

## National Portal of State Suppliers

### - Definition of the level of access to information -

On September 12, 2018, the National Portal of State Suppliers was created through Decree-Law no. 72/2018, which aims to allow different public entities to verify the absence of impediments to contracting, the existence of licenses or authorizations to exercise a commercial activity and the tax and contributory situation of suppliers.

Recently, Ordinance No. 52/2021, of 9 March, was published, which defined the levels of access to aggregated information on the Portal, by each type of public entity (contracting entities, public contractors, electronic public procurement platforms and inspection entities).

Registration on this Portal is optional.

Suppliers who choose to do so will be exempted from providing proof of regularized contributory situation with Social Security, of no debts to the Tax Administration, criminal record certificates of the company and of the administration, directorate or management bodies and the licenses and authorizations for the exercise of the activity (when mandatory), either in the pre-contractual phase or during the execution of the contract.

Registered suppliers may also be included in the catalogue to be created, by type of goods, services or public works and thus be more easily invited to procedures for direct agreement or prior consultation by contracting entities.

The aggregated information on the Portal can only be accessed after the express consent of the suppliers, expressed at the time of registration, unequivocally, and, in the case of legal persons, the holders of the administrative, management or management bodies must individually provide the consent, given that the Portal will also aggregate information on its suitability for the purposes of the provisions of paragraphs b) and h) of article 55 of the CCP, related to the criminal situation.

If the supplier consents, data may be made available to the public, such as information on the locations where it has representations, CPV codes for the main goods, services and works and e-mail and website addresses.

Furthermore, in the case of entities with functions of audit, inspection, and

***Whenever the State supplier fails to present its regularized situation, the Portal must notify it so that it may regularize the situation.***

***Consent is manifested at the time of registration (and not on a case-by-case basis), and registration may be cancelled at any time by the supplier.***

regulation of public contracts, they can have access to the information contained in the Portal, for the performance of the respective mission. However, it is still unknown in what terms access will be granted, given that it will depend on the protocol to be signed between IMPIC, IP and each entity.

The Ordinance that defines the amount of the annual fee to be paid for the registration in the Portal and maintenance of the criminal record is still to be approved.

## CONTACTS

**Miguel Lorena Brito** | Partner | [mlb@fcblegal.com](mailto:mlb@fcblegal.com)

**Juliana Braz Mimoso** | Lawyer | [jbm@fcblegal.com](mailto:jbm@fcblegal.com)