

Home>Taking legal action>Where and how>Costs

Costs

Portugal

This page provides information about the costs of legal proceedings in Portugal.

For a more in-depth analysis of legal costs, see the following case studies:

[Family law – divorce](#)

[Family law – custody of children](#)

[Family law – alimony](#)

[Commercial law – contracts](#)

[Commercial law – liability](#)

Regulatory framework governing fees of legal professions

1. Legal agents (*Solicitadores*)

In Portugal, the fees of *solicitadores* when acting as enforcement agents are governed by Ministerial Implementing Order (*Portaria*) No 282/2013 of 29 August 2013, as amended (Articles 43 to 51).

2. Legal advisers (*Consultores jurídicos*)

Legal advisers' fees are not regulated in Portugal.

3. Lawyers (*Advogados*)

Lawyers' fees are not regulated in Portugal.

4. Court officials (*Oficiais de justiça*)

The costs of intervention by court officials in enforcement proceedings are governed by Article 9 and Table II of the Regulation on the Costs of Legal Proceedings (*Regulamento das Custas Processuais*), adopted by Decree-Law (*Decreto-Lei*) No 34/2008 of 26 February 2008, as amended, and by Ministerial Implementing Order No 282/2013 of 29 August 2013, as amended (Articles 43 to 51, applicable under Article 59(1)).

5. Lawyers working in the field of legal protection

The fees payable to lawyers for services provided in the field of legal protection are governed by Ministerial Implementing Order No 1386/2004 of 10 November 2004, Ministerial Implementing Order No 161/2020 of 30 June 2020, and Ministerial Implementing Order No 10/2008 of 3 January 2008, as amended.

Fixed costs

Fixed costs in civil proceedings

Fixed costs for litigants in civil proceedings

The fixed costs for litigants in civil proceedings are set out in Articles 5 to 7 and Tables I and II in the annex to the Regulation on the Costs of Legal Proceedings, adopted by Decree-Law No 34/2008 of 26 February 2008, as amended.

Stage in civil proceedings at which fixed costs must be paid

Court fees are generally paid at the beginning of the proceedings and at the time when the date is set for the court hearing. Experts and court officials are generally paid immediately before they take part in proceedings.

Fixed costs in criminal proceedings

Fixed costs for litigants in criminal proceedings

The fixed costs payable by litigants in criminal proceedings are set out in Article 8 and in Table III in the annex to the Regulation on the Costs of Legal Proceedings, adopted by Decree-Law No 34/2008 of 26 February 2008, as amended.

Stage in criminal proceedings at which fixed costs must be paid

The stage in criminal proceedings at which the fixed costs must be paid depends on the part played by the person concerned in the proceedings and on the action they intend to take. There are only two cases in which the court fee is payable concomitantly with the action to which it relates: when the person concerned joins proceedings as a civil party, and when an enquiry is opened at the request of a civil party. In all other cases, i.e. in all cases involving the defendant and in the other cases involving the civil party, the court fee is payable at the end of the stage in the legal proceedings that is currently in progress (enquiry, judgment or appeal), depending on the judge's decision.

Fixed costs in constitutional proceedings

Fixed costs for litigants in constitutional proceedings

The fixed costs payable by the parties to proceedings before the Constitutional Court are regulated by Articles 6 to 9 of Decree-Law No 303/98 of 7 October 1998, as amended, and by Article 84 of Law No 28/82 of 15 November 1982, as amended.

Stage in constitutional proceedings at which fixed costs must be paid

The payment of fixed costs is required only at the end of the proceedings.

Prior information to be provided by legal representatives

Rights and obligations of the parties

The legal representatives are ethically and legally obliged to provide all information concerning the rights and obligations of the parties, insofar as they have a reasonable knowledge of the chances of success and of the costs involved.

Cost sources

Where can I find information on cost sources in Portugal?

Further information on the legal costs system in Portugal is available at <https://justica.gov.pt/Servicos/Custas-processuais>.

In what languages can I obtain information on cost sources in Portugal?

