

 EU
ENFORCEMENT
ATLAS

Portugal

Narrative National Report

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PART I: LEGAL FRAMEWORK

Prior note

There are two distinct professional categories of enforcement agents in Portugal, one private and one public. The private are hereinafter referred to as the enforcement agents (Agentes de Execução) and the public as judicial officers (Funcionários Judiciais).

More than 90% of the enforcement procedure is handled by private enforcement agents. The judicial officers only handle public enforcement proceedings and some enforcement with legal aid provided to the creditor.

The IT tools and procedural methods are identical for both categories of professionals.

This report will only refer to the enforcement agents, who are represented by the Solicitors and enforcement agents National Association (Ordem dos Solicitadores e dos Agentes de Execução), namely by the Professional Council of enforcement agents.

I.1 Legislation affecting civil enforcement

The legislation that regulates the enforcement process in Portugal is very extensive, being subject to the provisions of more than a hundred legal diplomas¹, such as Laws, Decrees, Ordinances, Minister's Decrees, amongst others, which undergo several amendments and adaptations over time.

The difference between the type and force of these legal diplomas is determined by their origin, namely whether they were approved by the Parliament of the Republic, the Government or even by a Minister.

Enforcement in Portugal has had three significant changes since 2003, when it was assigned to the enforcement agents - at the time called solicitors of enforcement (Solicitadores de Execução) - the force and the semi-public character of the corresponding performance of their duties having suffered substantial revisions in 2009 and a total revision in 2013, with the adoption and publication of a new Civil Procedure Code.

The provisions of the Civil Procedure Code, approved in 2013, apply with the deemed adaptations, to all enforcements pending at the date of its entry into force. However, as regards the matter of fees and expenses, which is regulated by Ordinance 282/2013², it should be noted that the latter only applies to processes that were initiated from the date of its entry into force. For all pending processes until that date, the applicable provisions up to that date, namely Ordinance n^o. 708/2003³ and Ordinance n^o 331-B/2009⁴, regulate the issue of enforcement agents' fees and

¹ A legal diploma is a "law" and could be called as a Law, a Decree, an Ordinance, a Minister's decree, amongst others.

² Ordinance No. 282/2013 of August 29 regulates various aspects and procedures of enforcement.

³ Remuneration and expenses of the Enforcement Agents (2003 to 2009) - Ordinance No. 708/2003, of August 4.

⁴ Regulation of various aspects of civil enforcement and remuneration of the enforcement agent (2009 to 2013) - Ordinance No. 331-B/2009 of March 30

expenses by the exercise of their functions.

As such, it is impossible to describe and enumerate all the legal diplomas here. Only those that are considered to be the most important will be summarized and the respective links to the page of the official journal of the publication of the legal diplomas, the “Diário da República”, which refer to the consolidated and updated legislation, will be indicated under Part V.

Procedurally, regarding enforcement, the most important legal instrument is the Civil Procedure Code⁵, namely BOOKS I, II and III regulating important procedural aspects of a general nature and, most importantly, BOOK IV, ENFORCEMENT PROCESS, which is the most significant, as it is totally dedicated to the matter in question.

Ordinance n^o331-A/2009⁶, which regulates the direct and electronic access of the enforcement agent to necessary elements for the enforcement, including the data that allow to identify the debtor and the sizeable goods, namely through information from the tax administration, social security, civil registration, property registration, commercial registration and automobile registration, amongst others, is also of great procedural importance.

The merited procedural relevance must be given to Ordinance 282/2013⁷, which regulates various aspects of the enforcement action; among many others, it defines the model and terms of presentation of the enforcement requirements, which can be sent and received by electronic data transmission, wherein is mandatory when the creditor is represented by an lawyer or solicitor, or regulates a set of enforcement procedures, such as quotes, notices, publications and seizures to be processed by the enforcement agent, through the use of electronic means, including electronic seizure of bank deposits. It also regulates the sale of seizure goods in an electronic auction or even the remuneration of the enforcement agent for the performance of his/her duties, clarifying the moments and the way in which the fees and expenses must be advanced or paid by the creditor or by the sales result.

I.2 Enforceable titles

When enforcing for payment of a certain amount, the form of the proceeding is determined by the type of enforcement order and the value of the debt and can take the form of ordinary or summary process.

In an ordinary process, the process must be previously assessed by a judge, who will issue a preliminary order of acceptance or refusal and, only after the summons of the debtor and the expiry of the respective opposition period, will the real enforcement procedures start for the determination of the debtor’s goods and assets and their apprehension or seizure.

⁵ Code of Civil Procedure - Law No. 41/2013, of June 26

⁶ Regulation of the identification of addresses goods and assets of the debtor - Ordinance No. 331-A/2009, of March 30

⁷ Regulation of various aspects and procedures of enforcement - Ordinance No. 282/2013 of August 29

In a summary process, the process does not have to be previously assessed by a judge, but is immediately assigned to the enforcement agent, who immediately begins the process by determining the goods, assets and incomes of the debtor and apprehends or seizes them, while the summons or notification of the debtor is carried out only after attachment of these assets and/or incomes.

Enforcement for the delivery of certain thing or execution of a mandatory act follows a specific procedure.

The main enforceable titles are:

- i. Judicial decisions handed down by judicial courts, arbitration courts, judgments of peace or European judicial decisions, when the respective regulations require that they be enforced under the same conditions as an enforceable judicial decision issued in the Member State of enforcement;
- ii. Documents made or authenticated by a notary or other entities or professionals with competence to do so, such as lawyers or solicitors, which involve the constitution or recognition of any obligation, namely public deeds and authenticated private documents, provided that the documents constitute or recognise the debts;
- iii. Credit titles, provided that in this case, the facts constituting the underlying relationship are contained in the document itself or are alleged in the enforcement requirement, in particular promissory letters, bills of exchange and bank cheques;
- iv. Documents to which enforceable force is granted by special regulations;
- v. Injunction requests to which an enforceable formula has been attached;
- vi. Resumes of condominium assembly documents, where the amount of contributions or quotas due to the condominium was deliberated;
- vii. Rental contracts of urban buildings accompanied by proof of communication for resolution of the contract and for the enforcement of delayed rents and the delivery of the immovable.

The interest, at the legal rate, of the obligation contained thereof shall be covered by the enforcement order.

Without prejudice to what is established in treaties, conventions, EU regulations and special laws, judicial decisions given by courts or arbitrators in a foreign country may serve as a basis for enforcement only after reviewed and confirmed by the competent Portuguese court.

Due to the complexity of the issue, the following table represents a purely exemplifying picture.

ENFORCEMENT TITLES AND FORM OF PROCESS

Title	Is it an executive order?	Process form

Judicial decision of any value	Yes	Summary
Valid bank cheque	Yes (when allegedly the underlying relation)	Summary, if the value is less than 10.000,00€
Condominium resume documents	Yes	Summary, if the value is less than 10.000,00€
Debt confession by authenticated document, without real guarantee	Yes	Summary, if the value is less than 10.000,00€
Injunction of any value	Yes	Summary
Valid promissory letter	Yes (when allegedly the underlying relation)	Summary, if the value is less than 10.000,00€
Authentic or authenticated document with real guarantee (mortgage or pledge)	Yes	Summary
NRAU notification accompanied by lease contract	Yes	Summary, if the value is less than 10.000,00€
European order for payment procedure - PEIP	Yes	Summary

1.3 Service of documents to parties and third parties

The service of documents/summons is the act by which the debtor is made aware that an enforcement was proposed against him/her and is called to the process to his/her defense. It is also used to call any person interested in the cause to the process. Notification is used to call someone to court or to notify him/her a fact, in any other case.

Service of documents and notifications is always accompanied by all the elements and legible copies of the documents and parts of the process necessary to fully understand their object. It may take place anywhere the addressee of the document is found; in the case of individual persons in their residence or workplace.

No one can be served within temples or while engaged in a public service act that should not be interrupted.

In the enforcement process, service of documents and notifications is carried out by the enforcement agent and may be by post or in person.

Notifications to the parties and to third parties who must comply with specific acts are

made with the same procedures as for the service of documents, with the deemed adaptations.

Notifications to parties in pending proceedings, which have legal representation constituted, shall be made by the enforcement agent to their judicial representatives, in a fully electronic manner.

Procedural notifications to some public and private entities are also made by the enforcement agent in a fully electronic manner, including those for tendering creditors, obtaining information and data, seizure of rights, and claims or incomes, including arresting bank accounts.

For the creation of the service of documents and notifications there are pre-defined and parameterized forms, so that anyone can immediately realize that it is a formal act, preferably using a simple and clear language, indicating the purpose of communication, rights, duties, and deadlines, among others.

1.3.1 Postal service to individual persons

- i. Service of documents by post shall be made by a registered letter with delivery note, of an officially approved form addressed to the debtor's residence or workplace and must include all procedural elements.
- ii. The letter may be delivered, after signature of the delivery notice, to the debtor or any person who is in his/her residence or workplace and who declares to be able to deliver it promptly to the debtor.
- iii. Before signing the acknowledgement of receipt, the distributor of the postal service shall identify the debtor or the third party to whom the letter is delivered.
- iv. When the letter is delivered to a third party, it is up to the postal service distributor to expressly warn them of the duty of its prompt delivery to the debtor.
- v. If the delivery of the letter is not possible, the distributor of the postal service shall leave a notice, identifying the enforcement agent from which it is sent and the process to which it relates, as well as the reasons why delivery was impossible, and the letter is left for eight days at their disposal in a duly identified post office.
- vi. If the debtor or any of the persons who may receive the service of documents refuse to sign the acknowledgement of receipt or receive the letter, the distributor of the postal service shall make note of the incident before returning it.
- vii. When it is not possible to leave a notice to the recipient, the postal service distributor makes note of this fact and returns the file to the enforcement agent.
- viii. If the impossibility of delivery is due to the absence of the debtor and if, at the time, the distributor of the postal service is indicated a new address, returned

the expedient, the enforcement agent repeats the notification, sending a new registered letter with delivery notice to such address.

