

Portugal, Évora Court of Appeal, Decision of 8th June 2017

Member State

 Portugal

Topic

Rule of Law, access to justice

Deciding Court Original Language

Tribunal da Relação de Évora

Deciding Court English translation

Évora Court of Appeal

Registration N

613/03.9TBSLV.E1

Date Decision

8th June 2017

ECLI (if available)

PT:TRE:2017:613.03.9TBSLV.E1.2D

National Follow Up Of (when relevant)

Not applicable

EU legal sources and CJEU jurisprudence

Not applicable

ECtHR Jurisprudence

Not applicable

Subject Matter

Rule of law - Access to justice - Legal fees are too costly for the average citizen

Legal issue(s)

In Portugal, those who go to court will incur in legal administrative court fees. That amount has been considered to be excessive, to the point of making it impossible for the average citizen to enforce its rights.

Request for expedited/PPU procedures

Not applicable

Interim Relief

Not applicable

National Law Sources

Article 20 of the Portuguese Constitution.

Facts of the case

The Judge concluded that the court fee would reach an amount that would restrict access to justice and thus constitute a violation of the Constitution - article 20.

Reasoning (role of the Charter or other EU, ECHR related legal basis)

The court lowered the fee that should be paid by 1/3, taking into account the financial capacity of the applicant.

Relation of the case to the EU Charter

Not applicable

Relation between the EU Charter and ECHR

Not applicable

Use of Judicial Interaction technique(s)

Not applicable

Horizontal Judicial Interaction patterns (Internal – with other national courts, and external – with foreign courts)

Not applicable

Vertical Judicial Interaction patterns (Internal – with other superior national courts, and external – with European supranational courts)

Not applicable

Strategic use of judicial interaction technique (purpose aimed by the national court)

Not applicable

Impact on Legislation / Policy

Not applicable

Notes on the national implementation of the preliminary ruling by the referring court

Not applicable

Impact on national case law from the same Member State or other Member States

Not applicable

(Link to) full text

<https://jurisprudencia.csm.org.pt/ecli/ECLI:PT:TRE:2017:613.03.9TBSLV.E1.2D/>
