Article 17 - Information made available to the public

In the Portuguese legal system, protective measures are essentially criminal in nature and are provided for in the Criminal Code, the Code of Criminal Procedure and Law No 112/2009 of 16 September 2009 laying down the legal framework applicable to the prevention of domestic violence and the protection and assistance of victims thereof.

However, in the field of civil law it is possible to impose protective measures by means of general protection of personality. Article 70(2) of the Civil Code states: 'Irrespective of any civil liability involved, the threatened or offended person may request that injunction measures appropriate to the circumstances be taken in order to prevent the threat from being carried out or to mitigate the effect of the offence already caused.'

Accordingly, civil procedural law provides for the adoption of specific injunction measures to prevent any unlawful and direct threat to the physical or moral personality of a human being from being carried out or to mitigate or bring to an end the effects of an offence already caused (Article 878 of the Code of Civil Procedure).

Articles 879 and 880 of the Code of Civil Procedure govern certain procedural aspects of this type of procedure. In short, under civil procedural law, if a request for such injunction measures is accepted, the court then determines the specific conditions of conduct to which the defendant is subject and, where appropriate, a deadline for compliance, as well as the mandatory financial penalty for each day of late compliance or for each infringement, whichever is more appropriate in the case in question.

There is also provision for the issuance of an interim ruling, which is not open to appeal and may subsequently be amended or confirmed in the actual procedure, in cases where an assessment of the evidence submitted by the person requesting injunction measures reveals the possibility of imminent and irreversible harm to their physical or moral personality and if, alternatively:

(a) the court is unable to form a sure opinion on the existence, extent or severity of the threat or the offence caused;

(b) reasons of special urgency make injunction measures necessary without the opposing party being heard.

Article 18 (a)(i) - the authorities which are competent to order protection measures and issue certificates in accordance with Article 5

The Portuguese authorities before which a protection measure ordered in another Member State is to be invoked are: General Divisions (*Juízo de Competência Genérica*) or Local Civil Divisions (*Juízo local cível*) of the relevant district court. The same authorities are responsible for the implementation of that measure.

Article 18 (a)(ii) - the authorities before which a protection measure ordered in another Member State is to be invoked and/or which are competent to enforce such a measure

The Portuguese authorities before which a protection measure ordered in another Member State is to be invoked and/or which are competent to enforce such a measure are: General Divisions (*Juízo de Competência Genérica*) or Local Civil Divisions (*Juízo local cível*) of the relevant district court.

Article 18 (a)(iii) - the authorities which are competent to effect the adjustment of protection measures in accordance with Article 11(1)

The Portuguese authorities competent to adjust protection measures in accordance with Article 11(1) are: General Divisions or Local Civil Divisions of the relevant district court.

Article 18 (a)(iv) - the courts to which the application for refusal of recognition and, where applicable, enforcement is to be submitted in accordance with Article 13

The courts to which applications for refusal of recognition and, where applicable, enforcement are to be submitted in accordance with Article 13 are the General Divisions or the Local Civil Divisions of the relevant district court.

Article 18 (b) - the language or languages accepted for translations as referred to in Article 16(1)

The language in which the translations referred to in Article 16(1) are accepted is **Portuguese**.

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