

Art 3

Part I of the Customs Legislation approved by Decree-Law n. ° 33531, of 21 February 1944, with the alterations that were introduced and all the legislation contrary to the present diploma is hereby revoked.

Art 4

The present diploma becomes effective 30 days after the date of its publication.

Viewed and approved in the Council of Ministers.

Carlos Veiga – António Gualberto do Rosário – Pedro Freire Andrade.

Promulgated on 26 June 1995.

Let it be published.

The President of the Republic, in exercise, AMILCAR FERNANDES SPENCER LOPES.

Referenced on 26 June 1995.

The Prime Minister

Carlos Veiga

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Act 6

(Merchant Act)

The act is considered committed at the moment when its perpetrator acted, or, in the case of omission, should have acted independently of the place where the typical result was verified.

Act 7

(Repealed Act)

1. Condemnation and the observance of the sanctions for customs fiscal law infraction do not exempt the perpetrator from the payment of duties and other impositions legally due for the merchandise, object of the infraction, except if the merchandise belongs to and is abandoned by the perpetrator or was declared lost to the National Estate.
2. With the necessary adaptations, the same regimen foreseen in the previous number shall be applied in the event of absolution or retirement of the records.
3. The merchandise apprehended or placed at the disposition of the Customs are considered abandoned to the National Estate if they are not processed and released within fifteen days after the date of the respective notification.

Act 8

(Omission Act)

The violator is bound to pay the same duties and other impositions as those that correspond to the merchandises, object of the infraction, if the merchandise were normally dispatched at the moment the infraction is committed.

Act 9

(Customs)

For the purpose of the present diploma customs and custom-houses are taken to mean the installations or official fiscal posts, the roads that lead directly to them, the repositories under customs regime and, in general, the locations subject to fiscalization where embarkation and debarkation of passengers, loading and unloading of merchandise captive to the duties or other taxes to be collected by the customs are performed.

Act 10

(Substantive)

In everything that is not especially regulated by the present diploma the dispositions of the common penal law are applied, if they constitute crime. The contra-ordination base law applies, in the cases of contra-ordination infractions, and the civil law, in the case of customs fiscal responsibility of a civil nature.

CHAPTER II

PePb etad Fdft)

Atb 11

(Actad Oñ)

1. When a type of legal custom fiscal infraction includes a certain result, the act encompasses not only the adequate action to produce but also the omission of the adequate action to prevent it, except when the intention of the law is another.
2. Committing an act by omission is punishable only when the author has a juridical duty that obligates him personally to prevent the typical result.

Atb 12

(RepesCct ad Match ed Pes)

1. Without prejudice of the individual responsibility, the collective persons or matched entities are responsible for the customs fiscal infractions committed by their organs or representatives, in their name or in the interest of the collectivity, except if the agent has acted against the orders or instructions of the represented.
2. If the entity does not have juridical personality, the common patrimony shall answer for the fulfillment of the pecuniary sanction, and, on its absence or insufficiency, the patrimony of each of the associates.

Atb 13

(JtRept)

1. If several persons, singular or collective commit the infraction, they are all jointly responsible for the payment of the duties and other due impositions.
2. Joint responsibility shall also apply in cases of subordinated work relations, whether the perpetrator was a subordinate of a single person or by a collective person or matched entity and the infraction is committed by the representative of a collective person or matched entity acting in the exercise of that representation.
3. If the collective person or matched entity no longer existed juridically at the moment the respective process is instituted the individuals that participated in shall answer jointly.

Atb 14

(CIREpt)

1. Single, collective or matched persons to whom are subordinated those that, in the performance of their trusted duties, commit an at punishable in accordance with the dispositions of the present diploma, as well as he parents and legal representatives of minors and handicapped regarding the infraction committed by he latter, are subsidiarily responsible for the payment of the amount corresponding to the pecuniary sanction attributed to the commission of the infraction.

2. The following constitute acts of execution:

- a) Those that correspond, in one or in several elements, to the description of the type of crime or contra-ordination;
- b) Those that are not idoneous to the production of a typical result;
- c) Those that, according to common experience and save for unpredictable

3. Number 1 shall not apply if the law determines that an act, qualified in principle as contra-ordination, must be considered as crime by virtue of certain of the perpetrator's qualities or special relations.

