



Energy Labeling

Decree-Law no. 28/2021 of 20 April was published, which ensures the implementation of Regulation (EU) 2017/1369, of the European Parliament and of the Council. This Regulation establishes since 2017 a mandatory and directly applicable regime in Portugal for energy labeling.

“LABEL” corresponds to a graphic diagram, printed or in electronic format, provided with a closed scale classification that uses only the letters A to G, each letter representing a class and each class corresponding to energy savings, in seven different colors , from dark green to red, to inform customers about energy efficiency and energy consumption.

The Regulation aims to ensure the fulfillment of the necessary conditions for informed consumer choices, with a reduction in the energy consumption of the products and in the respective billing. In particular, it provides for the uniform application of classification with the letters "A" to "G" in all product groups, the establishment of a database on products, the control of product conformity, and the access and availability of data updated on the products and the respective market.

These rules apply to all products with an impact on energy consumption during use, including parts with an impact on energy consumption during use that are placed on the market or put into service for customers and intended to be incorporated into products.

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We highlight below the national standards applicable to products such as refrigerators and freezers, washing and drying machines, dishwashers, televisions, among others.

1. Technical information and documentation

Suppliers and distributors must ensure that the information contained in the information sheets, labels, visual advertisements and technical promotional material for the products are written in Portuguese.

2. Inspection

The enforcement of the aforementioned Regulation and Decree-Law is the responsibility of the the Economic and Food Safety Authority (ASAE) .

The technical documentation eventually requested by ASAE, in the exercise of its functions, must be made available in Portuguese, unless otherwise specified.

3. Misdemeanours

3.1 It constitutes a very serious economic offense (for example):

- a) placing on the market of products without the respective labels and information sheets;
- b) inaccuracy of the labels and information sheets of the products made available;
- c) failure to display product labels;
- d) failure to make product information sheets available to consumers;
- e) placing on the market of products where the performance of the model is automatically changed under test conditions with the aim of reaching a more favorable level.

As of 28 July 2021, the amounts of the applicable fines can vary between EUR 2,000 to EUR 7,500, for natural persons, and between EUR 3,000 and EUR 90,000, for legal persons, increasing, depending on whether micro, small, medium or large companies.

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3.2 It constitutes a serious economic offense:

- a) failure to provide information in the product database;
- b) failure to keep product information for a period of 15 years, or any other applicable shorter term;
- c) failure to provide technical documentation for inspection;
- d) non-cooperation or non-compliance with the instructions issued in the inspection area;
- e) non-compliance with corrective or restrictive measures determined on products that present a risk.

As of 28 July 2021, the amounts of the applicable fines can vary between 650 EUR to 1,500 EUR, for natural persons, and between 1,700 EUR and 24,000 EUR, for legal persons, on the rise, depending on whether it is a micro-enterprise, small business, medium company or large company.

ASAE may determine the application of accessory sanctions, in addition to the fine.

Decree-Law no. 28/2021 of 20 April came into force on 21 April 2021, but the rules relating to misdemeanours take effect only from 1 July 2021 ●

Article written in accordance with the legislation in force on 21 April 2021.