

Municipal Regulation for Allotment of Plots Designed for the Installation of Economic Activities, issued by Notice 8063/2008 of March 14th, as amended by the Regulation 492/2011 of August 17th, by the Notice 11085/2013 of September 5th and by the Notice 5854/2015 of May 28th.

Preamble

Considering that, according to the provisions of article 13, paragraph 1, point n) of Law 159/99 of September 14th, the municipalities have attributions in the field of promoting development,

Considering that, in order to conduct these tasks, municipal authorities are given powers to support, recruit and set up businesses, employment and investment in their respective municipalities, Under Article 28 paragraph 1, point o) of the above-mentioned law and Article 64, paragraph 2, point L) and point 7, point a), b) and d), Law 169/99 of September 18th.

Considering the need to encourage business investment in the municipality of Évora, namely all that is relevant to sustainable development, contributing to the diversification of the business fabric and the economic base, as well as the urgency to create new jobs based on innovation, qualification, technology and the creation of a good business environment to attract the best investors and the best projects, it is intended with this regulation to define concrete measures to host, support and encourage business activity, in accordance with the development strategy defined for the municipality of Évora.

The Regulation is drafted and approved under the provisions of nº7 of Article 112 and 241 of the Portuguese Constitution, and the requirements established in subparagraph a) of paragraph 7 of Article 64 of the Law 169/99 from September 18th.

Under the terms of article 118 of the Administrative Procedure Code, this project was submitted for public consultation for a period of 30 days, as published in Diário da República, 2nd series no. 231 of November 30th, 2007.

Article 1

Subject Matter

The present Regulation lays down the rules for access and allocation of plots from Évora Town Hall, nestled in industrial and / or economic activities areas, in accordance with the municipal planning instruments of regional planning.

Article 2

Scope of Application

This Regulation encompasses all private and public business initiatives, aimed at installation or relocation in the Municipality of Évora and which will be subordinated to this regulation

Article 3

General Conditions of Access

Only those business projects whose promoters meet the following conditions may apply for the allocation of plots:

- a) Companies or other forms of economic organization legally constituted and inducing economic development;
- b) With regularized situation as regard to social security contributions in Portugal, or in the State of which they are nationals, or in which the company's principal place of business is situated;
- c) With regularized situation as regards tax debts to the Portuguese State or to the State of which they are nationals or in which the principal place of business of the company is situated;
- d) With regularized situation in what concerns debts by taxes or of any other nature to the Municipality of Évora;
- e) That are not in a state of bankruptcy, liquidation or cessation of activity, or have their case pending;
- f) That fulfil the legal conditions, necessary for the exercise of their activities, particularly with regard to licensing.

Article 4

Types of Assignment

1. Municipal Plots are granted in full ownership to private or public entities.
2. The Plots will be assigned, as they are at the moment they are allocated, and it is the responsibility of the purchasers to conduct the necessary works for the development and installation of the previously approved and licensed business project.
3. The Plots will have access to basic infrastructure, which will be available with the following constraints:
 - a. The connection and supply of electricity must be negotiated, contracted, to the respective supplier, the cost of the extension being the responsibility of the purchaser - from the branch of distribution to the door of the plot as well as the power charges, as long as requested to the respective supplier, a higher power level than that provided for the planned plot and in case the supplier can not supply B. T., it is the buyer's responsibility to set up a PT (transformer substation) and a second category project.
 - b. The connection and supply of water shall be negotiated, contracted and paid by the acquirer to the Câmara Municipal (City Council) or to another entity existing or to be created, for the management of this resource;
 - c. The sewage connection must be negotiated and contracted to the Câmara Municipal (City Council) by the acquirer, without prejudice of the treatment solutions, which are the responsibility of the acquirer of the plot, arising from the specificity of the project to be implemented;

- d. The connection to the telecommunications network shall be negotiated, contracted and paid by the acquirer;
- e. The alteration, correction, or execution of new extensions of water supply, sewage, telephones and electric power will be the responsibility of the acquirer of the plot.
4. The work required for the connections or the supply to each plot, above mentioned, will be the responsibility of the acquirer of the plot;
5. According to the type of effluent and whenever such is expressed in the approval, the acquirer must comply with what is determined therein and conduct at his expense the appropriate treatment before the discharge into his terminal box.

