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 such purpose: *Citius* (IT platform supporting the activities of the courts) and the Inventory Proceedings Management Platform.

More information about the aforementioned platforms can be found at the following links:

https://www.citius.mj.pt/portal/default.aspx

https://www.inventarios.pt/

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 on** *Citius* (Article 1 of Ministerial Implementing Order No 280/2013 of 26 August 2013).

For cases brought before the courts, the *Citius* platform enables the initiation 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 2(2) of the Legal Framework for Notarial Inventory, published in annex to Law No 117/2019 of 13 September 2019).

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?

The services described are available 24 hours a day, 7 days a week (unless the server is down).

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 web page 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 (Article 6(1)(a) of Ministerial Implementing Order No 280/2013 of 26 August 2013);

b) individually, the documents that must accompany the pleading (Article 6(1)(b) of Ministerial Implementing Order No 280/2013 of 26 August 2013).

When pleadings and documents are submitted in this way, they must be digitally signed on the *Citius* platform using an electronic signature certificate that permanently guarantees the professional status of the signatory (Article 6(3) of Ministerial Implementing Order No 280/2013 of 26 August 2013).

Files and documents must be in *portable document format* (.pdf), preferably in the PDF/A version and, in the case of written documents, have searchable content (Article 8(a) of Ministerial Implementing Order No 280/2013 of 26 August 2013).

With regard to orders for payment proceedings, files should be in *extensive markup language (.xml)* format, the specifications of which 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 their legal representative, by completing the electronic form for bringing inventory proceedings provided on the platform, and attaching the relevant documents in accordance with the procedures and instructions given (Article 5(1)(a) of Ministerial Implementing Order No 278/2013 of 26 August 2013);

b) by the interested party at the notary office, on a hard copy, by submitting the inventory application template provided for in the previous Article, together with the relevant documents (Article 5(1)(b) of Ministerial Implementing Order No 278/2013 of 26 August 2013).

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

a) by citizens, through the digital certificate incorporated into their citizen cards (Article 2(4)(a) of Ministerial Implementing Order No 278/2013 of 26 August 2013);

b) by lawyers and solicitors via the digital certificate confirming their professional status (Article 2(4)(b) of Ministerial Implementing Order No 278/2013 of 26 August 2013).

5 How is transmission and storage of data secured?

Personal data collected by courts when performing legal functions are processed by the *Citius* IT platform, created and managed by the **Institute for Financial and Estate Management of Judicial Services** (*Instituto de Gestão Financeira e Equipamentos da Justiça, I.P.*) ('IGFEJ, I.P.'), under the responsibility of the Ministry of Justice, which acts as the processor for the highest body in the legal system, that is, the Supreme Council of the Judiciary (*Conselho Superior da Magistratura*) (in accordance with Articles 4, 8 and 28 of the General Data Protection Regulation (GDPR)).

IGFEJ, I.P. is required to guarantee that all suitable technical and organisational measures are implemented to ensure that data are processed in accordance with the Regulation and that the rights of data subjects are protected, as indicated by the Supreme Council of the Judiciary that appointed the judge as data protection officer.

In turn, and in accordance with Article 37 of the GDPR, the Ministry of Justice appointed a single Data Protection Officer for the bodies under its responsibility, including IGFEJ, I.P. (*vide* Legislative Order No 5643/2018 of 7 June 2018).

It is the responsibility of the case judge to decide on access to and transmission of personal data in judicial proceedings. The case judge is responsible for taking this decision in accordance with procedural laws applicable to the specific case and with the GDPR, as follows: processing of personal data by courts allows the application of the Regulation to be restricted to specific operations and to procedures to be followed (Article 23(1)(d) and (f) of the GDPR); the control authority may not control processing operations carried out by courts in the performance of legal duties (limitation laid down in Article 55(3) of the GDPR). The appeals process provided for in national procedural law applies to legal decisions on the matter.

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 (Article 6(3) of Ministerial Implementing Order No 280/2013 of 26 August 2013).

The *Citius* platform ensures:

a) certification of the date and time of delivery (Article 13(a) of Ministerial Implementing Order No 280/2013 of 26 August 2013);

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 (Article 13(b) of Ministerial Implementing Order No 280/2013 of 26 August 2013);

c) that, 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 (Article 13(c) of Ministerial Implementing Order No 280/2013 of 26 August 2013).

Judges and public prosecutors always submit formal documents electronically via the *Citius* IT system, with a qualified or advanced electronic signature affixed (Article 19 of Ministerial Implementing Order No 280/2013 of 26 August 2013).

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 (*Código de Processo Civil*)):

a) delivery by hand to the court clerk, with the delivery date being valid as the date on which the pleadings are lodged (Article 144(7)(a) of the Code of Civil Procedure);

b) by registered post, with the delivery date of the postal registration being valid as the date on which the pleadings are lodged (Article 144(7)(b) of the Code of Civil Procedure);

c) by fax, with the date the documents are sent being valid as the date on which the pleadings are lodged (Article 144(7)(c) of the Code of Civil Procedure).

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 (Article 144(8) of the Code of Civil Procedure).

