

**ACTIVITIES IN SUPPORT OF THE OBJECTIVES OF THE CONSUMER POLICY STRATEGY (2002  
TO 2006) CARRIED OUT IN PORTUGAL**

*Report on the implementation of the strategy*

*This document uses the same structure as the rolling programme of activities contained in the Consumer Policy Strategy (COM (2002) 208 final).*

### **OBJECTIVE 1: A HIGH COMMON LEVEL OF CONSUMER PROTECTION**

| Action   | Description  | Timeframe/current situation |
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| <b>[Area]:</b>                                       |  |                             |
| <b>1. Safety of consumer goods and services</b>      |  |                             |
| 1. Database on the safety of goods and services      | Creation and implementation of the database on the safety of goods and services  | Completed                   |
| various publications                                 | Production of information on accident rates:<br>A) Research into domestic accidents and accidents in the course of leisure activities in Portugal between 1987 and 1999;<br>B) Various publications  | a) completed<br>b) ongoing  |
| 3. Administrative cooperation network                | Cooperation with the various national and international administrative authorities in the context of the GPS Directive   | Ongoing                     |
| 4. Phthalates in toys                                | Ministerial order No 1210/2000, of 21.12   | Completed                   |
| 5. Revision of the Toy Directive                     | Discussions on the future revision of the Directive on the safety of toys in association with the Inspectorate-General for Economic Activities, the Customs Directorate-General, the notified/sectoral standardisation body and the accredited laboratory (CNE). | Ongoing                     |
| <b>2. Legislation on consumer economic interests</b> |  |                             |

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| <p><b>Unfair commercial practices</b><br/>Proposals following the Commission's Green Paper on EU consumer protection</p> | <p>Organisation of a public hearing held in the offices of the Consumer Institute and in the presence of a member of the Commission staff, to clear up any doubts and exchange views.</p> <p>Production of a national opinion on the Green Paper, submitted to the EC along with the contributions from the various social partners and consumer associations.</p> <p>Production of a national opinion on the Commission Communication "Follow-up to the Green Paper", submitted to the EC along with contributions from the various social partners and consumer associations.</p>  | <p>Completed</p> <p>Completed</p> <p>Completed</p>                  |
| <p><b>3. Review of the existing <i>acquis</i></b></p>  |  |   |
| <p><b>a) Safety</b></p>  | <p>DL No 163/02 of 11 July 2002 – conditions for the import and placing of the market of laser pointers<br/>DL No 320/02 of 28 December 2002 – maintenance and inspection of lifts, goods lifts, conveyor belts and escalators.<br/>DL No 100/03, of 23 May 2003 – adopting the Regulation governing the technical and safety conditions to be respected in the design, installation and maintenance of football, handball, basketball, hockey and water polo goals, and sporting facilities for public use.<br/>DL No 50/03 of 25 March 2003 transposing into national law Directive 2000/13/EC of the European Parliament and of the Council of 20 March 2000 on the approximation of the laws of the Member States relating</p> | <p>Completed</p> <p>Completed</p> <p>Completed</p> <p>Completed</p> |

<sup>1</sup> Translator's note: the Directive number given in the original (2002/86/EC) did not correspond with the title

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|  | to the labelling, presentation and advertising of foodstuffs for sale to the ultimate consumer. <sup>1</sup><br>Draft decree on imitation firearms | Ongoing |
|  | Transposal of directive 2001/95/EC of 3 December, on general product safety.   | Ongoing |

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| <b>b) Consumers' economic interests</b> | <p>Decree-Law No 67/03, of 8 April 2003 – introduces new rules governing guarantees for consumer goods.</p> <p>Draft legislation intended to strengthen consumers' right to information and to the protection of their economic interests and to guarantee market transparency in property transactions.</p> <p>Draft ministerial order adopting the standard <i>Ficha Técnica de Habitação</i> (Property information form)</p> <p>Law No 7/2003 of 9 May establishing Legislative Authorisation for the transposal of the electronic commerce Directive (Cf. Point 6 para. 4, action on electronic commerce).</p> <p>Draft decree on electronic commerce</p> <p>Draft decree transposing Directive 65/EC on financial services at a distance<sup>2</sup></p> | <p>Completed</p> <p>Ongoing</p> <p>Ongoing</p> <p>Completed</p> <p>Ongoing</p> <p>Ongoing</p> |
| <b>c) Tourism</b>                       | <p>DL No 55/02 of 11 March 2002 – tourist accommodation</p> <p>Draft Decree-Law establishing the system for the organisation and promotion of holiday camps</p> <p>Draft Decree-Law adopting the Regulation on the technical requirements for sporting facilities for public</p>  | <p>Completed</p> <p>Ongoing</p> <p>Ongoing</p>  |

<sup>2</sup> Translator's note: The Directive number is incomplete and I cannot find a Directive with this title, so have translated it word for word.