Art 25

(FatiCcp)

Each co-participant is punished according to his/her guilt, independently of the punishment or the degree of guilt of the other co-participants.

Art 26

(CbtN)

If the same act constitutes simultaneously crime and contra-ordination, its perpetrator shall be punished for a crime, without prejudice of the accessory sanctions foreseen for contra-ordination.

Art 27

(Cbtfact)

1. When the same infraction constitutes, simultaneously, a customs fiscal infraction and an infraction of another nature, the sanctions foreseen for each of the types is applied cumulatively if said infraction violates distinct juridical principles.
2. The act that qualifies as a customs fiscal infraction, in whole or in part, according to more than one legal disposition, shall be punished by the disposition that establishes the heaviest sanction.

3. The prescription of the principal sanction includes prescription of non-executed corresponding accessory sanctions.

Art 31

(Prescription)

The obligation to pay the duties and remaining impositions prescribes after twenty years, counted from the date the condemning decision transit to judgement.

PART II

Of the Customs

CHAPTER I

Customs

SECTION I

Types of Customs

Art 32

(Customs)

Whosoever, by any means, causes any merchandise to enter or to exit the country without going through the customs, shall be punished with imprisonment of from three (3) months to two years or a fine of ecv 50.000\$00 to 10.000.000\$00.

Art 33

(Customs)

1. The following shall be punished under the terms of the preceding article:
 - a) Whosoever, by any means, places or retains non freed merchandise in circulation without processing the competent certificates or other required documents, or without the application of fiscal stamps, markings or other signs legally prescribed;
 - b) Whosoever, in any means of transportation, hides undeclared merchandise or merchandise transported without manifest, that constitutes the whole cargo, or the part of the cargo with the highest value, or yet, non-constituted with a value greater than ecv 1.500.000\$00;
2. In the cases foreseen in subparagraph a) the punishment will be removed under the terms of the present article, if it is proven, in accordance with the applicable legal or conventional dispositions, that the merchandise is not foreign, without prejudice to the application of sanctions of another nature in compliance with another disposition of the present diploma.

3. For the purpose of subparagraph a) the merchandise are considered in circulation

Art 41

(Receipt Merch ad)

Whosoever, having been appointed depository of merchandise apprehended under the terms of the present diploma, does not present them by the pre-established deadline, shall be punished with imprisonment of one to six months or a fine from ecv 15.000\$00 to 1.500.000\$00.

Art 42

(VbMand Seal)

Whosoever opens, tears or destroys totally or partially, marks, seals or other signals legally prescribed, affixed by competent officials, to identify, secure or maintain inviolable merchandise subject to fiscalization, or to certify that the same is the object of arrest, apprehension or other cautionary measures, shall be punished with imprisonment of two to fifteen months or a fine of ecv 25.000\$00 to 3.500.000\$00.

Art 43

(Receipt Stolen Goods)

1. Whosoever dissimulates, receives as a pledge, acquires under any title, detains, conserves, transmits or contributes to transmit, or in any form secures for self or for a third party, the possession of merchandise object of customs fiscal infraction with the intention of securing, some patrimonial advantage, shall be punished with imprisonment of from two to three years or a fine from ecv 25.000\$00 to 3.000.000\$00.
2. If the perpetrator makes receiving stolen goods a way of life, or practices it habitually, the penalty shall be three months to six year imprisonment or a fine of ecv 30.000\$00 to 4.000.000\$00.
3. If before trial, the perpetrator surrenders the merchandise object of the infraction to the competent authorities and points out, with truth, the person from whom the merchandise was received, he/she may be exempt from the penalty or the penalty may be freely attenuated, providing none of the circumstances referred to in n. ° 2 is proven or that he/she has already been condemned for the crime of receiving stolen goods foreseen in the present diploma.

Art 44

(Pkgd Receipt Stolen Goods)

If the received merchandise qualified as stolen goods is worth less than ecv 30.000\$00, the receiving agent shall be punished with a fine from ecv 15.000\$00 to 150.000\$00.

