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# Digitalisation Regulation - Member State notifications

Content provided by:  
Portugal



Portugal

This page contains information about notifications made by Member States pursuant to Regulation (EU) 2023/2844.

## 1. National IT portals for communicating with courts or other authorities

- [Citius](#): enables any citizen or their legal representative to consult cases in which they are involved from anywhere, provided that they have internet access. Most of the available content is freely accessible.
- [Tribunais.org.pt](#): enables any citizen or their legal representative to consult cases in which they are involved from anywhere, provided that they have internet access. [Access](#) to case files is via authentication using the [Citizen Card](#) or the [Digital Mobile Key](#). This portal offers more functionalities than Citius.
- [eTribunal-Mandatarios](#): makes it possible, for example, to receive notifications, consult documents and audio recordings, and to send large procedural documents. Access is limited to lawyers and solicitors, who enter the portal using their professional digital certificate.

## 2. National law on videoconferencing in civil and commercial matters

The Code of Civil Procedure (*Código de Processo Civil* – CPC) provides the possibility for witnesses, parties and experts to be heard by videoconference.

In particular, Article 502(1) provides the possibility for witnesses residing outside the municipality in which the tribunal or court is based to be heard by videoconference from a tribunal or court situated in the municipality or parish where they reside (if there is an agreement to that effect between that body and the Ministry of Justice) or another public building in that area.

Those arrangements apply to the testimony of a party where the parties reside outside the district or the respective island, in the case of the Autonomous Regions of the Azores and Madeira (Article 456(2)), and to declarations by parties where the parties are in the same situation as set out above (Article 466(2)).

It is not possible to use the videoconferencing method if the witness to be questioned resides in the metropolitan area of Lisbon or Porto and proceedings are pending before a tribunal or court based in one of these areas, except when attending the hearing on time is impossible or extremely difficult (Article 502(6) and Article 520). In such situations, the judge may decide, with the agreement of the parties, that any information necessary for the proper resolution of the case may be provided by telephone or other means of direct communication from the court to the witness, provided that the nature of the facts to be investigated or clarified is compatible with the proceedings. Those arrangements also apply to party testimony (Article 457(2)) and to party statements (Article 466(2)).

Irrespective of the provisions of international or European instruments, witnesses resident abroad are questioned by videoconference whenever the necessary technological means are available at their place of residence (Article 502(6)).

Experts from establishments, laboratories or official services are heard by teleconference from their place of work (Article 486(2)).

Only courts are authorised to hold videoconferences under Article 5 of Regulation (EU) 2023/2844.

Portuguese procedural law (Article 151(1) and (2) CPC) does not allow for a court to set the date and time of a hearing *ex officio*. In fact, in order to prevent the risk of clashes between the dates of proceedings that the representatives should attend, the judge should arrange for the date and time of the proceedings to be set by prior agreement with the representatives. If, within five days, the representatives declare that they are unavailable on the date designated by the judge owing to other proceedings that have already been scheduled, they should inform the court of these circumstances (expressly identifying the proceedings and the case in question) and propose alternative dates after contacting the other representatives concerned.

All court rooms in Portugal are equipped with videoconferencing equipment with rotating cameras, which connects to software enabling remote communication. In Portugal, it is possible to use any means of remote communication, but no information is available as to which means is used the most. However, during the pandemic, the Webex application was used and is still commonly used for this purpose. This application can be integrated with the videoconferencing systems in place in the courts. The technical requirements for the videoconferencing equipment installed in the various courts can be found [here](#).

Portuguese procedural law does not provide the possibility for a party to submit an opinion on the use of videoconferencing or other remote communication technology for conducting the hearing.

The final hearing of legal proceedings, procedural incidents and precautionary proceedings are always recorded. The recording is made using a video or audio system, irrespective of other audiovisual means or similar technical procedures available to the court, and all those involved in the case should be informed that they have been recorded. The recording should be made available to the parties within two days of the respective action (Article 155(1), (2) and (3)).

