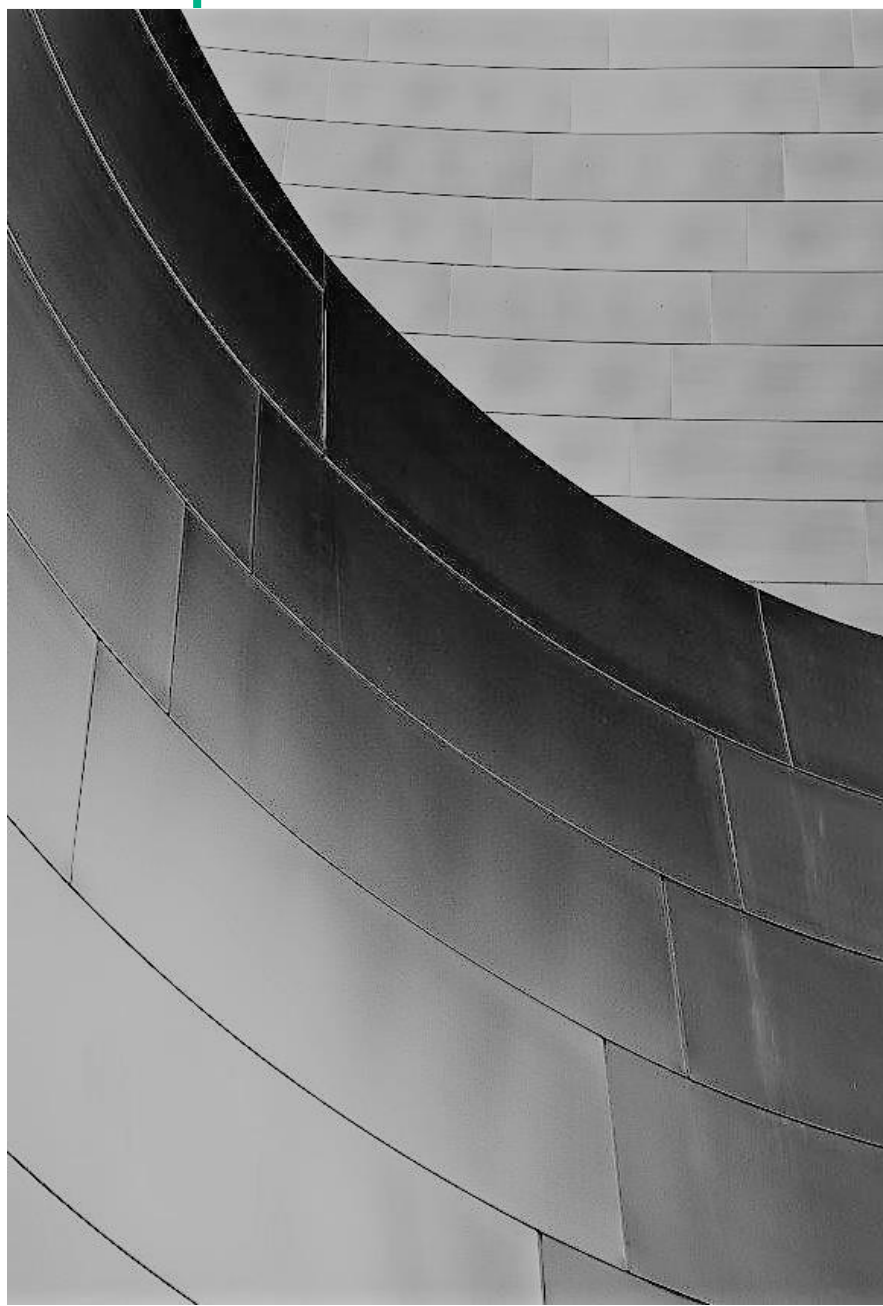


# LITIGATION & ARBITRATION

COLLECTIVE ACTIONS FOR  
THE PROTECTION OF CONSUMER INTERESTS

V d A EXPERTISE



January 2024

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## INTRODUCTION

On 5 December 2023, Decree-Law no. 114-A/2023 ("Decree-Law") was published, transposing Directive (EU) 2020/1828 on collective actions for the protection of the collective interests of consumers ("Directive").

The Decree-Law applies to domestic and cross-border collective actions brought on the grounds of infringements of the provisions of domestic and European Union ("EU") law referred to in Annex I to the Directive that harm or may harm the collective interests of consumers (Article 2(1)).

Although it only applies to actions aimed at protecting consumer interests, not covering other interests also protected by collective actions in Portugal, the scope of application of the Decree-Law is actually quite broad, considering the diverse list of economic sectors and infringements listed in Annex I of the Directive. On the other hand, with the exception of the law on injunctive measures, the Decree-Law does not repeal existing national legislation on collective legal protection and, as such, it will have to coexist with a number of other statutes (general and special) that provide for and govern collective actions in Portugal.

