

CABINET PRESIDENCY

Regulatory Decree no. 2/2009 of 27 January 27

In the context of the administrative modernisation policy of the 17th constitutional government, the Administrative and Legislative Simplification Programme was implemented — SIMPLEX in which new measures are defined every year which aim, namely, to facilitate the life of citizens and companies.

Further to the SIMPLEX Programmes 2006 and 2007, the SIMPLEX Programme 2008 duly affords continuity to the Public Administration modernisation efforts.

Of the measures presented in SIMPLEX 2008, the government undertakes to simplify, reduce administrative costs and dematerialise the registration procedures of the media, foreseeing the ex officio rule for the registration of radio operators, TV operators and the respective programme services and also the elimination of proof of the regular nature of periodical publications.

The implementation of this measure entails the alteration to Regulatory Decree no.8/99 of 9 June which organises the media registration system.

In this regard, and since the carrying out of radio and TV activity is dependent on the assignment of a qualifying license by the Entidade Reguladora para a Comunicação Social (Regulatory Authority for the media - ERC), it is now foreseen that the registration and annotations pertaining to radio operators, TV operators and the respective programme services shall start to be promoted ex officio by this entity.

On the other hand, the requirement to submit evidence of the regular nature of the publication of periodical publications will be disposed of, in view of the fact that the practice of registration services has revealed not only their ineffectiveness but also their unfeasibility from a logistical perspective.

In this way, the proprietary entities are released from the obligation to submit to the ERC, by March of each year, the latest copy published in the previous year. However, and according to this alteration, the ex officio cancellation is foreseen of periodical publications in those cases in which the respective frequency is not respected or the suspension time periods of their publication, and the ERC may, at any time, in the context of its competencies, supervise compliance with these obligations.

In addition to the implementation of this measure of the SIMPLEX 2008 Programme, this juncture has been taken advantage of to regulate the provisions foreseen in the TV Law, Law no.27/2007 of 30 July pertaining to the registration of TV activity which consists of the broadcasting of TV programme services exclusively online and also the registration of distribution operators within the remit of this law.

Finally, this legislative alteration also introduces minor modifications of a formal, systematic nature which allow greater legislative coherence to be recognised for the law.

The Entidade Reguladora para a Comunicação Social, the Confederação Portuguesa dos Meios de Comunicação Social (Portuguese Media Confederation) and the Sindicato dos Jornalistas (Journalists' Trade Union) were heard.

Hence:

Under the terms of article 199, paragraph c), of the constitution and the provisions of article 5, no 3, of Law no.2/99 of 13 January 13, article 12 of Law

no.4/2001 of 23 February and article 19 of Law no. 27/2007 of 30 July the government decrees as follows:

Article 1
Alteration to Regulatory Decree no. 8/99 of June 9

Articles 1, 2, 5, 5-A, 6, 8, 9, 10, 12, 17, 18, 21, 23, 24, 25, 27, 28, 29, 30, 32, 33, 37 and 39 of Regulatory Decree no. 8/99 of 9 June altered by Regulatory Decree no. 7/2008 of 27 February, shall henceforth have the following wording:

«Article 1
[...]

- 1 —
- 2 — The registration sets out to prove the legal status of media bodies, ensure the transparency of their ownership and ensure the legal protection of the titles of the periodical publications and of the name of the radio and TV operators and of the radio and TV programme services.

Article 2
[...]

-
- a)
- b)
- c)
- d) The radio operators and radio programme services;
- e) The TV operators and TV programme services;
- f) The distribution operators under the terms set out in Law no.27/2007 of 30 July.

Article 5
Registration initiative

- 1 —
- 2 — Registration acts pertaining to radio operators, TV operators and the respective programme services as well as to distribution operators, licensed under the terms of Act no.27/2007 of July 30, without prejudice to the provisions of the following number and article 8 are carried out ex officio by the Entidade Reguladora para a Comunicação Social.
- 3 — Registration acts pertaining to the services for programmes solely broadcast online are subject to a request by the party concerned, applying, with the necessary adaptations, the provisions of the present regulatory decree, namely chapters IV and V.

