
REGULATION ON MERE PRIOR NOTICE FOR THE EXERCISE OF ECONOMIC ACTIVITIES

By Decree n. ° 27/2023 of 23 May, the Regulation of Mere Prior Communication for the Exercise of Economic Activities (hereinafter “Regulation”) was approved, which revises the regime previously contained in Decree n. ° 39/2017, of July 28th.

The Regulation will come into force on 23 June 2023 and, where relevant, we highlight the following aspects:

- ✓ The scope of application: The Regulation applies to individual entrepreneurs and national business companies and foreign individual entrepreneurs, regardless of their classification as micro, small or medium-sized company or industry, who carry out economic activities that, by their nature, do not entail impacts negative effects that are difficult to mitigate for the economy, environment, public health, and security in general.
- ✓ The validity of the Certificate of Mere Communication: The certificate becomes valid for three years, renewable for an equal period.
- ✓ Communication Obligations: The holder of the Certificate must communicate the occurrence of the following facts: (i) alteration of the Certificate's data; (ii) alteration of the corporate purpose and headquarters; (iii) suspension of activity; (iv) closure of the establishment and (v) change in the opening hours of the establishment.
- ✓ Cessation of the Mere Communication Certificate: The validity of the Mere Prior Communication Certificate ceases in the following situations: (i) Expiration; (ii) Waiver and (iii) Revocation.
- ✓ Subjection to Fees: Mere Prior Communication is now subject to the payment of fees in the acts of (i) Issuance, (ii) Reissue and (iii) Annotation. However, micro-enterprises and micro industries are exempt from paying fees for processing and issuing Certificates of Mere Prior Communication.
- ✓ Regime of infractions and Sanctions: The economic agents benefiting from mere prior notification, are now subject to a new regime of inspection and classification of infractions, which may be sanctioned with the application of the following measures: (i) registered warning; (ii) fine; (iii) suspension of activity; (iv) closure of the establishment and (v) ban on carrying out the activity.

Thais Gomes

Junior Consultant

Area of Practice: Commercial