Portugalia

Article 64(1) (a) - the courts or authorities with competence to deal with applications for a declaration of enforceability in accordance with Article 44(1) and with appeals against decisions on such applications in accordance with Article 49(2)

The courts or authorities with competence to deal with applications for a declaration of enforceability in accordance with Article 44(1) are as follows:
- the family and minors division (*juízo de família e menores*); or, if there isn't one:
- the local civil division (*juízo local cível*), if one exists; or
- the general division (*juízo de competência genérica*) of the district court (*tribunal de comarca*) with jurisdiction.

In accordance with Article 49(2), appeals against decisions on such applications are heard by the courts of appeal (*Tribunais da Relação*).

Article 64(1) (b) - the procedures to contest the decision given on appeal referred to in Article 50

For the purposes of Article 50, a decision given on appeal can only be contested by bringing an appeal on a point of law (*recurso de revista*) before the Supreme Court of Justice (*Supremo Tribunal de Justiça*).

Article 65 (1) - the list of the other authorities and legal professionals referred to in Article 3(2)

- The courts, specifically the family and minors divisions, local civil divisions, general divisions, the courts of appeal and the Supreme Court of Justice;
- civil registry offices (*Conservatórias do Registo Civil*)(1);
- notaries (*notários*)(2).

(1) Decree-Law No 272/2001 of 13 October 2001, as last amended (
consolidated version of Decree-Law No 272/2001 - *Diário da República* No 238/2001, Series I-A,13.10.2001 (dre.pt)), gives civil registry offices competence in proceedings relating to the designation of the family home, legal separation, conversion of a legal separation into a divorce, and divorce, provided that, in all of the cases referred to above, there is agreement/mutual consent between the parties (see Article 16 of the Decree-Law, which gives civil registry offices powers equivalent to courts for that purpose).

(2) Law No 23/2013 of 5 March 2013, as last amended (consolidated version of Law No 23/2013 - *Diário da República* No 45/2013, Series I, 5.3.2013 (dre.pt)
), approving the legal framework for inventory proceedings and granting notaries the power to draw up the documents for and terms of inventory proceedings arising from a separation, divorce, a declaration that a marriage is null and void or the annulment of a marriage - see, in particular, Articles 2(3), 3(6) and 3(7).

Last update: 05/02/2024

The national language version of this page is maintained by the respective Member State. The translations have been done by the European Commission service. Possible changes introduced in the original by the competent national authority may not be yet reflected in the translations. The European Commission accepts no responsibility or liability whatsoever with regard to any information or data contained or referred to in this document. Please refer to the legal notice to see copyright rules for the Member State responsible for this page.