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ASSEMBLY OF THE REPUBLIC

Organic Law No. 3/2021

August 9th

Summary: Amends the National Defense Law, approved by Organic Law No. 1-B/2009, of 7 July.

Amends the National Defense Law, approved by Organic Law No. 1 -B/2009, of July 7

The Assembly of the Republic enacts, under the terms of paragraph c) of article 161 of the Constitution, the following organic law:

Article 1

Object

This law makes the second amendment to the National Defense Law, approved by Organic Law No. 1 -B/2009, of July 7th, and amended by Organic Law No. 5/2014, of August 29th.

Article 2

Amendment to the National Defense Law

Articles 14, 23 and 46 of the National Defense Law are replaced by the following wording:

«Article 14.

[...]

1 — [...]
2 — [...]
3 — [...]

a) [...]
b) [...]
c) [...]
d) [...]
e) Approve the military strategic concept prepared by the Chief of Staff - General of the Armed Forces, after hearing the Council of Chiefs of Staff, in accordance with the strategic concept of national defense referred to in article 7;
f) [...]
g) [...]
h) [...]
i) [...]
j) [...]
l) Propose confirmation of the military strategic concept to the Superior Council of National Defense and the approval, based on a project by the Chief of Staff of the Armed Forces, after consulting the Council of Chiefs of Staff, of the specific missions of the Armed Forces and the system of forces necessary for their fulfillment;
m) Approve the system of forces proposed by the Chief of Staff of the Armed Forces, after hearing the Council of Chiefs of Staff;
n) [...]
o) [...]
p) [...]
q) [...]
r) [...]

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s) [...]
t) [...]
u) [...]
v) [...]
x) [...]
z) [...]
aa) Guide the action of the attachés of defense.

4 — [...]

Article 23

[...]

1 — [...]
2 — [...]
3 — The Chiefs of Staff of the Navy, Army and Air Force depend hierarchically on the Chief of the General Staff of the Armed Forces for all military matters.

4 — Without prejudice to the provisions of the previous number, the Chiefs of Staff of the Navy, Army and Air Force report to the Minister of National Defense for matters related to the operation of bodies regulated by specific legislation and search and rescue services. maritime and air rescue, permanently attributed to the Navy and Air Force, respectively, as well as for the execution of projects within the scope of the military programming law and the military infrastructure law, and in other administrative matters and budget execution that result from the law.

Article 46

[...]

1 — The forecast of military expenses to be incurred by the State in re-equipment of the Armed Forces and defense infrastructures must be the subject of medium-term planning, set out, respectively, in the military programming law and the law on military infrastructures.
2 — The budget proposal of the Ministry of National Defence, in the part relating to the reequipment of the Armed Forces and defense infrastructures, obligatorily includes what is established for the year in question in the military programming law and in the law on military infrastructures.»

Article 3

republication

It is republished as an annex to this law, of which it forms an integral part, Organic Law No. 1 -B/2009, of 7 July.

Article 4

Implementation

This law enters into force on the day following its publication.

Approved on June 25, 2021.

The President of the Assembly of the Republic, *Eduardo Ferro Rodrigues.*

Enacted on August 3, 2021.

Publish yourself.

The President of the Republic, MARCELO REBELO DE SOUSA.

Countersigned on August 4, 2021.

The Prime Minister, *António Luís Santos da Costa.*

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ATTACHMENT

(as referred to in Article 3)

Republishing Organic Law No. 1 -B/2009, of July 7

CHAPTER I

General principles

Article 1

National defense

1 — The objectives of national defense are to guarantee the sovereignty of the State, the national independence and the territorial integrity of Portugal, as well as to ensure the freedom and security of the populations and the protection of the fundamental values of the constitutional order against any external aggression or threat.

2 — National defense also ensures compliance with the international commitments of the State in the military domain, according to the national interest.

Article 2

General principles

1 — Portugal defends the principles of national independence and equality of States, respect for human rights and international law and the peaceful resolution of international conflicts and contributes to international security, stability and peace.

2 — The Portuguese Republic defends national interests by all legitimate means, inside and outside its territory, the maritime areas under national sovereignty or jurisdiction and the airspace under its responsibility.

3 — Safeguarding the life and interests of the Portuguese is also an interest that the State defends in an autonomous or multinational framework.

4 — In exercising the right of self-defence, Portugal reserves the use of war in cases of actual or imminent aggression. 5 — It is the right

and duty of every Portuguese person to move to active and passive resistance in areas of the national territory occupied by foreign forces.

Article 3

National defense and international commitments

National defense is also ensured and exercised within the framework of internal commitments assumed by the Portuguese State in pursuit of the national interest.

CHAPTER II

national defense policy

Article 4

Components of the national defense policy

1 — The national defense policy integrates the principles, objectives, guidelines and priorities defined in the Constitution, in this law, in the Government program and in the strategic concept of national defense.

