InforCérebro

REAL ESTATE INVESTMENT TRUSTS · PORTUGAL

Real Estate Investment in Portugal

Legal and tax regime for Collective Investment Undertakings in corporate form (CIU)

Tax incentives for domestic and foreign investment in real estate · Data updated to 2026

EXECUTIVE SUMMARY

No corporate income tax (IRC) on CIU income

Since 1 July 2015, investment income, rental income and capital gains of real estate investment companies (CIUs) have been excluded from taxable profit. Tax is charged when the income reaches the investor, **at reduced rates**, and only as investment income.

10%

Final withholding tax for non-resident investors

0%

Municipal and state surcharges on the CIU

65%

Annual cap on tax loss deduction, no time limit

0,0125%

Quarterly Stamp Duty on net asset value = **Assets – Liabilities.**

I

Legal framework

Definition, structure, incorporation and governance of CIUs

DEFINITION

A CIU pools capital from many investors

Governed by the Asset Management Regime (RGA, Decree-Law 27/2023), in force since 28 May 2023, which replaced the former CIU regime (RGOIC), and, in corporate form, by the Commercial Companies Code.



Securities CIUs (UCITS)

Invest in financial instruments.

ALWAYS OPEN-ENDED



Alternative Investment Funds (AIF)

When they invest in property, they are real estate AIFs — the focus of this document.

OPEN-ENDED OR CLOSED-ENDED

Fund or company, securities or real estate

Collective Investment Undertaking

Contractual form

Investment funds

Securities | **Real estate**

Capital in participation units; open-ended or closed-ended funds

Corporate form

Investment companies (SA)

Securities | **Real estate**

Registered shares with no par value; fixed (closed-ended) or variable (open-ended) capital

TYPE AND CATEGORY

Open- or closed-ended: it depends on the units

Open-ended

Variable number of units or shares

Issued and redeemed at the request of participants, under the constitutional documents and CMVM regulations