Information on cost sources in Portugal is available in Portuguese only.

Where can I find information on mediation?

Information on mediation, in particular on the public systems for civil, family, labour and criminal mediation, can be found [here](#).

Where can I find information on the average length of time taken by different proceedings?

Information on the average length of time taken by legal proceedings can be found at <https://estatisticas.justica.gov.pt/sites/siej/en-us/pages/default.aspx>.

Where can I find information on the average cost of a particular type of proceeding?

This information is not available. The only way to find it is to consult the various scales of charges or tables of costs.

However, a simulator indicating the court fees payable when initiating legal proceedings is available at <https://justica.gov.pt/Servicos/Simulador-Taxas-de-Justica>. This gives an idea of the costs involved.

Value-added tax: how is this information provided?

Judicial costs are not subject to VAT. The fees of legal professionals are subject to VAT, but the information on costs that is provided by law does not include VAT.

What are the applicable rates?

No information is available on the applicable VAT rates.

Legal aid

Income threshold for defendants in civil cases

The formula for calculating the income threshold for legal aid in civil proceedings can be found in the annex to Law No 34/2004 of 29 July 2004, as amended.

Income threshold for defendants in criminal cases

The formula for calculating the income threshold for legal aid in criminal proceedings can be found in the annex to Law No 34/2004 of 29 July 2004, as amended.

Income threshold for victims in criminal cases

There is no income threshold for legal aid to victims in criminal cases.

Other conditions for granting legal aid to victims

There are other conditions for granting legal aid to victims. Where the status of a victim of domestic violence within the meaning of Article 152 of the Criminal Code is assigned under Law No 112/2009 of 16 September 2009, it is assumed, in the absence of any proof of the contrary, that the victim lacks sufficient financial resources.

Other conditions for granting legal aid to defendants

There are other conditions for granting legal aid to defendants. These relate to the defendants' financial situation and are calculated on the basis of a model designed in accordance with Article 39 of Law No 34/2004 of 29 July 2004, as amended.

Cost-free court proceedings

Court proceedings may be free for one party or for both parties, on the basis of exemption from legal costs or the granting of legal aid.

Article 4 of the Regulation on the Costs of Legal Proceedings provides for a series of situations in which exemption from costs applies. Exemptions fall into two categories:

subjective or personal exemptions under Article 4(1) that are based on a particular characteristic of the parties or the persons subject to the proceedings; and **objective or procedural exemptions** falling under Article 4(2), which relate to the type of proceedings.

However, some exemptions depend on the content of the final decision concluding the proceedings, as laid down in Article 4(3), (4), (5), (6) and (7).

Consequently, such exemptions may have no effect on costs, or may affect only charges generated in the course of legal proceedings.

More detailed information on legal aid can be found at <https://justica.gov.pt/Guias/como-pedir-apoio-judiciario>.

When does the losing party have to pay the winning party's costs?

The winning party is generally entitled to receive compensation from the losing party for the costs incurred, in a proportion determined by the court, depending on the final decision. The right of the winning party to receive compensation for the costs incurred is annulled if the losing party receives legal aid and is thus exempt from the requirement to pay any legal fees.

Experts' fees

As a general rule, the parties to the case pay the experts' fees. However, if the parties have received legal aid, the experts' fees are paid by the Institute of Financial Management and Infrastructure in the Justice System (*Instituto de Gestão Financeira e Equipamentos da Justiça*).

Translators' and interpreters' fees

As a general rule, the parties to the case pay the translators' and interpreters' fees. However, if the parties have received legal aid, the translators' and interpreters' fees are paid by the Institute of Financial Management and Infrastructure in the Justice System (*Instituto de Gestão Financeira e Equipamentos da Justiça*).

Important documents

[Portugal's report on the study concerning the transparency of costs](#)  (781 Kb) 

Last update: 29/01/2024

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Family law - Divorce - Portugal

In this case study on family law - divorce, Member States were asked to advise the party that files for divorce on litigation costs given the following situations: Case A – National situation: a couple gets married. Later they separate and agree to a divorce.

