

OECD Services Trade Restrictiveness Index (STRI)

PORTUGAL – 2020

Key findings

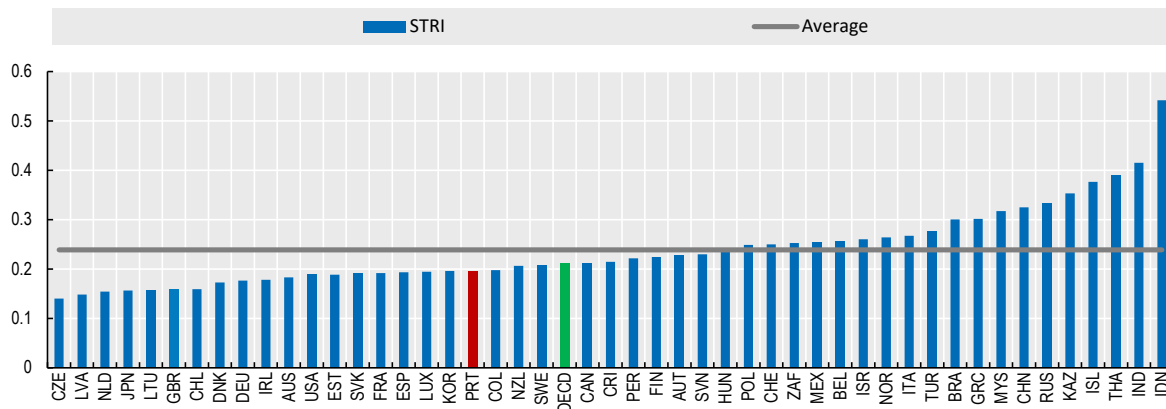
- The 2020 STRI of Portugal is below the OECD average and relatively low compared to other countries for which the indicator is available. It is unchanged compared to 2019.
- The rules for the screening of foreign investments are relatively restrictive in several sectors.
- Courier services are the least restricted services sector in Portugal compared to Europe and the other best performers elsewhere while engineering services are the most restricted.

Recommendation

- Innovation and adoption of technology relies on access to knowledge and to the networks, people, goods and services that carry the knowledge around the world. In this context, Portugal could benefit from more open markets for services trade.

The 2020 STRI of Portugal is below the OECD average and relatively low compared to other countries in the STRI sample (Figure 1). It was stable compared to 2019.

