

This section of the file corresponds to book 5 (Relations with foreign authorities and international judicial entities), title 1 (General provisions) of the Portuguese criminal procedural code.

Article 229 - Prevalence of International Agreements and Conventions

Requests, extradition, delegation of criminal proceedings, the effects of foreign criminal sentences and other relations with foreign authorities relating to the administration of criminal justice are regulated by international treaties and conventions and, in their absence or insufficiency, by the provisions of special law and also by the provisions of this book.

Article 230 - Requests to Abroad

1 - Without prejudice to the provisions of the previous article, requests to foreign authorities are delivered to the public ministry for dispatch.

2 - Requests to foreign authorities are only issued when the competent judicial authority understands that they are necessary to prove some essential fact for the accusation or defense.

Article 231.^o - Reception in Fulfillment of Requests

1 - Requests are received by any means, and the public prosecutor's office is responsible for ensuring compliance.

2 - The decision to comply with requests addressed to Portuguese judicial authorities is the responsibility of the judge or public prosecutor, within the scope of their respective competences.

3 - Once a request has been received that should not be complied with by the public prosecutor, it is given the opportunity to oppose compliance with whatever it deems appropriate.

Article 232.^o - Refusal to Comply with Requests

1 - Compliance with requests is refused in the following cases:

- a) When the requested judicial authority does not have the competence to carry out the act;
- b) When the request concerns an act that the law prohibits or is contrary to Portuguese public order;
- c) When the execution of the request is an attack on the sovereignty or security of the state;
- d) When the act involves execution of a decision of a foreign court subject to review and confirmation and the decision is not revised and confirmed.

2 - In the case referred to in paragraph a) of the previous paragraph, the requested judicial authority sends the request to the competent judicial authority, if this is Portuguese.

Article 233.^o - Cooperation with International Judicial Entities

The provisions of article 229 apply, with the necessary adaptations, to cooperation with international judicial entities established within the scope of treaties or conventions that bind the Portuguese state.

This section of the file corresponds to book 5 (Relations with foreign authorities and international judicial entities), title 2 (Review and confirmation of foreign criminal sentence) of the Portuguese criminal procedural code.

Article 234 - Need for Review and Confirmation

1 - When, by law or by treaty or convention, a foreign criminal sentence must be effective in Portugal, its enforceability depends on prior review and confirmation.

2 - At the request of the interested party, the conviction for civil compensation contained therein may be confirmed, in the same process of review and confirmation of a foreign criminal sentence.

3 - The provisions of paragraph 1 do not apply when a foreign criminal sentence is invoked in Portuguese courts as evidence.

Article 235 - Competent Court

1 - The list of the judicial district in which the defendant is last domiciled or, failing that, is found, is competent to review and confirm, or in which the largest number of defendants is last domiciled or found.

2 - If it is not possible to determine the competent court in accordance with the provisions of the previous paragraph, the Lisbon Court of Appeal is competent.

3 - If the review and consignment is requested only in relation to the civil part of the criminal sentence, the list of the judicial district where the respective effects must apply is competent for it.

Article 236 - Legitimacy

The public prosecutor, the defendant, the assistant and the civil parties have the legitimacy to request the review and confirmation of a foreign criminal sentence.

Article 237 - Confirmation Requirements

1 - To confirm a foreign criminal sentence, the following conditions must be met:

- a) that, by law, treaty or convention, the sentence may have enforceable force in Portuguese territory;
- b) that the fact that led to the conviction is also punishable by Portuguese law;
- c) that the sentence did not impose a penalty or security measure prohibited by Portuguese law;

d) that the accused was assisted by a defense attorney and, when he was unaware of the language used in the process, by an interpreter;

e) that, unless there is a treaty or convention to the contrary, the sentence does not relate to a crime that qualifies, according to Portuguese law or that of the country in which the sentence was handed down, as a crime against the security of the state.

2 - The requirements on which the civil procedure law makes the confirmation of a foreign civil sentence depend are correspondingly applicable to the confirmation of a foreign criminal sentence, in the applicable part.

3 - If the foreign criminal sentence has imposed a penalty that Portuguese law does not provide for or a penalty that Portuguese law provides, but to a greater extent than the legal maximum admissible, the sentence is confirmed, but the penalty applied becomes the one applicable to the case according to Portuguese law or is reduced to the appropriate limit. However, it does not prevent confirmation of the application by a foreign sentence of a sentence lower than the minimum permissible under Portuguese law.

Article 238 - Exclusion of Enforceability

If all the necessary requirements for confirmation are met, but if the criminal procedure or penalty is extinguished, according to Portuguese law, due to prescription, amnesty or any other reason, confirmation is granted, but the enforceability of the penalties or measures security measures applied is denied.

Article 239 - Start of Execution

The execution of a confirmed foreign criminal sentence does not begin until the convicted person has complied with the sentences or security measures of the same nature in which he was sentenced by the Portuguese courts.

Article 240 - Procedure

In the procedure for reviewing and confirming a foreign criminal sentence, the procedures of the civil procedure law are followed in everything that is not provided for in the special law, as well as in the previous articles and in the following paragraphs:

a) the decision on the relationship may be appealed, lodged and processed like criminal appeals, to the criminal section of the supreme court of justice;

b) the public prosecutor always has the right to appeal.