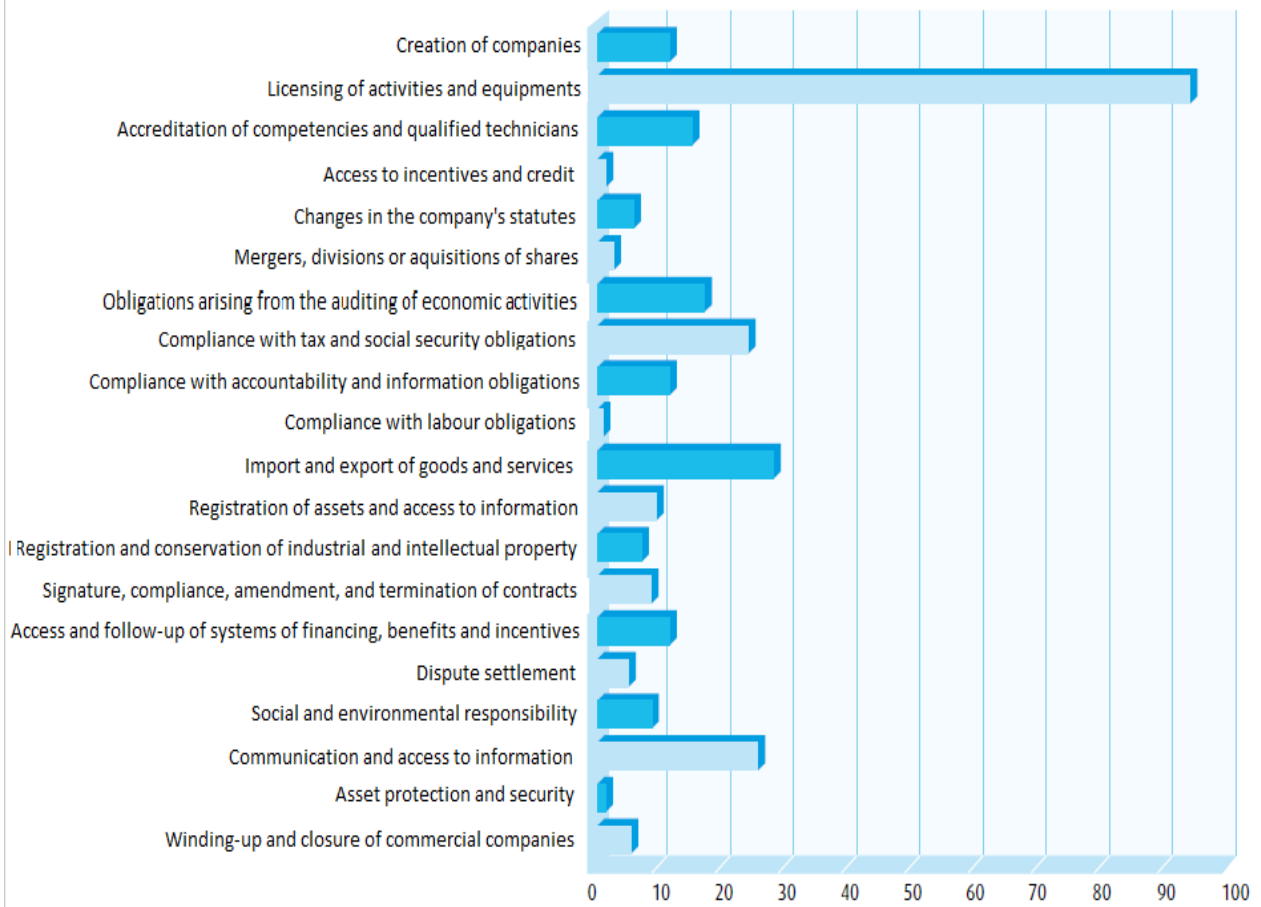
Charts below show the impact of several measures in the different events in the life of citizens and businesses and in management areas (Public Administration)²⁷.