With regard to persons with disabilities, and irrespective of the involvement of an appropriate interpreter whenever the judge considers it appropriate, Article 135 CPC lays down the following rules for deaf, mute or deaf-mute testimony:

- Deaf persons are presented with the questions in writing and answer them orally.
- Mute persons are asked the questions orally and answer them in writing.
- Deaf-mute persons are presented with the questions in writing and answer them in writing also.

The judge should appoint a suitable interpreter for deaf, mute or deaf-mute persons who are unable to read or write.

As regards identification and authentication, on the day of the questioning, the witness is identified before the clerk of the tribunal or court or before the officer of the public service at which the testimony is given. From that moment on, the questioning is conducted before the judge hearing the case and the representatives of the parties, using technological equipment enabling communication, by audiovisual means, in real time, without the need for the judge in the place where the testimony is given to intervene (Article 502(4) CPC).

According to Article 516 CPC, the witness gives precise testimony about the subject matter of the evidence. They should report the facts that they have committed or observed, indicate the circumstances in which the facts occurred, and how the facts are known to them. Questioning is conducted by the lawyer of the party who called the witness; with regard to the facts to which the witness has testified, the lawyer of the other party may ask any witness questions necessary for completing or clarifying the testimony. The judge may ask for clarification or ask any questions they consider appropriate for establishing the truth. Before the witness answers the questions put to them, they may consult the case file, demand that they be shown certain documents forming part of the case file, or present documents aimed at corroborating their testimony.

According to Article 133(1) and (2) CPC, foreigners may speak in a language other than Portuguese if they do not understand the language, in which case an interpreter should be appointed to establish communication under oath of fidelity. Interpreter involvement is limited to what is strictly indispensable.

The production or presentation of material evidence during videoconferencing is restricted under Portuguese

procedural law. The CPC lays down the deadlines and circumstances under which the various existing types of evidence may be produced or presented. In particular, the rules on videoconferencing for each of those types of evidence state that videoconferencing is reserved for personal evidence such as, for example, testimonial and expert evidence.

### 3. National law on videoconferencing in criminal matters

During the investigation phase, the Code of Criminal Procedure (*Código de Processo Penal* - CPP) provides for the possibility of declarations by any person who is not accused in the proceedings and who resides outside the municipality in which the public prosecution service responsible for conducting the proceedings is located to be made in other public prosecution services or in the premises of police authorities by videoconference (Article 275a(1)). The authorities in the area where the person to be heard resides are notified of the proceedings and, on the day appointed for the testimony, the judicial or criminal police officer informs that person of where the testimony is to be given. Declarations are taken by the requesting entity and, where appropriate, by the representatives present (Article 275a(2)).

During the trial, and by way of exception, it is possible for the statements by an assistant, civil parties, witnesses, experts or technical consultants to be taken, *ex officio* or upon request, without this being done in person, if:

1. those persons reside outside the municipality where the tribunal or court is located;
2. there is no reason to believe that their presence at the hearing is essential to discovering the truth; and
3. serious functional or personal difficulties or inconveniences can be foreseen if they are obliged to travel.

Statements are taken at the same time as the trial hearing, using technological equipment that enables communication by audiovisual means in real time. On the day of the questioning, the person identifies himself or herself to the clerk of the tribunal or court where the testimony is being given, but from that moment on, the hearing is conducted before the judge of the case and the parties' representatives, using the aforementioned equipment, without the need for the judge in the place where the testimony is given to intervene (Article 318(1), (5) and (6) of the CPP).

Without prejudice to the provisions of international or European instruments, an assistant, civil parties or witnesses resident abroad are questioned using technological equipment which enables communication, by audiovisual means, in real time, whenever the necessary technological means are available at their place of residence (Article 318(8) CPP).

Whenever technically possible, experts from the corresponding establishments, laboratories or official services are heard by means of teleconferencing from their place of work (Article 317(1) CPP).

Consent for the use of videoconferencing or other remote communication technology is not provided for in criminal procedural law, except in the case of the questioning of a defendant or suspect under the legal framework for issuing, transmitting, recognising and executing European Investigation Orders in criminal matters approved by Law No 88/2017 of 21 August (Article 35(3)(a)).

