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Online processing of cases and e-communication with courts

Portugal

1 Is it possible to initiate court proceedings via the internet?

Yes, it is possible in Portugal to bring court proceedings via the internet, and specific IT applications have been set up for the purpose: Citius and the Inventory Proceedings Management Platform.

Citius

In principle, in civil proceedings, it is possible to submit pleadings and documents via the Citius platform at <http://citius.tribunaisnet.mj.pt> in accordance with the procedures and instructions set out there.

The Citius platform provides specific modules for judges, prosecutors and court officers to process proceedings and submit formal documents, and for legal representatives to submit formal documents and consult proceedings (Article 3, Ministerial Implementing Order (*Portaria*) No 280/2013).

Access by lawyers, trainee lawyers and solicitors requires registration with the entity responsible for system access management. Access is based on the information provided by the relevant professional associations with respect to the validity of member registration.

Following registration, secret, personal and non-transferable information is issued enabling access to the restricted area of the platform.

Inventory Proceedings Management Platform

In matters of succession, since 2 September 2013, in cases where the inheritance is contested, the notary office in the municipality where succession proceedings are opened has jurisdiction to conduct the inventory proceedings (*processo de inventário*). Proceedings are referred to the court at certain stages for the judge to deliver a decision, including to confirm the division of assets.

Inventory proceedings should be dealt with preferably by electronic means by notaries using the inventory proceedings platform (Article 2, Ministerial Implementing Order No 278/2013).

2 If so, for what types of cases is it available? Are any proceedings available exclusively via the internet?

Citius

As a rule, all legal proceedings, that is, main actions, precautionary measures, ancillary proceedings, individual judicial notifications and any other proceedings, whether joined or autonomous, including appeals, are now electronic and processed in *Citius* (Article 3, Ministerial Implementing Order No 280/2013).

For cases brought before the courts, the Citius platform enables the instigation and processing of:

(a) civil declaratory actions, precautionary measures and individual judicial notifications, with the exception of child protection proceedings and claims for civil damages or civil enforcement proceedings brought in connection with criminal proceedings;

(b) civil enforcement proceedings and all ancillary proceedings joined to the enforcement (in this case, the enforcement proceedings, together with the printing of any documents considered essential, should take place only once the court has received an application or information requiring its intervention).

The same applies to payment order proceedings. Please refer to the relevant factsheet.

Inventory Proceedings Management Platform

Lodging the inventory request with the notary, any challenges, and all subsequent actions must be carried out, whenever possible, through the Inventory Proceedings Management Platform (Article 6, Law No 23/2013).

3 Is the facility available at all times (i.e. 24 hours a day, 7 days a week) or just during specific hours? If so, what are those hours?

As a rule, the services described are available 24 hours a day, 7 days a week.

4 Should the details of the claim be provided in any particular format?

Citius

Pleadings should be submitted by completing the forms available on the webpage mentioned in the reply to question 1, to which should be attached:

(a) files with other legally required information, the material content of the pleading and other information deemed relevant by the legal representative and which does not fit into any other fields on the form; and

(b) the documents that must accompany the pleading.

When pleadings and documents are submitted in this way, they must be digitally signed in the Citius platform using an electronic signature certificate that permanently guarantees the professional status of the signatory.

Files and documents must be in *Portable Document Format* (.pdf), preferably in the PDF/A version and have searchable content (Article 8, Ministerial Implementing Order No 280/2013).

With regard to orders for payment proceedings, files should be in *Extensive Markup Language* (.xml); the specifications can be found at:

<https://www.citius.mj.pt/portal/consultas/injuncoes/injunformato.aspx>

Inventory Proceedings Management Platform

An application for inventory proceedings can be filed:

(a) by the interested party or the legal representative, by completing the electronic form for bringing inventory proceedings provided in the platform, and attaching the relevant documents in accordance with the procedures and instructions given;

(b) by the interested party at the notary office, on a physical medium, by submitting the inventory application template provided for in the previous Article, together with the relevant documents. (Article 4, Ministerial Implementing Order No 278/2013).

Access to the abovementioned website is via electronic certification as follows:

(a) by citizens, through the digital certificate incorporated into their identity cards;

(b) by lawyers and solicitors via the digital certificate confirming their professional status.

5 How is transmission and storage of data secured?

The electronic processing of cases guarantees their completeness, authenticity and inviolability.

As a rule, all communications between the user's computer and the system's internet site are encrypted so as to ensure the confidentiality of the transmitted data.

Applications may be accessed only by duly certified parties by way of a digital certificate proving their identity.

All their activity is recorded in the system.

Documents and pleadings for which the law requires a signature are digitally signed by the user, which guarantees their authenticity, integrity and acceptance.