Article 5-A
[...]

1 — To ascertain the grounds for refusal foreseen in article 19, no.1, paragraph *b*) and in article 26, no.1, paragraph *d*) and for the application of the provisions of article 30, the Entidade Reguladora para a Comunicação Social requests from the Instituto Nacional da Propriedade Industrial, I. P. (INPI, I. P.), documentary evidence that previous rights are not registered there, which may prevent the registration of the media bodies referred to in this Regulatory decree.

2 — The information must be provided by INPI, I. P. within two business days after receipt of the request made by the Entidade Reguladora para a Comunicação Social.

3 — Communications between Entidade Reguladora para a Comunicação Social and INPI, I. P., foreseen in the previous numbers are exclusively carried out by electronic media.

Article 6

[...]

1 — The initial entries and the annotations are requested by the entity which wishes to promote the publication of periodical publications, by the entity that wishes to carry out activity as a news' agency, by the entity that wishes to broadcast programme services exclusively online and, where applicable, by radio operators, by TV operators and by the distribution operators.

2 —

Article 8

[...]

The annotation of any alterations which arise in the information contained in the register must be requested within 30 days as from the date of their occurrence, with the exception of the annotations of the alterations pertaining to the operators and the respective programme services referred to in article 5 no.2, which are subject to prior appreciation by the Entidade Reguladora para a Comunicação Social in which case they are carried out ex officio by this entity.

Article 9

[...]

1 - The Regulatory Authority for the Media (ERC - Entidade Reguladora para a Comunicação Social) has the following books:

a)

b)

c)

d)

e) Registration book for radio operators and respective programme services;

f) Registration book for TV operators and respective programme services;

g) Registration book for distribution operators;

h) Registration book for programme services exclusively broadcast online.

2 —

Article 10
[...]

- 1 —
- 2 —
- 3 — The registration requirements and other communications of the parties concerned may be submitted by way of electronic procedures which are defined by the Entidade Reguladora para a Comunicação Social.

Article 12
[...]

- 1 —
- a)
- b)
- c) The different series of the *Diário da República (Statute Book)* and the *Official Journal of the European Union*;
- d)
- e)
- 2 —

Article 17
[...]

- 1 —
- a)
- b)
- c) Name or designation of the proprietary entity and its legal status;
- d)
- e)
- 2 —
- a) Designation of the company and its legal status;
- b)
- c) Share capital and itemised list of its holders;
- d) Identification of the incumbents of the governing bodies.

Article 18
[...]

- 1 —
- a)

- b) A real life-size copy of the logo of the periodical publication, assuming the latter to be the set formed by the figurative and graphic image, including the font deployed, and by the colour and colour combination chosen;
- c) Declaration of acceptance of the post by the director;
- d)

2 —

a) Deed of incorporation and access code to permanent certificate or up-to-date commercial registration certificate or the articles of association of the requesting party, depending on whether it is a trading enterprise or a non-profit-making corporate body;

b)

Article 21

[...]

1 —

2 —

3 — The suspension and resumption of the publication of the periodical publications are communicated to the Entidade Reguladora para a Comunicação Social and are subject to annotation.

Article 23

Ex officio cancellation of the registration of periodical publications and press enterprises

1 — The registration of periodical publications is cancelled ex officio by the Entidade Reguladora para a Comunicação Social in the event of a failure to comply with the provisions of article 21, no.1.

2 — The registration of press enterprises is cancelled ex officio when they cease to hold periodical publication registrations.

Article 24

[...]

.....

a)

b)

c)

d) Share capital and itemised list of its holders;

e) Identification of the incumbents of the governing bodies;

f) [Previous paragraph e).]

Article 25

[...]

.....

