

This file corresponds to book 1, title 1 (of the criminal law) of the Portuguese penal code.

Article 1 - Principle of legality:

- 1 - Only the act described and declared punishable by law prior to the time of its commission can be criminally punished.
- 2 - The security measure can only be applied to dangerous states whose assumptions are fixed in law prior to its completion.
- 3 - The use of analogy to classify a fact as a crime, define a dangerous state or determine the corresponding penalty or security measure is not permitted.

Article 2 - Application in time:

- 1 - Penalties and security measures are determined by the law in force at the time the act was committed or the conditions on which they depend were met.
- 2 - The act punishable according to the law in force at the time of its commission ceases to be so if a new law eliminates it from the number of infractions; In this case, and if there has been a conviction, even if it has become final, the execution and its criminal effects cease.
- 3 - When the law is valid for a certain period of time, the act carried out during that period continues to be punishable.
- 4 - When the criminal provisions in force at the time of the commission of the punishable act are different from those established in subsequent laws, the regime that is concretely more favorable to the offender is always applied; If there has been a conviction, even if it has become final, the execution and its criminal effects cease as soon as the part of the sentence that has been served reaches the maximum limit of the sentence provided for in the subsequent law.

Article 3 - Time of commission of the act:

The act is considered committed at the time the agent acted or, in the case of omission, should have acted, regardless of the moment the typical result occurred.

Article 4 - Application in space: General principle:

Unless there is a treaty or international convention to the contrary, Portuguese criminal law is applicable to acts committed:

- a) In Portuguese territory, regardless of the nationality of the agent; or
- b) On board Portuguese ships or aircraft.

Article 5 - Facts committed outside Portuguese territory:

- 1 - Unless there is a treaty or international convention to the contrary, Portuguese criminal law is still applicable to acts committed outside the national territory:
  - a) When they constitute the crimes provided for in articles 221, 262 to 271, 308 to 321, 325 to 334, 336 to 345;
  - b) Against Portuguese, by Portuguese who habitually lived in Portugal at the time of their practice and were found here.
  - c) When they constitute the crimes provided for in articles 144.<sup>o</sup>-a, 144.<sup>o</sup>-b, 154.<sup>o</sup>-b and 154.<sup>o</sup>-c, 159.<sup>o</sup> to 161.<sup>o</sup>, 278.<sup>o</sup> to 280.<sup>o</sup>, 335. <sup>o</sup>, 372.<sup>o</sup> to 374.<sup>o</sup>, provided that the agent is found in Portugal and cannot be extradited or handed over as a result of the execution of a European arrest warrant or other international cooperation instrument that binds the Portuguese state;
  - d) When they constitute the crimes provided for in articles 171, 172, 174, 175 and 176 to 176-b and, if the victim is a minor, the crimes provided for in articles 144, 163 .<sup>o</sup> and 164.<sup>o</sup>:
    - i) As long as the agent is found in Portugal and cannot be extradited or handed over as a result of the execution of a European arrest warrant or other international cooperation instrument that binds the Portuguese state; or
    - ii) When committed by Portuguese people or by anyone who habitually resides in Portugal; or
    - iii) Against a minor who habitually resides in Portugal;
  - e) By Portuguese, or by foreigners against Portuguese, whenever:
    - i) The agents are found in Portugal;
    - ii) Are also punishable by lawaction in the place where they were carried out, except when punitive power is not exercised in that place; It is
    - iii) Constitute a crime that allows extradition and this cannot be granted or it is decided not to surrender the agent in execution of a European arrest warrant or other international cooperation instrument that binds the Portuguese state;
  - f) For foreigners who are found in Portugal and whose extradition has been requested, when they constitute crimes that allow extradition and this cannot be granted or it is decided not to surrender the agent in execution of a European arrest warrant or other cooperation instrument international that binds the Portuguese state;
  - g) By a legal person or against a legal person that has its registered office in Portuguese territory.
- 2 - Portuguese criminal law is also applicable to facts committed outside the national territory that the Portuguese state is obliged to judge by treaty or international convention.

Article 6 - Restrictions on the application of Portuguese law:

- 1 - The application of Portuguese law to acts committed outside the national territory only occurs when the offender has not been tried in the country in which the act was committed or if he has failed to comply with the sentence in full or in part.

2 - Although Portuguese law is applicable, under the terms of the previous paragraph, the act is judged according to the law of the country in which it was committed whenever this is concretely more favorable to the agent. The applicable penalty is converted into the one that corresponds to it in the Portuguese system, or, if there is no direct correspondence, into the one that Portuguese law provides for the fact.

3 - The regime in the previous paragraph does not apply to the crimes provided for in subparagraphs a) and b) of paragraph 1 of the previous article.

Article 7 - Place of commission of the act:

1 - The act is considered to be committed both in the place where, totally or partially, and under any form of co-participation, the agent acted, or, in the case of omission, should have acted, and in the place where the typical result or the result not included in the type of crime that occurred.

2 - In the case of an attempt, the act is also considered to have been committed in the place where, according to the agent's representation, the result should have occurred.

Article 8 - Subsidiary application of the penal code

The provisions of this diploma are applicable to acts punishable by military and merchant marine criminal law and by other special legislation, unless otherwise provided.

Article 9 - Special provisions for young people

For those over 16 and under 21, rules set out in special legislation apply.