Article 5

Application Process, Assignment, Selection, Evaluation and Exclusion

1. The application of a public or private entity, for the attribution of a plot to develop a business project, is done by the applicant, in proper form, provided by the Câmara Municipal de Évora, without prejudice of the inclusion of any other documents that the Câmara Municipal de Évora deems appropriate.
2. The allocation of plots is promoted by the Câmara Municipal de Évora, in the following ways:
 - a) Direct agreement when intended for:
 - i) Private entities for industrial installation, equipment and industry support services, workshops, warehouses and tertiary activities;
 - ii) Public or private non-profit entities, for the installation of services in support of economic activities or for the development of their own activity;
 - iii) Public and private entities for extension and / or expansion of their premises provided there are plots contiguous to those already occupied by them.
 - b) Public auction, when intended for:
 - i) Private entities for the installation of industry, equipment and services to support industry, workshops, warehouses and tertiary activities.
 - ii) This modality will only be applied by decision of the Câmara Municipal de Évora, and in any case for a percentage of the number of plots available, to be defined by the Câmara Municipal de Évora, within a year, aimed at boosting the local business sector and at the same time to diversify the supply.
 - iii) When auctioning takes place, the acquirer after the construction and licensing process regarding use is completed, is free to sell, lease or decide on another form of concession to occupy the plot.
3. The act of assignment is understood as:
 - a) The auction sale in the case of public auction;
 - b) Signing of a purchase and sale agreement, in case of direct agreement
- 4 Applications of business projects submitted and meeting the general conditions of access, and that fall within the object and scope of this Regulation will be selected and prioritized according to the criteria defined below, in order of decreasing importance:

- a) Business initiatives already existing in the Municipality that wish to be relocated, provided that in the present location, the activity is disruptive to the quality of life in the area, and does not meet requirements for licensing, or as long as the relocation is clearly of municipal interest;
- b) Business initiatives that want to expand and or extend;
- c) With its registered place of business located in the Municipality of Évora;
- d) Activities that promote new technologies and clean industries, at its upstream or downstream;
- e) Activities that contribute to the diversification of the local economic base;
- f) Number of qualified jobs to be created;
- g) Number of jobs to be created

Article 6

Expansion or Extension of Activity

1. Business initiatives that are intended to expand and / or extend are feasible provided that there are plots contiguous to those initially acquired.
2. Exceptionally, non-contiguous plots may be attributed for expansion and / or enlargement, by means of substantiation and deliberation of the Câmara Municipal de Évora.

Article 7

Use of Plots

1. The use of plots to be assigned is defined in municipal allotment and or other urban planning instrument in force.
2. Exceptionally, the use of the plot may be changed, provided that the legal and regulatory framework in force is respected, based on technical and documentary reasoning and subject to the decision taken at a Public Hearing of the Town Hall.
3. The possible authorization is still subject to conjunction with the provisions of Article 16 (Alienation / Assignment of Plots.)

Article 8

Price

1. The Câmara Municipal de Évora will set in Municipal Regulation of Taxes, Tariffs and Prices, the sale price by square meter of plots to be allocated by direct agreement and the bidding base value of the plots to be attributed by public auction, for the various sectors of activity
2. The selling price of the plots allocated by public auction is one that results from the biddings of the interested parties.

