

# NEW ELECTRONIC SUMMONS REGIME IN COURT PROCEEDINGS



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**“WITH THIS IN MIND, ELECTRONIC SERVICE HAS BECOME COMPULSORY FOR ALL LEGAL PERSONS SUBJECT TO REGISTRATION IN THE NATIONAL REGISTER OF LEGAL PERSONS, INCLUDING ASSOCIATIONS, FOUNDATIONS, CIVIL AND COMMERCIAL COMPANIES, COOPERATIVES, PUBLIC COMPANIES, COMPLEMENTARY GROUPS OF COMPANIES, EUROPEAN ECONOMIC INTEREST GROUPS AND PERMANENT REPRESENTATIONS (BRANCHES).”**

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The Portuguese judicial system has been on a path of progressive digitalisation, aimed at dematerialising processes and simplifying procedures. However, there are still challenges that hinder the speed and efficiency of the process. One of the main obstacles comes right at the start of the process - the summons process - whose current system is highly complex.

In view of this situation, the legislator has created a new system for service, particularly for legal persons, determining that these acts should, as a rule, be carried out electronically, as provided for in Decree-Laws 87/2024 of 7 November and 91/2024 of 22 November.

The new method of electronic summons is designed to notify the party of the filing of a particular legal action, while at the same time defining the date on which the deadline for submitting a defence will begin, as well as allowing any interested parties in the case to be summoned.

With this in mind, electronic service has become compulsory for all legal persons subject to registration in the National Register of Legal Persons, including associations, foundations, civil and commercial companies, cooperatives, public companies, complementary groups of companies, European economic interest groups and permanent representations (branches).

As part of the Recovery and Resilience Plan (PRR), the government approved this new system with a view to eliminating the technological constraints that limited its application. Until now, electronic service was only feasible when there was interoperability between the judicial system and the system of the entity to be served, which required technological developments on both sides.

With this amendment, the summons will now be accessible in a reserved area free of charge for all legal persons.

Currently, the electronic service of legal persons depends on their adherence to the Certification of Professional Attributes System, hereinafter referred to as SCAP, which authenticates the representatives with powers to receive notifications. The organisation must register an email address with the public electronic notification service, linked to its reserved area in the courts.

Thus, organisations that have registered an email address associated with their reserved area will receive an email notification when the summons is made available. If the summons is not consulted within 8 (eight) days, a notice will be sent by post to the company's registered office, without interrupting the procedural deadlines, and the summons will be deemed to have been served.

**“CURRENTLY, THE ELECTRONIC SERVICE OF LEGAL PERSONS DEPENDS ON THEIR ADHERENCE TO THE CERTIFICATION OF PROFESSIONAL ATTRIBUTES SYSTEM, HEREINAFTER REFERRED TO AS SCAP, WHICH AUTHENTICATES THE REPRESENTATIVES WITH POWERS TO RECEIVE NOTIFICATIONS. THE ORGANISATION MUST REGISTER AN EMAIL ADDRESS WITH THE PUBLIC ELECTRONIC NOTIFICATION SERVICE, LINKED TO ITS RESERVED AREA IN THE COURTS.”**



If the company does not have an email address registered with SCAP, it will be served by post, avoiding the duplication of notifications that currently exists. Furthermore, in these cases, the organisation will have to bear the costs associated with the postal service, as well as the respective court fee, as is the case with other means of service. It should be noted that this new regime does not apply to organisations that have agreed on a specific address for service

Another very important innovation in this area is the flexibility of the defence period. If the summons is served electronically, the procedural time limit will start at that moment. Otherwise, the period starts automatically after 8 (eight) days, with an additional period, variable up to a maximum of 30 (thirty) days.

Although this system is compulsory for legal persons, a voluntary option will also be available for single persons, allowing them to opt for electronic service as an alternative to postal service. If the summons is not consulted within 30 (thirty) days, it will be served by an enforcement agent, always guaranteeing the right of defence.

In order to guarantee the harmonisation of the new model, the aforementioned laws have amended the rules on service of documents contained in the Code of Civil Procedure, the Insolvency and Company Recovery Code, the Code of Procedure for Administrative Courts and the Code of Labour Procedure, without prejudice to other adaptations. In addition, they eliminate the use of obsolete means such as fax and telegram, adjusting the courts' communication methods to their contemporary reality.

In short, this reform is another step on the road to modernisation for the Portuguese justice system, promoting greater procedural speed, cost reduction and adaptation to the digital paradigm, without ever neglecting the primary procedural guarantees: access to the law and effective judicial protection.