Figure 1. Average STRI across countries, 2020



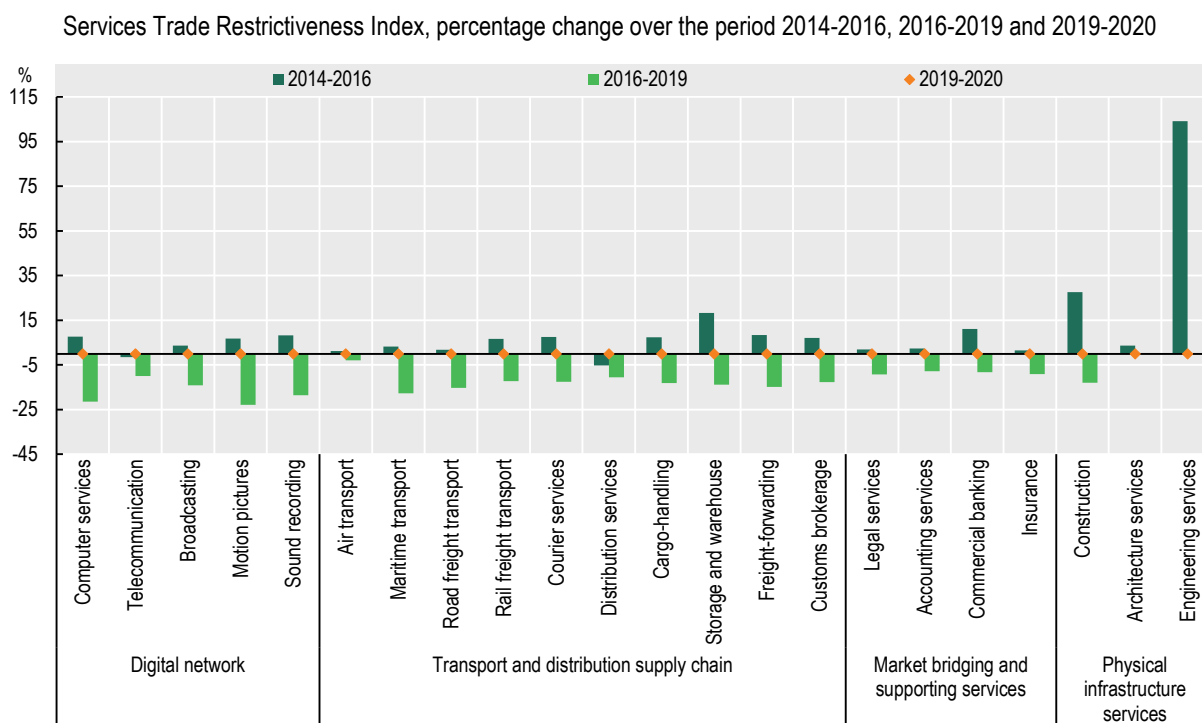
Note: The STRI indices take values between zero and one, one being the most restrictive. The STRI database records measures on a Most Favoured Nations basis. Air transport and road freight cover only commercial establishment (with accompanying movement of people). The indices are based on laws and regulations in force on 31 October 2020. The STRI regulatory database covers the 37 OECD countries, Brazil, China, Costa Rica, India, Indonesia, Kazakhstan, Malaysia, Peru, Russia, South Africa, and Thailand.

Source: OECD STRI and TiVA databases (2020).

The conditions for services trade in all sectors are affected by rules applying to workers seeking to provide services in the country on a temporary basis as contractual services suppliers or independent services suppliers. Foreigners entering Portugal as service suppliers in these two categories can stay in the country for up to twelve months on their first entry permit. In addition, labour market tests are applied to intra-corporate transferees; they can obtain visas for 36 months. The standards for cross-border transfers of personal data are set at the EU level. Transfers to non-EEA economies can take place when these ensure an adequate level of data protection or, in the absence of this, appropriate safeguards (e.g. binding corporate rules or standard data protection clauses) are in place. Rights under the Public Contracts Code are limited to partners in regional trade agreements and members of the WTO's Government Procurement Agreement.

While the STRI of Portugal increased significantly in engineering services between 2014 and 2016 due to a tightening of the rules concerning the licence to practice, steps towards greater openness to services trade were recorded in several other sectors in recent years. Since 2016, regulations have become less stringent in many sectors, such as telecommunications and motion pictures services (Figure 2).

