

# ***New legal regime* for the electronic service of legal persons in judicial proceedings**

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Decree-Laws 87/2024, of November 7, and 91/2024, of November 22, established new rules for the electronic service of legal persons in judicial proceedings, while also harmonizing the rules on service contained in the Code of Civil Procedure, the Code of Insolvency and Company Recovery, the Code of Procedure in Administrative Courts and the Code of Labour Procedure.

This new legal regime is particularly important with regard to the service of a claim on legal persons, as it is the act by which the party is informed that a certain legal action has been brought, setting the date on which the deadline for lodging a defence begins, and is also used to summon any interested party to the proceedings.

According to the new regime, electronic service is mandatory for legal persons that must be registered in the National Register of Legal Persons, namely associations, foundations, civil and commercial companies, cooperatives, public companies, complementary groupings of companies, European economic interest groupings and permanent representations (branch offices).

**Service of Legal Persons adhering to the Certification of Professional Attributes System (SCAP)**

Electronic service depends on the legal person's prior registration in the Professional Attribute Certification System (SCAP), which allows representatives of the legal person registered in that system to authenticate and electronically sign documents validating their professional capacity (business attribute).<sup>1</sup>

The legal person must register with the public electronic notification service by inserting an email address, which constitutes the single digital address of the recipient and will be associated with the digital area of reserved access available to the summoning party and located in the Courts' Digital Services Area (Reserved Area).

This Reserved Area will show a list of all the summonses, notifications and communications received by the legal person, highlighting those that have not yet been consulted.

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<sup>1</sup> According to the information available at <https://www.autenticacao.gov.pt/web/guest/atributos-profissionais/atributos-empresariais>, the association of business attributes for the positions of director, manager or officer is currently automatic and is carried out when the company is created or when the governing bodies change.

**Access to the Reserved Area**

Legal persons can access their Reserved Area via the email address <https://tribunais.org.pt>. Access is made by the holder of the business attribute, as representative of the legal person, using a citizen's card or digital mobile key.

In the case of legal persons governed by public law, the representative must have a certified public attribute with the power to "receive and collect postal correspondence".

**How the service is made**

The service is made available in the Reserved Area, and a notice is sent to the registered email address (single digital address) informing that the summons has been made available in the reserved area for consultation.

The summons is deemed to have been served at the time of consultation and is electronically certified.

If the consultation has not been carried out by the eighth day after the summons was made available in the Reserved Area, the system certifies the non-consultation, and it is assumed that the legal person was aware of the information therein contained, and the summons is deemed to have been issued on that date.

In this case, a new notice will be sent by post to the registered office of the legal person, informing them that the summons is available in the reserved area.

**Failure to register the single digital address**

If the legal person does not register an email address (single digital address), a notice will be sent by registered letter with acknowledgement of receipt, and a court fee of ½ UC (€51.00) will be due. It should be noted that, unlike the previous legal regime, which required a second letter to be sent in the event of non-receipt of the summons by post, the new regime now in place provides for a single letter to be sent to the legal person being summoned, which, in the event of non-receipt, will be deposited in its mailbox.

### **Service of Legal Persons not adhering to the Certification of Professional Attributes System (SCAP)**

Electronic service (and electronic notification) is not possible in the case of legal persons whose representatives cannot sign and authenticate themselves electronically, validating their professional capacity through SCAP.

In this case, the legal person is served by post, through a registered letter with acknowledgement of receipt. If the signature on the notice or the letter's reception is refused, the post office will issue a note of such fact and the summons will be deemed to have been served once this has been certified. In all other situations where postal mail is returned, the summons is repeated by sending a new letter that is left in the letterbox, with the warning that the summons is deemed to have been served on that date.

### **Domicile Convention**

The electronic service system does not apply to cases in which the parties have agreed on the place where they are domiciled for the purposes of service in the event of a dispute.



**Thinking about tomorrow? Let's talk today.**

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