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Technological challenges, with particular attention being paid to the introduction of digital technology and artificial intelligence into the organisation of the administration and administrative justice

QUESTIONNAIRE

Responses from PORTUGAL_SUPREME ADMINISTRATIVE COURT (Please indicate your institution)

This questionnaire has been prepared in anticipation of the seminar to be held in Turin on 23 and 24 November 2026. In accordance with point 2 of the guiding principles adopted by the Hellenic Presidency of ACA-Europe, it aims to explore the current challenges facing administrative judges, particularly those related to technology, and more specifically the introduction of digitalisation and artificial intelligence into the organisation and functioning of the administration and administrative justice.

In order to gain an in-depth understanding of the various dimensions of these technological challenges, the survey is split into three parts:

Part A - The digitalisation of administrative proceedings, with a focus on the experience of various supreme administrative jurisdictions and the impact of this transformation on the organisation and conduct of judicial activity.

Part B - Automated administrative decision-making and judicial review by administrative courts, particularly issues of technical discretion, automation and the delimitation of judicial powers.

Part C - The role of the administrative judge and the use of artificial intelligence in the performance of judicial functions and in the decision-making process, particularly in light of Regulation (EU) 2024/1689, known as the 'AI Act', as well as other European Union standards and regulations, such as Regulation (EU) 2016/679, known as the 'GDPR', Regulation (EU) 2022/2065, known as the 'DSA', and Regulation (EU) 2022/1925, known as the 'DMA'.

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Part A

The digitalisation of administrative proceedings and the use of artificial intelligence tools by the administrative justice system

A.I – Infrastructure and technological organisation

A.I.1 – Digital equipment and resources

1. What is the level of digital equipment available to judges and administrative staff?

☐ Non-existent
☐ Limited
☐ Intermediate
☐ High
X Complete
Please explain if necessary:

Magistrates and court officials require computers (both desktop and laptop) with internet access and access to the justice system's digital platform for judicial proceedings documents, as well as certified digital signature cards.

2. Is the technological infrastructure (networks, servers, equipment, connectivity) suited to the day-to-day operational needs of the administrative jurisdictions?

☐ Strongly disagree
☐ Somewhat disagree
☐ Neither agree nor disagree
☐ Somewhat agree
X Strongly agree

Please explain if necessary:

The Justice Equipment Management Institute is responsible for the management and certification of all network communications, security and server infrastructure.

A.I.2 – Cloud solutions, remote access and interoperability

3. To what extent does your jurisdiction use cloud-based solutions for its information systems?

☐ Not at all
☐ To a limited extent
X Moderately
☐ Extensively
☐ Completely

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Please explain, where applicable, and, in the absence of cloud solutions, specify the alternative infrastructure solutions implemented:

3a. Do the adopted technical solutions enable judges and staff to perform their duties remotely using the institutional equipment made available to them? If so, please specify any limitations.

Yes. Judges and officials can carry out their work remotely via a secure, point-to-point VPN connection.
The network architecture uses hybrid cloud solutions that prioritise high availability and data resilience. Critical judicial platform systems (CITIUS and MAGISTRATUS) can be accessed remotely via VPN (Virtual Private Network) tunnels with robust encryption protocols and two-factor authentication mechanisms (user name and password or physical card authentication certificate). In terms of interoperability, the system is integrated via web services and APIs to ensure the integrity and non-repudiation of information.
The Justice Equipment Management Institute manages all traffic and connection security.

3b. Are the applications being used interoperable with other national or cross-border judicial IT systems? If so, please specify the extent of this interoperability.

The electronic system (CITIUS) is at the centre of considerable interoperability between Portuguese judicial systems.
The aim of this system is to dematerialise procedures by enabling the automatic exchange of data between courts, notaries, the GNR (National Republican Guard) and other public entities.
However, most of these interoperabilities are not relevant to administrative and tax jurisdictions.
CITIUS is now a common platform for all jurisdictions (judicial, administrative and tax courts, and the Public Prosecutor's Office), ensuring access to documents and digital processing of legal proceedings, including a notification system.
For administrative and tax jurisdictions, Magistratus is also available. This is a simpler working environment exclusively for judges, facilitating their work in the digital environment.
Prior to the launch of Magistratus, judges in the administrative and tax courts processed cases on an independent platform called SITAF.

A.II – Digitalisation and dematerialisation of judicial administrative proceedings

A.II.1 – Dematerialised administrative proceedings

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4. Is a dematerialised judicial administrative proceedings system in place within your jurisdiction?

☐ No
☐ Yes, at an initial stage
☐ Yes, at an intermediate stage
☐ Yes, at an advanced stage
X Yes, on a fully integrated basis
Please explain if necessary:

The aforementioned CITIUS computer system is the tool that ensures the dematerialisation of proceedings. This process happens in the courts of law and in the administrative and tax courts. This electronic case management system is central to dematerialisation, enabling paperless management throughout the entire case lifecycle. It ensures electronic case management by using parameterised *workflows* to guarantee the automation of all actions, including the electronic distribution of cases.

4a. When this system exists at least at an initial stage, do judges and staff process and sign documents exclusively in digital format in their everyday working practice?