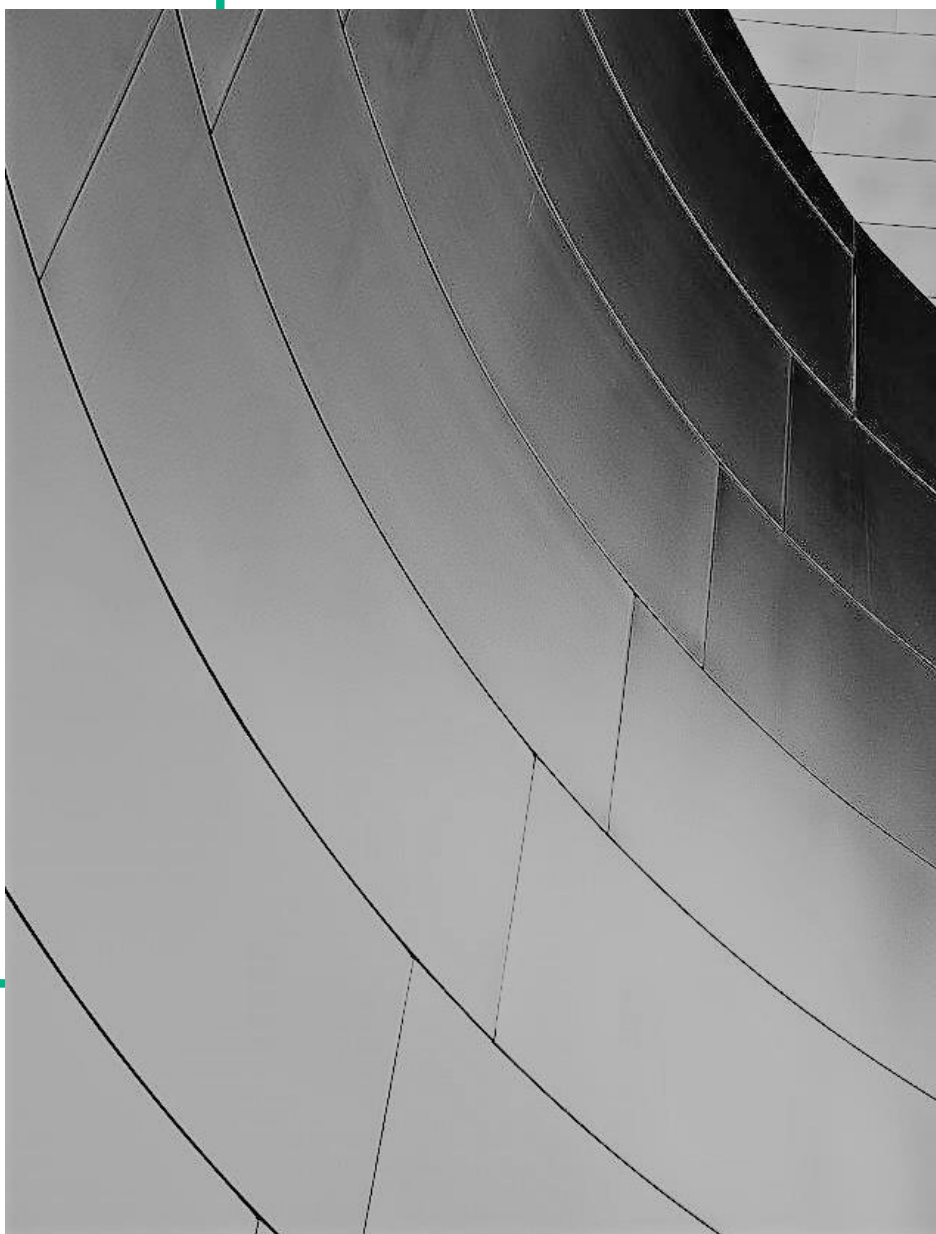
In everything that is not provided for in the Decree-Law, the rules on collective actions provided for in Law no. 83/95, of 31 August 1995 ("Class Action Law"), and Law no. 24/96, of 31 July 1996 ("Consumer Protection Law"), as amended from time to time, will apply (Article 21).

The structure of the Decree-Law is complex; however, we highlight the recent admissibility of cross-border collective actions (defined in Article

3(7) of the Directive as collective actions "brought by a qualified entity in a Member State other than that in which the qualified entity was designated"), which are now distinguished from domestic collective actions (defined in Article 3(6) of the Directive as collective actions "brought by a qualified entity in the Member State in which the qualified entity was designated"). There are two distinct categories of cross-border actions. The first includes those brought in another Member State, subject to the qualification conditions for entities regulated in Portugal. The second category includes cross-border actions brought in Portugal, regulating recognition by the Portuguese courts of the exercise of the right of action by entities qualified in other Member States (**Chapter C**). Rules on the holders of the right to take domestic collective action are also introduced (**Chapter B**).

The legal regime of the latter (domestic actions and cross-border actions brought in Portugal) is equivalent. Therefore, regardless of the place of qualification of the claimant, the exercise of the right of collective action in Portugal follows a common regime, differentiating between collective actions for redress measures, for which third-party financing is now regulated, among other aspects, which is another relevant innovation of the Decree-Law (**Chapter D**), and collective actions for injunctive measures (**Chapter E**). The Decree-Law further establishes rules on evidence (**Chapter F**) and obligations to disclose certain information (**Chapter G**). Finally, the Decree-Law sets out transitional provisions and rules on its entry into force (**Chapter H**).

# HOLDERS OF DOMESTIC COLLECTIVE ACTION RIGHTS



## HOLDERS OF DOMESTIC COLLECTIVE ACTION RIGHTS

The right to take domestic collective action is granted to associations, foundations and local authorities (Article 5(1)), referred to in the law as domestic entities.

In order for associations and foundations to have active standing in these actions, they must fulfil certain requirements: they must have legal personality; have as their statutory purpose the protection of the interests at stake; not carry out professional activities in competition with companies or self-employed traders; maintain independence and freedom from influence by

persons who are not consumers, especially traders, with an economic interest in collective actions; and, in the event of third-party funding, adopt procedures to prevent their influence and conflicts of interest between funding providers' and consumer interests (Article 6(1)).

Associations and foundations are independent notably if they are exclusively responsible for taking the decision to bring, withdraw or settle a collective action, under the guiding principle of protecting consumers' interests (Article 6(2)).

# HOLDERS OF CROSS-BORDER COLLECTIVE ACTION RIGHTS



## HOLDERS OF CROSS-BORDER COLLECTIVE ACTION RIGHTS

The Public Prosecutor's Office, the Directorate-General for Consumer Affairs ("DGC") and national qualified entities can bring cross-border collective actions in another Member State (Articles 7 and 8). Qualified entities from other Member States can bring cross-border collective actions in Portugal (Article 9).