- a)
- b) Deed of incorporation and access code to the permanent certificate or up-to-date commercial registration certificate;
- c)
- d)

Article 27
[...]

News agencies cannot start to carry out their activity without first proceeding with their respective registration, having, in the six months subsequent to their registration, to communicate that fact to the Entidade Reguladora para a Comunicação Social, failing which the registration will be cancelled under the terms of the article below.

Article 28
[...]

The following are the registration details for radio operators and respective programme services:

- a)
- b) Name or designation of the programme services;
- c) Share capital and itemised list of its holders;
- d) Identification of the incumbents of the governing bodies;
- e)
- f) Location of the broadcasting stations' installations;
- g)
- h) *(Repealed.)*
- i) Classification of the programme services with regard to the scope of the cover and the content of their programming;
- j) Issue date and term of the license or permit, as well as the date of the respective renewals.
- l) Identification of the establishment from where the broadcast is made.

Article 29
Registration procedure

1 — The Entidade Reguladora para a Comunicação Social proceeds with the registration of radio operators and the respective programme services after the awarding of the attendant qualifying license based on the documents submitted by the latter in the context of the licensing or authorisation process.

2 — Notwithstanding the provisions of the previous number above, the Entidade Reguladora para a Comunicação Social may request the radio operator, on one sole occasion, for any other documents required to obtain all the registration details, with

the operator being obliged, in this case, to submit them within no more than 10 business days.

Article 30
Registration obstacles

Radio operator registration is not carried out by the Entidade Reguladora para a Comunicação Social when the name of the operator or programme service is identical to or can be confused with another that is already registered in the name of a third party at this entity or, in this capacity, in the name of a third party at INPI, I. P.

Article 32
[...]

The registration is cancelled ex officio in the event of the cessation of the license or permit validity.

Article 33
[...]

The following are the registration details for TV operators and respective programme services:

- a)
- b) Name or designation of the programme services;
- c)
- d) Identification of the incumbents of the governing bodies;
- e)
- f) *(Repealed.)*
- g) Classification of the programme services with regard to the scope of the cover and the content of their programming;
- h) Issue date and term of the license or permit, as well as the date of the respective renewals.

Article 37
[...]

1 —

- a) From €249.39 to €498.79, the failure to comply with the provisions of articles 8 and 21, no.3;
- b) From €498.79 to €2,493.98, the failure to comply with the provisions of article 21, nos.1 and 2;
- c) From €2,493.98 to €4,987.97, the failure to comply with the provisions of article 5, no.3, and articles 13 and 27.

2 —

Article 39

[...]

1 —

2 — The application of the administrative fines and sanctions foreseen in this law is the competence of the regulatory board of the Entidade Reguladora para a Comunicação Social.

3 — »

Article 2

Amendment to Regulatory Decree no. 8/99 of 9 June

Amendments are made to Regulatory Decree no.8/99 of 9 June, altered by Regulatory Decree no. 7/2008 of 27 February, in its articles 27-A, 33-A, 36-A and 36-B, with the following wording:

«Article 27-A

Ex officio cancellation of the registration of news agencies

The registration of news agencies is cancelled ex officio by the Entidade Reguladora para a Comunicação Social when the communication obligation foreseen in the previous article is not complied with.

Article 33-A

Applicable regulations

The registration of TV operators and the respective programme services are subject, with the necessary adaptations, to the provisions of articles 29, 30 and 32.

Article 36-A

Registration elements

The following are the registration details for distribution operators:

- a) Identification and head offices of the operator;
- b) Share capital and itemised list of its holders;
- c) Identification of the incumbents of the governing bodies;
- d) Programme services going to make up their offer and respective ordering;
- e) Issue date and term of the license or permit, as well as the date of the respective renewals, where applicable.

Article 36-B

Applicable regulations

The registration of distribution operators, referred to in article 5, no.2, are subject, with the necessary adaptations, to the provisions of articles 29, 30 and 32 and also to the provisions of articles 25 to 27-A.