- ix. If the impossibility of delivery is due to the fact that the debtor is absent in a location that cannot be verified and the letter is returned to the office, the enforcement agent makes new consultations with the databases and if a new address is found, he/she repeats the service, sending a new registered letter with delivery notice to such address.

I.3.2 Postal service to legal persons

- i. The same procedure followed for service of documents to individual persons applies, with the deemed adaptations, except for the following:
- ii. The letter is addressed to the headquarters of the debtor inscribed in the central file of legal persons of the National Register of Legal Persons.
- iii. If the signature of the delivery receipt, or the receipt of the official letter to the debtor is refused by a legal representative, the postal distributor shall make note of the incident before returning it and the service shall be deemed to have been effected in the event of the occurrence.
- iv. In the other cases of return of the letter, the service of documents is repeated, sending a new registered letter with delivery notice to the debtor, being deposited with new warnings.

I.3.3 Service by personal contact

- i. If the postal service of documents is unsuccessful, service of documents is made through personal contact of the enforcement agent with the debtor.
- ii. The elements to communicate the service of documents are specified by the enforcement agent, who makes note with these indications to be delivered to the debtor.
- iii. At the time of service of documents, the enforcement agent delivers to the debtor the note of service as well as the duplicate of the initial application and the copy of the documents and draws up a certificate which the debtor signs.
- iv. If he/she refuses to sign the certificate or receive the duplicate, the enforcement agent will inform him/her that a copy will be available at the court, mentioning such incidents on the certificate of the act.
- v. The designated enforcement agent may, under his/her responsibility, promote the service by another enforcement agent or by his/her employee accredited by the entity and competent to do so in accordance with the law.
- vi. In cases where the service of documents is processed by an enforcement agent employee, the service of documents is only valid if the debtor signs the certificate, which must also be signed by the enforcement agent.

I.3.4 Impossibility of personal service of documents

- i. If the enforcement agent is certain that the debtor resides or works effectively in the indicated place, and cannot proceed to the service of documents

- because he/she cannot find him/her, he/she must leave a note with indication of the exact time for the future diligence to the person found who is in better condition to transmit it to the debtor or, when this is impossible, he/she must post the respective notice in the door or in the most indicated place.
- ii. On the designated day and time:
 - a) The enforcement agent makes the service of documents to the debtor in person if he/she finds him;
 - b) If he/she is not found, the service of documents is made to the person who is in a better condition to transmit it to the debtor, entrusting said person to transmit the act to the debtor. The certificate is signed by the person who received the notification.
 - iii. If it is not possible to achieve collaboration on behalf of third parties the service of documents is made by posting a notice in the residence, in the most appropriate place and in presence of two witnesses, declaring that the duplicate and the attached documents are available to the debtor in the court.
 - iv. When it is impossible to carry out the notification due to the fact that the debtor is absent in a location that cannot be verified, the edict will be made after obtaining information about the last known whereabouts or residence from any entities or services, namely, by prior judicial order, in the databases of civil identification services, social security, the Tax and Customs Authority and the Institute of Mobility and Land Transport and, when the judge considers it absolutely vital to decide the realization of the notice, with the police authorities contribution.

1.4 Legal remedies, appeal and objection

There are two completely distinct situations regarding opposition/appeal to enforcement, which are directly linked to the enforcement titles, those based on a judicial decision and others.

In enforcement procedures in which the enforcement title is based on a valid judicial decision, the opposition is very limited and may only cover some of the topics provided for in article 729 of the Code of Civil Procedure.

These include, among others, inexistence or non-enforceability of the enforcement title, discharge of any procedural assumption that depends on the regularity of the enforceable instance or even contra-credit on the creditor, in order to obtaining the compensation of claims.

In the case of enforcement based on other enforceable titles, namely all the titles that are not a judicial decision or an injunction, the motives could also be invoked as used on a defense in the declaration proceedings.

In both cases, the debtor may object to enforcement by appeal within 20 days of the service of documents.

These appeals will be decided by the judge of the process, who decides on the opposition to enforcement within a maximum of three months from the appeal.

The debtor, even without foundation to oppose the enforcement, may always oppose to the seizure of goods or a specific good, as well as request its replacement. This opposition will also be decided by the judge of the process, who also decides on the opposition within a maximum of three months from the opposition or appeal.

During the course of the proceedings in which the debtor has already been served and has not opposed the enforcement within the legal timeframe, it is no longer possible for him/her to oppose to the enforcement. However, where a new seizure or attachment is made by the enforcement agent, the debtor will be subsequently notified to oppose the seizure or attachment; this opposition will also be decided by the judge of the process, under the same terms as in the aforementioned cases.

The law provides that the enforcement process is processed in court only when it is requested or concerns the execution of an act that is within the competence of the court or judge and only until its execution. Otherwise, the entire process is processed out of court and only within the jurisdiction of the enforcement agent, who decides what is their competence. The judge always has the officious control of the case.

However, it is always up to the judge of the process and at any time, to judge in 10 days, without the possibility of appeal, the claims of acts and appeals against decisions of the enforcement agent which the parties may submit.

The judge of the process is also competent to decide upon questions raised by the enforcement agent, by the parties or by the intervening third parties within 5 days.

The parties are granted the possibility to appeal to a higher court against all judicial decisions.

1.5 Postponement, suspension and termination of enforcement

The conclusion of the process for payment of a certain amount is decided and realized by the enforcement agent and can occur at any state of the process; as a rule, it implies the termination of the enforcement.

Causes of termination of the enforcement include, among others:

- i. the fact that no attachable assets are known;
- ii. agreement formally concluded between the parties and communicated to the enforcement agent;
- iii. if the debtor or any other person ceases enforcement, paying the costs and debt; by judicial decision.

Still, if the termination of the enforcement occurs because no attachable assets are known or by agreement between the parties, this may later change and the enforcement may start again, which must always be required by the creditor.

In the case of suspension of enforcement, which is also decided by the enforcement agent and which can also be effected in any state of the procedure, the causes differ significantly in comparison to those leading to termination.

Examples of causes of suspension and the party that may require it in each case include:

- i. Opposition by the debtor could partially or even fully suspend the enforcement, if he/she provides financial guarantee or bail in the amount of the debt and court costs;
- ii. Death of the debtor, in which case the enforcement agent suspends the enforcement after confirmation of the death of the debtor in the databases, and until the procedure is extinguished or opened in the event of qualification of successors;
- iii. Insolvency of the debtor, in which case any creditor may request the suspension of enforcement in order to prevent payments, showing that the recovery of the company or the insolvency of the debtor has been requested, or even by information from the debtor or the insolvency administrator;
- iv. Partial suspension of enforcement for a specific good, in the event that the good has already been seized or attached prior to the order in question, in the context of another judicial process, in which case the enforcement agent suspends the enforcement on that good after confirming prior seizure or attachment in the databases.

Either in case of termination or in case of suspension of the procedure, after the enforcement agent has made a decision, it shall be notified to all the parties and may be appealed before the judge of the process, who shall decide within 10 days.

In case of enforcement for delivery of certain thing or execution of a mandatory act, namely in case of procedures of delivery of immovable assets or estate involving the residence of the debtor, enforcement is terminated with the delivery of new keys to the creditor and consequent possession of the property, but the causes of suspension/postponement may be different from those foreseen for the previous proceedings.

In these cases, other causes of suspension of enforcement include the following:

- i. If the debtor previously requests postponed delivery of the leased immovable for his/her residence. This appeal shall be decided by the judge of the process.
- ii. If the person who lives in the leased immovable, which has not been heard in the process, displays a legitimate contract or another title signed by the creditor, the enforcement agent immediately suspends the act.
- iii. If a sub-lease or assignment of the contractual position is exhibited, signed by the debtor, with a document proving that it has been requested within 15 days from the service of documents to the creditor or that the creditor has specially authorized the sub-lease or assignment, or that the creditor had knowledge thereof, the enforcement agent shall immediately suspend the act.
- iv. In case of leases of immovables due to residence, the enforcement agent shall immediately suspend the enforcement proceedings, when it is proved, by medical certificate stating in a clear way the period during which the enforcement should be suspended, that delivery endangers the person who lives on the immovable for reasons of acute illness.

Within five days, after a report made by the enforcement agent, the judge of the process, after hearing the debtor, decides to retain the enforcement suspended or orders to proceed immediately.

I.6 Counter enforcement

When a debtor is served to appeal or present an opposition in an enforcement process, he/she may appeal within 20 days from the service. These appeals will be decided by the judge of the process in an attached declarative proceeding, within a maximum period of three months from the opposition.

In this attached declarative proceeding, the debtor may also claim, besides all the claims mentioned before, that there is a counter-claim against the creditor, regarding to obtain compensation for those claims, that the initial claim does not exist or even make a new claim against the creditor.