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2 — In addition to its military component, the national defense policy includes the State's sectoral policies whose contribution is necessary for the realization of Portugal's strategic interest and fulfillment of the objectives of national defence.

Article 5

Permanent objectives of the national defense policy

The national defense policy aims to ensure, permanently and on a national basis:

a) The sovereignty of the State, national independence, the integrity of the territory and the fundamental values of the constitutional order; b) The
freedom and security of the people, as well as their property and the protection of the national heritage; c) The
freedom of action of sovereign bodies, the regular functioning of institutions democratic and the possibility of carrying out the essential functions and tasks of the State;
d) Ensure the maintenance or restoration of peace under conditions that correspond to national interests;
e) Contribute to the development of the moral and material capabilities of the national community, so that it can prevent or react by appropriate means to any external aggression or threat.

Article 6

Fundamental guidelines of the national defense policy

The fundamental guidelines of the national defense policy are defined in the Government's program, in compliance with the fundamental principles and permanent objectives defined in the Constitution and in this law.

Article 7

Strategic concept of national defense

1 — The strategic concept of national defense defines the priorities of the State in terms of defense, in accordance with the national interest, and is an integral part of the national defense policy.
2 — The main options of the strategic concept of national defense are subject to debate and approval in the Assembly of the Republic, on the initiative of the Government.
3 — The strategic concept of national defense is approved by resolution of the Council of Ministers, under a joint proposal by the Prime Minister and the Minister of National Defence, after hearing the Superior Council of National Defense and the Council of Chiefs of Staff.

CHAPTER III

Responsibilities of State Bodies

Article 8

Bodies responsible for national defense

1 — The following are directly responsible for national defence:

a) The President of the Republic;
b) The Assembly of the Republic;
c) The
Government; d) The Superior Council of National
Defense. e) *(Revoked.)*

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2 — In addition to the bodies referred to in the previous number, they are directly responsible for the Forces Armed Forces and the military component of national defence:

a) *(Revoked.)* b)
The Chief of the General Staff of the Armed Forces; c) The Chiefs of
Staff of the Navy, Army and Air Force.

3 — The following are consultation bodies in matters of national defence:

a) The Superior Military Council; b)
The Council of Chiefs of Staff.

Article 9

President

1 — The President of the Republic represents the Portuguese Republic, guarantees national independence, the unity of the State and the regular functioning of democratic institutions and is, inherently, the Supreme Commander of the Armed Forces.

2 — Without prejudice to other powers conferred upon him by the Constitution or by law, the President of the Republic, in matters of national defence, shall:

a) Exercise the functions of Supreme Commander of the Armed Forces; b) Declaring
war, in the event of actual or imminent aggression, and making peace, on a proposal from the Government, after hearing the Council of State and with authorization from the Assembly of the Republic, or, when the latter is not in session, when it is not possible to immediate meeting of your Committee
Permanent;

c) Assume the superior direction of the war, together with the Government, and contribute to the ma maintenance of the spirit of defense;

d) Declaring a state of siege and a state of emergency, after hearing the Government and with the authorization of the Assembly of the Republic, or, when the latter is not in session, and its immediate meeting is not possible, of its Standing Committee;

e) Ratify the international treaties in which the State assumes international responsibilities in the field of defence, namely the treaties on Portugal's participation in international security and defense organisations, as well as the treaties on peace, defence, rectification of borders and those relating to to military affairs;

f) Chair the Superior Council for National Defence; g) Appoint
and dismiss, on a proposal from the Government, the Chief of Staff -General of the Armed Forces, as well as, after hearing the Chief of Staff -General of the Armed Forces, the Chiefs of Staff of the Navy, Army and the Air Force; h) Appoint and dismiss, on a proposal from the Government,
commanders or military representatives from international organizations of which Portugal is a member, as well as general officers, commanders of naval, land or air forces, assigned to carry out international missions in that country. frame.

Article 10

Supreme Commander of the Armed Forces

1 — The functions of Supreme Commander of the Armed Forces, constitutionally assigned inherent to the President of the Republic, comprise the following rights and duties:

a) Duty to contribute, within the scope of its constitutional powers, to ensuring the
fidelity of the Armed Forces to the Constitution and democratic institutions;

b) Right to be informed by the Government about the situation of the Armed Forces;

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c) Right to be previously informed by the Government, through substantiated communication, about the use of the Armed Forces in missions that involve collaboration with security forces and services against aggressions or transnational threats;

d) Duty to advise the Government privately on the conduct of national defense policy; e) Right to occupy

the first place in the hierarchy of the Armed Forces; f) Consult the Chief

of Staff - General of the Armed Forces and the Heads of State -

- Major of the Navy, Army and Air Force, in matters of national defense; g) Confer,

on its own initiative, military decorations.

2 — The use of the Armed Forces, and of other forces when forming part of a military force, in military operations outside the national territory is always preceded by reasoned communication from the Prime Minister, which must, namely, include:

a) Requests requesting such involvement, accompanied by the respective grounds; b) Draft

decisions or proposals for this involvement; c) The military

means involved or to be involved, the type and degree of the estimated risks and the foreseeable duration of

the mission; d) Elements, information and official publications considered useful and necessary.

