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Service of documents: official transmission of legal documents

 Portugal

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European Judicial Network
(in civil and commercial matters)

1 What does the legal term "service of documents" mean in practical terms? Why are there specific rules regarding the "service of documents"?

Service (*citação*) is the act bringing to the attention of a person (defendant, respondent, party against whom enforcement is sought) that an action has been brought against them. It is used to invite the person concerned to appear for the first time in order to defend themselves. Service is also used to invite a person with an interest in the case but who did not initially intervene, to appear for the first time in order to intervene alongside the claimant or the defendant (Article 219(1) of the [Code of Civil Procedure \(Código de Processo Civil\)](#)).

Notification (*notificação*) is used to invite a person to appear in court or to inform them of a fact (Article 219(2) of the [Code of Civil Procedure](#)).

The specific rules on service and notification are laid down in Book II, Title I, Chapter II, Section II of the Code of Civil Procedure. The reason for these rules is to ensure that the communication actually reaches the addressee and, if they are a party to the proceedings, to guarantee the right of defence.

2 Which documents need to be served formally?

The information referred to in Article 227 of the https://www.pgdlisboa.pt/leis/lei_mostra_articulado.php?nid=1959&so_miolo=&tabela=leis&nversao=Code of Civil Procedure is served.

The information referred to in Article 220 of the [Code of Civil Procedure](#) is notified.

3 Who is responsible for serving a document?

In proceedings under way service and notification may generally be effected by judicial officers, enforcement officers or by the legal representative of one of the parties, depending on the forms of notification/service referred to in the answer to question 5.

4 Address enquiries

4.1 Does the requested authority in this Member State on its own initiative, try and establish the whereabouts of the addressee of the documents to be served if the address indicated is not correct? See also notification under Article 7(2)(c) of the Service of Documents Regulation.

Yes. Under Portuguese law it is the duty of bailiffs to carry out on their own initiative all requisite steps to serve notice on a person (Article 226(1) of the [Code of Civil Procedure](#)).

If they are unable to serve notice, bailiffs consult information that is electronically available in other government departments in order to find out if there has been a change of residence and establish the current address of the person to be served (Article 236(1) of the [Code of Civil Procedure](#)).

For the purposes of Article 7(2)(c), the situation is as follows for the different receiving agencies:

General division (*juízo de competência genérica*) or local civil division (*juízo local cível*), if one exists, of the district court with jurisdiction: in order to serve documents when the address indicated in the request for service is not correct, the receiving agency applies the domestic law for similar cases in domestic disputes, i.e. the relevant provisions laid down in Articles 226 and 236 of the Portuguese Code of Civil Procedure;

Enforcement agents (Association of Solicitors and Enforcement Agents (Ordem dos Solicitadores e dos Agentes de Execução – OSAE)): requests will be made to domicile registries or other databases, if such registries or databases exist, in order to find the new address of the person to be served.

4.2 Do foreign judicial authorities and/or parties to judicial proceedings have access to registers or services in this Member State enabling the establishment of the person's current address? If yes, which registers or services exist and what procedure must be followed? What fee, if any, should be paid?

No. This possibility exists only for national authorities and entities.

4.3 What type of assistance in address enquiries from other Member States do the authorities of this Member State provide under Article 7(1) of the Service of Documents Regulation? See also notification under Article 7(1) of the Service of Documents Regulation.

For the purposes of Article 7(1)(a), the designated authority to which transmitting agencies may address requests on the determination of the address of the person to be served is:

Directorate-General for Justice Administration (Direção-Geral da Administração da Justiça)

Av. D. João II, No 1.08.01 D/E, Pisos 0, 9-14

PT - 1990-097 LISBON

Tel.: (+351) 217 906 500 - (+351) 217 906 200/1

Fax: (+351) 211 545 116 - (+351) 211 545 100

E-mail address: correio@dgaj.mj.pt

Website: <https://dgaj.justica.gov.pt/>

5 How is the document normally served in practice? Are there alternative methods which may be used (other than substituted service referred to in point 7 below)?

In practical terms, the procedure for serving a document on a person is set out in Article 225 of the [Code of Civil Procedure](#).

In practical terms, the procedure for serving a document on a person by publication is set out in Article 240 of the [Code of Civil Procedure](#).

In practice, notification takes place in the following ways:

- The procedure for notifying parties who appoint a legal representative is laid down in Article 247 of the [Code of Civil Procedure](#).
- The procedure for notifying parties who do not appoint a legal representative is laid down in Article 249 of

the [Code of Civil Procedure](#).

- The procedure for notifying third parties is laid down in Article 251 of the [Code of Civil Procedure](#).
- The procedure for notifying the Public Prosecutor's Office is laid down in Article 252 of the [Code of Civil Procedure](#).
- The procedure for notifying court decisions is laid down in Article 253 of the [Code of Civil Procedure](#).
- The procedure for serving notifications made in a judicial act is laid down in Article 254 of the [Code of Civil Procedure](#).
- The procedure for serving notifications between legal representatives is laid down in Article 255 of the [Code of Civil Procedure](#).
- The procedure for serving individual notifications is laid down in Article 256 of the [Code of Civil Procedure](#).

