

# NEWSLETTER

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## LOBBYING LAW: NEW TRANSPARENCY RULES FOR INTEREST REPRESENTATION

Law No. 5-A/2026 of 28 January introduced in Portugal a dedicated legal framework governing the legitimate representation of interests before public entities. This new legislation, which entered into force on 27 July 2026, establishes the Transparency Register for the Representation of Interests (RTRI) and lays down the rules applicable to entities seeking to influence public decision-making processes, whether on their own behalf or on behalf of third parties.

It is important for organizations to assess, from now on, whether their institutional interactions are concerned, what their obligations are and what measures do they need to ensure respect for the new regulatory regime.

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Business Team

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## THE FRAMEWORK

Adopted at the end of 2025 and published in the Official Gazette (Diário da República) on 28 January 2026, Law No. 5-A/2026 establishes transparency rules governing interactions between private entities, whether domestic or foreign, and public entities, where the former intend to engage in legitimate interest representation activities.

Portugal now has a dedicated legal framework governing such activities, based on the establishment of the Transparency Register for the Representation of Interests (RTRI) and the definition of the rights, duties and rules of conduct applicable to registered entities.

The new regime is intended to ensure greater transparency in interactions aimed at influencing public decision-making processes by requiring the organizations concerned to identify the interests they represent and to comply with the registration, updating and conduct obligations laid down by law.

## WHAT IS “LEGITIMATE INTEREST REPRESENTATION”?

Activities considered to constitute legitimate interest representation are those carried out in accordance with the law and aimed at influencing, directly or indirectly, the development or implementation of public policies, legislative or regulatory acts, administrative acts, public contracts, or the decision-making processes of public entities.

Such activities may be carried out on one's own behalf, on behalf of specific groups, or on behalf of third parties, and include:

- ✓ Contacting public entities, in any form
- ✓ Sending or distributing correspondence, information materials, discussion papers, or position papers
- ✓ Organizing events, meetings, conferences, or other initiatives to promote the interests represented
- ✓ Participating in consultations on legislative proposals or other regulatory acts

The law expressly excludes the following, among other situations, from its scope:

- ✓ Acts reserved exclusively to lawyers and solicitors when acting under a mandate in legal proceedings
- ✓ The activities of social partners acting within the framework of social dialogue, and only within that context

- ✓ Responses to requests for information or individual invitations issued by public entities
- ✓ The exercise of procedural rights in administrative proceedings or public procurement procedures
- ✓ The exercise of the right of petition and the unpaid submission of claims, reports, or complaints

Accordingly, the distinction between activities falling within the scope of the law and those that are excluded must be assessed based on the nature, purpose, and specific context of each interaction.

## WHO IS COVERED?

Entities intending to engage in legitimate interest representation activities, whether on their own behalf or on behalf of third parties, are required to register with the RTRI.

The RTRI includes the following categories:

- ✓ Private social partners and other private entities with a constitutional or statutory right to consultation or participation, whose registration is automatic and carried out ex officio
- ✓ Third-party interest representatives, including natural and legal persons who carry out such activities on a professional basis, whether as their principal or ancillary activity
- ✓ Corporate interest representatives, including legal entities or groups of legal entities representing their own interests
- ✓ Institutional representatives of collective interests, including associations and other entities representing collective or diffuse interests
- ✓ Other representatives carrying out legitimate interest representation activities within the meaning of the law

Where an organization engages an intermediary to represent its interests, both the intermediary and the represented entity are subject to the registration requirement.

## THE RTRI AND THE MAIN OBLIGATIONS

The Transparency Register for Interest Representation (RTRI) operates within the Assembly of the Republic and is managed by an autonomous Management Board composed of three members elected by the Assembly of the Republic.

The RTRI will be public and free of charge and will be made available through the Assembly of the Republic's online portal. Registration is mandatory for entities intending to engage in legitimate interest representation activities, whether on their own behalf or on behalf of third parties.

Depending on the circumstances, the RTRI must include information relating to:

- ✓ The entity's identity and corporate purpose
- ✓ Clients, represented interests, and sectors of activity, where representation is carried out on behalf of third parties
- ✓ Members of the governing bodies and holders of the share capital
- ✓ The person responsible for the interest representation activities
- ✓ Annual revenue derived from such activities
- ✓ Grants or financial support received from institutions of the European Union or from national or foreign public authorities

Registered entities are also required to:

- ✓ Ensure the accuracy of the information provided and cooperate with requests for clarification or updates
- ✓ Keep the information recorded in the RTRI complete and up to date, notifying any changes within 30 days
- ✓ Submit to the RTRI any professional or sector-specific codes of conduct by which they are bound
- ✓ Identify themselves when dealing with public entities by providing their registration number and the identity of the individuals making contact
- ✓ Use the appropriate channels for access to public information
- ✓ Ensure that the information and documents submitted do not contain incomplete or inaccurate information intended to manipulate or mislead public decision-makers

Entities that professionally represent the interests of third parties must also maintain a register of the contractual relationships established during such activities.