Article 3

Repealing regulation

Articles 22, 31, 34, 35, 36 and 38 and article 28 paragraph *h*) and article 33 paragraph *f*) of Regulatory Decree no.8/99 of 9 June are repealed, altered by Regulatory Decree no.7/2008 of 27 February.

Article 4

Legal references

Any references made to the radio operator and to the TV operator in Regulatory Decree no.8/99 of 9 June, are regarded as having been made to the radio operator and to the TV operator, respectively.

Article 5

Transitory regulation

1 — Radio operators whose license or permit to carry out radio activity is prior to the date of the coming into force of Regulamentary Decree no.8/99 of June 9 and which have not been registered, are required to inform the Entidade Reguladora para a Comunicação Social to this end within 90 days as from the publication date of the present law, of the elements stated in the current wording of article 28 of said regulamentary decree, as well as to submit the following documents:

- a*) Editorial statute;
- b*) Deed of incorporation and access code to permanent certificate or up-to-date commercial registration certificate or the articles of association of the requesting party, depending on whether it is a trading enterprise or a non-profit-making corporate body.

2 — The registration of the operators referred to in the previous number above must be refused when:

- a*) The requesting party does not have legitimacy;
- b*) The nullity of the fact is well-known;
- c*) The designation of the operator or respective programme services have already been registered, in this capacity, in the name of a third party at INPI;
- d*) The name of the operator is identical to another which is already registered or which has already been requested.

3 — Any breach of the provisions of no.1 constitutes an administrative offence punishable by an administrative fine for the sum of €2,493.98 to €4,987.97, applicable under the terms of article 39.

4 — The provisions of the previous numbers above do not apply to radio operators whose license or permit is subject to renewal within the timeframe foreseen in no.1, with the Entidade Reguladora para a Comunicação Social seeing to the respective registration under the terms of the provisions of the current wordings of articles 29 and 30 of Regulamentary Decree no.8/99 of June 9.

Article 6
Republication

Regulamentary Decree no.8/99 of June 9, with its current wording, has been republished in an annex to the present regulamentary decree of which it forms an integral part.

Endorsed and approved in Cabinet on 4 December 2008. — *José Sócrates Carvalho Pinto de Sousa* — *Alberto Bernardes Costa* — *Augusto Ernesto Santos Silva*.

Approved on 14 January 2009.

Let this be duly published.

The President of the Republic, ANÍBAL CAVACO SILVA.

Countersigned on 15 January 2009.

The Prime Minister: *José Sócrates Carvalho Pinto de Sousa*.

ANNEX
Republication of Regulatory Decree no. 8/99 of 9 June

CHAPTER I
Registrations in general

Article 1
Registrations

1- It is incumbent upon the ERC to maintain a specific register of national media organisations and those under Portuguese jurisdiction in accordance with international law.

2 — The registration sets out to prove the legal status of media bodies, ensure the transparency of their ownership and ensure the legal protection of the titles of the periodical publications and of the name of the radio and TV operators and of the radio and TV programme services.

Article 2
Object of registration

The following are subject to registration:

- a) Periodical publications;
- b) Press enterprises;
- c) News' agencies;
- d) The radio operators and radio programme services;
- e) The TV operators and TV programme services;

f) The distribution operators under the terms set out in Law no.27/2007 of 30 July.

Article 3

Registration acts as a whole

1 — Registrations are carried out on their own support, based on the information set out in the documentation submitted.

2 — Documents written in a foreign language are always accompanied by a translation under the terms stipulated by law.

3 — Each registration contains:

- a) The signature of the person responsible for the services;
- b) The order number and submission date in the daily logbook;
- c) The private order number of registrations of the respective type;
- d) A reference to the book and sheets where it has been entered.

4 — Registrations are cancelled by way of annotation.

Article 4

Order and timeframe for registrations

1 — Registration acts cannot be recorded until it is proven that their underlying documents have been submitted.