### APPOINTMENT OF QUALIFIED ENTITIES IN PORTUGAL FOR CROSS-BORDER COLLECTIVE ACTIONS IN OTHER MEMBER STATES

In order for a national entity to be entitled to a cross-border collective action right in another Member State, it must first be appointed by Portugal as a qualified entity and must fulfil the following requirements (Article 7(1)):

- a) Be a legal person incorporated under Portuguese law and demonstrate that it has carried out twelve months of effective public activity in the protection of consumer interests prior to applying for appointment;
- b) Its corporate purpose shows a legitimate interest in protecting consumer interests, as provided for in the provisions of EU legislation referred to in Annex I of the Directive;
- c) Be a non-profit organisation;
- d) Not be undergoing insolvency proceedings or have been declared insolvent;
- e) Be independent and not be influenced by persons other than consumers, particularly traders, with an economic interest in bringing a collective action, notably in the case of third-party funding, and adopt procedures to prevent their influence, as well as to prevent conflicts of interest between itself, its funding providers and the interests of consumers;

- f) Make publicly available, in clear and intelligible language, on its website or through other means that can be widely and easily accessed by all interested parties, information demonstrating that it meets the criteria set out, as well as information on its sources of funding, its organisational, management and shareholding structure, its corporate purpose and its business.

For the purposes of gauging the independence of the qualified entity, it must, notably, be exclusively responsible for taking the decisions to bring, withdraw or settle a collective action, under the guiding principle of protecting consumers' interests (Article 7(2)).

Pursuant to Article 7(3), a national entity wishing to be appointed as a national qualified entity must submit its request to the DGC, which is the competent authority in Portugal (Article 4, paragraph (a)). This application must be accompanied by the following elements: (i) articles of association and proof of registration as a legal person; (ii) activity reports for the two years preceding the application; (iii) an oath that there are no insolvency proceedings or that the entity has not been declared insolvent; (iv) certified copies of all agreements entered into between the entity and any natural or legal persons pertaining to the financing of collective actions or part or all of the business of the entity at issue; and (v) identification of the website, or other easily and widely accessible means of providing the information demonstrating that it fulfils the legal requirements to be a qualified entity.

The DGC must assess the fulfilment of the requirements set out in Article 7(1). With regard to the corporate purpose requirement, the DGC may request an opinion from the sectoral supervisory authorities, provided that the opinion covers the protection of the interests of consumers in the sectors supervised by those authorities (Article 7(9)).

The DGC assesses, at least on a five-year basis, the fulfilment of the requirements for a national entity to be appointed as a qualified entity (Article 7(4)). In any event, the European Commission or a Member State can raise doubts as to whether the above-mentioned requirements have been met. The DGC must then request the elements it deems appropriate to assess whether the requirements have indeed been met (Articles 4, paragraph (b) and 7(5)) and may revoke the appointment of a national qualified entity if it so wishes (Article 7(6)). The defendant trader in a collective action brought by a qualified entity may raise concerns before the court as to whether the requirements of Article 7(1) have been met (Article 7(7)).

National qualified entities are included in a list made available by the DGC on its website and on the Single Portal for public services, containing their name, contact details and corporate purpose (Articles 8(1) and 20, paragraph (a)).

### CROSS-BORDER ACTIONS BROUGHT IN PORTUGAL BY QUALIFIED ENTITIES IN OTHER MEMBER STATES

The holders of the cross-border action right in Portugal are qualified entities previously appointed by other Member States (Article 5(2)).

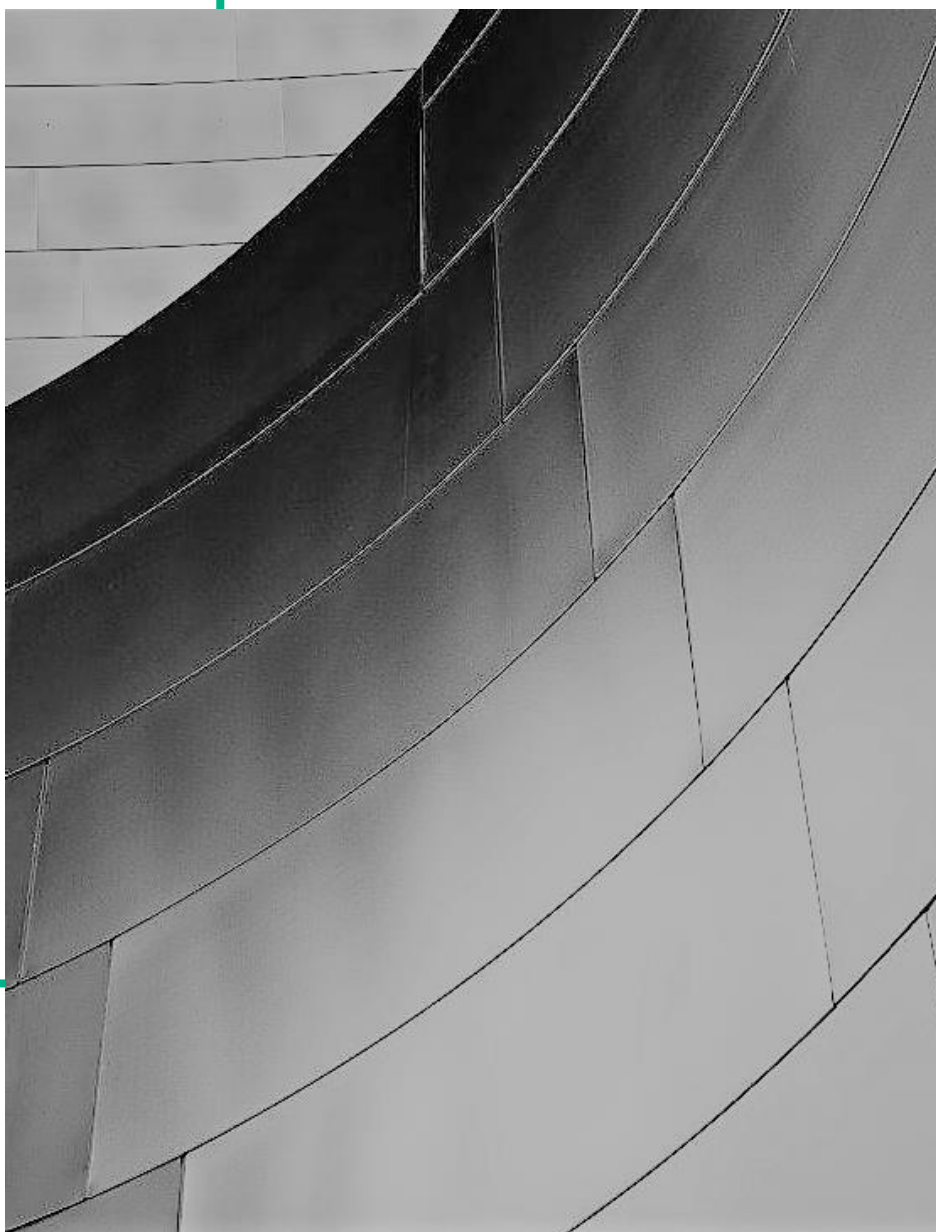
Qualified entities from other Member States may choose, in each specific case, the most appropriate procedural means to protect consumers' interests from among those available under EU and Portuguese law (Article 9(2)), and may apply for injunctive or redress measures, namely through the same action (Articles 5(2) and 9(4)).

