

Home>Taking legal action>Where and how>Costs

## Costs

### Portugal

This page provides information about the costs of legal proceedings in Portugal.

For a more in-depth analysis of legal costs, see the following case studies:

[Family law – divorce](#)

[Family law – custody of children](#)

[Family law – alimony](#)

[Commercial law – contracts](#)

[Commercial law – liability](#)

### Regulatory framework governing fees of legal professions

#### 1. Legal agents (*Solicitadores*)

In Portugal, the fees of *solicitadores* when acting as enforcement agents are governed by Ministerial Implementing Order (*Portaria*) No 282/2013 of 29 August 2013, as amended (Articles 43 to 51).

#### 2. Legal advisers (*Consultores jurídicos*)

Legal advisers' fees are not regulated in Portugal.

#### 3. Lawyers (*Advogados*)

Lawyers' fees are not regulated in Portugal.

#### 4. Court officials (*Oficiais de justiça*)

The costs of intervention by court officials in enforcement proceedings are governed by Article 9 and Table II of the Regulation on the Costs of Legal Proceedings (*Regulamento das Custas Processuais*), adopted by Decree-Law (*Decreto-Lei*) No 34/2008 of 26 February 2008, as amended, and by Ministerial Implementing Order No 282/2013 of 29 August 2013, as amended (Articles 43 to 51, applicable under Article 59(1)).

#### 5. Lawyers working in the field of legal protection

The fees payable to lawyers for services provided in the field of legal protection are governed by Ministerial Implementing Order No 1386/2004 of 10 November 2004, Ministerial Implementing Order No 161/2020 of 30 June 2020, and Ministerial Implementing Order No 10/2008 of 3 January 2008, as amended.

### Fixed costs

#### Fixed costs in civil proceedings

##### Fixed costs for litigants in civil proceedings

The fixed costs for litigants in civil proceedings are set out in Articles 5 to 7 and Tables I and II in the annex to the Regulation on the Costs of Legal Proceedings, adopted by Decree-Law No 34/2008 of 26 February 2008, as amended.

##### Stage in civil proceedings at which fixed costs must be paid

Court fees are generally paid at the beginning of the proceedings and at the time when the date is set for the court hearing. Experts and court officials are generally paid immediately before they take part in proceedings.

#### Fixed costs in criminal proceedings

##### Fixed costs for litigants in criminal proceedings

The fixed costs payable by litigants in criminal proceedings are set out in Article 8 and in Table III in the annex to the Regulation on the Costs of Legal Proceedings, adopted by Decree-Law No 34/2008 of 26 February 2008, as amended.

##### Stage in criminal proceedings at which fixed costs must be paid

The stage in criminal proceedings at which the fixed costs must be paid depends on the part played by the person concerned in the proceedings and on the action they intend to take. There are only two cases in which the court fee is payable concomitantly with the action to which it relates: when the person concerned joins proceedings as a civil party, and when an enquiry is opened at the request of a civil party. In all other cases, i.e. in all cases involving the defendant and in the other cases involving the civil party, the court fee is payable at the end of the stage in the legal proceedings that is currently in progress (enquiry, judgment or appeal), depending on the judge's decision.

#### Fixed costs in constitutional proceedings

##### Fixed costs for litigants in constitutional proceedings

The fixed costs payable by the parties to proceedings before the Constitutional Court are regulated by Articles 6 to 9 of Decree-Law No 303/98 of 7 October 1998, as amended, and by Article 84 of Law No 28/82 of 15 November 1982, as amended.

##### Stage in constitutional proceedings at which fixed costs must be paid

The payment of fixed costs is required only at the end of the proceedings.

### Prior information to be provided by legal representatives

#### Rights and obligations of the parties

The legal representatives are ethically and legally obliged to provide all information concerning the rights and obligations of the parties, insofar as they have a reasonable knowledge of the chances of success and of the costs involved.

### Cost sources

#### Where can I find information on cost sources in Portugal?

Further information on the legal costs system in Portugal is available at <https://justica.gov.pt/Servicos/Custas-processuais>.