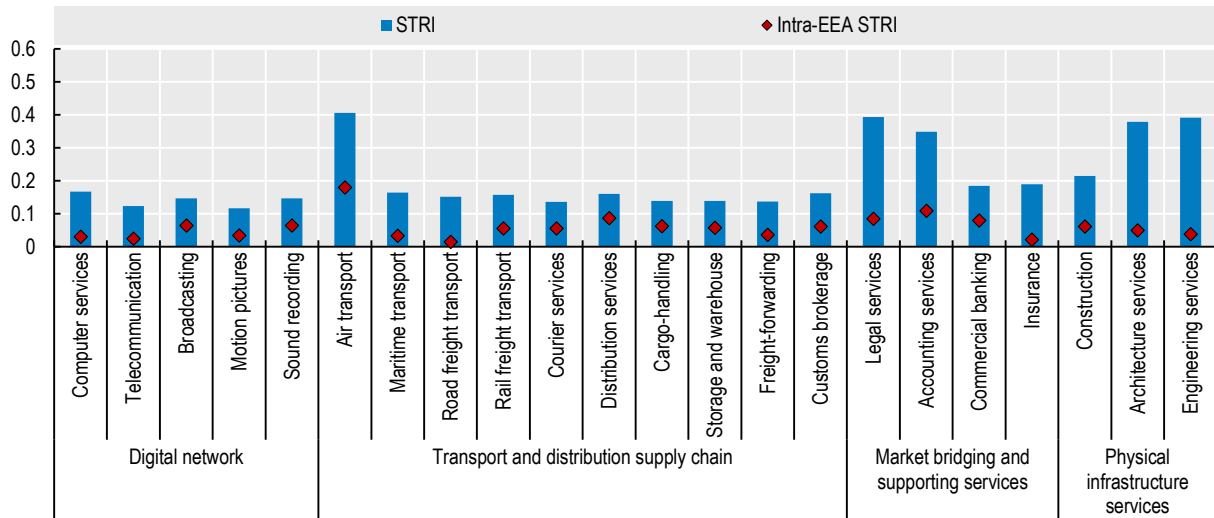
Figure 2. Evolution of STRI scores by sector in Portugal



Source: OECD STRI database (2020).

Services trade barriers are significantly lower within the European Economic Area across all services sectors (Figure 2b). Portugal maintains an open market for services suppliers from other EU Member States.

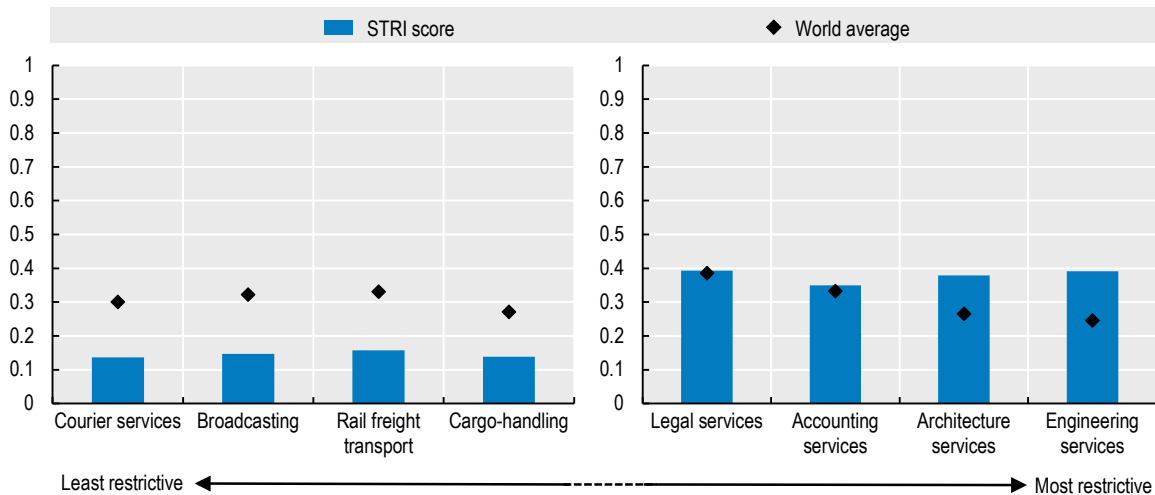
Figure 2b. Regulatory barriers affecting services trade within the European Economic Area (EEA)



Note: The traditional STRI indicates the level of restrictiveness on Most-Favoured Nation basis towards third countries, and the intra-EEA STRI indicates the level of restrictiveness towards EEA members. Intra-EEA STRI covers 24 countries (Austria, Belgium, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Iceland, Italy, Latvia, Lithuania, Luxembourg, Netherlands, Norway, Poland, Portugal, Slovak Republic, Slovenia, Spain, Sweden).
Source: OECD STRI database (2020).

