



TECHNICAL GUIDES

LOCAL LODGING LEGAL REGIME

**DIRECTORATE OF TOURISM SUPPLY
DEVELOPMENT**



**TURISMO DE
PORTUGAL**



Content

1. Introduction
2. Concept
3. Types of Local Lodging Establishments
4. Capacity of Local Lodging Establishments
5. Requirements of Local Lodging Establishments
6. Hostel
7. Registration of Local Lodging Establishments
8. Inspections
9. Commercial Establishments and Establishments that Provide Services
10. Identification and Advertising
11. Identification Sign
12. Operating Schedule
13. Complaints Book
14. Changing Information and Terminating the Activity
15. Supervision
16. Existing Local Lodging Establishments
17. Information
18. Autonomous Regions
19. Applicable Legislation
20. Application over Time
21. Accommodation Bulletins – Foreigners and Borders Service

1. Introduction

The local lodging framework was created by [Decree-Law no. 39/2008 of 7 March](#), to regulate the supply of temporary accommodation services at establishments that do not meet the legal requirements to qualify as tourism enterprises.

This reality was regulated via [Order in Council no. 517/2008, of 25 June](#), subsequently amended via [Order in Council no. 138/2012 of 14 May](#), which established the minimum requirements to be met by local lodging establishments, along with the procedure for registering these establishments at municipal councils.

The supply and demand market dynamic led to the appearance and proliferation of a series of new accommodation realities, which although formally comparable to those provided for in previous legislation, because of their importance to tourism, have proven that they are not a passing trend and have clear relevance in terms of taxation, and therefore require an updating of the rules applicable to local lodging.

As such, [Decree-Law no. 128/2014 of 29 August](#) in force since 27 November 2014, which is based on recognition of the tourism relevance of local lodging, for the first time gave special and individual treatment to local lodging in a piece of national legislation.

The need to improve the legal regime of hostels led to the first amendment to Decree-Law no. 128/2014 of 29 August, via [Decree-Law no. 63/2015 of 23 April](#), which simultaneously clarified certain aspects of the legal regime for operating local lodging establishments.

As such, the legal regime of the Local Lodging Establishments is currently laid out in Decree-Law no. 128/2014 of 29 August, amended via Decree-Law no. 63/2015 of 23 April. The latter piece of legislation came into force on 22 June 2015.

Decree-Law no. 128/2014 of 29 August was adapted to the Autonomous Region of Madeira via [Regional Legislative Decree no. 13/2015/M of 22 December](#).



2. Concept

2.1 Local Lodging establishments are those that supply temporary accommodation services to tourists in exchange for remuneration and which meet the requirements stipulated in [Decree-Law no. 128/2014 of 29 August](#), amended via [Decree-Law no. 63/2015 of 23 April](#). It is prohibited for those establishments that meet the requirements to be considered tourism enterprises to operate as local lodging establishments.

In fact, tourism enterprises are also establishments where accommodation services are provided in exchange for remuneration; however, to obtain the respective classification, they must have a suitable set of structures, facilities and supplementary services that are listed in the applicable legal regime: [Decree-Law no. 39/2008 of 7 March](#), amended via [Decree-Law no. 228/2009 of 14 September](#), [Decree-Law no. 15/2014 of 23 January](#), [Decree-Law no. 186/2015 of 3 September](#), which it re-published, and [Decree-Law no. 128/2014 of 29 August](#), and respective regulations.

As such, in order to determine whether we are dealing with a local lodging establishment we must first make sure it does not comply with the requirements that would permit it to be classified as tourism enterprises, particularly those standards that relate to general installations conditions, requirements for each type and minimum obligatory requirements related to the specific installations conditions for each type.

+ info: [Tourism enterprises](#) | [Turismo de Portugal](#).

2.2 Operation of a local lodging establishment involves an individual or legal person operating a business activity that offers accommodation services.

2.3 It is presumed that a local lodging establishment is being operated and brokered when a real estate property or unit thereof meets the following characteristics:

a) It is advertised, made available, or it is the object of brokerage in any way, by any entity or means, namely travel and tourism agencies or websites, as accommodation for tourists or temporary accommodation; or

b) It is furnished and equipped and offers the general public additional services beyond sleeping and lodging, namely cleaning or reception services for periods of less than 30 days.