Article 11

Assembly of the Republic

Without prejudice to other powers conferred upon it by the Constitution or by law, the Assembly of the Republic, in matters of national defence, is responsible for:

a) Authorize the President of the Republic to declare war and make peace;

b) Authorize the President of the Republic to declare a state of siege and emergency;

c) Approve international treaties in which the State assumes international responsibilities in the field of defence, namely the treaties on Portugal's participation in international security and defense organisations, as well as peace, defence, border rectification treaties and those relating to to military matters;

d) Appraise the fundamental guidelines of the national defense policy contained in the Government's program and discuss and approve the main options of the strategic concept of

national defense; e) Legislate on the organization of national defense and the definition of the

duties arising therefrom; f) Legislate on the general bases of organization, operation, re-equipment and discipline of the Armed Forces;

g) Legislate on restrictions on the exercise of rights by military personnel and militarized agents in effective

exercise; h) Legislate on the limits of territorial waters, the exclusive economic zone and the rights of Portugal on the adjacent seabed; i) Legislate

on the definition of crimes of a strictly military nature and respective penalties; j) Legislate on

the status of the military condition, namely with regard to the rights and duties of the military; l) Legislate on the

guiding principles of military careers; m) Legislate on the mobilization

and requisition regime; n) Legislate on military easements

and other restrictions on the right to property for reasons related to national defence; o) Legislate on the organization,

operation, jurisdiction and procedure of the courts

military personnel operating in wartime, as well as the status of the respective judges;

p) Supervise the action of the Government in the exercise of its powers in matters of defense national and Armed Forces;

q) Appreciate the Government's decision to involve contingents or military forces in military operations abroad, which is communicated to it in advance, and monitor the participation of these contingents or forces in the missions, under the terms established by law;

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r) To elect, by a two-thirds majority of the Deputies present, provided they exceed the absolute majority of the Deputies in terms of effectiveness of functions, two Deputies for members of the Superior Council of National Defense.

Article 12

Government

1 — The Government is the governing body of the national defense policy and of the Armed Forces and the highest administrative body for national defense and the Armed Forces.

2 — Without prejudice to other powers conferred upon it by the Constitution or by law, the Council of Ministers, in matters of national defence, in the political and legislative sphere, is responsible for:

a) Propose to the President of the Republic the declaration of war and the making of peace; b) Be heard prior to the declaration of a state of siege and a state of emergency; c) Negotiate and adjust international treaties in which the State assumes international responsibilities in the field of defence, namely the treaties on Portugal's participation in international security and defense organisations, as well as peace, defence, border rectification and those relating to military matters;

d) Legislate on matters relating to the development of the general bases of the mobilization and requisition regime; e) Legislate on matters not reserved to the Assembly of the Republic or, with its authorization, on matters included in the respective relative reserve, namely those referred to in paragraphs *i),* l), m) and o) of article 11; f) Submit bills to the Assembly of the Republic; g) Approving the fundamental guidelines of the national defense policy, to be included in its programme, and ensuring all the essential conditions for its execution, within the framework of the State Budget and the military programming laws; h) Approve the strategic concept of national defense; i) Ensure the organization and functioning of the National Mobilization and Requisition System

and determine the mobilization of citizens for national defense, under the terms of the law.

3 — Without prejudice to other powers conferred upon it by the Constitution or by the law, it is incumbent upon the Government, in matters of national defence, within the administrative scope:

a) Ensure compliance with the Constitution and laws relating to national defense and the Armed Forces. Armed Forces, namely making the necessary regulations for their proper execution;

b) Without prejudice to the competence of the Assembly of the Republic, to guide and supervise the execution of the military programming law and the national defense budget, as well as the respective asset management, supervising the exercise of the own and delegated competences of the Heads of General Staff in matters of financial administration; c) Ensure that national defense is exercised benefiting from the information activities of the competent bodies of the Information System of the Portuguese Republic (SIRP) and the Forces Armed, under the terms of the law;

d) Guarantee the capacity, means and readiness of the Armed Forces to carry out their missions; e) Propose to the President of the Republic the appointment and dismissal of the Chief of Staff - General Staff - -General of the Armed Forces and Chiefs of Staff of the Navy, Army and Force Aerial;

f) Manage the bodies and services of the direct administration and exercise guardianship and superintendence over those of the indirect administration of national defense;

g) Requisition movable and immovable property, tangible and intangible, indispensable for national defence; h) Approve the mechanisms that ensure cooperation between the Armed Forces and the security forces and services, with a view to the joint fulfillment of their missions in the context of combating aggression or transnational threats;

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i) Communicate to the Assembly of the Republic, under the terms of the law, the Government's decision to involve contingents or military forces in military operations abroad, and present detailed reports on this involvement, without prejudice to other specific or urgent information that may be requested. ;

j) Propose to the President of the Republic the appointment and dismissal of commanders or military representatives in international organizations of which Portugal is a member, as well as general officers, commanders of naval, land or air forces, designated to carry out international missions in that frame.