6 Is it necessary to use any kind of electronic signature and/or time record?

Citius

The pleadings and documents submitted by legal representatives must be digitally signed using an electronic signature certificate that permanently guarantees the identity and professional status of the signatory.

The Citius platform ensures:

- (a) certification of the date and time of delivery;
- (b) that the sender is provided with a copy of the pleading and the documents submitted with the date and time of certified delivery affixed;
- (c) if receipt is impossible, the sender is sent a message informing them that it was not possible to submit the pleading or documents to the platform.

Judges and public prosecutors always submit formal documents electronically via the Citius IT system, with a qualified or advanced electronic signature affixed.

In cases which do not require legal representation, and where the party does not have a lawyer, pleadings may also be submitted at the court in one of the following manners [Article 144(7) of the Code of Civil Procedure]:

- (a) delivery by hand to the court registry, with the date the documents are handed in counting as the date on which the pleadings are lodged;
- (b) by registered post, with the date of the postal registration counting as the date on which the pleadings are lodged;
- (c) by fax, with the date the documents are sent counting as the date on which the pleadings are lodged.

Where the party has legal representation and there is a justified obstacle to submitting the documents electronically, they may be submitted using one of the methods referred to above.

Inventory Proceedings Management Platform

Once the application has been submitted as required, the platform or the notary will provide the applicant with confirmation of submission specifying:

- (a) the date and time the application was submitted;
- (b) the code and instructions to access the website <https://www.inventarios.pt/> in order to consult the case;
- (c) a Multibanco ATM reference to pay the first instalment of the notary's fees, and the corresponding amount;
- (d) the number that will be given to the case after the payment of the first instalment of the notary's fees.

7 Are court fees payable? If so, how can they be paid and are they different to those for non-electronic procedures?

Citius

Yes, court fees must be paid.

First a 'single collection document' (*Documento Único de Cobrança - DUC*) for payment must be issued and can be accessed on the IGFIJ webpage:

<https://justica.gov.pt/Servicos/Custas-processuais/DUC-Documento-Unico-de-Cobranca>

The DUC can be paid by:

- Multibanco ATM or *Homebanking* (under 'Payments to the State');
- at the court registry with a Multibanco card;
- at the branch of your bank.

For further information, please consult:

Services – Costs of Proceedings: <https://justica.gov.pt/Servicos/Custas-processuais>

In proceedings where the use of electronic means is not compulsory, court fees are reduced to 90% of their value when the party submits all pleadings via electronic means (Article 6, Procedural Costs Regulation).

With regard to payment orders, please refer to the corresponding factsheet.

Portugal also accepts the payment of court fees via foreign bank transfer.

A court fees simulator is available at: <https://justica.gov.pt/Servicos/Custas-processuais/DUC-Documento-Unico-de-Cobranca>

Inventory Proceedings Management Platform

Costs for inventory proceedings cover notary fees and expenses. Payment is via a Multibanco electronic transfer reference generated when the application is submitted.

8 Is it possible to withdraw a claim that has been initiated via the internet?

Yes, it is possible to discontinue the proceedings or withdraw the application on the terms set out in the national procedural rules applicable to each case.

9 If the claimant initiates proceedings via the internet is it possible and/or compulsory for the defendant to respond using the internet as well?

As a rule, in legal proceedings pleadings by the defendant are submitted to court electronically, and the date the documents are submitted will count as the date on which the pleadings are lodged (Article 144 of the Code of Civil Procedure).

In cases which do not require legal representation, and where the party does not have a lawyer, pleadings may also be delivered by hand to the court registry, or sent by registered post or by fax.

For inventory proceedings, please see the replies to questions 4 and 6.

10 In terms of the electronic procedure what happens if the defendant responds to the claim?

Citius

If the defendant wishes to respond, the claim is still processed electronically, although certain documents will be printed. Paper documents are still needed (e.g. judges do not have the material resources allowing them to analyse a case and draw up a decision on separate monitors or to consult the digital process in the courtroom while the case is being heard; in some cases it is up to the court to decide if the detailed analysis of certain documents requires them to be printed).

The physical case file must include only pleadings and procedural documents which are relevant to the decision on the merits as indicated by the judge in a reasoned decision in each case. It is assumed that the following are not relevant (Article 28, Ministerial Implementing Order No 280/2013):

- (a) requests to change the date of a hearing;
- (b) administrative communications and enforcement notices which relate merely to the organisation of proceedings, and the replies, such as:

- (i) notices ordering the summons of or service on the parties;
 - (ii) notices scheduling hearings;
 - (iii) notices of the sending of a case to the Public Prosecutor;
 - (iv) notices of investigation by different departments such as criminal police authorities, registry offices, National Forensic Medicine and Forensic Science Institute of Portugal (*Instituto Nacional de Medicina Legal e Ciências Forenses I. P.*), Directorate of Prison Services and Social Rehabilitation (*Direcção-Geral de Reinserção e Serviços Prisionais*) or the Directorate-General of Social Security (*Direcção-Geral da Segurança Social*);
 - (v) validation stamps by the public prosecutor and judge;
- (c) acceptance of appointment of an enforcement agent to serve a summons;
- (d) internal communications;
- (e) negative certificates resulting from the consultation of databases at Public Administration departments;
- (f) specific actions, communications or notifications from the enforcement agent.