Courier services, broadcasting, rail freight transport and logistics cargo-handling are the sectors with the lowest score relative to the average STRI across all countries (Figure 3). Legal services, accounting services, architecture services and engineering services are the sectors with the highest score relative to the average STRI across all countries.

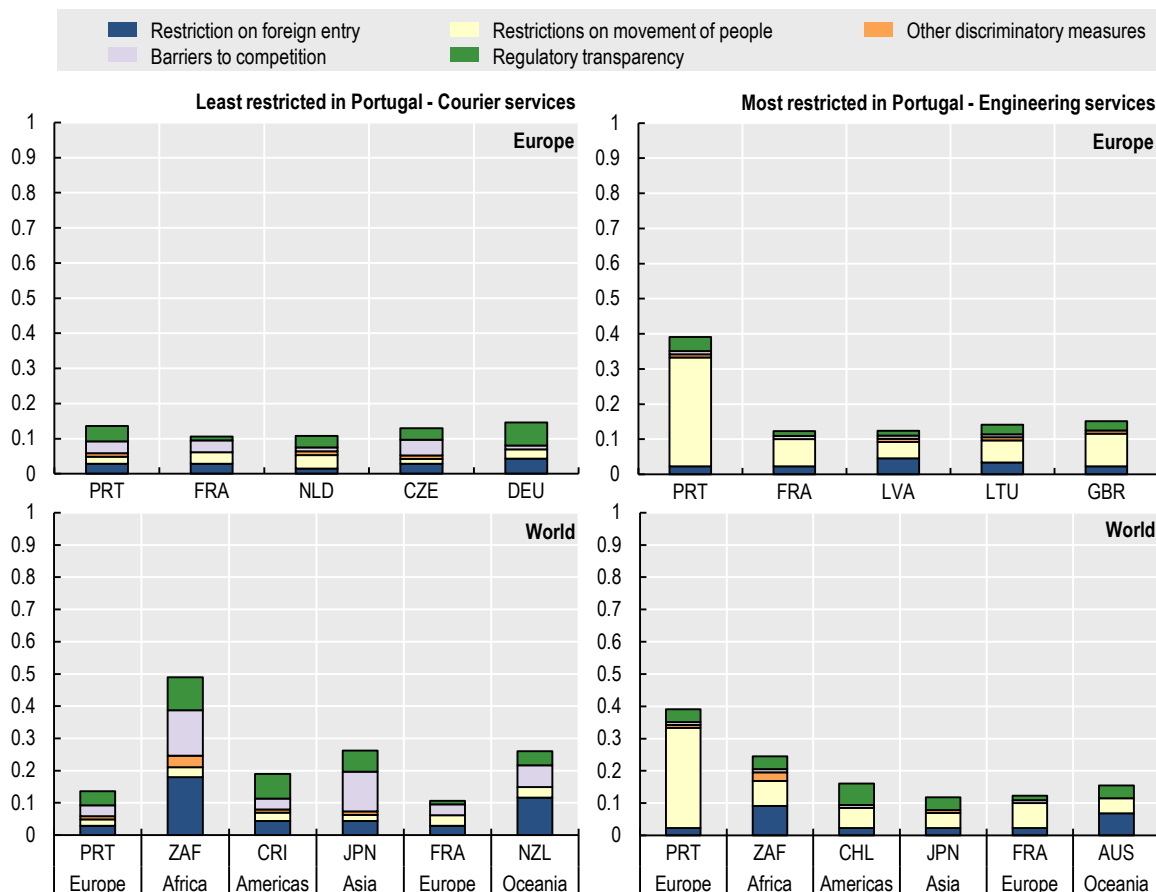
Figure 3. Sectoral breakdown – The least and most restricted sectors in Portugal



Note: Selection was made based on how far the sectors' score were from the world average score, as a percentage difference
i.e. $(STR I_{country, sector} - STR I_{world\ average, sector}) / STR I_{world\ average, sector}$
Source: OECD STRI database (2020).

