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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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Family law - Divorce - Portugal

In this case study on family law - divorce, Member States were asked to advise the party that files for divorce on litigation costs given the following situations:

Case A – National situation: a couple gets married. Later they separate and agree to a divorce.

Case B – Transnational situation: Two nationals from a same Member State (Member State A) get married. The wedding is held in Member State A. After getting married, the couple moves to live and work in another Member State (Member State B) where they establish their residence. Shortly afterwards, the couple separates with the wife returning to Member State A and the husband remaining in Member State B. The couple agrees to a divorce. Upon her return to Member State A, the wife immediately files for divorce before the courts of Member State B.

Costs in Portugal

Costs for court fees, appeals and alternative dispute resolution

Case study	Court			Appeals			ADR	
	Initial fee	Transcription fees	Other fees	Initial fee	Transcription fees	Other fees	Is this possible in such cases?	Cost
Case A	EUR 306			EUR 306			Yes. Mediation may take place with a view to reaching one of the agreements required for the divorce to be handled by the civil registry office (see note)	EUR

Note: If a couple agree to divorce by mutual consent, this will come before the courts only if there is no agreement on one of the following issues: division of assets, exercise of parental responsibility, maintenance (alimony) or the future of the family home.

If there is agreement on these subjects, divorce proceedings will take place at the Civil Registry Office (*conservatória do registo civil*) subject to a single fee of EUR 280.

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Family law - Custody of the children - Portugal

In this case study on family law – custody of the children, Member States were asked to advise the suing party on litigation costs on litigation costs in order to consider the following situations:

Case A – National situation: Two persons have lived together unmarried for a number of years. They have a three year old child when they separate. A court decision grants custody of the child to the mother and a right of access to the father. The mother sues to limit the father's right of access.

Case B – Transnational situation where you are a lawyer in Member State A: Two persons have lived together unmarried in a Member State (Member State B) for a number of years. They have a child together but separate immediately after the child's birth. A court decision in Member State B gives the child's custody to the mother with a right of access to the father. The mother and the child move to live in another Member State (Member State A) as authorised to do so by the Court decision and the father remains in Member State B. A few years later, the mother sues in Member State A to change the father's right of access.

Costs in Portugal

Reimbursement for witnesses, guarantees and other fees applicable

Case study	Reimbursement of witnesses		Guarantees		Other fees	
	Do witnesses get their expenses reimbursed?	Cost	Does this possibility exist? When and how is it implemented?	Cost	Description	Cost
Case A	Yes - Table IV annexed to the Regulation on Costs of Proceedings adopted by Decree-Law (<i>Decreto-Lei</i>) No 34/2008, of 26 February	EUR 0.2 per kilometre				
Case B	Yes - Table IV annexed to the Regulation on Costs of Proceedings adopted by Decree-Law No 34/2008, of 26 February	EUR 0.2 per kilometre				

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Family law - Alimony - Portugal

In this case study on family law – alimony, Member States were asked to advise a party who initiates proceedings on litigation costs given the following situations:

Case A – National situation: Two persons have lived together unmarried for a number of years. They have a three year old child when they decide to separate. A court decision grants custody of the child to the mother. The only outstanding dispute relates to the amount of the alimony owed to the mother by the father for the support and education of the child. The mother initiates court proceedings on this issue.

Case B – Transnational situation with a lawyer acting in Member State A: Two persons have lived together unmarried in a Member State (Member State B). They have a three year old child. They separate. A court decision in Member State B grants custody of the child to the mother. With the agreement of the father, the mother and the child move to live in another Member State (Member State A), where they establish their residence.

An outstanding dispute remains. This relates to the amount of the alimony owed to the mother by the father for the support and education of the child. The mother initiates court proceedings on this issue in Member State A.