## **MEETINGS, HEARINGS AND PUBLICATION OF CONTACTS**

Entities subject to the registration requirement must be registered in the RTRI before they may be granted a meeting or participate in a hearing organized by a public entity, except where the interaction concerns procedural matters expressly excluded by law.

Public entities are required to publish, on a regular basis, information on meetings held with registered entities, including the date and purpose of each meeting and, where a third-party representative is involved, the identity of the entity whose interests are being represented.

The involvement of interest representatives, as well as the information and documents they submit, must also be identified in the preparatory documentation relating to the relevant decision-making procedures, without prejudice to situations subject to legal privilege, confidentiality, data protection requirements, or the protection of fundamental rights.

## **THE LEGISLATIVE FOOTPRINT**

Consultations or interactions carried out in the context of legitimate interest representation, addressed to bodies vested with legislative powers or a right of legislative initiative and taking place during the preparatory phase of the legislative process, must be identified upon completion of the legislative procedure.

Public entities must also establish mechanisms to ensure the recording and publication of interactions or consultations conducted in the preparation of public policies and legislative or regulatory acts.

## **BREACHES**

A breach of the obligations established under the law may result in following proceedings that safeguard the rights of defense, in:

- ✓ The total or partial suspension of the entity's registration in the RTRI, or of its ability to engage in institutional contacts, for a period of up to two years
- ✓ Restrictions on access applicable to the natural persons acting on behalf of the entity, for the same period
- ✓ Exclusion from participation in public consultation procedures for a period of up to two years

Carrying out legitimate interest representation activities without prior registration in the RTRI, as well as providing false information, must be reported to the Public Prosecutor's Office.

The sanctions regime established under Law No. 5-A/2026 will enter into force on 1 June 2027.

## **ENTRY INTO FORCE AND TRANSITIONAL REGIME**

Law No. 5-A/2026 entered into force on 27 July 2026. The organizational framework of the RTRI was subsequently established by Law No. 37-A/2026, of 28 July, which entered into force on 29 July 2026.

The RTRI will become fully operational on 1 January 2027. Prior to that date, provisional registrations may be made following the publication in the Official Gazette (Diário da República) of the notice establishing the commencement of the register's provisional operation.

Until the RTRI becomes fully operational, the relevant public entities must record and publish information on the meetings they grant, including the identity of the entity attending and the purpose of the meeting.

Entities that, as of the entry into force of Law No. 37-A/2026, are professionally engaged in the representation of the legitimate interests of third parties must register with the RTRI within 60 days from the date on which the register becomes fully operational.

By 30 November 2026, the relevant public entities must adopt the regulatory measures necessary to establish the procedures governing the publication of the meetings they grant.

The application of the regime to local government entities follows a separate implementation timetable:

- ✓ Municipalities, their respective local companies, and intermunicipal entities: from 1 June 2027
- ✓ Freguesias (civil parishes): from 1 January 2028

The registration requirement also applies to the Autonomous Regions of the Azores and Madeira, without prejudice to the adaptation of the regime to their respective self-governing bodies and regional administration by means of regional legislative decree.

## QUICK CHECK

It is advisable to carry out a specific assessment whenever the organization:

- ✓ Maintains contacts intended to influence decisions of the Government, the Assembly of the Republic, regulatory authorities, the Public Administration, or local authorities
- ✓ Participates, on its own initiative, in the development of public policies or legislative or regulatory acts
- ✓ Submits position papers or other representations intended to influence public decision-making processes
- ✓ Engages third parties to represent their interests before public entities
- ✓ Professionally carries out third-party interest representation activities

Although the law does not expressly require the adoption of an internal compliance system, organizations that may fall within its scope should consider:

- ✓ Identifying activities that may constitute legitimate interest representation
- ✓ Distinguishing activities covered by the regime from those expressly excluded by law
- ✓ Reviewing relationships with external consultants and interest representatives
- ✓ Organizing the information required for registration with, and ongoing updates to, the RTRI
- ✓ Establishing procedures to ensure compliance with the new regime's requirements relating to identification, record-keeping, and standards of conduct

## THE LOBBYING LAW: A NEW CHALLENGE FOR CORPORATE GOVERNANCE?

Law No. 5-A/2026 does not merely introduce a registration requirement. It establishes a transparency framework governing interactions intended to influence public decision-making processes by imposing obligations relating to identification, information updates, record-keeping, and standards of conduct on the entities concerned.

For certain organizations, compliance with the new regime may require coordination between the Legal, Compliance, Public Affairs, and Corporate Administration functions, as well as the allocation of internal responsibilities for interest representation activities.

A prior legal assessment will help determine whether, and to what extent, an organization falls within the scope of the regime, distinguish activities subject to registration from those expressly excluded by law, and prepare the organization to comply with the obligations arising under the new framework.

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