2.3.1 The presumption referred to in the previous point can be refuted when there is an urban rental agreement duly registered at the taxation office.

2.4 Operation of a local lodging establishment requires that such an establishment be registered by mere prior communication made at the Electronic One-Stop Shop.

It is forbidden to offer, make available, advertise and broker local lodging establishments that are not registered or that have outdated registrations.



3. Types of Local Lodging Establishments

Local lodging establishments fit into the following categories:

- a) **Villa**: a local lodging establishment whose accommodation unit consists of an *independent building* to be used by a *single family*.
- b) **Apartment**: a local lodging establishment whose accommodation unit consists of an *independent unit of a building or part of an urban building subject to independent use*.
- c) **Guest house**: is a local lodging establishment whose accommodation units consist of *rooms*. They can use the name “hostel” when the main accommodation unit is a *dormitory*, i.e. a room consisting of a minimum number of four beds or bunk beds and if they comply with the other requirements provided for under applicable legislation.

If the promoter wishes to use the rooms of a villa or apartment as accommodation units and not the actual villa or apartment as the only accommodation unit, the type of establishment indicated in the registration shall be that of guest house.



4. Capacity of the Local Lodging Establishments

4.1 The maximum capacity of local lodging establishments is **nine** rooms and **30 users**, with the exception of hostels, which do not have a maximum capacity.

4.2 Each proprietor or titleholder of the local lodging operation shall only be allowed to operate more than nine local lodging establishments in the “apartment” category per building if the number of these establishments is not more than 75% of the number of units existing in the building.

4.3 When making the calculation referred to in the previous number, local lodging establishments classified under the “apartment” category registered under the name of the spouse, descendants and ascendants of the proprietor or titleholder of the operation and those registered under the name of different legal persons that have common partners shall be included.

Requirements related to the capacity of the local lodging establishments shall not apply to those that were already registered at the date when Decree-Law no. 128/2014 of 29 August came into force (legal regime for operating local lodging establishments), along with those that were classified as tourism enterprises, rural tourism enterprises and nature homes, and cannot maintain or obtain the classification of tourism enterprises in accordance with Decree-Law no. 39/2008 of 7 March, in accordance with the wording in effect (legal regime for the installation, operation and functioning of tourism enterprises).



5. Requirements of Local Lodging Establishments

5.1 General Requirements

5.1.1 Local lodging establishments shall comply with the following requirements:

- a) Have the proper conditions for conserving and operating the facilities and equipment;
- b) Must be connected to the public water supply grid or equipped with a private water supply system with duly controlled origin;
- c) Must be connected to the public sewage grid or equipped with septic tanks in a size appropriate for the maximum capacity of the establishment;
- d) Must be equipped with hot and cold running water.

5.1.2 The **accommodation units** of the local lodging establishments must:

- a) Have a window or balcony with direct access to the outside, ensuring suitable conditions for ventilation and air;
- b) Be equipped with adequate furniture, equipment and utensils;
- c) Be equipped with a system that keeps light from the outside from getting in;
- d) Be equipped with doors that have a security system that ensures the privacy of users.

5.1.3 The **sanitary installations** of the local lodging establishments shall have a security system that guarantees privacy.

5.1.4 Local lodging establishments shall always meet hygiene and cleanliness conditions.

5.2 Safety requirements

5.2.1 Local lodging establishments shall comply with fire safety regulations in accordance with [Decree-Law no. 220/2008 of 12 November](#), and technical regulations stipulated in [Order in Council 1532/2008 of 29 December](#).

5.2.2 The provisions of the previous number shall not apply to local lodging establishments with a capacity equal to or less than 10 users, which must be equipped with the following:

- a) Extinguisher and fire blanket accessible to users;
- b) First aid equipment accessible to users;
- c) Indication of the national emergency number (112) in a location that is visible to users.

