

Decree-Law No. 25/2015

Of 5 August

ESTABLISHING THE PRESS COUNCIL AND APPROVING ITS STATUTES

The Media Law, approved as Law No. 5/2014 of 19 November, predicted the figure of the Press Council, an independent administrative body that operates in the media sector, and instructed the Government on its creation and approval of its Statute.

Based on the framework made by the Media Law, in view of the existing national legislation on the legal framework for public entities in Timor-Leste, and enjoying sharing the experience of media regulators from other countries with which Timor-Leste has affinities, elaborated a statute intended to be sufficiently clear and pragmatic as a guide for the activity of the country's first Press Council and simultaneously comprehensive and flexible to follow the progress of regulatory activity and the sector itself over of the time.

This preambular diploma, as well as creating the Press Council, aims to respond to specific issues associated with the initial phase of the new entity's activity.

In turn, the Statute of the Press Council, approved in annex to Decree-Law, is divided into four chapters: Chapter I deals with general aspects, Chapter II contains rules on the organization and functioning of the Press Council, Chapter III deals with the financial and asset management issues of the institution and Chapter IV lists the procedures available to citizens and the Press Council applicable to the various dimensions of journalism and the media sector.

The imperative to ensure the independence of the Press Council, expressly enshrined in the Media Law, it is reflected in many aspects of its Statute, among which stand out are the management of conflicts of interest in decision making and eligibility requirements, guarantees of independence, and incompatibilities applicable to the members of the Council.

At the same time, it provides to the Press Council the human and financial resources necessary for the proper performance of its duties. In a context where the members of the Press Council do not perform these functions permanently, carrying them out together with their professional activity, the figure of the Executive Director and technical staff, including legal, are particularly relevant both to ensure the smooth daily functioning of the institution and to support, with all the necessary information, the activity of the Council.

The Press Council can act in response to an external impulse, for example at the request of a citizen, or on its own initiative, always feeling responsible to journalists, the media and society.

The activity of the Press Council is structured in defined procedures, adapted to the various issues that may arise. Even when its development depends on subsequent legislation, as, for example, with administrative offence procedure, the Statute provides an exhaustive list of means available to journalists, the media, the general public and the Council to respond to every case.

In turn, the result of such procedures may take various forms. Under the usual procedure, the Press Council can adopt directives and recommendations, which are the privileged instruments for the dissemination of best practice standards and guidelines on how best to respect the rights and obligations enshrined in the Constitution and the law applicable to the sector. The mediation procedure, in turn, is an alternative to the courts, simple and informal, available to all those who are involved in a dispute in the context of journalism. In these cases the Press Council hears all parties, helps in mutual understanding of their views, and promotes an agreement.

Above all, it is intended that the Statute of the Press Council, together with the Media Law, allows the Press Council to continue its important duties and powers in a complete, thorough, transparent and independent manner. Only then can this body actually contribute to Timorese media sector development in an ethical, professional and free form, independent of any political or economic influences.

Ministries were consulted with mandates for employment, electoral matters, justice and finance, the Public Service Commission, organizations of journalists and directors of media. Given the nature of the diploma, Committee A (Committee for Constitutional Affairs, Justice, Public Administration, Local Government and the National Anti-Corruption) of the National Parliament was also consulted, on a voluntary basis.

The Government decrees, under the terms of paragraph 115.1(b) of the Constitution and Article 42.2 of the Media Law, as law, the following:

**Article 1.
Object**

1. This decree-law creates the Press Council and adopts its Statute annexed to the Decree-Law, of which is an integral part, as provided in Article 42.2 of the Media Law, approved by Law No 5/2014 of 19 November.
2. The Press Council is a legal person of public law, with the nature of an independent administrative entity with administrative and financial autonomy and its own assets, and independently defines the orientation of its activities without being subject to any directives or guidelines from political power.

