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### Court fees concerning European Payment Order procedure

Portugal

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#### Introduction

Under Article 5 of the Regulation on Court Costs (*Regulamento das Custas Processuais*), adopted by Decree-Law No 34/2008 of 26 February 2008, the court fee (*taxa de justiça*) is expressed in units of account (*unidades de conta*, UC), with one unit of account currently standing at €102. The amount of the court fee is set in accordance with the value or complexity of the case.

The Regulation on Court Costs contains specific rules relating to Regulation (EC) No 1896/2006 of the European Parliament and of the Council of 12 December 2006 creating a European order for payment procedure.

#### What fees are applicable?

Under Article 7(4) and Table II-A of the Regulation on Court Costs, for applications for a payment order:

of up to €5 000: the court fee is €102 (1 UC);  
from €5 000 to €15 000: the court fee is €204 (2 UC);  
upwards of €15 000.01: the court fee is €306 (3 UC).

A higher fee may be charged:

If the case proves to be particularly complex, in which case the court may ultimately set a higher fee within the limits laid down in Table II of the Regulation on Court Costs (Article 7(7)). Under Article 530(7) of the Code of Civil Procedure (*Código de Processo Civil*), particularly complex cases for the purposes of paying the court fee are considered to be actions or interim proceedings which:

contain prolix pleadings or claims;

relate to highly specialised legal issues or highly specific technical matters or require a combined analysis of legal issues from very different contexts; or  
involve hearing a large number of witnesses, the analysis of complex evidence or various lengthy steps to produce proof; and

If the person liable to pay the court fee is a commercial undertaking that, in the previous year, has lodged 200 or more applications for interim relief or other forms of action or enforcement, at a court, registry or contact point, in which case the court fee is set as follows for applications for payment orders brought by the undertaking concerned:

of up to €5 000: the court fee is €153 (1.5 UC);  
from €5 000 to €15 000: the court fee is €306 (3 UC);  
upwards of €15 000.01: the court fee is €459 (4.5 UC).

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) of the Regulation on Court Costs).

#### How much will I pay?

See previous answer.

#### What happens if I don't 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 court fees due and the fine within 10 days, the court will order the withdrawal of your claim, application or appeal.

#### How can I pay the court fees?

Court fees have to be paid by bank transfer.

When you file for a payment order with the court, you are advised to wait for instructions from the registry of the central civil bench at the Porto district court on how to make the payment. To this end, **it is highly recommended that you provide an e-mail address for the claimant or their representative**. The court registry will send a reference number (containing 12 digits and beginning by 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 must provide the court with proof of the transfer.

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

NIF (tax identification number): 510 361 242

Account number: 1120014160

NIB (Portuguese BBAN): 078101120112001416052

IBAN: PT50078101120112001416052

Name of bank: Agência da Gestão da Dívida e do Crédito Público - IGCP, E.P.E.

BIC SWIFT (Business Identifier Code): IGCPPTPL

### **What shall I do after the payment?**

In accordance with Article 22(1) 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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