2 — The entries are carried out in accordance with the date and submission order of the daily logbook.

3 — Registrations are carried out in the 20 days subsequent to the submission of all the documents required for the process.

4 — Registration requests are not subject to tacit deferral.

Article 5

Registration initiative

1 — Registration acts are subject to a request by the party concerned, except in those cases foreseen in the present law.

2 — Registration acts pertaining to radio operators, TV operators and the respective programme services as well as to distribution operators, licensed under the terms of Act no.27/2007 of July 30, without prejudice to the provisions of the following number and article 8 are carried out ex officio by the Entidade Reguladora para a Comunicação Social.

3 — Registration acts pertaining to the services for programmes solely broadcast online are subject to a request by the party concerned, applying, with the necessary adaptations, the provisions of the present regulatory decree, namely chapters IV and V.

Article 5-A

Ex officio verification

1 — To ascertain the grounds for refusal foreseen in article 19, no.1, paragraph *b*) and in article 26, no.1, paragraph *d*) and for the application of the provisions of article 30, the Entidade Reguladora para a Comunicação Social requests from the Instituto Nacional da Propriedade Industrial, I. P. (INPI, I. P.), documentary evidence that previous rights are not registered there, which may prevent the registration of the media bodies referred to in this Regulatory decree.

2 — The information must be provided by INPI, I. P. within two business days after receipt of the request made by the Entidade Reguladora para a Comunicação Social.

3 — Communications between Entidade Reguladora para a Comunicação Social and INPI, I. P., foreseen in the previous numbers are exclusively carried out by electronic media.

Article 6

Registration legitimacy

1 — The initial entries and the annotations are requested by the entity which wishes to promote the publication of periodical publications, by the entity that wishes to carry out activity as a news' agency, by the entity that wishes to broadcast programme services exclusively online and, where applicable, by radio operators, by TV operators and by the distribution operators.

2 — Any administrative or judicial authorities which apply sanctions in the form of the suspension or cessation of radiophonic or TV activity must communicate this fact to the Entidade Reguladora para a Comunicação Social.

Article 7

Renewal of the request

If registration is refused on the grounds of defective implementation, the parties concerned may renew the request at any time provided that the defects detected are dealt with.

Article 8

Subsequent alterations

The annotation of any alterations which arise in the information contained in the register must be requested within 30 days as from the date of their occurrence, with the exception of the annotations of the alterations pertaining to the operators and the respective programme services referred to in article 5 no.2, which are subject to prior appreciation by the Entidade Reguladora para a Comunicação Social in which case they are carried out ex officio by this entity.

Article 9

Logbooks

1 - The Regulatory Authority for the Media (ERC - Entidade Reguladora para a Comunicação Social) has the following books:

- a) Daily logbook;
- b) Logbook for periodical publications;
- c) Logbook for press enterprises;
- d) Logbook for news agencies;
- e) Registration book for radio operators and respective programme services;
- f) Registration book for TV operators and respective programme services;
- g) Registration book for distribution operators;
- h) Registration book for programme services exclusively broadcast online.

2 — The daily logbook is intended for the specified, sequential referencing of the registration acts required, as well a reference to the underlying order.

Article 10 **Computerisation**

1 — The daily logbook may be replaced by the daily list of the registration request submission notes, obtained by computerised means and confirmed by the person responsible at the Entidade Reguladora para a Comunicação Social.

2 — Registration acts may be recorded and signed in computerised fashion.

3 — The registration requirements and other communications of the parties concerned may be submitted by way of electronic procedures which are defined by the Entidade Reguladora para a Comunicação Social.

Article 11 **Fees**

The fees set out in a table to be published in a ruling by the government member responsible for the media are owed for the registration acts foreseen in this law.