**Article 2.
Subsequent regulation**

1. No later than 180 days after January 1, 2016 or the swearing in of its members, whichever is later, the Press Council approves:
 - a) The Journalists Code of Ethics, under the provisions of Article 21 and Article 44(b) of the Media Law;
 - b) The Regulation establishing the elements required for the registration of agencies and media provided for in Article 28 and Article 44(e) of the Media Law;
 - c) The Regulation on rules for examining the final stage provided for in Article 16.6 of the Media Law.
2. Within one year after January 1, 2016 or the swearing in of its members, whichever is later, the Press Council approves:
 - a) The regulation on the disciplinary authority over the journalists referred to in Article 20.2 and Article 44(c) of the Media Law;
 - b) The regulation on the organization and functioning of the Press Council, which has at least on recruitment, careers, conditions for the provision and labor discipline, on the intervention areas of the Executive Director and over the site, operating period, means and details to contact the Press Council.
3. Until two years after January 1, 2016 or the swearing in of its members, whichever is later, the Press Council approves the regulation on the election of members of the Press Council by journalists and agencies media.
4. Approval of the Regulations referred to in the preceding paragraphs follows the terms of the regulatory procedure provided for in the attached Statute.

**Article 3.
Application in time**

Without prejudice to Articles 50 and 51 of the Media Law, the Press Council carries out its duties and powers only in relation to journalistic activity disclosed on January 1, 2016 or thereafter.

Article 4.
Transitional provisions

1. Until adoption of the Regulation referred to in Article 2.3 of the election of members of the Press Council by journalists and media under Article 45.1(a and b) of the Media Law, is organized by journalists organizations regarding the representative of journalists and assembly of representatives of the media regarding their representative, with the support of the ministry that oversees the area of media.
2. The date of the election under the previous paragraph and the applicable procedure will be announced at least 45 days in advance.

Article 5.
Entry into force

1. This law comes into force on the day following its publication in the Official Gazette.
2. This law, including all rules with financial implications, shall take effect from January 1, 2016, with the exception of Article 4 of this Decree-Law and Articles 16, 18, 20 and 23 of the Press Council Statutes, attached to this Ordinance, which shall apply from the thirtieth day after its entry into force.

Approved by the Council of Ministers on June 30, 2015

The Prime Minister,

Rui Maria de Araujo

The Minister of State and the Presidency of the Council of Ministers,

Agio Pereira

Enacted on

To be published. July 7, 2015

The President of the Republic,

Taur Matan Ruak

ANNEX
PRESS COUNCIL STATUTES

CHAPTER I
GENERAL PROVISIONS

Article 1.
Legal nature

The Press Council is a legal person of public law, with the character of an independent administrative entity, with administrative and financial autonomy and its own assets.

Article 2.
Independence

1. The Press Council is independent and exercises its duties and responsibilities without being subject to guidelines or orientations of political power in the strict respect for the Constitution and the law.
2. The members, employees and consultants of the Press Council shall not seek or receive instructions from any person or entity, including the Government or entities under government supervision, except in cases expressly provided by law.

Article 3.
Scope of assistance

Media and journalists are subject to regulation and supervision of the Press Council, where they have headquarters or domicile in Timor-Leste or when acting in Timor-Leste in respect of acts performed in the country.

Article 4.
Legal status

The Press Council is governed by the provisions of this Statute, the Media Law, and by the respective regulations, the legal provisions specifically applicable to it and, secondarily, by the rules applicable to public legal persons.

Article 5.
Revision of the Law

The Press Council is to be heard on the revision of this Statute, as well as other legislative initiatives in the context of its duties.

Article 6.
Head office

The Press Council has its headquarters in Dili.

Article 7.
Electronic site

The Press Council has an updated electronic site on which it publishes:

- a) The Media Law, the laws and regulations of the Press Council;
- b) The resolutions adopted by the Press Council, except those relating to their internal affairs or current management;

- c) The composition of the organs of the Press Council;
- d) Plans, budgets, reports and accounts for the last two years of activity of the Press Council;
- e) Information whose publication is required by this decree-law and other legislation;
- f) All information that the Press Council deems important to advertise in this way.

Article 8.
Principle of speciality

1. The legal capacity of the Press Council covers the rights and obligations necessary for the fulfillment of its duties, as determined by the Media Law and the present law.
2. The Press Council cannot exercise activities or use its powers outside the scope of its responsibilities or devote their resources to purposes of which have been committed.

Article 9.
Standards of good administration

The Press Council carries out its activities, adopts decisions and manages its assets with particular respect to the principle of equality, including gender equality, and the values of exemption, impartiality, transparency, rigor and efficiency.

Article 10.
Duties of care and confidentiality

1. Members of the Press Council, its employees, its contractors and its collaborators are subject to the duty of care and duty of confidentiality regarding all the facts of which they become aware in the exercise of their functions and which are not intended for the public domain.
2. The duty of confidentiality remains after the cessation of their functions.