In accordance with Article 82B(1), (2), (4), (5) and (6) of Law No 62/2013 of 26 August 2013 laying down the rules governing the framework and organisation of the judiciary, prisoners can testify in any investigation or judicial proceedings, irrespective of where the tribunal or court hearing the case is located, in the prison in which they are being held, by means of technological equipment enabling communication, by audiovisual means, in real time, unless:

1. they have the legal and procedural status of defendant in the proceedings in question; or
2. hearings are conducted in the context of proceedings within the jurisdiction of the court for the enforcement of sentences.

On the day of the questioning, the prisoner identifies himself or herself to the legal and enforcement officer of the prison. From that point in time, the questioning only takes place in front of the judge in the case or the public prosecutor and the lawyers or counsels for the defence. The prisoner, if they so wish, may be assisted in person by a legal representative during the questioning.

Defendants or suspects may be questioned by videoconference only under the legal framework governing the issue, transmission, recognition and enforcement of European Investigation Orders in criminal matters approved by Law No 88/2017 of 21 August (Article 35(2)).

With regard to persons with disabilities, when a deaf or mute person or a person with a hearing deficiency is required to make statements, Article 93(1) provides as follows:

1. Deaf persons or persons with a hearing deficiency are appointed an appropriate interpreter who communicates via sign language, lip reading or written expression, as most appropriate to the situation of the person concerned.
2. Mute persons, assuming they know how to write, are asked the questions orally and answer them in writing. Otherwise, and whenever requested, an appropriate interpreter will be appointed.

If the defendant is a minor, one of their procedural rights is to be accompanied during the proceedings in which they appear by the holders of parental responsibilities, by their legal representative or by a person with *de facto* custody or, where it is impossible to contact those persons or where special circumstances based on their interests or the needs of the case so require, and only as long as those circumstances persist, by another person designated by the minor and accepted by the competent judicial authority (Article 61(1)(i) CPP).

If the minor has not designated another person to accompany them, or the person appointed by them is not accepted by the competent judicial authority, the competent judicial authority will appoint, for the same purpose, a specialist person to undertake the accompanying role (Article 61(4)).

Portuguese law provides for the recording of the hearing or questioning of the various procedural subjects and during various procedural stages. This is the case, for example, in the following situations:

- During the first judicial questioning of the defendant, the questioning is normally carried out by audio or audiovisual recording, and other means may be used only when audio or audiovisual recording is not available, a situation which should be included in the report (Article 141(7) CPP).
- Statements for the future record made by witnesses or victims in certain circumstances or concerning certain crimes (Article 271(6) and Article 364 CPP). Such statements are made with the intention of not confronting the victim with the facts for a second time, and to avoid the effects of re-victimisation that this can have, as well as to preserve the evidence against the possibility of further loss or tampering.

Whenever an audio or video recording of a procedural document is made pursuant to the CPP, a copy thereof will be delivered within 48 hours to any party requesting it (Article 101(4) CPP).

All court rooms in Portugal are equipped with videoconferencing equipment with rotating cameras, which connects to software enabling remote communication. In Portugal, it is possible to use any means of remote communication, but no information is available as to which means is used the most. However, during the pandemic, the Webex application was used and is still commonly used for this purpose. This application can be integrated with the videoconferencing systems in place in the courts. The technical requirements for videoconferencing equipment installed in the various courts can be found [here](#).

As to the practical aspects for the organisation of the hearing, the court in charge of the case in which the hearing will take place should be contacted. There are no specific rules for establishing contact.

With regard to authentication, and with regard to prisoners, reference is made to the aforementioned Article 82B(1), (2), (4), (5) and (6) of Law No 62/2013. As regards suspects or defendants, reference is made to the above: questioning them by videoconference is not permitted, except in the case of Article 35(2) of Law No 88/2017 of 21 August 2017.