This counter-claim may only be made by the debtor, formally and together with the appeal or opposition against enforcement within 20 days of notification.

I.7 Objects and exemptions on enforcement

All assets, goods or incomes of the debtor, who is liable for the debt and costs of enforcement under substantive law, are subject to enforcement. Third party assets or goods may also be seized or apprehended if the enforcement has been carried against them.

However, seizure or apprehension is limited to the assets necessary for the payment of the debt and costs of enforcement.

The assets, goods or incomes titled or in effective possession of the debtor, must be in national territory, except those that are seized, apprehended, or recognized by the provisions of treaties, conventions or EU regulations and special laws. Examples include the application of regulation (EU) 655/2014 - European Account Preservation Order or the seizure of goods loaded on ships that are subject to special laws, national and international.

There are assets that are totally unseizable, assets that are relatively unseizable and also assets that are partially seizable, as described below.

Unseizable assets include:

- i. Inalienable things or rights;
- ii. The assets of the public domain of the State and of other public legal entities.
- iii. Objects whose apprehension is offensive or lacks economic justification, for their lack of value;
- iv. Objects specially intended for the exercise of public religion;
- v. Constructions and structures in cemeteries;
- vi. Instruments and objects indispensable to disabled persons and the treatment of patients;
- vii. Pets.

Relatively unseizable assets include:

- i. Instruments of work and objects indispensable for the pursuit of the activity or professional training of the debtor, unless the enforcement is intended to pay the price of their acquisition or the cost of their repair or if they are attached as tangible elements of a commercial establishment;
- ii. Assets essential to any domestic economy which are in the actual residence of the debtor, except in the case of enforcement intended for payment of the price of the respective acquisition or the cost of its repair.

There are assets partially seizable, but it must be noted that when the claim concerns children's or survival responsibility pensions, these exemptions or reductions may be amended in favor of the creditor:

- i. 1/3 of the net part of salaries, periodic benefits, pensions or any other social bonus, insurance, compensation for accident, lifetime incomes, or benefits of any kind that ensure the subsistence of the debtor. It must be ensured that the debtor, when he/she has no other income, is always in possession of an amount equivalent to a national minimum wage – every amount above up to the equivalent to three national minimum wages will be seized;
- ii. In the apprehension of cash or bank accounts, the amount corresponding to the national minimum wage is unseizable.

Considering the amount and nature of the debt, as well as the needs of the debtor and his/her domestic economy, the judge may, exceptionally and always at the request of the debtor, reduce, for a period he/she considers reasonable, the seizable part of the income and even, for a period of not more than one year, exempt them from seizure.

1.8 (Court) penalties and fines

It is the responsibility of the enforcement agent to carry out all the steps of the enforcement process that are not assigned to the secretariat or within the jurisdiction of the judge.

The enforcement agent, in the pursuit of public interest, has rules of public authority when applying the measures and acts which he/she carries out in enforcement proceedings, service of documents, notifications, seizures, apprehensions, sales and publications in all judicial proceedings, or in acts of a similar nature which, even if they are not judicial, may be treated in the same way.

If the debtor, or whoever represents him/her, refuses to open doors or immovables, or if the immovables are empty or uninhabited and the doors are closed, the enforcement agent may require the public security or police to escort the act.

The debtor or any person who conceals any assets, goods, property, claims, or rights in order to exclude them from seizure or apprehension is subject to the penalties corresponding to the "bad faith" litigation, without prejudice to the criminal liability which may also be incurred.

All persons, whether or not parties in the process, have the civil obligation to cooperate in the discovery of the truth, responding to what is asked of them,

submitting to the necessary inspections, providing what is requested and practicing the acts that are determined. It is a legal and prevalent imposition for all lawsuits, concerning enforcement or not. If they are parties to the proceedings, they will be considered “bad faith” litigators.

Those who refuse that civil obligation of cooperation are sentenced to a fine, without prejudice to any coercive means that are possible, including detention.

However, refusal can be legitimized if obedience imports into the use of the physical or moral integrity of persons, in case of intromission in private or family life, in correspondence or in telecommunications, among others.

Having litigated in “bad faith”, the party is ordered to pay a fine and compensation to the opposing party. A “bad faith” litigator is considered the party who, with willful or gross negligence, has committed serious omission of the duty of cooperation, or who has made a manifestly reprehensible use of the proceedings or the process, in order to achieve an illegal objective, to prevent the discovery of the truth, to hide from the action of justice or to delay, without serious basis, the final decision.

1.9 Access to information on the domicile and assets of the debtor

All assets, goods or incomes of the debtor, who is liable for the debt and costs of enforcement under substantive law, are subject to enforcement.

However, seizure or apprehension is limited to the assets necessary for the payment of the debt and costs of enforcement.

Access to all information about the domicile or head office and the assets of the debtor is regulated by law and is compulsorily carried out by electronic means, except in case of technical impossibility. The search and the apprehension or seizure is preceded by the steps that the enforcement agent considers useful for the identification or location the assets, namely searching the databases of the Tax Administration, Social Security, Land Registry, Commercial and Vehicle Registry and other similar databases or files, that will provide all information about the identification of the debtor and the identification and location of their assets.

When electronic access to information about the identification and location of the debtor’s assets is not possible, public, and private services shall provide them to the enforcement agent, by the fastest way, within 10 days.

Thus, the enforcement agent has direct access to all the elements necessary for enforcement, including consultation of databases that enable accurate identification of the debtor and all his/her registered assets, in particular through information from the Tax Administration, Social Security, Civil Register, Land Register, Commercial Register and Vehicles Register, or even bank deposits or legal shares and stocks.

Direct access, using the IT platform, by the enforcement agent, to achieve identification of the debtor and his/her registered assets, which allows the search of the elements contained in databases of the Tax Administration, Social Security and similar, has been proved necessary for rapid identification and apprehension of the assets and for effective recovery of the debt.

It is also regulated by law, the service of documents, exclusively by electronic resources for the Public Treasury and Tax Administration, the Institute of Social Security and the Institute of Financial Management of Social Security, with rules on the modes of service, date and value of the service and the electronic backup of the service. Also, in this case, the IT system guarantees that the service of documents may only be carried out in the context of an enforcement procedure. The identity of the enforcement agent, the content of the information searched, the time of search, the time of availability and the time limit for the preservation of the data in the system will be ensured.

Access to electronic apprehension and seizure of bank accounts, bank deposits or legal shares and stocks is obtained by information provided by the Central Bank of Portugal concerning institutions legally authorized to receive deposits in which the debtor holds bank accounts and is also carried out directly by the enforcement agent.

The handling of all this information has a confidential nature and the enforcement agent is responsible for maintaining its confidentiality, under strong measures and civil and disciplinary consequences, including criminal responsibility.

All data obtained on the identification of the debtor and his/her registered assets will have to be removed from the system after the expiry of the legal and regulatory deadlines, including those provided by the European specific regulations. It is not allowed to cross-reference data between enforcement processes and there is total inhibition in the reuse of any data previously obtained, about any debtor, in any procedure.

The debtors, like any citizen, are subject to the general duty of cooperation with justice. Nevertheless, before the extinction of the enforcement, if the enforcement agent does not find any assets, goods, incomes or others that can guarantee the payment of debt and costs of enforcement, notifies the debtor to indicate assets to be seized.

The omission or false declaration of the debtor is subject to a penalty, in the amount of 5 % of the debt per month, if a further renewal of the enforcement occurs and there the existence of assets attachable to the date is established.

PART II: ORGANIZATION OF ENFORCEMENT

II.1 The status of the judicial officer

In the fulfilment of his/her competencies, the enforcement agent acts with prerogatives of public interest, has rules of public authority when applying measures and acts which he/she carries out, throughout all the national territory.

It is for the enforcement agent to carry out all the steps of the enforcement proceedings which are not specifically assigned to the court or are within the specific competence of the judge of the process, including, service of documents, notifications, publications, searches in databases, seizures, apprehension, evictions and deliveries of movables or immovables, sales, reimbursements and payments, among many others.

As mentioned above, according to the law, the enforcement process is processed in court only when it is requested or the execution of an act that is within the competence of the court or judge and only until its execution. Otherwise, the entire process is processed out of court and only within the jurisdiction of the enforcement agent, who decides what is their competence. The judge always has the officious control of the case.

The enforcement agent may also, under his/her responsibility and supervision, promote the performance of any material act of the executive process that do not involve the material seizure of goods, sales or payment, by an employee at its service, duly accredited by OSAE.

Under the current legislation and regulations, when someone imposes restrictions or difficulties to seizures or apprehensions, the enforcement agent may directly request the assistance of the police or public security authorities. Prior judicial authorization is mandatory if the act must be performed in the debtor's residence.

The enforcement agent, in the fulfilment of his/her activity, is subject to disciplinary rules of a specific nature that include, among others, the registration, in a centralized IT platform of all values that they seize or are entrusted to them (client accounts). The supervision of its activity is guaranteed by a public independent entity, the Commission for the Monitoring of Justice Assistants (CAAJ).

There are several laws and regulations concerning rights, obligations, and responsibilities of the enforcement agent, in particular:

- General law and civil procedural law;
- The Status of the Order of Solicitors and Enforcement Agents;
- The Disciplinary Regulations of the Order of Solicitors and Enforcement Agents;
- The Code of Ethics of Solicitors and Enforcement Agents.

