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Comissão de Defesa Nacional

Sen. Nicola Latorre
Chairman of the Defense Committee
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Chairman of the Defense Committee
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Via email: UE2014@parlamento.it

Of. n.º 1/3.ª CDN/2014

04-11-2014

Subject: EU Battlegroups – Decision-making process regarding the involvement of Portuguese military contingents abroad

Dear Colleagues,

Considering our meeting during the forthcoming Inter-Parliamentary Conference for the CFSP/CSDP, 4-7 November 2014, I am pleased to inform about the decision-making process regarding the involvement of Portuguese military contingents abroad.

Considering the Portuguese constitutional-political framework, the Government decides upon the involvement of Portuguese military contingents, after consulting the National Defense High Council (according to article 17, no. 1, paragraph g) of the Organizational Law 5/2014, National Defense Law, from 29 of august).

Article 163 (on the *Parliament's competences in relation to other entities and organs*) of the Constitution of the Portuguese Republic¹ states that "*In the exercise of its scrutiny functions the Assembly of the Republic has the competences: (...) i) As laid down by law, to supervise the involvement of military contingents and security forces abroad*".

Therefore, according to Law no. 46/2003 of 22 August 2003, Law regulating the monitoring of the involvement of Portuguese military contingents abroad by the Assembly of the Republic², "*The Assembly of the Republic shall be notified of the*

¹ English version available at <http://www.en.parlamento.pt/Legislation/CRP/Constitution7th.pdf>

² English version available at <http://www.en.parlamento.pt/Legislation/Lei46-2003EN.pdf>



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Government's decision to involve Portuguese military contingents beforehand for the purposes of consideration and subsequent monitoring" (article 3, no. 1). However, "If justified by the nature of the mission, the notification referred to in the previous paragraph shall occur when the security term requested by the action has been completed" (article 3, no. 2).

Furthermore, this Law also defines (article 4) the content of the information provided by the Government to the Assembly of the Republic on the involvement of Portuguese military contingents abroad, which *"shall include, specifically: a) The requests for involvement, together with their grounds; b) Draft decision or proposal of that involvement; c) The military resources involved or to be involved, the type and level of risks estimated and the foreseen duration of the mission; d) Elements, information and official publications deemed useful and necessary".*

In addition to that, article 5 states that *"the Government shall submit to the Assembly of the Republic a detailed report on the involvement of Portuguese military contingents abroad twice a year, without prejudice to other occasional or urgent information that may be requested", as well as "a final report to the Assembly of the Republic within sixty days of completion of the mission".*

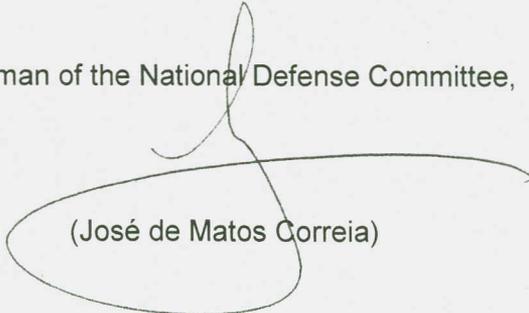
The monitoring by the Assembly of the Republic under the terms laid down in the mentioned law is undertaken by the National Defence Committee, according to article 6.

These and other provisions may also be found in article 11, paragraph q) and article 12, no. 3, paragraph i) of the recently approved and above mentioned Organizational Law 5/2014, National Defense Law, from 29 of august.

In practice, the National Defense Committee has also organized hearings with the Minister of National Defense especially devoted to this item, as well as visits to the Portuguese military contingents abroad.

Looking forward meeting you soon,

Chairman of the National Defense Committee,



(José de Matos Correia)