

THE NEW LEGAL REGIME FOR MEDIATION ACTIVITIES

The Law 15/2013, 08/02 has approved the new legal regime for mediation activities, which came into force may 1st 2013 and repealed the Decree-Law 211/2014, altered by the Decree-Law 69/2011.

With its publication and enforcement, the supra mentioned diploma brought the followed alterations:

1. Real Estate

The real estate agents are hereinafter called real estate mediation company co-operators who assist the real estate mediation technician, on the executions of the necessary tasks to the real estate preparation and compliance of real estates contracts.

The real estate mediation company co-operators should have identification cards, issued by the companies, in which shall appear is name, current photography, as the identification of the company.

2. Real Estate Activity Licenses

The Licenses to real estate mediation activities no longer have a temporal validity, without failure prejudice of the requirements for its issuing.

The license issued by the former legislation, but that are still valid at the new Law date, also have unlimited duration, without needing any additional formalism.

3. Activity Access

The activity access requirements, concession and maintenance Licence were reduced, wherein with the new law, the real estate mediation activity licensing only depends depend of the cumulative fulfilment of the following requirements:

- a) Having business repute;
- b) Holding civil liability or guarantee or equivalent instrument that may replace it under insurance law.

4. Real estate mediation contracts

The real estate mediations contracts shall mandatorily have:

- a) Characteristic identification of the property that is the subject of the contract, with all of the inherent proof and charges
- b) Identification of the business targeted by the mediation exercise
- c) The company payment conditions, fixed terms or in percentage, as well as the payment method, with the VAT tax indicates

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- d) The civil responsibility insurance identification, or the financial guarantee, or equivalent instrument with the assurance policy number and the insurance company or, when applicable, the granted capital
- e) The real estate agent identification that may have co-operate in the contrat preparation
- f) The discriminated identification of eventual extra services to be provided by the company
- g) The exclusive regime reference, when agreed, specifying the effects that result from it, as for the company or the client

5. Payment

The 10% payment agreed of the real estate's mediation company no longer exists when the amounts are recovered as advance payment by the mediation company.

The right of the company to the remuneration payable to fit the client owner of property subject to the mediation agreement is not removed by the exercise of legal right of first refusal on the said property.

6. European Companies

The providers established in other Estates of the European Economic Area, beyond continuing to be able to provide occasional mediation services in national territory, they can also settle in Portugal, since, in other, they respect the requirements for business licensing.

7. "Balcão Único Electrónico" – Web Platform

The administrative processing is executed through a computer system, accessible trough the "Balcão Único Electrónico" that ensures:

- The requirements and communications online delivery
- The proceedings consultation, if interested
- The service providers electronic notification, about, namely, InCI's decisions that may concern them
- The necessary information automatically update of the application of the regime provided for by law 12/2013, by connecting databases with the relevant authorities.

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