

LITIGATION AND ARBITRATION

Portuguese Code of Civil Procedure incorporates technological improvements

Decree-Law 97/2019 of 26 July (“DL 97/2019”) has now been published and introduces amendments to the Portuguese Code of Civil Procedure (“CPC”). To advance and improve the CPC, changes have been made to the rules on the electronic processing of court cases.

The highlights are a set of measures with practical relevance to the parties and to legal practitioners:

Amendments impacting the parties

- i) Recording of the final hearing, which can also be done using a video system;
- ii) Possibility for witnesses to be heard in real time from a location that is not a court, for example, municipal or parish council offices;
- iii) Electronic consultation of court cases, obtaining information, requesting certificates and filing of documents/pleadings, when legally permissible, by citizens in any court, regardless of whether it is one where the case is being heard.

Amendments impacting legal professionals

- i) Submission of reports and other experts’ documents electronically;
- ii) Automatically obtaining information relating to the parties, or to others involved in the proceedings, that appears in public databases;
- iii) Improvement of the system for electronic summonses and notices sent to the Public Prosecution Service and to other bodies, in particular, to bodies of the direct and indirect state administration public entities of the administration of the State. Procedural documents and copies of other documents will now appear in electronic format accessible to the addressee of the summons or notice.

The rules approved by DL 97/2019 will come into force on 16 September 2019 but, in the meantime, they will require prior regulations.

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