The framework of disciplinary sanctioning measures involves:

- i. Warning;
- ii. Registered censure;
- iii. Fines up to the amount of 30 000.00€;
- iv. Suspension of professional activity for up to a maximum of 10 years;
- v. Definitive prohibition of the exercise of the professional activity.

In addition to disciplinary sanctions, the following sanctions may also be applied to the enforcement agent:

- i. Compulsory frequency of training actions supplementing compulsory training;
- ii. Reimbursement of amounts, documents or objects;
- iii. Loss, in whole or in part, of benefit of the guarantee fund, of fees or the cost of expenses;
- iv. Loss of benefit of the guarantee fund, the benefit obtained by the enforcement agent;

- v. Loss of exercise of representation in the structures of the professional association;
- vi. Limitation of the monthly number of procedures in which they may be designated, for a maximum period of two years;
- vii. Exclusion from the list of enforcement agents for the purposes of designation of new procedures for a specified period;
- viii. Restriction of movement of client accounts to the prior authorization of another enforcement agent.

II.2 Supervision over enforcement

The activity of the enforcement agents is controlled:

- i. By the judge of the process, which, at first instance, verifies and monitors the activity of the enforcement agent, in particular with regards to the correct application of the law, diligence and possible abuses of power and who, in addition to being able to reverse any decision of the enforcement agent or order the conduct of a specific act, shall inform the disciplinary entity, in the case of facts or acts that may constitute disciplinary faults.
- ii. The structures of the professional association Order of Solicitors and Enforcement Agents, the Public Prosecutor's Office, or any person directly or indirectly affected also have legitimacy to inform the disciplinary entity, in case of facts or acts practiced by enforcement agents, which may constitute a disciplinary fault.

The disciplinary structure of the professional association, Order of Solicitors and Enforcement Agents and the Commission for the Monitoring of Justice Assistants (CAAJ) are the competent disciplinary entities.

The Commission for the Monitoring of Justice Assistants (CAAJ) is an independent public administrative entity, endowed with legal personality and enjoying administrative and financial autonomy.

This Commission for the Monitoring of Justice Assistants (CAAJ), is responsible for monitoring, supervising and disciplining the assistants of justice, in accordance with the law, the statutes and regulations of the professions that stipulate their involvement.

II.3 Access to the premises

As mentioned above, in the course of fulfilment of his/her duties, the enforcement agent acts with the prerogatives of public authorities.

As mentioned above, it is up to the enforcement agent, among others, to carry out all the steps of enforcement, namely, seizures, apprehension, evictions and deliveries of movables or immovables, among many others.

All steps involving the apprehension or material seizure of property, assets or goods are carried out without prior knowledge of the debtor.

Thus, in the exercise of these functions, the enforcement agent may require access to

closed spaces, including if the debtor or his/her representative are not present or even proceed by forced entry by break-in of doors.

In accordance with the current legislation and regulations, when opposed to the seizure or entry into a closed place or property, the enforcement agent may directly request the assistance of the police or the public security authorities to force the entry or the practice of the act. Prior judicial authorization is mandatory if the act must be performed in the debtor's residence.

II.4 Obstructing the judicial officer from carrying out enforcement

In Portugal, there is a general obligation to collaborate with justice and, therefore, all citizens are also obliged to cooperate with the enforcement in the course of the performance of their duties.

Intentional lack of collaboration with justice can entail civil and even criminal penalties. Lack of collaboration includes obstruction, omission of useful data or information or even lack of truth.

As mentioned above, in the performance of his/her duties, the enforcement agent may require cooperation, access to information, access to enclosed spaces, proceed forced entry where necessary and may directly request the assistance of police or public security entities for that purpose.

In certain types or specific proceedings or acts, the enforcement agent may even order the removal of persons and property from the location.

If cooperation with the enforcement agent is not carried out on a voluntary basis, the enforcement agent must always request the assistance of the police or public security authorities, for compulsive compliance.

II.5 Time of enforcement

Excluding the acts carried out automatically by or within the IT platform, procedural acts are not supposed to be carried out on days when the courts are closed, nor during the judicial holiday period.

When the act must be performed or take place at residence, it can only take place between 07:00 and 21:00 hours, which also applies by analogy to other types of procedures. Outside that period of time, it is possible with express authorization by the judge of the process.

II.6 Mediation

The enforcement agent is prohibited by law from carrying out any mediation in the enforcement procedure.

Any agreement shall always be made by the parties or their judicial representatives if they are established. In Portugal, in civil procedures, if the parties are not in agreement, the act of mediation could lead to agreement. However, the parties are allowed to reach an agreement without any mediation.

However, in enforcement procedures there can only be a simple agreement between

the parties, there is never any mediation involved.

PART III: ENFORCEMENT PROCEDURES

III.1 Initiation and end of the enforcement procedure

The form of the enforcement process is determined by the type of enforcement order and the value of the debt. There are two types of proceedings: ordinary and summary proceedings.

In ordinary proceedings, the process must be assessed in advance by a judge, who will decide for the acceptance or refusal and, only after the debtor has been served and the respective time for appeal or opposition has ended, will the enforcement agent initiate the enforcement procedure.

In summary proceedings, the process does not have to be previously assessed by a judge, but is immediately assigned to the enforcement agent, who initiates the proceedings for enforcement, searching the databases for all the elements and necessary information, and proceeding to immediate apprehension or seizure, while the service of the debtor is carried out only after said apprehension or seizure.

In the case of enforcement for the delivery of certain thing or the execution of a mandatory act, the procedure is unique.

If the enforcement order already constitutes any of the titles listed above in I.2, enforcement is submitted directly by the creditor or by his/her judicial representative, in the terms where it is applicable.

Enforcement begins with the submission of the enforcement application, which is compulsorily submitted electronically through the CITIUS, platform to which only judicial representatives have access. For cases that it is possible for the creditor to submit such an application, he/she will have to do so at the court office.

It is not mandatory to indicate any assets known from the debtor at the time of submission of the enforcement application. This document contains, among many elements:

- i. The identification of the parties, their names, addresses or registered offices and tax identification numbers, and, where possible, professions, workplaces, affiliation and civil identification numbers;
- ii. Where possible, the identification of the employer of the debtor, bank accounts which he/she owns and the goods or assets belonging to him/her, as well as the responsibilities that could affect them;
- iii. Where possible, the elements and documents available to contribute to the exact identification of the goods and assets with specification and location, as well as access to their registry;

- iv. If apprehension of credits is to be required, the identity of the debtor of that credit, the amount, the nature and origin of the debt, the guarantees involved in it, and the maturity date, if possible;
- v. In the rights relating to assets with two or more co-owners the administrator and the co-owners shall be indicated, as well as the share owned by the debtor.

The indication of these elements in the enforcement application shall not prevent the enforcement agent from searching through the databases referred to in I.9, to obtain and confirm the elements he/she considers useful or necessary for the identification of the debtor or the location of his/her assets.

The enforcement application is considered official only after the payment of the judicial fees and the amounts related to the initial provision or FASE, due to the enforcement agent. After the payment, the procedure is immediately made available in the IT platform System of Support to the Activity of enforcement agents (SISAAE); the enforcement procedure may then begin in the case of summary proceedings (see I.2).

In the case of enforcement for delivery of certain thing or execution of a mandatory act, which follow a single form, the procedure begins in the same way as in the common enforcement application, and obviously the procedural elements that are appropriate to the form of the proceedings.

The execution will be ceased, among other cases, under the following circumstances:

- i. When payment of the amount settled as the responsibility of the debtor is performed;
- ii. When the debt, interests and judicial expenses are satisfied by coercive payment;
- iii. In case of supervenient uselessness;
- iv. Because of lack of goods, assets or any other form of payment;
- v. By declaration of insolvency on behalf of the debtor.

In some cases, provided by law, in particular where an enforcement procedure is declared extinct due to lack of goods, assets or any other form of payment, without full payment, it may be revalidated.

When an enforcement procedure is extinct due to lack of goods, assets or any other form of payment, without full payment, the debtor is registered on a public list of enforcements, which allows to consult some elements concerning the enforcement procedure in which it was not possible to find sufficient assets to pay all the debt; this registry stays active for 5 years. This public registry guarantees to interested parties access to the list of debtors who have not been able to resolve their debts and facilitates the payment of the missing amounts by debtors who decide to resolve their debt.

This [Public List of Enforcements](#) provides information about the debtor's name and

tax identification, the amount unpaid and the reason why the process was declared extinct.

III.2 Enforcement against movable assets to settle pecuniary claims

First of all, it must be noted that the seizure or apprehension always begins with the assets or goods whose pecuniary value is easier to realize and are appropriate taking into account the amount of the creditor's claim. Nevertheless, the enforcement agent must comply with the indications of the creditor on the assets which he/she intends to see primarily seized, unless they violate mandatory legal norms, offend the principle of proportionality or do not comply with easier realization and are not appropriate taking into account the amount of the claim.

Movable property is essentially separated into two types of goods:

1. Movable property subject to public registry, such as motor vehicles, motorcycles, boats, aircraft, or even some machinery, among others;
2. Movable property not subject to public registry, such as money, credit papers, stones and precious metals, art, furniture, household appliances, equipment, goods, among others.

The seizure of the first type of movables, subject to public registration, shall be made by prior electronic communication to the respective registry entity, officiating the seizure act and subsequent apprehension and removal. However, if there is manifest urgency or convenience, such electronic communication may be preceded by the apprehension and immobilization of the assets, by the imposition of stamps or physical immobilizers.