Variable-capital companies follow this regime

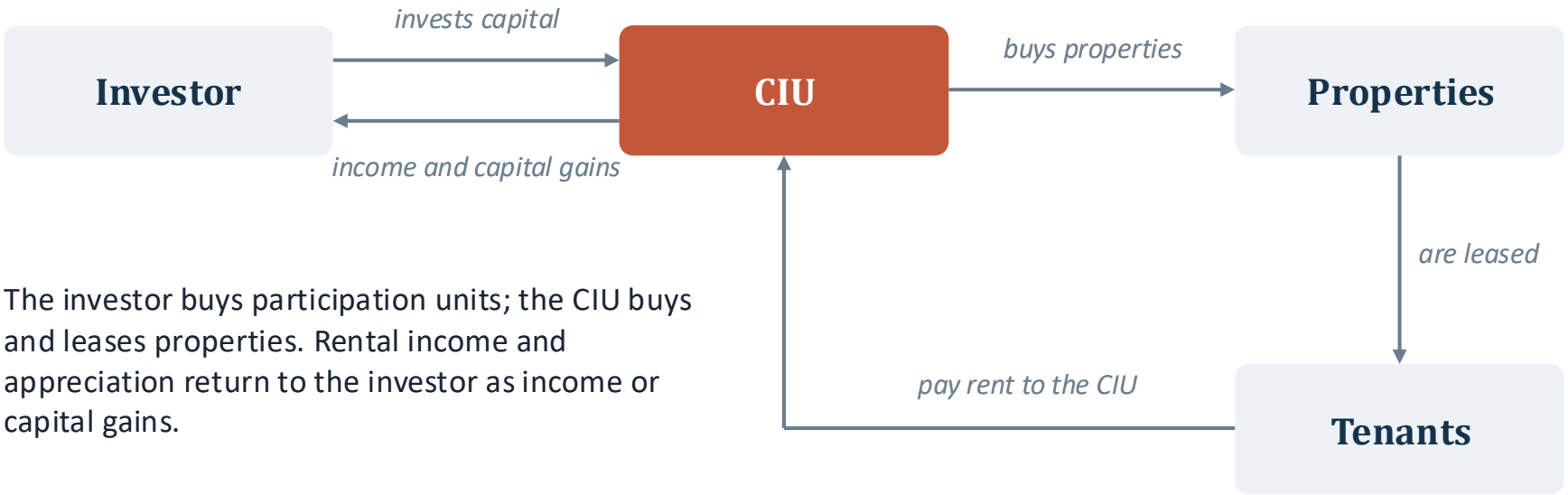
Closed-ended

Fixed number of units or shares

No continuous issue or redemption at participants' request

Fixed-capital companies follow this regime

Rents flow back to the investor through the CIU



The investor buys participation units; the CIU buys and leases properties. Rental income and appreciation return to the investor as income or capital gains.

The CMVM controls the launch of every CIU

As a rule, incorporation requires prior authorisation from the CMVM (Portuguese Securities Market Commission), covering:



Distribution



Depositary bank



Management company



Auditor



External valuers

Capital requirement	Amount	Legal basis
Net asset value (assets – liabilities)	Positive (previously: **minimum €5M**)	Art. 20 RGA
Minimum capital — externally managed company	**50 000 €**	Art. 61 RGA
Minimum capital — self-managed company	**300 000 €**	Art. 61 RGA
Externally managed AIF, private placement	Prior notification to the CMVM is enough	RGA

KEY PARTIES

Depositary bank: custody and oversight

Depositary bank

- Monitor and ensure compliance with the law and the management regulations
- Pay participants their share of the results
- Carry out the management company's instructions
- Hold in custody or record the fund's securities
- Ensure redemption requests are paid

Distributors

- Management companies
- Depositaries
- Financial intermediaries registered with the CMVM
- Others provided for in CMVM regulations

Who manages the fund sets the minimum capital

External

Management entrusted to an external management company

50 000 €

minimum capital

In-house

The company manages its own assets

300 000 €

minimum capital

The model can be changed if the constitutional documents allow it, with CMVM authorisation and a favourable opinion from the depositary.

Duties of the management company

1. Select assets in line with the investment policy
2. Enter into the transactions that policy requires
3. Carry out the income distribution policy
4. Issue units, with the depositary, and authorise redemptions
5. Determine the net asset value of the units
6. Keep the accounts of the CIU
7. Meet disclosure obligations
8. Oversee the management of assets and real estate projects

II

Tax regime

Taxation of the CIU, of participants and Stamp Duty

AT CIU LEVEL

The CIU's typical income is outside IRC

The CIU does NOT pay IRC on its typical income – capital gains, rental and investment income – and the related expenses are also excluded from taxable profit, unless the income comes from listed tax havens.

Investment income

Interest on loans, deposits, securities and shareholder loans; distributed profits; income from other funds; royalties

Rental income

Rents from rural, urban and mixed properties; subletting; use of spaces and common areas; real rights of use

Capital gains

Sale of real rights over property; sale of shares and other securities

AT CIU LEVEL

Six rules that cut the tax burden and red tape

Losses with no time limit
deduction up to 65% of each year's taxable profit (since 2023)

Neutrality
on in-kind subscriptions (contribution of assets regime)

No payments
on account or special payments on account

Exemption
from municipal and state surcharges

No withholding
of IRC at source on income received

Expenses
linked to excluded income are not deductible either

Note: the management company is jointly liable for the tax debts of the companies it manages.

AT PARTICIPANT LEVEL

Non-residents pay a final 10%

Withholding tax applies when the investor receives income or redeems units (art. 22-A EBF). The 10% rate does not apply to residents of tax havens on the Portuguese list.

10%

Non-resident

No permanent establishment in Portugal · final

28%

Resident — IRS

Outside business activity · final

25%

Resident — IRC

Payment on account (final if exempt)

STAMP DUTY

A minimal quarterly tax on the CIU's net asset value

Rates unchanged in 2027. The base is the average net asset value reported to the CMVM, excluding holdings in other CIUs.

