

**Assembly of the Republic**

**Law nr. 63/2011 of 14th December**

**Approves the Law on Voluntary Arbitration**

Pursuant to the terms of sub-paragraph c) of article 161 of the Constitution, the Assembly of the Republic decrees as follows:

**Article 1**

**Object**

1 - The Law on Voluntary Arbitration, published as an annex to this Law and of which it forms an integral part, is hereby approved.

2 - The Civil Procedure Code is altered in conformity with the new Law on Voluntary arbitration.

**Article 2**

**Alteration to the Civil Procedure Code**

Articles 812-D, 815, 1094 and 1527 of the Civil Procedure Code shall read as follows:

“Article 812-D

[...]

- a) .....
- b) .....
- 2
- c) .....
- d) .....
- e) .....
- f) .....

g) If, upon request of enforcement of an arbitral award, the enforcement officer has doubts that the dispute could have been submitted to arbitration, either because is subject exclusively, by special law, to a judicial court or to compulsory arbitration, or because the claim under discussion does not have a pecuniary nature and cannot be the object of settlement.

Article 815

[...]

The grounds for opposition to the enforcement of an arbitral award are not merely the ones foreseen in the previous article, but also those on which the setting aside of the same award can be based, without prejudice to the terms of paragraphs 1 and 2 of article 48 of the Law on Voluntary Arbitration.

Article 1094

[...]

1 - Without prejudice to what is established by treaties, conventions, European Union regulations and special acts, no decision on private rights, rendered by a foreign court, shall be effective in Portugal, regardless of the parties’ nationalities, without being reviewed and confirmed.

2 - .....

3

Article 1527

[...]

1 - If any of the circumstances foreseen in articles 13 and 15 of the Law on Voluntary Arbitration should occur in respect of any of the arbitrators, another arbitrator shall be appointed, under the terms of article

16 of the same Law, such appointment to be made by whoever had appointed the previous arbitrator, whenever possible.

2 - .....

**Article 3**  
**References**

All references made in laws or regulations to the provisions of Law no. 31/86, dated 29<sup>th</sup> August 1986, as amended by Decree-Law no. 38/2003, dated 8<sup>th</sup> March 2003, shall be considered as being made to the corresponding provisions in the new Law on Voluntary Arbitration.

**Article 4**  
**Transitional provision**

1 - Unless otherwise stipulated in the following paragraphs, the new regime arising from the Law of Voluntary Arbitration shall apply to the arbitral proceedings that, under the terms of article 33(1) of the referred Law, commence after its entry into force.

2 - The new regime is applicable to the arbitral proceedings that commenced before its entry into force, provided that both parties agree thereto, or if one of the parties formulates a proposal to this effect to which the other party does not object within 15 days of its receipt.

3 - The parties that entered into arbitration agreements before the entry into force of the new regime maintain the right to the appeals against the arbitral award that would be available, under the article 29 of Law no. 31/86, dated 29<sup>th</sup> August 1986, as amended by Decree-Law no. 38/2003, dated 8<sup>th</sup> March 2003, in case the arbitral proceedings were conducted under the terms of such Law.

4 - The submission to arbitration of disputes emerging from or related to labour contracts is regulated by special law, but, until the entry into force thereof, the new regime approved by this Law shall be applicable, as well as, with the necessary adjustments, article 1(1) of Law no. 31/86, dated 29<sup>th</sup> August 1986, as amended by Decree-Law no. 38/2003, dated 8<sup>th</sup> March 2003.

**Article 5**  
**Revocation**

1 - Law no. 31/86, dated 29<sup>th</sup> August 1986, as amended by Decree-Law no. 38/2003, dated 8<sup>th</sup> March 2003, is hereby revoked with the exception of the provisions of article 1(1), that remain in force for arbitration of disputes emerging from or related to labour contracts.

2 - Article 181(2) and article 186 of the Administrative Courts Procedure Code are hereby revoked.

3 - Article 1097 of the Civil Procedure Code is hereby revoked.

**Article 6**  
**Entry into force**

This Law shall become effective 3 months after its publication date.

**ANNEX**  
(...)

Approved on 4<sup>th</sup> November 2011.

The President of the Assembly of the Republic  
(Maria da Assunção A. Esteves)

Promulgated on 29th November 2011

To be published

The President of the Republic  
(Anibal Cavaco Silva)

Countersigned on 30th November 2011  
The Prime Minister  
(Pedro Passos Coelho)