☐ Never
☐ Rarely
☐ Occasionally
☐ Frequently
X Always

Please explain if necessary:

The procedural management application enables judgments, orders and judicial decisions to be signed electronically using a smartcard with an electronic certificate and PIN. As a general rule, all documents produced by judges, public prosecutors and court officials are digitally signed, except in exceptional circumstances where the document is urgent and there are technical constraints.

4b. Percentage of paper files prior to the implementation of dematerialised administrative proceedings that have been digitised:

☐ 0–20%

☐ 20–40%

☐ 40–65%

☐ 60–80%

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X 80–100%

A.II.2 – Digital services for members of the public, lawyers and public authorities

5. Are digital services available for filing documents, consulting files, notifications, payments or other related services? If so, please specify which ones.

Yes, digital services are widely available in Portugal's administrative and tax jurisdictions. i. electronic filing of procedural and other documents via the computerised system supporting court activities (CITIUS); ii. electronic consultation of cases by magistrates, solicitors and representatives; iii. electronic notifications via the procedural platform. iv. electronic payment of court fees and other procedural charges by ATM reference or other digital means. v. electronic certificates and requests in various areas (registers, insolvencies, enforcement, etc.). vi. access to digital services via the Justice Platform. The system is largely dematerialised and integrated into the day-to-day running of the courts.

6. Do these digital services guarantee an adequate level of accessibility for people with disabilities?

☐ 0–20%

☐ 20–40%

☐ 40–65%

☐ 60–80%

X 80 - 100%

7. Are lawyers involved in the design, development and implementation of digital platforms and tools intended for their use?
If so, please specify the terms of this involvement.

Yes, there is institutional involvement. This mainly occurs through the Bar Association, the representative body of the legal profession. The Bar Association is consulted on legislative changes and relevant technological modernisation projects, as well as public consultations and technical working groups promoted by the Ministry of Justice or the Justice Equipment Management Institute. The Bar Association also participates in pilot testing periods and the collection of feedback prior to the implementation of new features. However, the Ministry of Justice's services (namely the Justice Equipment Management Institute)

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essentially lead the technical development of the platforms, with lawyers' participation being predominantly advisory.

8. Are there any support and training measures in place for users outside the court system (lawyers, members of the public, government agencies) regarding the use of the digital tools available to them?
X YES
☐ NO

If so, please specify which ones

- Manuals, practical guides and FAQs are available on institutional websites.
- Helpdesks managed by the Justice Equipment Management Institute to answer technical questions about electronic platforms.
- Training sessions and information campaigns are promoted by the Bar Association, often in conjunction with the Ministry of Justice.
- Tutorials and technical documentation aimed at representatives of public entities using the systems.

Ongoing training on the use of digital platforms is often integrated into training activities promoted by the Bar Association for lawyers.

A.III – Security of information systems and data protection

A.III.1 – Compliance with the regulatory framework

9. Do your jurisdiction's information systems comply with European and national standards on security, data protection and digital preservation?

☐ Strongly disagree
☐ Agree only slightly
☐ Indifferent
☐ Somewhat agree
X Strongly agree

Please explain if necessary:

A.III.2 – Incident management and business continuity

10. Are IT security incidents dealt with promptly and effectively?
☐ Never
☐ Rarely
☐ Occasionally
x Frequently

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☐ Always

Currently, IT incidents are reported to and resolved by the Justice Equipment Management Institute. The time taken to resolve incidents can vary greatly, ranging from very quick to very slow. Usually, judges must submit a report via a ticket sent by email to the Institute. A request identification number is then generated and forwarded to a technician at the Institute. Sometimes, the response is quick (on the same or next day). In some cases, however, the request has to be repeated (i.e. the issue has to be raised again) for the problem to be effectively resolved.

11. Are business continuity and disaster recovery plans regularly updated and tested?

☐ Never
☐ Rarely
☐ Occasionally
x Frequently
☐ Always

A.III.3 – Publicity and dissemination of court decisions

12. Are court decisions available online in their entirety?

☐ Never
☐ Rarely (only for the most significant decisions)
☐ Occasionally
X Frequently
☐ Always

Please add any additional information and explain if necessary:

In Portugal, the DGSI (Legal-Documentary Bases) platform publishes judgments and rulings from higher courts, including the Supreme Administrative Court and the Central Administrative Courts. Judgments handed down first instance by administrative and tax courts are not available there. The Supreme Administrative Court also has its own case law database with a search engine integrated into its website. The DGSI serves as a case law database for public consultation and allows searches by descriptors and judgments. Access is public. The most relevant judicial decisions of the Supreme Administrative Court are also made available online on the court's website and social networks. As a rule,

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publication depends on legal relevance criteria, prior anonymisation of personal data, and appropriate technical processing. However, certain matters may be subject to legal restrictions on publicity, particularly for reasons relating to data protection, judicial secrecy, or the protection of minors.
Highlights from the case law of the courts published on https://www.dgsi.pt/are selected by judges and prosecutors appointed for this purpose by the presidents of the respective courts.
Please note that, while the law requires the Ministry of Justice to create a database of arbitration decisions in administrative and tax matters, only tax arbitration decisions are published.

13. Where a system for publishing decisions online is in place, is there an internal policy to ensure the protection of personal data and respect for the right to be forgotten?

