



VIII CONSTITUTIONAL GOVERNMENT

DECREE-LAW NO. 16 /2021 of September 15th

GENERAL BASES FOR THE ORGANIZATION OF PUBLIC ADMINISTRATION

Law no. 4/2021, of March 10, authorized the Government to legislate on the bases of the organization of public administration. A approval of the general bases for the organization of public administration is a requirement of Article 96(1) (e) of the Constitution, which Constitution, which includes it in the relative reserve of the National Parliament.

The constitutional solution that allows the National Parliament National Parliament to authorize the Government to define the bases of the organization of public administration is the best way to guarantee the unity and coherence of the legislation on administrative organization, considering the organization, considering the exclusive legislative competence of the exclusive competence of the Government regarding the organization and functioning of direct and indirect administration, under the terms of Article 115 (3) of the Constitution, and its superior role in the organization of the Public Administration, under the terms of article 103 of the Constitution.

The definition of the general bases of administrative organization intends to promote the coherence of the legislation adopted in administrative matters, thus favoring the unity, efficiency and efficacy of its action. and effectiveness of its action.

The general bases are, formally, the basis for subsequent development legislation on a given subject and, materially, the legislation on a given matter and, materially, they delimit the general principles and general principles and guidelines to be adopted in such regulations.

Thus, it is expected that the enshrinement in a decree-law authorized by the National Parliament will not be derogated from or revoked by subsequent governmental legislative intervention, especially on the administrative-on-administrative organization.

This should have been pursued at the dawn of the legal system, but only now has it been possible This will have to take into account the reality already established, as well as the established reality must be taken into account, as well as the need to change it in a practicable and efficient manner. Regarding the organization of the direct and indirect administration, Decree-Law

No. 30/2020, of July 29, on the Organization of the Direct and Indirect Administration of the State, considering the exclusive legislative powers of the Government on this matter, pursuant to matter, under the terms of article 115, no. 3 of the Constitution. No not easy to reconcile the provision of paragraph e) of No. 1 of Article 96 of the Article 96.1 of the Constitution, regarding the relative reservation of the National Parliament on the bases of public administration and paragraph 3 of Article 115 of the Constitution, on the exclusive legislative reserve of the exclusive legislative reserve of the Government for its own organization and functioning and functioning, the best solution seems to prefer an adequate concept of bases of bases to which the entire Public Administration will be subject.

Administration. Otherwise, the absolute reservation of the National Parliament over the independent and autonomous Administration and of the Government on the direct and indirect administration would leave the present content of this legislative intervention, which is untenable from a systematically untenable from a systematically adequate perspective of constitutional hermeneutics.

The decree-law form facilitates the compatibility of this with legislation adopted by the Government on its own organization and functioning, ensuring the necessary the necessary coherence between this diploma and Decree-Law no. 30/2020, of July 29, now with the advantage of strengthening the directing of this decree-law.

The same disciplinary objective is sought to be fulfilled regarding the bases of the business sector of the State, which is subsequently materialized by decree law, in this case in accordance with the shaped by the provisions of this authorized decree-law.

With regard to the other sectors of the national administrative organization, it is intended to launch its bases, without prejudice to prejudice to the respective specificities to be regulated by special legislation.

Thus, the Government decrees, pursuant to paragraph e) of No. 1 of the Official Gazette Series I, No. 38 Wednesday, September 15, 2021 Page 1001 Article 96 of the Constitution of the Republic and Law No. 4/2021, of March 10, to be valid as law, the following:

CHAPTER I INITIAL PROVISIONS

Article 1

Object

The present Decree Law establishes the general bases for the organization of public administration, in accordance with Law no. 4/ 2021, of March 10, which authorizes the Government to legislate on the bases of the organization of the Public Administration.