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| <b>d) Food and health</b>                  | DL No 9/02 of 24 January 2002 – restrictions on the sale of alcoholic drinks<br>DL No 25/03 of 4 February 2003 – restrictions on the marketing of tobacco.<br>DL No 136/03 of 28 June 2003 - transposal of Directive No 2002/46/EC on food supplements | Completed<br>Completed<br>Completed |
| <b>e) Credit institutions</b>              | DL No 201/02 of 20 September 2002 – amendment and re-issue of the general arrangements for credit institutions and financial services  | Completed                           |
| <b>f) Regulatory provisions</b>            | DL No 308/02 of 16 December 2002 – regulating the Food Quality and Safety Agency Act<br>DL No 10/03 of 18 January 2003 – creating the Competition Authority  | Completed                           |
| <b>g) Support to consumer associations</b> | Draft Decree-Law on state financial support to consumer associations.  | Ongoing                             |
| <b>4. Law governing consumer contracts</b> |  |                                     |
| <b>European Contract law</b>               | Commission action plan: a public hearing was held with consumer associations and the Consumer Institute subsequently adopted a position on the matter.   | Completed                           |
| Draft council decision                     | Establishment of the Consumer Institute's position   | Ongoing                             |
| <b>5. Financial services</b>               |  |                                     |
| 1. Over-indebtedness                       | - Organisation of a meeting on the prevention of consumer overindebtedness, with presentation of three preventive instruments: the review of the consumer credit directive, credit records, and financial education for consumers.                     | Completed                           |

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|  | <ul style="list-style-type: none"> <li>- Organisation of a meeting on securing credit protection and its role in the prevention of overindebtedness.</li> <li>- Production of an opinion on a document drawn up by the <i>Observatório do Sobreendividamento</i> (Observatory on overindebtedness): "Priorities for a strategy to control overindebtedness in Portugal".</li> </ul>   | <p>Completed</p> <p>Completed</p>              |
| 2. Review of the consumer credit directive   | <ul style="list-style-type: none"> <li>- Organisation of a national public hearing with the participation of two consumer associations, the Lisbon Arbitration Centre and the <i>Observatório do Sobreendividamento</i>.</li> <li>- Submission to the EC of part of the national opinion agreed on by the Consumer Institute and the <i>Banco do Portugal</i>.</li> <li>- Draft decree amending Decree-Law No 359/91 of 21 September 1991 (transposing Directives 87/102/EC and 90/88/EC on consumer credit)</li> </ul> | <p>Completed</p> <p>Ongoing</p> <p>Ongoing</p> |
| 3. Cooperation in the field of insurance   | Conclusion of the protocol with the <i>Instituto de Seguros de Portugal</i> (Portugal Insurance Institute) on the joint development of activities to promote consumer interests, training and information.  | Ongoing  |
| 4. Research into mortgage credit   | Assessment of the quality of the information provided by credit institutions on mortgages compared with the voluntary European code of conduct on pre-contractual mortgage information  | Completed                                      |
| 5. Research into credit granted by the SFAC ( <i>Sociedades Financeiras e Aquisição a Crédito</i> – finance and hire-purchase companies) | Gathering of information on the market and the conditions available, and assessment of the quality of information provided to consumers.  | In the process of completion                   |
| <b>6. Electronic commerce</b>  |   |  |
| 1. Code of Practice  | Production of a code of a practice for the members of the <i>Associação de Comercio Electrónico de Portugal</i> (Portuguese electronic commerce association)  | Completed                                      |