CHAPTER II **Registration of periodical publications and press enterprises**

Article 12 **Periodical publications excluded from registration**

1 - The following periodical publications are excluded from registration:

- a) Those not made available to the general public;
- b) Those which belong to or are published, directly or indirectly, by the central, regional or local administration, as well as by any dependent services or departments;
- c) The different series of the *Diário da República (Statute Book)* and the *Official Journal of the European Union*;

- d) Those which constitute supplements to periodicals, provided that they are published and distributed together with the latter;
- e) Those which belong to or are published by foreign diplomatic, cultural and commercial representations.

2 — The publications stated in paragraphs *b)*, *c)* and *e)* of the previous number are subject to referencing, at the initiative of the respective publisher, as regards the title, the proprietary entity, frequency, director and head offices of the editors.

Article 13

Activity start-up

The proprietary entities of periodical publications cannot start their publication, even electronic, before registration has been carried out.

Article 14

Presumption deriving from registration

The right to use the title is assumed to lie with the party in whose name it is registered.

Article 15

Provisional and permanent registrations

- 1 — The registrations are provisional or permanent.
- 2 — Registration is provisional by nature, becoming permanent with the submission, to the Entidade Reguladora para a Comunicação Social, of the first copy published in a timeframe not exceeding 90 days after the date of notification of the deferral instruction of the initial request.
- 3 — The registration of the publication does not become permanent if the publication referred to in the previous number clearly fails to respect the project synopsis referred to in article 18, no.1, paragraph *a)*.
- 4 — Provisional registration expires if it does not become permanent.

Article 16

Registrations subject to reservations

- 1 — The titles of periodical publications whose registration requests contain remediable shortcomings under the terms of the Code of Administrative Procedure are deemed to be subject to reservations.
- 2 — For as long as the reservation situation lasts, the requesting party enjoys protection of the title under the terms of article 19, no.2, of the present law.

Article 17

Registration elements

1 - The following are registration elements for periodical publications:

- a)* Title, frequency and editorial head offices;

- b) Name of the designated director and of the deputy director or assistant director, where applicable;
- c) Name or designation of the proprietary entity and its legal status;
- d) Head offices or address of the requesting party;
- e) Name, nationality and head offices of the publisher, as well as, should this be the case, an indication of its permanent representation in Portugal.

2 - The following are registration elements for press enterprises:

- a) Designation of the company and its legal status;
- b) Head offices;
- c) Share capital and itemised list of its holders;
- d) Identification of the incumbents of the governing bodies.

Article 18 Request requirements

1 — A request for the registration of periodic publications must contain all the information listed in no.1 of the previous article, accompanied by the following documents:

- a) Synopsis of the desired editorial project, containing the theme of the publication, the anticipated number of pages, the respective distribution area, the envisaged print-run and, in the event of periodical news publications, the planned editorial statute;
- b) A real life-size copy of the logo of the title of the publication, assuming the latter to be the set formed by the figurative and graphic image, including the font deployed, and by the colour and colour combination chosen;
- c) Declaration of acceptance of the post by the director;
- d) *(Repealed.)*

2 — A request for the registration of press enterprises must contain the information listed in no.2 of the previous article, accompanied by the following documents:

- a) Deed of incorporation and access code to permanent certificate or up-to-date commercial registration certificate or the articles of association of the requesting party, depending on whether it is a trading enterprise or a non-profit-making corporate body;
- b) Nominative list of the shareholders and the number of shares they hold in the case of a public limited company.

Article 19 Refusal of registration

1 — Registration must be refused whenever:

- a) The requested fact is registered or is not subject to registration;
- b) The desired title of the periodical publication has already been registered, in this capacity, in the name of a third party at INPI, I.P.;

- c) The title of the periodical publication contains a reference which does not pertain to the frequency which it has been proposed to comply with;
- d) The requesting party does not have legitimacy;
- e) The nullity of the fact is well-known.

2 — The registration of a periodical publication will also be refused whose title, owing to its graphic, figurative, phonetic or vocabulary similarity, is liable to be confused with another which has already been registered or that has already been requested.