Distribution of measures related to citizens by life event

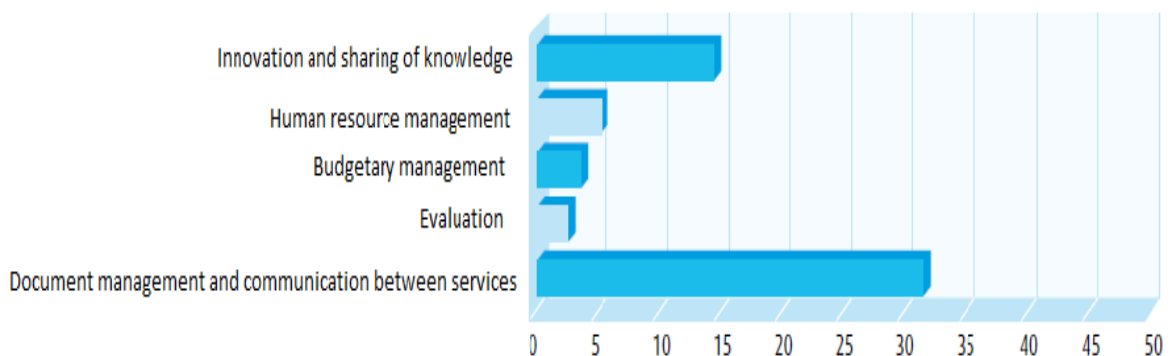


²⁷ Charts show here are included in the Evaluation report “6 anos de SIMPLEX - 6 years of SIMPLEX”, available in <http://historico.simplex.gov.pt/downloads/Relatorio6anosSimplex.pdf> [accessed on 18-10-2017].

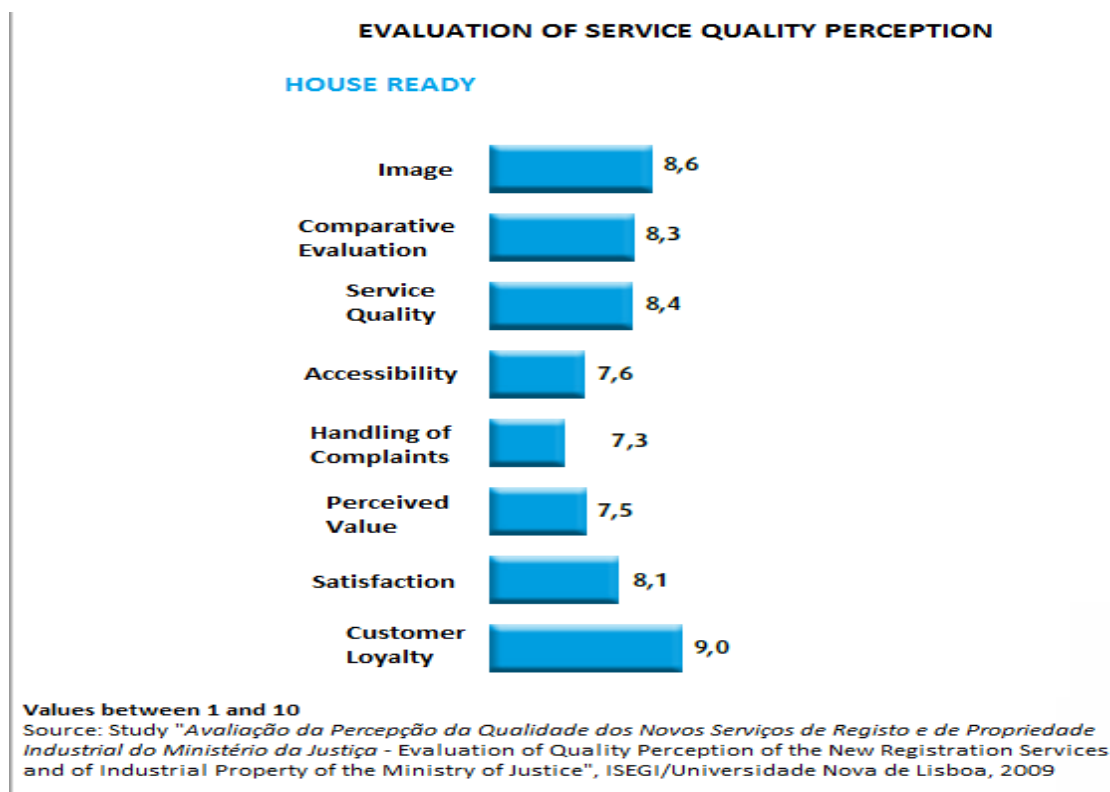
Distribution of measures related to businesses by life event