☐ No
☐ No formalised policy; anonymisation is carried out by the registry services on a case-by-case basis
☐ No formalised policy; anonymisation is decided on a case-by-case basis on the instructions of judges
☐ Yes, personal data are systematically anonymised
X Yes, personal data are anonymised in accordance with an internal policy providing for targeted exceptions
☐ Other (please specify)

In Portugal, the publication of judicial decisions online is subject to anonymisation rules based on the General Data Protection Regulation (GDPR), national data protection legislation, and internal guidelines issued by the entities responsible for managing and disseminating case law.
As a general rule, personal data is anonymised before publication, with the identifying details of the parties, witnesses, and other procedural participants being removed or replaced. Whether identifying details are retained depends on the applicable legal framework and the nature of the case, and is subject to consideration between the principles of the publicity of judicial decisions and data protection requirements.
The Justice Equipment Management Institute/Ministry of Justice are currently piloting a project to anonymise Administrative and Tax Court decisions using machine learning and artificial intelligence tools.

A.IV – Training and digital skills

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14. Does your jurisdiction offer structured and regularly updated digital technology training courses for judges and staff?

If so, please specify which ones.

Yes, in Portuguese administrative and tax jurisdictions, magistrates and court officials receive structured and regular training in digital technologies. Judges are mainly trained by the Centre for Judicial Studies (the Portuguese School of Magistrates). Court officials and other staff are trained by the Directorate-General for Justice Administration, often in collaboration with the Justice Equipment Management Institute. Training courses are updated in line with technological, legislative and organisational changes, particularly when new versions or features of the computer system are introduced.

A.V – Involvement of judges in digital transformation

15. To what extent are judges involved in decision-making and design processes relating to technological innovation and digital transformation in the judiciary? If applicable, please provide details.

In Portugal, judges play a role in the digital transformation of the judicial system, primarily through institutional and advisory activities. Magistrates are not directly responsible for the technical development of solutions. In administrative and tax jurisdictions, their involvement primarily occurs through the Superior Council of Administrative and Tax Courts, their participation in working groups, technical committees, and pilot projects promoted by the Ministry of Justice or the Justice Equipment Management Institute, as well as their contributions during the testing and adaptation phases of digital platforms. One recent example of this is judges collaborating on the development of the "Magistratus" interface.

A.VI – Use of AI systems in administrative justice

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A.VI.1 – Tools and level of deployment

16. Are artificial intelligence systems currently used to assist in judicial or administrative activities?

16a. If so, which ones are used? (Please tick all that apply)

☐ Chatbots

☐ Semantic search tools

X Automated anonymisation of decisions

X Text analysis and assistance with legal research

X Tools to assist with organisation and court management

☐ Other (please specify)

In the fields of administrative and tax law, initiatives involving the use of artificial intelligence-based tools are currently being developed and implemented.
A pilot project for the automatic anonymisation of administrative and tax court decisions is underway. This project uses tools based on artificial intelligence with the aim of strengthening personal data protection and streamlining the publication of case law.
The Superior Council of Administrative and Tax Courts has begun implementing AssessorIA, a tool designed to support magistrates in analysing legal information and organising their work. It functions as a tool to support the research and systematisation of content without replacing judicial decisions.
These tools are instrumental and auxiliary in nature, neither interfering with the judge's autonomy in making decisions nor replacing the exercise of judicial functions.

16b. Overall level of internal deployment of AI systems:

☐ Occasional or isolated use
X Trial phase
☐ Development phase
☐ Widespread use
☐ Full integration

Please explain if necessary:

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The use of AI systems is currently still in its early stages, primarily through pilot projects such as the automatic decision anonymisation system, and the gradual implementation of AssessorIA by the Superior Council of Administrative and Tax Courts.

A.VII – Governance, regulation and ethical framework for AI

A.VII.1 – Internal guidelines and regulatory compliance

17. Has your jurisdiction adopted any internal guidelines, charters or policies governing the use of AI systems, in particular in application of Regulation (EU) 2024/1689 (the AI Act), the GDPR and other relevant European instruments?

X YES

☐ NO

If so, please specify which ones.

As the body responsible for the management and discipline of judges in the administrative and tax jurisdictions, the Superior Council of Administrative and Tax Courts has adopted the 'Ethical Charter for the Use of Artificial Intelligence in Administrative and Tax Courts'.
Inspired by the provisions of Article 95 of the AI Act for drafting codes of conduct, this charter defines a set of guidelines for the responsible and appropriate adoption of AI systems in these jurisdictions. These guidelines ensure greater prevention of the risks associated with the use of AI systems in the jurisdiction, which is justified by the fact that the AI Act classifies these systems as high risk.
Within the scope of the GDPR, the jurisdiction ensures that all personal data processing and storage systems fully comply with the legal requirements set out in the GDPR and the National Data Protection Law (Law No. 59/2019 of 8 August). There is also a privacy policy associated with data processing, and a *data protection officer* ensures full compliance with the law.
It is also important to highlight the internal policy and guidelines for anonymising STA judgements, which safeguard the complete confidentiality of the personal data of the parties involved in case law published online. This anonymisation policy also applies to the data of legal persons, and its scope is broader than that of the GDPR and the National Data Protection Law.

