

Immigration  
and Asylum Law of the EU :  
current debates

Actualité  
du droit européen  
de l'immigration  
et de l'asile

UNDER THE SUPERVISION OF/SOUS LA DIRECTION DE

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EXTRAIT

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## PORTUGAL

### REPORT ON THE TRANSPOSITION OF THE DIRECTIVE ON THE MUTUAL RECOGNITION OF DECISIONS ON THE EXPULSION OF THIRD COUNTRY NATIONALS (\*)

BY

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*(Translation by Gary Mullender)*

#### I. – Introduction : The Transposition of EC Directives into Portuguese legal framework

Pursuant to Article 112 (9) of the Constitution of the Portuguese Republic, the transposition of Community directives into Portuguese legal framework shall be effected by a way of a law or decree-law. Both are legislative acts <sup>(1)</sup>. A law is a legislative act approved by the Assembly of the Republic (*Assembleia da República* – the Portuguese Parliament) <sup>(2)</sup> whereas a decree-law is a legislative act passed by the Government. The Government may legislate by adopting decree-laws in those areas for which it has exclusive competence, on matters not within the exclusive power of the Assembly of the Republic or on matters within the partially exclusive powers of the Assembly of the Republic, when it authorises the Government to do so (delegated legislative powers) <sup>(3)</sup>.

The Directive on expulsion decisions was transposed by a Law of the Assembly of the Republic.

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(\*) Information valid on June 2004.

<sup>(1)</sup> Article 112(1) of the Constitution.

<sup>(2)</sup> Article 166 of the Constitution.

<sup>(3)</sup> Article 198 of the Constitution.