Art 45

(Criminal)

1. Whosoever promotes, founds, leads, or integrates groups, organizations or associations whose principal or accessory activity is the practice of customs fiscal infractions foreseen in the present diploma, or supports such practices by supplying weapons, munitions, crime instruments, guards or meeting places, or provides any support that leads to recruiting new elements, shall be punished with imprisonment from eight to twelve years.
2. Whosoever promotes, participates in such groups, organizations or associations and supports them, furnishing weapons, munitions instructions, crime instruments, guards or meeting places, or any support that leads to recruitment of new elements.
3. The perpetrator may be exempted from penalty or the penalty can be freely attenuated if he/she voluntarily impedes or seriously strives to impede the

Art 48

(Equivalence)

1. For any juridical effect, or by virtue of the application of the norms contained in the penal legislation in effect, whenever it becomes necessary to establish an equivalence between the duration of the penalties foreseen in the present diploma and those of other legislation in effect, the following shall be taken into account:

CHAPTER II

Offense of Fiscal Contraband

SECTION I

Contrabands

Article 51

(Straying)

1. A fine of ecv 35.000\$00 to 3.500.000\$00 shall be applied to every infraction that has as purpose to evade the payment of customs taxes, in whole or in part, that does not constitute contraband under the terms of this diploma, or that causes to transit through the customs or to be removed from them any merchandise without submitting said merchandise to the competent dispatch formalities, or by giving false indications.
2. The same fine shall be applicable under the same conditions when,
 - a) without such being considered a crime, there is a violation of the legal discipline of the suspensive customs regimes or of any other special regime that concedes fiscal benefits, facilitates, restricts or prohibits the titularity, presentation, discharge, deposit, utilization or destination, transit and merchandise circulation;
 - b) there has been deviation from the end foreseen in the customs regimen applied to the merchandise;
 - c) separate components of the same artifact are imported through various sets of dispatch forms so that after the artifact is assembled locally it gives the illusion of forming a new product, in order to illude tributary assessment on the import of the finished artifact; or if it is destined to permit the importer to evade the application of merchandise contingency norms;
 - d) the special dispositions that especially qualify the act as straying are violated.

Article 52

(Qatamad And tPeg)

1. If the merchandise object of straying is a conditioned import or export, the fine shall be ecv 75.000\$00 to 4.000.000\$00.
2. If the value of the merchandise is less than ecv 10.000\$00, the competent entity can exempt the perpetrator from the fine.

Art 53

(Obstruction)

A fine of ecv 25.000\$00 to 350.000\$00 shall be applied to whosoever refuses to surrender or present written account, declarations and documents, or refuses to present the merchandise to entities authorized to investigate and instruct processes of infraction foreseen in the present diploma, or impede or make difficulty any verification or exam ordered by a competent customs official. The fine applies only when the action described above does not constitute customs fiscal crime or straying.

Art 54

(Illegal Merchandise)

1. A fine of ecv 10.000\$00 to 1.000.000\$00 shall be applied to the infraction foreseen in subparagraph a) of n. °1 of article 33 if the merchandise in question is not foreign, in accordance with the applicable legal or conventional dispositions.
2. The competent entity can exempt the infractor from the fine if the value of the merchandise is less that ecv 5.000\$00.

Art 55

(Negligence)

Unless a heavier sanction is applicable, a fine of ecv 10.000\$00 to 200.000\$00 shall be applied to whosoever, without ascertaining its legitimate origin, acquires or receives, at any title, things that by heir quality or the condition of who offers it, or by the proposed price, leads to a reasonable suspicion that it is a merchandise object of customs fiscal crime or straying.

Art 56

(Other Contradictions)

1. For the purposes of the juridical regime instituted by the present diploma, the facts that are considered by law or by other normative acts as customs fiscal transgressions but can not be integrated in the dispositions that define crimes or contra-ordination, shall be considered contra-ordinations.
2. A fine of ecv 500\$00 to 100.000\$00 shall be applied to whoever practices the infractions referred to in the preceding number except if those infractions are punishable with a heavier fine. In such cases, the heavier fines shall apply.
3. For the purposes of this article, negligence is punishable.

