

# **ODOWER LINK**

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Statement of No Conflict of Interest and MENAC Recommendation

The prevention of corruption continues to gain importance within the Portuguese legal-administrative framework, introducing new obligations for public entities.

The General Regime for the Prevention of Corruption (RGPC), approved by Decree-Law No. 109-E/2021, requires that members of management bodies, directors, and employees of covered public entities sign a Declaration of No Conflict of Interest in the procedures in which they intervene, concerning:

- i. Public procurement;
- ii. Granting of subsidies, grants, or benefits;
- iii. Urban planning, environmental, commercial, and industrial licensing;
- iv. Sanctioning procedures.

# Legislative Developments

Ordinance No. 185/2024/1, of August 14, approved the model declaration of no conflict of interest.

Its entry into force was postponed by Ordinance No. 242/2024/1, of October 4, and by Ordinance No. 38/2025/1, of February 14.

On August 14, Ordinance No. 287-A/2025/1 was published, establishing that the model declaration of no conflict of interest will only enter into force on **August 14, 2026**.

## MENAC's Recommendation

The National Anti-Corruption Mechanism (MENAC) issued Recommendation No. 4/2025, clarifying compliance with Article 13 of the RGPC.

Among the key points highlighted are:

#### i. Who must sign the declaration

all directors, employees, and members of management bodies involved in administrative procedures relating to public procurement, granting of subsidies, grants or benefits, urban planning, environmental, commercial and industrial licensing, or sanctioning procedures.



In the case of meetings of management bodies in which multiple decisions are taken on the identified matters, participants may sign only one single declaration of no conflict of interest, provided that it includes the complete identification of all the procedures in which they took part.

## iii. Duty of Prevention

Public entities covered by the RGPC are required to adopt measures aimed at ensuring impartiality and neutrality, and at preventing situations of internal favoritism.

## iv. Duty of Disclosure

Current or foreseeable situations of conflict of interest must be reported to the hierarchical superior or to the compliance officer.



It is recommended that Public Entities covered by the RGPC immediately begin internal preparation processes for the implementation of the model, by identifying the necessary services and procedures, mapping the employees and directors potentially involved, and promoting awareness and training actions to ensure future compliance.