The seizure of the second type of movables, which are not subject to public registration, is carried out with the effective apprehension of the assets and their immediate removal for deposit; the enforcement agent, who carried out the act, assumes the title and functions of depositary.

There shall be no removal of the assets if their nature is incompatible with the deposit, if the removal could involve a substantial devaluation of the assets or even their destruction, or if the cost of removal exceeds the value of the seized assets. In this case, the enforcement agent shall carry out a detailed description of the assets or goods shall, including photographs of them and, where possible and impose a distinctive sign on the assets themselves; the debtor shall be the depositary.

The assets found in possession of the debtor are presumed to belong to him/her; however, following apprehension, this presupposition may be refuted by the judge, either by the debtor or by someone in his/her name, or by a third party, by offering unequivocal documentary evidence of the third party's right over them.

Money, credit papers, stones and precious metals that are apprehended or seized must be deposited in a credit institution, at the order of the enforcement agent.

At the time of the apprehension or seizure, the enforcement agent shall make a written statement which includes the date and time of the act, a list of all the assets

and goods by number, quantity and indication of the approximate value of each of them, whenever possible. It is also standard to carry out a photographic report of the assets and goods, to better identify them, so that their status in the moment of apprehension can later be verified.

The enforcement agent is responsible and sets the value of each asset or good, although he/she may use the assistance of an expert if the valuation depends on expertise.

If the apprehension act cannot be completed in a single day, stamps shall be imposed on the doors of the places where the unrelated assets and goods are located and the necessary arrangements are taken with regards to their custody to ensure that the act shall proceed regularly on the first following working day.

Currently, the sale of all seized assets, whether real state, immovables or movables, subject or not to registration, is preferably made by [electronic auction](#).

However, there are several forms of sales provided by law. As such, exceptionally, other types of sales may still apply, even compulsorily, such as in the case of assets or goods subject to regulated markets:

- i. Sale by proposals in closed letter;
- ii. Sale in regulated markets;
- iii. Direct sale to persons or entities entitled to purchase the goods;
- iv. Sale by private negotiation;
- v. Sale in an auction establishment;
- vi. Sale in public deposit or equivalent storage.

If the debtor, after being served, does not present appeal or opposition and there are values available in the process, the enforcement agent can make payments up to that amount.

Payments to the creditor, or to other graduated claimant creditors in the enforcement process, are made by the enforcement agent, after determining the responsibility of the debtor and attending to the nature and priority of the graduated credits, if any. Payments can be made in whole or in part.

The costs of enforcement, including the fees and expenses due to the enforcement agent, and the costs of declarative procedure, if existing, will be the first payments resulting from the sales proceeds of the assets seized. So, for full or partial payments to the creditor or other parties, the amounts required for the payments mentioned above must be safeguarded by the enforcement agent, after determining the responsibility of the debtor.

III.3 Attachment on the bank account of the debtor

The attachment of a deposit in an institution legally authorized to receive deposits is compulsorily made by electronic blocking of the necessary amount, following

communication carried out by the enforcement agent to the institutions legally authorized to receive deposits in which the debtor has an open account.

The enforcement agent shall communicate electronically to the credit institutions that the existing money, or the share of the debtor in that account, shall be blocked from the date of the communication and up to the limit value indicated by the enforcement agent as the limit of the blockage, determined in euros.

From that moment on, with a few exceptions, the blocked value can only be transferred by the enforcement agent.

If there are several deposit holders in that account, the blockage is imposed only on the share of the debtor in that common account, assuming that the quotas are equal.

The following preference criteria are followed by the credit institution and the enforcement agent concerning the choice of the account or accounts whose values are blocked:

- i. The accounts of which the debtor is the sole holder are preferred over those of which he/she is not, and, among them, those with the smallest number of holders are preferred over those of which the debtor is the first holder;
- ii. Long term deposit accounts are preferred over current deposit accounts;
- iii. Legal shares and stocks, book-entries or title rated, integrated, and centralized, registered or deposited in a financial intermediary entity or registered with the respective issuer.

After the order to block the value from the enforcement agent, the credit institutions shall, within two working days, communicate electronically to the enforcement agent:

- i. The blocked amount; or
- ii. The amount of existing values, where, for any valid and justified reason, the institution is unable to block;
- iii. The absence of account or values to block.

Upon the electronic receipt of that information, the enforcement agent shall, within five days, communicate electronically to the credit institutions the conversion into seizure of the amounts previously blocked that are necessary to fulfil the amount of debt and judicial expenses, after determining the responsibility of the debtor, and release the amounts that are not necessary.

After this transformation of the blockage into seizure, it is immediately communicated to the debtor by the credit institution and the debtor will be served by the enforcement agent.

The blocked or attached values may, however, be affected, either for the benefit or to the detriment of the creditor, as a result of:

- i. Credit operations arising from the posting of amounts previously delivered and not yet credited to the account on the date of the blockage;

- ii. Debit transactions arising from the presentation of payment, on a date prior to the blockage, of cheques or making payments or withdrawals whose amounts have actually been credited to the respective beneficiaries on a date prior to the blockage.

The credit institution is responsible for the bank balances and values existing there on the date of the communication referred to the blockage and provides the enforcement agent with an extract of the bank account containing all transactions affecting the deposits seized after the seizure has been made.

After the period of appeal or opposition has expired, if the appeal or opposition has not been deducted or the opposition has been rejected, the enforcement agent shall deliver to the creditor the seized amounts which do not guarantee claimed claim, up to the amount of the debt, and judicial expenses, which the enforcement agent has to safeguard, after determining the responsibility of the debtor.

III.4 Enforcement against savings deposits and current accounts

Attachment of the debtor's bank accounts includes the attachment of forward deposit accounts and the attachment of accounts to order, as well as the attachment of legal shares and stocks, book-entries or title rated, integrated, and centralized, registered or deposited in a financial intermediary entity or registered with the respective issuer. There is no differentiation between the types of accounts, except the order of preference of blocking and seizure, which again refer to the following:

- i. The accounts of which the debtor is the sole holder are preferred over those of which he/she is not, and, among them, those with the smallest number of holders are preferred over those of which the debtor is the first holder;
- ii. Long term deposit accounts are preferred over current deposit accounts;
- iii. Legal shares and stocks, book-entries or title rated, integrated, and centralized, registered or deposited in a financial intermediary entity or registered with the respective issuer.

For the remaining procedure, see III.3 (in paragraph: “After the order to block the value”, till the end of that paragraph).

III.5 Enforcement on immovable property

The seizure of immovable property and real estate shall be made by electronic communication from the enforcement agent to the competent registration service, which is valid as a request for registration.

The seizure is made available to the enforcement agent electronically, as well as a certificate of all the previous responsibilities on the seized assets.

The enforcement agent then draws up the statement notification and proceeds to display, at the door or in another visible place of the seized property, a notice, contained in an approved model.

The enforcement agent must be the depositary of the property, unless the creditor

consents that the debtor be the depositary him/herself or another person designated by the enforcement agent or in case of any of the following circumstances:

- i. The seized property is the effective residence of the debtor; in which case the latter is the depositary;
- ii. The asset is leased or rented; in which case the lessee is the depositary;
- iii. The asset is the subject of a right of retention as a result of a contractual non-compliance in court, in which case the retainer is the depositary.

If the property is leased or rented to more than one person, the depositary is chosen by the enforcement agent, and the latter collects the rents from the other tenants.

The income that results from it is deposited in a credit institution, at the order of the enforcement agent.

Seizure covers not only immovable property, but also all its integral parts and their fruits, natural or civil.

Once the seizure phase is completed and the enforcement agent has determined the registration status of the immovable property, the following parties are served regarding the enforcement, in order to claim payment of their claims and rights:

- i. Creditors who hold a real right of guarantee, registered or known, on the assets seized, including a pledge whose constitution is contained in the enforcement databases;
- ii. The National Treasury and Tax Administration and the Institute of Financial Management of Social Security, exclusively by electronic means.

The basic value and the mode of sale of the immovable property is decided and determined by the enforcement agent and the basic value corresponds to the highest of the following values:

- i. Tax Administration value, under the terms of the valuation made less than six years;
- ii. Real estate market value.

The enforcement agent may proceed to the steps necessary to determine the value of the property according to the market value, where he/she considers it advantageous or any of the interested parties wishes to do so, and may also be assisted by an expert for that purpose.

As mentioned earlier in III.2, currently, the sale of all seized assets, whether immovable or movable, subject or not to registration, is preferably made by [electronic auction](#).

However, there are several forms of sale provided by law. As such, exceptionally, other types of sale of real estate may still apply:

- i. Sale by proposals in closed letter;
- ii. Direct sale to persons or entities entitled to acquire immovable property;

- iii. Sale by private negotiation;
- iv. Sale in an auction establishment.

After the sale of the property, by whichever method, the enforcement agent shall notify the parties and the preferred parties, in order to exercise their rights and duties, in particular the deposit of the remaining price, the fulfilment of tax obligations, the exercise of rights of remission and the exercise of rights of preference.

After the expiry of that period, the enforcement agent shall deliver the respective title for the transfer of the immovable property, further promoting registration on behalf of the new owner.

All the responsibilities or legal rights that are related to the immovable property expire with the judicial sale, except those that are prior to seizure and must continue, such as leases, renting, among others.

