



TELEPHONE LINES FOR CONSUMER CONTACT

Decree-Law no. 59/2021, of 14 July, was published establishing the regime applicable to the availability and disclosure of telephone lines for consumer contact.

This new legal regime comes into force on the 1st November 2021, clarifying and densifying the current legal framework, based on the jurisprudence of the Judicial Court of the European Union on this subject (TJEU).

- **Scope of application**

The regime applies to telephone lines for consumer contact provided by::

- a) **Suppliers of goods;**
- b) **Service providers;** and,
- c) **Entities providing essential public services.**

- **Duty of information**

Any entity that provides telephone lines for consumer contact **must clearly and visibly disclose** the number or telephone numbers provided, at:

- a) **Commercial communications;**
- b) **Main page of the website;**
- c) **Invoices;**
- d) **Written communications** with the consumer; and,
- e) **Written contracts** concluded with the consumer.

The telephone lines provided must be associated with up-to-date information on the **price of calls**. Specifically, the lines must be **published** in the following **order**:

- a) **Free** lines;
- b) **Geographical or moving lines**; and, if so,
- c) Remaining lines, in ascending order of price. .

When it is not possible to present a **single price**, as it varies depending on the network, it must be indicated, as the case may be:

- a) “Call to the national fixed network”; or,
- b) “Call to national mobile network”.

- **Telephone lines of the supplier of goods or service provider**

The cost of calls made by the consumer **cannot be higher** than the cost of a common call that the consumer bears according to the respective telecommunications tariff (basic tariff).

For this purpose, the **supplier of goods or service provider** is **obliged** to provide the consumer with a **free telephone line** or, alternatively, a **geographic or mobile telephone line**.

The limitation on the costs to be borne by the consumer **does not apply** to calls that are not related to the supply of any good or the provision of any prior service to the consumer. However, the consumer cannot be simultaneously charged the price of the call and an additional price for the service provided, and the consumer must pay a **single price** for the call made.

- **Telephone lines of essential public service provider**

Entities providing essential public services, namely water supply, electricity, natural gas and piped liquefied petroleum gases, electronic communications, postal services, waste water collection and treatment, urban solid waste management and passenger transport, are **obliged** to provide the consumer with a telephone contact line, which must correspond to a **free line** or, alternatively, a **geographic or mobile telephone line**.

- **Additional telephone line**

When, in addition to the free telephone line or geographic or mobile telephone line, an **additional telephone line** is made available, the supplier of goods or the service provider and the entity providing essential public services **cannot provide** a service on this additional line more efficient, faster or with better conditions than those provided through the free telephone line or the telephone line that corresponds to a range of geographic or mobile numbering.

- **Prohibition of advance charge**

It is **prohibited** to charge the consumer in advance any amount not allowed for free calls or calls to geographic or mobile lines, provided that it is refunded at the end of the call.

- **Administrative offenses**

Violation of this legal regime may constitute **a serious or very serious economic infraction**, depending on the infraction in question, under the terms of the Legal Regime of Economic Administrative Offenses (LREAO).

Such economic administrative offenses correspond to fines between **650 EUR** and **90,000 EUR**.

Without prejudice, the administrative offenses only take effect from **1 June 2022** •

Article written in accordance with the legislation in force on 2 August 2021.