As regards significant participation in videoconferencing, and in relation to prisoners, reference is made to Article 82B(1), (2), (4), (5) and (6) of Law No 62/2013, cited above, and there are no specific rules to ensure such participation. As regards suspects or defendants, reference is made to the above: questioning them by videoconference is not permitted, except in the case of Article 35(2) of Law No 88/2017 of 21 August. That being the case, the rules laid down in Article 36 apply, which, moreover, follow those laid down in Article 24(5) of Directive 2014/41/EU.

Under the CPP, making someone a defendant entails the submission, whenever possible during the actual

proceedings or without undue delay, of a document identifying the case and the counsel for the defence, if a counsel has been appointed, as well as the procedural rights and obligations of the counsel (Article 58(5)). Among these rights and duties listed in Article 61 is the right to translation and interpretation. If the defendant does not know or is not fluent in Portuguese, and this document is not available in a language they understand, the information will be transmitted orally, if necessary with the involvement of an interpreter, irrespective of the fact that the accused will subsequently be given, without undue delay, a written document in a language they understand (Article 58(6)).

It should also be noted that the involvement in the proceedings of a person who does not know or is not fluent in Portuguese necessitates the appointment of a suitable interpreter, even if the entity presiding over the proceedings or any of the participants in the proceedings are proficient in the language used. The appointment of an interpreter does not entail any charges on that person (Article 92(1)).

Within a reasonable time, the entity responsible for the procedural document will provide a defendant who does not know or is not fluent in Portuguese with a written translation of the notifications concerning the accusation, the investigative decision, the defence, the date set for trial, the sentence, the application of coercive measures, the guarantee of assets and the filing of a civil claim for damages, and others that the entity deems essential for the exercise of the defence (Article 92(3)).

The interpreter is subject to judicial secrecy and is not allowed to reveal the discussions between the defendant and their defence counsel, whatever the stage of the proceedings at which they take place. Any such revelation will be deemed an infringement of professional secrecy (Article 92(8)).

In the context of a hearing by videoconference under the legal framework governing the issue, transmission, recognition and enforcement of European Investigation Orders in criminal matters, Law No 88/2017 provides that the hearing of the person to be heard in the executing State is to be conducted with the assistance of an interpreter if necessary (Article 36(1)(d)). The right to interpretation is also guaranteed in the legislation relating to the European arrest warrant (Article 17(3) of Law No 65/2003 of 23 August 2003).

Access to an interpreter is also guaranteed to the victim under the Victim Statute approved by Law No 130/2015 of 4 September 2015 (Article 12), which also establishes the right to translation of written confirmation of the complaint if the victim does not understand Portuguese (Article 11(3)) and situations in which recourse is made to videoconferencing or teleconferencing (Article 23).

## 4. Fees for the procedures in civil and commercial matters

Firstly, Article 5 of the Regulation on the Costs of Procedures (RCP) approved by Legislative Decree No 34/2008 of 26 February 2008 states that court fees are to be expressed in UC (UC), with 1 UC currently corresponding to €102. The amount of the court fee is set in accordance with the value or complexity of the case.

### Proceedings provided for in Regulation (EC) No 1896/2006

Under Article 7(4) and Table II A of the RCP, for applications for a payment order in the amounts indicated below, the following court fees are due:

- up to €5 000: €102 (1 UC);
- from €5 000 to €15 000: €204 (2 UCs);
- upwards of €15 000.01: €306 (3 UCs).

A higher fee may be charged in the following cases:

1. If the case proves to be particularly complex, the court may ultimately set a higher fee within the limits laid down in Table II of the RCP (Article 7(7) RCP). Under the terms of Article 530(7) CPC, cases and precautionary proceedings are considered to be of particular complexity for the purposes of payment of the court fee if:
  1. they contain particularly lengthy pleadings or claims;
  2. they relate to highly specialised legal issues or highly specific technical matters, or require a combined analysis of legal issues from very different contexts; or
  3. they involve hearing a large number of witnesses, the analysis of complex evidence or various

lengthy steps to produce proof.