Indications of the National Civil Protection Authority (ANPC), the entity responsible for ensuring compliance with the fire safety regime for buildings (SCIE):

- *The extinguisher product to be used depends on the “type of fire”; ABC Dry Powder (6kg) or Water Additive (5 Kg) may be good choices;*
- *The size of the blanket must be in accordance with the burning device that it will be used on.*
- *ANPC also recommends prevention measures and safety instructions be posted for these accommodation units.*



6. Hostel

6.1 Characteristics

Hostel is the name used by guest houses whose accommodation unit is mainly a dormitory.

“Mainly” refers to a situation when the number of users in the dormitory is greater than the number of users of a room.

Dormitories shall consist of a minimum of four beds and the number of beds can be less than four if they are bunk beds.

6.2 Other hostel requirements

6.2.1 The dormitories shall have direct ventilation and lighting from the outside through a window.

6.2.2 Dormitories shall have an individual compartment per user with a closing system and minimum interior dimensions of 55 cm x 40 cm x 20 cm, i.e. a compartment where the user can keep his or her belongings.

6.2.3 The hostel shall have common social areas, kitchen and eating area, freely accessible to the guests.

6.2.4 The sanitary installations may be common to various rooms and dormitories and may be mixed or separated by gender.

6.2.5 Local lodging establishments registered at the date the new legal regime for operating local lodging establishments came into force that use the name “hostel” shall have five years to comply with the new requirements as of the date the new regime came into force.



7. Registration of Local Lodging Establishments

7.1 Registration of local lodging establishments shall be made via ***mere prior communication***, an obligatory and necessary condition for operating local lodging establishments.

Mere prior communication shall be addressed to the President of the Municipal Council with territorial jurisdiction over the location and shall be made exclusively via the Point of Single Contact, as stipulated in article 6 of [Decree-Law no. 92/2010 of 26 July](#), each request receiving a registration number for the local lodging establishment.

The Point of Single Contact can be accessed via the website of Turismo de Portugal, I.P., the respective municipal council's websites, and via "Portal da Empresa."

+ **info:** [Portal da Empresa](#) | [Portal do Turismo de Portugal](#)

The mere prior communication to the Point of Single Contact can be made by a third party, provided he or she has been mandated by the owner of the operation for such purposes, namely with powers to sign in his or her name the statements that have been made, along with the liability agreement.

A copy of the letter of attorney granting such powers to the declarant shall be submitted to the Point of Single Contact or the consultation code shall be indicated in the case of an on-line letter of attorney.

7.2 Mere prior communication must obligatorily include the following information:

a) Usage authorization or valid usage title for the building;

When dealing with a building constructed before Decree-Law no. 38:382/1951 of 7 August (Urban Edifications General Regulations) that does not have a valid usage title, such shall be indicated at the Point of Single Contact and the relevant Municipal Council may later verify said situation.

As for the type of usage stipulated for the building or unit, the relevant Municipal Council shall verify on a case by case basis whether the respective usage authorization or usage title allow for the supply of accommodation services, taking into account the general permitted usages and all existing safeguards.

As regards tourism enterprises converted into local lodging establishments, Decree-Law no. 39/2008 of 7 March stipulates that the existing respective opening titles at the date of its coming into force remain valid and must be replaced by a habitation usage authorization permit, after expansion, reconstruction or alteration works, or at any other time, at the request of the interested party.

b) Identification of the titleholder of the establishment's operation, with mention of the name or corporate name and tax number;

The titleholder of the establishment's operation is the individual or legal person responsible for exercising the activity of supplying temporary accommodation services, ensuring the quality of the building or independent unit for that purpose, promoting respect for legal and regulatory norms applicable to the activity and thereby being responsible for the damages caused to the recipients of the services or to third parties as a result of providing accommodation services without respecting these rules. He or she shall also be responsible for declaring to the Taxation and Customs Authority the start of the activity that provides accommodation services.