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 (Article 5(2)(a) of Ministerial Implementing Order No 278/2013 of 26 August 2013);

b) the code and instructions to access the website https://www.inventarios.pt/ in order to consult the case (Article 5(2)(b) of Ministerial Implementing Order No 278/2013 of 26 August 2013);

c) a Multibanco ATM reference to pay the first instalment of the notary's fees, and the corresponding amount (Article 5(2)(c) of Ministerial Implementing Order No 278/2013 of 26 August 2013);

d) the number that will be given to the case after payment of the first instalment of the notary's fees (Article 5(2)(d) of Ministerial Implementing Order No 278 /2013 of 26 August 2013).

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 IGFEJ website:

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' (*Pagamentos ao Estado*));

at the court registry with a Multibanco card;

at the branch of your bank.

(Article 17 of Ministerial Implementing Order No 419-A/2009 of 17 April 2009).

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(3) of the Procedural Costs Regulation (*Regulamento das Custas Processuais*), published in annex to Decree-Law No 34/2008 of 26 February 2008).

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/en-gb/Servicos/Simulador-Taxas-de-Justica

Inventory Proceedings Management Platform

Costs for inventory proceedings cover notary fees and expenses (Article 15 of Ministerial Implementing Order No 278/2013 of 26 August 2013). Payment is made using the Multibanco ATM electronic transfer reference generated when the application is submitted (Article 20 of Ministerial Implementing Order No 278/2013 of 26 August 2013).

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 under 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 the court electronically, with the date the documents are submitted being valid as the date on which the pleadings are lodged (Article 144(1) 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 clerk, or sent by registered post or by fax (Article 144(7) of the Code of Civil Procedure).

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.
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(1) of Ministerial Implementing Order No 280/2013 of 26 August 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 government departments;
f) specific actions, communications or notifications from the enforcement agent.

Inventory Proceedings Management Platform

The notary must record all steps in the proceedings on the platform so that each step may be identified and a copy found of the related documents and any accompanying documents (Article 12(1) of Ministerial Implementing Order No 278/2013 of 26 August 2013).
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 (Article 12(2) of Ministerial Implementing Order No 278/2013 of 26 August 2013).
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 (Article 12(3) of Ministerial Implementing Order No 278/2013 of 26 August 2013).

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 performed via the *Citius* platform, which automatically ensures that documents are available and can be viewed at:
https://citius.tribunaisnet.mj.pt/habilus/myhabilus/login.aspx
(Article 25(1) of Ministerial Implementing Order No 280/2013 of 26 August 2013).

Inventory Proceedings Management Platform

Service by the notary to the legal representatives of parties which are already involved in the proceedings is performed 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 (Article 9(1) of Ministerial Implementing Order No 278/2013 of 26 August 2013).
When the document is made available in the legal representative's reserved space on the platform, an email is simultaneously sent to the email address they previously provided notifying them that the document is available on the platform (Article 9(2) of Ministerial Implementing Order No 278/2013 of 26 August 2013).
Where service is performed directly on the parties, the documents are served in paper form pursuant to the terms set out in the Code of Civil Procedure (Article 9(3) of Ministerial Implementing Order No 278/2013 of 26 August 2013) and are registered on the inventory proceedings platform, with the electronic signature of the respective clerk affixed (Article 9(4) of Ministerial Implementing Order No 278/2013 of 26 August 2013).

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.
Judicial decisions are entered into 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 (Article 15 of Ministerial Implementing Order No 280/2013 of 26 August 2013).
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

Any party to proceedings – plaintiff, defendant, creditor (party who requests debt collection via judicial enforcement), debtor (a party against whom an enforcement order has been granted), accused, assistant, other parties to the proceedings, etc. – may consult the records of the proceedings to which they are a party and which are pending in judicial, administrative and tax courts from home or any other location with internet access, using their citizen card or mobile digital key for authentication. (Article 27-A of Ministerial Implementing Order No 280/2013 of 26 August 2013).
Such consultation is available within the limits laid down by law with regards to publicity of procedure (e.g. in compliance with the rules on the confidentiality of judicial proceedings).
Documents may be consulted online at:

https://processos.tribunais.org.pt/

A set of general questions and answers on the use of the court record consultation service is available at:

https://processos.tribunais.org.pt/perguntas-frequentes

Inventory Proceedings Management Platform

Parties and their legal representatives can consult inventory proceedings on the inventory proceedings platform (Article 13(1) of Ministerial Implementing Order No 278/2013 of 26 August 2013).

Parties can access this system exclusively for consultation purposes using a code provided by the notary when first serving documents on the party concerned (Article 13(2) of Ministerial Implementing Order No 278/2013 of 26 August 2013).

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 117/2019 of 13 September 2019 – Legal Framework for Notarial Inventory

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

Regulation (EU) No 679/2016 of 27 April 2016 – EU General Data Protection Regulation (GDRP)

Ministerial Implementing Order No 419-A/2009 of 17 April 2009 – on procedural costs, fines and other penalties

Decree-Law No 34/2008 of 26 February 2008 – Procedural Costs Regulation

Useful links

Citius Portal

Justice Portal

Directorate-General of Justice Administration

Directorate-General for Justice Policy

Institute for Financial and Estate Management of Judicial Services

Note:

The EJN-Civil Contact Point, the courts and other entities and authorities are not bound by the information contained in this factsheet. The legal texts in force continue to be required reading. This information is subject to regular updates and evolutionary interpretation of case-law.

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