Apart from the service of documents at a set time referred to in point 7 below, Portuguese national law does not provide for the use of any other alternative methods.

6 Is electronic service of documents (service of judicial or extrajudicial documents through remote means of electronic communication, such as e-mail, internet based secured application, fax, sms etc.) permitted in civil proceedings? If so, for which types of proceedings is this method provided for? Are there restrictions with regard to the availability/access of this method of service of documents depending on who the addressee is (legal professional, legal person, company or other business actor, etc.)?

Yes. For example, the following are preferably carried out by electronic data transmission through the courts' computer system:

- Notifications to the Public Prosecutor's Office (Article 252(2) of the [Code of Civil Procedure](#)).
- To legal representatives (Article 248(1) of the [Code of Civil Procedure](#)).
- To solicitors and enforcement agents (Article 31(1) of the Ministerial Implementing Order (*Portaria*) regulating the [electronic processing of court proceedings](#)).

When the size of the procedural document to be submitted is incompatible with electronic transmission (Article 10(1) of the Ministerial Implementing Order regulating [electronic processing of court proceedings](#)) or the documents to be sent exist only on physical media (Article 144(11) of the [Code of Civil Procedure](#)), or the case does not require a legal representative to be appointed and the party has not appointed one (Article 144(7) of the [Code of Civil Procedure](#)), or in cases of justified impediment (Article 144(8) of the [Code of Civil Procedure](#)):

- Procedural documents may be delivered to the court registry, sent by mail or by fax (Article 144(7) and (8) of the [Code of Civil Procedure](#));
- Procedural documents may be notified by record of delivery, by mail or by fax.

These rules apply in legal proceedings of a civil or commercial nature heard in the courts of first instance. They also apply in certain cases for proceedings before notaries (e.g. inheritance) or civil registrars (e.g. family matters where there is an agreement).

6.1 What type of electronic service within the meaning of Article 19(1) of the Service of Documents Regulation are available in this Member State where service is to be effected directly on a person, who has a known address for service in another Member State?

Portugal does not yet provide for documents to be served/notified electronically to a known address in another Member State.

6.2 Has this Member State in accordance with Article 19(2) of the Service of Documents Regulation specified additional conditions under which it will accept electronic service via e-mail

referred to in Article 19(1)(b) of that Regulation? See also notification under Article 19(2) of the Service of Documents Regulation.

Portuguese national law does not provide for documents to be served/notified electronically by e-mail, except in the cases of impediment referred to in question 6.

7 'Substituted' service

7.1 Does the law of this Member State allow for other methods of service in cases where it has not been possible to serve the documents to the addressee (e.g. notification to the home address, to the bailiff office, by postal service, or by poster advertising)?

Yes. Portuguese law also provides for service of documents at a set time as laid down in Article 232 of the [Code of Civil Procedure](#).

7.2 If other methods are applied, when are the documents deemed to have been served?

Service by post is deemed to be effected on the day when the acknowledgement of receipt is shown to be signed (Article 230 of the [Code of Civil Procedure](#)).

Service on a person by enforcement officers, bailiffs and legal representatives is deemed to be effected on the date when the record of service is drawn up (Article 231(3) of the [Code of Civil Procedure](#)).

Service by posting a notice of service is deemed to be effected on the date indicated therein (Article 232(4) of the [Code of Civil Procedure](#)).

7.3 If another method of service is the deposit of the documents in a particular place (e.g. at a post office) how is the addressee informed of that deposit?

In the case of service or notification by registered letter – with or without acknowledgement of receipt – a delivery notice is left in the mailbox if the postal delivery worker is unable to find anyone at the address indicated. The delivery notice informs the addressee that the letter has been left at the post office, indicating the address, opening hours and time limit for its collection (Article 228 of the [Code of Civil Procedure](#)).

7.4 If the addressee refuses to accept service of the documents, what are the consequences? Are the documents regarded as effectively served if the refusal wasn't legitimate?

When service is effected by post and there is evidence of refusal to receive the letter or to sign the acknowledgement of receipt, service is deemed to be effected in the following manner and circumstances:

- By a notice drawn up by the postal delivery worker certifying the refusal by the natural person, the representative of the legal person, or an employee thereof, to sign the acknowledgement of receipt or to receive the letter (Articles 228(6) and 246(3) of the [Code of Civil Procedure](#)).
- In cases where the parties are permitted to agree on the address for service, the procedure laid down in Article 229(3) and (4) of the [Code of Civil Procedure](#) is followed.

When service is effected personally by the enforcement officer or bailiff, and there is evidence of refusal by the person to be served to sign the certificate of service or to receive the duplicate, service is considered to be effected, in which case:

- The enforcement officer or bailiff informs the person to be served that the duplicate is at their disposal in the court registry and refers to this information and the refusal by the person to be served to receive it in the certificate of service (Article 231(4) of the [Code of Civil Procedure](#)).
- In addition, the registry notifies the person to be served by registered letter indicating once again that the duplicate of the application initiating proceedings and accompanying documents are at their disposal in the registry (Article 231(5) of the [Code of Civil Procedure](#)).