Article 11.
Duty to cooperate

1. The media and journalists shall work with the Press Council, inter alia, in obtaining information and documents, to the extent that this is necessary to fulfill its responsibilities.
2. Where requested, the court shall communicate to the Press Council the content of final judgments in respect to crimes committed by attacks on freedom of information, of crimes committed through the media, the right of response and civil responsibility provided for in Article 39 of the Media Law, without prejudice to the right to privacy of those involved.

Article 12.
Cooperative relationships with other entities

The Press Council can, within the framework of its powers, to establish cooperative relationships with other entities, public or private, domestic or foreign, when this is necessary for the proper performance of its duties, provided that does not involve the delegation or sharing their mandates.

Article 13.
Objectives of the activity of the Press Council

The Press Council has as its main objectives:

- a) Promoting freedom of expression and of the press;
- b) To promote the independence of the media from any influences of individuals, groups or political and economic interests;

c) Ensure that access to the journalistic profession is made in compliance with applicable legal requirements; and

d) To promote and ensure that journalism develops with professionalism, with respect to high ethical and quality standards.

Article 14.

Duties

The Press Council has the essential duties provided for in the Media Law.

CHAPTER II ORGANIZATION AND OPERATION

Section I

Press Council

Article 15.

Composition

The Press Council consists of five members, chosen according to the Media Law.

Article 16.

Eligibility, guarantees of independence and incompatibilities

1. Members of the Press Council can only be adult citizens who enjoy full legal capacity.
2. Members of the Press Council are chosen from among people of recognized capacity, integrity and independence, technical and professional competence.
3. There cannot be chosen as member of the Press Council someone who:
 - a) It is, or in the last two years has been, an office holder in a sovereign body, the organs of local government or community leadership;
 - b) Is, or the last two years has been, a political party official;
 - c) Is a public relations or press officer, communication or image;
 - d) Is a civil servant;
 - e) Is, or in the last two years has been, owner or member of the administration, management or direction of any organ of social communication.
4. The incompatibility provided for in paragraph e) above does not apply to members elected as representatives of the media.

Article 17.

Election of representatives of journalists and media

1. Representatives of journalists and the media are elected by free, direct, secret and personal voting under the law.
2. Are elected candidates who obtain the highest number of valid votes.
3. In the event of a tie there shall be a second round between the top candidates.
4. Can apply for and be elected as representatives of journalists, qualified journalists with professional credentials issued by the Press Council who are not incompatible with the profession of journalist under Article 17 of the Media Law and which have been proposed by at least 5% of the qualified journalists accredited by the Press Council.

5. Can apply for and be elected as representatives of media, owners or persons occupying management positions, management or direction of the media registered with the Press Council that have been proposed by at least 10% of the media registered with the Press Council in accordance with Article 28 of the Media Law.

6. They are entitled to vote for representative of journalists, all journalists accredited by the Press Council who are not incompatible with the profession of journalist under Article 17 of the Media Law.

7. They are entitled to vote for a representative of the media, the legal representatives of the media registered with the Press Council at the rate of one vote for each media organ.

8. The organization of the election of representatives of journalists and media lies with the Press Council, in terms of regulation.

9. As soon as the election results are calculated, the Press Council announces to the National Parliament the names of the representatives elected.

Article 18.

Publication and swearing in

1. The list of five members of the Press Council, indicating the elected President is published in the Official Gazette, at the request of the Parliament, within five days of the notification provided for in Article 23.4.

2. Members of the Press Council are sworn in by the President of Parliament within ten days of the publication provided for in the preceding paragraph.

Article 19.

Mandate

1. The duration and the possibility of reappointment of as Press Council member are defined in the Media Law.

2. Members of the Press Council cannot be harmed in the stability of their employment by the exercise of functions in the Press Council, and are entitled to exemption from the exercise of their professional duties for the exercise of the Press Council member functions, namely, for attending meetings.

3. Members of the Press Council have security of tenure and cannot cease to function before the term of office for which they were chosen, except as provided for in Article 20.

4. Members of the Press Council shall remain in office until the inauguration of new members or termination of service.

Article 20.

Termination of service

1. The mandate of a Press Council member shall cease:

a) By the expiry of the respective term, without prejudice to Article 19.4;

b) Death;

c) Resignation, by written statement submitted to the President of Parliament;

d) Physical or permanent mental disability preventing him/her from performing his duties, attested by the competent authority;

e) Supervening incompatibility;

f) Exemption approved by an absolute majority of the Members of Parliament, provided they are present at least three quarters of the effective Members, according to a justified proposal from the

Prime Minister in the event of a serious breach of legal obligations by the Press Council member, particularly relating to conflict of interest.