0,0125%

Real estate and other CIUs

0,0025%

Money market and deposits only

Tax due on the last day of March, June, September and December; payment by the end of the following month.

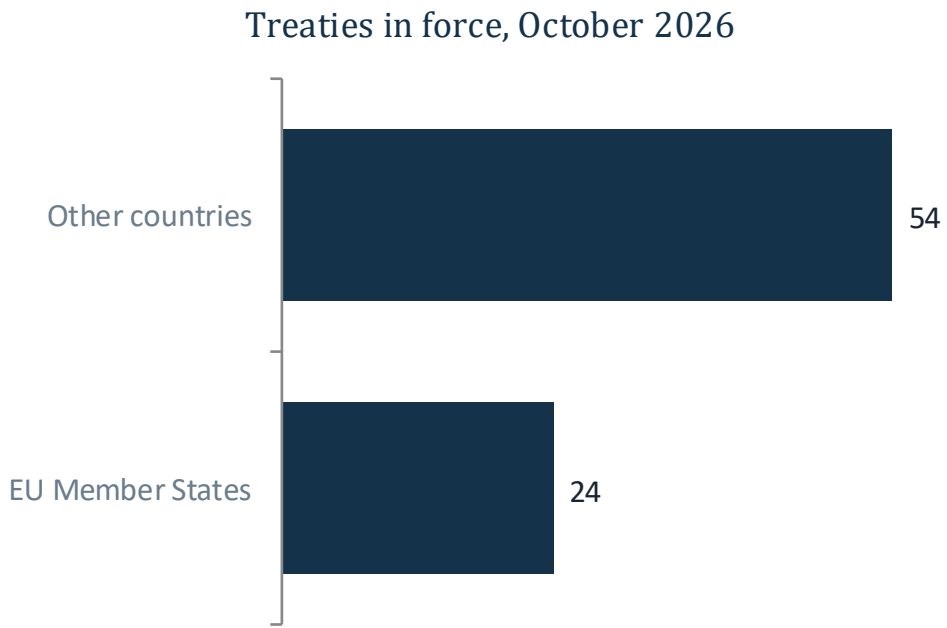
Gratuitous transfers of units or shares in real estate companies: not subject to Stamp Duty.

III

International framework

Double tax treaties and exchange of information

78 treaties in force, 24 with EU countries



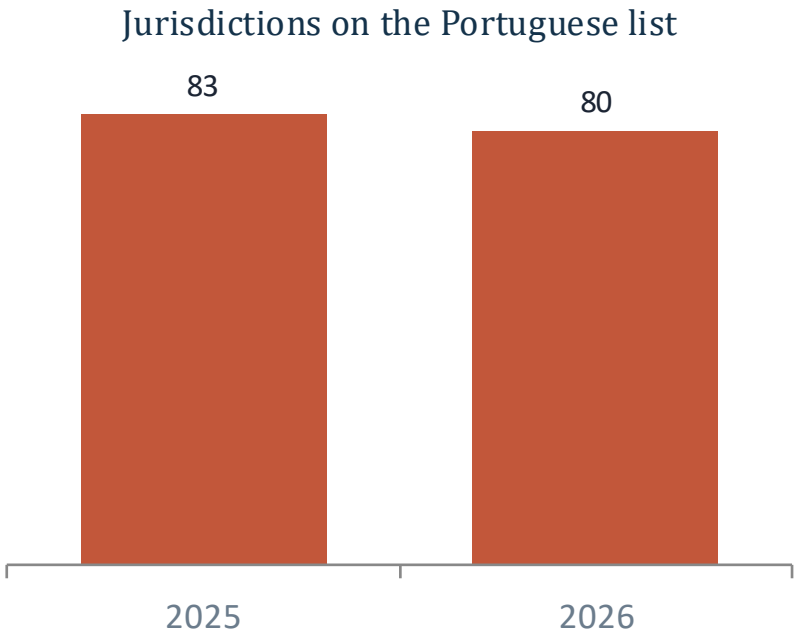
78

double tax treaties in force

2 more signed but not yet in force: Australia and Kenya. Finland and Sweden terminated theirs.