Article 13

Prime Minister

1 — The Prime Minister directs the national defense policy and that of the Armed Forces, as well as the functioning of the Government in this matter.

2 — Without prejudice to other powers conferred upon it by the Constitution or by the law, it is incumbent upon the Prime Minister, in matters of national defence:

a) To direct the inter-ministerial activity of executing the national defense policy and the Armed Forces Armed Forces, including the definition of the national civil emergency planning policy;

b) Participate in the Superior Council for National Defence; c)

Inform the President of the Republic about policy and decisions on defense matters national and Armed Forces;

d) Without prejudice to the provisions of the previous paragraph, the use of the Armed Forces, and of other forces when forming part of a military force, in military operations outside the national territory is always preceded by reasoned communication from the Prime Minister to the President of the Republic;

e) Inform the President of the Republic, through substantiated communication, about the use of the Armed Forces in missions that involve collaboration with security forces and services against aggressions or transnational threats;

f) Propose to the Council of Ministers, jointly with the Minister of National Defence, the appointment and dismissal of the Chief of Staff of the General Staff of the Armed Forces and of the Chiefs of Staff of the Navy, Army and Air Force;

g) To propose to the Council of Ministers, together with the Minister of National Defence, the approval of the strategic concept of national defence.

3 — The Prime Minister may delegate, in whole or in part, the competence referred to in paragraph a) of the previous number to the Minister of National Defence.

Article 14

Minister of National Defense

1 — The Minister of National Defense ensures the elaboration and execution of the national defense policy and that of the Armed Forces and is politically responsible for the military component of national defence, for the use of the Armed Forces and for their capabilities, means and readiness.

2 — The Minister of National Defense directs, ensures and supervises the administration of the Forces Armed Forces and services and organizations integrated into the Ministry of National Defence.

3 — It is incumbent, in particular, on the Minister of National Defence:

a) Submit to the Council of Ministers all proposals relating to matters within the competence of this body in the fields of national defense and the Armed Forces, including its military component; b) Participate in the

Superior Council for National Defence; c) Preside over the Superior

Military Council; d) To direct the interministerial

activity of executing the national defense policy and the Armed Forces Armed, by delegation of the Prime Minister;

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e) Approve the military strategic concept prepared by the Chief of the General Staff of the Armed Forces, after hearing the Council of Chiefs of General Staff, in accordance with the strategic concept of national defense referred to in article 7;

f) Coordinate and guide the necessary actions to guarantee the fulfillment of military commitments resulting from international agreements, namely the participation of detachments of the Armed Forces in military operations outside the national territory;

g) Coordinate and guide relations with similar ministries and foreign military institutions and with international organizations that pursue attributions in military matters, without prejudice to the powers of the Minister for Foreign Affairs;

h) Guiding the preparation of the national defense budget, as well as the military programming laws, and guiding and supervising the respective execution and asset

management; i) Propose to the Council of Ministers, jointly with the Prime Minister, the appointment and dismissal of the Chief of Staff of the General Staff of the Armed Forces and of the Chiefs of Staff of the Navy, Army and Air Force;

j) Propose to the Council of Ministers, together with the Prime Minister, the approval of the strategic concept of national defense and ensure its implementation; l) Propose

to the Superior Council of National Defense the confirmation of the military strategic concept and the approval, under a project of the Chief of Staff - General of the Armed Forces, after hearing the Council of Chiefs of Staff - of the specific missions of the Armed Forces and of the system of forces necessary for its fulfillment;

m) Approve the system of forces proposed by the Chief of Staff of the Armed Forces, after hearing the Council of Chiefs of Staff; n) Approve and publish the norms essential

for the execution of national defense laws
and the Armed Forces that are not within the competence of the Council of Ministers;

o) Elaborate and direct the national policy on armament and equipment for national defense; p)

Elaborate and direct the health policies to be developed in the military scope and in articulation with other similar bodies of the State; q) Elaborate

and direct policies related to military higher education; r) Exercising the powers

of the Government relating to direct administration bodies and services and to guardianship and superintendence over bodies and services of indirect administration of national defense; s) Authorize the

carrying out of military maneuvers and exercises outside national territory; t) Licensing

works in areas subject to military servitude, after hearing the Chief of Staff of the competent branch of the Armed Forces;

u) Submit to the Superior Council of National Defense, as well as to the Council of Ministers, proposals regarding the mobilization and requisition, necessary for the pursuit of the permanent objectives of the national defense policy;

v) Appoint and dismiss the holders of the bodies subject to its power of direction or supervision;

x) Approving promotions to general officer, as well as promotions of general officers, after deliberation by the Council of Chiefs of Staff; z)

Coordinate and guide the necessary actions to ensure the collaboration of the Armed Forces with security forces and services;

aa) Guide the action of defense attachés.

