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Serving documents

Article 2(1) – Transmitting agencies

The **transmitting agencies** designated by Portugal are:

- district courts (*Tribunais Judiciais de Comarca*);
- registrars (*Conservadores*);
- notaries (*Notários*);
- enforcement agents (*Agentes de Execução*); and
- legal representatives (*Mandatários Judiciais*).

Article 2(2) – Receiving agencies

The **receiving agencies** designated by Portugal are:

- the general division (*Juízo de Competência Genérica*) or the local civil division (*Juízo local cível*), if one exists, of the district court with jurisdiction; and
- enforcement agents (OSAE, the Association of Solicitors and Enforcement Agents, *Ordem dos Solicitadores e dos Agentes de Execução*);

Rua Artilharia 1, No 63

1250-083 Lisbon

Tel.: (351) 21 389 42 00

Fax: (351) 21 353 48 70

Email: geral@osae.pt

<http://www.osae.pt/pt/pag/OSAE/osae/1/1/1/1>

Click on the below link to view all competent authorities related to this Article.

Country: Portugal

Instrument: Serving documents

Competence type: Receiving agencies

More than one court/authority has been found which is competent for this legal instrument based on the information you provided. Below is the list:

Tribunal Judicial da Comarca da Guarda

Tribunal Judicial da Comarca da Madeira

Tribunal Judicial da Comarca de Aveiro

Tribunal Judicial da Comarca de Beja

Tribunal Judicial da Comarca de Braga

Tribunal Judicial da Comarca de Bragança

Tribunal Judicial da Comarca de Castelo Branco

Tribunal Judicial da Comarca de Coimbra

Tribunal Judicial da Comarca de Faro

Tribunal Judicial da Comarca de Leiria

Tribunal Judicial da Comarca de Lisboa

Tribunal Judicial da Comarca de Lisboa Norte

Tribunal Judicial da Comarca de Lisboa Oeste

Tribunal Judicial da Comarca de Portalegre

Tribunal Judicial da Comarca de Porto Este

Tribunal Judicial da Comarca de Santarém

Tribunal Judicial da Comarca de Setúbal

Tribunal Judicial da Comarca de Viana do Castelo

Tribunal Judicial da Comarca de Vila Real

Tribunal Judicial da Comarca de Viseu

Tribunal Judicial da Comarca de Évora

Tribunal Judicial da Comarca do Porto

Tribunal Judicial da Comarca dos Açores

Article 2(4)(c) – Means of receipt of documents

Documents may be sent by post.

Article 2(4)(d) – Languages that may be used for the completion of the standard form set out in Annex I

Portugal will accept forms completed in Portuguese, English or Spanish.

Article 3 – Central body

In Portugal, the central body is the Directorate-General for Justice Administration (*Direção Geral da Administração da Justiça*).

Directorate-General for Justice Administration

Av. D. João II, 1.08.01 D/E

PT - 1990-097 LISBON

Tel. +351 217906200 - +351 217906223

Fax +351 211545100/60

Email: correio@dgaj.mj.pt

Website: <http://www.dgaj.mj.pt/>

Languages spoken: Portuguese, Spanish, French and English.

Article 4 – Transmission of documents

Portugal will accept forms completed in Portuguese, English or Spanish.

Articles 8(3) and 9(2) – Particular periods set by national law for serving documents

For the purposes of Articles 8(3) and 9(2) of the Regulation, Article 323 of the Portuguese Civil Code lays down that the limitation period is suspended five days after service was requested in cases where it was not possible to serve the documents for reasons not attributable to the applicant.

Article 10 – Certificate of service and copy of the document served

Portugal will accept certificates completed in Portuguese, English or Spanish.

Article 11 – Costs of service

Generally speaking, the service of judicial documents from another Member State does not give rise to the payment of any charges or costs if the documents are sent to the courts.

However, if the documents are served in person by a court official or an enforcement agent, the following costs will apply:

1. Enforcement agents:

If service is effected: €76

If service is not effected (e.g. if the person to be served with documents did not reside at the given address or the address did not exist): €50.50

2. Court officials:

If service is effected: €51

If service is not effected (e.g. if the person to be served with documents did not reside at the given address or the address did not exist): no payment is due.

Article 13 – Service by diplomatic or consular agents

Portugal is opposed to another Member State serving judicial or extrajudicial documents on its territory through consular or diplomatic channels unless the person to be served with the document is a national of that Member State.

Article 15 – Direct service

Portuguese law does not allow direct service as provided for in Article 15 of the Regulation.

Article 19 – Defendant not entering an appearance

Notwithstanding the provisions of Article 19(1), the Portuguese courts may give judgment if all the conditions set out in paragraph 2 of this Article have been fulfilled.

For the purposes of Article 19(4), in Portugal applications for relief from the effects of expiry of the period for appeal must be filed within one year from the date of the contested decision. Applications will not be accepted after that date.

Article 20 – Agreements or arrangements to which Member States are parties and which comply with the conditions in Article 20(2)

Agreements to which Member States are party:

- Agreement between the Portuguese Republic and the Kingdom of Spain on Judicial Cooperation in Criminal and Civil Matters of 19 November 1997;

Other agreements to which Portugal is party:

- Agreement on Legal and Judicial Cooperation with Angola of 30 August 1995;

- Agreement on Legal and Judicial Cooperation with the Republic of Cape Verde of 2 February 2003;

- Agreement on Legal and Judicial Cooperation with the Macao Special Administrative Region of the People's Republic of China of 1 July 2001;

- Agreement on Judicial Cooperation with Guinea-Bissau of 5 July 1988;

- Agreement on Legal and Judicial Cooperation with Mozambique of 12 April 1990;

- Judicial Agreement with São Tomé and Príncipe of 23 March 1976.

Last update: 28/04/2021

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