



INFORMATIVE NOTE



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PRE-CONTRACTUAL AND CONTRACTUAL INFORMATION ON ELECTRONIC COMMUNICATIONS

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THE MAIN CHANGES

a. Simplified Information Form

The new Regulation requires companies to provide a Simplified Information Form (*Ficha de Informação Simplificada*, referred to in this newsletter by its Portuguese initials "FIS"), which is addressed to end-users and provides them with the essential information on all offers.

The FIS must contain a set of standard information on the services included in the offer, the detailed price and any additional charges, the minimum contract period, the conditions for termination of the contract and promotions, among any other details on the provision of the service and equipment.

It is intended that the FIS should be completed by companies using a simple and concise form and language, and then made available at all points of sale to the public and places where offers are advertised.

In the case of offers published on the Internet, the FIS and the typical contractual conditions of the offer must be made available online, highlighting the links to access them. In order to confirm this obligation has been met, companies must give notice to ANACOM of the URL addresses of the Internet pages where the offers are published at least five business days before they are activated (ANACOM is the Portuguese communication sector regulator).

The FIS must also be provided with the special conditions before the contract is made and sufficiently in advance to allow the user to analyse the content. This content may not be changed after the contract is made, except with the express agreement of the user.

While the contract is in force, the service provider must furnish the consumer with the up-to-date version of the FIS when the consumer requests this or when there is a change in the contractual conditions.

b. Contractual information

No significant changes have been made to the previous rules on the type of contractual information that has to be provided. However, the Regulation introduces draft contracts to be used by operators. The information provided to the consumer in the FIS does not have to be reproduced in the contract.

When the contract for the service is made in a situation where it is not possible to identify the user (for example, buying a packaged phone in a supermarket), the outer packaging must identify the company, the service and the contacts to obtain information on the conditions of the offer and, whenever possible, the FIS.

c. Glossary

In order to standardise the meaning of the information provided and to make it easier to understand, the Regulation introduces a unique glossary of technical terms and their definitions, and this glossary must be followed by companies when drafting the FIS, and any other relevant contractual documentation.

ENTRY INTO FORCE

The requirements of the Regulation must be implemented within six months of its publication date – that is, by 23 February 2017. However, the rules established in the new Regulation only apply to contracts made or altered after the above obligations take effect.

As a final note, the implementation of the obligations arising from the Regulation must be communicated to ANACOM on the business day after implementation.

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 Portuguese Law Firm of the Year
Who's Who Legal, 2016, 2015, 2011-2006
Chambers European Excellence Awards, 2014, 2012, 2009

 Iberian Law Firm of the Year
The Lawyer European Awards, 2015-2012

 Top 5 - Game Changers of the last 10 years
Top 50 - Most Innovative Law Firm in Continental Europe
Financial Times - Innovative Lawyers Awards, 2014-2011