

**TECHNOLOGY AND PRIVACY**

Electronic Complaints Book: Extension of deadline for registration

Numerous complaints have been made by associations representing traders from various sectors due to the problem of unavailability of the platform where economic operators have to register. As a result, the Ministry of the Economy announced the extension of **the deadline for operators to register until 31 December of the current year**. The original deadline was 1 July of this year.

The Electronic Complaints Book was created by Decree-Law no. 74/2017 of 21 of June as part of the Simplex Measure “Simpler Consumer Information”. The Decree-Law requires traders to make the complaints book available in electronic and physical formats. Its main aims are to make it possible to submit complaints in electronic format and to enable people to submit requests for information relating to the defence of the consumer or user. In the first phase, the obligation to register the electronic complaints book applied only to providers of essential public services. The other economic operators had to register by 1 July through the [website](#), but they can now do so up to the end of this year.

The obligation to have a complaint book, in physical or electronic format, applies to all suppliers of goods and service providers that, objectively, have:

- An establishment that is fixed or permanent in character, where they engage in their activity exclusively or principally, on a habitual and professional basis;
- Contact with the public, particularly through customer services destined to offer products or services, or to maintain relations with the clientele.

The existence and availability of the electronic format complaints book **does not remove the obligation on establishments to provide the traditional complaints book** in physical format at the same time.

**"Difficulties in access to the complaints book platform
force extension of registration deadline until 31 December
2019."**

Decree-Law no. 74/2017 of 21 June has eliminated the obligation to display the sign in the approved form, which is acquired together with the complaints book. However, economic operators still have to display (i) the information that they have a complaints book, and (ii) the identification and address of the body responsible for assessing any complaint, i.e., the body that supervises the economic activity in question.

"Having an electronic complaints book does not remove the obligation to provide the traditional complaints book at the same time."

Besides the above obligations, suppliers of goods and service providers also **have to display a link - in a visible and prominent location on their websites - to the electronic complaints book on the digital platform [here](#)**. We recommend that this link should be displayed on the website in an appropriate, easily accessible location, preferably next to the terms and conditions for using the website

Suppliers of goods and service providers that **do not have a website must create an email address and make it available to the public to receive** complaints submitted via the digital platform.

As a result of these changes, consumers are free to choose between using the electronic complaints book or the traditional complaints book.

If a complaint is submitted via the website, the service provider/seller of goods and the regulatory body for the sector are simultaneously notified of the content of the complaint. The economic operator now has an extended period of 15 business days from the date of receipt of the complaint to respond to it, unless a shorter period is established in a special law. The email address indicated by the consumer in the claim form must be used for this purpose.

Within the same period, if the supervisory entity is the ASAE (the Portuguese food and economic safety authority), the economic operator may send scanned copies of the complaint, as well as the answer to the consumer and other relevant documents through the form that appears on the [website](#).

From 1 January 2020, any breach of the obligations described above may lead to the imposition of fines between €150 and €1500 under Decree-Law no. 74/2017 of 21 June. The amount of the fine depends on the infringement in question and on whether it is committed by an individual or a company. Negligence alone is also punishable.