2. The decision referred to in paragraph f) above is preceded by hearing of interested parties, within a period not less than ten working days and it fits judicial review, under the law.
3. The termination of the mandate is to be published in the Official Gazette, at the request of the Parliament, and on the electronic site of the Press Council.
4. In case of vacancy, the replacement of the Press Council member occurs within ninety days after its verification, and the new member is chosen by the same way as the member to be replaced had been.
5. A replacement for the Press Council member does not imply a new timing, and their mandate ends on the date scheduled for the end of the replaced member's mandate.

Article 21. Powers

The powers of the Press Council are those contained in the Media Law.

Article 22. Meetings

1. The Press Council ordinarily meets every fortnight, and extraordinarily whenever the President convenes it, on his/her own initiative or at the request of two of its members.
2. Meetings of the Press Council are convened in writing, with the notice and the agenda are sent in advance to all members, not less than five business days before the meeting date.
3. The invitation shows the date, time and place of the meeting as well as, in the case of an extraordinary meeting, by whom it was requested.
4. The preceding paragraph does not apply to:
 - a) Periodic meetings with pre-determined date, time and location;
 - b) Meetings whose realization, date, time and location were decided at the previous meeting in the presence of all members of the Press Council.
5. In urgent cases, duly justified, the meeting can be called through other means, and the terms in paragraph 2 do not apply.
6. Meetings of the Press Council are chaired by its President.
7. Members may not be represented at meetings of the Press Council by another member.
8. The Executive Director may participate in meetings to present the documents, information or explanations which the Press Council considers necessary.
9. The Press Council may delegate to the Executive Director or another officer the advisory functions for meetings, being responsible, inter alia, to promote the notices, send agendas and draft minutes of the meetings.
10. The Press Council may decide to invite others to participate in the discussion of specific items on the agenda as far as is useful for the discussion in question.
11. People who attend the meeting of the Press Council under the preceding paragraph shall be subject to duties of care and confidentiality provided for in Article 10.
12. The participation of third parties pursuant to the preceding paragraphs is expressly mentioned in the agenda and minutes of the respective meeting.

13. Minutes of meetings are recorded, which must be signed by all members present, communicated to absent members and stored in its own files, together with the notice, agenda and respective documents.

14. Whenever members of the Press Council deemed it convenient they may issue a press release at the end of a meeting, published on its electronic site.

15. Members of the Press Council are entitled to an attendance fee for each meeting they attend, the value to be determined by a joint diploma from the Ministry of Finance and the Ministry responsible for the media area.

16. The order referred to above sets a limit to extraordinary meetings with the right to receive an attendance fee.

Section II President

Article 23. Election of the President

1. Up to five days after the election of representatives of journalists and the media or after the appointment of members by the National Parliament in accordance with Article 45.1(c) of the Media Law, the five members the Press Council meet to elect one of themselves as President.
2. The member who obtains the highest number of votes is considered elected as President.
3. In the event of a tie, there shall be a second vote between the leading candidates.
4. The election outcome will be communicated to the National Parliament within five days of the election.
5. In case of vacancy of the office of President, the most senior member of the Press Council will assume that position on an interim basis until the election of the new President.
6. The election of the new President takes place in accordance with paragraphs 2 and 3 until five days after the announcement of the new member of the Press Council chosen in accordance with Article 20.4.

Article 24. Powers of President

1. The President of the Press Council may:
 - a) Convene and chair the meetings of the Press Council;
 - b) Coordinate the activities of the Press Council and ensure compliance with its resolutions;
 - c) Direct the activity of the Executive Director, ensuring the proper management of services and financial resources of the Press Council;
 - d) Distribute the areas of intervention preferred by the various members of the Press Council;
 - e) Ensure relations of the Press Council with other entities;
 - f) Represent the Press Council, in particular, in official acts, in relations with the authorities and the courts.
2. The President of the Press Council is replaced in his/her absence by a member appointed by him/her or, failing any indication, by the most senior member of the Press Council.