Article 2

Scope

1. The provisions of the following chapter of this decree-law apply to the entire Public Administration.

2. The provisions of Chapter III of the present decree-law apply within the scope foreseen therein.

CHAPTER II GENERAL PROVISIONS

Section I

Principles of Administrative Organization

Article 3

Principle of legality

1. The direct and indirect administration of the state is subject to the Constitution and the law, pursuing the satisfaction of collective needs guided by the pursuit of the public and the defense of citizens' rights.
2. The administrative bodies act within the limits of their competencies and in pursuit of the duties set forth in the law.
3. State agencies and public legal entities of the State's indirect administration of the State are created, in accordance with of article 115(3) of the Constitution, by decree-law, which defines, namely, the respective legal regime, the competencies of its bodies and the activities of its services.

Article 4

Principle of administrative efficiency

The direct and indirect administration of the state is organized in such a way as to ensure maximum efficiency in the use of resources. so as to guarantee maximum efficiency in the use of public resources public resources to satisfy collective needs, in the public interest and with respect for the rights of citizens. the rights of citizens.

Article 5

Principle of pursuing the public interest

1. The direct and indirect administration of the state is organized interest in its organization is forbidden. private interest in its in the strict pursuit of public interest, and the consideration of any private organization.
2. The direct and indirect administration of the state is organized in order to efficiently pursue the public interest.

Article 6

Principle of subsidiarity

1. The direct and indirect administration of the state promotes the satisfaction of collective needs at the level closest to the population possible to the population, namely in accordance with the principles of administrative principles of administrative decentralization and concentration, as provided for in the Constitution.
2. Compliance with the principle of subsidiarity cannot jeopardize the unity and effectiveness of state action.

Article 7

Principle of typicality

The direct and indirect Public Administration is organized by the forms foreseen in this Decree-Law.

Article 8

Principle of segregation of duties

The legal persons and ministries shall ensure, in their administrative segregation of functions in their administrative organization functions.

Section II

Legal Persons

Article 9 (Concept)

Concept

1. Public legal entities pursue public tasks, promoting public tasks, promoting the satisfaction of collective needs and subject only to criteria of public interest. public interest.
2. O Estado é a pessoa coletiva de fins múltiplos que cumpre as atribuições públicas nos termos da Constituição.
3. The legal persons that comprise the indirect administration of the State Administration take the forms prescribed by law and the Constitution, and shall enjoy the legal status set forth in this present decree-law.

Article 10

Creation

1. The public legal entities integrated in the State's indirect Administration, including public companies and public foundations, shall be public foundations, shall be established by decree-law, in accordance with the terms of article 115 (3) of the

Constitution, which shall define, namely, the respective legal regime, the competencies of its bodies and the activities of its services.

2. The legal persons provided for in the legislative reserve of the National Parliament are created by law.

Article 11

Regime

1. Public legal persons are subject to the regime of public law regime, namely:
 - a) They shall be created by law;
 - b) They have legal personality;
 - c) They exercise authority, in the terms of the law;
 - d) They are represented by administrative bodies;
 - e) They establish legal-public relations, namely in contractual matters in contractual matters;
 - f) Have administrative, financial and patrimonial autonomy in the pursuit of their
 - g) Have administrative, financial and patrimonial autonomy in the pursuit of their attributions;
 - h) May benefit from tax and customs exemptions, pursuant to the law. terms of the law.
2. The public services may enjoy some of the characteristics foreseen in the previous number that are not incompatible with the nature of a service, without having legal personality legal personality, in which case they are part of the Indirect Administration of the State.

Article 12

Intersubjective relations

1. The relations established between the bodies of the different public legal entities are of tutelage or superintendence, under the terms of the respective organic laws.
2. The guardianship relationship presupposes the power of interference of a body of the tutored legal person in the actions of the bodies of the legal person under guardianship, regarding the merit or legality of such action, and may consist, namely, in the modification, substitution, revocation or annulment of the acts adopted by the body of the legal person under guardianship, in the integration of the exercise of its decision-making powers, the performance or ordering of acts in the face of decision-making omissions and the inspection and sanctioning of the body of the legal person.
3. The superintendence relationship presupposes the power of an administrative body to guide the actions of the bodies of another of another legal entity, as well as to request information and to set the objectives and general terms of its administrative action.