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| 2. Dissemination of information   | - distribution to consumers and to electronic commerce companies of the main guideline documents on consumer protection measures<br>- production and distribution of 100 000 copies of a CD-ROM " <i>Tudo o que precisa de saber para comprar online em segurança</i> " ("All you need to know for safe online shopping"). | Completed<br><br>Completed   |
| 3. Practical study of the network of European consumer centres  | Practical study involving examination of national sites and of cross-border purchases and returns.   | 2002 – completed in May 2003 (public presentation in Düsseldorf). Presentation on Portuguese television July 2003. |
| 4. Legislation  | Law No 7/2003 of 9 May 2003 establishing legislative Authorisation on the transposal of the electronic commerce Directive (already referred to at point 3 para. b), (Electronic commerce))   | Ongoing  |
| <b>7. Services of General Interest (SGI)</b>  |  |  |
| 1. Public hearings  | Attendance at two public hearings organised by the <i>Entidade Reguladora do Sector Energético</i> (ERSE, the regulatory body for the energy sector)   | Completed  |
| 2. Production of information materials  | Production of a guide on essential public services and guides on preventing accidents when using gas and electricity in the home.  | Completed  |
| 3. Deposits for essential public services   | Situation as regards the repayment of deposits   | Ongoing  |
| 4. In-house ombudsmen in the public services  | Organisation of a national meeting of in-house company ombudsmen providing public services for the protection of consumers and the establishment of information channels for resolving consumer disputes.  | Ongoing  |
| 5. Opinion surveys  | Survey to assess levels of satisfaction among users of private health services   | Completed  |
| 6. Involvement of the Essential Public Services and Services of General Interest in regulatory bodies | Involvement of the energy, telecommunications, water, insurance, and property sector regulators in advisory bodies; regular consultation of consumer representatives on issues related to these sectors, and to banking and  | Ongoing  |



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| <b>8. SGI – Transport</b>                      |  |           |
| 1. Opinion survey                              | Survey to assess levels of satisfaction among public transport users   | Completed |
| <b>9. SGI – Energy</b>                         | Involvement in the activities of the Pricing and Advisory Council of the <i>Entidade Reguladora do Sector Energético</i> (ERSE, the regulatory body for the energy sector).  | Ongoing   |
| <b>10. SGI – Telecommunications</b>            | Involvement in the activities of the National Communications Authority (ANACOM) advisory council   | Ongoing   |
| <b>11. Competition</b>                         | Setting-up of the Competition Authority (cf. point 3 para. f), regulatory provisions)  | Completed |
| <b>12. Environment</b>                         |  |           |
| Ecological Quality and Communications Strategy | Europe-wide cooperation project, involving Belgium, France, Portugal, Italy and Sweden, on consumer information about the ecological and social quality of products.   | Ongoing.  |
| The People Project                             | Participation by the Consumer Institute in the People Project. This European project aims to measure levels of atmospheric pollutants indoors and outdoors and the levels to which people who live and/or work in certain European cities are exposed. | Ongoing   |
| <b>13. International trade</b>                 |  |           |

## OBJECTIVE 2: EFFECTIVE ENFORCEMENT OF CONSUMER PROTECTION RULES

| Action  | Description  | Timeframe/current situation |
|---|--|-----------------------------|
| <b>[Area]:</b>  |  |                             |
| <b>1. Enforcement co-operation between Member States</b>                                  | Cooperation with the International Consumer Protection and Enforcement Network (ICPEN) in its 2002 and 2003 Sweep Days.<br>The theme chosen for 2002 was misleading claims about health products, and for 2003 travellers' complaints about electronic transactions. | Completed                   |
| <b>2. Application of provisions in the area of the safety of goods and services</b>       | Transposal of Directive 2001/95/EC of 3 December 1995 on general product safety. (cf. point 3 para. a) (Safety))   | Ongoing                     |
|   | Hosting of workshops on risk analysis and assessment.  | Ongoing                     |
| <b>3. Alternative dispute resolution (ADR)</b>  |  |                             |
| 1. Green Paper on ADR   | Holding of a public hearing for consumer associations and dispute arbitration centres, followed by publication of IC opinion on this issue   | Completed                   |
| 2. Support for the development of EEJ-NET   | - Forging links with national ADR bodies.  | Ongoing                     |
|   | - Organisation of a conference with all of the national ADR bodies and the European Network Clearing Houses.   | Completed                   |
|   | - Management of cross-border disputes.   | Ongoing                     |
|   | - Construction of the site.  | Ongoing                     |
| 3. Promotion of the principles under the 1998 and 2001 Commission Recommendations on ADRs | - Production and distribution of the "Guide to Access to Justice"  | Completed                   |
|   | The Commission was sent details of all the national ADR bodies that complied with the 1998 Recommendation.   | Completed                   |
| 4. Consumer Dispute Arbitration Centres   | Financial support for the management and operation of  | Ongoing                     |