Courier services are the least restricted services sector in Portugal compared to Europe and the other best performers elsewhere while engineering services are the most restricted (Figure 4).

Figure 4. Portugal compared to Europe and World's best performers

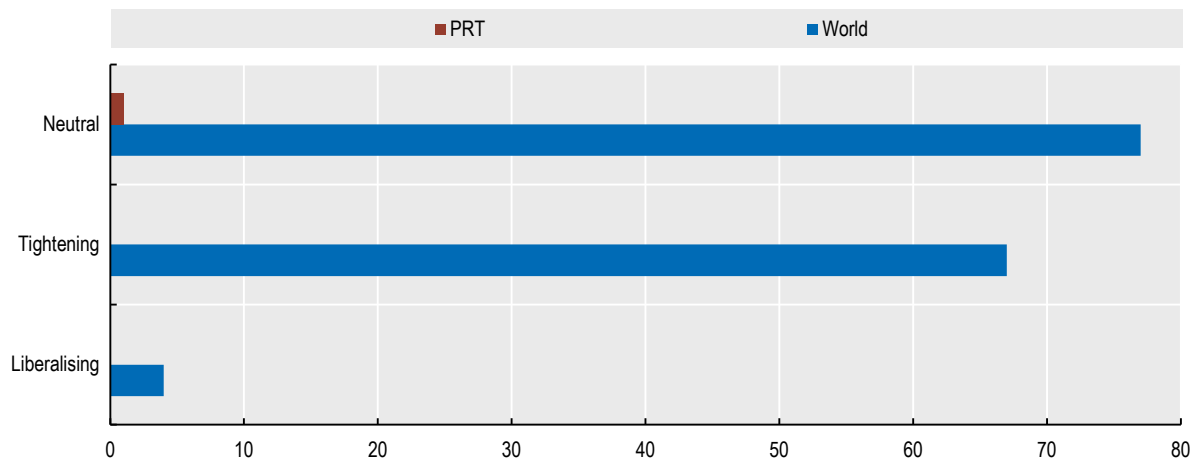


Source: OECD STRI database (2020).

Special focus: Impact of COVID-19-related measures on the stringency of services regulations

While Portugal has adopted several measures in response to the COVID-19 crisis, these were either temporary in nature or not directly relevant for the measures considered in the STRI database. This includes the extension of partial exemption of certain anti-competitive agreements from competition law in the maritime transport sector, following a 2020 EU regulation. Many countries have tightened their regulatory framework following the COVID-19 shock, by tightening their investment screening process or their visas requirements (Figure 5).

Figure 5. COVID-19 related measures in Portugal and in the world



Source: OECD STRI database (2020).

Key reforms

Recent changes affecting Portugal were due to changes in EU law. Regulation 2019/452 allows EU Member States to maintain, amend or adopt mechanisms to screen foreign direct investments in their territory on grounds of security or public order. It applies from 11 October 2020. In the context of the COVID-19 pandemic, Regulation 2020/459 waived the 80/20 grandfathering rule for airport slot allocations between 1 March 2020 and 27 March 2021. Accordingly, airport coordinators are required to consider slots allocated for this period as having been operated by the air carrier to which they were initially allocated. In maritime transport, Regulation 2020/436 extended the existing block exemption to liner shipping consortia from competition law until April 2024.

In March 2019, EU-wide requirements on accounting separation entered into force for port authorities in receipt of public funds. In October 2018, a new law was introduced to strengthen the protection on trade secrets. The new EU General Data Protection Regulation (Regulation 2016/679) entered into force on 25 May 2018 providing a comprehensive update on the EU data protection regime.

More information

- » Access all country and sector notes, and interactive STRI tools on the OECD website at <http://oe.cd/stri>
- » Read more about services trade policies and their impact in [Services Trade Policies and the Global Economy](#)
- » Contact the OECD Trade and Agriculture Directorate with your questions at stri.contact@oecd.org