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Portuguese

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Costs

Portugal

This page provides you with information about legal costs in Portugal. For more in-depth analysis of legal costs, consult the following case studies: Family law - divorce Family law – custody of the children Family law - alimony Commercial law – contract Commercial law – liability

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Regulatory framework governing the fees of legal professions**1. Legal agents**

In Portugal, fees for legal agents (*solicitadores*), when they act as enforcement agents (*agentes de execução*), are regulated by Ministerial Order (*Portaria*) No 331-B/2009 of 30 March (Articles 11–25).

2. Legal advisers

In Portugal, fees for legal advisers (*consultores jurídicos*) are not regulated.

3. Lawyers

In Portugal, fees for lawyers (*advogados*) are not regulated.

4. Court officials

Fees for acts done by court officials (*oficiais de justiça*) in enforcement procedures are regulated by Article 9 and by Table II of the Regulation on Costs of Proceedings approved by Decree-Law (*Decreto-Lei*) No 34/2008 of 26 February, and by Ministerial Order No 331B/2009 of 30 March (Articles 11 and 25).

5. Lawyers providing legal aid

Lawyers' fees for services they provide in the framework of legal aid are regulated by Ministerial Order No 1386/2004 of 10 November and Ministerial Order No 10/2008 of 3 January, as amended by Ministerial Order No 210/2008 of 29 February.

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 5–7 and Tables I and II annexed to the Regulation on Procedural Costs approved by Decree-Law No 34/2008 of 26 February.

Stage in civil proceedings when fixed costs for litigants must be paid

As a rule, court fees are paid at the start of the proceedings and when the date is set for a court hearing. As a rule, experts and court officials are paid prior to their involvement in the proceedings.

Fixed costs in criminal proceedings**Fixed costs for litigants in criminal proceedings**

The fixed costs for litigants in criminal proceedings are set out in Article 8 and Table III annexed to the Regulation on Procedural Costs approved by Decree-Law No 34/2008 of 26 February.

Stage in criminal proceedings when fixed costs for litigants must be paid

The stage in criminal proceedings when fixed costs must be paid depends on the individual's position in the proceedings and the role he/she intends to play. The only cases where court fees are paid at the time the relevant step is taken are the filing of an application to be considered an assistant (*assistente*) to the public prosecutor and the opening of a criminal investigation by an assistant to the prosecutor. In all other cases, that is to say all cases involving the defendant and any other situations involving an assistant to the prosecutor, court fees are paid at the end of the particular stage in the criminal proceedings (investigation, judgment or appeal), in accordance with the judge's ruling.

Fixed costs in constitutional proceedings**Fixed costs for litigants in constitutional proceedings**

The fixed costs for parties to proceedings before the Constitutional Court are regulated by Articles 6–9 of Decree-Law No 303/98 of 7 October, as amended by Decree-Law No 91/2008 of 2 June.

Stage in the constitutional proceedings

The fixed costs do not have to be paid until the end of the proceedings.

Prior information to be provided by legal representatives**Rights and obligations of the parties**

Legal representatives are ethically and legally obliged to provide comprehensive information concerning the parties' rights and obligations, as they have good knowledge of the chances of success and the costs involved.

Sources of costs

Where can I find information about sources of costs in Portugal?

More information on the legal costs system in Portugal can be found at <https://igfj.mj.pt/custas/Paginas/default.aspx>

In what languages can I obtain information on sources of costs in Portugal?

The information on sources of costs in Portugal is available only in Portuguese.

Where can I obtain information on mediation?

Information on mediation, in particular on public mediation systems in matters of civil, family, labour and criminal law, can be found at

<http://www.dgpj.mj.pt/sections/gral/mediacao-publica/mediacao-anexos/formularios-para-pedidos/>

Where can I find information on the average length of time that different procedures take?

Information on the average length of time that a legal procedure takes can be found on Portugal's Legal Statistics website -

<http://www.dgpj.mj.pt/sections/estatisticas-da-justica>.

Where can I obtain information on the average cost for a particular procedure?

This information is not available and can be arrived at only by consulting the various fee scales or tables.

Value Added Tax - how is this information provided?

Judicial costs are not subject to VAT. Fees payable to professionals are subject to VAT, but the information on costs that is provided by law does not include VAT.

What rates are applicable?

No information is available on the VAT rates applicable.

Legal aid

Income threshold applicable in civil proceedings

The formula for calculating the income threshold for the purposes of legal aid in civil proceedings is available in the Annex to Act (*Lei*) No 34/2004 of 29 July, amended by Act No 47/2007 of 28 August.

Income threshold applicable for defendants in criminal proceedings

The formula for calculating the income threshold for the purposes of legal aid in civil proceedings is available in the Annex to Act (*Lei*) No 34/2004 of 29 July, amended by Act No 47/2007 of 28 August.

Income threshold applicable for victims in criminal proceedings

There is no legal aid income threshold for victims in respect of criminal proceedings.

Other conditions attached to the granting of legal aid for victims

Other conditions are attached to the granting of legal aid for victims. Victims do not pay legal fees when they are represented by the Association for Victim Support [*Associação de Apoio à Vítima*].

Other conditions attached to the granting of legal aid for defendants

Other conditions are attached to the granting of legal aid for defendants. These relate to the defendant's economic situation and are calculated with reference to the model developed pursuant to Article 39 of Act No 34/2004 of 29 July, amended by Act No 47/2007 of 28 August.

Cost-free court proceedings

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

When does the unsuccessful party have to pay the successful party's costs?

As a rule, the successful party is entitled to compensation for costs, which is to be paid by the unsuccessful party in the proportion laid down by the judge, depending on the final ruling. The successful party's entitlement to compensation is annulled if the unsuccessful party benefits from legal aid and is therefore exempt from paying any judicial fees.

Experts' fees

Normally the party has to pay experts' fees. If the party has benefited from legal aid, experts' fees are paid by the Institute for Financial Management and Infrastructures in the Justice System [*Instituto de Gestão Financeira e Equipamentos da Justiça - IGFEJ*].

Translators' and interpreters' fees

Normally translators' and experts' fees have to be paid by the party concerned. However, if the party has benefited from legal aid, experts' fees are paid by the Institute for Financial Management and Infrastructures in the Justice System [*Instituto de Gestão Financeira e Equipamentos da Justiça - IGFEJ*].

Important documents

[The Portuguese report on the Study on Transparency of Costs](#)  (781 Kb) 

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