

International Tax Portugal Highlights 2021

Updated March 2021



Recent developments

For the latest tax developments relating to Portugal, see [Deloitte tax@hand](#).

Investment basics

Currency: Euro (EUR)

Foreign exchange control: Portugal does not have exchange controls and there are no restrictions on the import or export of capital. Both residents and nonresidents may hold bank accounts in any currency. However, a transfer of EUR 10,000 or more outside Portugal in foreign banknotes, gold, travelers' checks, or bearer securities must be declared to the Portuguese customs authorities.

Portuguese financial institutions must report bank balances of residents and nonresidents exceeding EUR 50,000 (in the same bank).

Accounting principles/financial statements: Portuguese GAAP or IAS/IFRS financial statements must be prepared annually.

Principal business entities: These are the corporation (SA), limited liability company (Lda), general and limited partnership, partnership limited by shares, branch of a foreign company, individual enterprise with limited liability, investment fund (UCITS/AIFM: contractual form), investment companies (UCITS/AIFM: corporate form), and real estate investment companies (REIT/SIGI).

Corporate taxation

Rates

| | |
|----------------------------------|--|
| Corporate income tax rate | 31.5% (maximum aggregate rate with surtaxes) |
| Branch tax rate | 31.5% (maximum aggregate rate with surtaxes) |
| Capital gains tax rate | 31.5% (maximum aggregate rate with surtaxes) |

Residence: A company is a resident if its legal seat or place of effective management is in Portugal.

Basis: Resident companies are subject to tax on worldwide profits; nonresident companies are taxed only on Portuguese-source profits. Foreign-source profits derived by residents are subject to corporate tax in the same way as Portuguese-

source profits. Under specific circumstances and by election, profits arising from a foreign permanent establishment may be tax exempt. Branches of nonresident companies are taxed only on Portuguese-source profits.

Taxable income: Corporate tax is charged on a company's profits (calculated with tax adjustments), which consist of business/trading income (based on Portuguese GAAP), passive income, and capital gains. Expenses are deductible to the extent they are necessary for the purpose of generating taxable income and are properly documented. (See "Thin capitalization," below, for limits on the deduction of interest.)

Small businesses are eligible for a simplified tax regime, under which taxable income is determined as a percentage (depending on activity) of turnover.

Rate: The standard corporate tax rate is 21%. A reduced rate of 17% applies to the first EUR 25,000 of taxable profits of small and medium-sized enterprises (SMEs).

Surtax: A state surcharge is levied on taxable profits at the following rates: 3% for profits over EUR 1.5 million and up to EUR 7.5 million; 5% on profits over EUR 7.5 million and up to EUR 35 million; and 9% on profits exceeding EUR 35 million. A municipal surcharge is levied on taxable profits at rates up to 1.5%, depending on the municipality, resulting in a maximum possible aggregate tax rate of 31.5%.

Alternative minimum tax: There is no alternative minimum tax.

Taxation of dividends: See "Participation exemption," below.

Capital gains: Realized capital gains are included in taxable profits for corporate tax purposes, but gains on the disposal of shares may be exempt from tax under the participation exemption (see "Participation exemption," below). The acquisition cost of capital assets disposed of after a minimum ownership period of two years may be adjusted for inflation, using official indices.

Fifty percent of gains derived from the disposal of tangible fixed assets, biological assets, and intangible assets (other than intangible assets acquired or sold to related parties or investment properties) held for at least one year may be excluded from taxation if the total disposal proceeds are reinvested within a prescribed period. The reinvestment regime is not applicable to gains assessed in the context of mergers, demergers, or asset-for-share deals, nor will it apply when assets are transferred with purposes other than the business carried out by the taxpayer.

Capital gains derived from the indirect disposal of certain immovable property located in Portugal are subject to corporate income tax. This includes the disposal by a nonresident company of the shares (or similar rights) held in another nonresident company, if, during the 365 days preceding the disposal, more than 50% of the value of those shares (or rights) is related, directly or indirectly, to immovable property in Portugal (subject to certain conditions).