The titleholder of the operation does not necessarily have to be the proprietor of the building if the proprietor allows another person to supply accommodation services in the building via a rental agreement or other type of contract and in such cases the respective contract shall be sent to the Point of Single Contact.

c) **Address of the titleholder of the establishment's operation;**

d) **Name adopted by the establishment and its address;**

e) **Capacity** (rooms, beds and users) of the establishment;

In order to standardize information, beds (fixed or convertible) and users of the local lodging establishments, namely in the hostels with bunk beds, shall be counted in the following manner:

1 single bed = 1 bed = 1 user

1 double bed = 1 bed = 2 users

1 single bunk bed = 2 beds = 2 users

1 double bunk bed = 2 beds = 4 users

f) **Intended date of opening to the public;**

g) **Name, address and telephone number of the person to contact in case of emergency.**

7.3 Mere prior communication shall be accompanied by the following documents:

a) Simple copy of the **identification document** of the titleholder of the operation if he or she is an individual person, or indicate the access code to the permanent certificate of the commercial registration, in the case of a legal person;

b) **Liability agreement** signed by the titleholder of the establishment, guaranteeing the quality of the building or its independent unit in supplying accommodation services, attesting to the fact that it respects applicable legal and regulatory norms;

c) Simple copy of the **urban legal description** for the building in question if the requesting party is the proprietor of the building;

d) Simple copy of the **rental agreement** or any **other title** that legitimizes the titleholder of the operation to perform the activity and if the rental agreement or other document does not stipulate prior authorization to supply accommodation or subletting services, a simple copy of the document containing such an authorization;

e) Simple copy of **declaration of initiation or alteration of the activity** of the titleholder of the establishment's operation for exercising the activity of providing accommodation services corresponding to section I, subclasses 55201 or 33204 of the Portuguese Classification of Economic Activities, Revision 3, approved via [Decree-Law no. 381/2007 of 14 November](#), submitted to the Taxation and Customs Authority (TA).

7.4 Mere prior communication, as in the case of **changes** made to update initially communicated data and the registration of termination of operations for local lodging establishments, **shall be exempt from any fees**.



7.5 The document issued by the Point of Single Contact of the services containing the registration number of the local lodging establishment shall be the only valid title for opening to the public.

7.6 When it is not possible to undertake the procedures in accordance with the aforementioned terms because the electronic platforms are unavailable, communications may take place using other digital platforms or paper, and a temporary number shall be issued by the municipal council with relevant jurisdiction.

Once unavailability ceases, the municipal council shall enter the data into the Point of Single Contact within a period of five days and attribute a permanent registration number.

If mere prior communication is made at municipal council in paper format, a copy of the liability agreement signed by the titleholder of the operation shall be entered into the Point of Single Contact and the original copy shall be kept on file at the relevant municipal council.



8. Inspections

8.1 The **municipal council** with territorial jurisdiction shall be responsible for undertaking an inspection to verify compliance with all requirements, including those referred to above, notwithstanding all other inspection powers it is legally entitled to perform.

If there is any discrepancy in relation to the information or document included in the mere prior communication, the President of the Municipal Council with territorial jurisdiction may cancel the registration, which will lead to immediate termination of the establishment's operation, notwithstanding the right to a prior hearing of the operating entity.

8.2 Local lodging establishments may also be inspected by the **Food and Economic Safety Authority (ASAE)**, within the scope of inspection actions that the entity wishes to undertake in order to verify compliance with Decree-Law no. 128/21014 of 29 August or by **Turismo de Portugal I.P.**, at the request of ASAE or the relevant municipal councils in situations where these entities have ascertained that the local lodging establishment meets the conditions to be considered tourism enterprises, or upon initiative of **Turismo de Portugal I.P.** when the same operating entity registers more than nine local lodging establishments in the apartment category in the same building.

When Turismo de Portugal I.P. verifies that the local lodging establishment meets the requirements to be considered tourism enterprises it shall set a period of no less than 30 days so that the establishment can begin the process of authorizing usage for tourism purposes.



9. Commercial Establishments and Establishments that Provide Services

Guest houses may house commercial establishments and establishments that provide services, including restaurant and beverage establishments, notwithstanding compliance with the specific requirements stipulated in all other legislation applicable to such establishments.



10. Identification and Advertising

10.1 The establishments mentioned above shall identify themselves as “local lodging establishments” and under no circumstances may they use the term “tourism enterprises” or a name referring to any type of tourism enterprises, or any type of classification system.

As such, they cannot advertise using any element that can cause confusion with regard to the legal classification system used for tourism enterprises with regard to the respective type, group and category, namely that which is stipulated in [Order in Council no. 327/2008, of 28 April](#).

