

INFORMATION NOTE

22.6.2026

Decree-Law no. 108/2026, of 29 May
Amendment to the Legal Framework for
Urban Development and Building
Operations (RJUE)
Post-Simplex

RELEVANT LEGISLATION

Decree-Law no. 108/2026, of 29 May

BACKGROUND

On 29 May 2026, Decree-Law no. 108/2026 was published, adapting the measures introduced by the Simplex Urbanístico (Decree-Law no. 10/2024, of 8 January), by clarifying concepts, simplifying procedures, speeding up time limits and addressing the various constraints identified, in compliance with the new housing strategy known as “Construir Portugal” (“Build Portugal”).

Decree-Law no. 108/2026 enters into force on 3 August 2026.

It applies to procedures initiated after its entry into force, as well as to procedures that, although initiated before that date, are still at the preliminary screening and review stage on 3 August 2026.

KEY CHANGES

1. CLARIFICATION OF PLANNING CONCEPTS

- Several planning concepts are amended or introduced, including:
 - (i) “Building” (Edificação), which now also covers modular construction;
 - (ii) “Reconstruction works” (Obras de Reconstrução), now defined more restrictively and based on the building’s original layout;
 - (iii) Minor adjustments and clarifications to the definitions of “Alteration works” (Obras de alteração) and “Extension works” (Obras de ampliação);
 - (iv) Introduction of the concepts of “Charges due” (Encargos devidos) and “Last valid precedent” (Último antecedente válido).

2. PRIOR PLANNING CONTROL

- The prior planning control model comprises three forms/types of procedure:
 - (i) Licensing;
 - (ii) Simple prior notification; and
 - (iii) Prior notification subject to a time limit.
- The preliminary screening and review stage is eliminated from the prior notification procedure (meaning municipalities may no longer request additional documents): it becomes an automatic procedure (i.e., prior notification, payment of fees, notice of commencement of works, start of the development operation).
- The following become subject to the prior notification procedure where preceded by a favourable prior information request issued under Article 14(2) of the RJUE:
 - (i) Conservation, reconstruction, extension, alteration or demolition works on listed properties or properties undergoing the listing process, as well as on properties forming part of listed groups or sites, or sites undergoing the listing process;



- (ii) Construction, exterior alteration, extension or demolition works on properties located within the protection zones of listed properties or properties undergoing the listing process.
- Urban perimeters (perímetro urbano) and rural settlements (aglomerado rural) are now treated equally for the purposes of applying the legal regime governing land severance (destaque).
- Clarification that development operations involving works subject to different types of prior planning control procedure are now processed jointly, with the most demanding procedure applying; this does not include exempt works, which may continue to be carried out independently and autonomously.
- Changes to prior control over the use of buildings or units:
 - (i) Simple prior notification where the use, or change of use, of a building or unit follows works subject to prior planning control; and
 - (ii) Prior notification subject to a time limit where the use or change of use is not preceded by (a) works carried out for that purpose, or (b) works subject to prior control.

3. PLANNING PERMITS

- Reintroduction of the Planning Permit (Título Urbanístico), which provides legal certainty and evidential effect vis-à-vis third parties and must contain the information referred to in Article 4-A of the RJUE.
- This takes the form of an application summarising the development operation, together with proof of payment of fees and other charges due, and with (i) in the case of licensing, notice of approval of the application or proof of its submission (in cases of tacit approval), or (ii) in the case of prior notification/prior notification subject to a time limit, proof of submission or a declaration of conformity (where an inspection takes place).
- Publication of the implementing Ministerial Orders (Portarias) approving the application forms is still pending.

4. TIME LIMITS

- Amendment of the general regime governing procedural time limits, which are no longer linked to the gross floor area of projects submitted to prior planning control.
- The overall decision deadline for prior control procedures is abandoned, with a return to individual procedural time limits:
 - (i) Preliminary screening and review: 20 days;
 - (ii) Approval of the architectural project: 30 days, exceptionally extendable for an equal period;
 - (iii) Submission of the specialty design projects: 6 months;
 - (iv) Approval of the licence application:
 - (i) building and demolition works: 20 days;
 - (ii) infrastructure works: 30 days, exceptionally extendable; and
 - (iii) land subdivision (loteamento) operations and land remodelling works: 45 days, exceptionally extendable;
 - (v) Prior notification subject to a time limit for the use of buildings or units: 10 days;
 - (vi) Decision on the Prior Information Request (PIP):
 - (i) PIP under Article 14(1) of the RJUE: 15 days;
 - (ii) PIP under Article 14(2) of the RJUE: 30 days; and
 - (iii) land subdivision operation: 45 days.
- Change to the starting point for counting decision time limits, which now only begin once the procedure is complete (i.e., after the preliminary screening; after receipt of the last external consultation opinion or expiry of the relevant deadline; after submission of the specialty design projects, among others).

5. EXTERNAL CONSULTATIONS

The Decree-Law no. 108/2026 now distinguishes between the following types of consultation with external entities for the issuance of an opinion:

- Consultations depending on the location of the property:
 - (i) In licensing procedures and prior information requests, consultations are initiated by the procedure manager via the CCDR (the regional coordination and development commission), as soon as the application is found to be properly instructed (preliminary screening and review);
 - (ii) In cases of prior notification, the applicant must support the application with the opinions previously obtained, or with evidence that they were requested together with a statement that they have not yet been issued.
- Any other legally required external consultations must be initiated in advance by the applicant and submitted together with the licensing application, the prior information request, or the prior notification.

6. PRIOR INFORMATION REQUEST (PIP)

- Clarification regarding the calculation of the PIP's validity period (2 years):
 - (i) PIP under Article 14(1) of the RJUE: the licensing application or the submission of the prior notification must take place within 2 years of the favourable PIP decision;
 - (ii) PIP under Article 14(2) of the RJUE: the start of the development operation (preceded by the required notice of commencement of works) must take place within 2 years of the favourable PIP decision.
- The validity period of the PIP may only be extended "*once*".
- Clarification of the applicability of the PIP under Article 14(2) of the RJUE where land subdivision operations are involved.
- In development operations exempt from prior control as a result of the approval of a PIP under Article

14(2) of the RJUE, the following must be submitted together with the notice of commencement of works: proof of payment of fees and other charges due, proof that the required land cessions (cedências) have been made, the specialty design projects, the remaining supporting documents, and declarations of responsibility (termos de responsabilidade).

7. SUBSEQUENT CONTROL, LAPSE AND THE REGIME GOVERNING THE NULLITY OF UNLAWFUL ACTS

- In the prior notification procedure, the time limit for the subsequent review of the legal and regulatory compliance of the projects and other supporting documents submitted is reduced to 1 year (previously 10 years).
- Distinction between “subsequent control” and “administrative inspection”, the latter exercised at any time and intended to verify that the development operation as carried out complies with the projects and other elements submitted/licensed (covering both interior and exterior aspects).
- The time limit for declaring the nullity of unlawful licensing acts and unlawful approvals of prior information requests is reduced to 3 years (previously 10 years), except where (i) the facts amount to a criminal offence, in which case the applicable time limit is the criminal statute of limitations, and (ii) national monuments and their respective protection zones are involved.
- Within the same 3-year period, the right of action available to the Public Prosecution Service to seek a declaration of nullity of unlawful acts also lapses.

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