Where there is an infringement of EU law that is likely to affect consumers in different Member States, a cross-border collective action can be brought before the Portuguese courts by several qualified entities, with a view to protecting the collective interest of the affected consumers (Article 9(3)). When bringing a cross-border collective action, qualified entities must provide the court with sufficient information about the represented consumers, identifying them individually or, where this is not feasible, by category (Article 9(1)).

The court must assess the legitimacy of the qualified entity to bring a cross-border collective action, accepting as evidence the list of entities communicated by the Member States to the European Commission (Article 9(5)). It may further assess whether the action brought is compatible with the corporate purpose of the qualified entity (Article 9(6)).



# REDRESS MEASURES



A redress measure is a measure that requires a trader to provide the consumers concerned with remedies such as compensation, repair, replacement, price reduction, contract termination or reimbursement of the price paid, as appropriate and as foreseen under EU or national law (Article 3, paragraph (c)).

Collective actions to obtain redress measures are subject to the rules set out in Articles 22 to 25 of the Class Action Law.

## FINANCING OF REDRESS MEASURES

Another of the Decree-Law's main innovations is the provision and regulation of financing for collective actions.

The Decree-Law sets out its own provisions for the financing of collective actions for redress measures. No financing rules for collective actions for injunctive measures are provided for.

One of the legislator's concerns was to ensure that the financing of collective actions is carried out in a transparent and ethical manner, without jeopardising the independence of the claimant and without creating conflicts of interest. In this context, the Decree-Law aims to preserve the integrity of the collective action and the interests of consumers in Article 10.

The claimant in the collective action must provide the court with a certified copy of the agreement, in Portuguese, including a financial summary listing the sources of financing and identifying the various costs and expenses to be borne by the third-party funding provider (Article 10(1)). Any changes to the agreement must be notified to the court (Article 10(2)).

The financing agreement must guarantee the independence of the claimant and the inexistence of conflicts of interest (Article 10(3)). The claimant must

therefore be solely responsible for all decisions pertaining to the collective action, under the guiding principle of protecting the interests at issue, including the choice of legal representatives, the definition of the procedural strategy and also the decisions to bring, continue, withdraw, settle, appeal or not appeal and, in general, to perform or not perform any procedural act in the context of the collective action (Article 10(4)). The funding provider may not impose, prevent or influence, in any way, the above-mentioned decisions of the claimant and any clauses to the contrary are null and void, notably those requiring any authorisation or consultation with the third-party funding provider before a decision is made or entailing a disadvantageous consequence for the claimant as a result of any of these decisions (Article 10(5)). Collective actions brought by a claimant who has entered into a financing agreement are also inadmissible when at least one of the defendants in the action is a competitor of the funding provider or is an entity on which the funding provider depends (Article 10(7)).

In the event of a breach of the rules set out in Article 10(3), (5) and (7), the court will invite the claimant to refuse or make changes to the third-party financing within a certain time limit in order to ensure compliance with the breached provisions, failing which the court must declare the claimant to lack legal standing (Article 10(8)). This declaration of lack of legal standing does not affect the rights of the holders of the interests covered by the collective action in question, and the Public Prosecutor's Office may replace the claimant by continuing the action (Article 10(9)).

With respect to remuneration, the financing agreement cannot provide for any remuneration beyond a fair and proportionate value, assessed in light of the characteristics and risk factors of the collective action at issue and the market price of such financing (Article 10(6)).

This remuneration is considered an expense incurred by the claimant as a result of the action and will therefore be paid for using the compensation that is not claimed, in whole or in part, by the harmed consumers within a reasonable period set by the court (Article 16(6) and (7)). Following the expiry of the period set, the court will assess the fairness and proportionality of the compensation by order made in an incident processed as an annex to the collective action (Article 16(7)).

## REPRESENTATION

Pursuant to the combined provisions of Articles 14 and 15 of the Class Action Law and the Decree-Law, the holders of the right to take collective action represent consumers who are habitually resident in Portugal at the date on which the stakeholders in the collective action are summoned and who have not exercised the right to opt out (Article 12(1)).

Consumers who are not habitually resident in Portugal at the date on which the relevant stakeholders are summoned are only represented by the claimant if they express their wish to be represented in the collective action at issue, so as to be bound by its outcome (Article 12(1)). This declaration is not subject to any specific formality (Article 12(2)).

The Decree-Law thus maintains the opt-out system for consumers residing in Portugal, while imposing the opt-in system for consumers residing outside Portugal.

Domestic consumers who have not exercised their right to opt out and consumers who are not habitually resident in Portugal and have expressed their wish to be represented cannot be represented in other collective actions with the same claims and cause of action and against the same defendants (Article 12(3)).

## EVIDENCE

Final decisions of domestic courts or of a court or administrative authority of any Member State declaring

the existence of an infringement harming the interests at issue without ordering compensation or full reparation of the interests harmed against those defendants and for the same unlawful practice may be used as evidence in accordance with the general rules of civil procedure (Article 17(4)).

## LIMITATION PERIOD

Bringing a collective action to obtain redress measures interrupts the limitation period applicable to the consumers represented in that collective action for the exercise of their rights. The period starts to run again from the moment the decision bringing the collective action to a close has *res judicata* effect (Article 14(2)).