4 — The Minister of National Defense coordinates the National Civil Planning Council of Emergency.

Article 15

Powers of other ministers

1 — In coordination with the Minister of National Defence, all other ministers ensure the implementation of non-military components of the national defense policy that fall within the scope of the attributions of the respective ministries.

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2 — It is incumbent, in particular, on each minister:

a) Prepare the adaptation of its services to the state of war, the state of siege and the state of emergency; b) Direct the action of its
services in mobilization and requisition, in civil emergency planning
agency and civil protection.

Article 16

Superior Council of National Defense

1 — The Superior Council for National Defense is the specific consultation body for matters relating to national defense and the organization, functioning and discipline of the Armed Forces.

2 — The Superior Council for National Defense is presided over by the President of the Republic, who has the casting vote.

3 — The Superior Council for National Defense has the following composition:

a) Prime Minister; b)
Deputy Prime Minister and Ministers of State, if any; c) Minister of National
Defence, Minister of Foreign Affairs, Minister of Administration
Internal Affairs and Minister of Finance;
d) Ministers responsible for the areas of industry, energy, transport and communications; e) Chief of the
General Staff of the Armed Forces; f) Representatives of the Republic
for the autonomous regions; g) Presidents of the governments of the
Autonomous Regions of the Azores and Madeira; h) President of the National Defense Commission
of the Assembly of the Republic; i) Chiefs of Staff of the Navy, Army and Air Force; j) Two
Members of the Assembly of the Republic, elected under the terms of Article 11(r)

4 — In exercising the powers provided for in paragraph 2 of article 17, the Superior Council for National Defense is composed exclusively of the members referred to in subparagraphs a) to e) and i) of the previous number.

5 — The President of the Republic may, on his own initiative or at the request of the Prime Minister, invite other persons to participate, without the right to vote, in meetings of the Superior Council for National Defense.

6 — The Superior Council for National Defense ordinarily meets every three months and extraordinarily whenever convened by the President of the Republic, on his own initiative or at the request of the Prime Minister.

7 — The Superior Council for National Defense is chaired by a general officer or another person of recognized merit, appointed and dismissed by the President of the Republic, after consulting the Government.

8 — The position of the Secretary of the Superior Council of National Defense is equivalent, for all purposes, to the position of superior management of the first degree.

9 — Support for the Superior Council for National Defense is ensured by the General Secretariat of the Presidency of the Republic, in whose budget the funds necessary for its execution are included.

Article 17.

Competence of the Superior Council of National Defense

1 — Without prejudice to other powers conferred upon it by the Constitution or by law, the Superior Council for National Defense is responsible, within the advisory scope, for issuing an opinion on:

a) The declaration of war and the making of peace;
b) The national defense policy; c)
Approval of international treaties in which the State assumes international responsibilities in the field of defence, namely the treaties of Portugal's participation in

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international security and defense organizations, as well as peace, defense, border rectification and military affairs treaties;

d) Projects and proposals for legislative acts relating to national defense policy and Armed Forces, the organization, operation and discipline of the Armed Forces and the conditions of employment of the Armed Forces in a state of siege and in a state of emergency; e) Projects and proposals for military programming laws; f) The project of strategic concept of national defense; g) The participation of detachments of the Armed Forces, and of other forces when forming part of a military force, in military operations outside the national territory; h) The organization of civil protection, assistance to populations and safeguarding of property public and private, in case of war;

i) The fundamental defense infrastructures; j) Proposals relating to mobilization and requisition, necessary to pursue the objectives permanent features of the national defense policy;

l) Other matters relating to national defense and the Armed Forces submitted to it by the President of the Republic, on his own initiative or at the request of the Prime Minister.

2 — Without prejudice to other powers conferred upon it by the Constitution or by the law, it is incumbent upon the Superior Council for National Defense, within the administrative scope:

a) Confirm the military strategic concept and approve the specific missions of the Armed Forces and the system of forces necessary for their fulfillment, following a proposal from the Minister of National Defence; b) Exercise, in time of war, the powers provided for in article 43; c) Approve proposals for the appointment and dismissal of commanders-in-chief.

3 — The opinions of the Superior Council for National Defense are only published when that council decides to do so.

Article 18

Military Superior Council

1 — The Superior Military Council is the main advisory body of the Minister of National Defence.

2 — The Superior Military Council is chaired by the Minister of National Defence.

3 — The Superior Military Council has the following composition:

a) Minister of National Defence; b) Chief of the General Staff of the Armed Forces; c) Chiefs of Staff of the Navy, Army and Air Force.

4 — The Secretaries of State who assist the Minister of National Defence, unless otherwise decided.

5 — The Minister of National Defence, on his own initiative or at the request of any of the members of the Council, may summon other holders of public bodies or invite other persons to participate in meetings of the Superior Military Council.

6 — The Superior Military Council meets ordinarily every three months and extraordinarily whenever convened by the Minister of National Defence.

Article 19.

