



World Consumer Protection Map

Contribution by
Portugal

Page 2: Contact of respondent

Q1

Portugal

Name of responding member State

Q2

Name of responding authority/agency:

Consumer Directorate-General

Page 3: Consumer protection legislation

Q7

Yes

Does your country's Constitution contain a provision on consumer protection?

Q8

If you do, please provide de following details:

Text of constitutional norm with reference to consumer protection

Article 60 (Consumer rights) 1. Consumers have a right to the quality of the goods and services consumed, to training and information, to the protection of health, safety and their economic interests, as well as to compensation for damages. 2. Advertising is regulated by law, and all forms of hidden, indirect or malicious advertising are prohibited. 3. Consumer associations and consumer cooperatives are entitled, under the terms of the law, to support from the State and to be heard on matters relating to consumer protection, with procedural legitimacy for the defense of their members or collective or diffuse interests.

URL link

**<https://dre.pt/web/guest/legislacao-consolidada/-/lc/337/202006090129/128023/diploma/indic>
e**

Consumer Protection Survey

Q9

Yes

Does your country have have specific law(s) on consumer protection ?

Q10

Date

31/07/1996

If you do, when was the main specific law first enacted?

Q11

Date

16/08/2019

If your main specific law on consumer protection has been revised, when was the date of its latest revision?

Q12

Please provide the following details of the current specific law(s):

1- Name of law

Consumer Protection Law

1- URL link

http://www.pgdlisboa.pt/leis/lei_mostra_articulado.php?nid=726&tabela=leis

Q13

Please check all the fields that your consumer protections law(s) cover.

- Consumer rights/legitimate needs,
- Access by consumers to essential goods and services,
- Protection of vulnerable and disadvantaged consumers,
- Physical safety,
- Product quality,
- Terms and conditions,
- Promotional marketing and sales practices (including misleading advertisement)
- ,
- Restrictive business practices (competition/antitrust),
- Electronic commerce,
- Food distribution,
- Water,
- Pharmaceuticals,
- Energy,
- Public utilities,
- Tourism,
- Data protection and privacy,
- Financial services,
- Dispute resolution,
- Redress,
- Consumer education,
- Consumer information

Page 4: Consumer protection legislation

Q14

From your previous answer, your specific consumer protection law(s) do(es) not cover the following field(s). Please name the relevant law(s) covering this/these field(s):

Respondent skipped this question

Q15

Please indicate the URL Link of the relevant law(s) to each field:

Respondent skipped this question

Page 5: Consumer protection institutions

Q16

Name of Ministry responsible for consumer protection:

Minister of State, Economy and Digital Transition / Secretary of State for Commerce, Services and Consumer Protection

Q17

URL link of responsible Ministry for consumer protection:

<https://www.sgeconomia.gov.pt/contactos7/gabinetes-governamentais1.aspx>

Q18

Year when consumer protection was assumed by the current responsible ministry:

2018/2019 (reconducted)

Page 6: Consumer protection institutions

Q19

Yes

Do you have a main consumer protection authority/agency?

Q20

Name of main consumer protection authority/agency:

Consumer Directorate-General

Q21

URL of main consumer protection authority/agency:

<https://www.consumidor.gov.pt/>

Q22

Year of creation:

1983

Q23

Respondent skipped this question

Annual budget: (in USD)

Q24

Total number of staff:

52

Q25

Total number of staff directly affected to consumer protection:

52

Q26

Yes

Do you have a law/decreed that governs the main consumer protection authority/agency?

Q27

If you do, please provide the following details:

Reference of the law/decreed

Regulatory Decree No. 38/2012 of April 10

URL to law/decreed

<https://dre.pt/web/guest/pesquisa/-/search/552533/details/maximized>

Q28

Does your main consumer protection authority/agency have POLICY MAKING powers over any of the following fields?