## SENTENCE AND DESTINATION OF COMPENSATION

If the trader is ordered to make a reparation measure, the sentence must contain the following information:

1. The criteria for identifying the harmed consumers and for quantifying the damages suffered by each individually identified harmed consumer (Article 16(1)). If not all harmed consumers are individually identified, an overall amount of compensation is set (Article 16(2) and Article 22(2) of the Class Action Law). If harmed consumers are individually identified in the meantime and the total amount of compensation set is not sufficient, this amount is distributed, in proportion to the respective damage, among the individually identified harmed consumers (Article 16(3)).
2. The entity responsible for receiving, managing and paying due compensation to harmed consumers who are not individually identified, and may be designated for this purpose, namely, the claimant or one or more harmed consumers identified in the action (Article 16(4)).

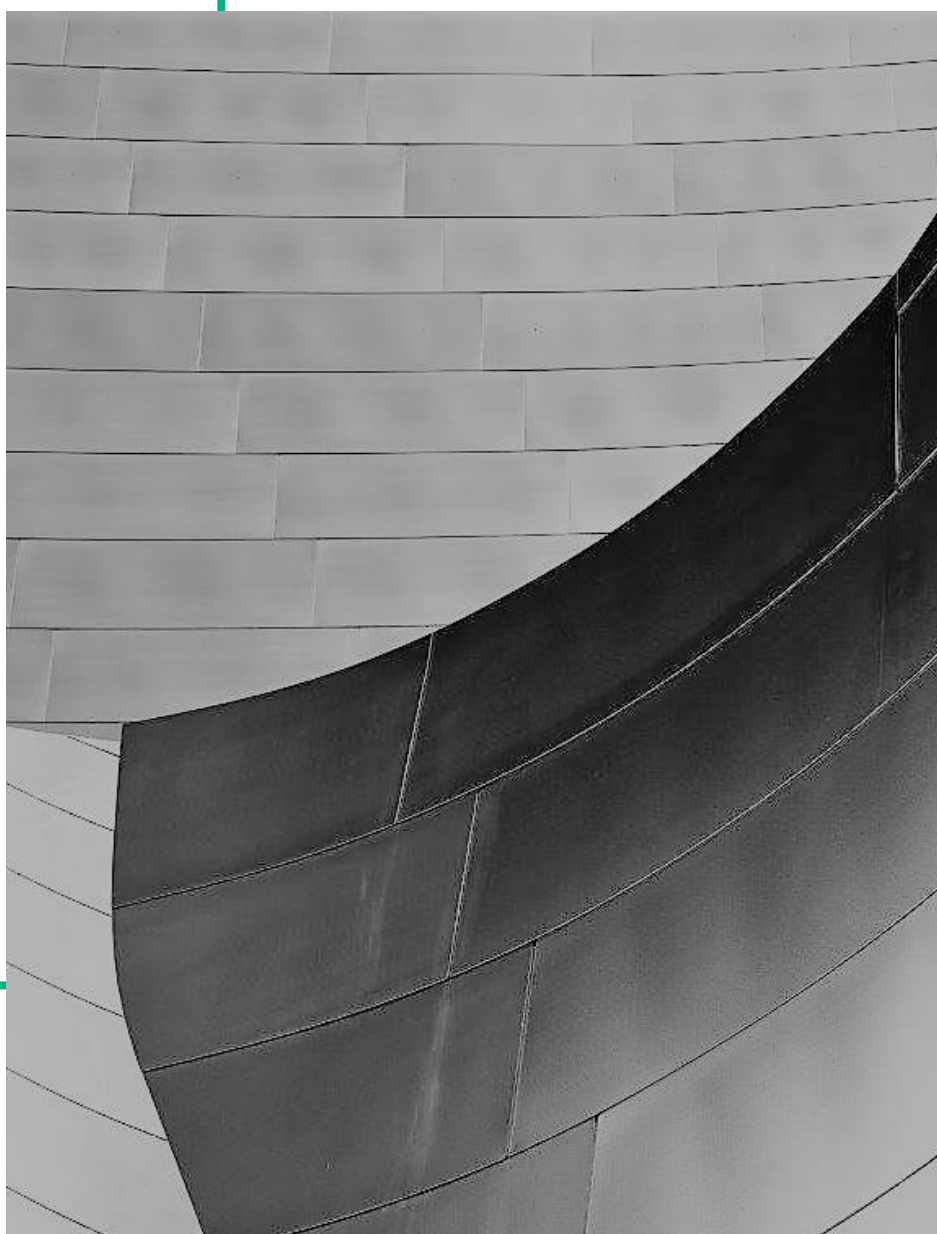
3. The means to be used to inform the represented consumers of the existence of compensation, to which they are entitled, and how to claim it, notably stating (Article 16(5)):

- a) Direct payment by the defendant to the represented consumers who are still its customers and are identifiable;
- b) Direct information by the defendant to the consumers represented through the regular channels for communication with its customers, provided that it is on a durable medium, including an invoice notice, by post, by email or by written telephone message, repeating this information in more than one monthly billing cycle, if applicable;
- c) The use of one or more electronic platforms for disclosing and distributing global compensation, whether private or public;
- d) Compensation that is not claimed, in whole or in part, by the harmed consumers within a reasonable period

set by the judge will be allocated to the payment of all costs, fees and other expenses incurred by the claimant as a result of the action (Article 16(6));

- e) Any remaining compensation that is not paid as a result of the limitation period or the impossibility of identifying the respective owners and that has not been allocated to the payment of the claimant's costs, fees and expenses shall revert: a) 60% to the Fund for the Promotion of Consumer Rights; and b) 40% to the Institute for Financial Management and Equipment of Justice, I.P. (Article 16(8)).

# INJUNCTIVE MEASURES



## INJUNCTIVE MEASURES

An injunctive measure is any provisional or definitive measure intended to cease or, where appropriate, identify or prohibit an unlawful practice, including a declaration that the practice is unlawful, an obligation to publish the decision on the measure in full or in part, in such form as the court or administrative authority considers appropriate, or an obligation to publish a corrective statement, as well as the provision by the trader of information due to consumers (Article 3, paragraph (d)).

### PRIOR CONSULTATION PROCEDURE

The Decree-Law provides for a mandatory prior consultation procedure with the trader (Article 11(1)). The holders of the right to take collective action must notify the trader, by registered letter with acknowledgement of receipt, of the following mandatory elements (Article 11(2)): a) a description of the conduct or facts whose practice must cease, or which may have caused damage to consumers; and b) the rules of consumer protection legislation that have been breached.