However, local lodging establishments may use qualifications or descriptions for commercial purposes or for the purpose of public awareness, namely those attributed by private entities.

+ info: [Technical Guideline no. 1/DVO/2014 – Local Lodging: advertising](#).

10.2 Advertising, commercial documentation and merchandising of local lodging establishments shall indicate the respective name or logo and registration number, and cannot suggest any characteristics that the establishments do not possess, nor suggest that they are part of any of the types of tourism enterprises stipulated in applicable legislation.

10.3 Only guest houses with the requirements stipulated in Decree-Law no. 128/2014 of 29 August can use the word “hostel” in their name.



11. Identification Sign

11.1 Guest houses (including hostels) must have an **identification sign** placed on their exterior near the main entrance, in accordance with the following format:

Transparent acrylic crystal material, extruded and polished, 10 mm thick, complying with the following characteristics:

- a) Size: 200 mm x 200 mm;
- b) Font: Arial 200, dark blue (pantone 280);
- c) Application with a distance of 50 mm from the wall using stainless steel screws in each corner, measuring 8 mm in diameter and 60 mm in length.

Identification Sign Format

A L

(Alojamento local)

11.2 As long as it complies with the characteristics provided for by law, the sign can be acquired from any supplier company.



12. Operating Schedule

12.1 Notwithstanding legal or contractual provisions, local lodging establishments are free to establish their operating schedules.

12.2 Guest houses shall advertise their operating schedules when not open every day of the year.



13. Complaints Book

All local lodging establishments shall have a complaints book in accordance with the terms and conditions established in [Decree-Law no. 156/2005 of 15 September](#), amended via [Decree-Law no. 371/2007 of 6 November](#), [Decree-Law no. 118/2009 of 19 May](#), [Decree-Law no. 317/2009 of 30 de October](#) and [Decree-Law no. 242/2012 of 7 November](#).

13.1 Under this legal regime, the titleholder of the establishment's operation shall be obliged to:

- Have the complaints book at the local lodging establishment;
- Immediately provide users with the complaints book whenever they ask for it.

The titleholder of the operation can under no circumstance justify the absence of the complaints book at the establishment where a user has requested by citing the fact that it is available at other establishments or locations;

He or she may also not require users to identify themselves as a condition for obtaining the complaints book;

- Post at his or her establishment, at a well visible location and with letters easily legible by the user, a sign with the following information: "This establishment has a complaints book," along with identification and address of the entity where users can file a complaint (ASAE).
- Maintain for a minimum period of three years, an organized archive of all the complaints books that he or she has closed;
- Supply all information in order to properly fill out the fields in the complaints book that pertain to his or her identification and confirm whether users have filled them in correctly;
- After filling in the complaints sheet, detach the original from the complaints book and send it to ASAE within a period of 10 business days;
- Give the duplicate of the complaint to the user, keeping the triplicate that is an integral part of the complaints book, from which it cannot be removed.

13.2 Closure, loss or theft of the complaints book shall oblige the supplier of goods or services to acquire a new book and communicate this fact to ASAE.

During the time that the book is not available, the titleholder must inform users which entity they should contact to make a complaint.

14. Changing Information and Terminating the Activity

14.1 The titleholder shall be obliged to maintain all communicated data updated and shall make this update at the Point of Single Contact within a maximum period of 10 days after the change has occurred.

14.2 Termination of operation of the local lodging establishment shall be communicated to the Point of Single Contact within a maximum period of 60 days after it occurs.



15. Supervision

15.1 Supervision of compliance with the local lodging legal regime shall be the responsibility of ASAE.

See the [Supervision Technical File – Local Lodging from ASAE](#) [PDF | 320 KB] which is also available at the [ASAE website](#).

ASAE has made the following clarifications regarding the technical files:

The Supervision Technical Files constitute documented procedures aimed at standardizing the criteria applied during the official controls. They are dynamic and do not cover all specific legislation applied to each sector of activity and they are used as a working document by ASAE employees, which have sufficient training to make an overall assessment of the control undertaken. [. . .] We also point out that these Technical Files may mention requirements that, although not obligatory, allow for a broad characterization of the visited establishment.

