
From: Carla Amado Gomes

Sent: Sunday, March 31, 2019 12:39

To: ECE-survey-aarhus

Subject: Comments on Notes and Questions - PORTUGAL

Dear Sirs,

I. Answering the questions:

a) CADA's recommendations can be followed or not – what about their status, are they followed or not in general..?

CADA's (Commission for the Access of Administrative Documents) is an independent entity which has consultive powers. It produces recommendations, not decisions - which are, in general, followed by the Administration

b) Does Loser Pays Principle (LPP) apply in court in information cases..?

It does, although the costs are lower than in general

c) Civil liability in information cases, what does that concept cover (who can take legal action in order to obtain what)..?

A distinction shall be made between:

> Information provided by the Administration on current procedures - therein is Article 11 (2) of the Code of Administrative Procedure, which holds the Administration civilly responsible for the information provided, even if voluntarily, to the applicants;

> Information / documents released by the Administration on activities carried out by private individuals whose publicity may be detrimental to their interests. In the event of damage, it may (if causality is proven) be imputed to the Administration if its disclosure has been unlawful in light of the Law on access to administrative documentation, under the terms of the general law on extracontractual civil liability of public entities (Law 67/2007 , of 31 December).

II. I would like to ask if it is possible to mention, beside my name, the name of my colleague,

Prof. Dr. Rui Tavares Lanceiro

who helped me to answer the questions

Yours attentively,

Carla Amado Gomes

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