If the trader does not cease the offence within two weeks of receiving the notice, the holder of the right of collective action can apply for an injunctive measure (Article 11(3)).

### REPRESENTATION

Pursuant to the combined provisions of Articles 14 and 15 of the Class Action Law and the Decree-Law, in collective actions for injunctive measures, the holders of the right of collective action represent all consumers who have not exercised the right to opt out (Article 12(4)).

The claimant does not have to prove actual damage suffered by the individual consumers affected by the infringement at issue, nor the trader's wilful misconduct or negligence (Article 12(5)).

### SANCTIONS

A defendant losing a collective action for injunctive measures and failing to fulfil the obligation established in a decision with *res judicata* effect may be sentenced to pay a mandatory pecuniary penalty, which may not exceed the amount of EUR 4,987.98 for each infringement (Article 15(1)).

The sanction is assessed by the court hearing the case at first instance, at the request of anyone who may benefit from the decision, and the infringing trader must be given the opportunity of prior hearing (Article 15(2)).

The amount of the penalty payment goes equally to the applicant and to the Fund for the Promotion of Consumer Rights (Article 15(3)).

### LIMITATION PERIOD

Bringing a collective action for injunctive measures interrupts the limitation period applicable to the consumers represented in that collective action for the exercise of rights arising from the infringement at issue, within the scope of an action for redress measures. The period starts to run again from the moment the decision bringing the collective action to a close has *res judicata* effect (Article 14(1)).

# EVIDENCE



## EVIDENCE

The claimant may request the court, in a substantiated manner, to order the production of evidence in the possession of the defendant or a third party, provided that the claimant has produced reasonably available and sufficient evidence to support the collective action (Article 13(1)).

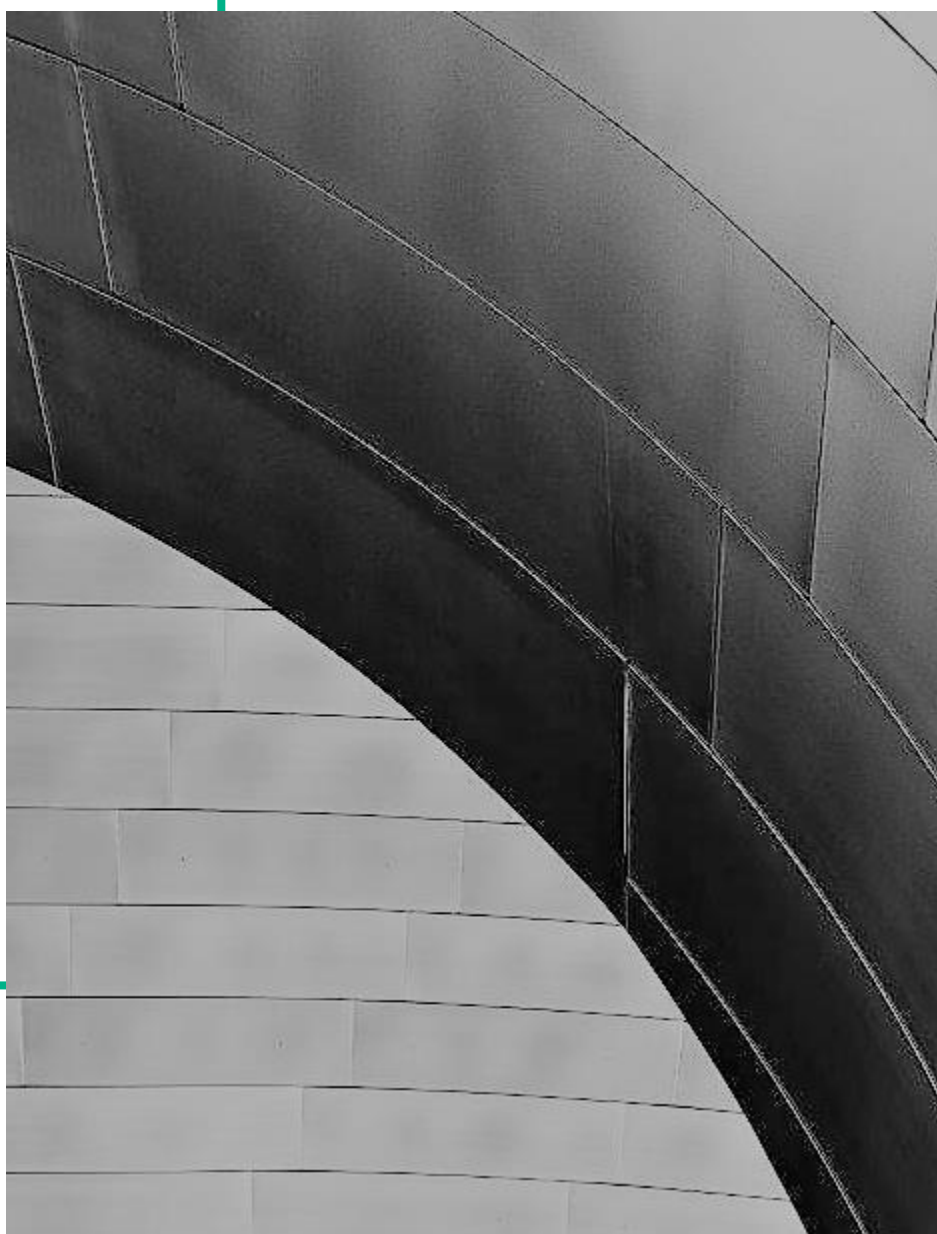
Likewise, the defendant may request the court, in a substantiated manner, to order the production of relevant evidence in the possession of the claimant or a third party (Article 13(2)).

When assessing requests for evidence held by a third party, the court takes into consideration the principle of proportionality and the applicable legal rules on confidentiality (Article 13(3)).

The following are sanctioned with a procedural fine to be set by the court pursuant to Article 417(2) of the Portuguese Code of Civil Procedure: (i) failure or refusal to comply with the order to produce evidence; and (ii) destruction, concealment or otherwise making it impossible to effectively access the evidence whose production was ordered (Article 13(4)).