Consumer rights/legitimate needs,
Access by consumers to essential goods and services,
Protection of vulnerable and disadvantaged consumers,
Physical safety,
Product quality,
Terms and conditions,
Promotional marketing and sales practices (including misleading advertisement)
,
Voluntary codes for businesses,
Electronic commerce,
Financial services,
Promotion of sustainable consumption,
Water,
Pharmaceuticals,
Energy,
Public utilities,
Tourism,
Data protection and privacy,
Dispute resolution,
Redress,
Consumer education,
Consumer information

Page 7: Consumer protection institutions

Q29

From your previous answer, your main authority/agency does not have POLICY MAKING powers over the following fields. Please name the relevant authorities/agencies with powers over these fields:

Restrictive business practices(competition/antitrust)	Competition Authority
Food distribution	Economic and Food Safety Authority

Q30

URL Link of the relevant authority/agency to each field:

Restrictive business practices(competition/antitrust)	http://www.concorrencia.pt/vPT/Paginas/HomeAdC.aspx
Food distribution	https://www.asae.gov.pt/

Q31

Does your main consumer protection authority/agency have ENFORCEMENT powers over any of the following fields?

Promotional marketing and sales practices (including misleading advertisement)

,

Dispute resolution

Page 8: Consumer protection institutions

Q32

From your previous answer, your main consumer protection authority/agency does not have ENFORCEMENT powers over the following fields. Please name the relevant authorities/agencies with powers over these fields:

Physical safety	Consumer Directorate-General/ASAE - Food and Economic Safety Authority
Product quality	ASAE - Food and Economic Safety Authority
Terms and conditions	Public Prosecutor
Restrictive business practices (competition/antitrust)	ADC - Competition Authority
Electronic commerce	ANACOM - National Telecommunications Authority
Financial services	BdP - Bank of Portugal / CMVM - Securities Market Commission / ASF - Insurance and Pension Funds Supervisory Authority
Food distribution	ASAE - Food and Economic Safety Authority
Water	ERSAR - Water Services Regulatory Authority
Pharmaceuticals	INFARMED - National Authority for Medicament and Health Products
Energy	ERSE - Energy Services Regulatory Authority
Tourism	ASAE - Food and Economic Safety Authority
Data protection and privacy	CNPD - National Data Protection Commission

Q33

URL Link of the relevant authority/agency to each field:

Physical safety	https://www.consumidor.gov.pt/ ; https://www.asae.gov.pt/
Product quality	https://www.asae.gov.pt/
Restrictive business practices (competition/antitrust)	http://www.concorrenca.pt/vPT/Paginas/HomeAdC.aspx
Electronic commerce	https://www.asae.gov.pt/
Financial services	https://www.bportugal.pt/ ; https://www.cmvm.pt/pt/CMVM/contactos/Pages/ContactosLocal.aspx ; https://www.asf.com.pt/NR/exeres/97C24D91-5FD7-4874-9D7D-FFE049D206D9.htm
Food distribution	https://www.asae.gov.pt/
Water	http://www.ersar.pt/pt
Pharmaceuticals	https://www.infarmed.pt/
Energy	https://www.erse.pt/inicio/
Tourism	https://www.asae.gov.pt/
Data protection and privacy	https://www.cnpd.pt/

Q34

Regarding enforcement, how many infringement cases does your authority/agency handle on average per year?

Around 88 cases per year.

Q35

Yes

Has your authority/agency imposed sanctions and/or other measures for breaches of consumer protection law(s)?

Q36

Maximum amount for sanction/measure allowed by consumer protection law(s): (in USD)

275850

Q37

Record highest amount for any sanction/measure imposed: (in USD)

33102

Q38

Please detail if necessary, what kind of sanctions and/or other measures are available in your jurisdiction

Fines and ancillary sanctions like establishment's closure or publicizing the imposition of fines and ancillary sanctions at the offender's expense. In specific cases (e.g. food safety, counterfeiting, speculation) we also have criminal procedures (ASAE is an administrative authority and police body)

Page 9: Consumer protection institutions

Q39

Yes

Are there any non-governmental consumer organizations/associations in your country?

Q40

Yes

Do you have a law/decreed that governs consumer organizations/associations?

Q41

In case you have a law/decreed that governs consumer organizations, please provide the following details:

Reference of the law/decreed

Law no. 24/96, of 31 July - CONSUMER PROTECTION LAW

URL to law/decreed

http://www.pgdlisboa.pt/leis/lei_mostra_articulado.php?nid=726&tabela=leis

Q42

Do consumer organizations/associations fulfil any of the following functions?