Section III
Administrative Bodies

Article 13
Concept

1. The administrative bodies are the institutionalized centers of functional powers, exercising the competencies foreseen in this decree-law and in the law.
2. The administrative agencies perform the legal acts by which the will of the which express the will of the administration, in accordance with the law. the law.
3. The administrative bodies can be, as to their composition, singular or collegial.
4. The functioning of the collegial bodies is regulated in the decree-law on the organization and functioning of the direct and indirect administration of the State.
5. The bodies of the same legal entity collaborate with each other and articulate their activities in order to promote a unitary and integrated unitary and integrated performance of the attributions pursued by the of the legal entity in which they are integrated.

Article 14
Inter-organic Relations

1. The bodies of the same legal entity shall be organized hierarchically, in accordance with the law.
2. The hierarchical relationship implies the power of direction of the superior hierarchical superior and the duty of obedience of the hierarchical inferior, without prejudice to the provisions on consultative, supervisory and supervisory and control bodies.
3. The power to direct implies disciplinary power, in the terms of the law.

Article 15
Competence

1. The competence is the functional power attributed by law to the administrative bodies to administrative bodies to pursue the attributions of the of the legal entity of which they are part through the practice of legal acts the practice of legal acts provided by law.
2. The competence is defined by law or regulation and is unpronounceable and inalienable, without prejudice to the provisions regarding delegation of competencies, substitution and replacement.

3. Any act or contract that has as its object the renunciation of the ownership or the exercise of the authority conferred administrative bodies, without prejudice to the delegation of competencies and the like as provided by law.

Article 16

Establishment of jurisdiction

1. Jurisdiction is fixed at the moment the procedure is initiated. procedure is initiated, being irrelevant any subsequent changes in fact that occur thereafter are irrelevant.
2. Before any decision, the administrative body must ascertain that it is competent to deal with the matter, the lack of competence must be raised by the administrative body of its own motion and may be argued by the interested parties.
3. When an application, petition, complaint or appeal is presented to an incompetent or appeal is presented to an incompetent or wrongly of the same legal person, it is sent automatically to the of its own motion to the body holding the competence
4. Unless otherwise provided by law, the provisions of the public administration, the provisions of the legislation on the direct and indirect administration of the state with respect to rules for establishing jurisdiction, delegation of powers, operation of collegial competencies, operation of collegial bodies replacement and substitution.

Article 17

Procedural conference

1. The administrative powers may be exercised by the competent organs in common or in conjunction, in:
 - a) Procedural deliberative conference, in which are exercised jointly in a single act of complex content of complex content, which replaces each of the autonomous administrative acts
 - b) Procedural coordination conference, for the individualized, but simultaneous, exercise of the competencies of the organs.
2. The public services may perform the material activities foreseen in the present decree-law, either jointly or in in a procedural executive conference.
3. The formation of any of the procedural provided for in this article shall be requested by any of the competent any of the competent organs and decided by unanimity of the competent

administrative bodies or by order of the Prime Minister. the constitutive act shall in either case state:

- a) The procedural conference modality;
 - b) The duration, if applicable;
 - c) The intervening bodies;
 - d) The acts to be performed;
 - e) The purposes of the procedural conference.
4. The deliberating and coordinating conferences can conclude by concluding a contract between the participating bodies and the party concerned in place of the act or acts of the acts whose preparation was envisaged, if the subject matter so permits.