The Taxation and Customs Authority (TA) is responsible for inspecting compliance with the tax obligations ensuing from the activity in question, in accordance with applicable legislation, and failure to comply with these obligations shall constitute a taxation infraction.

15.2 ASAE may **temporarily interdict** operation of the local lodging establishments, in whole or in part, when the establishment meets the requirements for being considered a tourism enterprise and has failed to begin the process of authorizing usage for tourism purposes within the time period established by Turismo de Portugal, I.P., or when the lack of compliance with applicable legal provisions brings into question the safety of users or public health, notwithstanding the powers attributed by law to other entities.

15.3 Within the scope of the actions of ASAE, the following **administrative offences** shall be punishable with fines and additional sanctions can be applied, depending on the severity of the fault of the committer of the infraction:

- Client recruitment, offering, making available, advertising and brokering local lodging establishments that have not been registered or that have out of date registrations;
- Offering, making available, advertising and brokering local lodging establishments in disrespect of or in breach of the rental agreement or operation authorization;
- Failure to comply with the obligation to maintain the data communicated in the mere prior communication updated within a period of 10 days after a change has been made;
- Failure to communicate the termination of operation of the local lodging establishment within a period of 60 days after said termination;

- Disrespect of the maximum capacity rules of the local lodging establishments, namely nine rooms and 30 users, and operation of more than nine apartments per building when these account for more than 75% of the total number of units existing in the same building.

*These infractions shall be punishable with fines that may range between **€2,500 and €3,740.98** in the case of individual persons and between **€25,000 and €35,000** in the case of legal persons.*

- Failure to comply with the [general requirements, safety requirements](#), or requirements related to [hostels](#);
- Violation of the rules of [identification and advertising](#).

*These infractions shall be punishable with fines that may range between **€125 and €3,250**, in the case of individual persons and between **€1,250 and €32,500,000**, in the case of legal persons.*

- Failure to post an [identification sign](#) outside a guest house.
- Failure to post the operating schedule of guest houses (including hostels) when the establishment is not open every day of the year.
- Failure to submit to the relevant municipal council by 27 December 2014 (30 days after the coming into force of Decree-Law no. 128/2014 of 29 August) by the persons responsible for operating the local lodging establishments that have already been registered, a copy of the statement of the start or change in the activity of the titleholder of the establishment's operation for supplying accommodation services that was already submitted to the Taxation and Customs Authority (TA).

*These infractions shall be punishable with fines that range between **€50 and €750**, in the case of individual persons and between **€250 and €7,500**, in the case of legal persons.*

In addition to the aforementioned fines, ASAE may apply **accessorial sanctions** for:

- Apprehension of the material through which the infraction was committed;
- Suspension, for a period of up to two years from exercising the activity directly related to the infraction committed;
- Closure for a maximum period of two years of the establishment or the facilities where the accommodation, client recruitment or local lodging establishments brokerage services are being practiced.

15.4 The infractions committed against the legal framework of the complaints book shall also be supervised by ASAE and they constitute [administrative offences punishable with fines and accessorial sanctions in accordance with applicable legislation](#).

16. Existing Local Lodging Establishments

16.1 In the case of local lodging establishments registered when Decree-Law no. 128/2014 of 29 August came into force in accordance with the terms of Order in Council no. 517/2008 of 25 June, amended via Order in Council no. 138/2012 of 14 May, the municipal councils with the relevant territorial jurisdiction shall be responsible for entering the necessary data at the Point of Single Contact and for making a new registration number available to the respective titleholders.

16.2 Until a new registration number is made available, the local lodging establishments mentioned in the previous number are not required to indicate the registration number in their advertising.

16.3 The titleholders of local lodging establishments registered when Decree-Law no. 128/2014 of 29 August came into force, if they have not done so already, must within 30 days of the date of coming into force of this legislation, submit a simple copy of the statement of initiation or change in activity of the titleholder of the establishment's operation for exercising the activity of providing accommodation services corresponding to section I, sub-classes 55201 (furnished accommodation for tourists) or 55204 (other short-term duration accommodation) of the Portuguese Classification of Economic Activities, Revision 3 – approved via Decree-Law no. 381/2007 of 14 November, submitted to the Taxation and Custom's Authority (AT) – to the municipal council with territorial jurisdiction, which will in turn submit it to Turismo de Portugal, I. P..