**Consultation in policy making,
 Legal advice to consumers,
 Consumer education,
 Consumer information,
 Consumer publications,
 Legal representation of consumers' individual interests before courts
 ,
 Legal representation for consumer collective actions**

Q43

Yes

Do consumer groups/associations receive public funding?

Q44

Name the three largest non-governmental consumer organizations/associations in your jurisdiction:

1- Name	DECO - Consumer Protection Association
1- Website	https://www.deco.proteste.pt/
2- Name	UGC - General Union of Consumers
2- Website	http://ugc.pt/
3- Name	ACOP - Consumers Association of Portugal
3- Website	http://acop.planetaclix.pt/

Page 10: Consumer protection institutions

Q45 **Yes**

Can consumers obtain redress through judicial channels?

Q46 **No**

Is there a specialized judicial mechanism for consumer complaints?

Q47 **Respondent skipped this question**

If there is, please provide the following details

Q48 **Yes**

Do you have collective redress/class actions for consumer complaints?

Q49 **Consumers individually,
Lawyers,
Consumer protection enforcement authority/agency,
Consumer associations**

Who can represent consumer interests in court?

Q50

What is the highest damages award following a collective redress/class action?

Name of case	ACOP/Portugal Telecom
Year of case	1997
Total amount in USD	2201600

Page 11: Consumer protection institutions

Q51

Regarding out-of-court/alternative consumer dispute resolution, are there any of the following?

**Mediation/ Conciliation,
Arbitration**

Q52

If there are any of the above, please provide the following details:

1- Name

CNIAC - National Consumer Conflict Information and Arbitration Center

1- URL Link

<https://www.cniacc.pt/pt/>

2- Name

CACRC - Consumer Disputes Arbitration Center of the Region of Coimbra

2- URL Link

<http://www.centrodearbitragemdecoimbra.com/>

3- Name

CASA - Automotive Arbitration Center

3- URL Link

<https://www.arbitragemauto.pt/>

Q53

Are there any CROSS-BORDER out-of-court/alternative consumer dispute resolution initiatives?

Yes

Q54

If there are, please provide the following details:

1- Name

ODR - Online Dispute Resolution

1- URL Link

<https://ec.europa.eu/consumers/odr/main/?event=main.trader.register>

Page 12: Consumer protection institutions

Q55

Are there any self-regulation initiatives from businesses?

Yes

Q56

Please provide (up to) 4 examples of the self-regulation initiatives from businesses:

1- Name of initiative	ICAP - Code of Conduct on Advertising
1- Scope of application	Advertising and other forms of Commercial Communication
1- URL link	https://auto-regulacaopublicitaria.pt/

Q57

No

Are there any co-regulation initiatives between businesses and public entities?

Q58

Respondent skipped this question

Please provide (up to) 4 examples of the co-regulation initiatives between businesses and public entities:

Q59

Disclosure of information and transparency

Do self-regulation and/or co-regulation initiatives cover any of the following issues? (Please relate to UNGCP Guideline 11)

Page 13: Consumer protection institutions

Q60

What kind and how many international cooperation agreement(s) on consumer protection does your authority/agency participate in?

	Bilateral	Multilateral/Regional
Formal (treaties)		
Informal (memoranda of understanding)	6	3

Q61

Please provide name and URL link of formal bilateral agreements (treaties):

With the following countries:

Mexico, Spain, Brasil, Macau, Angola, Venezuela

Q62

Please provide name and URL link of informal bilateral agreements (memoranda of understanding):

With the following organizations:

ICPEN, FIAGC, and Consumers International.

Q63

Respondent skipped this question

Please provide name and URL link of formal multilateral/regionals agreements (treaties) that address consumer protection:

Q64

Respondent skipped this question

Please provide name and URL link of informal multilateral/regionals agreements (memoranda of understanding) that address consumer protection:

Q65

Do cooperation agreements on consumer protection (be those formal/informal/bilateral/regional) cover any of the following fields?

- Policy making,**
 - Enforcement,**
 - Consumer rights/legitimate needs,**
 - Physical safety,**
 - Product quality,**
 - Terms and conditions,**
 - Promotional marketing and sales practices (including misleading advertisement)**
 - ,**
 - Electronic commerce,**
 - Dispute resolution,**
 - Consumer education,**
 - Consumer information**
-

Q66

Does your consumer protection enforcement authority/agency have any of the following powers regarding cross-border fraudulent and deceptive commercial practices affecting consumers?