Distribution of efficiency measures in PUBLIC ADMINISTRATION by life event



Concerning the perception of the measures implemented, particularly the One-Stop-Shop, the data revealed in the Evaluation report are very positive:



Finally, it should be noted that in 2008 OECD examined in particular the Simplex Programme, through the study "Making life easy for citizens and businesses in Portugal – Administrative Simplification and e-Government"²⁸, and considered it to be a unique case in the panorama of the OECD countries, by its ambition, goals and results to date.

In brief, the Report is the result of an independent assessment conducted by OECD, at the request of Portugal, which enhances the effort and the positive results achieved, particularly with regard to:

1. Reduction of legal obligations imposed to businesses;
2. Reform of procedures concerning licenses;
3. Commitment to a vision where services are increasingly centred in life events of citizens and businesses;
4. Improving regulatory quality, preventing the introduction of unnecessary new administrative burdens;
5. Development of transversal services where collaboration and cooperation between public services results, in most cases, of the use of new technologies (e.g. Simplified Business Information, Business Portal, Business Gateway, Permanent Certificate, or Citizen's Card);
6. Improvement of effectiveness and efficiency in Public Administration through the sharing of resources and information between services in an effort of collaboration and cooperation between all involved;
7. Exemption from the obligation of certificating yearly incomes and household composition to 260,000 beneficiaries of subsidised housing credit;
8. 9,706 exemptions from the submission of documentary evidence of income (data for January 2008) for granting of certain pensions;
9. Concern to integrate those who still do not feel empowered to use the new technologies by modernizing face-to-face service;
10. Adoption of a new distribution model for public services, reorganized into an integrated and

²⁸ Study available in <https://www.oecd.org/mena/governance/42600869.pdf> [accessed on 18-10-2017].

multichannel version;

11. Commitment to achieving a new public service culture.

With regard to the possible existence of a 'digital gap', it should be clarified that the measures for the dematerialization and implementation of electronic procedures were accompanied by a special attention to those who do not know, cannot or do not want to use the digital means of interaction with the State, in order not only to guarantee the effectiveness and efficiency of public policies, but also to promote territorial and social cohesion. In this sense, a complementary network of spaces designed to provide digital assistance to citizens was developed, aiming to give everyone access to the advantages of the online provision of public services: the Citizen's Space network.

This network is the result of partnerships between the Central Public Administration and other entities (municipalities, services and entities providing services of public interest), and is dedicated to providing digital assistance and to training citizens for the use of digital tools (implementation of the so-called "Assisted Digital Service"), on the one hand, and serve as a single point of contact of the citizen with the different services and bodies of the Public Administration, on the other.

4. Simplex+ 2016 programme: some dematerialization measures to be implemented

We do not want to finish this report without mentioning some of the measures envisaged in the SIMPLEX + 2016 Programme, yet to be implemented.

4.1. Employment one-stop-shop

The purpose of the employment one-stop-shop is to concentrate, in a single physical space and / or digital platform, all interactions of unemployed citizens in the processes of active job search and vocational training, as well as employers in the selection and hiring of new employees, or in the reskilling and adaptation of human resources.

The One-stop-shop will integrate a set of measures to dematerialize interactions between citizens, companies and public employment services (such as online enrolments / applications, digital documents, information availability and search mechanisms in the "NETEmprego" portal).