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|   | <p>the centres.</p> <p><u>National Arbitration Centres:</u></p> <ul style="list-style-type: none"> <li>- <i>Centro de Arbitragem do Sector Automóvel (CASA, Arbitration Centre for the Automotive Sector);</i></li> <li>- <i>Centro de Informação, Mediação e Arbitragem dos Seguros Automóveis (CIMASA, Centre for Information, Mediation, and Arbitration in Automotive Insurance).</i></li> </ul> <p><u>Regional, District or local Arbitration Centres:</u> Lisbon, Distrito de Coimbra, Oporto, Vale do Ave, Vale do Cávado and the Algarve.</p> <p>Plans to set up Arbitration Centres in Madeira and the Azores.</p> | Ongoing   |
| 5. Lisbon Arbitration Centre  | Extension of the territorial scope of this Centre to include the entire Lisbon metropolitan area  | Completed |
| 6. Vale do Cávado (Braga) Arbitration Centre  | Extension of the territorial scope of this Centre to cover another six councils.  | Completed |
| 7. Arbitration Centre for the Automotive Sector   | Extension of the material scope of the centre to cover new vehicles.  | Completed |
| 8. <i>Unidade de Mediação e Acompanhamento de Conflitos de Consumo (UMAC, Consumer Dispute Mediation and Monitoring Unit)</i> | Active on consumer dispute mediation in accordance with a protocol of cooperation with the IC.  | Ongoing   |
| 9. Arbitration Panel of the Directorate-General for Tourism   | The Consumer Institute is represented on the Arbitration Panel of the Directorate-General for Tourism.  | Ongoing   |
| 10. <i>Centros de Informação Autárquica ao Consumidor (CIAC, Local Consumer Information Centres)</i>                          | Financial and technical support to consumer information centres that work at local level to promote consumer protection and mediate in consumer disputes that arise within their geographical area of responsibility.   | Ongoing   |
| <b>4. European Consumer Centres - ECC</b>   |   |           |
| 1. Information and dispute resolution   | Continuation of their proactive functions (producing information) and response (dispute resolution), particularly cross-border disputes.  | Ongoing   |

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| 2. Record of queries                       | Adoption of the new system for recording queries and complaints as discussed within the ECC network.  | Completed            |
| 3. Euro                                    | Participation in the "Task Force" (period of dual circulation of the two currencies), put together by those responsible for the escudo-Euro changeover in Portugal. The ECC liaised between individual consumers, consumer associations, and the national bodies responsible for the operation.   | Completed            |
| 4. Development of electronic information   | Creation of a dedicated site: <a href="http://www.consumidor.pt/cec/">www.consumidor.pt/cec/</a>  | Completed            |
| 5. Production of information material      | Guide " <i>Direitos dos consumidores em Portugal e na UE</i> " ("Consumers' Rights in Portugal and in the EU"); " <i>Direitos dos Consumidores no Comércio Electrónico</i> " ("Consumers' Rights in Electronic Commerce"); " <i>Legalização em Portugal de um veículo automóvel adquirido na UE</i> " ("Registration in Portugal of an Automotive Vehicle Acquired Elsewhere in the EU"). | Completed            |
| <b>7. Support to consumer associations</b> |   |                      |
| 1. Monitoring                              | Receipt of activity reports from consumer associations.   | Completed            |
| 2. Commission                              | Setting up of a Commission to examine projects in order to award grants:<br>a) award of grants<br>b) payment of grants  | Completed<br>Ongoing |
| 3. Technical support                       |   | Ongoing              |

