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NATIONAL ASSEMBLY

tão Marques, Minister of the Presidency and Administrative Modernization.

111495101

Law no. 28/2018

16 July

It restores the possibility for military and ex-military personnel to apply for reinstatement in their functions, under Decree-Law no. 173/74, of 26 April

Pursuant to Article 161 c) of the Constitution, the Assembly of the Republic decrees the following:

Article 1

Object

The present law restores the possibility for military personnel and former -military personnel request to be reinstated in their functions, under Decree-Law 173/74, of 26 April, which grants amnesty for political crimes and disciplinary infractions of the same nature.

Article 2

Review

1 - The reintegration provided for in Decree-Law No. 173/74, of 26 April, may be requested by military personnel and former military personnel within 180 days of the publication of this law.

2 - Interested parties whose applications have been rejected because they are out of time may reapply.

Article 3

Regulation

The Government shall approve, within 30 days from the date of entry into force of this law, by decree-law, the regulations and norms necessary for the proper implementation of this law and shall define the regime of production of its effects on the financial and organisational plan, namely, the date of the beginning of payment under the terms of the reintegration decreed, taking into account the provisions of paragraph 2 of article 167 of the Constitution.

Approved May 11, 2018.

The Vice-President of the Assembly of the Republic, in place of the President of the Assembly of the Republic, *Jorge Lacão*.

Promulgated on July 4, 2018. To

be published.

The President of the Republic, MARCELO REBELO DE

SOUSA. Referred to on 6 July 2018.

For the Prime Minister, *Maria Manuel de Lemos Lei-*

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Law no. 29/2018

16 July

Transposes Directive (EU) 2015/1794 of the European Parliament and of the Council of 6 October 2015 insofar as it amends Directive 2001/23/EC of the Council of 12 March 2001 and Directive 2009/38/EC of the European Parliament and of the Council of 6 May 2009 in respect of seafarers, making the second amendment to Law 15/97 of 31 May and the first amendment to Law 146/2015 of 9 September.

Pursuant to Article 161 c) of the Constitution, the Assembly of the Republic decrees the following:

Article 1

Object

This law proceeds to the second amendment to Law no. 15/97, of 31 May, which establishes the legal regime of the individual employment contract on board fishing vessels, and the first amendment to Law no. 146/2015, of 9 September, which regulates the activity of seafarers on board vessels flying the Portuguese flag as well as the responsibilities of the Portuguese State as flag State or port State. No. 146/2015, of September 9, which regulates the activity of seafarers on board vessels flying the Portuguese flag, as well as the responsibilities of the Portuguese State as flag State or port State, transposing into national law the changes introduced, with regard to seafarers, by Directive (EU) 2015/1794 of the European Parliament and of the Council, of October 6, 2015, to the following directives:

a) Council Directive 2001/23/EC of 12 March 2001 on the approximation of the laws of the Member States relating to the safeguarding of employees' rights in the event of transfers of undertakings, businesses or parts of undertakings or businesses

b) Directive 2009/38/EC of the European Parliament and of the Council of 6 May 2009 on the establishment of a European Works Council or a procedure in Community-scale undertakings and Community-scale groups of undertakings for the purposes of informing and consulting employees.

Article 2

Amendment to Law no. 15/97, of 31 May

Article 12 of Law no. 15/97, of 31 May, which establishes the legal regime of the individual employment contract on board fishing vessels, as amended by Law no. 114/99, of 3 August, is hereby amended to read as follows:

"Article 12

Transmission from the shipowning company

1 - The rules on the transfer of a company or establishment set out in the Labour Code, approved in annex to Law No. 7/2009, of 12 February, are applicable to the total or partial transfer of the

shipowner.

2 - The provisions of the preceding paragraph shall not apply where the object of the transfer consists exclusively of one or more seagoing vessels.

3 - *(Repealed.)*"

Article 3

Amendment to Law no. 15/97, of 31 May

Article 10-A is added to Law No. 15/97, of 31 May, with the following wording:

"Article 10a

European Works Councils

1 - The establishment of European Works Councils or procedures for informing and consulting employees in Community-scale undertakings or groups of undertakings is governed by Law 96/2009, of 3 September.

2 - A seafarer who is a member or an alternate of a special negotiating body or of a European Works Council, or who represents employees in the framework of an information and consultation procedure, shall be entitled to participate in the meetings of those structures or in the framework of the information and consultation procedure.

3 - The exercise of the right to participate in the meetings foreseen in the preceding paragraph depends on that member, alternate or representative not being at sea or in a port of a country other than the one in which the company is domiciled when the meeting is held. 4 - The scheduling of meetings shall be carried out, whenever possible, in order to facilitate the exercise of the right to participate in such meetings.

5 - If it is impossible to participate in a meeting, the viability of using information and communication technologies shall be considered."

Article 4

Addition to Law no. 146/2015, of 9 September

Are added to Law No. 146/2015, of September 9, which regulates the activity of seafarers on board vessels flying the Portuguese flag, as well as the responsibilities of the Portuguese State as flag State or port State, Articles 38-A and 38-B, with the following wording:

"Article 38a

European Works Councils

1 - The establishment of European Works Councils or procedures for informing and consulting employees in Community-scale undertakings or groups of undertakings is governed by Law 96/2009, of 3 September.

2 - A seafarer who is a member or an alternate of a special negotiating body or of a European Works Council, or who represents employees in the framework of an information and consultation procedure, shall be entitled to participate in the meetings of those structures or in the framework of the information and consultation procedure.

3 - The exercise of the right to participate in the meetings foreseen in the preceding paragraph depends on that member, alternate or representative not being at sea or in a port of a country other than the one in which the company is domiciled when the meeting is held. 4 - The scheduling of meetings shall be carried out, whenever possible, in order to facilitate the exercise of

of the right to participate in such meetings.

5 - If it is impossible to participate in a meeting, the viability of using information and communication

technologies should be considered.

Article 38b

Transmission from the shipowning company

1 - The rules on the transfer of a company or establishment provided for in the Labour Code, approved in annex to Law No. 7/2009, of 12 February, shall apply to the total or partial transfer of the shipowning company. 2 - The provisions of the preceding paragraph shall not apply if the object of the transfer consists exclusively of on one or more seagoing vessels."

Article 5

Entry into force

This law shall enter into force on the first day of the month following its publication.

Approved May 24, 2018.

The President of the Assembly of the Republic,
Eduardo Ferro Rodrigues.

Promulgated on July 5, 2018. To

be published.

The President of the Republic, MARCELO REBELO DE SOUSA. Referred to on 6 July 2018.

For the Prime Minister, *Maria Manuel de Lemos Leitão Marques*, Minister of the Presidency and Administrative Modernization.

111495191

Law no. 30/2018

16 July

Extraordinary and transitional regime for the protection of elderly or disabled persons who are tenants and have lived in the same leased premises for more than 15 years

Pursuant to Article 161 c) of the Constitution, the Assembly of the Republic decrees the following:

Article 1

Object

This law establishes an extraordinary and transitory regime for the protection of elderly or disabled persons who are tenants and reside in the same leased premises for more than 15 years.

Article 2

Scope

This Act shall apply to housing leases where the tenant, on the date of entry into force of this Act, resides at the leased premises for more than 15 years and is 65 years of age or older or has a proven degree of incapacity of 60% or more.

Article 3

Termination or opposition to renewal of the contract by the landlord

1 - In the contracts covered by this law and during the period established in Article 6, the landlord can only oppose