Losses: Operating losses may be carried forward for five years (12 years for SMEs). The losses used in any year may not exceed 70% of the taxable profits. If at least 50% of the capital or the majority of the voting rights has been transferred, carryforward is allowed only if authorized by the Minister of Finance. The carryback of losses is not permitted.

Capital losses on the sale of shares that are not eligible for the participation exemption are deductible, subject to certain restrictions.

Foreign tax credit: Portugal grants a tax credit up to the amount of Portuguese tax payable on foreign income, which is calculated net of expenses on a per-country basis.

Under specific circumstances and by election, profits of foreign permanent establishments may be exempt. Credit for underlying tax may be available if the conditions for the participation exemption are not fulfilled.

Participation exemption: Under Portugal's participation exemption regime, dividends received and capital gains realized by a resident company from a domestic or foreign shareholding are exempt from tax, provided the shareholder is not considered a transparent entity and has held, directly or indirectly, at least 10% of the capital or voting rights of the other company for at least 12 months. The subsidiary may not be resident in a listed tax haven and must be subject to, and not exempt from, an income tax listed in the EU parent-subsidiary directive or an income tax rate that is equal to at least 60% of the Portuguese corporate tax rate. The exemption for dividends is not applicable if the payment is deductible for the payer. An ordinary tax credit is available when the conditions for the application of the participation exemption regime are not fully satisfied, with an option for an underlying tax credit for dividends on foreign shareholdings of at least 10% held for at least 12 months.

Holding company regime: There is no holding company regime (see "Participation exemption," above).

Incentives: Profits from activities of licensed industrial, shipping, and international service companies established in the Madeira Island free-trade zone (where the income is not derived from Portugal, other than the free trade zone) are subject to a reduced corporate tax rate of 5% if the company has been granted a license to operate in the territory and certain conditions are satisfied; no withholding tax is levied on dividends, interest (subject to certain conditions), royalties (subject to certain conditions), and other business-related fees paid to nonresidents.

A corporate tax credit of 32.5% of qualifying R&D expenses is available in the relevant year and may be carried forward for eight years. Taxpayers can take an additional incremental credit of 50% of qualifying R&D expenses exceeding the average amount spent in the prior two tax periods, limited to EUR 1.5 million except for SMEs that have not yet been actively engaged in business for at least two tax years and have not had the benefit of the increased rate, in which case an increase of 15% is applied to the 32.5% base rate, i.e., a 47.5% credit is computed on qualifying expenditure. The tax credit can offset up to the total amount of the corporate income tax liability and is available each fiscal year until 31 December 2025.

A corporate tax credit between 10% and 25% of the amount of the relevant investment may be granted on the acquisition of new tangible and intangible fixed assets (with some exceptions and limitations), as well as a total or partial exemption from real property tax, transfer tax, and stamp duty. The tax credit granted can offset up to 50% of the corporate income tax liability and can be carried forward for 10 years.

A special investment tax credit scheme allows eligible taxpayers that make investments between 1 July 2020 and 30 June 2021 for the acquisition of tangible and intangible fixed assets and non-consumable biological assets to benefit from a 20% corporate income tax credit for eligible investments up to a limit of EUR 5 million. The tax credit granted can offset up to 70% of the corporate income tax liability and can be carried forward for five years.

Up to 50% of income derived from the licensing of patents, designs and industrial models, and copyrights of computer programs is exempt.

Companies may benefit from a 7% notional interest deduction calculated based on the company's share capital increase each year (up to EUR 2 million), provided no capital reduction (with a corresponding payment to shareholders) is carried out in that same year, or in the five subsequent years.

Compliance for corporations

Tax year: The tax year generally corresponds to the calendar year, although a different tax year is possible for resident companies and nonresident companies with a permanent establishment in Portugal, if it coincides with the reporting/accounting period.

Once selected, the same tax accounting period must be maintained for at least five years.

Consolidated returns: Aggregate tax returns may be filed by resident groups. A group consists of the dominant company and 75%-or-more directly or indirectly held subsidiaries (with more than 50% of voting rights held by the dominant company).