18. Are AI systems subject to prior risk assessments?
X YES

☐ NO

If so, please specify the terms of these assessments

Specialised teams are still developing the AssessorIA pilot project. They are responsible for all the preliminary assessments necessary to ensure the system's compliance with the requirements of the AI Act, as well as to prevent the risks traditionally associated with such systems, such as algorithmic bias,

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system hallucinations, and the opacity of reasoning and decision-making methods.
Similarly, the teams responsible for the pilot project for the automatic anonymisation of decisions by the Administrative and Tax Courts will carry out the necessary prior risk assessments to ensure full compliance with legal requirements for processing personal data. They will also identify and implement appropriate technical and organisational measures to safeguard data security, including protection against unauthorised or unlawful processing, as well as against accidental loss, destruction or damage.

19. Are there specific requirements in terms of transparency for the use of AI systems? If so, please provide details.

As mentioned, the system is still in its early stages and undergoing testing. This is why the transparency policy has not yet been finalised.

20. Is the use of AI systems accompanied by human oversight mechanisms?

X YES

☐ NO

If so, please provide details

Both AssessorIA and the system for anonymising administrative and tax court decisions support the work of magistrates and court officials. They are designed to identify and draft proposals for action, which must always be confirmed by the relevant human agent. Adopting these systems aims to promote greater efficiency and speed in performing specific functions, which will continue to be the responsibility of the relevant public servant. For example, AssessorIA will provide judges with advanced search mechanisms to ensure faster access to information on similar cases. However, the magistrate will still need to evaluate the results. Similarly, the anonymisation system will detect all personal data present in the decision, but the result will still need to be confirmed by the responsible human agent.

21. Are specific methodologies implemented during the design, development and deployment of AI systems to ensure their traceability, reliability, integrity and accuracy? If so, please provide details.

The Assessoria process is still in the testing phase, with the aim of verifying its reliability.

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A.VIII – Innovation, prospects and future needs

A.VIII.1 – Current innovation projects

22. Are there any innovation projects currently under way in the following areas? (please tick all that apply)

X Process automation
X System interoperability
X Modernisation of existing systems
☐ Advanced digital services for external users
X AI systems
☐ Other (please specify)

A.VIII.2 – Barriers to digital transformation

23 What do you consider to be the main barriers to the digital transformation of administrative justice? (please tick all that apply)

☐ Complexity of the regulatory framework
X Insufficient financial resources
X Lack of specialised human resources
☐ Organisational complexity
☐ Resistance to change and digital skills gap
X Cybersecurity risks and challenges
X Other (please specify)

Ageing human resources, which are therefore resistant to innovation.

A.VIII.3 – Investment priorities

24. What do you think should be the priority areas for investment over the next few years? (please tick all that apply)

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X Modernisation of infrastructure
X Cybersecurity
X Training and skills development
X Deployment of AI systems
☐ Interoperability at European level
☐ Complete digitalisation of administrative procedures
X Other (please specify)

Human resources are ageing and therefore resistant to innovation.

25. Please describe one or more good practices in digitalisation that have been implemented or are planned within your jurisdiction.

In recent years, the Public Administration has introduced measures to modernise and digitise its services. It has invested in infrastructure and staff training to create the conditions necessary for implementing reforms and good digital practices. As previously mentioned, in the administrative and tax jurisdiction, magistrates and judicial officials have access to ongoing training, as well as to the equipment and technology required for the digitisation and electronic processing of cases and the progressive digital management of their entire archive. These developments are ongoing, with new solutions being developed, system interoperability being expanded, and databases being progressively fed through the digitisation of the jurisdiction's oldest archives.

Part B
Automated administrative decisions and judicial review

B.I – Automated administrative decisions: substantive legality and procedure

1. Are there provisions in your legal system that authorise public administrations to use digital or algorithmic technologies in the exercise of their powers?

X YES

☐ NO

If so:

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1.a. According to these provisions, what are the authorised tools and the objectives pursued by their use?

In Portugal, several regulations allow and encourage the Public Administration to use digital and algorithmic technologies in the performance of its duties.
The Administrative Procedure Code (Decree-Law No. 4/2015) enshrines the principle of electronic administration (Article 14) and expressly permits administrative acts to be performed digitally, facilitating the dematerialisation of procedures by replacing face-to-face and paper-based processes with online, digital ones — provided citizens' fundamental rights, transparency, and procedural guarantees are upheld.
The legal framework for administrative digitisation and the interoperability of public information systems — notably the Simplex 2025 Programme and the Administrative Modernisation Measures (Decree-Law No. 135/99, updated version, and subsequent legislation) — requires public entities to use information and communication technologies to improve the efficiency, speed, and quality of the services they provide to citizens and businesses.
The main innovation of SIMPLEX 2025 is the integration of new technologies to streamline processes and ensure greater transparency when evaluating and implementing proposals.
Decree-Law No. 49/2024 of 8 August sets out the rules for the provision of digital services by the public administration. The aim is to create an omnichannel service system that provides users with a consistent and integrated service experience, regardless of the channel used to access public services. The omnichannel service model involves the implementation of the Single Digital Services Portal (gov.pt) as the centralised channel for public services. Both the Strategy for the Digital Transformation of the Public Administration (2021–2026), published in Council of Ministers Resolution No. 131/2021 of 10 September, and the National Artificial Intelligence Strategy ('AI Portugal 2030') recognise and promote the use of tools such as automated or semi-automated decision-making systems, data analysis algorithms for administrative management, process robotics, artificial intelligence for request screening, risk detection and decision support, and interoperable platforms and digital records.
These instruments primarily aim to increase the efficiency and speed of administrative procedures, reduce costs and bureaucratic burdens, improve the quality and accessibility of public services, enhance transparency and traceability in decision-making, ensure equal treatment and eliminate discrimination against citizens, and modernise public administration to align with European digital standards.
The National Digital Strategy Action Plan (2026–2027), approved by Council of Ministers Resolution No. 214/2025, outlines the plan for simplifying digital interaction between citizens, businesses, and the state in the future.

