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Court fees concerning Small Claims procedure

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Portugal



Portugal

Introduction

The Portuguese legislation on court fees (Regulation on Costs of Proceedings (*Regulamento das Custas Processuais*)) does not include specific provisions concerning claims within the meaning of Regulation (EC) No 861/2007 of the European Parliament and of the Council of 11 July 2007 establishing a European Small Claims Procedure. This means that the general rules of the Regulation on Costs of Proceedings apply, which take account of the amount involved and the complexity of the case.

What fees are applicable?

- In cases where the amount involved is up to €2 000.00: €102 (1 unit of account);
- In cases where the amount is higher than €2 000.00 but not more than €5 000.00: €204 (2 units of account).

If the case proves to be particularly complex, the judge may decide to apply the following costs:

- In cases where the amount involved is up to €2 000.00: €153 (1.5 units of account);
- In cases where the amount is higher than €2 000.00 but not more than €5 000.00: €306 (3 units of account).

(Article 6(1) and (5) of the Regulation on Costs of Proceedings, approved by Decree-Law (*Decreto-Lei*) No 34/2008 of 26 February 2008, as last amended.)

If, pursuant to Article 17(1)(a) of Regulation (EC) No 1896/2006, under the European order for payment procedure, the defendant enters a statement of opposition and the proceedings continue, the amount paid under that procedure is reduced by the amount of the costs of proceedings owed for the European Small Claims Procedure, in the case of the claimant.

The reduction may be €102 (1 unit of account) or €153 (1.5 units of account). (Article 7(6) of the Regulation on Costs of Proceedings, approved by Decree-Law No 34/2008 of 26 February 2008, as last amended).

Where there is a counterclaim – in which case the amounts involved in the two claims are added together for the purposes of calculating the costs, which can lead to cases where the amount involved is up to €10 000.00 – the costs for cases where the amounts involved are between €8 000.01 and €10 000.00 will be 3 units of account (€306.00) or 4.5 units of account (€459.00) for particularly complex cases. For cases where the amount involved is between €5 000.01 and €8 000.00, the costs are kept at 2 units of account (€204.00) or 3 units of account (€306.00) in particularly complex cases (Article 11 of the Regulation on Costs of Proceedings, approved by Decree-Law No 34/2008 of 26 February 2008, as last amended, in conjunction with Articles 145(5), 530(2), 299(1) and (2) and 297(2) of the Code of Civil Procedure (*Código de Processo Civil*)).

How much shall I pay?

See previous answer.

What happens if I do not pay the court fees on time?

In accordance with Article 642 of the Code of Civil Procedure, you will be instructed by the court registry to make the missed payment within 10 days, and pay an additional fine of an equal amount corresponding to no less than 1 unit of account and no more than 5 units of account. If you fail to provide proof of payment of the owed court fees and fine within 10 days, the court will order the withdrawal of the claim, request or appeal that you submitted.

How can I pay the court fees?

By bank transfer.

What shall I do after the payment?

In accordance with Article 22 of Ministerial Implementing Order (*Portaria*) No 419-A/2009 of 17 April 2009, 'you must submit a document as proof of payment or otherwise provide proof of payment, together with the corresponding pleadings or request, unless otherwise provided for under Ministerial Implementing Order No 280/2013 of 26 August 2013.

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