Inventory Proceedings Management Platform

The notary must record all steps in the proceedings in the platform so that each step may be identified and a copy found of the related documents and any accompanying documents.

Any formal legal action lodged by any person involved in the proceedings which is not submitted electronically must be scanned by the notary and registered in the file for the related inventory proceedings.

Should the scanning of documents mentioned above not be possible due to the nature of the pleadings or any other document submitted by the interested party, the notary must register the action in the inventory proceedings platform, stating that the document in question may be consulted at the notary office.

11 In terms of the electronic procedure what happens if the defendant does not respond to a claim?

If the defendant does not respond, the claim follows the applicable procedure, and is digitally processed until its conclusion. Certain documents will be printed as explained in the reply to the previous question.

12 Is it possible to submit documents to a court electronically and if so in what type of proceedings and under what conditions is it possible?

See the replies to questions 2 and 4.

13 Can judicial documents, and particularly judgments, be served via the internet?

Citius

To find out in which cases the law allows service via the internet, please see the factsheet 'Service of Documents – Portugal', in particular the replies to questions 5 and 6.

Where electronic service is permissible, it is done via the Citius platform, which automatically ensures that documents are available and can be viewed at <http://citius.tribunaisnet.mj.pt/>.

Inventory Proceedings Management Platform

Service by the notary to the legal representatives of parties which are already involved in the proceedings is done via the inventory proceedings platform, in the restricted space reserved for the legal representative in the system. Service is considered to have been performed on the third day after the document has been made available in the legal representative's restricted space in the system, or on the next working day if that day is not a working day.

When the document is made available in the legal representative's reserved space in the platform, an email is simultaneously sent to the email address they have previously provided notifying them that the document is available in the platform.

Where service is performed directly on the parties, the documents are served in paper form on the terms set out in the Code of Civil Procedure and are registered in the inventory proceedings platform, with the electronic signature of the respective clerk attached.

14 Can judicial decisions be given electronically?

To find out in which cases the law allows service of judicial decisions via the internet, please see the factsheet 'Service of Documents – Portugal', in particular the replies to questions 5 and 6.

The handing down of judicial decisions takes place in the *Citius-Magistrados Judiciais* system and the decisions are made available in the Citius platform.

15 Can an appeal be made and its decision served via the internet?

Yes, the following can be submitted electronically: applications for leave to appeal, statements of grounds of appeal and responses, and complaints against the dismissal or referral of appeals.

As regards service of the decision on appeal, please see the reply to question 13.

16 Is it possible to initiate enforcement proceedings via the internet?

Yes, it is possible to initiate enforcement proceedings via the internet.

17 Can the parties or their legal representatives consult on-line cases? If so, how this can be done?

Citius

With the exception of enforcement proceedings, which the parties themselves are allowed to consult, all other judicial proceedings may be consulted online only by legal representatives (lawyers and solicitors), enforcement agents and, in insolvency proceedings, the insolvency administrators.

Enforcement proceedings can be consulted by the creditor or debtor at: <https://processoexecutivo.justica.gov.pt> through prior authentication using the digital authentication certificate integrated into identity cards or through the mobile digital key. Consultation is in accordance with the procedures and instructions provided on the website.

Inventory Proceedings Management Platform

Parties and their legal representatives can consult inventory proceedings in the inventory proceedings platform.

Parties can access this system exclusively for consultation purposes using a code provided by the notary when first serving documents on the party concerned.

Applicable Legislation

Law No 41/2013 of 26 June 2013 – Code of Civil Procedure

Ministerial Implementing Order No 280/2013 of 26 August 2013 - Electronic processing of judicial cases

Law No 23/2013 of 5 March 2013 - Legal Regime for Inventory Proceedings

Ministerial Implementing Order No 278/2013 of 26 August 2013 - on the processing of documents and the terms of inventory proceedings

Useful links:

[Citius Portal](#)

[Justice Portal](#)

[Directorate-General of Justice Administration](#)

[Directorate-General for Justice Policy](#)

[Institute of Financial Management and Infrastructure](#) of the Justice Ministry

Note:

The EJM-Civil Contact Point, the courts or other entities and authorities are not bound by the information contained in this factsheet. It is still necessary to read the legislation in force, which may be subject to regular updates or changes in interpretation by the case law.

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