The following requirements must be met to file a consolidated return: (1) all members of the group must have their seat or place of effective management in Portugal (group members may be held indirectly by a company resident in an EU/European Economic Area (EEA) member state, provided the latter is held, directly or indirectly, at least 75% by the dominant company), and must be subject to the general tax regime; (2) the dominant company must hold the participation in the group companies for more than one year; (3) the dominant company may not be considered dominated by another Portuguese eligible company; and (4) the dominant company may not have opted out of the consolidated regime within the previous three years.

Filing and payment: Self-assessment applies and electronic filing is mandatory. The tax return must be filed within five months of the end of the accounting period. The supporting accounting and tax report must be filed by the 15th day of the seventh month following the company's year end. Advance corporate tax and the national surtax are payable in installments.

Penalties: Penalties and interest are imposed for late filing, failure to file, or other instances of noncompliance with the tax law.

Rulings: Three types of rulings are available to taxpayers: standard, urgent (costs apply), and advance pricing agreements (APAs). In an APA, the taxpayer obtains an agreement on the transfer pricing policies to be adopted in transactions between related entities.

Individual taxation

| Rates | | |
|----------------------------|----------------------|--------|
| Individual income tax rate | Taxable income (EUR) | Rate |
| | Up to 7,112 | 14.5% |
| | 7,113–10,732 | 23.0% |
| | 10,733–20,322 | 28.5% |
| | 20,323–25,075 | 35.0% |
| | 25,076–36,967 | 37.0% |
| | 36,968–80,882 | 45.0% |
| | Over 80,882 | 48.0% |
| Capital gains tax rate | | Varies |

Residence: An individual is resident if the individual stays in Portugal for 183 days or more in any 12-month period or, if the individual's main residence is located in Portugal, if the individual stays in Portugal at any time during the year. Individuals that were not Portuguese resident in any of the five tax years before moving to Portugal may request a special non-habitual tax residency status for 10 years. Non-habitual residents are taxable on worldwide income, but may be exempt from tax on certain foreign-source income. The 2020 state budget introduced a flat rate of 10% applicable to the net pension income from a foreign source received by non-habitual residents. Individuals that were tax residents before the budget entered into force may choose between applying the former exemption or the new 10% rate.

Portugal also has the concept of part-year residency.

Subject to certain conditions, a favorable tax regime also may apply to individual taxpayers previously resident in Portugal for tax purposes who regained tax residence status between 1 January 2019 and 31 December 2020. For qualifying individuals, 50% of employment income or professional/self-employment income is excluded from taxation for a five-year period between 2019 and 2023 or between 2020 and 2024, depending of the first year of residence.

There is a partial exemption from personal income tax on employment income received by taxpayers between 18 and 26 years of age that do not qualify as dependents and earn a gross income equal to or lower than EUR 29,179 annually. The exemption applies only in the first three years in which these taxpayers receive income, after the year of completion of a level of education equal to or higher than level four of the National Qualifications Framework occurring in 2020 or a subsequent year.

There also is an exclusion from taxation, capped at five times the social support index (IAS) (i.e., EUR 2,194.05) on employment income and self-employment income, including single acts, received by students who are considered dependents for tax purposes and who are studying in a school in the national education system or an equivalent.

Basis: Resident individuals are taxed on their worldwide income; nonresidents are taxed only on their Portuguese-source income.

Taxable income: There are six categories of income that are subject to personal income tax: employment income, business and professional income, investment income, real estate income, increases in net worth, and pensions. Investment income, real estate income, and capital gains on securities are taxed at a flat rate of 28% (a 35% flat rate applies to dividends paid by entities resident in listed tax havens). The remaining income is taxed at progressive rates.

Rates: Rates are progressive up to 48%. An additional surcharge of 2.5% applies to income between EUR 80,000 and EUR 250,000. For income over EUR 250,000, the additional surcharge rate is 5%. Non-habitual resident individuals are eligible for a flat 20% rate on income related to work or services rendered in Portugal involving activities defined in a ministerial order.

