



Sérvulo & Associados | Sociedade de Advogados, SP, RL

# Update

TMT

March 2023

## Law n.º 10/2023 of March 3: completion of the transposition of Directive (EU) 2019/2161 on consumer protection

Ana Mira Cordeiro | ami@servulo.com  
Catarina Ferreira da Silva | cfs@servulo.com

On March 3, 2023, **Law n.º 10/2023** was published in “Diário da República”, completing the transposition of **Directive (EU) 2019/2161** which, in turn, aims to *ensure better enforcement and modernization of European Union rules on **Consumer Protection***.

This law introduced some changes in the following legal instruments in the scope of consumer rights:

- Decree-Law n.º 446/85 of October 25th (General Contractual Clauses Regime);
- Decree-Law n.º 138/90 of April 26th (Obligation to indicate the respective consumer selling price of goods for retail sale);
- Decree-Law n.º 70/2007 of March 26 (Commercial practices with price reduction in retail sales practiced in commercial stores, with the aim of disposing of stocks, increasing sales volume or promoting the launch of a product not previously marketed by the economic agent);
- Decree-Law n.º 57/2008 of March 26 (Unfair commercial practices regime);
- Decree-Law n.º 24/2014 of February 14 (Contracts entered into at a distance and concluded away from the commercial store regime);

Among the multiple changes, it is worth to highlight:

- **Definition of a maximum limit for fines to be applied for the administrative offences** set out in the respective decree-laws: 4% of the offender's annual turnover or, if such information is unavailable, €2,000,000.00.

- **Stipulation of the criteria to be taken into account when determining the fines** referred to in the preceding paragraph.
- **In the particular case of Decree-Law N.° 24/2014, of February 14, the subordination of the service provider or supplier of goods to Regulation (EU) 2016/679**, of the European Parliament and of the Council, of April 27, 2016, on the protection of individuals with regard to the processing of personal data and on the free movement of such data, as well as the implementation of various rules applicable to these contracts, specifically the scope of use of some content generated during their execution, once these contracts have been terminated, is materialized.

The Decree Law also republishes Decree Law 24/2014, of 14 February.