
Practical Guide for EU, EEA and Swiss Lawyers on Service and Establishment

PORTUGAL

SEPTEMBER 2018

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If an error is identified, please bring it to the attention of the CCBE which will correct it, where appropriate.

Structure	Information received
1. Establishment	
1.1. Registration with Host Bar	<p>To register with the local Bar where you intend to practice you must submit the following documents:</p> <ol style="list-style-type: none">1) Enrolment Application Form for Lawyers;2) 2 Narrative Birth Certificates or equivalent document of the Member State of origin;3) Criminal Record Certificate of the County of origin (3 months validity);4) Portuguese Criminal Record Certificate (3 months validity);5) Academic diploma permitting the exercise of the profession of Lawyer in the Member State of Origin;6) Document issued by the competent authority of the state of origin confirming that the aforesaid diploma entitles the interested party to the right to apply for her/his enrolment as a Lawyer, in this state;7) Certificate issued by the Bar or equivalent professional organisation of the Member State of Origin confirming the enrolment of the interested party as a Lawyer, indicating that it is valid, stating the person's moral integrity to exercise the profession, in particular that this person is not suspended or disqualified from practising as a consequence of criminal or disciplinary proceedings, necessarily accompanied by the person's disciplinary record, if existent and photocopy of the enrolment case file in the country of origin;8) Photocopy of the Identity Card, Citizen Card or Passport and Taxpayer Card (displaying originals);9) Photocopy of the Lawyer's Identity Card (displaying original);

	<p>10) 4 Photographs in colour, passport size (taken less than 6 months previously, high resolution, without marks, stains or shadows, with a uniform background of a light colour, avoiding shadows and reflections and with the face turned towards the camera);</p> <p>11) Statement on not performing any duties incompatible with the practice of Law;</p> <p>12) Statement authorizing on personal data collection.</p> <p>Note: Original documents issued in the country of origin shall be fully legalised (apostilled or recognised by a notary public and authenticated by the Portuguese Consulate in that Country) and fully translated into Portuguese (the translation should be certified).</p> <ul style="list-style-type: none"> - Registration fees : 500€ - Membership fees: 370€ <p>Relevant national provisions in reference to Article 3 Directive 98/5:</p> <ul style="list-style-type: none"> - Article 205 of the Bar Association by laws (https://portal.oa.pt/ordem/regras-profissionais/estatuto-da-ordem-dos-advogados/) - And Chapter III of Ruling 913-C/2015 (Série II), de 28 de dezembro / Ordem dos Advogados. - Regulamento de Inscrição de Advogados e Advogados Estagiários
1.2. Title	<p>You can use the local title or your home title.</p> <p>Relevant national provisions in reference to Article 4 Directive 98/5:</p> <ul style="list-style-type: none"> - Article 203.º of Bar Association by laws (https://portal.oa.pt/ordem/regras-profissionais/estatuto-da-ordem-dos-advogados/)
1.3. Salaried practice	Salaried practice is not forbidden.
1.4. Legal Form and Shareholding	<p>Must correspond with the core principles laid down for Portuguese lawyers. Participation of non-lawyers admitted by the general legal framework for professional associations but not in the Bar Association By Laws.</p> <p>See Legal status of professional associations: https://www.cnop.pt/docs/2013/01/lei-2-2013.pdf</p>
1.5. Joint Practice	<p>As a group of lawyers permitted.</p> <p>See Article 210.º of Bar Association by laws (https://portal.oa.pt/ordem/regras-profissionais/estatuto-da-ordem-dos-advogados/)</p>
1.6. Areas of Activity	<p>Representation of clients before all courts and administrative authorities. Advise in the law of home and host state and European and International law.</p> <p>See Article 204.º of Bar Association by laws (https://portal.oa.pt/ordem/regras-profissionais/estatuto-da-ordem-dos-advogados/)</p>
1.7. Practice Rules	To provide legal services in representation of clients before courts under your home title you need to work under supervision of a host lawyer.