### OBJECTIVE 3: PROPER INVOLVEMENT OF CONSUMER ORGANISATIONS IN EU POLICIES

| Action  | Description   | Timeframe/current situation                           |
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| <b>[Area]:</b>  |   |   |
| <b>1. Consumer information and education</b>                          |   |   |
| <b>Information:</b>   |   |   |
| 1. Telematic consumer information network                             | Implementation for a project to create a consumer portal; document management; development of a database of cases involving advertising and complaints.   | Ongoing   |
| 2. Preventive information campaigns                                   | Information campaigns targeting specific groups. Support to and participation in the “ <i>A loja do consumidor</i> ” (“The consumer store”) television programme.   | Ongoing   |
| 3. Information on prevention of accidents                             | Production of a leaflet on toy safety and of a sticker on preventing burns. Two more leaflets are in production, one on preventing accidents that primarily occur during the summer months and another on preventing bicycle accidents.   | Already completed: further publications in production |
| 4. Training and dissemination of information in the area of insurance | Publication of the following “ <i>Vocabulário de seguros-conheça a linguagem da sua seguradora</i> ”(an insurance glossary), “ <i>Guia do consumidor de seguros</i> ”(a guide for insurance users) and “ <i>Seguro Automóvel</i> ”(on car insurance).   | Completed   |
| 5. Production and dissemination of information and teaching material  | Production of the following materials: “ <i>Acesso dos consumidores à justiça - guia do utilizador</i> ” (consumer access to justice – a user’s guide); a leaflet on toy safety, a sticker on preventing burns, the publication of the <i>Revista Consumidores</i> (Consumers’ magazine), the 2002 tax guide and the “Mortgage Credit study 2001/2002”. | Completed   |

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| <b>Education</b>  |   |           |
| 1. Development of consumerist attitudes                             | Research and other activities on education for consumerist attitudes, intended for teachers. Exchange of experience and cooperation with the project's international partners.  | Ongoing   |
| 2. European Young Consumer Competition                              | Cooperation in a partnership to organise the European Young Consumer Competition in Portugal.   | Completed |
| 3. Product Safety/Education Networks                                | Increased transnational cooperation on consumer education with organisations in southern Europe, Spain, Greece and Italy. Production of resources.  | Ongoing   |
| 4. Consumer Education Network                                       | <ul style="list-style-type: none"> <li>- Development of a bank of trainers for networked activities.</li> <li>- Organisation of working sessions and specific activities</li> <li>- Launch of the EC Network site, within the IC portal</li> <li>- Development of various educational materials on food and product safety.</li> </ul>                        | Completed |
| 5. Cooperation protocol   | Cooperation agreement between the IC and the Ministry of Education to promote consumer education (primary and secondary schools).   | Ongoing   |
| 6. “ <i>O prato da minha terra</i> ” (My regional dish) competition | This competition was intended to promote regional gastronomy by presenting it as a synthesis of the historical, geographical, and social characteristics of the pupil's region.   | Completed |
| <b>3. Support and capacity building of consumer organisations</b>   |   |           |
| <b>Training</b>   | <ul style="list-style-type: none"> <li>- Organisation of various training activities for consumer affairs advisers, consumer protection associations, arbitration centres and experts from the Consumer Institute.</li> <li>- Organisation of several training activities in the context of consumer education and the Observatory on advertising.</li> </ul> | Completed |

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| 1. Training in insurance complaints   | Training for insurance company personnel in dealing with consumer complaints.   | Ongoing   |
| 2. Training in consumer credit and indebtedness   | Training for consumer affairs advisers on credit and prevention of indebtedness with a view to the creation of a support network for individuals in debt and examination of specific cases. | Ongoing   |
| 3. EC network. Networked Education  | Organisation of the fourth meeting of the National Consumer Education Network.  | Completed |
| <b>Review of the legal instrument establishing a general framework for Community activities in favour of consumers.</b> |   |           |

### ACTIONS TO IMPROVE THE QUALITY OF CONSUMER POLICIES

| Action   | Description   | Timeframe/current situation |
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| <b>Development of a knowledge-based policy</b>                         |   |                             |
| 1. Publication of the magazine “ <i>O Consumidor</i> ” (The Consumer)  | 6 issues  | Completed                   |
| 2. The mortgage credit study   |   | Ongoing                     |
| 3. Survey of the level of satisfaction of private health service users |   |                             |
| 4. Observatory on advertising  | Examination of advertising in the national media                                    | Ongoing                     |
| 5. Observatory on overindebtedness                                     |   | Ongoing                     |
| 6. Survey on levels of satisfaction with public transport.             |   |                             |
| 7. Comparative testing   | - 8 tests concluded<br>- 3 tests ongoing  | Completed<br>Ongoing        |
| 8. Safety database.  | The database is completed and operational and the information is updated regularly. | Completed                   |

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| 9. Production of publication " <i>O regime jurídico da publicidade nos EM's da UE</i> " ("Legal provisions on advertising in the EU Member States") | Publication of book | Ongoing |
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