Capital gains: Capital gains on the sale of an individual's main residence are exempt if the proceeds are used to purchase another permanent residence in Portugal or in another EU/EEA member state, provided that, in the latter case, arrangements are in place for an exchange of information in tax matters. If the seller is 65 years old or older, such capital gains also may be exempt if the proceeds are invested in a pension plan that meet certain criteria.

Only 50% of gains from the sale of immovable property is subject to tax as income at the progressive rates. Capital gains on shares are subject to tax at 28%. A 50% exemption applies to capital gains on the disposal of participations in unlisted small and micro companies.

Gains may be taxed at a 35% rate if the income source is a listed tax haven or if the income is paid into "jumbo" accounts.

Capital gains realized by nonresident individuals on the sale of shares (or similar rights) in a nonresident company may be regarded as Portuguese-source income (and therefore subject to tax in Portugal) if, during the 365 days preceding the disposal, more than 50% of the value of those shares (or rights) is related, directly or indirectly, to immovable property in Portugal (subject to certain conditions).

Deductions and allowances: Deductions (up to specified limits) are available, including deductions for health and education expenses. Personal tax credits in varying amounts also are available, depending on the number of family members.

Foreign tax relief: Portugal grants a tax credit up to the amount of Portuguese tax payable on foreign income.

Other: See “Transfer pricing,” “Controlled foreign companies,” and “Exit tax” under “Anti-avoidance rules,” below, for additional information that may be relevant to individuals under certain circumstances.

Compliance for individuals

Tax year: The tax year is the calendar year.

Filing status: Married individuals are taxed separately, but may choose to file a joint tax return unless one spouse is nonresident, in which case the resident spouse files a separate tax return.

Filing and payment: Personal tax returns must be filed between 1 April and 30 June following the year end. Final payment of tax is due by 31 August following the year to which the income relates. There is an optional filing extension to 31 December if the taxpayer requests foreign tax credits.

Penalties: Penalties apply for failure to comply with tax payment and filing obligations.

Rulings: Two types of rulings may be requested:

- A regular ruling request (without urgency), which has no associated costs but the tax authorities have an indicative timeframe of 150 days to issue a decision. The failure to meet the timeframe does not trigger any consequences; and
- An urgent ruling, the urgency of which must be accepted by the tax authorities. The costs may range between EUR 2,550 and EUR 25,500 depending on the complexity of the issue, and the ruling must be decided on within 75 days. If no decision is issued after 75 days, the tax framework proposed by the taxpayer should be considered accepted.

Withholding tax

Rates

| Type of payment | Residents | | Nonresidents | |
|------------------------------------|-----------|------------|--------------|------------|
| | Company | Individual | Company | Individual |
| Dividends | 0%/25% | 28% | 0%/25%/35% | 28%/35% |
| Interest | 0%/25% | 28% | 25%/35% | 28%/35% |
| Royalties | 0%/25% | 16.5% | 25%/35% | 25% |
| Fees for technical services | 25% | 25% | 25% | 25% |

Dividends: Dividends paid to a nonresident company are subject to a 25% withholding tax (35% if paid to a resident of a listed tax haven). The rate may be reduced to 0% where the conditions for the domestic participation exemption regime are fulfilled and the recipient of dividends is resident in the EU/EEA or in a tax treaty jurisdiction. If the participation exemption does not apply, the rate may be reduced under a tax treaty.

Dividends paid to a nonresident individual are subject to a 28% withholding tax (35% if paid to a resident of a listed tax haven), unless the rate is reduced under a tax treaty.

Dividends paid to a resident company by another resident company generally are subject to a 25% withholding tax. The rate may be reduced to 0% where the conditions for the domestic participation exemption regime are fulfilled.

Dividends paid to resident individuals by resident entities generally are subject to withholding tax at a 28% rate.

Interest: Interest paid to a nonresident company is subject to a 25% withholding tax (35% if paid to a resident of a listed tax haven), unless the rate is reduced under a tax treaty. Under the EU interest and royalties directive, payments to qualifying EU recipients are exempt.