Article 9

Grants and Incentives

1. Grants and incentives are granted only to plots allocated by direct agreement.
2. Grants and incentives take the form of a subsidy, on the lot assignment price, tax benefit and tax exemption, in accordance with the following matrix:
 - a) Location of registered place of business in the Municipality of Évora - subsidy 35%;
 - b) Diversification of the local economic base: - Alternative energies, aeronautical industry, automobile industry, electronic components industry, information technology industry, agri - food industry and others which, due to economic dynamism and technological innovation, can be identified as such - subsidy 25%;
 - c) Number of net jobs to be created, if greater than 5 (five), measured at the end of the first year of activity - 10% subsidy, to be awarded after proof, upon request of the interested party;
 - d) Number of net jobs to be created, if greater than 50 (fifty), measured at the end of the first year of activity - 12% subsidy to be awarded after proof, upon request of the interested party;
 - e) Number of net jobs to be created, if greater than 100 (one hundred), measured at the end of the first year of activity - 15% subsidy to be awarded after proof, upon request of the interested party;
 - f) Subsidy in the form of a tax benefit on 100% (one hundred percent) in the first year, and 50% (fifty percent) in the following two years of activity, upon the request of the interested party;
 - g) Subsidy for tax exemption for STP between 500 and 1000 square meters in 10%;
 - h) Subsidy for tax exemption for STP between 1001 and 5000 square meters in 12%;
 - i) Subsidy for tax exemption for STP exceeding 5000 square meters in 15%;
- 3) Projects that the Municipality, in a Public Hearing of the Town Hall, classifies as Potential Municipal Interest, upon prior approval of a set of norms that fall within this classification, obtain an absolute bonus of 90% (ninety percent) of the price of the plot, defined in the Regulation of Taxes, Tariffs and Prices and exemption in 90% (ninety percent) of construction taxes, provided that, the company has its registered place of business in the Municipality of Évora.
- 4) The business projects in the industrial sector benefit cumulatively from the support in point 2, subject to the following constraints:
 - a) Guarantee of maintenance of the registered place of business and economic activity, in the municipality of Évora, for a period of 5 years, to benefit up to 50% of the accumulated benefits;
 - b) Guarantee of maintenance of registered place of business and economic activity in the municipality of Évora, for a period of more than 5 years to benefit 75% or more of the accumulated benefits;
 - c) Failure to comply with the provisions contained in paragraph 4 (a) and (b) shall result in the return to the Municipality of Évora of all support and incentives, updated to the inflation rate, with the base year being the year of allocation.

- 5) The remaining business projects: — All with the exception of the industrial sector, benefit only the support and incentives provided for in paragraph 2 (a), c), (d)), and), and the benefits over the price cumulatively may not exceed 40% (forty percent) subject to the following conditions
 - a) Guarantee the maintenance of the registered place of business and economic activity in the municipality of Évora for a period of 5 years;
 - b) Failure to comply with the provisions contained in paragraph 5 implies shall result in the return to Camara Municipal de Évora of all support and incentives, updated to the inflation rate, with the base year being the year of allocation.

- 6) The business projects, to be developed in industrial zones / economic activities, of rural parishes of the Municipality:
 - a) If promoted, by residents or companies with registered place of business in the respective rural parishes, are not covered by the matrix defined in point 2 and benefit directly and automatically from a support/encouragement, of 90% (ninety percent) under the sale price of the lands defined in the Regulations of Taxes, Tariffs and Prices.
 - b) If not promoted by residents or companies with their registered place of business in their respective rural parishes, they are not covered by the matrix defined in point 2, and receive a direct and automatic support / incentive of 75% (seventy-five percent) under the sale price of the lands defined in the Regulation of Taxes, Tariffs and Prices.
- 7) Exceptions to the scope of the support and incentives matrix defined in this article are the plots allocated in accordance with article 5, paragraph 2, point a), point ii), and the Câmara Municipal de Évora, may define another price that may be decided on a case-by-case basis with those entities.