4.2. Follow NHS (National Health Service)

The aim of this measure is to facilitate and accelerate access to health care through the development of the integrated access management system in the NHS (FOLLOW HNS), based on four initiatives:

- a) Development of "Free Access to Health Care" (FAHC);
- b) Set-up of the "Voucher for access and integration of health care" (VAI) - production of a Form of Indication of Care and Access (FIC) by health professionals, within the scope of the Health Data Platform (HDP), with the clinical information that originated the need for referral, and with the possibility of electronic notification of the destination entity;
- c) Implementation of "Paperless (PL) Complementary Diagnostic Procedures and Treatment (CDPT) - dematerialization of CDPT requests and access to the results;
- d) Development of the "Electronic Voucher for non-urgent patient transportation" - dematerialisation of electronic requisition processes, order and route management, and management of invoicing and conferencing procedures; development of a mobile application to control patient location and process status.

4.3. Being born with a family doctor and electronic health care card

This measure aims to dematerialize the communication of administrative and clinical data between health care providers and the citizen, in the scope of health care associated with birth,

paediatrics and adolescence, including 4 sub initiatives:

- a) *Being Born a User* - allocation of a family doctor at the maternity;
- b) *Digital Notice of Birth* - dematerialization of the Notice of Birth, promoting a reinforcement of the articulation between Hospitals and Primary Health Care and improving the quality of the continuity of the care provided to the child and to the family;
- c) *Infantile and Juvenile Health ECard* - digital version of the Infantile and Juvenile Health Card, for registration and consultation of parents, caregivers and professionals, including those of the private sector, through the NHS Portal, which allows sending notifications;
- d) *Electronic Vaccination Card* - digital version of the Vaccination Card, accessible to citizens and professionals through the SNS Portal, including the private sector, for registration and consultation, which also allows notifications, and promotes faster and more effective monitoring of the National Vaccination Plan by the General Directorate of Health.

4.4. Driving licence on wheels

Concerning categories A and B of the driving licence, the following measures will be implemented:

- a. Dematerialisation of the procedure for issuing driving licenses;
- b. Electronic medical certificate, transmitted directly by the doctor to the services of the IMT - Institute of Mobility and Transport, which allows the automatic registration of disabilities;
- c. Revalidation / issuance of driving license;
- d. Deletion of the information concerning the address on the driving license;
- e. Public availability of service quality indicators (average deadlines for issuance of driving licences).

4.5. Death one-stop-shop

This measure is a project that will bring together Ministries of Justice, Finance, Labour, Solidarity and Social Security and private entities (e.g. banking, insurance, energy, water and telecommunications companies), to gather in a single point of service all set of public and private services that need to be used after the death of a relative.

5. The (new) Citizen's Card

The recent Law 32/2017 of 1 June, amended, among others, Law 7/2007 of 5 February, which creates the citizen's card and rules its issuance and use, the latter already amended by Law 91/2015 of 12 August. Furthermore, this Law also proceeds to the first amendment to Law 37/2014 of 26 June, which establishes an alternative and voluntary system of authentication of citizens in the portals and internet sites of the Public Administration called "Mobile Digital Key" and to the seventh amendment to Decree-Law 83/2000 of 11 May, which approves the legal regime for granting and issuing passports.

It should be noted that this Law establishes a clear example of an adequate conciliation between the purposes of modernization, on the one hand, and the concerns of greater efficiency in the provision of public services, capable of generating greater benefits for the citizen, on the other hand. We will see, in a more detailed way, what concrete changes were introduced by Law 32/2017, in order to achieve the objectives identified above.

According to article 2 of Law 7/2007 of 5 February, "*The citizen's card is a certified document that contains the data of each citizen which are relevant for his identification and includes the personal identification number, the tax identification number, the HNS personal number and the social security number.*"

Firstly, and taking into account the above, the 2017 legislator explicitly provided for the obligation to obtain the citizen's card for all national citizens residing in Portugal or abroad, as of 20 days after birth registration. This legal innovation is closely linked to the implementation of one of the measures that integrate the SIMPLEX + Programme, called "Being Born a Citizen". According to this measure, already implemented in several national health units, it is possible to register a new-born, right after birth, in the very health unit and without any need to travel to the civil registry office, requesting, at that time, the issuance of the citizen's card.

