



OBSERVATOIRE DES ACTIONS DE GROUPE
et autres Actions Collectives

Portuguese implementation of the Representative Actions Directive:

Decree-Law No 114-A/2023 of 5 December 2023

On 5 December 2023, the President of the Portuguese Republic promulgated the Order transposing Directive 2020/1828 into national law: Decree-Law No 114-A/2023. A traditionally opt-out regime, (through the national Popular Action Law (No 83/95)), Portugal maintains this in its implementation (with an exception for cross-border actions). The text states that any matter not provided for in the implementing text will continue to be governed by Laws 83/95 and 24/96.

Compared to other Member States, Portugal holds a relatively advanced position; its general national regime has existed since 1995. In order to ensure alignment with the Directive, however, the list of requirements for legitimacy to bring a collective action has been extended. For example, it now includes requirements related to the independence of associations and foundations and the financing of collective actions by third parties, highlighting transparency and guarantees of independence, and effective ways to enforce the court's orders (eg, penalty fines paid partly to the claimant).

For official texts: <https://diariodarepublica.pt/dr/detalhe/decreto-lei/114-a-2023-225265456>;
<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=NIM:202306345>;