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## European payment order

### Portugal

#### 1 Existence of an order for payment procedure

##### 1.1 Scope of procedure

###### 1.1.1 What types of claims are eligible (e.g. only pecuniary claims, only contractual claims etc.)?

The order for payment procedure applies to:

- Financial obligations arising from contracts not exceeding €15 000 pursuant to Article 1 of [Decree-Law No 269/98 of 1 September 1998](#).
- Regardless of value, late payment in commercial transactions ('a transaction between companies or between companies and public bodies for the purpose of supplying goods or providing services in exchange for remuneration'), pursuant to Article 10(1) of [Decree-Law No 62/2013 of 10 May 2013](#).

###### 1.1.2 Is there an upper limit regarding the value of the claim?

For claims arising from contracts, there is an upper limit of €15 000.

For claims arising from commercial transactions, there is no upper limit.

###### 1.1.3 Is the use of that procedure optional or obligatory?

Optional.

###### 1.1.4 Is the procedure available if the defendant lives in another Member State or in a third country?

Yes, the legal rules on the order for payment procedure apply to cases where the defendant lives outside Portugal.

##### 1.2 Competent court

In Portugal, the application for a payment order can be lodged with:

The registry of the court of the place of performance of the obligation (Article 8 of the Rules for Proceedings (*Regime de Procedimentos*) annexed to [Decree-Law No 269/98 of 1 September 1998](#));

The registry of the court of the debtor's domicile (Article 8 of the Rules for Proceedings annexed to [Decree-Law No 269/98 of 1 September 1998](#));

The registry of the [National Payment Orders Office \(Balcão Nacional de Injunções\) \(BNI\)](#) – see the contact details [here](#).

##### 1.3 Formal requirements

The formal requirements and content of the application for a payment order are set out in Article 10 of the Rules for Proceedings annexed to [Decree-Law No 269/98 of 1 September 1998](#);

As regards the format of the application for a payment order, Article 5 of [Ministerial Implementing Order No 220-A/2008 of 4 May 2008](#) provides for the following formats:

- 1) In electronic format, by filling in and sending the form available in the [CITIUS](#) IT system, or by sending the electronic file via CITIUS.
- 2) On paper, delivered to the registry.

###### 1.3.1 Is the use of a standardised form obligatory? (If yes, where can that form be obtained?)

Yes, an obligatory form is provided for under [Ministerial Implementing Order No 21/2020 of 28 January 2020](#). The form can be downloaded by clicking on this [link](#).

The court registries competent to receive the paper application for a payment order can make the standard form available to individuals on request.

The electronic form is available to lawyers and solicitors via [CITIUS](#).

###### 1.3.2 Is representation by a lawyer required?

Representation by a lawyer is not compulsory.

###### 1.3.3 In how much detail do I have to describe the reason for the claim?

In the application for a payment order you must set out the facts underlying your claim in accordance with Article 10(2)(d) of the Rules for Proceedings annexed to [Decree-Law No 269/98 of 1 September 1998](#).

###### 1.3.4 Is it necessary to present written evidence of the claim at issue? If yes, which documents are admissible as proof?

It is not necessary to present written evidence of the claim at issue.

##### 1.4 Rejection of application

The application for a payment order may be rejected on the grounds set out in Article 11(1) of the Rules for Proceedings annexed to [Decree-Law No 269/98 of 1 September 1998](#).

##### 1.5 Appeal

An appeal against a decision to reject an application for a payment order may be lodged with the judge or, where the court has more than one judge, with the duty judge, in accordance with Article 11(2) of the Rules for Proceedings annexed to [Decree-Law No 269/98 of 1 September 1998](#).

##### 1.6 Statement of opposition

The time limit for opposing the payment order is 15 days, pursuant to Article 12(1) of the Rules for Proceedings annexed to [Decree-Law No 269/98 of 1 September 1998](#)

##### 1.7 Effect of statement of opposition

If the defendant challenges the order, the case is then transferred back to the ordinary cases, taking the form of a special or ordinary declaratory action in accordance with the cases provided for in Article 3 of the Rules for Proceedings annexed to [Decree-Law No 269/98 of 1 September 1998](#). and Article 10(2) and (4) [Decree-Law No 62/2013 of 10 May 2013](#).

##### 1.8 Effect of lack of statement of opposition

If, after being duly notified, the defendant does not submit a statement of opposition, the registrar attaches the following words to the application for a payment order: 'This document has enforceable effect' (*'Este documento tem força executiva'*), as laid down in Article 14(1) of the Rules for Proceedings annexed to [Decree-Law No 269/98 of 1 September 1998](#).

#### **1.8.1 What needs to be done in order to obtain an enforceable decision?**

Once the enforcement clause has been attached, the registrar makes the order available to the applicant, preferably by electronic means (Article 14(5) of the Rules for Proceedings annexed to [Decree-Law No 269/98 of 1 September 1998](#)).

#### **1.8.2 Is this decision final or is there still a possibility for the defendant to appeal against that decision?**

An appeal against refusal of enforceability can be brought before the court, in accordance with Article 14(4) of the Rules for Proceedings annexed to [Decree-Law No 269/98 of 1 September 1998](#)).

#### **Applicable legislation**

[Decree-Law No 269/98 of 1 September 1998 – Proceedings Compliance with Obligations arising from Contracts – Payment Order](#)

[Decree-Law No 62/2013 of 10 May 2013 – Measures against late payment in commercial transactions](#)

[Ministerial Implementing Order No 220-A/2008 of 4 March 2008 – National Payment Orders Office](#)

[Ministerial Implementing Order No 21/2020 of 28 January 2020 – Model payment order application](#)

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Last update: 28/11/2022

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