Article 20

Association of titles

1 — The proprietary entities of periodical publications interested in associating the logo of a publication already registered with the title of a publication to be registered must submit the respective request, attaching:

- a) Authorisation of the holder of the registration if it is not the requesting party;
- b) Graphic model which pertains to the request for title association.

2 — The association of titles is not permitted when it is liable to mislead the consumer about the identity and specific nature of the publications in question.

Article 21

Publication and suspension of the publication

1 — Periodical publications must observe the frequency stated in their registration.

2 — The suspension of the publication of periodical publications may not exceed the following time periods:

- a) Daily publications — up to two months per year;
- b) Publications with frequency up to monthly — up to four months per year;
- c) Publications with frequency up to quarterly — up to six months per year;
- d) Publications with frequency up to half-yearly — up to one year;
- e) Publications with frequency up to annual — up to two years.

3 — The suspension and resumption of the publication of the periodical publications are communicated to the Entidade Reguladora para a Comunicação Social and are subject to annotation.

Article 22

Proof of the regular nature of the publication

(Repealed.)

Article 23

Ex officio cancellation of the registration of periodical publications and press enterprises

1 — The registration of periodical publications is cancelled ex officio by the Entidade Reguladora para a Comunicação Social in the event of a failure to comply with the provisions of article 21, no.1.

2 — The registration of press enterprises is cancelled ex officio when they cease to hold periodical publication registrations.

CHAPTER III

Registration of news agencies

Article 24

Registration elements

The following are the registration elements for news agencies:

- a) Name or designation of the proprietary entity and its legal status;
- b) Abbreviation used;
- c) Head offices or address of the proprietary entity;
- d) Share capital and itemised list of its holders;
- e) Identification of the incumbents of the governing bodies;
- f) Name of the news director.

Article 25

Request requirements

A request for the registration of news agencies must contain the information listed in the previous article, accompanied by the following documents:

- a) Photocopy of the identification document of the requesting party;
- b) Deed of incorporation and access code to the permanent certificate or up-to-date commercial registration certificate;
- c) Nominative list of the shareholders and the number of shares they hold in the case of a public limited company.
- d) *(Repealed.)*

Article 26

Refusal of registration

1 — Registration must be refused whenever:

- a) The requested fact is registered or is not subject to registration;
- b) The requesting party does not have legitimacy;
- c) The nullity of the fact is well-known;
- d) The desired abbreviation has already been registered, in this capacity, in the name of a third party at INPI, I.P.

2 — The registration of news agencies will also be refused whose abbreviation is liable to be confused with another which has already been registered or that has already been requested.

Article 27

Activity start-up

News agencies cannot start to carry out their activity without first proceeding with their respective registration, having, in the six months subsequent to their registration, to communicate that fact to the Entidade Reguladora para a Comunicação Social, failing which the registration will be cancelled under the terms of the article below.

Article 27-A

Ex officio cancellation of the registration of news agencies

The registration of news agencies is cancelled ex officio by the Entidade Reguladora para a Comunicação Social when the communication obligation foreseen in the previous article is not complied with.

CHAPTER IV

Registration of radio operators

Article 28

Registration elements

The following are the registration details for radio operators and respective programme services:

- a) Identification and head offices of the operator;
- b) Name or designation of the programme services;
- c) Share capital and itemised list of its holders;
- d) Identification of the incumbents of the governing bodies;
- e) Identification of those parties responsible for the fields of programming and news;
- f) Location of the broadcasting stations' installations;
- g) Name of programme channel (PS);
- h) *(Repealed.)*
- i) Classification of the programme services with regard to the scope of the cover and the content of their programming;
- j) Issue date and term of the license or permit, as well as the date of the respective renewals.
- l) Identification of the establishment from where the broadcast is made.

Article 29

Registration procedure

1 — The Entidade Reguladora para a Comunicação Social proceeds with the registration of radio operators and the respective programme services after the awarding of the attendant qualifying license based on the documents submitted by the latter in the context of the licensing or authorisation process.