Article 10

Payment Terms

1. The payment terms, for plots allotted on the basis of the current regulation, will be:
 - a) For the plots. allotted by public auction, the buyer pays 50% (fifty percent) of the amount at the time of the auction, and the remaining 50% (fifty percent) of the value, at the time of the execution of a sale and purchase agreement;
 - b) For the plots allotted by direct agreement, 50% (fifty percent) of the value will be paid at the time of the assignment and 50% (fifty percent) of the value upon the conclusion of a purchase and sale agreement;
 - c) For plots allotted to public entities and non-profit private entities, the Câmara Municipal de Évora, may define and accept other terms of payment, to be agreed with those entities on a case-by-case basis;
 - d) For plots allotted to, expansion and / or extension, the purchaser will pay 30% (thirty percent) of the price, at the time of the assignment, 20% (twenty percent)

one year after the assignment, and the remaining 50% (fifty percent) in a single time, within 5 (five) years from the award date;

- j) The remaining 50% (fifty percent), defined in d), will be updated according to the annual inflation rate, published by Instituto Nacional de Estatística (National Statistical Institute), based on the year of attribution.

Article 11

Guarantee and financing

1. The Câmara Municipal de Évora may authorize the mortgage of the plot, to guarantee the loan that the acquirer will contract with financial entities, for construction in the lot.
2. As an alternative to the financing solution, established in the previous number, the Câmara Municipal de Évora may also, at the request of the acquirer, authorize the contracting of real estate leasing, keeping both the acquirer and the financial entity, subject to compliance with all the obligations and conditions resulting from the application of the rules of this regulation, which remain in force, notwithstanding that contract.
3. The application for authorization must be duly substantiated and instructed with the draft of the respective contract that will have to be approved by the Câmara Municipal de Évora.

Article 12

Sale and purchase agreement

1. The preliminary sales contract, when applicable, should be concluded within 60 (sixty) days, counting from the date of the award decision.
2. The purchase and sale agreement will be held within a maximum period of fifteen (15) months from the date of attribution, subject to the following conditions:
 - a) The purchase and sale agreement can only be held, after approval of the project by the Câmara Municipal de Évora and other entities that intervene in the process;
 - b) If the provisions of the preceding paragraph exceed the period of 15 (fifteen) months, the building permit will only be issued after the completion of the purchase and sale agreement, and provided that the responsibility for the delay cannot be attributed to the purchaser;
 - c) Upon the request of the purchaser and after considering the reason for non-compliance with the deadline referred to in this article, the Câmara Municipal de Évora, may extend it, for a further six (6) months;
 - d) Whenever the situation referred to in the preceding paragraph is verified, the lot price shall be updated, calculated by the application of the inflation rate published by the Instituto Nacional de Estatística (National Institute of Statistics), based on the year of attribution.

Article 13

Deadlines - Projects and Construction

The plots assigned within the scope of this regulation, are still subject to the fulfilment of the following deadlines:

1. The presentation of project for licensing of construction works, to the competent services of the Municipality, must occur within a maximum period of 6 (six) months from the date of attribution of the plot;
2. In case of non-compliance with the period referred to in 1 (one), the interested party may request, on grounds, the extension of the period for a single additional period of up to 6 (six) months, being subject to the assessment of the services and deliberation of the Câmara Municipal de Évora;
3. The beginning of construction must occur within a maximum period of 15 (fifteen) months after the allocation of the plot;
4. The completion of construction must take place within a maximum period of 36 (thirty-six) months after the allocation of the lot;
 - a) Completion of the construction is understood as the term of the physical building constructed under the lot, cumulatively with the obtaining of the license of use.
5. The Câmara Municipal de Évora may also decide on an exceptional basis, in case of non-compliance with the deadlines referred to in 3 (three) and 4 (four), on any request for an extension thereof, to be requested by the interested party, in a reasoned manner and accompanied by documentation to support their justification, and the time-bound plan for missing interventions and their completion.
6. (Revoked).
7. (Revoked).

