

**ASSEMBLY OF THE REPUBLIC**

**Declaration of Rectification No. 2-A/2020**

*Summary:* Rectification of Law No. 74/2020 of 19 November which «Transposes into Portuguese law Directive (EU) 2018/1808 of the European Parliament and of the Council of 14 November 2018 amending Law No. 27/2007 of 30 July on Television and On-demand Audiovisual Services, and Law No. 55/2021 of 6 September on the foster, development and protection of film art and cinematographic and audiovisual activities».

For all due intents and purposes, and in compliance with the provisions of Article 115(2) of the Rules of Procedure of the Assembly of the Republic, it is hereby declared that Law No. 74/2020 of 19 November which «Transposes into Portuguese law Directive (EU) 2018/1808 of the European Parliament and of the Council of 14 November 2018 amending Law No. 27/2007 of 30 July on Television and On-demand Audiovisual Services, and Law No. 55/2021 of 6 September on the foster, development and protection of film art and cinematographic and audiovisual activities», published in the Portuguese Official Gazette, Series 1, No. 226, of 19 November 2020, was released with the following inaccuracies, which are hereby rectified:

In Article 27(3) of Law No. 27/2007 of 30 July, referred to in Article 2, where it reads:

«Television broadcast of programmes which may manifestly, seriously and gravely impair the free development of the personality of children and young people or their image and privacy in television programme services, notably programmes containing pornography or gratuitous violence, is not permitted.»

read:

«Television broadcast of programmes which may manifestly, seriously and gravely impair the free development of the personality of children and young people or their image and privacy in free television programme services, notably programmes containing pornography or gratuitous violence, is not permitted.»

In Article 34(4) of Law No. 27/2007 of 30 July, referred to in Article 2, where it reads:

«The provisions of points a), b) and g) shall constitute obligations of thematic programme services, by reason of their nature, as well as points c), d), g) and i) of paragraph 2, irrespective of their nature.»

read:

«The provisions of points a), b) and h) shall constitute obligations of thematic programme services, by reason of their nature, as well as points c), d), g) and i) of paragraph 2, irrespective of their nature.»

In Article 12(4)(a) of Law No. 55/2021 of 6 September, referred to in Article 5, where it reads:

«A default in the payment of the amounts established in the collection of fees provided for in Article 10 within the period referred to in Article 42 of the Decree-Law No. 25/2018 of 24 April, as well as of the amounts specified in Article 14b(7), Article 15(4), Article 16(3) and Article 17(6) by the end of January of the year following that to which they relate, shall be punished in accordance with Article 114(1) and (2) of the Portuguese General Regime for Tax Infringements, and if settlement is lower than the amounts previously provided for, it shall be punished as default in payment under the same terms;»

read:

«A default in the payment of the amounts established in the collection of fees provided for in Article 10 within the period referred to in Article 42 of the Decree-Law No. 25/2018 of 24 April, as well as of the amounts specified in Article 14b(8), Article 15(6), Article 16(6) and Article 17(6) by the end of January of the year following that to which they relate, shall be punished in accordance with Article 114(1) and (2) of the Portuguese General Regime for Tax Infringements, and if settlement is lower than the amounts previously provided for, it shall be punished as default in payment under the same terms;»

In Article 13(3) of Law No. 55/2021 of 6 September, referred to in Article 5, where it reads:

«The proceeds generated from the settlement of the fee referred to in Article 10(4) constitute exclusive revenue of ICA.»

read:

«The proceeds generated from the settlement of the fee referred to in Article 10(5) constitute exclusive revenue of ICA.»

In Article 16a(1) of Law No. 55/2021 of 6 September, referred to in Article, 6 where it reads:

«Where it is not possible to ascertain significant profits of a provider of subscription-based on-demand audiovisual services for the purposes of applying the fee provided for in Article 10(4), the figure for the annual value of such fee shall be assumed to be EUR 1 000 000.»

read:

«Where it is not possible to ascertain significant profits of a provider of subscription-based on-demand audiovisual services for the purposes of applying the fee provided for in Article 10(5), the figure for the annual value of such fee shall be assumed to be EUR 1 000 000.»

In Article 17a(1) of Law No. 55/2021 of 6 September, referred to in Article 6, where it reads:

«Without prejudice to this law or additional act, the provisions of both Portuguese general tax law and the Portuguese Code of Tax Procedure and Proceedings shall apply on a supplementary basis to the settlement of the amounts provided for in Articles 14b(7), 15(6), 16(4) and 17(6).»

read:

«Without prejudice to this law or additional act, the provisions of both Portuguese general tax law and the Portuguese Code of Tax Procedure and Proceedings shall apply on a supplementary basis to the settlement of the amounts provided for in Articles 14b(8), 15(6), 16(6) and 17(6).»

In Article 9(1) where it reads:

«The remuneration referred to in Article 25(2) shall be determined in accordance with Article 43(1) and (2) of Law 5/2004 of 10 February until the entry into force of the law transposing European Electronic Communications Code into Portuguese law.»

read:

«The remuneration referred to in Article 25(2) of Law No. 27/2007 of 30 July shall be determined in accordance with Article 43(1) and (2) of Law 5/2004 of 10 February until the entry into force of the law transposing European Electronic Communications Code into Portuguese law.»

Assembly of the Republic, 18 January 2021. - The Secretary-General, *Albino de Azevedo Soares*.