Article 18

Conflicts of attributions and competence

1. The conflicts of attributions are resolved, at the request of any interested of any interested party, with the guarantee of a hearing of the administrative bodies in conflict:
 - a) By the courts, through conflict proceedings between administrative bodies, when they involve different legal persons or in the case of conflicts between independent administrative authorities, without subject to the provisions of the following paragraph;
 - b) By the holders of the bodies foreseen in the decree-law on the organization and functioning of the direct and indirect administration of the State
2. Conflicts of competence are resolved by the organ of lowest rank highest hierarchical level that exercises powers over the bodies involved.

Section IV

Public Services

Article 19

Concept

1. The public services are the administrative structures integrated into ministries or public legal entities to, under the direction of their respective administrative bodies perform the material acts necessary to the pursuit of their attributions. of the respective attributions.
2. The services are integrated into public legal persons, without prejudice to the forms of autonomy without prejudice to the forms of administrative and financial autonomy deemed and financial autonomy deemed necessary and appropriate adequate to the fulfillment of the attributions of the legal person legal person in which they are integrated.

3. Public services are organized vertically, subject only to the hierarchical power of direction of the respective administrative organs, or matrixially, in flexible networks that may involve project teams that may involve project teams, task forces, and vertically organized vertically organized services, without prejudice to the direction power of direction of the competent bodies.

Article 20

Deconcentrated public services

1. Decentralized public services are administrative structures integrated in ministries or public collective persons that, under the direction of their respective legal persons that, under the direction of their respective administrative bodies, perform the material acts necessary for the accomplishment of their respective attributions within a regional or regional or municipal territorial constituency.
2. Decentralized services can only be created by ministries, secretaries of state and other legal persons, for the legal persons, for the pursuit of their specific attributions under the terms of the respective organic statute.

Section V

Administrative Autonomy

Article 21

Concept

1. Administrative autonomy is the legal attribution of administrative competencies to of administrative powers to the administrative bodies of a legal person to perform all or some of the legal acts some of the legal acts foreseen by law, without interference from the of the bodies of any other legal entity, without prejudice to the regime of inter-organic and inter-subjective relations provided for in this Decree-Law, in the organic law of each legal person of each legal person and other legislation.
2. The legal acts performed by administrative bodies are:
 - a) Administrative acts;
 - b) Administrative Regulations;
 - c) Administrative Contracts.

Subsection I

Administrative Acts

Article 22

Administrative act

Administrative acts are the decisions that, in the exercise of legal-administrative powers legal-administrative powers provided for in rules of public law I, aim to produce legal effects in an individual and concrete situation individual and concrete situation, under the terms of the legislation on administrative procedure.

Article 23

Administrative procedure

1. Administrative acts are adopted by the competent bodies following a procedure directed to the following a procedure aimed at the adoption of the best possible decision adoption of the best possible decision after hearing the interested parties
2. The procedure leading to the adoption of the administrative act is regulated by regulated by decree-law, which defines the procedure, rights, and rights and guarantees of the private parties.

Subsection II

Administrative Regulations

Article 24

Administrative regulations

1. Administrative regulations are the general and abstract legal rules general and abstract legal rules that, in the exercise of legal-administrative powers, are intended to produce external legal effects.
2. The issuance of administrative regulations depends on the enabling law, which is always expressly indicated, following a regulatory procedure following a regulatory procedure, which includes a stage aimed at the participation of interested parties, under the terms of the under the terms of the legislation on administrative procedure.
3. Even if they are not of a regulatory nature for the purposes of the provisions of this subsection, any communications from the organs of the any communications from the bodies of the Administration that establish standards of conduct with a normative character, namely "directives" "recommendations", "instructions directives", "recommendations", "instructions", "codes of conduct" or codes of conduct" or "manuals of best practices".

Article 25

Competence

1. The competence for the adoption of administrative regulations for the development or realization, in the Administration It is up to the Government, preferably in the form of the government decree.
2. The Ministers may approve implementing regulations by means of a ministerial decree, which may only produce external effects only when published.

3. The competence for the adoption of implementing regulations shall be presumed to be attributed to the member of the Government with sectorial competence, without prejudice to the competencies of the Council of Ministers.

