
Regulations on the Urban Development Simplex

Summary of ministerial orders regulating Decree-Law 10/2024

Portugal - Legal Update

March 1, 2024



Key aspects

- Approval of a list of documents that must be submitted with the applications under the Legal Regime for Urbanization and Building (the “RJUE”).
- List of specific documents to be submitted in applications related to the prior checks of works for installing renewable energy power plants, particularly photovoltaic and wind power, as well as energy storage facilities.
- Approval of the templates for the various declarations of responsibility.
- Approval of the templates that must be used by municipalities when issuing licenses, responses to prior notifications, acts to be carried out by technicians, and notices for publicizing urban development works.
- Amendment to the rules applicable to the construction works logbook.
- New rules to be supplementarily applicable to the sizing parameters for land division projects and must now also establish areas for the construction of public housing, controlled-cost housing, or affordable rentals.



List of documents to be submitted with applications under the RJUE

One of the goals of the Urban Development Simplex (*Simplex Urbanístico*) (the “Simplex”) legislative package, approved by [Decree-Law 10/2024 of January 8](#), was to simplify procedures by reducing the required documents to be submitted with the procedures outlined in the RJUE.

As such, the Simplex gives a new wording to article 9 of the RJUE, which now provides for the following:

- The documents that must be submitted with an application or communication are to be specified in a ministerial order.
- A non-exhaustive list of **documents that municipalities cannot require**, such as:
 - forms for authenticating, recognizing, or certifying signatures of any document;
 - copies of documents in the possession of the municipality, such as operating licenses or records;
 - the tax registry certificate;
 - copies of land registry certificates, with the presentation of the code number of the land registry certificate sufficing;
 - the sending or resending of a land registry certificate or its code number because its validity has expired, when it was valid at the time the application was submitted;
 - the resending or sending of any certificate or document because it is no longer valid if it was valid at the time the application was submitted;
 - the safety plan, which may, however, be requested for inspection purposes;
 - the safety report;
 - the digitized construction works logbook;
 - copies of citizen cards, identity cards, or professional licenses;
 - declaration of professional capacity of the technicians responsible for the plans, issued by any entity, including professional associations; and
 - declaration of responsibility of the technician certifying that the works comply with the General Noise Regulation.

In this context, [Ministerial Order 71-A/2024 of February 27](#) (“Order 71-A/2024”) identifies the required documents that should be submitted when applying for the procedures outlined in the RJUE and revokes Order 113/2015 of April 22.

Specifically, annexes I and II of the ministerial order specify the documents that must be submitted and the conditions for their submission:

Annex I - Documentation
I - Documents common to prior check procedures
II - Specific documents for prior information requests (“PIPs”)
III - Specific licensing documents
IV - Specific prior notification documents
V - Specific documents for applications for use and change of use
VI – Notices communicating the start of works (with or without prior checks)

Annex II - Conditions for submitting documentation
All documents must be submitted electronically with the <u>qualified digital signature</u> of their respective signatories or author—namely, by the applicant or their attorney in law, the plan authors, or the project coordinator.
However, point 8 of this annex states that “Licensing entities without electronically processed administrative procedures may request documents in paper format until the electronic platform for urban development procedures (“PEPU”) has been implemented.”

The order explicitly states that only documents listed in the annexes may be required, unless otherwise provided for in a special law. However, the plans must contain information that demonstrates their compliance with the applicable zoning plan provisions.

> **Specific documents for energy projects**

Procedures for prior checks of works for the installation of renewable energy power plants, particularly photovoltaic and wind power, as well as energy storage facilities, must be accompanied by the documents specified in number 27 and by the common elements applicable to the prior check procedures, all of which are listed in annex I of Order 71-A/2024. This order requires the Directorate-General for Energy and Geology to publish the technical guidelines to the applicable engineering plans.

Declaration of responsibility templates

Annex III of Order 71-A/2024 approves the templates for the declarations of responsibility that must be submitted under the RJUE.

Annex III – Declarations of responsibility
<p>I Project author's (<i>autor do projeto</i>) declaration of responsibility</p> <p>In this declaration, the project author (<i>autor do projeto</i>) is not required to list the pertinent technical and regulatory standards. However, it must provide reasonable explanations for not complying with these standards in the cases provided for in article 10.5 of the RJUE.</p>
<p>II Project coordinator's (<i>coordenador do projeto</i>) declaration of responsibility</p> <p>In this case, the project coordinator (<i>coordenador do projeto</i>) must specify the general and specific technical construction standards, the land division license, or any prior information, if applicable. They must also provide reasonable explanations for not complying with the technical and regulatory standards in the cases provided for in article 10.5 of the RJUE.</p>
<p>III Project author/coordinator's declaration of responsibility</p>
<p>IV Accessibility plan author's (<i>autor do plano de acessibilidades</i>) declaration of responsibility</p> <p>When applicable, the accessibility plan author (<i>autor do plano de acessibilidades</i>) must specify the accessibility technical standards that were not complied with and provide reasonable explanations for non-compliance.</p>
<p>V Works director (<i>diretor de obra</i>) or construction manager's (<i>diretor de fiscalização</i>) declaration of responsibility</p> <p>If any changes have been made to the plans, the works director (<i>diretor de obra</i>) or construction manager (<i>diretor de fiscalização</i>) must verify that the changes comply with the applicable legal regulations and are reflected in the project's final blueprints.</p> <p>The declaration template already includes a list with the various engineering projects applicable, so only the applicable engineering projects need to be marked with an "X."</p>
<p>VI Declaration of responsibility to be submitted with the prior notification with a deadline for use without prior urban development works</p> <p>In situations where the use has not been preceded by any urban development works subject to a prior check, it is necessary to declare that the works comply with the requirements of different technical standards. In this case, only the applicable engineering projects need to be marked with an "X."</p>