# DISSEMINATION OF INFORMATION



## DISSEMINATION OF INFORMATION

### NATIONAL QUALIFIED ENTITIES

The DGC is responsible for making publicly available, on its website and through the Single Portal for public services, information on the qualified entities previously designated for the purpose of bringing cross-border collective actions (Articles 8(1) and 20, paragraph (a)).

### COLLECTIVE ACTIONS

Claimants are obliged to disclose the following information on their website with respect to each collective action brought by them: a) the identification of the collective action, with reference to the identification of the parties, the claim at issue, the case number, and the court; b) the current procedural stage of the collective action; c) the outcome of the action, including the overall compensation amount and the method of compensation distribution to the defendants, where applicable; and d) the court decision (Article 19(1)).

The DGC reports the following information to the European Commission on a yearly basis: a) the number and type of collective actions settled before domestic courts; b) the type of offences involved in the actions; c) the parties involved in the actions; and d) the outcome of the actions (Article 19(2)). This information shall be reported by the DGC to the European Commission by 26 June 2027 and annually thereafter (Article 22(1)).

The DGC must also make the information on any collective actions pending before the courts available to the public on its website and through the Single Portal for public services (Article 20, paragraph (b)).

The courts before which collective actions have been brought send the DGC the notice of summons of the consumers represented, for dissemination in accordance with Article 20, and, within 30 days of the respective final judgement, a copy of the sentences of the settled collective actions (Article 19(3)). This information is to be reported for the first time on 31 May 2027 (Article 22(2)).

### DECISIONS WITH *RES JUDICATA* EFFECT

Decisions with *res judicata* effect, including decisions approving settlements, shall be published and disclosed to consumers, in extract form, at the expense of the losing party and under penalty of contempt, with mention that they have *res judicata* effect, on the defendant's website and in two newspapers presumably read by those interested in learning about such decisions, as determined by the court in its decision and within the time limit indicated by the court, which may also order that the essential aspects of the decision be published in extract form, when their length makes publication in full inadvisable (Article 17(1)).

The court may determine other means of disclosure appropriate to the particular circumstances of the case, at the expense of the losing party and under penalty of contempt, including, where appropriate, individual communication to all consumers concerned by the decisions (Article 17(2)).

Claimants must also publish decisions with *res judicata* effect rejecting or dismissing collective actions for redress measures, under the same terms as the defendants, but with the necessary adaptations (Article 17(3)).

The DGC must make the information on collective actions settled before the courts available to the public on its website and through the Single Portal for public services (Article 20, paragraph (b)).

# TRANSITIONAL PROVISIONS AND ENTRY INTO FORCE



## TRANSITIONAL PROVISIONS AND ENTRY INTO FORCE

The Decree-Law applies to collective actions brought from the date of its entry into force (Article 24(1)). The limitation period rule set forth in Article 14(1) applies exclusively to collective actions for redress measures arising from offences that occurred after the Decree-Law came into force (Article 24(2)).

The Decree-Law came into force on 6 December 2023 (Article 25).

# ANNEX (EUROPEAN CONSUMER LAW)



## ANNEX (EUROPEAN CONSUMER LAW)

As mentioned, the Decree-Law applies to domestic and cross-border collective actions for the protection of consumers' rights and interests brought on the grounds of infringements of the provisions of domestic and EU law referred to in Annex I of the Directive.

Annex I of the Directive contains a list of Directives for the protection of various consumer rights, namely:

- Liability for defective products (Council Directive 85/374/EEC of 25 July 1985);
- Unfair terms in consumer contracts (Council Directive 93/13/EEC of 5 April 1993);
- Air carrier liability in respect of the carriage of passengers and their baggage by air (Council Regulation (EC) No 2027/97 of 9 October 1997);
- Consumer protection with regard to the indication of the prices of products offered to consumers (Directive 98/6/EC of the European Parliament and of the Council of 16 February 1998);
- Certain aspects of the sale of consumer goods and associated guarantees (Directive 1999/44/EC of the European Parliament and of the Council of 25 May 1999);
- Certain legal aspects of information society services, in particular electronic commerce, in the internal market (Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000, Articles 5, 6, 7, 10 and 11);
- Community code relating to medicinal products for human use (Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001, Articles 86 to 90, 98 and 100);
- General product safety (Directive 2001/95/EC of the European Parliament and of the Council of 3 December 2001, Articles 3 and 5);
- Universal service and users' rights relating to electronic communications networks and services (Directive 2002/22/EC of the European Parliament and of the Council of 7 March 2002, Article 10 and Chapter IV);
- Processing of personal data and the protection of privacy in the electronic communications sector (Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002, Articles 4 to 8 and 13);
- Distance marketing of consumer financial services (Directive 2002/65/EC of the European Parliament and of the Council of 23 September 2002);
- General principles and requirements of food law and food safety procedures (Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002);
- Common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights (Regulation (EC) No 261/2004 of the European Parliament and of the Council of 11 February 2004);
- Unfair business-to-consumer commercial practices in the internal market (Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005);
- Misleading and comparative advertising (Directive 2006/114/EC of the European Parliament and of the Council of 12 December 2006);
- Services in the internal market (Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006, Articles 20 and 22);
- Rights of disabled persons and persons with reduced mobility when travelling by air (Regulation (EC) No 1107/2006 of the European Parliament and of the Council of 5 July 2006);
- Rail passengers' rights and obligations (Regulation (EC) No 1371/2007 of the European Parliament and of the Council of 23 October 2007);
- Credit agreements for consumers (Directive 2008/48/EC of the European Parliament and of the Council of 23 April 2008);
- Protection of consumers in respect of certain aspects of timeshare, long-term holiday product, resale and exchange contracts (Directive 2008/122/EC of the European Parliament and of the Council of 14 January 2009);