SECTION II

~~Diploma to~~ ~~Customs Fiscal Contradiction~~

~~Article 57~~

~~(Attempts)~~

Straying attempts are punishable.

~~Article 58~~

~~(Measurement of Fine)~~

1. Among other factors, the measure of the fine shall be determined as a function the following circumstances:
 - a) gravity of the contra-ordination;
 - b) degree of illicitness and guilt of the perpetrator;
 - c) economic situation of the violator;
 - d) economic benefit resulting from the practice of the infraction;
 - e) practice of the infraction.
2. The amount of the fine to be applied to a customs fiscal contra-ordination shall never be less than one and a half times the value of the affected merchandise in the internal market, at the time the infraction is committed, without prejudice to the provisions of the final part of n. °1 of article 47 of the present law.
3. The dispositions of n. ° 2 of article 47 are equally applicable.

~~Article 59~~

~~(Accessory Sanctions)~~

Besides the fine, whosoever practices contra-ordination as foreseen in the present diploma can be punished with one or more of the accessory sanctions called for in the base law of contra-ordinations.

PART III

Of Aph

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Art 60

(Aph

eiMech

adè)

1. All merchandise object of customs fiscal crime and straying, shall be apprehended.
2. In the remaining contra-ordinations the apprehension shall take place under the terms and conditions foreseen in the contra-ordinations base law.

Art 61

(LeMech

adè)

1. The apprehended merchandise shall be declared lost to the National Estate, if dealing with the customs fiscal crimes foreseen in the articles 32, 33, 34 and 38, save if they belong to a duly identified person, to whom responsibility for the crime cannot be attributed.
2. If the provisions of the final part of the preceding number are verified, or if the merchandises have not been apprehended, the violator shall be responsible for an amount equal to their value, save when the value cannot be determined. In such cases, the perpetrator shall pay an amount to be fixed by a court, never greater than ecv 1.500.000\$00.
3. In the contra-ordination infractions, the merchandise is not lost to the National Estate and it can be restituted when the penalties due are paid. If the merchandise belong to the violator, it can be restituted to the owner after the process indebtedness is paid
4. The loss shall never be decided upon without first hearing the interested parties.

Art 62

(Reviè)

Except for the cases in which, by law, reversion is obstructed, the interested parties can request reversion of merchandise subject to loss to the National Estate, once they have paid the respective fines and other process penalties due and an amount equal to the value of the merchandise.

Art 63

(Aph

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1. The means of transportation utilized to commit customs fiscal infractions shall be apprehended.

2. If the customs fiscal crimes are those referred to in articles 32, 33, 34 and 38, the means of transportation are considered lost to the National Estate, if the merchandise object of the infractions is valued at more than ecv 1.500.000\$00 and the means of transportation constitutes the most valuable part of the respective cargo. The means of transportation will not be lost to the National Estate if it was

Art 66

(Storage and Seizure of Goods in Customs Installations)

1. The merchandise, the means of transportation, the weapons and other instruments used in the infraction shall be stored in the customs installations unless the latter cannot receive them for lack of material conditions or it cannot effect their immediate transportation to those installations.
2. If the circumstances referred in the final part of the preceding number are verified, except for the weapons and other instruments used in the infraction, which shall remain under the custody of agents of the authorities, the apprehended merchandise shall be listed and described, and entrusted to a trustworthy depository. The respective terms shall be prepared from the list, signed by the apprehenders, witnesses if there are any, and the depository, who will keep a duplicate.
3. If there is no trustworthy depository in the place of apprehension the merchandise shall remain under guard by agents of the authorities.
4. When the goods referred to in this article are perishables, or when the public interest so justifies, it can be sold immediately. The decision to sell shall be made within two days.
5. The sales operation shall be carried out at the customs installations, in accordance with the applicable laws. The proceeds from the sale shall be deposited to the order of the respective process.
6. If the final decision does not decree a loss, the proceeds from the sales shall be remitted to the injured party.