The enforcement agent, if he/she is already a depositary of the immovable property, transfers possession of the immovable property to the new owner, after delivering the transfer title. If the enforcement agent is not the depositary and, notified to that effect, the depositary does not voluntarily deliver the immovable property, the new owner may, on the basis of the transfer title, apply against the holder, in the context of the same enforcement procedure, the coercive delivery of the property.

After the deadline for the exercise of the rights, the enforcement agent delivers to the creditor the amounts that do not guarantee claimed credit, up to the amount of the debt, after discounting the amount relating to enforcement expenses.

Payment to other claimant creditors graduated in the enforcement process is also made by the enforcement agent, paying attention to the nature and priority of the graduated claims, if any. Payment can be made in whole or in part.

Like the rest, the costs of enforcement, including the fees and expenses due to the enforcement agent, and declarative costs, if any, are covered by the incomes of the seized and sold property, i.e., for total or partial payments, the amounts required for the above payments must be safeguarded in the first place.

III.6 Enforcement against wages and other permanent pecuniary income

As mentioned before, the enforcement agent has direct access to all elements necessary for enforcement, including, of course, the search of the information contained in the databases of the tax administration, social security and the national pension center, which have proven necessary for the rapid identification and attachment of salaries, periodic benefits paid as a pension or any other social benefits, or benefits of any kind that ensure the subsistence of the debtor.

Insurances, compensation due to accidents, lifetime incomes, or other benefits of any nature that ensure the subsistence of the debtor, but which are not related in these databases, will have to be determined in a non-direct way, with the institutions that can guarantee them.

Notifications to the parties and to third parties who have to comply with specific acts,

in particular information provision and attachment of rights, credits or incomes, shall be made, with the necessary adaptations, under the same procedure as in the case of service of documents.

If possible, procedural notifications to some public and private entities are also made by the enforcement agent in a fully electronic manner, in particular those intended to obtain such data and consequent attachment or seizure. In fact, the law provides that communications between the enforcement agent and the public entities of the direct or indirect administration of the State, made in the context of the attachment of claims or rights, are made, whenever possible, electronically, and preferably automatically.

The others, which are not likely to be carried out electronically, are carried out by post and are made by registered letter with acknowledgement of receipt, of an officially approved form, addressed to the institution or employer and to its headquarters, which contains the necessary procedural elements and the reason for the notification. As the procedures are the same as in the case of service of documents, if postal notification is not possible, the enforcement agent proceeds with personal notification.

There are predefined and parameterized forms for these notifications, so that anyone can immediately realize that it is a formal act, preferably using a simple and clear language, indicating the objective of the communication, rights, duties, deadlines, and compulsions, among others.

It is for the institution or employer to declare whether the debtor earns salaries, periodic benefits paid to him/her as a pensioner or any other social benefit, or benefits of any nature and any other circumstances that may be of interest to the enforcement. This information shall be provided in formal writing to the enforcement agent within 10 days, if it cannot be made electronically.

In response to the notification of the enforcement agent the last receipt of salary or equivalent of the debtor (which includes the gross salary, discounts and suppressions as well as other bonuses, including meal support or travel, and so on), or other that applies to the law in question must be annexed. The personal data of the debtor must be erased from these receipts in advance, or, alternatively, all credits and debits contained in the receipt shall be distinguished.

If the debtor is no longer a worker or has no rights or credit, they shall inform the enforcement agent immediately, clarifying the date on which the labor contract ended, or the date on which the claim or the right ended.

In the circumstance of salaries and if intended, the entities may ask the enforcement agent to determine the amount to be seized.⁸

If the institution or employer do not respond, it is considered that they recognize the existence of the obligation in accordance with the notification and the liability of the

⁸ A simulator for the automatic calculation of the seizure is available on <http://www.solicitador.org/CE/#/penhoraSalarios>.

“bad faith” litigant is incurred, if they meaningfully conceal the truth.

If that obligation is not fulfilled by the entity or in case of subsequent non-compliance with the obligation, the creditor, or even the debtor, may require, in the same enforcement procedure, serving the notification made by the enforcement agent as enforcement title.

Two-thirds of the net share of salaries, periodic benefits paid as a pension or any other social benefit, insurance, accident compensation, lifetime income, or benefits of any kind that ensure the subsistence of the debtor shall not be seized. To determine the net share of the benefits referred to in the preceding paragraph, only legally binding discounts shall be considered.

The above-mentioned exemption has as a “ceiling” that corresponds to the amount equivalent to three national minimum wages at the date of each seizure and as a minimum limit, when the executed does not have other income, the amount equivalent to a national minimum wage. That means, when the debtor has no other income, the debtor has always safeguarded the amount equivalent to one national minimum wage.

However, that limit is lower when the claim concerns children’s or survival responsibility pensions, in which case only the amount equivalent to the entire social pension of the non-contributory scheme is safeguarded to the debtor.

These maximum and minimum limits are calculated globally, for each month, based on the total expected monthly income of the debtor and they will be applied to the overall incomes.

As a measure to safeguard his/her subsistence, considering the amount and nature of the debt, as well as the needs of the debtor and his/her domestic economy, the judge may, exceptionally and always at the request of the debtor, reduce, for a period he/she considers reasonable, the seizable part of the income and even, for a period of not more than one year, exempt them from seizure. This application may be renewed.

With regards to payments to the creditor and graduated creditors, the enforcement agent shall apply the same as to the previous.

III.7 Attachment under the debtor’s debtor

Like enforcement against wages and other permanent pecuniary income, attachment of claims consists of the notification to the debtor, made under the requirements for the service of documents and is subject to the procedure, that the claim is at the order of the enforcement agent.

If the debtor is a public entity of the direct or indirect administration of the State, communications between the enforcement agent and the debtor, made in the context of the seizure, are also made, whenever possible, electronically, and preferably automatically.

It is for the debtor to state whether the claim exists, what guarantees accompany it, on which date it is due and any other circumstances that may be of interest to

enforcement.

If it is not possible to be made at the time of notification, the statements referred to in the preceding paragraph shall be made in formal writing to the enforcement agent, within 10 days.

If the debtor does not respond, it is considered that he/she recognizes the existence of the obligation, in accordance with the indication on the notification.

If the debtor is consciously concealing the truth, he/she bears the responsibility of the “bad faith” litigant.

The creditor, the initial debtor and the graduated creditors may apply to the judge for the execution of, or authorization to execute, the acts which appear indispensable for the retention of the right of the credit now seized.

If the credit is secured by pledge, the object of the pledge is seized, in accordance with the provisions relating to the attachment of movable things, or the transfer of the right for the enforcement; if it is secured by mortgage, it is transformed by seizure.

If the new debtor disputes the existence of the claim, the creditor and the debtor are notified said what they intend to, within 10 days, and the creditor must declare whether he/she wishes to maintain the seizure or give it up. If the creditor maintains the seizure, the credit shall be deemed to be litigious and shall be transmitted as such.

When referring to payments to the creditor and graduated creditors, the enforcement agent shall apply the same as to the previous.

III.8 Enforcement against shares

For the attachment of shares traded on the Stock Exchange or on the public market precisely the same procedure as that provided for in III.4 applies.

Namely, the attachment of shares that are traded on the Stock Exchange or on the public market is made by electronic blocking, following communication carried out by the enforcement agent to the institutions legally authorized to receive their registration and in which the debtor has an open account.

The enforcement agent informs, electronically, credit institutions whose shares, traded on the Stock Exchange or on the public market, are registered in the name of the debtor, or their shares are blocked from the date of the communication and up to the limit value indicated by the enforcement agent as the limit of the blockage, determined in euros.

If there are several holders on the register, the blockage shall be imposed on the share of the debtor in the common account, assuming that the quotas are equal.

From that moment on, with a few exceptions, blocked shares can only be handled by the enforcement agent and the sales order on the regulated market is given only by him/her.

The attachment of rights incorporated in credit titles and titled values not mentioned above takes place by seizing the title, and the fact that, whenever possible, the registry

of information resulting from the attachment is also ordered.

If the right incorporated in the title is mandatory in nature, the provisions for the attachment of credit rights must also be fulfilled.

The seized credit titles are deposited to a credit institution, by order of the enforcement agent.

As for shares in other companies not regulated or traded on the Stock Exchange or on the public market, in addition to electronic communication to the competent commercial registry office, the company is also notified, with the express warning that the right of the debtor is at the order of the enforcement agent, since the date of the first notification.

The company may react in accordance with the law and, even, if its social pact permits, it may acquire the share seized through a specific procedure for that purpose.

The process of selling these shares or shares in other companies not regulated or traded on the Stock Exchange or on the public market is carried out preferably by [electronic auction](#), also applying the provisions for the sale of movable property (see III.2).

With regards to payments to the creditor and graduated creditors, the enforcement agent shall apply the same as to the previous.

III.9 Other attachment procedures

There are many other types of attachment, namely:

- i. of common property in procedures brought against only one of the spouses;
- ii. in case of communion or ownership;
- iii. in assets or goods to be seized in the enforcement against the successors of the debtor;
- iv. of goods and assets loaded on a ship;
- v. of goods and assets held by a third party;
- vi. of commercial establishments;
- vii. of agricultural production etc.

In addition to the specific standards of each, with the necessary adaptations, the provisions for the seizure of immovables and movable things are always subsidiarily applicable.

III.10 Handing over movable assets

Enforcement can be requested for the delivery of certain thing or the execution of a mandatory act, in particular with regards to movable property, whether or not subject to registration.