- Investigate,**
 - Pursue,**
 - Share information and evidence,**
 - Other (please specify):
Under the provisions of the European Union CPC Regulation, Consumer Directorate-General is the Single Liaison Office in the CPC Network (Consumer Protection Cooperation)
-

Q67

Yes

Do you have any experience in cross-border cooperation on enforcement?

Q68

If you do, please provide a short description

As a Single Liaison Office in the CPC network, ICPEN SWEEP's actions

Q69

Do you engage in technical cooperation or capacity building activities on consumer protection?

Bilaterally

Through an international organization/network

As a recipient

Yes

As a donor

Yes

Q70

If you have engaged in technical cooperation or capacity building activities on consumer protection as a recipient/as donor and/or through an international organization/network, please provide the following details for each initiative

1- Name of programme/project

Consumer Behaviourial Insights

1- Name of cooperating partner(s)

European Comission

1- Starting date of programme/project

January 2019

1- Finish date of programme/project

January 2019

1- Scope of programme/project (list areas of work)

Training Sessions

2- Name of programme/project

CPC - IMI System

2- Name of cooperating partner(s)

European Comission

2- Starting date of programme/project

August 2020

2- Finish date of programme/project

May 2021

2- Scope of programme/project (list areas of work)

Training sessions for the CPC Portuguese authorities

Page 14: Consumer protection policies

Q71

Yes

Does your authority/agency carry out information and education initiatives?

Q72

Do information and education initiatives carried out by your authority/agency cover any of the following fields?

Product hazard,
Product labelling,
Legislation, dispute resolution,
Electronic commerce,
Sustainable consumption,
 Other (please specify):
 On advertisement issues.

Q73

Does your authority/agency provide specific education and information initiatives for vulnerable and disadvantaged consumers?

Yes

Q74

If your authority/agency does, please provide the following details:

1- Name of initiative
 1- Scope of initiative

Eldery Consumer Guide
Inform consumer rights to elder people

Q75

Do consumer organizations/associations provide education and information initiatives?

Yes

Q76

If consumer organizations/associations do, please provide the following details:

1- Name of consumer organization/association
 1- URL link of initiative
 2- Name of consumer organization/association
 2- URL link of initiative
 3- Name of consumer organization/association
 3- URL link of initiative

DECO
<https://www.deco.proteste.pt/>
UGC
<http://ugc.pt/>
ACOP
<http://acop.planetaclix.pt/>

Page 15: Consumer protection policies

Q77

Does your authority/agency conduct research and analysis on consumer protection issues?

Yes

Q78

If your authority/agency does, please provide the following details:

1- Main area of work

Study on consumer protection policy in Portugal

1- URL link to online library or publication(s)

<https://www.consumidor.gov.pt/pagina-de-entrada/estudo-sobre-politica-de-defesa-do-consumidor-em-portugal-.aspx>

2- Main area of work

The Study on Consumer Protection Policy in Portugal was commissioned by the Ministry of Economy, through the General Directorate for Consumers Based on responses from more than 800 consumers, 300 companies, two representative consumer associations, two business associations and 12 regulators, the study aimed to make a diagnosis on the perception of national and European legislation, assess the level of literacy in the field of consumer rights and identify areas of action necessary to ensure a high level of protection. The study focuses on the perception of consumers, namely, in terms of; - Consumer protection policy and on the existing protection in Portugal; - Consumer protection legislation in force applicable to consumer contractual relationships; - Digital economy; - Consumer conflicts and existing solutions for their resolution; - Access to information about their rights and perception of the actions and / or initiatives that public entities develop in this matter; The study also includes listening to companies about the current legal framework, including the advantages and obstacles that the legislation poses in the exercise of economic activities. The study was carried out by the Association for the Development of the New Information Management School, with the support of the Fund for the Promotion of Consumer Rights.

Q79

Yes

Do other organizations/associations conduct research and analysis on consumer protection?

Q80

If other organizations/associations do, please provide the following details:

1- Main area of work

Health

2- Main area of work

Travel Agencies