Article 14

Expiry and Right of Reversion

- 1) The revocation of the allocation of plots, is exercised by the Municipality of Évora, by means of deliberation, in any of the following cases:
 - a) Failure to comply with the deadline established for the conclusion of the purchase and sale agreement;
 - b) Failure to comply with the deadline established for the conclusion of the purchase and sale agreement, losing the acquirer the amounts paid;
 - c) Failure to comply with the payment deadlines defined in this regulation, losing the acquirer the amounts paid;
 - d) Failure to comply with deadlines, for the presentation of the building project's licensing, losing the acquirer the amounts paid;
 - e) Failure to comply with the deadlines set for the start of construction, losing the acquirer the amounts paid;
 - f) Failure to comply with the deadlines set for completion of construction, losing the acquirer the amounts paid;

- g) For use of the plot or plots acquired, for a purpose other than that planned, without express authorization of the Câmara Municipal de Évora.
- 2) The right of reversion of the plots and respective constructions if they exist, for its full possession and ownership, is exercised by the Câmara Municipal de Évora by means of a decision taken at a Public Hearing in the following cases, cumulatively or not:
 - a) Failure to comply with the deadlines set for the start of construction, losing the acquirer, the full amount paid, unless he agrees to revert by agreement (extra judicially), in which case he will lose 15% of the amounts paid;
 - b) Failure to comply with the deadlines set for the completion of the construction, losing the acquirer the full amount paid, unless he agrees to revert by agreement (extra judicially), in which case he will lose 10% of the sums paid, proceeding the Câmara Municipal de Évora, to its sale by public auction. The base price of auction, will be equal to the value of the plot, defined in the Regulations of Taxes, Tariffs and Prices to the date, plus the amount established by an expert, appraiser, appointed by the municipality, to the buildings and improvements existing in the plot, as a financing guarantee exclusively to construction
 - c) Infringement of the provisions of Article 7 (use of plots) of this Regulation
 - d) Failure to comply with legal and regulatory standards, regarding the licensing of buildings, and activities or characteristics, and requirements thereof;
 - e) False declarations on the conditions referred to in Article 3 and Article 9.
- 3. The reversion for the reasons mentioned does not give the acquirer / owner the right to any compensation other than that referred to in points a) and b) of the previous number.
- 4. The reversion pursuant to paragraph e) of nº 2 of this article disables the author of the false declarations, for any future acquisition of rights over any land of the Municipality.

Article 15

Rights of Pre-emption

- 1. The municipality enjoys preemptive rights over plots and their buildings, in transmissions, in applicable cases of reversion, as well as in the event of liquidation or dissolution of the company and closure of the activity.
- 2. The preference will be exercised by the value that the lot and buildings erected therein, have at that moment, calculated by a competent assessment technician.

Article 16

Alienation / Assignment of Plots

- 1. The sale or assignment of plots in any legal transaction is not allowed without the plots being fully paid and the constructions completed, having a license of use.

2. For plots allocated by direct agreement, as defined in paragraph a) of nº 2 of Article 5, Its sale is forbidden before the completion of five (5) years from the date of the license of use.
3. Exceptions to what is provided in the preceding point, are the plots assigned under nº 2, letter a), point ii) of Article 5 which cannot be sold or transferred under any circumstances without permission of the Câmara Municipal de Évora
4. At the request of the buyer / interested, the Câmara Municipal de Évora may allow the sale, in the situations referred to in paragraphs 2 and 3, receiving in these cases the total amount of support and incentives allocated, if any, updated to the inflation rate, based on the year of attribution.
5. The plots allocated under point b), nº 2, Article 5 shall be excluded from the scope of this Article.
6. The provisions of the preceding paragraphs, without prejudice to the application of paragraph 2 of article 11, when authorized by the. Câmara Municipal de Évora.

Article 17

Other Duties and Obligations

- 1) Purchasers are required, following the assignment act and until the business project is completed, to permanently keep lots free from weeds, garbage, waste, common waste or of any other nature, and for this purpose the acquirer must fence the area.
- 2) Failure to comply with the previous number shall be subject to the legal and regulatory sanctions provided for.

Article 18

Doubts and Omissions

Any omissions or doubts regarding the interpretation and application of these Regulations shall be settled by the Camara Municipal de Évora, in compliance with the legislation in force.

Article 19

Abrogation

The present regulation abrogates the earlier.

Article 20

Implementation

This Regulation shall enter into force on the day following that of its publication.