In the enforcement for the delivery of certain thing, the debtor is serviced to, within 20 days, make the delivery of the thing or to appeal or oppose against the enforcement.

The debtor may infer opposition to enforcement in general terms and on the basis of

improvements to which he/she is entitled.

If the creditor safeguards the amount requested as improvements, the receipt of the opposition does not suspend the continuation of the enforcement procedure.

The provisions relating to the attachment of goods and assets are generally applicable, with the necessary adaptations.

The enforcement agent proceeds to the search in databases, and other necessary steps, if the debtor does not voluntarily make the delivery within the indicated period of 20 days.

In case of goods or assets to be determined by account number, weight or measure, the enforcement agent orders the necessary operations to be carried out in his/her presence and delivers the appropriate quantity to the creditor.

The creditor is invested in the possession of the movable property by the enforcement agent or, if the property belongs to other interested parties as well, the creditor is invested only in the possession of its share.

Where the thing which the creditor was to receive is not found, the creditor may, in the same case, liquidate its value and the loss resulting from the fault to deliver.

Following that calculation, the enforcement agent proceeds to the seizure of goods and assets necessary for the payment of the amount calculated, in accordance with the other terms of the enforcement process for payment of certain amount.

III.11 Enforcement in reinstatement of employee to work

Specific and different legislative provisions apply in this type of enforcement procedure, which is processed by the Labour Court; in this case, as a rule, the public judicial officer plays the role of the enforcement agent.

III.12 Eviction

This type of enforcement is conducted in accordance with the procedure of handing over movable assets, analyzed in III.10.

In this type of enforcement for delivery of certain thing, the debtor is also served to, within 20 days, make the delivery. He/she can appeal or oppose the enforce procedure within that period.

Postponement of the delivery could be allowed if, within the time limit of appeal or opposition, the debtor requires the deferral of the eviction, for compelling social reasons. In this case, he/she must immediately offer the available evidence and indicate the witnesses.

Such postponement, which only concerns evictions from the residence of the debtor, is decided by the judge, who must take into account the requirements of good faith, the fact that the debtor could not arrange immediately another residence, the number of persons living with the debtor, his/her age, his/her state of health and, in general, the economic and social situation of the persons concerned. It may only be granted under the following conditions and up to a maximum period of 5 months:

- i. In the case of a resolution for non-payment of rents, the lack of the same is due to the lack of means of the debtor, which is presumed in relation to the beneficiary of unemployment benefit, of an amount equal to or less than the minimum monthly guaranteed salary, or of social income of insertion;
- ii. The debtor has a disability with a proven degree of more than 60%.

In some cases of deferral, the Social Security with the solidarity fund can pay the landlord the rents corresponding to the deferral period.

At the end of the period, if voluntary delivery or deferral of the eviction have not taken place, the enforcement agent coercively invests the creditor in possession of the property, handing over the documents and keys, if any, and serves the debtor, the tenants and any holders to respect and recognize the right of the creditor.

For this purpose, in the performance of his/her duties, the enforcement agent may require access to enclosed spaces, including if the debtor or his/her representative are not present or even proceed to forced entry by break-in of doors, requesting the assistance of the police or the public security authorities, to force the entry. Prior judicial authorization is only mandatory in case it is the domicile of the debtor.

In the act, the enforcement agent, makes a statement with the description of all the goods and assets in the property that belong to the debtor, and the debtor must, within 30 days after the delivery, remove all his/her goods or assets, otherwise they are considered abandoned.

In case eviction concerns the residence of the debtor, the enforcement agent shall suspend the enforcement proceedings, where it is shown, by a medical certificate indicating the period during which the enforcement period is to be suspended, that delivery endangers the person who lives in the residence that the eviction concerns for reasons of acute illness, and if the debtor faces serious difficulties in going to another house, the enforcement agent shall communicate the fact in advance to the city council and the competent assistance entities.

The enforcement agent also suspends the enforcement procedures whenever the holder of the thing displays any of the following documents, dated prior to the beginning of the enforcement:

- i. Title of lease or other legitimate title, emanating from the creditor;
- ii. Title of sub-transfer or assignment of the contractual position, emanating from the debtor, and document proving that the notification to the creditor has been requested within 15 days, or that the creditor has specially authorized the sub-transfer or assignment, or that the creditor has known the sub-tenant or assignee as such.

In case of suspension of the enforcement proceedings, the enforcement agent draws up a statement of facts, gathers the documents displayed and warns the holder, or the person who is on the house, that the enforcement continues, unless, within 10 days, he/she requests the judge to confirm the suspension.

Within five days, the judge, after hearing the creditor, decides to maintain the

suspension of the enforcement or orders the suspension to be ended and the enforcement to proceed immediately.

At any time, the creditor and the debtor can agree on a deadline for the eviction of the property with removal of all movable property from the debtor; the enforcement agent then draws up the final statement.

III.13 Enforcement of obligations to act, refrain from acting or suffer action

If someone is obliged to perform an act within a certain period and does not comply, the creditor may claim the benefit by another person.

If the time limit for the performance is not determined in the enforcement order, the creditor shall indicate the period which he/she considers sufficient and require that, after the debtor is served, within 20 days, he/she shall say what is offered to him, the period shall be set in court.

If the fact is liquid, as well as the compensation to which he/she is entitled, or compensation for the damage suffered from the non-performance of the benefit, may also the creditor claim payment in the enforce application.

The debtor is served to appeal or present opposition to the enforcement within 20 days.

After this period established for the opposition to enforcement, or dismissed, if the creditor requests compensation for the damage suffered, the creditor may, in the same enforcement, liquidate its value and the resulting loss and, request the seizure of goods or assets necessary for the payment of the amount determined, following the rest of the requirements for the enforcement process for payment of certain amount.

If the creditor chooses to claim the benefit by another person, he/she shall request the appointment of an expert who assesses the cost of the benefit. Once this assessment is completed, the assets necessary for the payment of the amount calculated are seized, in accordance with the rest of the requirements for the enforcement of the procedure for payment of a certain amount.

In circumstances of manifest urgency, before the evaluation or execution of the work is completed, the creditor may carry out, or have done under his/her guidance and surveillance, the actions necessary for the performance of the act, with the obligation to report to the judge. However, the debtor can legally claim that there was an excess in the provision of the act and appeal against its liquidation.

Where the debtor is obliged to not commit any act, the creditor may request, in the event of a breach, that this must be verified by recurring to an expertise and that the judge order:

- i. the demolition of the work that may have been done;
- ii. compensation of the creditor for the injury suffered; and
- iii. payment of the amount due as a penalty payment, in which the debtor has

already been convicted or whose fixation the creditor wishes to obtain in enforcement.

In this case, the debtor is also served to appeal or oppose to the enforcement within 20 days.

If he/she concludes that there is a breach, the expert shall immediately indicate the amount of expenditure which matters the demolition, if it has been requested.

However, the enforcement is suspended if the debtor opposes based on the fact that demolition will cause him/her considerably greater damage than the benefit the work caused to the creditor.

III.14 Sequestration of goods

It is possible to submit precautionary procedures and proceedings prior to the proposal of the enforcement. These include, in particular, the listing statement and the apprehension, procedures to which, in addition to the specific rules applicable in their case, the provisions relating to the attachment of goods are subsidiarily applicable.

In circumstances of just fear of loss, concealment or dissipation of goods, assets, property, furniture, real estate, or even documents, it is possible to request its listing statement and contents of the complete description, evaluation and deposit of the goods or assets.

The enforcement agent makes a statement in which the goods and assets are described, in numbered amounts, as in inventory. Their value and the delivery to the depositary or the various destinations they had are also declared.

This statement also mentions all incidents of interest and is signed by the enforcement agent, the depositary and the possessor of the goods or assets; two witnesses must intervene when it is not signed by the possessor. The possessor or the holder of the goods or assets, whenever he/she is in the house or it is possible to call him/her and wishes to do so, can watch and/or be represented by a judicial representative. The listing statement of documents does not require evaluation.

As a rule, the depositary of the listed goods or assets is the owner, possessor, or holder of the goods him/herself, unless there is manifest inconvenience relating to their delivery to him/her.

Having justified fear of losing the equity guarantee of its credit, the creditor may also claim the previous apprehension of the debtor's goods and assets, which consists of the effective judicial apprehension of those goods or assets.

III.15 Enforcement of foreign enforceable documents from non-EU States

With regard to titles and decisions from courts of non-Member States of the European Union, unless established in treaties, conventions, European Union regulations and special laws, no decision on private rights, issued by a foreign court, is effective in Portugal, whatever the nationality of the parties, without being reviewed and confirmed by a Portuguese court.

For this foreign title or decision to be confirmed it is necessary to comply with the following requirements:

- i. that there is no doubt about the authenticity of the document contained in the decision or about the aptitude of the decision;
- ii. that the decision has become final under the law of the country in which it was issued;
- iii. that the decision is issued by a foreign court exercising jurisdiction according to the law and does not judge on matters of the exclusive jurisdiction of the Portuguese courts;
- iv. that the exception of pendency about the decision in question, if exists, may not be appealed and affects the Portuguese court, except if so envisaged by the foreign court in the decision;
- v. that the debtor has been regularly served or summoned to the court proceedings in the original enforce procedure, in accordance with the law of the country of the court of origin, and that the principles of justice and impartiality of the parties have been observed in those proceedings;
- vi. that it does not contain a decision which leads to an effect clearly conflicting with the principles of international public policy of the Portuguese State.