Section III Human Resources

Article 25. Staffing

1. The Press Council has a personnel framework of administrative, financial and technical support, including legal, whose roles are defined according to their specific needs and activities, as far as its budget provision, and established in its own regulations.
2. They can integrate into the personnel framework of the Public Press Council, staff to provide functions of administrative and financial support, and apply to them the civil service salary system with an increase of 25%.

Article 26. Executive director

1. The Executive Director is responsible for the direction of services and the administrative and financial management of the Press Council.
2. Without prejudice to the intervention areas to be defined by regulation of the Press Council, it is the Executive Director's role to:
 - a) Prepare for approval by the Press Council and, after approval, implement the annual plan of activities and budget of the Press Council;
 - b) Prepare and submit to the Press Council monthly reports on the activity of the Press Council;
 - c) Prepare the annual report provided for in Article 49 of the Media Law for approval by the Press Council;
 - d) Maintain an organized and accessible register of documents referred to above.
3. The Executive Director is appointed for a term of two years, renewable, and is dismissed by the Board of Press, remaining in office until his/her effective replacement.

Article 27. Arrangements

1. The legal regime applicable to human resources of the Press Council is, depending on the nature of the respective legal relationship, the legal regime of the labor contract or the civil service.
2. The recruitment process is preceded by public announcement and is made according to objective selection criteria.
3. The process of recruitment, careers, conditions and labor discipline of human resources of the Press Council are established by regulation.

Article 28. Incompatibilities

1. The staff of the Press Council cannot hold any other office or activity, paid or not, outside the Press Council.
2. Excluded from the preceding paragraph:
 - a) The positions or activities to which the employee was appointed by the Press Council;
 - b) The positions or activities with educational or civic purposes, provided they do not conflict with the service of the Press Council and have been authorized by it.

3. In any case, the staff of the Press Council cannot provide work or services, whether paid or unpaid, to journalists or media subject to the supervision of the Press Council or to organizations of journalists.

Section IV Single Auditor

Article 29. Single Auditor

1. The Single Auditor is responsible for control of budget execution and proper management of the Press Council with these functions:

- a) Monitor and control the financial and asset management of the Press Council;
- b) Periodically supervise the records, books and accounting records of the Press Council;
- c) Verify the legality of financial acts and their compliance with this law and other rules applicable to the Press Council;
- d) Prepare regular reports on budget execution and the sound management of the Press Council;
- e) Issue recommendations on internal control procedures and monitoring of the acts with financial or asset impact;
- f) Draw up an annual report on budget execution and the sound management of the Press Council;
- g) Give its opinion prior to the acquisition, encumbrance, lease or transfer of real estate or movable property subject to registration;
- h) Issue opinions at the request of the Press Council or the Executive Director on any matter within the scope of his/her duties;
- i) Participate with competent authorities who detect irregularities in the administrative and budgetary management of the Press Council.

2. The Auditor must be a chartered accountant or an accountant and can be nominated by way of provision of services.

3. The Auditor is appointed by joint order of the Ministry of Finance and the Ministry responsible for the media, for a period of two years, renewable once for the same period, remaining in office until their effective replacement or exemption.

4. The Auditor may be exempted on the grounds of serious breach of his official duties or gross negligence.

Section V Consultants

Article 30. Consultants

1. Notwithstanding the provisions of paragraph 4, the Press Council can hire consultants to undertake studies or technical advice on specific matters within their competence, provided that:

- a) The respective budget provision is assured;
- b) There is a need for a study or concrete technical advice that cannot be satisfactorily prepared by workers of the Press Council, in particular, because they lack the technical expertise to do so.

2. Hiring consultants is made by way of provision of services.

3. The studies and technical reports prepared by consultants pursuant to the preceding paragraphs shall not be binding on the Press Council, unless ratification expressed the same.

4. There can be hired consultants who provide, or the last two years have provided, work or services, whether paid or unpaid, reporters or media subject to the supervision of the Press Council or organizations of journalists.

CHAPTER III ON FINANCIAL AND ASSET MANAGEMENT

Article 31 Conditions of Employment

1. The financial management of the Press Council is governed by the legal regime on budget and financial management, the legal procurement regime, the legal framework of public contracts.

2. The Press Council is subject to the external control system.

Article 32. Budget

1. The Press Council sends its budget to the Ministry responsible for the media area to be integrated in the proposed state budget.

2. The Press Council maintains books of accounts and other records in relation to its functions or activities.

3. The provision of the Press Council accounts is made in accordance with the legal framework on budget and financial management.