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Artificial intelligence may be used to support decision-making, but the human decision-maker always retains final responsibility for administrative acts, in accordance with the principles of legality, proportionality and the guarantee of individual rights.

1.b. What types of acts can be adopted using these technologies?
In particular, is the use of algorithms permitted for the adoption of administrative decisions involving discretionary powers?

In Portugal, digital and algorithmic technologies are primarily used for administrative acts of a binding nature, technical decision support and instrumental and procedural activities of the public administration.
These technologies are primarily used in electronic administrative procedures, such as the adoption of electronic documents, processes and signatures; information sharing, whereby central, regional and local public administration bodies share data to avoid citizens having to submit it multiple times; and digital services, such as the Citizen's Portal and the services integrated into digital.gov.pt, which are available 24 hours a day.
However, we also encounter algorithms being used in specific cases.
1. The Agency for Competitiveness and Innovation (IAPMEI) and the Agency for Investment and Foreign Trade of Portugal (AICEP), through which more than 85% of projects applying for Portugal 2020 incentive schemes pass, have invested in artificial intelligence (AI) to reduce bureaucracy and cut the time entrepreneurs have to wait to receive EU funds. The IA-SI (Artificial Intelligence in Incentive Management) project aims to improve the efficiency and reliability of objective and risk management during the application and analysis of payment requests from companies benefiting from Portugal 2020 incentive schemes by using machine learning techniques.
2. The Agency for Technological Reform of the State has adopted Copilot for Microsoft 365, an artificial intelligence assistant integrated into Microsoft 365 applications. It works based on language models (LLMs) and Microsoft Graph data (emails, documents and meetings) to automate tasks, write content, analyse data and create presentations.
3. The Innovation and Digital Transition Thematic Programme (COMPETE 2030) has commissioned a service to develop an AI tool to analyse applications for support under the 'RIS3 Networks and Institutional Capacity Building' scheme. This tool reads the information in the applications, analyses it, and produces a result indicating how well aligned the project is with the funding programme notice.

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2. Are there provisions in your legal system governing the design, deployment and use of artificial intelligence systems employed by public administrations?

X YES

☐ NO

If so,

2.a. what type of implementation measures are these? (for example, legislative or soft law):

In Portugal, the regulatory framework governing the use of AI in public administration comprises binding legislation (hard law) and soft law instruments, as well as public strategies.

At the legislative level, in addition to the directly applicable AI Act (Regulation (EU) 2024/1689), which constitutes the main binding legal framework for the development, acquisition and use of AI systems by public entities — including risk classifications, transparency obligations and governance requirements — the following national legal instruments are noteworthy:

- The Code of Administrative Procedure (CPA – Decree-Law No. 4/2015), which, despite not dealing specifically with AI, establishes principles that influence its use, such as legality, transparency, justification of administrative acts, good faith and impartiality.
- The Portuguese Charter of Human Rights in the Digital Age (Law No. 27/2021 of 17 May) stipulates that decisions with a significant impact on recipients that are made using algorithms must be communicated to interested parties, who can then appeal or audit them.
- Legislation on electronic administration and interoperability (including the Digital Administration regime and legislation associated with SIMPLEX and the digital transformation of the state), which requires public entities to use digital technologies to improve the efficiency, speed, and quality of services and creates a legal basis for the use of algorithmic tools.

In terms of **soft law and public policy**, Portugal has adopted the following:

- The National Artificial Intelligence Strategy, which promotes the responsible, ethical and safe use of AI in public administration and the private sector without creating direct legal obligations; instead, it guides public policy and investment.
- The Strategy for the Digital Transformation of Public Administration encourages the use of AI, data analysis and automation to modernise

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public services, reduce bureaucracy, and improve interaction with citizens and businesses.

- Various government plans and guides on data, interoperability and digital governance serve as practical guidelines (soft law) for public entities wishing to adopt AI systems.

2.b. Is there an obligation for public administrations to inform the public or individuals about the use of AI systems?

In Portugal, there is no general obligation set out in national legislation that requires public administrations to explicitly state at all stages of an administrative procedure or in a final decision that an artificial intelligence system has been used.
However, transparency and information obligations may imply the disclosure of the use of automated or algorithmic systems in certain contexts.