Interest paid to a nonresident individual is subject to a 28% withholding tax (35% if paid to a resident of a listed tax haven), unless the rate is reduced under a tax treaty.

Portuguese-source interest paid to a resident company generally is subject to a 25% withholding tax. Under Portugal's implementation of the EU interest and royalties directive, payments to qualifying recipients are exempt from withholding tax.

Portuguese-source interest paid to a resident individual generally is subject to withholding tax at a 28% rate.

Royalties: Royalty payments made to a nonresident company are subject to a 25% withholding tax (35% if paid to a resident of a listed tax haven), unless the rate is reduced under a tax treaty. Under the EU interest and royalties directive, payments to qualifying EU recipients are exempt.

Royalty payments made to a nonresident individual are subject to a 25% withholding tax, unless the rate is reduced under a tax treaty.

Royalty payments made to a resident company generally are subject to a 25% withholding tax. Under Portugal's implementation of the EU interest and royalties directive, payments to qualifying recipients are exempt from withholding tax.

Royalty payments made to a resident individual are subject to a 16.5% withholding tax.

Fees for technical services: Technical service fees paid to a nonresident company or nonresident individual generally are subject to a 25% withholding tax, unless the rate is reduced or eliminated under a tax treaty.

Technical service fees paid to a resident company or individual generally are subject to a 25% withholding tax.

Branch remittance tax: There is no branch remittance tax.

Other: Other payments made to nonresidents may be subject to withholding tax at various rates.

Anti-avoidance rules

Transfer pricing: Portugal's transfer pricing rules generally follow OECD transfer pricing guidelines. The tax authorities may make pricing adjustments if special relations exist between the parties. In addition to applying to transactions between companies, the transfer pricing rules also are applicable to the sale of assets between individuals and companies if there are special relations between the individual and the company.

Companies must prepare documentation to support their transfer pricing policies. Companies that are supervised by the Large Taxpayer Unit are required to submit the transfer pricing documentation to this unit by the 15th day of the seventh month after the close of the tax year to which the transactions relate; other taxpayers are obligated to submit the documentation only after receiving a notification from the Large Taxpayer Unit. Penalties will be imposed for failure to comply with the obligations to submit documentation.

APAs are available.

Interest deduction limitations: Specific limitations apply to the tax deductibility of interest expense. Net financial costs are deductible only up to the greater of the following thresholds: EUR 1 million or 30% of EBITDA as adjusted for tax purposes. Companies reporting under a tax group regime may apply the relevant thresholds at the group level. The amount exceeding the threshold in a given year may be carried forward for the following five years, up to the 30% threshold.

Controlled foreign companies: Under the CFC regime, undistributed profits of a nonresident company resident in a low-tax jurisdiction may be attributed to Portuguese resident participators (entities or individuals) with a substantial interest therein and taxed in proportion to their holdings. A substantial interest is a direct or indirect ownership (including a beneficial interest) of at least 25% of the capital, voting rights, or rights to income or assets owned by Portuguese resident participators. A nonresident company is deemed to be resident in a low-tax jurisdiction if it is resident, for tax purposes, in a listed tax haven or if the tax effectively paid in its country of residence is less than 50% of the tax that would have been assessed under Portuguese corporate tax rules. The income to be included in the taxable base of the Portuguese entity or individual corresponds to the taxable profit of the nonresident company, but computed according to Portuguese corporate income tax rules. Also, it is important to note that after the distribution of dividends by the CFC, the unused foreign tax credit for the tax paid cannot be carried forward to subsequent tax years.

The CFC regime is not applicable if the nonresident company is resident in an EU member state or in an EEA member state with which an agreement for administrative cooperation in tax matters equivalent to that established for the EU has been concluded and if there are valid economic reasons supporting the incorporation and the operation of the company, providing the company carries out its business based on employees, equipment, assets, and premises.

Hybrids: The provisions of the EU anti-tax avoidance directive (ATAD II) addressing hybrid mismatches have been implemented into Portuguese legislation. In general, expenses are not tax deductible in situations qualifying as hybrid mismatches for the purposes of the rules. Among other things, these mismatches include situations involving “double deduction” or “deduction without inclusion” outcomes, reverse hybrid mismatches, and tax residence mismatches.