Macau is among the preferential tax regimes with a treaty

The tax haven list shrinks in 2026



Removed from 1 January 2026

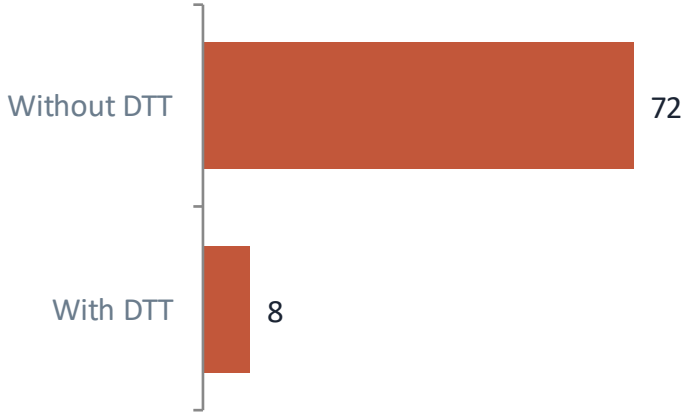
Hong Kong, Liechtenstein and Uruguay (Ministerial Order 292/2025/1, of 5 September).

Automatic exchange of information

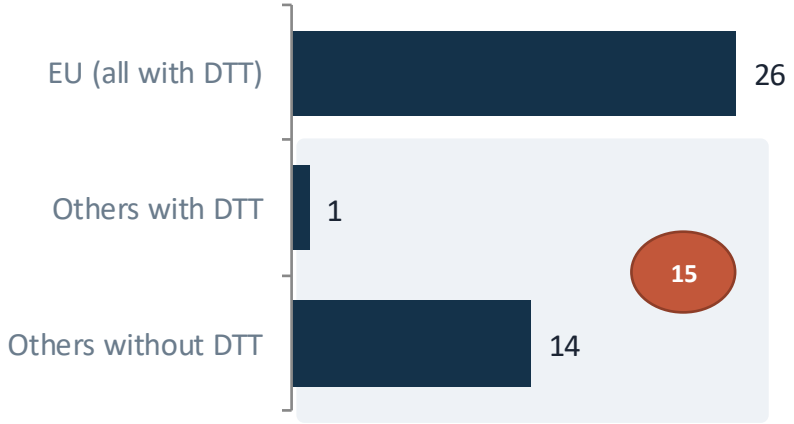
Portugal applies the CRS with all jurisdictions on the OECD list of active relationships (Ministerial Order no. 150/2024 of 13-02).

Preferential Tax Regimes & Tax Information Exchange Agreements

Preferential tax regimes – tax havens



Tax information exchange agreements: 15 jurisdictions



The 2027 State Budget proposal submitted by the Government to Parliament DOES NOT PROPOSE any changes to any of the above for 2027, including after its general debate…

Note on currency of information

Data updated to the legislation in force in 2025, the changes already published for 2026 and the « 2027 STATE BUDGET PROPOSAL ».
For information only: confirm with your tax adviser before making any decision:

SOURCES

Sources consulted

Tax Benefits Statute (EBF), art. 22 and 22-A · Portal das Finanças

Asset Management Regime, art. 61 · PGDL, consolidated text

RGA: authorisation, notification and depositary · SRS Legal, 2023

Carry-forward of tax losses (art. 52 CIRC) · Ordem dos Contabilistas Certificados

Double tax treaties · Portal das Finanças 2026

Stamp Duty · Portal das Finanças 2026

Tax haven list (Ministerial Order 292/2025/1) · Portal das Finanças, 2026

Automatic exchange (Order SEAF 150/2024) · Portal das Finanças 2026

Want to know how we can help

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