- Under the Administrative Procedure Code, administrative acts must be substantiated appropriately. When the decision is based, in whole or in part, on automated data processing or algorithmic systems relevant to the outcome, the requirement to provide reasons may imply that the administration must explain the criteria used in an intelligible manner — which may include reference to the use of automated tools.
- The Portuguese Charter of Human Rights in the Digital Age (Law No. 27/2021 of 17 May) stipulates that significant decisions affecting individuals, which are made using algorithms, must be communicated to those affected and be subject to appeal and audit.
- Under the General Data Protection Regulation, data subjects have the right not to be subject to any decision based solely on automated processing, including profiling, which produces legal effects concerning them or similarly significantly affects them. This creates a specific duty of transparency in certain cases.
- Under Regulation (EU) 2024/1689 (the AI Act), public administrations are required to adopt transparent practices. This means that AI systems must be developed and used in such a way as to allow adequate traceability and explainability. Users must be made aware that they are communicating or interacting with an AI system. Those responsible for implementing the system must be informed of its capabilities and limitations, and those affected must be informed of their rights (Article 50).
- In terms of soft law, the GuIA (Guide to Ethical, Transparent and Responsible Artificial Intelligence in Public Administration) establishes guidelines to ensure active and real-time transparency by providing information on how algorithms work and their impacts.

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2.c. Are any authorities or bodies responsible for developing general rules or standards for the use of artificial intelligence within public administrations?

Yes, although there is no single authority with exclusive competence over all artificial intelligence regulation in public administration in Portugal, several entities are responsible for defining rules, guidelines and standards for its use.

- The Agency for Technological Reform of the State plays a central role in the digital transformation of the state, including defining technical guidelines and best practices for using digital technologies and automated systems in public administration.
- - The National Data Protection Commission does not generally regulate AI, but issues decisions, opinions and guidelines when AI systems involve the processing of personal data, which is common in public administration.
- The National Communications Authority has been designated by the Portuguese government as the artificial intelligence regulator in Portugal, overseeing the internal application of the European artificial intelligence regulation.
- · The Council of Ministers approved the National Artificial Intelligence Agenda through Resolution No. 2/2026. This establishes the strategic framework and standards for the use of artificial intelligence in Portugal for the period 2026–2030, ensuring it is ethical, safe, and responsible. One of the pillars of this National Agenda is to ensure an effective and efficient regulatory regime that protects citizens and enables companies to innovate safely, transparently and ethically, in line with European standards.

3. What conditions must be met to ensure the legality of administrative procedures involving the use of artificial intelligence systems?

In particular:

3.a. Is the decision-making administration required to indicate the type of algorithmic system used and its principal characteristics?

3.b. At what stage of the procedure must the administration provide information about the use of an algorithmic system and its characteristics?

3.c. Does the interested party have the opportunity to comment on or challenge the use or operation of the AI system before the final decision is made?

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Currently, there are no general or specific rules in Portugal that require public administrations to indicate the use of a specific algorithmic system at a particular stage of the administrative procedure or in the final decision, nor to systematically disclose its technical characteristics. There is also no procedural regime dedicated exclusively to administrative procedures using artificial intelligence tools.

However, the Portuguese legal framework imposes relevant limits on the use of automated systems. These limits primarily stem from the principle of administrative transparency, enshrined in Article 268 of the Constitution of the Portuguese Republic. This article contains two manifestations of the right to administrative information: the right to procedural administrative information (Article 268(1)) and the right of access to administrative files and records (Article 268(2)).

The general principles of administrative law set out in the Code of Administrative Procedure also impose restrictions on the use of such systems. In particular, the use of algorithms cannot compromise the principles of legality, transparency, impartiality, proportionality, justification of administrative acts, or the defence rights of individuals.

The decision to use technological tools, including AI systems, is within the organisational autonomy of the public administration. However, this option cannot prejudice the rights of those being administered or prevent administrative and judicial control of decisions. Where an algorithmic system significantly influences the final result, the administration must justify the decision in a comprehensible way, explaining the criteria that determine the administrative act.

The broad concept of an 'administrative document' as defined in Article 3(1)(a) of the Law on Access to Administrative Documents may mean that the algorithms used by the public administration for making administrative decisions are considered administrative documents and are made available to the public under the right of access guaranteed by that law. This issue has not yet arisen in Portugal, however, and the Commission for Access to Administrative Documents has not yet had the opportunity to rule on access to the algorithms used by the public administration. It should be noted that these issues have not yet been brought before the Portuguese courts either.

Furthermore, when AI is used to automate the processing of personal data, the General Data Protection Regulation's guarantees apply. This may entitle data

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subjects to obtain meaningful information about the system's logic, as well as request human intervention and challenge the decision.
The full application of Regulation (EU) 2024/1689 (the AI Act) is expected to clarify and strengthen the transparency, documentation and governance obligations of AI used by public entities in Portugal, potentially leading to adjustments in national procedural practices.

4. Are specific areas of administrative law in your country subject to express authorisation for the use of administrative decisions based on artificial intelligence systems?

