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Serving documents (recast)

Portugal



Portugal

FINDING COMPETENT COURTS/AUTHORITIES

The search tool below will help you to identify court(s)/authority(ies) competent for a specific European legal instrument. Please note that although every effort has been made to ascertain the accuracy of the results, there may be some exceptional cases concerning the determination of competence that are not necessarily covered.

Article 3(1) - Transmitting agencies

- The Supreme Court of Justice (*Supremo Tribunal de Justiça*)
- Courts of appeal (*tribunais da relação*)
- District courts (*tribunais judiciais de comarca*)
- Local division of the Unified Patent Court
- Registrars (*conservadores*)
- Notaries (*notários*)
- Enforcement agents (*agentes de execução*)
- Legal representatives (*mandatários judiciais*).

Article 3(2) - Receiving agencies

i. The general division (*juízo de competência genérica*) or the local civil division (*juízo local cível*), if one exists, of the district court with jurisdiction; and

ii. Enforcement agents (OSAE - *Ordem dos Solicitadores e dos Agentes de Execução* (association of solicitors and enforcement agents)).

Article 3(4)(c) - Means of receipt of documents

By post.

Article 3(4)(d) - Languages that may be used for the completion of the standard form set out in Annex I

Portuguese, Spanish and English.

Article 4 - Central body

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

Email: correio@dgaj.mj.pt

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

Article 7 – Assistance in address enquiries

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

Email: correio@dgaj.mj.pt

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

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 (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.

Article 8 – Transmission of documents

Portuguese, Spanish and English.

Article 12 – Refusal to accept a document

Where form L in Annex I is translated into a language of a third country, it will be communicated to the Commission for subsequent publication on the European e-Justice Portal.

Article 13 – Date of service

For the purposes of Articles 12(5) and 13(2) of the Regulation, Article 323 of the Portuguese Civil Code lays down that the limitation period is suspended five days after service was requested in cases where it was not possible to serve the documents for reasons not attributable to the applicant.

Article 14 – Certificate of service and copy of the document served

Portuguese, Spanish and English.

Article 15 – Costs of service

Generally speaking, the service of judicial documents from another Member State does not give rise to the

payment of any charges or costs if the documents are sent to the courts.

However, if the documents are served in person by a court official or an enforcement agent, the following costs will apply:

1. Enforcement agents:

If service is effected: €76

If service is not effected (e.g. if the person to be served with documents did not reside at the given address or the address did not exist): €50.50

2. Court officials:

If service is effected: €51

If service is not effected (e.g. if the person to be served with documents did not reside at the given address or the address did not exist): no payment is due.

Article 17 – Service by diplomatic agents or consular officers

Portugal is opposed to another Member State serving judicial documents on its territory through diplomatic agents or consular officers unless the person to be served with the document is a national of that Member State.

Article 19 – Electronic service

Not applicable.

Article 20 – Direct service

Not applicable.

Article 22 – Defendant not entering an appearance

Notwithstanding the provisions of Article 22(1), the Portuguese courts may give judgment if all the conditions set out in paragraph 2 of that Article have been fulfilled.

For the purposes of Article 22(4), in Portugal applications for relief from the effects of expiry of the period for appeal must be filed within one year from the date of the contested decision. Applications will not be accepted after that date.

Article 29 – Relationship with agreements or arrangements between Member States

[Agreement between the Portuguese Republic and the Kingdom of Spain on Judicial Cooperation in Criminal and Civil Matters of 19 November 1997](#)

Article 33(2) – Notification on the early use of the decentralised IT-system

Not applicable.

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