Failure to comply with this legal provision shall constitute an administrative offence supervised by ASAE, regardless of the possible taxation infraction stipulated in article 22 of Decree-Law no. 128/2014 of 29 August.

Keeping in mind the principle of the Administration's collaboration with the private sector, municipal councils may contact all local lodging establishments that had already been registered when Decree-Law no. 128/2014 of 29 August came into force in view of notifying them that they must comply with the obligation to submit a copy of this statement, thereby avoiding sanctions for lack of information.

+ info: [Technical Guideline no. 4/DVO/2014 – Local Lodging: transitory norm: article 33 no. 4.](#)



17. Information

Turismo de Portugal, I. P., offers information regarding local lodging establishments on its website.

+ info: [National Tourism Registry](#).



18. Autonomous Regions

The local lodging legal regime shall apply to the Autonomous Regions of the Azores and Madeira, notwithstanding the adaptations ensuing from the structure of the autonomous regional administration.

Decree-Law no. 128/2014 of 29 August was adapted to the Madeira Autonomous Region via [Regional Legislative Decree no. 13/2015/M of 22 December](#).

[Order in Council no. 83/2016 of 4 August](#), shall apply to the Autonomous Region of the Azores, which in addition to providing for its own registration procedure, establishes special requirements for local lodging establishments located in the Azores archipelago.



19. Applicable Legislation

The legislation applicable to the operation of local lodging establishments shall be [Decree-Law no. 128/2014 of 29 August](#), which came into force on 27 November of 2014, amended via [Decree-Law no. 63/2015 23 April](#), which shall come into force on 22 June.

[Order in Council no.517/2008 of 25 June](#), amended via [Order in Council no. 138/2012 of 14 May](#), and the provisions of [Decree-Law no. 39/2008 of 7 March](#) regarding local lodging have been repealed.



20. Application over Time

The regime provided for under Decree-Law no. 128/2014 of 29 August shall apply to the procedures underway, notwithstanding acts practiced before it came into force in accordance with requests for prior control submitted to the municipal councils for subsequent operation of a building in accordance with the local lodging regime.



21. Accommodation Bulletins – Immigration and Borders Service

According to the legal regime pertaining to the entry, permanence, departure and expulsion of foreigners from national territory, companies that operate hotel establishments, tourism apartments, tourism resorts, tourism complexes, rural tourism or residential tourism, along with **all those that provide accommodation to foreign citizens in exchange for a fee, shall be obliged to communicate this fact to the Immigration and Borders Service** within a period of three business days via an accommodation report.

Once said foreign citizen leaves the aforementioned lodging, this fact shall be communicated to the entity mentioned in the previous number within the same time period.

Accommodation Report

The accommodation report is a means of controlling foreign citizens on national territory.

An accommodation report shall be filled in for each foreign national, including nationals from other European Union Member States.

In order to simplify the sending of accommodation reports, local lodging establishments shall **register with** the [Immigration and Borders Service \(SEF\)](#) as users of the [Accommodation Reports Information System \(SIBA\)](#), in order to undertake the respective electronic communication under secure conditions.

Legislation applicable to accommodation reports

[Law no. 23/2007 of 4 July](#), which approves the legal regime for entry, permanence, departure and expulsion of foreigners from national territory, amended and re-published via [Law no. 29/2012 of 9 August](#).

[Order in Council no. 287/2007 of 16 March](#) – Stipulates that hotel and similar establishments should, for the purposes indicated in no. 1 of article 98 of [Decree-Law no. 244/98 of 8 August](#), register at the Foreigners And Borders Service as users of the accommodation reports information service (SIBA).

[Order in Council no. 415/2008 of 11 June](#) – Has approved the format of the accommodation report and the rules for secure electronic communication, pursuant to Law no. 23/2007 of 4 July, which approves the legal regime for entry, permanence, departure and expulsion of foreigners from national territory.



Directorate of Tourism Supply
Development
Turismo de Portugal, I.P.

March 2016