Competence of the Superior Military Council

It is incumbent upon the Superior Military Council:

a) Issuing opinions on matters relating to national defense and the Armed Forces that fall within the competence of the Government, the Superior Council of National Defense or the Minister of Defense National;

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b) Drawing up draft proposals for military programming and military infrastructure programming laws, in accordance with the Government's guidelines, without prejudice to the other powers provided for in the law.

CHAPTER IV

Ministry of National Defense

Article 20

Responsibilities of the Ministry of National Defense

1 — The Ministry of National Defense is the governmental department whose mission is to prepare and execute the national defense policy and that of the Armed Forces, as well as ensure and supervise the administration of the Armed Forces and the services and bodies integrated therein.

2 — The Ministry of National Defense provides the necessary support for the exercise of its functions of the Prime Minister in the context of national defense and the Armed Forces.

Article 21.

Organic structure of the Ministry of National Defense

The organic structure of the Ministry of National Defense is set out in a decree-law, which identifies the bodies and services that comprise it, as well as the legal persons subject to the supervision and supervision of the Minister of National Defense.

CHAPTER V

Armed forces

Article 22

National Defense and Armed Forces

1 — The Armed Forces are the national institution responsible for ensuring military defense of the Republic.

2 — The Armed Forces obey the competent sovereign bodies, under the terms defined enshrined in the Constitution and the law.

3 — The Armed Forces are at the service of the Portuguese and are strictly non-partisan.

4 — The Armed Forces are composed exclusively of Portuguese citizens and their organization organization is unique for the entire national territory.

5 — The execution of the military component of national defense is the exclusive responsibility of the Armed Forces, with the formation of associations or armed groups of a military, militarized or paramilitary nature being prohibited.

Article 23

Integration of the Armed Forces into State Administration

1 — The Armed Forces form part of the direct administration of the State through the Ministry of National Defence.

2 — The Chief of the General Staff of the Armed Forces reports directly to the Minister of National Defence, in accordance with the powers provided for by law.

3 — The Chiefs of Staff of the Navy, Army and Air Force depend hierarchically on the Chief of the General Staff of the Armed Forces for all military matters.

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4 — Without prejudice to the provisions of the previous number, the Chiefs of Staff of the Navy, Army and Air Force report to the Minister of National Defense for matters related to the operation of bodies regulated by specific legislation and search and rescue services. maritime and air rescue, permanently attributed to the Navy and Air Force, respectively, as well as for the execution of projects within the scope of the military programming law and the military infrastructure law, and in other administrative matters and budget execution that result from the law.

Article 24.

Missions of the Armed Forces

1 — Under the terms of the Constitution and the law, the Armed Forces are responsible for:

a) Perform all military missions necessary to guarantee the sovereignty, national independence and territorial integrity of the State; b) Participate in
the international military missions necessary to ensure the State's international commitments in the military sphere, including humanitarian and peace missions undertaken by international organizations of which Portugal is a member;
c) Carry out missions outside national territory, in an autonomous or multinational framework, destined to guarantee the safeguard of the life and interests of the Portuguese;
d) Carry out technical-military cooperation actions, within the framework of national cooperation policies; e)
Cooperate with the security forces and services with a view to joint compliance
of the respective missions in combating aggression or transnational threats;
f) Collaborate in civil protection missions and tasks related to meeting basic needs and improving the quality of life of populations.

2 — The Armed Forces may be employed, under the terms of the Constitution and the law, when check the state of siege or emergency.

Article 25

military condition

Members of the Armed Forces serve, exclusively, the Republic and the national community and voluntarily assume the rights and duties that are part of the military condition, under the terms of the law.

Article 26

Fundamental rights

Military personnel on active duty, permanent staff and on a voluntary and contract basis, enjoy the constitutionally provided for rights, freedoms and guarantees, with restrictions on the exercise of the rights of expression, assembly, demonstration, association and collective petition and the passive electoral capacity contained in this law, under the terms of the Constitution.

Article 27.

General rules on the exercise of rights

1 — In the exercise of their rights, military personnel in effective service are subject to the duties arising from the status of military condition, and must observe conduct in accordance with military ethics and respect the cohesion and discipline of the Armed Forces.

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2 — Military personnel on active duty are strictly non-partisan and may not use their weapon, their rank or their function for any political, party or union intervention, which is their duty of impartiality.

3 — Constitutional norms relating to the rights of workers whose exercise presupposes the fundamental rights referred to in the following articles are not applicable to military personnel, insofar as they are restricted, namely freedom of association, the right the creation and integration of workers' commissions and the right to strike.

Article 28

Freedom of expression

1 — Military personnel on active duty have the right to make public statements on any subject, subject to the reserve inherent in the status of military condition, provided that they do not jeopardize the cohesion and discipline of the Armed Forces, nor the duty of impartiality. political, party and trade union of its members.

