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# New rules for electronic service and notifications in legal proceedings

**Decree-Law 87/2024 of November 7 establishes electronic service in legal proceedings as a rule for legal persons.**

Portugal - Legal Update

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## Key aspects

- New rules for the service of legal persons, with notice by email.
- Individuals can also sign up for this new method of service.
- Harmonization of the rules on service contained in the Company Insolvency and Recovery Code, the Administrative Courts Procedure Code, and the Labor Procedure Code.
- Faxes and telegrams can no longer be used for communications sent by or to the courts.



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## New regime on electronic service in legal proceedings

In an increasingly digitalized world where every company has an online presence and can be reached by a simple email, does it still make sense for a company to be served and notified by postal mail in the context of legal proceedings, which are guided by imperatives of speed and efficiency?

This question has been a topic of discussion for several years, it was outlined as an objective in the Recovery and Resilience Plan, and was answered by [Decree-Law 87/2024 of November 7](#), which established electronic service as a rule for legal persons, under the terms to be regulated in legislation to be approved by the government within 90 days of the date of entry into force of the decree-law (November 10, 2024).

Conditions are now met for the implementation and regulation of a free *digital area reserved for the defendant*, where service letters for legal persons that choose to register their email address will be uploaded. When this is the case, the service letter uploaded in the reserved area will be accompanied by a notice to the registered email address informing that a service letter is available.

The legal person will be considered to have been served on the date the service letter is opened in the reserved area as the system will make it possible to know exactly when the document is opened.

If the service letter is not opened within eight days, a new notice will be sent to the party being served, this time via postal mail to its head office. However, this notice does not interrupt or suspend the defense period specified in the service letter, and the service is considered to have been made on the eighth day after the upload. It is merely an additional notice for the defendant's protection.

A legal person that does not open the electronic service letter uploaded in its reserved area during these eight days is considered to have been served, but its defense period is extended. As technology makes it possible to know when the document was opened, the duration of this extension is not fixed and may vary, up to a maximum of 30 days. Therefore, if the service letter is opened within 30 days of the date on which the legal person is considered to have been served (the eighth day after the service letter was uploaded in the reserved area), the defense period starts on the opening date, and the days that have already elapsed are considered an extension of that period.



Legal persons that do not register an email address for their reserved area will be served by postal mail. Under the new regime, instead of sending a second letter if the first one is not received, only a single letter will be sent. In the event this single letter is not received, it will be deposited in the entities' mailbox, and the costs related to the service by postal mail will be borne by the party being served.

Individuals will also be able to sign up for this method of service, which will be considered to have taken place on the date the document is opened in the reserved area. Similar to legal persons, individuals that register an email address for their reserved area will receive an email notice when the service letter is made available in the reserved area and a postal notice when said letter is not opened electronically within the following eight days. However, unlike legal persons, individuals will not be considered served on the eighth day after the service letter is made available in the reserved area. If the service letter is not opened within thirty days after being made available in the reserved area, there is a legal presumption that it has been refused (unless proven otherwise). In such cases, the individual will be served by an enforcement agent, like the procedure when a letter of service is not received or collected.

The new legal framework harmonizes the rules on service and notifications contained in the Company Insolvency and Recovery Code, the Administrative Courts Code of Procedure, and the Labor Code of Procedure, as it would make little or no sense for notifications to be sent by postal mail in cases where the parties are served electronically. Therefore, legal persons and individuals that choose to be served electronically in the context of legal proceedings will receive electronic notifications in their reserved area, accompanied by a notice to the registered email address.

Finally, in order to adapt the courts' communication methods to the current technological reality, [Decree-Law 87/2024 of November 7](#) establishes that faxes and telegrams – which are currently in disuse – can no longer be used for communications sent by or to the courts.

In conclusion, the practical success of these new rules will very much depend on the content of the legislation to be approved by the government and the functionality of the *digital area reserved for the defendant*.



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