2. If the person liable to pay the court fee is a commercial undertaking (Article 13(3) RCP) that, in the previous year, has lodged 200 or more applications for precautionary measures, actions, proceedings or enforcement at a court, registry or contact point, the court fee in European applications for a payment order brought by that company is paid according to the amount and Table II B:
  - up to €5 000: €153 (1.5 UCs);
  - from €5 000 to €15 000: €306 (3 UCs);
  - upwards of €15 000.01: €459 (4.5 UCs).

If the defendant enters a statement of opposition in accordance with Article 17(1) of Regulation (EC) 1896/2006 and the proceedings continue, the amount in court fees for the European payment order procedure will be deducted, for the claimant, from the amount due under the continuing proceedings (Article 7(6) RCP).

### Proceedings provided for in Regulation (EC) No 861/2007

According to Article 6(1) and (5) RCP and Tables I A and I C thereof, the amount of the court fee is:

- For cases with a value up to €2 000: €102 (1 UC);
- With a value exceeding €2 000 but not exceeding €5 000: €204 (2 UCs).

If the case proves to be particularly complex, the amount of the fee is:

- For cases up to €2 000: €153 (1.5 UCs);
- With a value exceeding €2 000 but not exceeding €5 000: €306 (3 UCs).

If, pursuant to Article 5(7) of Regulation (EC) No 861/2007, the counterclaim exceeds €5 000, the case and the counterclaim will be dealt with in accordance with national procedural law.

Thus, under national rules, the filing of a counterclaim gives rise to the payment of court fees only if it is distinct from the initial claim. The CPC does not consider a counterclaim distinct when the party intends to achieve, for their own benefit, the same legal effect as the plaintiff proposes to obtain, or when the party intends to obtain offsetting credits only (Article 530(3)). If they are different, the value of the two claims is added together for the purposes of calculating the court fee (Article 299(2) CPC) and the following court fee is payable (Table I A):

- From €2 000.01 to €8 000: €102
- From €8 000.01 to €16 000: €153
- From €16 000.01 to €24 000: €204
- From €24 000.01 to €30 000: €255
- From €30 000.01 to €40 000: €306
- From €40 000.01 to €60 000: €357
- From €60 000.01 to €80 000: €408
- From €80 000.01 to €100 000: €459
- From €100 000.01 to €150 000: €510
- From €150 000.01 to €200 000: €612
- From €200 000.01 to €250 000: €714
- From €250 000.01 to €275 000: €816

### Proceedings provided for in Regulation (EU) No 655/2014

In line with Article 7(1), (4) and (7) RCP and Table II thereof, in the context of precautionary proceedings of the values set out *below*, the following amount of court fees is due:

- up to €300 000: €306 (3 UCs);
- €300 000.01 or more: €816 (8 UCs).

In the case of particularly complex precautionary proceedings (classification explained above in relation to Regulation (EC) No 1896/2006), the court fee is set at between 9 UCs (€918) and 20 UCs (€2 040).

The figures referred to above may be increased if the proceedings presented exceed a certain threshold per year (see the information under point 2 above regarding Regulation (EC) No 1896/2006). In this case, a fee of 3.5 UCs (€357), 9 UCs (€918) and between 10 UCs (€1 020) and 22 UCs (€2 244) is payable for each of the situations,

respectively.

### Proceedings provided for in Regulation (EC) No 805/2004

The certificate on the basis of the form provided for in the Regulation is legally imposed, and therefore no fee should be charged for its issue. The cost of the certificate of decision will be calculated according to the UC. Accordingly, the fees for issuing a paper certificate are set as follows:

1. Up to 50 pages, the amount to be paid for the set is  $\frac{1}{5}$  of 1 UC (€20.40);
2. If there are more than 50 pages, the amount referred to in point (a) is increased by  $\frac{1}{10}$  of 1 UC (€10.20) for each further 25 pages or fraction thereof.

Proceedings for recognition, a declaration of enforceability or refusal of recognition provided for in Regulations (EU) No 650/2012, (EU) No 1215/2012, (EU) No 606/2013, (EC) No 4/2009, (EU) 2016/1103, (EU) 2016/1104 and (EU) 2019/1111

The RCP does not provide for the collection of any amount for these proceedings. The decision on the recognition does not imply payment of costs.