Currently, there is no general law in Portugal providing for specific, express, sector-specific authorisations for administrative decisions based on artificial intelligence systems. The framework is predominantly horizontal, resulting from general rules on digital administration, administrative procedure, and data protection.
However, there are areas where the use of automated or AI systems is expressly permitted or encouraged, albeit not in the form of detailed authorisation for fully automated decisions.
i. Public procurement and e-procurement: the Public Procurement Code and electronic procurement regimes require the use of digital platforms for procedural processing. While these decisions are not necessarily AI-based, there is clear authorisation for the automation of procedural steps.
ii. Tax administration and social security: automated systems are used for data settlement, verification and cross-checking.
iii. The National Health System: The use of clinical decision support systems and data analysis tools is permitted as an auxiliary aid, although relevant clinical and administrative decisions remain the responsibility of humans.

5. Are there specific areas of administrative law in which the use of artificial intelligence systems for issuing administrative decisions is expressly prohibited?

Currently, there is no general rule in Portugal that expressly and categorically prohibits the use of artificial intelligence systems for the issuance of administrative decisions in specific areas of administrative law.

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However, the European Artificial Intelligence Regulation (EU AI Act) classifies certain practices as 'unacceptable risk', thereby prohibiting the use of AI systems in the following areas:
- Cognitive and subliminal manipulation
- Exploitation of vulnerabilities
- Social scoring
- Criminal risk assessment
- Real-time remote biometric identification in publicly accessible spaces by law enforcement authorities
- Sensitive biometric categorisation
- Emotion recognition
- Facial image collection (scraping)
The use of AI systems in video surveillance systems is also specifically limited, and they cannot be used to collect or process biometric data, in accordance with Article 16 of Law No. 95/2021 of 29 December.

B.II – Judicial review of automated administrative decisions

6. Does national case-law recognise the legality of automated administrative decisions?

☐ YES

X NO

Please explain if necessary:

Although there is no national case law on the subject, the Portuguese public administration already uses artificial intelligence systems to support human decision-making and issue administrative acts, as described in B.I. This practice has not yet been challenged in court.

If so:

6.a. What principles and conditions have been identified by national case-law as necessary for these decisions to be legally valid?

As previously mentioned, although there is no case law on the subject, the issuance of automated administrative decisions is considered admissible. The legality of an administrative decision is established by the maintenance of its imputability to a legally competent administrative agent and full compliance with the applicable principles and rules of the administrative procedure.

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6.b. Have any limitations been identified with regard to the possibility of delegating the administration's decision-making power to algorithmic systems?

Although there is no case law on this issue, it is considered inadmissible to delegate discretionary decision-making power from a legally competent agent to an algorithmic system.

6.c. In particular, which of the following principles must be respected, according to national case-law, when adopting an automated administrative decision? (Please tick all that apply)

X Principle of transparency
X Principle of non-exclusivity of human intervention ('human in the loop')
X Principle of non-discrimination
X Principle of knowledge and comprehensibility of algorithmic functioning
X Principle of attributing the decision to an authority vested with power
☐ Other (please specify)

7. Has national case-law ruled on the nature and legal classification of the algorithm or AI system used for administrative decision-making?

There is no case law that addresses this issue.

8. What are the limits of the judicial review that administrative judges can exercise over automated administrative decisions?

Although there is no case law on the subject, partially automated administrative decisions are subject to review by the courts, to the same extent as non-automated administrative decisions, considering that the Public Administration, in its use of artificial intelligence tools, is bound by the rules and principles of administrative law. In addition, judicial review will now assess compliance with the provisions of the AI Act, ensuring that the AI tools used comply with the requirements set out in the European regulation.

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9. According to national case-law, is the right of access to the algorithmic process that led to the automated administrative decision recognised?

☐ YES
☐ NO

There is no case law that addresses this issue.

If so:
9.a. What information relating to the AI system (data, logic, key parameters) must be made available to the party concerned?

Part C
Administrative judges and the use of artificial intelligence in the performance of judicial functions and in the decision-making process, in light of Regulation (EU) 2024/1689 (the 'AI Act') and other European Union standards and regulations, such as the GDPR, the DSA, the DMA, etc.

1. Does your country recognise, at constitutional level, principles that expressly refer to the use of artificial intelligence in the performance of judicial functions?

☐ YES

X NO

If so, please specify which ones

2. Has your country adopted or is it in the process of adopting national measures to implement Regulation (EU) 2024/1689 (the AI Act) concerning the use of artificial intelligence to support judicial decision-making, which is classified as a 'high-risk' activity (Annex III, point 8(a))?

☐ YES

X NO

If so:

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2.a. What is the nature of these measures (legislative, regulatory, guidelines, soft-law instruments)?

To date, Portugal has not adopted specific legislation dedicated exclusively to implementing the AI Act in judicial decision support. However, in 2025, the Superior Council of Administrative and Tax Courts (the body responsible for managing and disciplining judges in administrative and tax jurisdictions) adopted the 'Ethical Charter for the Use of Artificial Intelligence in Administrative and Tax Courts', translating this into a set of guiding principles that define the rules for the responsible and safe use of AI in Portuguese administrative and tax justice systems. The charter aims to ensure respect for fundamental rights, transparency and impartiality, and to prevent algorithmic discrimination, while ensuring that judges retain final oversight. It is a soft-law instrument.