	See Article 204.º of Bar Association by laws (https://portal.oa.pt/ordem/regras-profissionais/estatuto-da-ordem-dos-advogados/)
1.8. Principle of Double Deontology	As established lawyer you are subject to the regulations of your host bar without prejudice of your home bar rules. See Article 207.º of Bar Association by laws (https://portal.oa.pt/ordem/regras-profissionais/estatuto-da-ordem-dos-advogados/)
1.9. Disciplinary proceedings	See before. See Article 208.º of Bar Association by laws (https://portal.oa.pt/ordem/regras-profissionais/estatuto-da-ordem-dos-advogados/)
1.10. Insurance (professional indemnity insurance, social security, etc.)	Valid professional civil liability insurance with a minimum coverage equal to that assured by the civil liability insurance from which all lawyers with valid registration in the Portuguese Bar Association benefit, under the terms of the Bar Association By Laws. See Article 104.º of Bar Association by laws (https://portal.oa.pt/ordem/regras-profissionais/estatuto-da-ordem-dos-advogados/)
1.11. Fees	Lawyer and client can agree on a fee; however the agreement has to comply with civil and professional law. Article 105.º of Bar Association by laws (https://portal.oa.pt/ordem/regras-profissionais/estatuto-da-ordem-dos-advogados/)
1.12. Continuing Legal Education	Not required.
1.13. Bar membership	By registration, you become member of the local bar. Foreign lawyers admitted in Portugal can elect a common representative to the National Lawyers. See Article 207.º of Bar Association by laws (https://portal.oa.pt/ordem/regras-profissionais/estatuto-da-ordem-dos-advogados/)
1.14. Conditions for the Acquisition of the Title of a 'National Lawyer'	a) Three years' practice under home State professional title: see Article 10 of Directive 98/05/EC b) Pass the aptitude test (or having a period of adaption up to 3 years): see Articles 13-14 of Directive 2005/36 on recognition of professional qualifications
1. Services	
2.1. Under home title & representation before courts	Before first rendering service in Portugal, you have to inform the competent local bar. Service under your home title – before courts and administrative authorities under supervision of a host lawyer. See Articles 25 and 29 of Ruling 913-C/2015 (Série II), de 28 de dezembro / Ordem dos Advogados. - Regulamento de Inscrição de Advogados e Advogados Estagiários

2.2. Deontology	You are subject to the rule in the host state and subject to disciplinary supervision without prejudice of your home bar rules. See Article 24 of Ruling 913-C/2015 (Série II), de 28 de dezembro / Ordem dos Advogados. - Regulamento de Inscrição de Advogados e Advogados Estagiários
2.3. Fees	Agreement between Lawyer and client can agree on a fee; however, the agreement has to comply with civil and professional law. See Article 24 of Ruling 913-C/2015 (Série II), de 28 de dezembro / Ordem dos Advogados. - Regulamento de Inscrição de Advogados e Advogados Estagiários
3. Acquisition of the national lawyer's title	
3.1. Via Establishment Directive	See above point 1.14
3.2. Via Professional Qualification Directive	<p>The internship course comprises two phases, the first lasting for the first six months and the second, a maximum of twelve months.</p> <p>The aggregation test is composed of an interview and a written test.</p> <p>The interview includes the analysis, weighting and discussion of the training reports and practical matters of a deontological nature</p> <p>The written test is composed of two parts:</p> <ul style="list-style-type: none"> a) The first part focuses on the areas of deontology, civil procedural practice and criminal procedural practice; - b) The second part consists of the elaboration of a judicial document (petition, defense, etc.) <p>Total payment of fees in the amount of 1500€ split in three instalments:</p> <p>Initial: 700€</p> <p>By the end of first phase: 300€</p> <p>Up to 30 days before final examination: 500€</p>
4. Practicalities	
4.1. Practical information	<p>You can find information on the court system, addresses, contacts and opening hours of all Portuguese courts under:</p> <p>Court System:</p> <p>https://e-justice.europa.eu/content_judicial_systems_in_member_states-16-pt-pt.do?member=1</p> <p>http://www.dgpj.mj.pt/sections/english-version/strategic-planning/annexes/the-portuguese-judicial/the-portuguese-judicial2566/</p>

	<p>Addresses, contacts and opening hours:</p> <p>http://www.oa.pt/upl/%7Bedafee63-273e-4c97-ae9a-21892f0f1ea0%7D.pdf</p> <p>https://www.citius.mj.pt/portal/contactoatribunais.aspx</p>
4.2. National organisation	<p>Contacts to and information on the organization of the Portuguese Bar are available here: https://portal.oa.pt/</p> <p>Governing Bodies:</p> <ul style="list-style-type: none"> - Portuguese Lawyer's Congress (meets every 5 years) - General meeting - President (Bastonário) - Superior Council President - Superior Council - General Council - Fiscal Council - District Assemblies - District Councils (7) - District Council's Presidents - Dentology Councils - Dentology Councils Presidents - Local Assemblies - Delegations <p>The Portuguese Bar Association is a national body with seven District Councils, Lisboa, Porto, Coimbra, Évora, Faro, Azores and Madeira,</p> <p>Please see general information here: https://portal.oa.pt/ordem/organization-profile/</p>
4.3. Reference to national legislation with other languages available + links	<p>By laws of the Bar Association:</p> <p>https://portal.oa.pt/ordem/regras-profissionais/estatuto-da-ordem-dos-advogados/</p>
4.4. Reference to existing national guides	<p>Guide on the access and exercise to the profession for foreign, EU, EEA or Swiss lawyers (Only in Portuguese) :</p> <p>https://portal.oa.pt/media/118642/registo-de-advogado-proveniente-da-uni%C3%A3o-europeia.pdf</p>
4.5. Reference to services available for lawyers in that jurisdiction	<p>EU, EEA or Swiss lawyers have access to the services of the Order such as, library and electronic services</p>
4.6. Contact information	<p>Contact for information at national level: cons.geral@cg.oa.pt</p>

	Contacts of Regional Councils, here: https://portal.oa.pt/ordem/orgaos-da-ordem/conselhos-regionais/
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