



COVID-19

Legal Insights no. 23

Exceptional and temporary rules for the execution of acts by means of distance communications in the context of the COVID-19 disease pandemic.

It was published, in the Portugal Official Gazette, the Decree Law No. 16/2020 of April 15, which establishes exceptional and temporary rules for the practice of acts by means of distance communication within the context of the COVID-19 disease pandemic, as follows:

A. Justices of the Peace: for the execution of acts in urgent processes that run in the Justices of the Peace, it is possible to use means of distance communication, such as e-mail, telephone, teleconference or video call.

B. Procedures and acts of registration:

- a. Whenever it is not possible to make online, the requests for civil, vehicle, commercial and property registration or the filing of hierarchical appeal against decisions refusing the execution of registration acts, may be sent by e-mail or by another electronic means defined by the directive board of IRN, I.P., upon submission of a request signed electronically by the intervening parties jointly with the respective proof of payment;
- b. The payment of fees for registration requests made by e-mail shall be executed prior to the corresponding submission and shall be made through the available electronic means, namely through the payment reference made available by the registration service (this availability comes into force on 17 April 2020) and, exceptionally, by cheque drawn on the entity with representation in Portugal or postal order, in the current currency in Portugal;
- c. Scans of original documents sent by lawyers, notaries, directors and secretaries of commercial companies or civil companies in commercial form are accepted, provided that a certified electronic signature is affixed;
- d. For the purpose of online submission of registration applications in which commercial companies or civil companies in commercial form are interested parties, their directors and secretaries may, when promoting them, certify the conformity of the electronic documents submitted by them through the website with the original documents, in paper format;

- e. The registrations of company incorporation, increase and decrease of share capital and appointment of directors have priority level/urgent nature.
- f. The application for subsequent registration of ownership of vehicles purchased by verbal contract of purchase and sale may be made on the basis of an application signed only by the seller or the buyer and sent by post, provided that the other party has previously made an online declaration, in which case the delivery of the previous registration certificate is waived;
- g. After the decision authorizing the registration or granting Portuguese nationality, the verbal birth declaration attributing nationality, or the verbal declaration in the application for acquisition of Portuguese nationality whenever the certificate by registration is necessary, shall be replaced by a declaration sent by email to the registry office where the application for nationality is pending registration;
- h. The death of any individual occurring in Portuguese territory must be declared by e-mail to the e-mail address of any civil registry office, which draws up the death certificates. The public authorities accept, for all legal purposes, a copy of the e-mail and the death certificate attached;
- i. The amendments of irregularities related to registration requests made online or by e-mail, as well as processes associated with the issuance of SCAP by companies' directors and secretaries, is exempted from the respective fees;
- j. Notifications by registration officers may be made by e-mail.

C. Procedures conducted by the National Institute of Industrial Property, I.P. (NIIP): all acts requested at the NIIP must be submitted exclusively through online services. The possibility of notification by e-mail of any administrative acts or other is also provided for.

This Decree Law enters into force on April 16, 2020 and will be in force until June 30, 2020.

To access the full version of the **Decree Law no. 16/2020, of April 15**, please go to:

<https://dre.pt/web/guest/home/-/dre/131457481/details/maximized>

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