Article 33. Assets

The assets of the Press Council consists of the universality of the assets, rights and guarantees received or acquired in the performance of their duties as well as those granted to it by law.

Article 34. Receipts

1. The receipts of the Press Council include:

a) Funds from the state budget;

b) Fees, contributions or taxes charged for the exercise of legally established regulatory activity;

c) The fees provided by law for services rendered by the Press Council, in particular, for the registration of agencies and media and for granting and renewing the accreditation of professional journalist;

d) All or part of the proceeds from applying fines for violation of the provisions of the Media Law, pursuant to Article 40.4 of this law;

e) Donations, bequests, legacies, grants or other forms of financial support that do not jeopardize the independence of the Press Council;

f) Proceeds from the sale of its own goods.

2. The Press Council cannot receive revenue which is not provided for in the law.

3. The Press Council regularly publishes on its website information about receiving income not provided by the state budget.

**Article 35.
Expenditure**

Expenses of the Press Council include those performed in the exercise of its powers, with respect to the ongoing costs of its activity and the acquisition of fixed assets.

**Chapter IV
Procedures**

**Section I
General provisions**

**Article 36.
Guarantees**

The procedures of the Press Council respect the principle of hearing the interested parties, the right of reply, the reasoning and other general principles of Administrative Procedure.

**Article 37.
Decisions**

1. Decisions are passed by a simple majority of the members present, requiring up, in any case, the affirmative vote of three members.
2. Each member shall have one vote.
3. The Press Council can only decide when at least three of its members are present.
4. The following decisions require the presence of all members:
 - a) Approval of codes and regulations provided for in the Media Law;
 - b) The approval of regulations on the organization and functioning of the Press Council;
 - c) The approval of regulations on the rules applicable to the final examination after internship;
 - d) The appointment of Executive Director, hiring employees and consultants;
 - e) Approval of the annual plan of activities, the budget and the annual report provided for in Article 49 of the Media Law.
5. Explanations of vote can be expressed and entered in the minutes.

**Article 38.
Conflict of interest**

1. If a member has a conflict of interest in relation to a matter subject to the Press Council, that diminishes or can be presumed to reduce his/her impartiality, he/she is obliged to inform the other members and refrain from attending and the respective deliberation.
2. Violation of the preceding paragraph is cause for decision of invalidity under the Administrative Procedure.

**Article 39
Criminal offenses**

Where, in the performance of their duties, the Press Council becomes aware of the practice of criminal offenses, it is required to pass on these facts to the competent authorities.

Section II Common regulation procedure

Article 40 Directives and recommendations

1. Officially or upon request of an interested party, the Press Council can, within its powers, resolve to adopt the following decisions to encourage good practice standards in the media industry:
 - a) General policies;
 - b) Concrete recommendations.
2. Policies and recommendations have no binding character, but must be published pursuant to Article 43.

Article 41 Initial Application

1. The application provided for in the previous item 1 is submitted in writing or in person to the Press Council, which is made in writing and signed by the applicant, and contains at least the following elements:
 - a) Identification of the applicant, including full name, civil registry number and contact details;
 - b) Clear identification of the matter or conduct that is the object of the policy or recommendation;
 - c) If applicable, identification of the journalist or media organization in question, the publication or broadcast identification and, where possible, a copy of it.
2. When it is established that there are facts which must be examined under another procedure, the common procedure is automatically converted to the applicable procedure.

Article 42. Subsequent Terms

1. During the instruction of the procedure, the Press Council can request additional information from the applicant and hold hearings with the media or targeted journalists.
2. Prior to the adoption of a policy, the Press Council announces the respective project in its electronic site and sets a deadline for not less than thirty days to send written comments and suggestions.
3. Prior to the adoption of a recommendation, the Press Council notifies the media or individual journalists who may be affected by the recommendation and grants them a period, not less than fifteen days to comment in writing.
4. In its decision, the Press Council takes into account all comments, suggestions and observations made under the preceding paragraphs, with the defending recommendations specifically address the observations made under paragraph 3.
5. The resolution shall be adopted by 120 days after the deadlines provided for in paragraphs 3 and 4 and no later than 180 days after the application provided for in Article 41, except for duly justified cases and special complexity.
6. When the procedure is initiated at the request of an interested party and the Press Council acts towards non-adoption of a directive or recommendation, the procedure is filed and the applicant, the media and the targeted journalists notified of the decision.