2.b. For what purposes is the use of AI permitted? (Please tick all that apply)

☐ Research and interpretation of the law

X Research and assessment of the facts

☐ Application of the law to a specific factual situation

☐ Administrative activities that are purely ancillary (recital 61 of Regulation (EU) 2024/1689)

Please explain if necessary:

As previously mentioned, although Portugal has not yet adopted specific legislation dedicated exclusively to implementing the AI Act in the field of judicial decision support, the Superior Council of Administrative and Tax Courts has begun implementing AssessorIA. This is a pilot project that provides technological support to the judicial function. This artificial intelligence tool is designed exclusively to support judges in their work and is in no way prepared or authorised to make judicial decisions. Judicial decisions remain — as always — the responsibility of judges, who are assigned this task by the constitution.
In its current version, AssessorIA enables the preparation of procedural document summaries entered by the judge, supports the structuring of judgment reports, assists in the selection of factual matters and identifies inconsistencies, contradictions or internal misalignments, functioning as a critical verification tool.

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2.c. What measures are taken to ensure human oversight (Article 14 of Regulation (EU) 2024/1689)? In particular, under what conditions is the user able to ignore, cancel or override the result produced by the artificial intelligence system (Article 14(4)(d) of the AI Act), or to suspend or interrupt its use (Article 14(4)(d) of the AI Act)?

No measures have yet been adopted to ensure human supervision. The only stipulation is that, according to the 'Ethical Charter for the Use of Artificial Intelligence in Administrative and Tax Courts', human supervision is based on the principle that AI should function as an auxiliary tool that integrates the range of methodological options for approaching and studying a case with a view to resolving it more efficiently and effectively. The answers provided by AI must always be scrutinised and analysed by judges. It is also clarified that judges will play a critical role in the final validation of the obtained content.

2.d. What regulatory measures have been adopted to ensure the transparency, accuracy and robustness of the artificial intelligence system used (Articles 13 and 15 of Regulation (EU) 2024/1689 – the AI Act)?

No measures have yet been adopted to ensure the transparency, accuracy and robustness of the artificial intelligence system used

3. Are there any official forms of testing or use of artificial intelligence systems for decision-making or generating judicial decisions currently in place in your country?

X YES

☐ NO

Please explain if necessary:

If so:

3.a What do they consist of?

The Court of Auditors uses an AI tool driven by automated learning algorithms. This allows the Court to establish links between previous decisions and pending cases, generating information to support its judges' decision-making. As previously mentioned, the administrative and tax jurisdiction is developing a pilot project called AssessorIA to support the judicial activity of magistrates. Neither system replaces the magistrate's decision-making process or produces decisions that dispense with the magistrate's intervention.

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3.b. What data sets are used?

The Court of Auditors' tool draws on the Court's case law and pending cases.

3.c. Is the software used publicly owned or provided by private operators?

No information

3.d. Have any biases been identified in its operation? If so, what kind?

No information

4. Are measures planned in your country to ensure a sufficient level of artificial intelligence literacy specifically for judges (Article 4 of Regulation (EU) 2024/1689)?
X YES

☐ NO

If so:

4.a. What do these measures consist of?

Through Resolution No. 2/2026 of 8 January, the Council of Ministers approved the National Artificial Intelligence Agenda. This consists of a framework of strategic objectives and concrete measures to be implemented by 2030. Of particular note are the measures associated with developing AI-related skills. In 2026, the government plans to implement a training programme for civil servants, equipping them with the technical skills necessary to use AI tools in critical processes and new working models. Alongside specific training for civil servants, the Agenda aims to raise awareness among the general public of the risks, rights, standards and good practices in AI through measures such as an awareness campaign and a National AI Week. This week would feature demonstrations, practical case studies and public events in educational and cultural spaces throughout the country.

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4.b. Is specific training planned to prevent or limit the phenomenon known as 'automation bias' (Article 14(4)(b) of the AI Act)?

X YES

☐ NO

Please explain if necessary:

This phenomenon is addressed in existing soft-law instruments. For instance, the Ethical Charter for the Use of Artificial Intelligence in Administrative and Tax Courts specifically alerts judges to the phenomenon and how to prevent it. This ensures that AI tools are properly trained to mitigate the risk of 'hallucination'. Additionally, the measures referred to in the previous paragraph should incorporate preventive training on this phenomenon.

5. Is the use of generative or agentic artificial intelligence systems permitted in your country to assist in the drafting of procedural documents or court decisions?

To help you understand the question better: **generative artificial intelligence (AI)** is a category of AI models which, thanks to machine learning and training on vast amounts of data, are capable of creating original content (text, images, videos, music, etc.). **Agentic AI** is described as a system capable of autonomously planning, making decisions and executing complex tasks with minimal human intervention to achieve a defined objective [source: OECD].

Currently, we only have AssessorIA, which is still in the pilot phase. Its objectives are limited to summarising documents to support decision-making and transcribing them. It is possible that more sophisticated tools will be added in future phases, but always in accordance with the fundamental principle of human decision-making.

6. Has the national case law of your country addressed issues concerning the interpretation and application of EU Regulation 2024/1689?

☐ YES

X NO

Please explain if necessary:

6.a. If yes, which principles have been established?

7. Have national courts of your country submitted preliminary rulings to the Court of Justice of the European Union regarding EU Regulation 2024/1689?

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☐ YES

X NO

Please explain if necessary:

7.a. If yes, which questions were referred? What answers has the Court of Justice of the European Union provided?

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