Art 67

(Guarantee of Payment)

1. The merchandise, the means of transportation and the values apprehended from an accused or a suspect, as well as the amounts that represent them, are considered guarantee of payment of the pecuniary sanctions, the duties and additional impositions, as long as their loss has not been decreed.
2. If the merchandise and the other values referred to in the preceding number belong to people without any responsibility in the infraction, the same shall respond only for the duties and additional impositions.
3. Baggage and any other goods and valuables not related to the customs fiscal process, that are deposited in the customs under customs' regime or freely, and in any other location under fiscal action, also constitute guarantee of payment for the amounts the accused or any one else responsible who may eventually have to answer for the merchandise infraction.
4. The merchandise shall have to

5. Likewise, the merchandises shall not be returned without the bond referred to in the preceding number, whose knowledge of, letters of ownership or any other property titles that have been endorsed by the accused or others responsible for the infraction subsequent to the notification of the dispatch pronouncement, in the case of a crime, or equivalent dispatch, in the case of a contra-ordination; or over which they, the firms or enterprises they may belong to, may have organized any commercial operation.

PART IV

Of the Office of the President

CHAPTER I

General

Article 68

(Penal Act)

The penal action pertaining to the customs fiscal infractions shall be exercised under the terms of the penal process legislation in effect, with the specialties contained in the dispositions of the present diploma.

Article 69

(Contraband Act)

The process pertaining to the customs fiscal contra-ordinations shall be regulated by the norms contained in the contra-ordination base law with the specialties incorporated under the dispositions of the present diploma.

Article 70

(Fiscal Penalties Measures)

1. The customs technical and auxiliary staff and fiscal officials, preceded always by the authorization of their hierarchic higher ups, except in the cases of proven urgency or flagrant *delitum*, are competent to proceed during the day with apprehension, searches, examination of the books, documents, merchandise and contraband searches in any means of transportation, establishment, store warehouse or enclosed installation that is not a domicile.
2. If crime is suspected, the searches, reviews and apprehensions shall be carried out under the terms and with the limitations fixed by penal law.
3. If the diligence is effected before nightfall, it can be concluded during the night.
4. In the case of an establishment, stores, warehouses, or enclosed installations that are not domiciles, and during its normal operating schedule, or in the case of a means of transportation in circulation, the diligences referred to in number one of the present article can be carried out at night.
5. When the diligence is carried out in airplanes or foreign ships on regular routes it shall be witnessed by the consular representative of the respective nationality, if there is one, except when this presence is expressly dispensed with by the aircraft commander or the ship's captain, or, in the case of the consular representative, when he is duly convoked and does not show up nor does he/she make himself represented, or when there is a pursuit of the violators in flagrant *delitum* who seek refuge in those vessels.

Abb 71

- b) name, civil status, profession, residence, age and place of birth of the violator as well as any other elements that may serve to identify the infractor;
- c) name(s) of witness(es);
- d) the quality, quantity, value and the presumable destination of the merchandise, means of transportation, weapons and other pertinent instruments and anything else that may contribute to discovering the perpetrators of the infraction.

CHAPTER II

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SECTION I

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Art 75

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The customs entities and fiscal agents will assist the judge and the Public Ministry in the direction and conclusion of the investigation of the customs fiscal crime infractions. For the duration of the investigation the referred entities and fiscal agents shall remain under the functional direction of the judge and he Public Ministry.

Art 76

~~(~~ ~~R~~ ~~e~~ ~~p~~ ~~r~~ ~~e~~ ~~s~~ ~~e~~ ~~n~~ ~~t~~ ~~a~~ ~~d~~ ~~D~~ ~~e~~ ~~l~~ ~~e~~ ~~g~~ ~~a~~ ~~t~~ ~~i~~ ~~o~~ ~~n~~ ~~e~~ ~~s~~ ~~)~~

The management of customs fiscal crime processes can be delegate to competent customs authority. Processes that, by law, have to be managed by a judge or the Public Ministry can not be delegated.

Art 77

~~(~~ ~~C~~ ~~i~~ ~~r~~ ~~e~~ ~~p~~ ~~t~~ ~~)~~

Along with the accusation for the crimes foreseen in the present diploma, or within the time frame in which the accusation must be formulated, the Public Ministry shall issue the condemnation request of the responsible civilians, if any, and shall always indicate the value of the merchandise and means of transportation that have been apprehended and other instruments of the crime.