Only with the submission of the special declarative lawsuit for the review of a foreign decision and only after the Portuguese court confirms the foreign decision, the latter can be considered as an enforceable title in Portugal.

The review of the foreign decision issued by the Portuguese court has the same lawfulness and legal force as any decision made by any national court and is enforced under the summary procedure, under the same conditions and terms as any national judicial decision.

Consequently, after the confirmation of a foreign decision by a Portuguese court, the procedure of that title/decision becomes enforceable with summary proceedings. In this case, the procedure does not have to be evaluated again by another judge. It is immediately assigned to the enforcement agent, who begins the proceedings by searching in the databases of tax administration, social security, land registry, commercial and vehicles registry and other similar databases, to obtain all information on the identification of the debtor, including identification and location of his/her assets and immediate attachment or seizure. The service/summon of the debtor is only carried out after the attachment or the seizure of said goods or credits.

PART IV: ENFORCEMENT COSTS

IV.1 The costs of enforcement

The enforcement agent is entitled to receive fees for the services provided, as well as to be reimbursed for the expenses incurred and appropriately proven.

When the payment of the fees and expenses of the enforcement agent cannot be satisfied by the incomes of the assets seized and sold, by the amounts deposited or attached, or by the amounts resulting from the voluntary payment of the debtor, full

or partial, as well as the debts to third parties to which the seizure, attachment or sales of the assets or goods originates, it is always supported by the creditor. The creditor may claim his/her reimbursement from the debtor.

Non-payment within 10 days of the amounts due in respect of provisions, fees and expenses of the enforcement agent by the creditor terminates the procedure, and the enforcement agent can proceed against the creditor for the recovery of these amounts.

The creditor who, on his/her own initiative, requires the enforcement agent to perform acts not included in the fixed remuneration table of Annex VII is solely responsible for the payment of the fees and expenses incurred with the performance of those acts, not being able to claim their payment from the debtor, except when they actually positively result in the identification of goods and assets.

The enforcement agent who, on their own initiative, performs unnecessary, useless, or dilatory acts, is responsible for them and cannot claim from either party the payment of fees or expenses incurred as result of his/her inappropriate practice.

The enforcement agent must request advance payment of estimable expenses and fees in the enforcement proceedings for monetary claims, called as provisions and must comply with the following stages:

- i. PHASE 1, which begins with the submission of the enforcement request and the correspondent payment of the provision and includes all the acts necessary for the verification and regularity of the enforcement title or decision, research in the databases of tax administration, social security, land registry, commercial and vehicles registry and other similar databases, to obtain all information on the identification of the debtor, including identification and location of their assets. This phase ends with the notification of the creditor to proceed with the payment of the provision of the fees of PHASE 2 or PHASE 3.
- ii. PHASE 2, which begins with the payment of the respective provision and includes the service/summon of the debtor, when the law provides that this should take place prior to seizure, or the service/summon of the debtor to specify assets to be attached or seized, when credits, assets or goods are not identified by the enforcement agent in PHASE 1. This phase ends with the notification of the creditor to proceed with the payment of the fees of PHASE 3 or the extinction of the procedure.
- iii. PHASE 3, which begins with the payment of the respective provision and includes attachment or seizure proceedings, as well as the service/summon of the debtor that takes place after the attachment or seizure has been made. This phase ends with the notification of the creditor to proceed with the payment of the fees of PHASE 4.
- iv. PHASE 4, which begins with the payment of the respective provision and includes sales activities, reimbursement and payments. This phase ends with the extinction of the procedure.

All the tables of provisions, fixed remuneration and additional remuneration are those

set out in Annexes IV.1, IV.2 and IV.3 below.

With the submission of the enforcement requirement, the creditor pays, electronically, the amount corresponding to PHASE 1.

Whenever a phase is completed, the creditor must pay electronically a provision relating to the subsequent phases provided in Annex IV.1.

These amounts mentioned in Annex IV.2 and the enforcement agent may request a reinforcement of provision in procedures when the creditor requires the performance of acts that exceed the limits set out in Annex IV.3.

Whenever necessary, for reinforcement of provision, the enforcement agent shall submit to the creditor one distinct note of fees and expenses related to the acts already performed.

The fees and expenses to the enforcement agent, due to enforcement procedures for the delivery of certain thing or execution of a mandatory act, will have only one phase, provided in Annex IV.1 and must be paid by the creditor, electronically, with the submission of the enforcement request.

In enforcement proceedings for monetary claims, in addition to the fixed remuneration provided for in Annex IV.2, at the end of the proceedings the enforcement agent shall have an additional remuneration due to the performance of enforcement activities, provided for in Annex IV.3, which varies depending on:

- i. the amount recovered or guaranteed;
- ii. the procedural moment at which the amount was recovered or secured;
- iii. whether or not there is a real guarantee of the assets seized or attached.

Any interested party may, within 10 days from notification of the distinct note of fees and expenses by the enforcement agent, appeal to the judge if it is not in compliance with the law.

The fees are provided by Law n. º 282 / 2013 - **Enforcement Agent's Fees** (the Portuguese Republic's Journal, 1st series – number 166 – 29th August 2013).

ANNEX IV.1 – Provision (amount under the current legal VAT tax)

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	0, 50 UC



	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).	
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€.

ANNEX IV.2 – Fixed remuneration (amount under the current legal VAT tax)

	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 with 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 ¹
1.4	Electronic research in all the databases according to article 37 ^o	All the necessary notifications.	0, 15 UC
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
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 ^o and article 233 ^o 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 ^o and article 233 ^o 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 ^o and article 233 ^o 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 ^o and article 233 ^o of the Civil Procedure Code (CPC), stamping, procedure and postal service costs.	0, 25 UC
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
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



¹ This amount is added to the previous amount as referred in 1.1 when the enforcement agent is the one who makes the sale by private negotiation.

ANNEX IV.3 – Additional remuneration (amount under the current legal VAT tax)

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) ¹	10%	7, 5%	5%
	Over 160 UC (B) ²	4%	3%	2%

¹ If the amount recovered or assured by payment agreement is under or equal to 160 UC, the tax mentioned in (A) is applicable.

² If the amount recovered or assured by payment agreement is over 160 UC, the tax in (A) is applicable for the first 160 UC and the tax mentioned in (B) for the amount above that.

The procedural costs can be estimated by the on-line simulator, available on: <https://www.novocpc.org/honoraacuterios-2013.html>

PART V: LINKS, LITERATURE AND SOURCES

Legislation

1. Constitution of the Portuguese Republic – [Republic Diary no. 86/1976, Series I of April 10](#)
2. Civil Code - [Decree-Law No. 47344/1966, of November 25](#)
3. Code of Civil Procedure - [Law No. 41/2013, of June 26](#)
4. Law of the Organization of the Judicial System - [Law No. 62/2013, of August 26](#)
5. Organization and Functioning of Judicial courts - [Decree Law No. 49/2014, of March 27](#)
6. Access to Law and Courts - [Law No. 34/2004 of July 29](#)
7. National Service of Injunctions (BNI) - [Ordinance No. 220-A/2008, of March 4](#)
8. New Urban Rent Regime - [Law No. 6/2006, of February 27](#)
9. National Rent Desk and the special eviction procedure - [Decree-Law No. 1/2013, of January 7](#)
10. Statute of the Order of Solicitors and enforcement agents - [Law No. 154/2015 of 14 September](#)
11. Commission for the Monitoring of Auxiliaries of Justice - [Law No. 77/2013 of November 21](#)
12. Regulation of various aspects and procedures of enforcement - [Ordinance No. 282/2013 of August 29](#)
13. Regulation of the electronic processing - [Ordinance No. 280/2013, of August 26](#)
14. Regulation of the identification of addresses, goods and assets of the debtor - [Ordinance No. 331-A/2009, of March 30](#)



15. Special eviction procedure - [Ordinance No. 9/2013, of January 10](#)
16. Electronic auction - [Order No. 12624/2015, of September 28](#)
17. Pre-Executive Out-of-Court Procedure - PEPEX - [Law No. 32/2014 of May 30](#)
18. PEPEX Regulation - [Ordinance No. 349/2015 of October 13](#)
19. Regulation of the proceedings applicable to situations of over-indebtedness - [Ordinance No. 312/2009 of March 30](#)
20. Regulation of the creation of a public list of debtors - [Ordinance No. 313/2009 of March 30](#)
21. Regulation of Procedural Costs - [Decree-Law No. 34/2008 of 26 February](#)
22. Insolvency and Corporate Recovery Code - [Decree-Law No. 53/2004 of March 18](#)
23. Uniform Law on letters and promissory exchanges - [Decree-Law No. 23721/1934 of 29 March](#)
24. Remuneration and expenses of the enforcement agents (2003 to 2009) - [Ordinance No. 708/2003, of August 4](#)
25. Regulation of various aspects of civil enforcement and remuneration of the enforcement agents (2009 to 2013) - [Ordinance No. 331-B/2009 of March 30](#)
26. Code of ethics for solicitors and enforcement agents - [Regulation No 202/2015 of 28 April](#)
27. OSAE Disciplinary Regulation - [Regulation No. 87/2019 of 21 January](#)

Links of Institutions

1. [Institutional website of courts and online services](#)
2. [Justice Services](#)
3. [Solicitors and Enforcement Agents Bar Association](#)
4. [Justice Statistics Website](#)
5. [Portuguese Republic Diary](#)