

PUBLIC
LAW

ZERO LICENSING

On April 1st, 2011, Decree-Law no. 48/2011 was published, foreseeing the simplification of procedures regarding administrative control over the exercise of several economic activities within the initiative designated as “Zero Licensing”. This initiative’s goal is to abridge administrative procedures, facilitating the lives of citizens and companies, by eliminating licenses, permits and other permissive acts relating to a wide range of economic activities.

Indeed, Decree-Law no. 48/2011 adopts the following measures:

- a) approves the new legal regime **for installation and modification of establishments related to food and beverage, trading of goods, rendering of services or storage;**
- b) simplifies the **legal regime for the use of public spaces;**
- c) simplifies the **regime for posting and registration of commercial advertisements;**
- d) eliminates the licensing of **activities of the agencies that sell tickets for public shows;**
- e) eliminates the licensing of the **auctioning business;**
- f) changes the procedure for **registration in the commercial establishment’s registry.**

Regarding the establishments related to **food and beverage, trading of goods, rendering of services or storage**, Decree-Law no. 48/2011 establishes that its installation or modification is subject to a “*mere prior communication*”, which consists in a statement addressed by the interested party to the respective mayor and to the general-director of the Economic Activities. Once this “communication” is made and the due fees are paid, the individual may commence his or her business.

In other cases specifically foreseen in this decree-law, such as the installation of food and beverage’s establishments that may be dispensed from complying with all of the applicable legal requirements, Decree-Law no. 48/2011 determines the submission to the “*prior communication with term*” procedure, which consists in a statement that allows the interested party to pursue the above mentioned activities after the decision of acceptance is issued by the competent body or after 20 days,

*Simplification of several
licensing procedures*

counted from the time of payment of the due fees, in which there has been no decision whatsoever.

The mayor of the respective municipality is the competent authority to issue decision over the “*prior communication with term*”, with the faculty to delegate such a competence in the municipal councilors’ or in the directors of the municipal services.

Decree-Law no. 48/2011 creates a single electronic service desk, designated as “The Entrepreneurs Service Desk”, which is available through the Company Website (www.portaldaempresa.pt), through which the above mentioned “*mere prior communication*” and the “*prior communication with term*” are presented. According to Order no. 131/2008, April 4th, which regulates the above mentioned decree-law, the single electronic service desk is managed by the Agency for Administrative Modernization I.P.

Whenever the installation or modification of establishments related to food and beverage, trading of goods, rendering of services or storage involves the execution of **urban operations** subject to prior notification, under the terms of the Legal Regime for Construction and Land Development (RJUE), Decree-Law no. 48/2011 admits the application of the regime of “*mere prior notification*” established in said decree-law and, in such cases, the rules set out in the RJUE are waived.

However, the above mentioned rule is not immediately applicable, since the urban operations subject to such law will be foreseen in an order from the Government, which has not been published yet.

*Creation of a single
electronic service desk*

With regard to the **use of public spaces associated to establishments related to food and beverage or trading of goods**, Decree-Law no. 48/2011 determines the responsibility of the municipalities to define the criteria that must preside to the said occupation. In its absence, Decree-Law no. 48/2011 sets out applicable criteria.

Decree-Law No. 48/2011 also foresees that the occupation of public space with street furniture is subject to the regimes of “*mere prior communication*” or “*prior communication with term*”, as mentioned above.

In both cases, the communications are submitted in “*The Entrepreneurs Service Desk*”.

Finally, with the entry into force of Decree-Law no. 48/2011, the procedure for the **registration in the commercial registry** of the installation, modification and closure of commercial establishments shall be made by simple notice in the “*The Entrepreneurs Service Desk*”, to be submitted within 60 days after the fact subject to registration has taken place.

Contact
Fernanda Matoso | fmatoso@mlgts.pt

MORAIS LEITÃO, GALVÃO TELES, SOARES DA SILVA

ASSOCIADOS
SOCIEDADE DE
ADVOGADOS

www.mlgts.pt

LISBON

Rua Castilho, 165
1070-050 Lisbon
Telephone: (+351) 213 817 400
Fax: (+351) 213 817 499
mlgtslisboa@mlgts.pt

OPORTO

Av. da Boavista, 3265 - 5.2
Edifício Oceanvs – 4100-137 Oporto
Telephone: (+351) 226 166 950
Fax: (+351) 226 163 810
mlgtsporto@mlgts.pt

MADEIRA

Avenida Arriaga, Edifício Marina Club, 73, 2º
Sala 212 – 9000-060 Funchal
Telephone: (+351) 291 200 040
Fax: (+351) 291 200 049
mlgtsmadeira@mlgts.pt

MEMBER
LEX MUNDI
THE WORLD'S LEADING ASSOCIATION OF INDEPENDENT LAW FIRMS

São Paulo, Brazil (In association)
Mattos Filho, Veiga Filho, Marrey Jr.
e Quiroga Advogados

Luanda, Angola (In association)
Filipe Duarte, Helena Prata & Associados

Maputo, Mozambique (In association)
SCAN – Advogados e Consultores

Macau, Macau (In association)
MdME | Lawyers | Private Notaries