Subsection III

Administrative Contracts

Articles 26

Definition

1. The administrative contract is the agreement of wills, entered into under the terms of the law, between the competent bodies of a public legal person, duly manifested by the competent administrative bodies, and a private contractor for the satisfaction of a public need.
2. The pre-contractual administrative procedure directed towards the choice of the private contractor is regulated by decree-law.
3. The modalities, guarantees and other rules related to administrative contracts are defined by decree-law.

Article 27

Inter-administrative contracts

1. Administrative bodies may enter into inter-administrative contracts on behalf of their respective legal persons, inter-administrative contracts with an object that may be subject to an administrative act and on the exercise of public powers.
2. In the cases provided for in the previous number, the competent administrative bodies have the power to freely establish the respective term of validity and the assumptions for its modification, expiration of its modification, caducity, revocation or termination, except in the case of legally protected rights or interests that are protected rights or interests or when something else results from the law or the nature of the power exercised through the contract.

Section VI

Financial and patrimonial autonomy

Article 28

Characterization

1. Financial autonomy is embodied in the practice of legal acts foreseen in the budget and financial management budget and financial management framework law and other legislation in effect.

2. Asset autonomy is materialized in the possibility of a public legal entity to own movable and immovable assets, integrating and real estate, integrating them into its private patrimony and performing on them the acts of disposal that the law allows
3. The public services may, exceptionally and duly justified in its organic statute, benefit from the regime of financial autonomy foreseen in this article, under the terms of the law.

CHAPTER III SPECIAL PROVISIONS

Section I Direct Administration

Article 29 Concept

1. The direct administration of the state is comprised of and services, central and decentralized, integrated in the legal person integrated in the legal person of the State which, due to their nature, are under the hierarchical dependence of the Government.
2. The structure, organization and functioning of the direct the direct administration of the State shall be defined by decree-law, under the terms of Article 115(3) of the Constitution.

Article 30 Principle of unity

1. The direct administration of the state shall be single and its bodies and services shall and services shall act in a unitary manner under the direction of the Government in accordance with the principle of hierarchy, without prejudice to appropriate forms of administrative *deconcentration*, under the terms of Article 71 of the of article 71 of the Constitution.
2. The services of the legal person State and their respective management bodies may be management bodies may be organized into territorially decentralized peripheral services territorially deconcentrated peripheral services for the pursuit of their attributions, under the terms prescribed or authorized in the respective organic statute.

Section II Indirect Administration

Subsection I Common Provisions

Article 31 Definition

1. Public legal persons created by the State for the pursuit of the State's pursuance of the purposes of the State shall form part of the indirect administration of the State.
2. The public legal persons that comprise the indirect administration of the Administration shall be subject to the interpersonal relations and to the regime of autonomy foreseen in the following articles.
3. The structure, organization and functioning of the indirect administration of the State shall be defined by decree-law, pursuant to the terms of article 115(3) of the Constitution.
4. The creation and participation of legal persons provided for in this sub-section by the legal persons provided for in Article 44.1 shall be regulated by decree-law.

Article 32

Typicity

1. The public legal persons integrated in the indirect administration of the indirect administration of the State take the form of:
 - a) public institutes;
 - b) Public companies; or
 - c) Public foundations.
2. The provisions of this subsection shall apply, subsidiarily, to the other legal persons that do not follow other legal persons that do not expressly follow the other typical forms provided for in this Decree-Law. Article 33 (Legal Entities).

Article 33

Principle of specialty

1. Without prejudice to compliance with the principle of legality for the exercise of public the exercise of public management functions, and except when expressly legal provision to the contrary, the legal capacity of legal capacity of the legal persons provided for in this Section shall include the right to perform all legal acts, to enjoy all rights and all rights and obligations necessary for the performance of their functions necessary for the performance of their functions.
2. The legal persons referred to in this Section shall not legal persons under this section may not undertake any activities or have their organs and powers outside their respective attributions nor dedicate their resources to their resources for purposes other than those for which they are committed by law.