In the event of an appeal against the judgement given in those proceedings, payment of the court fee is due on the basis of the value of the case and Table IB (Articles 6 and 7(2) RCP) in the following amounts:

- Up to €2 000: €51
- From €2 000.01 to €8 000: €102
- From €8 000.01 to €16 000: €153
- From €16 000.01 to €24 000: €204
- From €24 000.01 to €30 000: €255
- From €30 000.01 to €40 000: €306
- From €40 000.01 to €60 000: €357
- From €60 000.01 to €80 000: €408
- From €80 000.01 to €100 000: €459
- From €100 000.01 to €150 000: €510
- From €150 000.01 to €200 000: €612
- From €200 000.01 to €250 000: €714
- From €250 000.01 to €275 000: €816

In the case of amounts in excess of €275 000, the amount of the court fee is ultimately increased by 1.5 UCs (€153) for each further €25 000.00 or fraction thereof.

Proceedings for the issue, rectification and revocation of extracts provided for in Regulation (EC) No 4/2009, the European Certificate of Succession and of the certificates provided for in Regulation (EU) No 650/2012, of the certificates provided for in Regulation (EU) No 1215/2012, of the certificates provided for in Regulation (EU) No 606/2013, of the certificates provided for in Regulation (EU) 2016/1103, of the certificates provided for in Regulation (EU) 2016/1104 and of the certificates provided for in Regulation (EU) 2019/1111

The certificate on the basis of the form provided for in the Regulations results from a statutory requirement, meaning that no charge should be made for issuing the certificate when it is applied for before the court.

The cost of the certificate of the decision issued by the courts is calculated on the basis of the UC. Accordingly, in accordance with Article 9(3) RCP, the fees for issuing a paper certificate are set as follows:

1. Up to 50 pages, the amount to be paid for the set is  $\frac{1}{5}$  of 1 UC (€20.40);
2. If there are more than 50 pages, the amount referred to in point (a) is increased by  $\frac{1}{10}$  of 1 UC (€10.20) for each further 25 pages or fraction thereof.

The lodging of a claim by a foreign creditor in insolvency proceedings under Article 53 of

## Regulation (EU) 2015/848

The lodging of a claim is not subject to the payment of costs.

Communication between natural or legal persons or their representatives with the Central Authorities under Regulation (EC) No 4/2009 and Regulation (EU) 2019/1111 or the competent authorities under Chapter IV of Directive 2003/8/EC

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## 5. Electronic payment methods

The court fees for the European payment order should be paid by bank transfer. It is suggested that you wait for the indication of the court before making the payment. To this end, it is highly recommended that the claimant or their representative provide an e-mail address. The court registry will send a reference number (containing 12 digits and beginning with 70) that should be inserted in the comments field of the bank transfer, together with the case number of the procedure so that the payment can be matched to the case. You should provide the court with proof of the transfer.

If the claimant chooses to make the payment before the start of court proceedings, i.e. without waiting for the payment notice from the court, the payment details are as follows (and you should provide the court with proof of the transfer):

Holder: Institute for Financial Management and Infrastructure in the Justice System (*Instituto de Gestão Financeira e Equipamentos da Justiça, I.P.*)

Taxpayer identification number (NIF): 510 361 242

Account No: 1120014160

Bank identification number (NIB): 078101120112001416052

IBAN: PT50078101120112001416052

Bank name: Agência de Gestão da Tesouraria e da Dívida Pública - IGCP, E.P.E.

BIC SWIFT (Business Identifier Code): IGCPTPL

## 6. Notification on the early use of the decentralised IT-system

It is not yet possible to anticipate whether it will be possible to have the decentralised IT-system functioning earlier than required by the Regulation.

## 7. Notification on the early use of videoconferencing in civil and commercial matters

Yes, Article 5 can be applied earlier than required by the Regulation.

## 8. Notification on the early use of videoconferencing in criminal matters

Yes, Article 6 can be applied earlier than required by the Regulation.

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