#### In what languages can I obtain information on cost sources in Portugal?

Information on cost sources in Portugal is available in Portuguese only.

#### Where can I find information on mediation?

Information on mediation, in particular on the public systems for civil, family, labour and criminal mediation, can be found [here](#).

#### Where can I find information on the average length of time taken by different proceedings?

Information on the average length of time taken by legal proceedings can be found at <https://estatisticas.justica.gov.pt/sites/siej/en-us/pages/default.aspx>.

#### **Where can I find information on the average cost of a particular type of proceeding?**

This information is not available. The only way to find it is to consult the various scales of charges or tables of costs.

However, a simulator indicating the court fees payable when initiating legal proceedings is available at <https://justica.gov.pt/Servicos/Simulador-Taxas-de-Justica>. This gives an idea of the costs involved.

#### **Value-added tax: how is this information provided?**

Judicial costs are not subject to VAT. The fees of legal professionals are subject to VAT, but the information on costs that is provided by law does not include VAT.

#### **What are the applicable rates?**

No information is available on the applicable VAT rates.

#### **Legal aid**

##### **Income threshold for defendants in civil cases**

The formula for calculating the income threshold for legal aid in civil proceedings can be found in the annex to Law No 34/2004 of 29 July 2004, as amended.

##### **Income threshold for defendants in criminal cases**

The formula for calculating the income threshold for legal aid in criminal proceedings can be found in the annex to Law No 34/2004 of 29 July 2004, as amended.

##### **Income threshold for victims in criminal cases**

There is no income threshold for legal aid to victims in criminal cases.

##### **Other conditions for granting legal aid to victims**

There are other conditions for granting legal aid to victims. Where the status of a victim of domestic violence within the meaning of Article 152 of the Criminal Code is assigned under Law No 112/2009 of 16 September 2009, it is assumed, in the absence of any proof of the contrary, that the victim lacks sufficient financial resources.

##### **Other conditions for granting legal aid to defendants**

There are other conditions for granting legal aid to defendants. These relate to the defendants' financial situation and are calculated on the basis of a model designed in accordance with Article 39 of Law No 34/2004 of 29 July 2004, as amended.

#### **Cost-free court proceedings**

Court proceedings may be free for one party or for both parties, on the basis of exemption from legal costs or the granting of legal aid.

Article 4 of the Regulation on the Costs of Legal Proceedings provides for a series of situations in which exemption from costs applies. Exemptions fall into two categories:

**subjective or personal exemptions** under Article 4(1) that are based on a particular characteristic of the parties or the persons subject to the proceedings; and **objective or procedural exemptions** falling under Article 4(2), which relate to the type of proceedings.

However, some exemptions depend on the content of the final decision concluding the proceedings, as laid down in Article 4(3), (4), (5), (6) and (7).

Consequently, such exemptions may have no effect on costs, or may affect only charges generated in the course of legal proceedings.

More detailed information on legal aid can be found at <https://justica.gov.pt/Guias/como-pedir-apoio-judiciario>.

#### **When does the losing party have to pay the winning party's costs?**

The winning party is generally entitled to receive compensation from the losing party for the costs incurred, in a proportion determined by the court, depending on the final decision. The right of the winning party to receive compensation for the costs incurred is annulled if the losing party receives legal aid and is thus exempt from the requirement to pay any legal fees.

#### **Experts' fees**

As a general rule, the parties to the case pay the experts' fees. However, if the parties have received legal aid, the experts' fees are paid by the Institute of Financial Management and Infrastructure in the Justice System (*Instituto de Gestão Financeira e Equipamentos da Justiça*).

#### **Translators' and interpreters' fees**

As a general rule, the parties to the case pay the translators' and interpreters' fees. However, if the parties have received legal aid, the translators' and interpreters' fees are paid by the Institute of Financial Management and Infrastructure in the Justice System (*Instituto de Gestão Financeira e Equipamentos da Justiça*).

#### **Important documents**

**Portugal's report on the study concerning the transparency of costs**  (781 Kb) 

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