2 — Notwithstanding the provisions of the previous number above, the Entidade Reguladora para a Comunicação Social may request the radio operator, on one sole occasion, for any other documents required to obtain all the registration details, with the operator being obliged, in this case, to submit them within no more than 10 business days.

Article 30
Registration obstacles

Radio operator registration is not carried out by the Entidade Reguladora para a Comunicação Social when the name of the operator or programme service is identical to or can be confused with another that is already registered in the name of a third party at this entity or, in this capacity, in the name of a third party at INPI, I. P.

Article 31
Mandatory notification

(Repealed.)

Article 32
Ex officio cancellation

The registration is cancelled ex officio in the event of the cessation of the license or permit validity.

CHAPTER V
Registration of TV operators

Article 33
Registration elements

The following are the registration details for TV operators and respective programme services:

- a) Identification and head offices of the operator;
- b) Name or designation of the programme services;
- c) Share capital and itemised list of its holders;
- d) Identification of the incumbents of the governing bodies;
- e) Identification of those parties responsible for the fields of programming and news;
- f) *(Repealed.)*
- g) Classification of the programme services with regard to the scope of the cover and the content of their programming;

h) Issue date and term of the license or permit, as well as the date of the respective renewals.

Article 33-A

Applicable regulations

The registration of TV operators and the respective programme services are subject, with the necessary adaptations, to the provisions of articles 29, 30 and 32.

Article 34

Request requirements

(Repealed.)

Article 35

Refusal of registration

(Repealed.)

Article 36

Mandatory notification

(Repealed.)

CHAPTER V-A

Registration of distribution operators

Article 36-A

Registration elements

The following are the registration details for distribution operators:

- a) Identification and head offices of the operator;
- b) Share capital and itemised list of its holders;
- c) Identification of the incumbents of the governing bodies;
- d) Programme services going to make up their offer and respective ordering;
- e) Issue date and term of the license or permit, as well as the date of the respective renewals, where applicable.

Article 36-B

Applicable regulations

The registration of distribution operators, referred to in article 5, no.2 is subject, with the necessary adaptations, to the provisions of articles 29, 30 and 32 and the others to the provisions of articles 25 to 27-A.

CHAPTER VI

Provisions imposing sanctions

Article 37
Administrative offences

1 — The following constitutes an administrative offence, subject to an administrative fine:

- a) From €249.39 to €498.79, the failure to comply with the provisions of articles 8 and 21, no.3;
- b) From €498.79 to €2,493.98, the failure to comply with the provisions of article 21, nos.1 and 2;
- c) From €2,493.98 to €4,987.97, the failure to comply with the provisions of article 5, no.3, and articles 13 and 27.

2 — In the event of negligent behaviour, the minimum and maximum limits of the administrative fines applicable are cut by half.

Article 38
Ex officio cancellation

(Repealed.)

Article 39
Supervision and competence in terms of administrative offences

1 — It is incumbent upon the Entidade Reguladora para a Comunicação Social to supervise compliance with the regulations of this law.

2 — The application of the administrative fines and sanctions foreseen in this law is the competence of the regulatory board of the Entidade Reguladora para a Comunicação Social.

3 — Any revenue from the administrative fines referred to in the second part of the previous number revert 60% to the state and 40% to the Entidade Reguladora para a Comunicação Social.

CHAPTER VII
Final and transitory provisions

Article 40
Transitory provision

1 — The entries included in the registration of press enterprises carried out on behalf of the entities whose main activity is not that of the publication of periodical publications expire upon the coming into force of the present law.

2 — The provisions of the previous number above do not prejudice the subsistence of the registration of periodical publications which form part of the press concept defined in article 9 of Law no.2/99 of 13 January.

3 — The provisions of article 19, paragraphs *b*) and *c*), apply solely to those registrations carried out after the coming into force of this law.

Article 41

Repealing regulation

Ordinance 640/76 of 26 October is hereby repealed.