All templates require a qualified digital signature.

Note that the declaration of responsibility of the authors of engineering projects related to telecommunications infrastructures are governed by Decree-Law 123/2009 of May 21.

License templates, responses to prior notifications, PIPs, and notices

Order 71-B/2024 of February 27 approves the templates that should be used by the municipalities:

- License templates for land division operations, infrastructure, construction, demolition, and land-remodeling works, as well as other urban development works, as included in annexes I to VII.
- Templates for responding to a prior notification regarding land division operations, infrastructure and construction works, as included in annexes VIII to XI. The issuance of these responses from municipalities is not a requirement for starting the urban development works subject to prior notification.
- Templates for responding to a prior notification with a deadline for use not preceded by urban development works subject to a prior check and for responding to a notification of use after urban development works subject to a prior check, as listed in annexes XII to XV.
- Templates for responding to PIPs on land division operations, urban development, and construction works, as included in annexes XVI to XVIII.
- Templates for publicizing license applications and prior notification of urban development works, as listed in annexes XIX to XXI.
- Templates for publicizing urban development works promoted by the public authorities, as listed in annex XXII.

Electronic construction works logbook

Under the Simplex, the construction works logbook should not be considered a document that should be submitted in an application for a license or prior notification.

The preamble to [Order 71-C/2024 of February 27](#) (“Order 71-C/2024”) states that the construction works logbook does not need to be sent to the municipal council at the end of the works, nor is it subject to any prior analysis, registration, validation, or opening or closing declaration from public entities. Therefore, all rules that refer to these acts are revoked.

[Order 71-C/2024](#) modifies the rules¹ that define the construction works logbook template and requirements, and it outlines the characteristics of the electronic construction works logbook.

The construction works logbook now includes an opening statement prepared and signed by the site owner, the construction manager, and the inspection manager. This declaration (i) specifies the type of work to be carried out under points (a) to (h) and (l) of article 2 of the RJUE; and (ii) identifies the prior checks procedure for the urban development works in question and their respective license, date of issuance, and, if applicable, the period granted to complete the works.

We also highlight the following amendment to article 13 of Order 1268/2008 of November 6 (“Order 1268/2008”):

Current wording	New rule applicable from March 4
In addition to the provisions provided for in the previous paragraph, <u>the holder of the license permit or the prior notification’s approval certificate</u> must sign the records made under the previous paragraph by the closure of the construction works logbook, certifying that the information contained in the records is compliant with the characteristics of the completed building.	In addition to the provisions provided for in the previous paragraph, <u>the works inspection manager</u> must sign the records made under the previous article by the closure of the construction works logbook, certifying that the information contained in the records is compliant with the characteristics of the completed building.

The construction works logbook—and all of its subsequent items and references—must be retained while the works are being completed and, after the completion date, for a further 10 years.

Articles 19 and 20 of Order 1268/2008, requiring licensing entities to provide interested parties with access to the construction works logbook and its contents (in paper or electronically), have been revoked. However, the transitional rule in [Order 71-C/2024](#) still apply to the construction works logbooks that are archived with licensing entities on or before March 4, 2024.

¹ Established in [Order 1268/2008](#).

On January 5, 2026, the date the legal regime applicable to the PEPU will enter into force, the new rule on the electronical construction works logbook provided for in article 3 of [Order 71-C/2024](#) will also enter into force.

Sizing parameters supplementarily applicable to land division operations

The Simplex established the obligation to allocate free parcels of land within the land division operations, not only for public green spaces, but also for public housing, controlled-cost housing, and affordable rentals, as well as for collective use equipment and infrastructures that, according to the law and the license or prior notification, must be integrated into the municipal domain.

However, prior to the Simplex, [Order 216-B/2008 of March 3](#) (“Order 216-B/2008”) only established parameters for the sizing of areas for green spaces and collective use areas, road infrastructure, and collective use equipment, as there were no provisions for the allocation of parcels for housing.

For this reason, [Order 75/2024](#) specifies the sizing parameters for areas designated for public housing, controlled-cost housing, and affordable rentals. These parameters will be supplementarily applicable from March 4, 2024, until municipal and intermunicipal plans establish specific sizing parameters for these public interest purposes.

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