Case B – Transnational situation: Two nationals from a same Member State (Member State A) get married. The wedding is held in Member State A. After getting married, the couple moves to live and work in another Member State (Member State B) where they establish their residence. Shortly afterwards, the couple separates with the wife returning to Member State A and the husband remaining in Member State B. The couple agrees to a divorce. Upon her return to Member State A, the wife immediately files for divorce before the courts of Member State B.

Costs in Portugal

Costs for court fees, appeals and alternative dispute resolution

Case study	Court			Appeals			ADR	
	Initial fee	Transcription fees	Other fees	Initial fee	Transcription fees	Other fees	Is this possible in such cases?	Cost
Case A	EUR 306			EUR 306			Yes. Mediation may take place with a view to reaching one of the agreements required for	EUR

						the divorce to be handled by the civil registry office (see note)
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Note: If a couple agree to divorce by mutual consent, this will come before the courts only if there is no agreement on one of the following issues: division of assets, exercise of parental responsibility, maintenance (alimony) or the future of the family home.

If there is agreement on these subjects, divorce proceedings will take place at the Civil Registry Office (*conservatória do registo civil*) subject to a single fee of EUR 280.

Last update: 25/01/2023

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Family law - Custody of the children - Portugal

In this case study on family law – custody of the children, Member States were asked to advise the suing party on litigation costs on litigation costs in order to consider the following situations:

Case A – National situation: Two persons have lived together unmarried for a number of years. They have a three year old child when they separate. A court decision grants custody of the child to the mother and a right of access to the father. The mother sues to limit the father's right of access.

Case B – Transnational situation where you are a lawyer in Member State A: Two persons have lived together unmarried in a Member State (Member State B) for a number of years. They have a child together but separate immediately after the child's birth. A court decision in Member State B gives the child's custody to the mother with a right of access to the father. The mother and the child move to live in another Member State (Member State A) as authorised to do so by the Court decision and the father remains in Member State B. A few years later, the mother sues in Member State A to change the father's right of access.

Costs in Portugal

Reimbursement for witnesses, guarantees and other fees applicable

Case study	Reimbursement of witnesses		Guarantees		Other fees	
	Do witnesses get their expenses reimbursed?	Cost	Does this possibility exist? When and how is it implemented?	Cost	Description	Cost
Case A	Yes - Table IV annexed to the Regulation on Costs of Proceedings adopted by Decree-Law (<i>Decreto-Lei</i>) No 34/2008, of 26 February	EUR 0.2 per kilometre				
Case B	Yes - Table IV annexed to the Regulation on Costs of Proceedings adopted by Decree-Law No 34/2008, of 26 February	EUR 0.2 per kilometre				

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Family law - Alimony - Portugal

In this case study on family law – alimony, Member States were asked to advise a party who initiates proceedings on litigation costs given the following situations:

Case A – National situation: Two persons have lived together unmarried for a number of years. They have a three year old child when they decide to separate. A court decision grants custody of the child to the mother. The only outstanding dispute relates to the amount of the alimony owed to the mother by the father for the support and education of the child. The mother initiates court proceedings on this issue.

Case B – Transnational situation with a lawyer acting in Member State A: Two persons have lived together unmarried in a Member State (Member State B). They have a three year old child. They separate. A court decision in Member State B grants custody of the child to the mother. With the agreement of the father, the mother and the child move to live in another Member State (Member State A), where they establish their residence.

An outstanding dispute remains. This relates to the amount of the alimony owed to the mother by the father for the support and education of the child. The mother initiates court proceedings on this issue in Member State A.

