

## SERVICE OF PROCESS AND NOTIFICATION OF NATURAL AND LEGAL PERSONS

### RELEVANT LEGISLATION

[Decree-Law No. 87/2024 of 7 november](#)  
[Decree-Law No. 91/2024 of 22 november](#)

### OBJECTIVE

With the entry into force of Decree-Law No. 87/2024 of 7 November, on 10 November 2024, and the subsequent publication of Decree-Law No. 91/2024 of 22 November, which entered into force on 15 January 2025, the legal regime governing electronic service and notification was amended.

These legislative instruments now govern the electronic service and notification of both legal and natural persons in judicial proceedings, promoting the digitalisation of procedural acts and harmonising service and notification procedures. The aim is to streamline proceedings, reduce costs, and adapt judicial mechanisms to the demands of the digital age, in line with the objectives set out in the Recovery and Resilience Plan ("PRR").

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## MAIN CHANGES

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### **a) Service of Process and Notification of Legal Persons**

Under Decree-Law No. 87/2024, the service of process on legal persons shall, as a rule, be carried out by electronic means.

In order to ensure the effective application of this new regime, legal persons are required to register an email address on a secure and freely accessible digital platform (<https://tribunais.org.pt>), where service of process, notifications, and other communications will be made available.

The email address is registered by means of an address binding procedure, which establishes it as the recipient's unique digital address for the purpose of service and notification.

Access to the private legal persons reserved area is granted to those possessing the corporate status as company representatives, or to those holding certified powers of attorney, pursuant to Article 546 of the Commercial Companies Code.

Private legal entities whose representatives are unable to electronically sign and authenticate themselves by validating their professional status through the Professional Attributes Certification System shall be deemed incapable of receiving service of process, notifications, or communications by electronic means, with the provisions of paragraph 13 of Article 246 of the Code of Civil Procedure (service by postal means with specific conditions) applying accordingly.

Within the scope of this electronic service regime, service of process is deemed effected at the moment it is made available in the reserved digital area. The date on which the recipient accesses the service shall be considered the date on which service is deemed to have occurred. However, if the service is not accessed within eight (8) days, a postal notice shall be sent to the legal entity's registered office, informing it of the existence of the service and ensuring knowledge that the service is available for consultation.

Regardless of consultation, the procedural deadline shall automatically commence on the eighth day following electronic availability.

However, legal persons who do not consult the electronic service within eight (8) days shall benefit from an extension of the defence deadline. This extension will be adjusted based on the actual date of consultation, but shall not exceed

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a maximum of thirty (30) days. Thus, the defence period shall commence on the date the service is consulted, or on the eighth day after its availability if it has not been consulted, subject to an extension limit of thirty (30) days.

Legal persons who do not register an email address associated with their reserved area shall continue to be served by postal means, with a single letter being sent, which will be deposited in the mailbox if not received. In such cases, the legal person will bear the cost of the postal service, intended to cover the expenses related to the physical delivery of the service of process.

#### **b) Service of Process and Notification of Individuals**

In the case of natural persons, the electronic service regime shall be optional. Should they choose this method, they must register their email address on the Public Electronic Notifications Service platform.

Following registration, service of process will be made available in the individual's reserved area, with a simultaneous email notification sent to the registered address, alerting the recipient to the existence of the service.

It is important to emphasise that, in the case of natural persons, only they are authorised to access their reserved area, without prejudice to the possibility of granting a legal representative special powers to consult the service of process and notifications addressed to them.

If the electronic service is not accessed within 30 days of its availability in the reserved area, it shall be deemed unsuccessful. In such a case, service will be effected through a bailiff, following the procedure currently applied when a letter is not received or collected.

For natural persons who do not opt for the electronic service regime, postal service shall remain in force, without changes to the currently applicable rules.

#### **c) Harmonisation of Notification Rules**

The new regime promotes the harmonisation of notification rules across various procedural codes, including the Insolvency Code, the Code of Administrative Court Procedure, and the Labour Procedure Code. Notifications will be sent to the reserved digital area, with a simultaneous email alert, ensuring greater efficiency.

**d) Elimination of the Use of Fax and Telegram**

The use of fax and telegram as means of communication to and from the courts has been eliminated. These forms of communication are considered outdated in light of the digital solutions currently available, and their elimination contributes to greater standardisation and simplification of procedures.

**e) New Wording of Article 247 of the Code of Civil Procedure**

The new wording of this article stipulates that notifications of personal acts must be made directly to the party, even if they have appointed a legal representative, and where there are multiple representatives, notifications shall be sent to all of them.

**PRACTICAL CHALLENGES**

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- **Unregistered digital address**

Despite the obligation to register an email address, many legal persons have yet to complete this procedure, resulting in the continuation of service by postal means, with additional costs charged to the legal person. This penalty imposes an increased burden on legal persons still undergoing technological transition, which may represent a financial strain, especially for smaller entities or those located in areas with limited internet access.

- **Deadline counting:**

Under the new regime, electronic service of process to legal persons is deemed effected on the eighth day following its availability on the digital platform, regardless of whether it has actually been accessed. For natural persons, the period is thirty days, after which service is considered unsuccessful if not accessed, and the service by bailiff procedure applies.

The practical application of this regime has generated uncertainty regarding the commencement of procedural deadlines, as legal representatives are not always duly informed about the availability of service. The legal presumption of knowledge, based solely on availability, may create doubts concerning the start of these deadlines.

Although the law provides for an extension of the defence period in case of late consultation, this measure does not eliminate the risk of loss of procedural opportunity nor fully guarantees the principle of adversarial proceedings. The automatic counting of deadlines, even without consultation, generates uncertainties and concerns, particularly in light of possible technical failures that may occur.

With the establishment of electronic service as the preferred method, the service is deemed perfected upon consultation or, failing that, upon the expiry of the statutory period following its availability on the digital platform, based on a legal presumption of knowledge of the content of the service, even without actual consultation.

- **Excessive notifications in the case of multiple legal representatives**

Since the entry into force of the new regime, there has been an excessive multiplication of electronic notifications.

Furthermore, there has been a significant structural change, insofar as all legal representatives named in the power of attorney are now notified, regardless of whether they have actual access to the case file in Citius. This change contradicts previous practice, where only the representative with “case access” received communications, resulting in simultaneous notifications to multiple lawyers, even if some do not directly follow the case, thereby compromising efficient case management.

- **Extensive powers of attorney and lack of clarity regarding the person responsible for consultation: risks and recommendations**

The common practice in legal profession of including multiple legal representatives in a single power of attorney, aimed at greater flexibility, internal management, and sharing of responsibilities, proves unsuitable under the new electronic notification regime introduced by Decrees-Law no. 87/2024 and no. 91/2024.

Under the current regime, all legal representatives named in the power of attorney are notified indiscriminately, regardless of whether they have access to the case in Citius or are actually following it. The absence of a formal designation of a principal representative or any hierarchy criteria undermines the assignment of responsibility for timely consultation of communications, complicates coordination among colleagues, and exposes the case to increased risks in instances where such notifications are not consulted.

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In this context, preventive action becomes essential, and a review and reformulation of powers of attorney is strongly recommended. The new legislative reality requires that each case have a limited and clearly defined number of legal representatives, including only those who actually ensure the direct and continuous handling of the case.

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