Economic substance requirements: No specific provisions have been introduced.

Disclosure requirements: Under the provisions of the EU “DAC 6” directive, as transposed into Portuguese legislation, taxpayers or their agents must disclose to the Portuguese tax authorities certain corporate restructurings or transactions in which they are involved that may lead to substantial tax benefits, when they include certain specific “hallmarks.” Portuguese legislation goes beyond the provisions of the directive in requiring that certain purely domestic situations also be reported.

Resident entities that are included in multinational groups are required to file a declaration disclosing certain financial and tax information, on a country-by-country basis.

Commercial entities must register their ultimate beneficial owners, or those with effective control (i.e., “RCBE registration”).

Exit tax: An exit tax will be levied when an entity that is resident for tax purposes in Portugal (or a Portuguese permanent establishment of a nonresident entity) is redomiciled to another jurisdiction. The tax is due on the value corresponding to the difference between the fair market value and the book or nominal value of the company’s assets and liabilities. The tax due may be paid immediately in full or, under certain circumstances, in separate installments.

There is no general exit tax applicable to individuals. However, when an individual moves from Portugal and becomes a nonresident for tax purposes, any capital gains that were not taxed from transactions realized while the individual was a Portuguese tax resident will be subject to taxation.

General anti-avoidance rule: Under the general anti-abuse clause, the tax authorities may disregard an arrangement or a series of arrangements that, having been put into place for the main purpose or one of the main purposes of obtaining a tax advantage that defeats the object or purpose of the applicable tax law, are concluded with the abuse of legal forms

and are not genuine having regard to all relevant facts and circumstances. The Portuguese tax legislation also prescribes specific anti-avoidance rules addressing certain types of operations (e.g., corporate reorganizations).

Other: Payments to entities located in listed tax havens are, in principle, not deductible. An entity located in a listed tax haven also will not benefit from the exemption on gains from the disposal of shares or other securities otherwise available to nonresidents.

Value added tax

| Rates | |
|----------------------|---|
| Standard rate | 23% in mainland Portugal, 22% in Madeira, and 18% in the Azores |
| Reduced rate | 6% and 13% in mainland Portugal, 5% and 12% in Madeira, 4% and 9% in the Azores |

Taxable transactions: VAT is generally levied on the supply of goods and services, and on imports.

Rates: For the mainland, a standard rate of 23%, an intermediate rate of 13%, and a reduced rate of 6% apply. The rates are 22%, 12%, and 5% in Madeira, and 18%, 9%, and 4% in the Azores.

Registration: A reverse-charge mechanism may apply to local supplies made by entities that are not established in Portugal to other VAT-taxable entities (“B2B supplies”), avoiding the registration obligation for the supplier. However, non-established suppliers generally are required to register for VAT in Portugal on the transfer of their own stocks of goods to Portugal for the purposes of their own undertakings, or if they sell goods or supply services to private customers. If an entity is registered in Portugal for VAT purposes but does not have a permanent establishment and a VAT representative in Portugal (possible for EU-established entities), the reverse-charge mechanism still will apply to local B2B supplies.

Filing and payment: Monthly returns must be filed when annual turnover exceeds EUR 650,000 (otherwise, returns are filed quarterly). Monthly VAT returns must be filed by the 10th day of the second month following the end of the relevant month. Payment is due by the 15th day of the second month following the end of the relevant month.

Quarterly returns must be filed by the 15th day of the second month following the end of the relevant quarter. Payment is due by the 20th day of the second month following the end of the relevant quarter.

Other: As a rule, among other limitations, the Portuguese VAT Code does not allow the refund of VAT included in food and beverages, accommodation, and business trips.

Taxpayers that carry out operations that are subject to Portugal’s VAT invoicing rules (including, but not limited to, operations where local VAT needs to be charged) must use an invoicing software certified by the Portuguese tax authorities if their annual turnover is higher than EUR 50,000. This obligation also will be applicable to non-established taxpayers as from 1 July 2021.