Service is deemed not to be effected only if the refusal is legitimate. Refusal is legitimate when the person to be served cannot be found because they do not reside or are not based at the address indicated, or if a third party

states that they are not in a position to deliver the letter.

8 Postal service from abroad (Article 18 of the Service of Documents Regulation)

8.1 If the postal service delivers a document sent from abroad to an addressee in this Member State in a situation where acknowledgment of receipt is required (Article 18 of the Service of Documents Regulation), does the postal service deliver the document only to the addressee himself/herself or may it, in accordance with national rules of postal delivery, deliver the document also to another person at the same address?

When service or notification by post, with acknowledgement of receipt, originates from abroad, the Portuguese postal services may deliver the letter and documents to the person to be served or a third party at the same address who states that they are in a position to hand over the letter to the addressee.

8.2 Under the rules of postal delivery in this Member State how can the service of documents from abroad, under Article 18 of the Service of Documents Regulation, be effected if neither the addressee nor any other person authorised to receive the delivery (if possible under national rules of postal delivery – see above) has been reached at the address of delivery?

See answer to question 7.3.

8.3 Does the post office allow a specific period of time for collection of the documents before sending the documents back as undelivered? If yes, how is the addressee informed that there is mail for him to collect at the post office?

The addressee has eight days to collect the documents from the post office. The addressee is informed of this period and the fact that the documents can be collected at the post office by way of a delivery notice that the postal service leaves in the mailbox whenever the postal delivery worker does not find anyone at home.

(Article 228 of the [Code of Civil Procedure](#))

9 Is there any written proof that the document has been served?

Yes, in the case of service, the acknowledgement of receipt, the certificate of service or the notice of service are written proof that service has been effected.

In the case of notification, the recording of the acknowledgement, the recording of the letter or the file or record drawn up in the proceedings are written proof that notification has been effected.

In the case of service or notification by electronic data transmission, the courts' computer system certifies the date and time of issue (Article 13(a) of the Ministerial Implementing Order regulating the [electronic processing of court proceedings](#)).

10 What happens if something goes wrong and the addressee does not receive the document or the service is effected in violation of the law (e.g. the document is served on a third person)? Can the service of the document nevertheless be valid (e.g. can violations of the law be remedied) or must a new effort to serve the document be made?

Failure of service is a major deficiency that renders invalid the entire procedure from, but not including, the application initiating proceedings (Article 187 of the [Code of Civil Procedure](#)).

Failure of service is understood to occur in the cases laid down in Article 188(1) of the [Code of Civil Procedure](#)

This invalidity is deemed to be remedied only if the defendant or the Public Prosecutor's Office (where it is a party) acts in proceedings without immediately objecting to the failure of service (Article 189 of the [Code of Civil Procedure](#)).

Service is also invalid where the formalities prescribed by law have not been complied with (Article 191 of the [Code of Civil Procedure](#)).

The general rules on the invalidity of acts are laid down in Article 195 of the [Code of Civil Procedure](#)

11 If the addressee refuses to accept a document based on the language used (Article 12 of the Service of Documents Regulation) and the court or authority seised of the legal proceedings decides upon verification that the refusal was not justified, is there a specific legal remedy to challenge that decision?

Yes, the addressee may challenge the court decision by filing an appeal with the competent Court of Appeal (*Tribunal da Relação*).

12 Do I have to pay for service of a document, and if so, how much? Is there a difference where the document is to be served under domestic law and where the request for service originates from another Member State? See also notification under Article 15 of the Service of Documents Regulation, concerning service of a document from another Member State.

Yes, in certain cases. The cost of service and notification is estimated in UA (Unit of Account).

The value of the UA in 2024 was €102.

Accordingly:

- Service and notification in person by enforcement officers costs 0.5 UA when successful and 0.25 UA when unsuccessful (Table VII annexed to [Ministerial Implementing Order No 282/2013 of 29 August 2013](#), with reference to Article 50(1) of the same legal act);
- Service and notification in person or by publication effected by bailiff costs 0.5 UA when successful and nothing when unsuccessful (Article 9(1) of the [Regulation on Procedural Costs \(Regulamento das Custas Processuais\)](#)).

There is no difference if the document to be served is from another Member State.

Relevant legislation:

[Code of Civil Procedure Civil](#)

[Electronic processing of court proceedings](#)

[Regulation on Procedural Costs](#)

[Ministerial Implementing Order No 282/2013 of 29 August 2013](#)

[Regulation \(EU\) 2020/1784 of the European Parliament and of the Council of 25 November 2020](#)

Final Note

The information contained in this factsheet is of a general nature and is not exhaustive. It is not binding on the

contact point, the European Judicial Network in civil and commercial matters, the courts or any other persons. It is not intended to replace consultation of the applicable legislation in force.

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