



Portugal

enforcement system e-manual





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WHAT IS ENFORCED



Monetary Claims

01



Non-Monetary Claims

- Handing over movable assets
- Eviction
- Obligations to act, refrain from acting or suffer action
- Reinstatement of employee to work

02

WHO ENFORCES



Judicial Officers

- Public
- Public enforcement proceedings and enforcement in case of provision of legal aid to the creditor

01



Enforcement Agents

- Private
- Majority of enforcement proceedings: service of documents, notifications, publications, database search, seizures, evictions, delivery of movables/immovables, sales, reimbursements, payments etc.

02

ENFORCEMENT PROCEDURE



Enforceable title



Creditor's application



Enforcement agent



**Inquiry into
debtor's assets
via electronic databases**



Initiation of enforcement

HOW LONG DOES THE PROCESS LAST



6-month time limit for conclusion of enforcement procedure

Difficult to accomplish in practice

Delays can be caused due to several reasons, such as no known/not sufficient assets of the debtor, submission of appeal or opposition etc.

HOW MUCH DOES THE PROCESS COST



Enforcement agent's fees

→ Provisions (amount under the current legal VAT)

ENFORCMENT PROCEDURE PHASES FOR THE RIGHT AMOUNT PAYMENT	DESCRIPTION	PROVISION
PHASE 1	Executive procedure analyses, research in databases and presentation of the results, sending the procedure to obtain when there's preliminary order of the judge, when applicable, irrespective of the number of debtors.	0, 75 UC*
PHASE 2	Preliminary service of documents of the debtor to indicate the seized patrimony when there's no patrimony to be seized.	0, 25 UC
PHASE 3	Seizure actions followed by service of documents with a limit of six by postal service and two external actions, except if the external action is carried out in the same place or in a place not further than 15 kilometers (by debtor against which the enforcement procedure is running, except spouses or persons that live together).	0, 50 UC
PHASE 4	Sale and payment actions, with a limit of two external actions.	1 UC
ENFORCMENT PROCEDURE PHASES FOR THE DELIVERY OF CERTAIN THING OR EXECUTION OF A MANDATORY ACT		
PHASE 1	Necessary actions for the accomplishment of the delivery of the thing or performance of act.	2 UC

UC: "account units" (Unidades de Conta), which is now 102€

HOW MUCH DOES THE PROCESS COST



→ Fixed remuneration (amount under the current legal VAT)

	ACTS OR PROCEDURES	ACTS OR PROCEDURES INCLUDED	AMOUNT
1.	ENFORCEMENT PROCEDURES FOR THE RIGHT AMOUNT PAYMENT		
1.1	Proceeding to the enforcement procedure for the right amount payment with credit recovery or guarantee, by debtor against which the execution is made, except spouses or persons that live together.	All the necessary acts until the procedure is finished, with the limit of six services of documents or notification by postal service and two external actions, except if the external action is made in the same place or in places not further than 15 kilometers.	2, 5 UC
1.2	Proceeding to the enforcement procedure for the right amount payment without credit recovery or guarantee, by debtor against which the execution is made, except spouses or persons that live together.	All the necessary acts until the procedure is finished, with the limit of six services of documents or notification by postal service and two external actions, except if the external action is made in the same place or in places not further than 15 kilometers.	1, 5 UC
1.3	Sale through private negotiation	Promotion of the sale through private negotiation, including participating in the sale documents.	1% of the sale amount 0, 15 UC
1.4	Electronic research in all the databases according to article 37°	All the necessary notifications.	
2.	ENFORCEMENT PROCEDURES FOR THE DELIVERY OF CERTAIN THING OR EXECUTION OF A MANDATORY ACT		
2.1	Proceeding to the not further than procedure for the delivery of certain thing	All the necessary acts to accomplish the delivery of the right thing (thing or group of things)	4 UC
2.2	Proceeding to the not further than procedure for the action in fact	All the necessary acts to accomplish the action in fact (acts or group of acts).	4 UC

HOW MUCH DOES THE PROCESS COST



3	DECLARATIVE PROCEDURES		
3.1	Service of documents or notification by personal contact (with effective displacement to the address), by service of documents, per person	Notifications from number 5 of article 231° and article 233° of the Civil Procedure Code (CPC), stamping authentication, procedure and postal service costs, except when the copies costs are superior to 0,05 UC.	0,5 UC
3.2	Service of documents or notification by personal contact (with effective displacement to address where the debtor doesn't live, wrong address, etc.), by service of documents, per person.	Notifications from number 5 of article 231° and article 233° of the Civil Procedure Code (CPC), stamping authentication, procedure and postal service costs, except when the copies costs are superior to 0,05 UC.	0,25 UC
3.3	Detached notification (with effective displacement to the address) by notified.	Notifications from number 5 of article 231° and article 233° of the Civil Procedure Code (CPC), stamping authentication, procedure and postal service costs.	0,5 UC
3.4	Detached notification (with displacement to the address but not effectively made because the debtor doesn't live there, the address doesn't exist) by notified.	Notifications from number 5 of article 231° and article 233° of the Civil Procedure Code (CPC), stamping, procedure and postal service costs.	0,25 UC

HOW MUCH DOES THE PROCESS COST



4.	ATTACHMENT AND INVENTORY PRECAUTIONARY PROCEDURES		
4.1	Attachment or inventory of movables in external action, by positive action in designated place, till 3 hours long.	Drafting case files, notification of the defendant by postal services, notifications that will be made to the petitioner.	0, 5 UC
4.2	Attachment or inventory of movables in external action, by negative action in designated place, till 3 hours long.	Drafting case files, notifications that will be made to the creditor.	0, 25 UC
4.3	Attachment or inventory of movables in external action, by each additional hour.		0, 15 UC
4.4	Attachment or inventory of immovable property, by immovable.	Drafting case files, notification of the debtor by postal services, when applicable, notifications that will be made to the creditor, registration submission, public notice affixation.	0, 5 UC
4.5	Attachment or inventory of bank accounts, periodical income and another credits or rights, by notification under the form of service of documents by postal service.	Drafting case files, notification of the debtor by postal services, when applicable, notifications that will be made to the creditor, other sequent notifications.	0, 25 UC
4.6	Attachment or inventory of bank accounts, periodical income and another credits or rights, by notification under the form of service of documents by personal contact.	Drafting case files, notification of the debtor by postal services, when applicable, notifications that will be made to the creditor, other sequent notifications.	0, 5 UC
4.7	Attachment or inventory of bank accounts, periodical income and another credits or rights by electronic means.	Drafting case files, notification of the debtor by postal services, when applicable, notifications that will be made to the creditor, other sequent notifications.	0, 10 UC

HOW MUCH DOES THE PROCESS COST



5	OTHER ACTS		
5.1	Paper certifications (until 20 pages)	Authentication of actions with stamping of documents	0,25 UC
5.2	By each additional page		0,01 UC
5.3	Electronic certifications	No matter the number of pages	0,16 UC

HOW MUCH DOES THE PROCESS COST



→ Additional remuneration (amount under the current legal VAT)

Enforcement procedures for the right amount payment	Amount recovered or assured	Moment when the amount is recovered or assured		
		Before the first seizure	After the seizure and before the sale	After the sale
		Applicable tax (by percentage)		
	Until 160 UC (A)	10%	7,5%	5%
	Over 160 UC (B)	4%	3%	2%

Procedural costs can be estimated online at:

<https://www.novocpc.org/honoraacuterios-2013.html>

