



ACPF 2024

المنتدى العربي
لحماية المستهلك

Arab Consumer
Protection Forum



Shared Prosperity Dignified Life



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Session I. Consumer Protection Policies for sustainability/achieving the SDGs

The experience of the Directorate-General for Consumers – Portugal

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In Portugal, consumer rights are enshrined in the **Portuguese Constitution since 1976:**

- Right to the quality of goods and services, training and information protection of their health, safety and economic interests, redress for damages;
- Advertising is regulated by law;
- Consumer associations and consumer cooperatives have legal standing to defend their members or collective or diffuse interests.

The first consumer protection law in Portugal was published in 1981, which also created the first public consumer protection organization.

At the present time, the **Directorate-General for Consumers** is the public body whose mission is to define and implement consumer protection policy with the aim of achieving a high level of consumer protection.

Consumer Policy in Portugal

Key competences:

- Legislation;
- Consumer Information;
- Awareness campaigns;
- Enforcement concerning Advertising;
- Representation of Portuguese Consumers Interests before the European Union;
- Coordination of the Portuguese “Consumer Protection System”
- Coordination of the ADR Network.

European and International Networks of Consumer Protection Authorities

EU Level

- Consumer Policy Network (CPN) - General Directors of Consumer Protection Agencies
- Consumer Protection Cooperation Network (CPC)
- European Consumer Centers Network - ECC Net
- Contact point for the Safety Gate (EU rapid alert system for dangerous non-food products)

International Level

- Committee on Consumer Policy (CCP)– OECD;
- Intergovernmental Group of Experts (IGE) on Consumer Protection Law and Policy – UNCTAD
- International Consumer Protection and Enforcement Network (ICPEN)
- Ibero-American Forum of Government Consumer Policy Agencies (FIAGC);
- Bilateral cooperation namely with Angola and Macau



The **New Consumer Agenda** presented by the European Commission at the end of November 2020 is an Action Plan that identifies the Union's priorities for consumer protection.

The 5 pillars of the Consumer Agenda are **Ecological Transition**, Digital Transformation, Enforcement and Redress, Vulnerable Consumers, International Cooperation.

Portugal fully shares these priorities and has made efforts to align its policy with the measures set out in the Agenda.

December 2019 of the "European Green Deal" – a new growth strategy that aims to transform the EU into an equitable and prosperous society, with a modern, resource-efficient and competitive economy, which by 2050 has zero net greenhouse gas emissions and in which economic growth is decoupled from resource use.



At the EU level, several legislative initiatives have been developed to fulfil the object of the green transition:



- **Proposal for Ecodesign Regulations for sustainable products** – Presented by the European Commission in March 2022, the negotiation is nearing completion, with the European Parliament and the Council reaching a provisional agreement in December 2023. Next step will be the formal adoption of the text by the co-legislators.
- **Directive on new rules to empower consumers for the green transition-** Presented by the European Commission in March 2022. A provisional agreement between the European Parliament and the Council was reached in October 2023, and the procedure for formal adoption of the text by the co-legislators is underway.

At the EU level, several legislative initiatives have been developed to fulfil the object of the green transition:



- **Proposal for a Directive of the European Parliament and of the Council on common rules promoting the repair of goods** –Presented by the European Commission in March 2023, its negotiation is expected to be concluded very soon, since the European Parliament and the Council reached a provisional agreement at the beginning of February. This will be followed by the formal adoption of the compromise text by the co-legislators.
- **Proposal for a Directive of the European Parliament and of the Council on substantiation and communication of explicit environmental claims** – Presented in March 2023, its negotiations are underway at Council level in the Environment Working Group under the Belgian Presidency, which aims to reach a General Orientation during its mandate.

Enforcement EU level

In January 2021, the European Commission published the results of an investigation (Sweep) focusing on "greenwashing", the practice whereby companies claim they are doing more for the environment than they really are.

The Commission and consumer authorities examined **344 seemingly dubious claims** in more detail and found that:

- In more than half of the cases, the trader did not provide sufficient information for consumers to judge the claim's accuracy.
- In 37% of cases, the claim included vague and general statements such as “conscious”, “ecofriendly”, “sustainable” which aimed to convey the unsubstantiated impression to consumers that a product had no negative impact on the environment.
- Moreover, in 59% of cases the trader had not provided easily accessible evidence to support its claim.

In their overall assessments, taking various factors into account, **in 42% of cases authorities had reason to believe that the claim may be false or deceptive** and could therefore potentially amount to an unfair commercial practice under the Unfair Commercial Practices Directive (Directive 2005/29/CE).

Enforcement in Portugal

As part of its activity as enforcement authority in relation to commercial advertising, in 2023 the Directorate-General for Consumers carried out **five investigations** into “Environmental Claims”.

The sectors targeted were:

- Energy
- Products and Services in general
- Civil Aviation
- Automobiles
- Plastic packaging recycling



EU Alerts

Regulation (EU) 2017/2394 of the European Parliament and of the Council of 12 December 2017 on cooperation between national authorities responsible for the enforcement of consumer protection laws

In Portugal, 53 enterprises were the subject of these investigations;

The processes are still underway, but we would like to mention a compromise measure taken by an airline that, after being notified, immediately withdrew the "Flight greener" claim.

In Portugal

New enforcement actions concerning “Environmental Claims ” are already planned for 2024, particularly in the energy and automobile sectors.

Another of the challenges we face lies in the so-called "aspirational claims", i.e. claims made by companies about the future, in the sense that companies want to be associated with the environmental cause.



In Portugal

- In 2021, the Directorate-General for Consumers, in partnership with Advertising Self-Regulation, published the **Guide to Environmental Claims in commercial communication**

This guide presents:

- Guidelines for economic operators to ensure that when promoting their goods and services, and whenever they use environmental claims, do not mislead consumers;
- Information for consumers alerting them to the problem of environmental claims used in marketing and advertising.



In Portugal

- In Portugal we are currently implementing the **Referential for Consumer Education**. This referential is a working tool aimed at teachers, guiding them on how to deal with consumer issues, including sustainable consumption.
- We are also launching a **Youth Volunteering for Consumer Protection Programme**.

The aim is to train young volunteers in the field of consumer protection, including sustainable consumption, so that they can spread the word, in order to reach more citizens and empower them to exercise citizenship.



In Portugal

- Consumers - and young people in particular - are becoming increasingly aware of sustainability, but we believe that information is yet insufficient, and that price is still a determining factor in purchasing decisions.
- This is a work in progress, and we must effectively ensure that there are no excluded people in the green transition process
- and that consumers are increasingly empowered to make their choices in a free and informed manner.





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Thank you!