Other taxes on corporations and individuals

Unless otherwise stated, the taxes in this section apply to both companies and individuals and are imposed at the national level.

Social security: An employer is required to contribute 23.75% of the uncapped monthly gross salary of its employees, including board members; the employee contributes 11%. The employer’s contribution is deductible for corporate tax purposes.

Payroll tax: There is no payroll tax in Portugal.

Capital duty: There is no capital duty.

Real property tax: A real property tax is levied annually by municipalities. The rates range from 0.3% to 0.8% of the taxable value of the property and the tax is deductible for corporate tax purposes. A rate of 7.5% applies if the owner of the real property is located in a listed tax haven or if the owner is dominated or controlled, directly or indirectly, by an entity that is domiciled or tax resident in a listed tax haven.

Entities or individuals owning residential real estate or “building land” are subject to an additional annual real property tax (AIMI), the tax base of which is the sum of the fiscal value of all eligible urban property owned by each taxpayer.

For individuals and undivided inheritances, the AIMI is levied at a 0.7% rate. In the case of individuals, there is also a marginal rate of 1% that applies to a tax base exceeding EUR 1 million and up to EUR 2 million (or twice that amount in the case of married taxpayers or taxpayers living together), and a marginal rate of 1.5% that applies to a tax base that exceeds EUR 2 million (or twice that amount for married taxpayers or taxpayers living together).

For corporate taxpayers, the AIMI rate is 0.4%, regardless of the amount of the AIMI tax base (in a case where residential property is used by the shareholders or board members, progressive rates apply up to 1.5%). For entities domiciled or tax resident in listed tax havens, the AIMI rate is 7.5%.

Transfer tax: Real estate transfer tax is levied by municipalities at a maximum rate of 7.5% on the transfer of residential property, 5% on the transfer of rural property, 6.5% on the transfer of other urban property, and 10% if the purchaser is located in a listed tax haven or if the owner is dominated or controlled, directly or indirectly, by an entity that is domiciled or tax resident in a listed tax haven. An additional 0.8% stamp duty also applies.

Real estate transfer tax also is due on the acquisition of shares in specific companies (e.g., an SA or an Lda) under the following circumstances:

- More than 50% of the value of the assets of the company whose shares are transferred is derived, directly or indirectly, from real estate assets located in Portugal, considering the higher of the tax value of such assets or their book value;
- The real estate assets are not allocated to an agricultural, industrial, or commercial activity, or are allocated to a real estate trading activity; and
- Any of the shareholders becomes the owner of 75% or more of the company’s share capital as a result of the transaction.

Stamp duty: Subject to exemptions, stamp duty is levied on various types of agreements, deeds, and documents, as well as certain transactions not subject to VAT, such as the acquisition of real estate, leases and subleases, loans, guarantees and other financial transactions, insurance premiums, and certain bets.

Net wealth/net worth tax: There is no net wealth or net worth tax.

Inheritance/estate tax: For gifts and inheritances, stamp duty is imposed at 10% (unless the heir is the spouse, descendant, or ancestor of the donor/deceased, in which case an exemption applies).

Other: Special taxation rules apply to entities engaged in certain activities, including oil exploration, prospecting, and production (which are subject to a number of specific oil-related levies), and to those operating in the gaming industry.

Companies operating in certain sectors are subject to special contributions: the extraordinary contribution on the energy sector, the bank sector contribution, or the pharmaceutical industry extraordinary contribution.

Various other taxes apply, including on carbon emissions, tobacco, alcohol and alcoholic beverages, added-sugar drinks, high-salt content foods, and plastic bags. There are tax incentives for the acquisition of electric and hybrid cars.

Tax treaties: Portugal has 80 tax treaties, of which 78 are in force and two have been signed and are awaiting entry into force. The OECD multilateral instrument (MLI) entered into force for Portugal on 1 June 2020. For further information on Portugal's tax treaty network, visit [Deloitte International Tax Source](#).

Tax authorities: Tax and Customs Authority (*Autoridade Tributária e Aduaneira*)

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