Article 34

Justification

1. The public legal persons comprised in the indirect State Administration shall be created by decree-law, under the terms of Article 115(3) of the Constitution.
2. The legislation creating the legal persons stipulated in this this section must substantiate the need for legal personality in order to legal personality for the pursuit of the attributions in question, subject to the supervision or superintendence of the Government, namely by Government, namely considering the potential effects of effects of:
 - a) Improvement in the provision of a public service;
 - b) Greater autonomy and flexibility in management;
 - c) Incentive to innovation, research and development of solutions for problems raised in the provision of public services;
 - d) Improving the capacity to collect and manage revenue public or private;
 - e) Clearly distinguishing public policy definition and implementaton activities from their implementation;
 - f) Strengthening accountability for results facilitating transparent production and evaluation of public managers' performance.

Article 35 Tutelage

1. The decree-law that creates a public legal person integrated in the State's indirect the indirect administration of the State shall mandatorily determine the member of the Government to whom the respective powers of supervision.
2. The following shall require prior authorisation from the Government:
 - a) The establishment of private law entities; b) Participation in their establishment;
 - b) The acquisition of shares in such entities, where provided for by law or the statutes and where indispensable to the pursuit of the respective tasks;
 - c) Other acts provided for in the law or in the statutes.
3. The law or the statutes may make certain acts subject to authorisation or approval by other bodies.

Article 36 Superintendence

The member of the Government that exercises supervisory powers may also direct guidelines, issue directives or request information from information to the governing bodies of the legal persons provided for in this section on the objectives to be achieved in their management and on the management and on the priorities to be adopted in pursuing them.

Subsection II

Public institutes

Article 37

Modalities

1. Public institutes have a nature:
 - (a) Executive; or
 - (b) Regulatory.
2. In either of the cases provided for in the preceding number, public institutes do not public institutes do not perform the functions of definition of public policies, global or sectorial, which are the responsibility of the members of the Government with tutelage or superintendence.

Article 38

Special requirements

Special requirements for the creation of public institutes may be defined public institutes in the special regime relative to the direct and indirect direct and indirect administration of the State.

Article 39

Management instruments

1. The executive management body of the public institute shall submit a strategic plan for the approval of the minister with competence for tutelage or superintendence, a strategic plan with the duration of the respective the duration of the respective term of office, detailing with:
 - a) The activities proposed to fulfill the objectives proposed in the organic legislation and in the respective previous studies;
 - b) The human and material resources need;
 - c) An indicative budget, in which are defined income and expenses;
 - d) A plan for the provision of public services, with measures for permanent updating, improvement, and innovation;
 - e) measurable commitment to the elements defined in this paragraph.
2. On the basis of a measurable commitment to the elements foreseen in the strategic plan, a management contract by objectives management contract by objectives under the terms of the law, for the duration of the term of office.

3. The governing body of the public institute shall annually submit for the approval of the member of the Government with competence for tutelage or superintendence, in relation to the fulfillment of the objectives proposed in the respective strategic plan;
 - a) An annual plan of activities and respective budget;
 - b) An annual activity report and respective account.

Subsection III Public Companies

Article 40 Concept

1. Public enterprises are public legal persons of a corporate of a corporate nature created for the development of activities of an economic nature, namely the provision of public services and the management of services of general economic interest.
2. Public companies shall be created by decree-law, under the terms of under the terms of article 115(3) of the Constitution.

Article 41 Legal Regime

1. The legal regime for public companies shall be approved by decree-law, and the regime for public institutes shall apply on a subsidiary basis. public institutes.
2. The legislation that creates public companies must justify the need for legal personality in order to the pursuit of the attributions in question.
3. The legal regime for the State's participation in companies commercial law companies is defined by decree-law.

