

Portugal

Preserving individual debtor's human dignity in distress

1. Monthly income

Adults	Single person	With 2 dependent children
Minimum wage for a full-time employee (if it exists): 600€/month Name: Salário mínimo nacional	Gross : 600€/month Net : 534€/month	
Median income per capita	9.346€/year (2017, according to the National Institute of Statistics (INE))	

Poverty threshold	5.607€/year; 467€/month (2017, INE)	
Minimum solidarity allowance for an adult without income	189,66€(100% of the Social Income for Reintegration (RSI))	Additional 94,83€ (50% of RSI) for each underage person

Elderly people	Single person	Couple
Minimum pension for a former employee (full career)	395,57€/month (2019)	
Average pension per capita (all types of pensions)	1.013€/month Public servants (CGA) 5.283€/year Social Security	
Minimum solidarity allowance for elderly people with no or very limited pension	210,32€/month	

Additional information:

Over 1.6 Million pensioners under the Social Security system have received pensions below the minimum wage. Around 54% of pensioners earn less than 580 Euros monthly.

2. Garnishment of funds in bank accounts

This concerns the seizure of funds directly from the bank account of the debtor, as a result of a court ruling or equivalent procedure.

Unseizable funds	(single person)	
	The Civil Code determines that there cannot be a seizure of the total amount of funds in an account since the amount equivalent to the minimum wage is not subject to seizure. If the account has multiple holders, only the share equivalent for the debtor should be seized. All holders are presumed to have equal shares of the funds. There should be given a preference to accounts where the debtor is the sole holder rather than joint accounts. The preference should be on savings accounts rather than current accounts.	
Unseizable_income	Description	Designation
Partly seizable income		
Income that can be fully seized		

Additional information:

3. Seizures on wages and from third parties

This concerns seizures made directly by the debtor's employer from their employee's wages, following a court ruling or equivalent procedure. The same type of seizure may be made with other third parties.

Unseizable amount	X (single person)			
Seizable amounts (single person)	Income range	Monthly income	Percentage portion that can be seized	Maximum amount that can be seized per month
	1			
	2			
	3			

	4			
	5			
	6			
	7			

Additional information:

As for seizures on wages, generally only a third of the debtor's income should be subject. As a result, 2 thirds are not seizable. However, there are some exceptions to this rule:

- The amount that cannot be subject to seizure cannot exceed three times the national wage, i.e. the debtor cannot remain with more than three national minimum wages after the seizure takes place (if the corresponding seizure amount is such); and
- The amount after seizure cannot be less than the minimum wage.

4. Additional rules for the protection of debtors

As part of an amicable debt mediation procedure or of a personal bankruptcy procedure, some additional protection rules exist in some countries, such as:

- The freezing of the recovery costs and default interest;
- The freezing of recovery procedures (made by registered mail or through a bailiff);
- The possibility for the debt advisor or the judge to lower or increase the protected amounts;
- The possibility of choosing other methods or calculation rules to determine the remaining income.

If similar rules exist in your country, it would be very useful to describe them.

DECO's department for support to the over-indebted (Gabinete de Apoio ao Sobre-endividado) received, in 2009, recognition from the Ministry of Justice under the System of support for over-indebtedness (Decree-Law n.º 226/2008, of 20 November, Portaria n.º 312/2009, of 30 March). These support systems represent a set of mechanisms made available by entities who advise, inform and aid in arranging payment plans through mediation. Thus, it's possible to detect over-indebtedness cases during the process allowing to put on hold the inclusion of the debtor's record on the public execution list. This is possible if the debtor agrees to a payment plan and does not fall behind (<http://www.citius.mj.pt/Portal/execucoes/ListaPublicaExecucoes.aspx>);

Decree-Law n.º 227/2012, of 25 October - laying down principles and rules that credit institutions should follow in preventing and settling situation of non-performing loans of retail bank clients (consumers under the consumer protection law's definition). This foresees that credit institutions create an action plan for default risk (PARI) and establishes an out-of-court procedure for default settlements (PERSI). This decree-law intends promoting negotiations between credit institutions and consumers as well as out-of-court solutions for default situations. The document also laid down the basis to create a network of out-of-court entities recognised to inform, advice, and aid consumers that are in risk of defaulting or late in repaying.

Do you accept we include your name, or the name of your organisation, in the list of respondents that will be included in the final report?	YES	NO
	X	
Personal name		
Name of the organisation	DECO – Associação Portuguesa para a Defesa do Consumidor	