

LEGAL ALERT

NEW RULES ON TELEPHONE LINES AVAILABLE TO CONSUMERS

Decree-Law no. 59/2021

Introduction

On 1 November 2021, a new regime applicable to the provision and disclosure of telephone lines for consumer contact with suppliers of goods, service providers and entities providing essential public services, approved by [Decree-Law no. 59/2021, of 14 July](#) (Decree-Law no. 59/2021), comes into force.

Decree-Law no. 59/2021 condenses in a single diploma, the various standards and rules of which the provision of the said telephone lines is subject.

As of 1 June 2022, the violation of these rules will constitute a serious or very serious administrative offence, depending on the violation, punishable by a fine of between EUR **650,00** and EUR **9,000.00**. Attempts and negligence are also punishable.

Although Decree-Law no. 59/2021 comes into force on 1 November 2021, the administrative offences provided for therein will only come into force effect on 1 June 2022.

I. Duty of Information

As a general rule, Decree-Law no. 59/2021 determines that the entities that provide telephone lines for consumer contact **must disclose in a clear and visible way the telephone number or numbers provided, which must be associated with updates information regarding the price of the calls.**

The information to be made available should **begin with free lines and geographical or mobile lines**, followed, where appropriated, by the number and price of calls to other lines in ascending order of price.

When the price of calls is variable depending on the network of origin and destination, **alternatively, information should be provided about the call price to the national fixed network and the call price to the national mobile network.**

This information should be disclosed in various ways and at different times: (i) in the commercial communications of the professional entities concerned; (ii) on the homepage of their *website*; (iii) on their invoices; as well as (iv) in their written communications and written contracts with the consumer.

II. Limit on the cost of telephone calls

a. Telephone lines of the supplier of goods or service provider

Where, in the context of a consumer relationship, a consumer makes calls to the telephone lines made available by a supplier of goods or services, **such calls must not cost more than the cost of his basic tariff** (*i.e.*, the cost he expects to pay for an ordinary call according to his telecommunications tariff).

In order to comply with the above, the supplier of goods or service provider **is obliged to make available to the consumer a free telephone line or, alternatively, a telephone line with a geographic or mobile numbering range.**

Excluded from this rule are – because they are not considered to be telephone contacts within *the scope of the consumer relationship* – telephone calls that represent an autonomous provision of service (*e.g.*, a telemedicine call), unrelated to the supply of any good or the provision of any service prior to the consumer.

b. Telephone lines of an entity providing essential public services

The entities that provide essential public services (*e.g.*, water, electricity and natural gas, electronic communications and postal services) are also, in the relationship with consumers, obliged to make available a line for telephone contact, which must be **a free line for the consumer or, alternatively, a telephone line that corresponds to a geographic or mobile numbering range.**

III. Additional telephone line

Where, in addition to the above, an additional telephone line is made available, the entities before mentioned **may not provide, on that additional line, a service which is manifestly more efficient or faster or with better conditions** than that provided by the free telephone line or the telephone line to which a geographical or mobile numbering range corresponds.

IV. Exceptional and temporary response to the SARS-CoV-2 epidemic

During the pandemic period, [Law no. 7/2020, of 10 April](#), already determined that public entities and companies that provide public services are not allowed to provide special value-added numbers with the prefix “7”, or only special numbers, nomad numbers with the prefix “30”, or blue numbers with the prefix “808”, to contact consumers by telephone.

And now Decree-Law 59/2021 adds that **public entities that provide telephone lines with special numbers, with the prefixes “808” and “30”, must proceed with the creation of an alternative of telephone numbers with the prefix “2”, within a maximum period of 90 days, counting from the date of entry into force of this law (that is, until 29 January 2022).**

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