Subsection IV Public Foundations

Article 42 Public Foundations

1. Public foundations are public legal persons created by one or more public legal persons for the pursuance of purposes of social interest.

2. Public foundations are foundations created by one or more public collective persons, whether or not in conjunction with private law persons governed by private law, provided that the latter, alone or jointly, have jointly, have a dominant influence over the foundation. the foundation
3. A dominant influence is deemed to exist under the terms of the previous number whenever it exists:
 - a) Exclusive or majority allocation of the assets that integrate the initial financial assets of the foundation; or
 - b) The right to designate or remove the majority of the members of the administrative body of the foundation.

Article 43

Legal Regime

1. Public foundations are subject to the private law regime in private law regime in all that is not incompatible with their public their public nature, under the terms of their respective organic statute.
2. The legal regime for public foundations shall be approved by decree-law, and the regime for public institutes shall apply on a subsidiary basis in the public institutes.
3. The legislation for the creation of public foundations must substantiate the need for legal personality in order to the pursuit of the attributions in question.

Section III

Autonomous Administration

Article 44

Characterization

The Autonomous Administration comprises the legal persons created under the terms of the Constitution, namely:

- a) The territorial legal persons created in compliance with the principle of administrative decentralization provided for in article 5(3) and article 72 of the Constitution;
- b) Local legal entities created in compliance with the special administrative regime of the compliance with the special administrative regime of the enclave of Oe-Cusse Ambeno and the island of Ataúro provided for in article 71, paragraph 2 of the Constitution;

- c) Legal entities created as support services for the performance of the performance of holders of sovereign bodies. 2. Public collective entities with an associative basis, created in compliance with the principle of associative the principle of associative decentralization for the exercise of public power the exercise of public power, respecting the rights of their associates.

Article 45

Legal Regime

1. The legal persons that comprise the Autonomous administration are created, under the terms of the Constitution, by law, in which their legal regime is defined.
2. The legal persons provided for in this section shall be are organized, in accordance with the provisions of Chapter II of this in order to guarantee the unity and coherence of administrative action, with the administrative action, with the necessary adaptations imposed by their autonomous nature imposed by their autonomous nature.
3. The provisions relative to the State's indirect administration may Administration may be subsidiarily applicable to the legal persons provided for in this Section.

Section IV

Independent Administration

Article 46

Independent Administration

The legal persons that comprise the Independent Administration are created, under the terms of the Constitution, for the exercise of administrative the exercise of administrative functions that, due to their nature, require special guarantees of independence require special guarantees of independence.

Article 47

Legal Regime

1. The public corporate bodies that comprise the independent Administration are created by law.
2. The legal persons referred to in this Section are organized, in accordance with the provisions of Chapter II of this Decree-Law, in order to guarantee the unity and coherence of administrative action, with the necessary adaptations imposed by their independent nature.
3. The provisions concerning the indirect administration of the State may be Administration may be subsidiarily applicable to the legal persons provided for in this section.

Article 48
Independent administrative authorities

1. When imposed by well-founded public needs, public legal persons may be created with attributions of regulating with attributions of regulation of economic sectors of the economy, with external regulatory power and external regulatory power and sanctioning power, by law, integrated in the independent administration of the State.
2. The legislation creating legal persons provided for in this article shall state the reasons why legal personality is necessary for the legal personality for the pursuit of the tasks concerned.
3. The creation of legal persons provided for in this Section shall be always preceded by a study on its necessity and financial and financial implications and its effects on the sector on the sector in which it will exercise its activity.

CHAPTER IV
FINAL PROVISIONS

Article 49
Entry into force

The present decree-law shall enter into force on the day following its publication.

Approved by the Council of Ministers on August 25, 2021.

The Prime Minister,

Taur Matan Ruak

Promulgated on 10 . 9. 2021.

To be published.

The President of the Republic,

Francisco Guterres Luì Olo