The amendment identified above reflects the legislator's concern to ensure that citizens are entitled, right after birth, to an identification document, which will determine that the new-born is, from the outset, registered in the Justice, Health, Social Security and Finance (Tax and Customs Authority) databases, allowing him to immediately access the various services provided in each of the areas (for example, family doctor or access to social benefits).

Secondly, and contrary to what was envisaged in the previous drafting of the law, the general term of validity of the citizen's card is now set by order of the members of the Government responsible for the areas of administrative modernization and justice. Accordingly, Ordinance No. 287/2017 dated 28 September established, in its article 5, that the general term of validity of the citizen's card is 10 years for citizens aged 25 or more, being this period of 5 years for citizens who have not completed that age. It is therefore possible to extend the general validity period of a citizen's card, which benefits the citizen not only because it represents fewer trips for the purpose of renewing the document, but also an effective reduction of costs.

Another change introduced by the recent law concerns the possibility for citizens to request the issuance of a duplicate of the document containing the PIN and PUK codes, avoiding the need to request a new citizen's card. This is, in fact, a change with a very relevant impact on citizens' daily lives, as the percentage of those who regularly use their codes is still lower than what would be desirable, which increases the occurrence of situations when, needing to know their codes for a specific situation, citizens are not aware of them.

Until the implementation of Law 32/2017, citizens who did not know their authentication / signature codes through the citizen's card, if they needed to carry out any of these operations they were forced to request a new citizen's card. However, as a result of the changes introduced by the above-mentioned legal instrument, it is now possible to preserve the file with the personal unblocking code (PUK) of the citizen's card, which will allow citizens to recover their codes if they have forgotten them.

The rules of preservation of the personal unblocking code (PUK) referring to the address, certificate of authentication and certificate of signature are provided for in paragraph 1 of article 11 of Ordinance No. 287/2017 of 28 September, according to which referred storage shall be carried out through "a) *The encrypted mention of part of the PUK on the chip of the personal Citizen's Card;*" and "b) *The encrypted mention of the other part of the PUK in the information system responsible for Citizen's Card Life Cycle, managed by IRN (Institute of Registration and Notary Affairs).*"

In turn, in accordance with paragraph 2 of article 11 of the above identified Ordinance "*The PUK code number is made with a specific symmetric key.*" According to paragraph 4 of the same article "*The deciphering of the PUK information provided for in paragraph 1 shall be made through the symmetric key indicated in paragraph 2.*" Once the PUK code has been deciphered the citizen shall define new PIN codes.

To access to the part of the encrypted PUK referred to in paragraph 1 a), article 11 paragraph 3 of the aforementioned Ordinance establishes that this is done through the use of the fingerprint validation functionality (match-on-card) at the reception services referred to in paragraphs 2 and 7 of article 20 of Law 7/2007 of 5 February, as amended by Laws 91/2015 of 12 August and 32/2017 of 1 June.

In situations where the citizen's card has been personalized without a digital fingerprint, the PUK will be kept encrypted in the information system responsible for the Citizen's Card Life Cycle, which is managed by the IRN. In this situation, for the purpose of deciphering the PUK, it is the

employee of the services of reception of the applications for issuing, renewing and cancelling the citizen's card that is able to access this functionality, through the use of a digital certificate of authentication of the operator, as established in paragraph 6 of article 11 of mentioned Ordinance.

Another amendment introduced by Law 32/2017 relates to the possibility for citizens 60 years of age or older to apply for renewal of their identification document through the citizen's space or the internet. In fact, Article 7 (1) of Ordinance No. 287/2017, which regulates the above law, provides for this possibility, if the citizen has reached the age of 60 and provided that a) he authenticates himself securely in the relevant portal; b) his citizen's card is within the validity period at the time of the request; c) the competent services have his fingerprints.

