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Judicial auctions

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Portugal

Portugal



1. Advertising the sale and pricing of seized goods

The current situation is that assets should preferably be sold via <https://www.e-leiloes.pt/>, as provided for by Article 837 of the Portuguese Code of Civil Procedure (CPC) and Articles 20 et seq. of ministerial implementing order (*Portaria*) No 282/2013 of 29 August 2013.

The rules governing the operation of the platform <https://www.e-leiloes.pt/> were adopted by Order of the Minister of Justice No 12624/2015, published in the Portuguese Official Gazette (*Diário da República*), second series, No 219, of 9 November 2015.

Notice: Given the many recent cyber-attacks on various national institutions, persons consulting the [e-leilões](#) site from outside Portugal are subject to restricted access.

Such persons are required to provide their IP (internet protocol) to suporte@solicitador.net. One way to find your IP is via the following link: <https://www.whatismyip.com/>.

Advertisements of sale are regulated by Article 6 of Order 12624/2015:

Article 6

Advertising auctions

1. Auctions are advertised on www.e-leiloes.pt. In addition, by decision of the Chamber of Legal Agents (*Câmara dos Solicitadores*), information can be disseminated in full or in part through other websites, in the press and by email. This does not affect the right of the enforcement agent legally responsible for the procedure to publicise the auction by any other means they may consider appropriate.
2. Information published on www.e-leiloes.pt must include, as a minimum:
 1. the reference number of the legal proceedings, the court and the organisational unit concerned;
 2. the date on which the auction starts;
 3. the date and time by which the auction must be concluded;
 4. the basic price of the asset (or collection of assets) to be sold;
 5. the value of the last bid;
 6. if the item for sale is a movable asset, a photograph of the item or collection of items comprising the lot to be auctioned off;
 7. a brief description of the item;
 8. the nature of the item;
 9. if the item is an immovable asset, its location and composition, property register number and land register entry, district, municipality, parish and approximate geographic position, a photograph of the exterior of the immovable asset and, where possible, of its interior if it is an urban building or a building unit;
 10. identification of the custodian or the place of storage;
 11. the place and time for viewing the assets, and the contact details of the custodian;
 12. details of the enforcement agent with legal responsibility for the procedure, including the agent's name, professional registration number, land line and mobile telephone numbers, fax number and

- email address, and the times when they can be contacted;
13. any matters of which any interested parties must legally be informed, notably whether a challenge against enforcement or seizure is pending, whether an appeal is pending, and whether there are any liens that must not expire with the sale or any preferential rights holders that have made themselves known during proceedings;
 14. the name of the debtor or debtors to whom the assets to be sold belong.

The prices/values of the seized assets

Basic value: this is the value of the asset or the set of assets making up a lot, as established in the course of the proceedings with which the sale is associated: specifically, enforcement governed by the Code of Civil Procedure (CPC) or, in the case of an insolvency procedure, by the Insolvency and Business Recovery Code (*Código da Insolvência e da Recuperação de Empresas*).

Minimum value: the 'minimum value' is the value starting from which the asset can be sold, corresponding, as set out in Article 816 of the CPC, to 85% of the basic value. In some cases the minimum value may be equal to the basic value.

2. Third parties that may conduct the sales operation

The rules governing the operation of the <https://www.e-leiloes.pt/> platform were adopted by Order of the Minister of Justice No 12624/2015, published in the Portuguese Official Gazette (*Diário da República*), second series, No 219, of 9 November 2015, according to which the platform would be developed and operated by the Chamber of Legal Agents (*Câmara dos Solicitadores*), now the Order of Legal Agents and Enforcement Agents (*Ordem dos Solicitadores e Agentes de Execução*).

In civil enforcement proceedings conducted by enforcement agents, the sale procedure is the exclusive prerogative of the enforcement agents.

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3. Types of auction to which the rules might not be fully applicable

Assets that have to be sold on regulated markets or sold directly are one instance.

Article 837 of the Portuguese Code of Civil Procedure (CPC) - Sale by online auction

1. Save in the cases referred to in Articles 830 and 831, the sale of seized immovable assets should preferably be carried out by online auction, in accordance with provisions to be defined by a ministerial implementing order issued by the member of the government responsible for justice.

Article 830 of the Portuguese Code of Civil Procedure - Assets sold on regulated markets

Financial instruments and traded commodities are sold on regulated markets.

Article 831 of the Portuguese Code of Civil Procedure - Direct sale

In cases where it is a legal requirement for assets to be surrendered to a given body, or in the event of a promissory contract of sale with erga omnes effects with a party wishing to exercise the right of compulsory enforcement, the sale is made directly.

Although online auctions are the primary means of enforced sale in Portugal, the Code of Civil Procedure also provides for other types of sale:

1. sale by means of sealed offers;
2. sale on regulated markets;

3. direct sale to persons or bodies entitled to purchase the assets;
4. sale by means of private negotiation;
5. sale by an auctioneering establishment;
6. sale by a government warehouse or equivalent;
7. sale by online auction.

4. Information from national registers of assets

Regulatory and registration bodies include the following:

- the Institute of Registry Offices and Notaries (*Instituto dos Registos e do Notariado*, I.P. (IRN)): the public institute charged with implementing and monitoring policy on registration services, with a view to guaranteeing service provision to members of the public and businesses in the field of civil identification and registration of nationality, land, businesses, movable assets and legal persons, in addition to ensuring the regulation, control and inspection of the activities of notaries with respect to real estate, boats, aircraft, and so on;
- the Portuguese Securities Market Commission (*Comissão do Mercado de Valores Mobiliários*(CMVM)): entrusted with ensuring, supervising and regulating markets in financial instruments and the agents active on these markets, to help protect investors with regard to shares and financial instruments, etc.;
- the National Intellectual Property Institute (*Instituto Nacional de Propriedade Industrial*(INPI)): whose main activities are assigning and protecting intellectual property rights both within and outside Portugal, in cooperation with the international organisations of which Portugal is a member.

5. Information on databases that enable creditors to identify debtors' assets or claims

First and foremost, please note that it is the enforcement agent who consults the database, on a confidential basis. The creditor does not have direct access.

Access to public databases is governed by ministerial implementing order No 331-A/2009 of 30 March 2009, as amended by ministerial implementing order No 350/2013 of 3 December 2013 and ministerial implementing order No 288/2015 of 17 September 2015.

Access to the Bank of Portugal's databases is governed by ministerial implementing order No 282/2013 of 29 August 2013.

The databases to which the enforcement agent currently has direct access online include:

1. the Portuguese Tax and Customs Authority;
2. the Social Security database (*Segurança Social*);
3. the General Pension Fund (*Caixa Geral de Aposentações*);
4. the land register (*Registo Predial*);
5. the business register (*Registo Comercial*);
6. the National Register of Legal Persons (*Registo Nacional de Pessoas Coletivas*);
7. the vehicle register (*Registo Automóvel*);
8. the Bank of Portugal;
9. the Institute for Public Credit Management (*Instituto de Gestão de Crédito Público*);
10. CITIUS (IT platform supporting the activities of the courts).

6. Information on online judicial auctions

The rules governing the operation of the platform <https://www.e-leiloes.pt/> were adopted by Order of the Minister of Justice No 12624/2015, published in the Portuguese Official Gazette (*Diário da República*), second series, No 219, of 9 November 2015.

The information can be checked on the following websites:

[Rules governing the operation](#) of the online auctions platform

[Replies to frequently asked questions \(FAQ\)](#)

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