

PORTUGAL¹ – national procedures for mutual legal assistance (MLA) in
criminal matters

States Parties are requested to fill in this table with the necessary information and return it to the Secretariat of the PC-OC. The information contained in this table should be updated on a yearly basis.

The Central Authority (name of the institution, address, telephone, fax and e-mail where available) responsible for mutual legal assistance:	<p>Procuradoria Geral da República, Rua da Escola Politécnica nº140 1200-069 Lisboa, Portugal.</p> <p>Telephone: (00351)213921900/(00351)213820357.</p> <p>Fax: (00351)213820301;</p> <p>E-mail: mail.pgr@pgr.pt /joana.ferreira@pgr.pt</p>
If different from the Central Authority, the authority to which the request should be sent (name of the institution, address, telephone, fax and e-mail where available):	-
Channels of communication for the request for mutual legal assistance (directly, through diplomatic channels or other):	<p>Portuguese domestic law establishes, as a rule, that requests for assistance corresponding to a <i>commission rogatoire</i> shall be directly transmitted between local competent judicial authorities, provided that reciprocity is assured. Otherwise, transmission between central authorities shall be used. The diplomatic channels will only be necessary for very few situations where no international instrument is in place or, being in place, it establishes this channel as the official channel to be used.</p>
Means of communication (eg. by post, fax, e-mail ²):	<p>Requests shall be transmitted by regular post. In case of urgency or according to (in)formal agreement between States, transmission by fax or e-mail is foreseen by the law and is, therefore, accepted. Encryption or electronic signature is not required.</p>
Language requirements:	<p>Internal law provides that MLA requests, addressed to or</p>

¹ Updated 27 January 2014.

² Please indicate if encryption or electronic signature is required.

	<p>by Portuguese authorities, must be accompanied by a translation into the language of the requested State (Article 21). Where Portugal is the requested State, the requests and attached documents can be addressed in Portuguese or in French (Declaration to Article 16, par. 2, of the European Convention on Mutual Legal Assistance). Practice shows that translations into English are accepted as well.</p>
<p>Double criminality requirement, if applicable:</p>	<p>Double incrimination is not a condition <i>sine qua non</i> for mutual legal assistance requests to be executed, except in cases where coercive measures must be enforced (phone tapping, search and seizure, for instance).</p>
<p>Limitation of use of evidence obtained:</p>	<p>Article 148 of the domestic law provides that "1. Any information obtained in order to be used within the criminal proceedings mentioned in the foreign State's request shall not be otherwise used. 2. At the request of a foreign State or an international judicial entity, the Minister of Justice, after having sought the opinion of the Attorney General, may exceptionally authorise that information to be used in the framework of other criminal proceedings." Therefore, the use of evidence obtained is limited but its use in other criminal proceedings can be permitted.</p>
<p>Other particularly relevant information (e.g. documentation required for special types of assistance):</p>	<p>-</p>
<p>Links to national legislation, national guides on procedure:</p>	<p>Portuguese domestic law, in its English version, can be consulted in http://www.gddc.pt/legislacao-lingua-estrangeira/english/lei144-99rev.html. Guidelines to the Portuguese system on MLA, drafted to assist judicial authorities in their practical work, can be consulted, in Portuguese, in http://guiaajm.gddc.pt/.</p>
<p>Parties to the Second Additional</p>	<p>The contact details of all Portuguese local competent</p>

<p>Protocol: Link to database with contact details of competent authorities for the purpose of direct transmission of MLA requests</p>	<p>authorities can be accessed in the European Judicial Atlas to be consulted in the site of the European Judicial Network on http://www.ejn-crimjust.europa.eu/ejn</p>
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