

LOBBYING LAW: NEW TRANSPARENCY RULES FOR INTEREST REPRESENTATION IN PORTUGAL



NEWS,
LATEST,
CURRENT TOPICS

“LAW NO. 5-A/2026, OF 28 JANUARY INTRODUCED INTO THE PORTUGUESE LEGAL SYSTEM A SPECIFIC TRANSPARENCY REGIME APPLICABLE TO THE ACTIVITY OF REPRESENTING INTERESTS BEFORE PUBLIC AUTHORITIES, COMMONLY REFERRED TO AS LOBBYING.”

WRITTEN BY



LÍDIA SILVESTRE
Partner



CATARINA BERNARDINO
Associate

Law No. 5-A/2026, of 28 January introduced into the Portuguese legal system a specific transparency regime applicable to the activity of representing interests before public authorities, commonly referred to as lobbying. This statute establishes a set of mechanisms intended to strengthen public scrutiny of interactions between political decision-makers and private entities seeking to influence the implementation of public policies. The adoption of this regime takes place in a context in which lobbying activities, although present in institutional and political practice, had not previously been subject to a structured and specific legal framework. Thus, the absence of clear rules made it difficult to ensure adequate oversight and transparency in the relationships between interest representatives and public decision-makers.

In this regard, the legislator sought to establish a legal framework that promotes greater transparency in the public decision-making process, without compromising the legitimate participation of different sectors of society.

Under Law No. 5-A/2026, the representation of interests is defined as an activity carried out by natural persons or legal entities with the purpose of influencing, directly or indirectly, the development, amendment or implementation of public policies, including the preparation and adoption of legislative, regulatory or administrative acts. This is a broad concept intended to encompass the various forms of interaction through which particular interests may seek to influence the decision-making process.

With regard to its scope of application, Law No. 5-A/2026 covers a wide range of public entities. These include the organs of sovereignty, members of the Government and their respective offices, as well as bodies and services of the direct and indirect State administration,

in addition to independent administrative authorities and regulatory bodies. This legal framework also applies to the institutions of the Autonomous Regions and to local government bodies, as well as to other public entities with relevant powers in the definition, implementation or supervision of public policies.

One of the central instruments introduced by the statute is the Transparency Register for Interest Representation ("RTRI"). This register constitutes a public database intended to identify entities engaged in activities of interest representation before public authorities. The RTRI is publicly accessible and allows the identification of those who carry out interest representation activities and of the interests being represented.



Entities wishing to engage in such activities are required to register in the aforementioned register and provide relevant information, including the identification of the entity, the interests represented and, where applicable, the entities or clients on whose behalf they act. The creation of this register seeks to ensure that interest representation activities are publicly known and subject to public scrutiny, thereby contributing to greater transparency and accountability in the public decision-making process.

At the same time, Law No. 5-A/2026 establishes transparency obligations applicable to public authorities, requiring the disclosure of institutional meetings and contacts held with interest representatives registered in the RTRI. The publication of such interactions aims to enable citizens to be informed about the relationships established between public decision-makers and private entities seeking to influence the definition of public policies, thereby reinforcing the principle of administrative transparency.

Another relevant mechanism introduced by this legislative act concerns the identification and disclosure of external contributions received during the preparatory phase of legislative initiatives. This mechanism aims to ensure that it is possible to identify which entities participated in the drafting process of a given

“ONE OF THE CENTRAL INSTRUMENTS INTRODUCED BY THE STATUTE IS THE TRANSPARENCY REGISTER FOR INTEREST REPRESENTATION (RTRI). THIS REGISTER CONSTITUTES A PUBLIC DATABASE INTENDED TO IDENTIFY ENTITIES ENGAGED IN ACTIVITIES OF INTEREST REPRESENTATION BEFORE PUBLIC AUTHORITIES.”

legislative initiative, as well as the contributions submitted, thereby promoting greater transparency regarding the influences that may have shaped the final content of legislative proposals.

Nevertheless, the law also provides for a number of exclusions in order to prevent certain activities from being improperly classified as interest representation. These include, in particular, activities carried out in the exercise of the legal profession by lawyers and legal executives, as well as certain forms of institutional participation already recognised within the legal system, namely, the exercise of the right of petition or participation in administrative procedures in accordance with the applicable legislation.

Finally, Law No. 5-A/2026 establishes a set of rules aimed at preventing conflicts of interest, notably by providing for cooling-off periods applicable to former holders of public office who intend to engage in interest representation activities after leaving their positions. These provisions seek to prevent situations in which former public officials may use privileged information, internal knowledge of the administration, or institutional networks acquired during the exercise of their functions, to influence decisions in favour of private interests.

The adoption of Law No. 5-A/2026 represents an important step towards strengthening transparency and integrity in public life.

By establishing a specific legal framework governing the representation of interests, the legislator seeks to ensure that the participation of private entities in the public decision-making process takes place in a transparent manner and is subject to appropriate mechanisms of public scrutiny.