Art 78

(Penalties and Sentences)

1. Aside from the requisites demanded by the general penal law, the pronouncement dispatch or equivalent and the sentence shall always indicate the value of the merchandise, means of transportation and other apprehended instruments of the infraction.
2. Under the terms of articles 96 n. ° 1 and article 97, when called for the sentence shall also contain a declaration of loss of merchandise and other goods or crime instruments and the distribution of the fines and the sales proceeds.
3. The court shall send a copy of the pronouncement dispatches or equivalent and the condemnation decisions proffered in the process for customs fiscal crimes to the General Customs.

SECTION III

Penalties

Art 79

(Penalties)

1. Should the customs fiscal crime is punishable with imprisonment periods longer than one year, or with only a fine, and if the proceeding does not depend on a

2. If the case is returned to another process form, the request loses its efficacy and

2. The proofs that collide with the privacy of personal life, corporal examinations and blood proofs shall be admissible only with the consent of the legally competent entity.

Art 85

(Competence)

The following entities are competent to apply the respective fines in customs fiscal contra-ordination processes:

- a) The Customs General Director;
- b) Directors of the customs circumscriptions;
- c) Customs Directors
- d) Heads of Customs Delegations.

Art 86

(Territorial Competence)

1. The Directors of the Customs Circumscriptions are competent in their respective areas of jurisdiction, with the exception of the areas that are included in the jurisdiction of the entities referred to in the numbers that follow.
2. The Customs Directors are competent in the area of the city or village where the respective customs house is located, its ports, airports, enclosures, interposts and customs repositories and frank zones.
3. The heads of the Customs Delegations are competent in their respective areas of jurisdiction
4. The territorial competence is determined either by the location where the infraction is committed or discovered or where the merchandise object of the infraction is apprehended.

Art 87

(Rights and Duties)

1. The entities competent for the purposes established in article 85 shall proceed to the investigation of the infraction and the circumstances that preceded, accompanied or followed them.
2. Save in the cases of proven and fundamented complexity, in which there shall be prorogation for equal periods, the instruction shall be concluded in no more than 45 days counted from the date the infraction was first known.
3. The investigation and the instruction may be delegated to the police authorities and fiscal agents, who, upon completion of the process, shall remit the same to the competent authorities for the decision.

Art 89

(Dispensation)

1. When, in the course of the process and formalities of customs dispatch, or in the face of the participation of the transcript notice, the elements needed for a decision are given as proven, the instruction of the process can be dispensed with in a fundamented dispatch.
2. However, the decision shall never be proffered without hearing the accused. In such case, the accused can always add or request any means of proof, and, in the case of the accusation or transcript notice, the agents and the responsible civilians shall be notified to rebut within ten days, if they so desire.
3. Annexed to the rebuttal, the competent entity shall evaluate the proof produced

3. In all else, the recourse shall obey the dispositions of the contra-ordination base law, with the necessary adaptations.

Art 94

(Recourse to the Supreme Court)

1. Recourse of the final decisions or sentences proffered by the customs fiscal tribunal to the Supreme Court of Justice is admitted if the fine applied by the latter or by the competent administrative entity is greater than ecv 1.000.000\$00.
2. Recourse to the Supreme Court of Justice is circumscribed to matter of jurisprudence and follows the terms laid out in the Penal Code for summary process, as long as it does not countermands the dispositions of this diploma.

Art 95

(Revision)

Revision recourse is admitted, under the terms and within the limits defined in the contra-ordinations base law.