Similarly, the citizen who has reached the age of 25 may use the online services to request the renewal of his citizen's card, provided that a) he authenticates himself securely in the relevant portal; b) the expiry date of his citizen's card is more than 60 days away; c) the competent services have his fingerprints; d) he has cancelled the citizen's card to be renewed on account of loss, destruction, theft or robbery.

As can be seen from reading the above terms, the legislator has allowed, through Law 32/2017 and its regulations, citizens 60 years of age or older to request the renewal of their identification document without having to leave home since they can do so over the internet. For citizens aged 25 or over but less than 60 years old, the possibility of renewal of the citizen's card through the Internet will only exist in case of loss, destruction, theft or robbery and only when the validity period of the previous card is longer than 60 days.

Still on the path of modernization and promotion of greater proximity and simplification of communications between the citizen and the Public Administration, paragraph 4 of article 13 of Law 32/2017 gives the possibility of issuing alerts, communications and notifications from the public services, which are sent by regular mail, by registered post or by registered post with acknowledgment of receipt, to be carried out by electronic transmission of data to the citizen's mobile telephone and / or e-mail address in accordance with this Law.

Moreover, seeking to prevent citizens from being required to communicate the same data to various public entities, it is now possible to re-use the information provided to the Public Administration at the time of requesting a citizen's card for the purpose of renewing other documents (for example, passport and driving license). As a matter of fact, article 24 (4) of the legal instrument in question expressly states that at the time of application for the issue of a citizen's card, its renewal or updating of the address, the citizen may "*a) expressly authorize the collected data to be transmitted to public entities that need them for the issuance of official documents; b) request the issuance of documents that need the data transmitted when applying for the citizen's card.*"

The above-mentioned changes are based on the implementation of simplification and de-bureaucratization measures, which will greatly contribute to improving the relationship between Public Administration and citizens, since it eliminates the need to present recurring or similar requests in several entities, allowing the citizen to have a single point of contact.

Reference should also be made to the amendment introduced into the law by the addition of Article 18-A, which provided for the possibility of the electronic signature in the citizen's card to contain the certification of a certain professional attribute, at the request of the holder. Under the terms of the law, the certification of professional attributes is carried out through the System of Certification of Professional Attributes and constitutes legal proof of the professional quality in which someone signs. Therefore, the citizen can invoke his qualification or professional attribute, certified by the appropriate entity, using a qualified electronic signature.

One last change that we would like to point out is the fact that the reproduction of the citizen's card without the holder's consent or that does not derive from the law or from a decision of a judicial authority has become a misdemeanour, punishable by a fine going from 250€ to 750€. It is clear from Article 43 (1) of Law 32/2017 that "*The retention, preservation and reproduction by photocopying or faxing of others' citizen's card, in violation of Article 5 (1) and (2), constitutes a misdemeanour punishable by a fine of (euro) 250 to (euro) 750.*"

The IRN is responsible for initiating and investigating such misconduct, and it is for the chairman, or his delegate, to decide on the application of the respective fines. Additionally, with regard to the practice of facts that may imply responsibility for misconduct under Article 43 (1), (2) and (3), Article 47 of the aforementioned law establishes that *"Any authority or agent of authority that in the exercise of his or her supervisory duties is informed, by complaint or personal knowledge [of such a misdemeanour], initiates or orders to file a report, which must mention the facts that indicate that the infraction occurred, the day, the place and the circumstances in which they were committed, the name and the quality of the authority or agent of the authority which was informed of the facts, the identification of the person who has committed the acts and, in the case of a misdemeanour as provided for in Article 43 (1) or (2) [photocopy of the citizen's card], of at least one witness who can testify on the facts."*

Since it is not possible to state all the changes introduced through Law 32/2017 and its regulations, we have chosen to identify those that, in our view, reveal evident improvements for the citizen. However, it should be noted that all changes made in the law reflect the effort made to have a safer, more modern and also more functional citizen's card. There is no doubt that the aim has been achieved, and it is now up to each one of us, as citizens, to use the various functionalities that the legislation has enshrined.

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