Costs in Portugal

Witness compensation, guarantees and other fees applicable

Case study	Witness compensation		Guarantees		Other fees	
	Do witnesses receive compensation?	Cost	Does this possibility exist? When and how is it implemented?	Cost	Description	Cost
Case A	Yes – Table IV annexed to the Regulation on Costs of Proceedings adopted by Decree-Law No 34/2008, of 26 February	EUR 0.2 per kilometer				
Case B	Yes – Table IV annexed to the Regulation on Costs of Proceedings adopted by Decree-Law No 34/2008, of 26 February	EUR 0.2 per kilometer				

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Commercial law - Contract - Portugal

In this case study on commercial law - contracts, Member States were asked to advise the seller on litigation costs given the following situations:

Case A – National situation: A company supplied goods worth EUR 20 000. The seller has not been paid because the buyer considers that the goods do not conform to what had been agreed.

The seller decides to sue to obtain the full payment of the price.

Case B – Transnational situation: A company whose head office is located in Member State B delivers goods worth EUR 20 000 to buyer in Member State A. The contract is subject to the law of Member State B and is written in the language of Member State B. This seller has not been paid because the buyer located in Member State A considers that the goods do not conform to what had been agreed. The seller decides to sue in Member State A to obtain full payment of the price specified in the contract with the buyer.

Costs in Portugal

Cost of legal aid and other amounts reimbursed

Case study	Legal aid			Reimbursement			
	When and under what conditions does this apply?	When is 100 % aid provided?	Conditions?	Can the successful party obtain reimbursement of litigation costs?	If reimbursement is not 100 %, what percentage is reimbursed in general?	What costs are never reimbursed?	Are there instances when legal aid has to be reimbursed to the body granting the aid?
Case A	Profit-making legal entities are not entitled to legal aid			Yes	The costs of proceedings are not 100 % reimbursed if the successful party receives legal aid, in which case the successful party is reimbursed by the State only for court fees paid (but not for other amounts included in the costs)		Reimbursement by the State is provided only where the beneficiary of the aid himself has acquired sufficient financial means to cover the proceedings for the four subsequent years, or is found to have brought the action in bad faith
Case B	Profit-making legal entities are not entitled to legal aid			Yes	The costs of proceedings are not 100 % reimbursed if the successful party receives legal aid, in which case the successful party is reimbursed by the State only for court fees paid (but not for other amounts included in the costs)		Reimbursement by the State is provided only where the beneficiary of the aid himself has acquired sufficient financial means to cover the proceedings for the four subsequent years, or is found to have brought the action in bad faith

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Commercial law - Responsibility - Portugal

In this case study on commercial law - liability, Member States were asked to advise the customer on litigation costs given the following situations:

Case A – National situation: A heating equipment manufacturer delivers a heater to an installer. The installer sells on (and installs) the heater to a customer to equip his/her house. The house catches fire shortly after. All those involved (heating equipment manufacturer, installer, end-customer) are insured. The origin of the fire is contested. Nobody wants to compensate the customer.

The customer decides to sue the heating equipment manufacturer, the heating equipment installer and the insurance companies for full compensation.

Case B – Transnational situation: A heating equipment manufacturer in a Member State B delivers a heater to an installer in a Member State C. The installer sells on (and installs) the heater to a customer in Member State A to equip his/her house. The house catches fire shortly after. All parties involved (heating equipment manufacturer, installer, end-customer) are insured by insurance companies in their own Member States. The origin of the fire is contested. Nobody wants to compensate the customer.

The customer decides to sue in Member State A the heating equipment manufacturer, the heating equipment installer and the insurance company in Member State A for full compensation.

Costs in Portugal

Translation and interpretation costs

Practical situation	Translation		Interpretation		Other costs specific to cross-border disputes?	
	When and under what circumstances is translation necessary?	Approximate cost?	When and under what circumstances is interpreting necessary?	Approximate cost?	Description	Approximate cost?

Case A	For decisions by non-Portuguese courts or documents not in Portuguese	EUR 0.027 per word	If the person in question is not and does not speak Portuguese, a translator/interpreter has to be appointed.	Between EUR 102 and EUR 204	-	-
Case B	For decisions by non-Portuguese courts or documents not in Portuguese	EUR 0.027 per word	If the person in question is not and does not speak Portuguese, a translator/interpreter has to be appointed.	Between EUR 102 and EUR 204	-	-

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