2 — Military personnel on active duty are subject to a duty of secrecy in relation to matters covered by secrecy of justice or by State secrecy and by other classification systems, facts referring to the device, military capacity, equipment and operational action of the Armed Forces that they become aware of by virtue of the exercise of their functions, as well as the elements contained in data centers and personnel records that cannot be disclosed.

Article 29.

right of assembly

1 — Military personnel in effective service may, as long as they are dressed in civilian clothes and do not bear any national symbol or that of the Armed Forces, call or participate in legally convened meetings without a political-partisan or trade union nature.

2 — Military personnel on active duty may attend legally convened party-political and union meetings if they do not speak or exercise any role in their preparation, organization or conduct or in the execution of the decisions taken.

3 — The right of assembly may not be exercised within military units and establishments, nor in a way that would jeopardize the service normally assigned to the military or the permanent availability of the latter for its fulfillment.

Article 30

right of manifestation

Military personnel on active duty may participate in legally convened demonstrations without a political, party or union nature, provided that they are unarmed, dressed in civilian clothes and do not bear any national or Armed Forces symbol and provided that their participation does not jeopardize cohesion and the discipline of the Armed Forces.

Article 31.

freedom of association

1 — Military personnel on active duty have the right to form or join associations without a political, partisan or trade union nature, namely professional associations.

2 — The exercise of the right of professional association by military personnel is regulated by law.

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Article 32

Right of collective petition

Military personnel on active duty have the right to promote or present collective petitions addressed to sovereign bodies or other authorities, provided that they do not jeopardize the cohesion and discipline of the Armed Forces, nor the duty of political impartiality, party and union membership of its members.

Article 33

passive electoral capacity

1 — In time of war, military personnel on active duty may not run for elections to bodies of sovereignty, self-government of the autonomous regions and local authorities, or to the European Parliament.

2 — In peacetime, military personnel on active duty may apply for the bodies referred to in the previous number, by means of a special license to be granted by the Chief of Staff of the branch to which they belong.

3 — The application for the issuance of the special license must mention the applicant's desire to be a candidate not registered with any political party and indicate the election he/she intends to participate in. compete.

4 — The special license is necessarily granted within a period of 10 or 25 working days, depending on whether the applicant provides service in national territory or abroad, and takes effect from the publication of the date of the electoral act in question.

5 — The time spent in office for a member of the military to be elected under the terms of the previous numbers counts as the length of stay in the post and as effective service time for seniority purposes.

6 — The special license expires, determining the return of the military to the previous situation:

a) When the definitive tabulation of the electoral results shows that the candidate was not elected; b) When,
having been the elected candidate, his mandate is extinguished in any way or
is suspended for more than 90 days; c) With the
declaration of war, the state of siege and the state of emergency.

7 — Military personnel in reserve status outside the effectiveness of the service who are holders of one of the bodies referred to in paragraph 1, except for the sovereign bodies or of the European Parliament, can only be called to the effectiveness of the service in case of a declaration of war, state of siege or state of emergency, which determine the suspension of the respective mandate.

8 — *(Revoked.)*
9 — *(Revoked.)*
10 — *(Revoked.)*

Article 34.

ombudsman

1 — Military personnel on active duty may, after exhausting the administrative remedies provided for by law, submit complaints to the Ombudsman for actions or omissions by the public authorities responsible for the Armed Forces, except in operational or classified matters, under the terms of the law.

2 — The exercise of the right referred to in the previous number and the terms of the corresponding action of the Ombudsman are regulated by law.

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Article 35

Military justice and discipline

The specific requirements relating to the Armed Forces in terms of justice and discipline are regulated by special laws.

CHAPTER VI

Homeland Defense

Article 36.

Defense of the Fatherland and military service

1 — The defense of the Fatherland is a fundamental right and duty of all Portuguese.

2 — The civic duty to provide military service is regulated by law, which establishes the respective form, nature, duration and content.

3 — Military service is based, in peacetime, on volunteering.

4 — Citizens subject by law to the provision of military service may, exceptionally, be summoned to the Armed Forces in peacetime, under the terms provided for in the law that regulates military service.

5 — The law referred to in the previous number provides for situations in which citizens exceptionally drafted into the Armed Forces may be exempted from military service.

Article 37.º

Mobilization and requisition

1 — The State may determine the use of material and human resources indispensable to national defense through mobilization and requisition.

2 — All persons mobilized or covered by obligations resulting from mobilization or requisition may be subject to the legal regimes of military discipline and justice, under the conditions established by law.

Article 38.

Mobilization

1 — The State can mobilize citizens for national defense.

2 — Mobilization may cover all or part of the population and may be imposed by periods of time, by territorial areas and by sectors of activity.

3 — The mobilization may determine the subordination of the citizens covered by it to the Forces Armed Forces or civil authorities of the State.

Article 39.

Request

1 — The State may requisition movable and immovable property, tangible and intangible, indispensable for national defense which is not possible or convenient to obtain in any other way.

2 — The requisition may also apply to companies, services, industrial establishments, commercial or scientific property and goods that are the object of intellectual and industrial property.