CHAPTER IV

Of the Duties and Penalties of the Fiscal Agents

Art 96

(Duties and Penalties)

1. The amount of the penalties shall be divided and distributed as follows:
 - a) 25% to the National Estate;
 - b) 25% to the Coffers of Justice;
 - c) 25% for the “*autoantes (?)*”
 - d) 25% for the Customs General Directorate
2. The amount of the fine shall be divided as follows:
 - a) 25% to the National Estate
 - b) 25% for the “autoantes” or participants;
 - c) 50% for the coffers of the Customs General Directorate

CHAPTER V

Offh e VbyPagn
e Eactad h e Cb

Art 100

(VbyPagn e Peat)

1. In the infractions described in the present diploma are punished solely with a fine, not followed by a transaction process, the violator can be permitted to pay one fifth of the maximum penalty attributed, in addition to the process costs.
2. The request for voluntary payment must be presented up to start of the trial hearing, accompanied by the corresponding amount that the interested party must deposit along with the duties and additional impositions due.
3. Exceptionally, the amount of voluntary payment can be reduced by fundamented dispatch from the judge, but the amount cannot be less than one eighth of the maximum applicable fine.
4. It is of the exclusive competence of judge to decide on the request for voluntary payment, after hearing the Public Ministry.
5. If, attending to the gravity of the act, the degree of guilt, the economic condition and the personality of the perpetrator, the judge determines not to admit voluntary payment of the fine, it shall be so declare in fundamented dispatch, without recourse, and the process shall be ordered to proceed.
6. The decision to accept the voluntary payment ends the accused's responsibility and is not subject to recourse.

Art 101

(PbyAccad)

If there are several accused and only one or some make the voluntary payment, they shall be dealt with in accordance with the preceding article. The process shall continue for the remaining accused, without prejudice to any joint responsibility that may still exist.

Art 102

(VbyPagn e Fas)

1. Voluntary payment of the contra-ordination fines described in the present diploma is allowed.
2. The request for voluntary fine payment is addressed to the competent authority up to ten days after notification to depose or to contest. In the event of judicial impugnation of the decision that may have been applied, the request for voluntary payment is addressed to the judge, before the recourse is definitively decided on.

3. With the request for voluntary payment, the interested party should deposit an amount equal to one tenth of the maximum fine allowed for the respective legal type, augmented by the amount of the fees and additional impositions due for the practice of a contra-ordination infraction.
4. Exceptionally, the amount of the payment can be reduced by a fundamented dispatch from the competent entity. It can not, however, be less than one tenth of the maximum applicable fine.
5. Once the fine is paid voluntarily as described in this article, only accessory sanctions can be paid, additionally, in the cases of straying. It is up to competent entity to apply the sanctions and to decide or not on the loss of the means of transportation.

Art 105

(Execution)

1. Patrimonial execution shall begin at the end of the deadlines established in the preceding article.
2. If neither the accused nor the responsible civilian liquidate their responsibilities for contra-ordination within the established deadlines, the liquidation shall be executed :
 - a) From the amounts and values deposited in the process;
 - b) From the proceeds of the sale of merchandise, means of transportation and other instruments of the infraction not declared lost to the National Estate;
 - c) From the proceeds of the sale of merchandise, baggage and other goods that they have in the customs or any other location subject to fiscal action, or of which they are receivers or co-signers

Art 106

(Residence of Execution)

1. If the results obtained under the terms of the preceding article does not correspond to the amounts due, after the distribution of the amount that has to be executed, a certificate shall be issued indicating the decision or sentence, the account, the dates of the respective notifications and the amounts obtained in the sales effected and remitted to the fiscal execution courts of the area where the accused resides. There the competent execution shall be instated in accordance with the applicable legal precepts.
2. If there is more than one accused, the execution shall be instituted in the tribunal of the area where the highest number of accused reside.
3. If the accused domicile area is not known, or if there are several accused and an equal number of them reside in different areas, or if none of the accused reside in Cape Verde, the execution shall be instituted in the tribunal of the area where the customs fiscal process occurred.

Art 107

(Indication of Sales Proceeds and Deposited Goods)

The preceding article shall apply whenever it is evident that the sale proceeds and the amounts deposited are less than the amount due the indication of the amounts actually obtained in the auctions shall be replaced with that of the probable sales proceeds and the deposited amounts and values.

Art 108

(Deposit of Proceeds of Execution)

The amounts obtained as a result of the execution shall be deposited to the order of the instituting authority. The court shall inform the instituting authority of the result of the execution.

Art 109

(Execution of Claims)