Article 43. Publicity

1. Policies are published in the Official Gazette and widely publicized at the request of the Press Council, namely:
 - a) For all the public media;
 - b) For the knowledge of all media and all journalist organizations with a request for wide dissemination among their employees;
 - c) By other means deemed appropriate to the situation.
2. The recommendations are transmitted to interested parties and must be freely disclosed in the media to which they relate, observing the following requirements:
 - a) Identification expressed that it is a recommendation of the Press Council;
 - b) Disclosure in place or time to ensure the necessary visibility, notwithstanding concrete indications of the Press Council on this aspect in the respective resolution;
 - c) Disclosure within 48 hours or in the first edition finalized after its notification.
3. In duly justified cases, the Press Council can request disclosure of recommendations under paragraph 1.
4. Policies and recommendations are published in the electronic site of the Press Council.

Section III Mediation procedure

Article 44. Scope

1. The mediation procedure applies to disputes resulting from the practice of journalism in the relationship between citizens, organizations, state organs and the media in susceptible behavior a result of violation of the Media Law, the Journalists Code of Ethics, or other legal standards in the area of social communication whose supervision is the responsibility of the Press Council.
2. Application of the mediation procedure depends on agreement of all parties.
3. The mediation procedure is not intended for resolution of the dispute, seeking rather to promote the negotiation of an agreement, and consists of:
 - a) Consultation with the parties, together or separately, to facilitate communication between them;
 - b) Advice to the parties to improve understanding of their respective perspectives, objectives, constraints and relevant facts;
 - c) Guidance in the negotiation process and search for a mutually acceptable solution to the dispute; and
 - d) If comprehensive settlement of the dispute is not possible in the context of mediation, in clarifying the issues that can be resolved in this area.
4. The application of mediation procedure is without prejudice to the possibility of the parties resorting to arbitration or the courts, in general terms.

Article 45. Mediation

1. The President indicates a member of the Press Council, which is accompanied, at least, by contacting the Press Council legally qualified to conduct the mediation.
2. The date, time and place of any mediation meetings are scheduled in consultation with the parties.
3. In case of a successful mediation, the settlement terms are in writing and signed by the applicant and by the defendant, terminating the process.
4. The result of the agreement referred to in the preceding paragraph is published in the electronic site of the Press Council.
5. If mediation fails, the Press Council closes the procedure or converts it automatically to the common procedure.

Section IV Administrative Offense Procedure

Article 46. Offenses

The sanctions procedure for violation of the provisions of the Media Law is regulated by specific legislation, in accordance with Article 40 of the Media Law.

Section V Regulatory procedure

Article 47. Regulations

1. Regulations of the Press Council must observe the principles of legality, necessity, clarity, participation and publicity.
2. Prior to the adoption or amendment of any regulation, the Press Council announces the respective project, provides a copy to those concerned, and publishes it in its electronic site.
3. The parties have a period of thirty days to send comments and provide input on the project referred to in the preceding paragraph.
4. The preamble to the regulations explains the basis for the decisions, with necessary reference to the comments and suggestions that have been made to the project.
5. The consultation process described in the preceding paragraphs shall not apply to regulations to regulate solely the organization and inner workings of the Press Council.
6. Regulations of the Press Council containing external efficacy standards are published in the Official Gazette, in the electronic site of the Press Council and widely publicized at the request of the Press Council, namely:
 - a) To all public media;
 - b) To knowledge of all media and all journalists organizations with a request for wide dissemination among their employees;
 - c) By other means deemed appropriate to the situation.

Section VI
Access Procedures to the profession of journalism

Article 48
Professional Internship

The internship follows the rules of Media Law.

Article 49
Final exam after internship

The rules for the final internship examination provided for in Article 16.6 of the Media Law are approved by a regulation of the Press Council.

Article 50
Professional Credentials

The issuance of professional credentials are is regulated by Decree-Law, in accordance with Article 13.2 of the Media Law.

Section VII
Disciplinary procedure

Article 51
Disciplinary power

The exercise of disciplinary power over journalists is governed by regulation of the Press Council in accordance with Article 44(c) of the Media Law.

Section VIII
Registration of agencies and media

Article 52.
Register

The elements to be included in the register provided for in Article 28 and Article 44(e) of the Media Law and the appropriate procedure will be set out in Press Council regulation.

Section IX
Opinions and reports

Article 53
Opinions and reports

Subject to applicable law, the provision of advice and reports follows the provisions of Articles 36 to 39.