3 — The requisition ceases when the requisitioned goods are no longer necessary for national defence.

4 — The requisition confers the right to fair compensation.

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CHAPTER VII

state of war

Article 40

Duration of the state of war

The state of war exists from the declaration of war to the making of peace.

Article 41.

Role of public bodies in a state of war

1 — The performance of public bodies in a state of war obeys the following principles:

a) Total commitment to the pursuit of war purposes; b) Adjustment of the national economy to the war effort; c) Mobilization and requisition of resources necessary for the war effort; d) Urgency in meeting the needs of the military component of national defense.

2 — In a state of war, the competent bodies adopt, in accordance with the Constitution and the laws, all necessary and appropriate measures for the conduct of war, namely by making available all the resources necessary for national defense and for the Armed Forces to prepare and execute military actions, as well as for the restoration of peace.

Article 42

Direction and conduct of war

1 — The President of the Republic and the Government are jointly responsible for the superior management of war, within the respective constitutional limits.

2 — The military conduct of war is incumbent upon the Chief of the General Staff of the Armed Forces, assisted by the Chiefs of the General Staff of the Navy, Army and Air Force, and the commanders-in-chief, in accordance with the guidelines and directives of the competent sovereign bodies.

Article 43

Superior Council of National Defense during the state of war

1 — In a state of war, the Superior Council of National Defense functions in permanent session to assist the President of the Republic, the Prime Minister and the Minister of National Defense in the conduct of war.

2 — It is incumbent upon the Superior Council for National Defence, during a state of war:

a) Define and activate the theaters and zones of operations; b) Approving the command letters intended for the commanders-in-chief; c) Approving the general orientation of military operations and war plans; d) Study, adopt or propose the necessary measures to ensure the needs of collective life and the Armed Forces.

3 — The Minister of National Defense maintains the Permanent Superior Council of National Defense nly informed about the political-strategic situation.

4 — Command letters define the mission, department, degree of authority and the area where it is exercised, the entities covered, the means assigned and other relevant aspects.

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5 — Command letters are signed by the President of the Republic, the Prime Minister, the Minister of National Defense and the Chief of the General Staff of the Armed Forces.

6 — In a state of war and with a view to carrying out military operations, the Council of Ministers may delegate powers and means normally attributed to ministerial departments to military authorities, upon proposal by the Superior Council for National Defense.

Article 44

Armed Forces during the State of War

1 — In a state of war, the Chief of the General Staff of the Armed Forces assumes complete command of the Armed Forces, answering to the President of the Republic and the Government for the preparation and conduct of military operations.

2 — In exercising the command referred to in the previous number, the Chief of the General Staff of the Armed Forces has as deputy commanders the Chiefs of the General Staff of the Navy, the Army and the Air Force, who are responsible before him for the execution of the superior directives and by the performance of the respective forces.

3 — The Council of Chiefs of Staff permanently assists the Chief of the General Staff of the Armed Forces in conducting military operations and in drawing up proposals for the appointment of commanders of theaters and zones of operations.

4 — It is incumbent upon the Chief of the General Staff of the Armed Forces to present to the Minister of National Defence, for decision by the Superior Council of National Defense, the projects for defining the theaters and zones of operations, as well as the proposals for appointment and exoneration of the respective commanders and their command letters.

Article 45

Damages and indemnities

1 — War damages are the responsibility of the aggressor and the compensation due for them is claimed in the peace treaty or in the armistice agreement.

2 — The State is not civilly liable for damages directly or indirectly caused by military actions carried out during a state of war.

CHAPTER VIII

Final dispositions

Article 46

military schedule

1 — The forecast of military expenses to be incurred by the State in re-equipment of the Armed Forces and defense infrastructures must be the subject of medium-term planning, set out, respectively, in the military programming law and the law on military infrastructures.

2 — The budget proposal of the Ministry of National Defence, in the part relating to the re-equipment of the Armed Forces and defense infrastructures, obligatorily includes what is established for the year in question in the military programming law and in the law on military infrastructures.

Article 47.º

Restrictions of fundamental rights within the scope of the National Republican Guard

The provisions of Articles 26 to 35 are applicable to the military of the permanent staff and of the hired in effective service in the Republican National Guard.

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Article 48

security forces

1 — The security forces collaborate in matters of national defense under the terms of the Constitution and the law.

2 — It is incumbent upon the Chief of the General Staff of the Armed Forces and the Secretary-General of the Internal Security System to ensure operational articulation between themselves, for the purposes set out in sub-paragraph e) of paragraph 1 of article 24.

Article 49.º

revocatory norm

Law no. 29/82, of December 11, amended by Laws no. 41/83, of December 21 , 111/91, of August 29, 113/91, of August 29, and 18/95, of July 13th, and by Organic Laws nºs 3/99, of September 18th, 4/2001, of August 30th, and 2/2007, of April 16th.

Article 50

Implementation

This law enters into force on the day following its publication.

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