## ANNEX (EUROPEAN CONSUMER LAW)

- Common rules for the operation of air services in the Community (Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008, Article 23);
- Classification, labelling and packaging of substances and mixtures (Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008, Articles 1 to 35);
- On the coordination of laws, regulations and administrative provisions relating to certain undertakings for collective investment in transferable securities (Directive 2009/65/EC of the European Parliament and of the Council of 13 July 2009);
- Common rules for the internal market in electricity (Directive 2009/72/EC of the European Parliament and of the Council of 13 July 2009, Article 3 and Annex I);
- Common rules for the internal market in natural gas (Directive 2009/73/EC of the European Parliament and of the Council of 13 July 2009, Article 3 and Annex I);
- Taking up, pursuit and prudential supervision of the business of electronic money institutions (Directive 2009/110/EC of the European Parliament and of the Council of 16 September 2009);
- Establishing a framework for the setting of ecodesign requirements for energy-related products (Directive 2009/125/EC of the European Parliament and of the Council of 21 October 2009, Article 14 and Annex I);
- Taking up and pursuit of the business of Insurance and Reinsurance (Solvency II) (Directive 2009/138/EC of the European Parliament and of the Council of 25 November 2009, Articles 183 to 186);
- Liability of carriers of passengers by sea in the event of accidents (Regulation (EC) No 392/2009 of the European Parliament and of the Council of 23 April 2009);
- Cross-border payments in the Community (Regulation (EC) No 924/2009 of the European Parliament and of the Council of 16 September 2009);
- Labelling of tyres with respect to fuel efficiency and other essential parameters (Regulation (EC) No 1222/2009 of the European Parliament and of the Council of 25 November 2009, Articles 4, 5 and 6);
- Cosmetic products (Regulation (EC) No 1223/2009 of the European Parliament and of the Council of 30 November 2009, Articles 3 to 8 and Articles 19, 20 and 21);
- Coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010, Articles 9, 10 and 11, 19 to 26 and 28-B);
- EU Ecolabel (Regulation (EC) No 66/2010 of the European Parliament and of the Council of 25 November 2009, Articles 9 and 10);
- Rights of passengers when travelling by sea and inland waterway (Regulation (EU) No 1177/2010 of the European Parliament and of the Council of 24 November 2010);
- Alternative Investment Fund Managers (Directive 2011/61/EU of the European Parliament and of the Council of 8 June 2011);
- Consumer rights (Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011);
- Rights of passengers in bus and coach transport (Regulation (EU) No 181/2011 of the European Parliament and of the Council of 16 February 2011);
- Provision of food information to consumers (Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011);
- Energy efficiency (Directive 2012/27/EU of the European Parliament and of the Council of 25 October 2012, Articles 9 to 11-A);
- Technical and business requirements for credit transfers and direct debits in euro (Regulation (EU) No 260/2012 of the European Parliament and of the Council of 14 March 2012);
- Roaming on public mobile communications networks within the Union (Regulation (EU) No 531/2012 of the European Parliament and of the Council of 13 June 2012);
- Alternative dispute resolution for consumer disputes (Directive 2013/11/EU of the European Parliament and of the Council of 21 May 2013, Article 13);



## ANNEX (EUROPEAN CONSUMER LAW)

- Online dispute resolution for consumer disputes (Regulation (EU) No 524/2013 of the European Parliament and of the Council of 21 May 2013, Article 14);
- Credit agreements for consumers relating to residential immovable property (Directive 2014/17/EU of the European Parliament and of the Council of 4 February 2014);
- Harmonisation of the laws of the Member States relating to the making available on the market of non-automatic weighing instruments (Directive 2014/31/EU of the European Parliament and of the Council of 26 February 2014);
- Harmonisation of the laws of the Member States relating to the making available on the market of electrical equipment designed for use within certain voltage limits (Directive 2014/35/EU of the European Parliament and of the Council of 26 February 2014);
- Markets in financial instruments (Directive 2014/65/EU of the European Parliament and of the Council of 15 May 2014, Articles 23 to 29);
- Comparability of fees related to payment accounts, payment account switching and access to payment accounts with basic features (Directive 2014/92/EU of the European Parliament and of the Council of 23 July 2014);
- Key information documents for packaged retail insurance-based investment products (PRIIPs) (Regulation (EU) No 1286/2014 of the European Parliament and of the Council of 26 November 2014);
- European long-term investment funds (Regulation (EU) 2015/760 of the European Parliament and of the Council of 29 April 2015);
- Measures concerning open internet access and retail charges for regulated intra-EU communications (Regulation (EU) 2015/2120 of the European Parliament and of the Council of 25 November 2015);
- Package travel and linked travel arrangements (Directive (EU) 2015/2302 of the European Parliament and of the Council of 25 November 2015);
- Payment services in the internal market (Directive (EU) 2015/2366 of the European Parliament and of the Council of 25 November 2015);
- Insurance distribution (Directive (EU) 2016/97 of the European Parliament and of the Council of 20 January 2016, Articles 17 to 24 and 28, 29 and 30);
- Protection of natural persons with regard to the processing of personal data and the free movement of such data (Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016);
- Medical devices (Regulation (EU) 2017/745 of the European Parliament and of the Council of 5 April 2017, Chapter II);
- In vitro diagnostic medical devices (Regulation (EU) 2017/746 of the European Parliament and of the Council of 5 April 2017, Chapter II);
- Cross-border portability of online content services in the internal market (Regulation (EU) 2017/1128 of the European Parliament and of the Council of 14 June 2017);
- Prospectus to be published when securities are offered to the public or admitted to trading on a regulated market (Regulation (EU) 2017/1129 of the European Parliament and of the Council of 14 June 2017);
- Money market funds (Regulation (EU) 2017/1131 of the European Parliament and of the Council of 14 June 2017);
- Energy labelling scheme (Regulation (EU) 2017/1369 of the European Parliament and of the Council of 4 July 2017, Articles 3 to 6);
- Measures against unjustified geo-blocking and other forms of discrimination based on consumers' nationality, place of residence or place of establishment within the internal market (Regulation (EU) 2018/302 of the European Parliament and of the Council of 28 February 2018, Articles 3, 4 and 5);
- European Electronic Communications Code (Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018, Articles 88, 98 to 116 and Annexes VI and VIII);
- Contracts for the supply of digital content and digital services (Directive (EU) 2019/770 of the European Parliament and of the Council of 20 May 2019);
- Contracts for the sale of goods (Directive (EU) 2019/771 of the European Parliament and of the Council of 20 May 2019).



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