Costs in Portugal

Witness compensation, guarantees and other fees applicable

Case study	Witness compensation		Guarantees		Other fees	
	Do witnesses receive compensation?	Cost	Does this possibility exist? When and how is it implemented?	Cost	Description	Cost
Case A	Yes – Table IV annexed to the Regulation on Costs of Proceedings adopted by Decree-Law No 34/2008, of 26 February	EUR 0.2 per kilometer				
Case B	Yes – Table IV annexed to the Regulation on Costs of	EUR 0.2 per kilometer				

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Commercial law - Contract - Portugal

In this case study on commercial law - contracts, Member States were asked to advise the seller on litigation costs given the following situations:

Case A – National situation: A company supplied goods worth EUR 20 000. The seller has not been paid because the buyer considers that the goods do not conform to what had been agreed.

The seller decides to sue to obtain the full payment of the price.

Case B – Transnational situation: A company whose head office is located in Member State B delivers goods worth EUR 20 000 to buyer in Member State A. The contract is subject to the law of Member State B and is written in the language of Member State B. This seller has not been paid because the buyer located in Member State A considers that the goods do not conform to what had been agreed. The seller decides to sue in Member State A to obtain full payment of the price specified in the contract with the buyer.

Costs in Portugal

Cost of legal aid and other amounts reimbursed

Case study	Legal aid			Reimbursement			
	When and under what conditions does this apply?	When is 100 % aid provided?	Conditions?	Can the successful party obtain reimbursement of litigation costs?	If reimbursement is not 100 %, what percentage is reimbursed in general?	What costs are never reimbursed?	Are there instances when legal aid has been reimbursed to the body granting the aid?
Case A	Profit-making legal entities are not entitled to legal aid			Yes	The costs of proceedings are not 100 % reimbursed if the successful party receives legal aid, in which case the successful party is reimbursed by the State only for court fees paid (but not for other amounts included in the costs)		Reimbursement State is provided only where the beneficiary of the aid himself has acquired sufficient financial means the proceedings the four subsequent years, or is found to have brought the action in bad faith
Case B	Profit-making legal entities are not entitled to legal aid			Yes	The costs of proceedings are not 100 % reimbursed if the successful party receives legal aid, in which case the successful party is reimbursed by the State only for court fees paid (but not for other amounts included in the costs)		Reimbursement State is provided only where the beneficiary of the aid himself has acquired sufficient financial means the proceedings the four subsequent years, or is found to have brought the action in bad faith

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Commercial law - Responsibility - Portugal

In this case study on commercial law - liability, Member States were asked to advise the customer on litigation costs given the following situations:

Case A – National situation: A heating equipment manufacturer delivers a heater to an installer. The installer sells on (and installs) the heater to a customer to equip his/her house. The house catches fire shortly after. All those involved (heating equipment manufacturer, installer, end-customer) are insured. The origin of the fire is contested. Nobody wants to compensate the customer.

The customer decides to sue the heating equipment manufacturer, the heating equipment installer and the insurance companies for full compensation.

Case B – Transnational situation: A heating equipment manufacturer in a Member State B delivers a heater to an installer in a Member State C. The installer sells on (and installs) the heater to a customer in Member State A to equip his/her house. The house catches fire shortly after. All parties involved (heating equipment manufacturer, installer, end-customer) are insured by insurance companies in their own Member States. The origin of the fire is contested.

Nobody wants to compensate the customer.

The customer decides to sue in Member State A the heating equipment manufacturer, the heating equipment installer and the insurance company in Member State A for full compensation.

Costs in Portugal

Translation and interpretation costs

Translation	Interpretation
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Practical situation					Other costs specific to cross-border disputes?	
	When and under what circumstances is translation necessary?	Approximate cost?	When and under what circumstances is interpreting necessary?	Approximate cost?	Description	Approximate cost?
Case A	For decisions by non-Portuguese courts or documents not in Portuguese	EUR 0.027 per word	If the person in question is not and does not speak Portuguese, a translator/interpreter has to be appointed.	Between EUR 102 and EUR 204	–	–
Case B	For decisions by non-Portuguese courts or documents not in Portuguese	EUR 0.027 per word	If the person in question is not and does not speak Portuguese, a translator/interpreter has to be appointed.	Between EUR 102 and EUR 204	–	–

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