

“Who-is-who” in PROSAFE and EMARS



Portugal

Introduction

Portugal is a parliamentary republic and member of the European Union (EU) since January 1986. The territory on the Iberia Peninsula covers an area of 92.152 km². This most westerly-positioned country of main Europe has a population of 10.5 million (2004). The largest city and capital of the country is Lisbon (Lisboa) with a population of approximately 2.8 million (2006). Up to about 80% of the external trade is conducted with EU partners. The main exportation goods are textiles, shoes, machines, chemical products, pulp and cork. The main import goods are machines, vehicles, agricultural products, oil and oil products.

Product Safety Legislation

The general basis for consumer rights is constituted by Article 60 of the Constitution of the Portuguese Republic stipulating in its first paragraph *inter alia* that consumers shall possess the right to good quality of goods and services consumed. The General Product Safety Directive (GPSD) is transposed with the Decree-Law (Decreto Lei) n^o 69/ 2005 of March 17, 2005.

Implementation of several European Directives regarding product safety:

- General Product Safety Directive (2001/95/EC)

Implemented with the Decree-Law n.º 69/2005 dated March 17, 2005, published in the Official Journal (OJ): Diario da Republica, Serial A nº 54 of March 17, 2005

- Low Voltage Directive (93/68/EEC)

Implemented with the Decree-Law n.º 6/2008, dated January 10, 2008

- Toy Directive (88/378/EEC)

Implemented with the Decree-Law n.º 237/92 of October 27, 1992, published in OJ Serial A nº 248 of October 27, 1992;

The Decree Law n° 139/95 of June 14, 1995, published in OJ Serial A n.º136 of June 14,1995;

The Ministerial Directive n.º 104/96 of April 6, 1996, published in OJ Serial A nº82 of April 6, 1996 and

The Decree Law n.º50/97 of February 28, 1997, published in OJ Serial A nº50 of February 28, 1997

- Personal Protective Equipment Directive (89/686/EEC)

Implemented with the Decree-Law n.º 128/93 of April 22, 1993, published in OJ Serial A nº94 of April 22, 1993

- Gas Appliances Directive (90/396/EEC as amended by 93/68/CEE)

The Decree-Law n.º130/92 of July 6, 1992, published in OJ Serial A nº153 of July 6,1992

- Machinery Directive (98/37/EC)

Implemented by Decree-Law nº320/2001 of December 12, 2001, published in OJ Serial A nº286 of December 12, 2001

- Radio Equipment and Telecommunications Terminal Equipment (R&TTE) Directive (1999/5/EC)

*Implemented by Decree-Law nº192/2000 of August 18, 2000, published in OJ Serial A nº190 of August 18, 2000
(secondary measures still required)*

For further information regarding these laws and other Portuguese laws, please consult the website of the Consumer Directorate- General (DGC): <http://www.consumidor.pt>

Market surveillance Practice

The Authority generally responsible for consumer policies, consumer protection and consumer affairs is the “Direcção-Geral do Consumidor”/ **Consumer Directorate-General (DGC)**- a public body under the jurisdiction of the Secretary of State for Trade, Services and Consumer Protection - Minister of Economy and Innovation. The DGC contributes to the elaboration, definition and execution of consumer protection policy. Among other activities, the DGC is responsible for:

- preparing legislative proposals to protect the interest of consumers; transposing and enforcing EC legislation;
- releasing information on products and services that might be prejudicial to consumers’ health and safety and informing consumers on their rights;
- releasing information systems on dangerous consumer products, created by the EC or other international organizations;
- participating in the activities and joint actions of EC and international entities;
- providing all the technical, administrative and logistic support to the “Comissão de Segurança de Serviços e Bens de Consumo”/ Services and Goods Safety Commission. This Commission is responsible for the enforcement of GPSD in Portugal.

The DGC is the national contact point for the RAPEX- system and the Member State's representative in the GPSD Emergency Committee and Network.

Another relevant contact point is the **Directorate- General for Customs and Special Consumer Taxes**- a public body under the jurisdiction of the Ministry of Finance. This body is the competent authority for the control and surveillance of the external EU borders. According to the Decree Law n.º 69/2005 dated March 17, 2005 (transposing the GPS Directive 2001/95/EC) it receives RAPEX notifications from the DGC and decisions on dangerous products from the Service and Goods Safety Commission (which is the body responsible for the enforcement of the GPSD in Portugal). Further information is available under the hyperlink: www.dgaiec.min-financas.pt

Since 2006 the **Authority for Food and Economic Safety (ASAE)**, which is linked to the Ministry of Economy and Innovation, has also carried out market surveillance. It is a central public administration service and a national authority specialised in matters concerning food safety and law enforcement on economic activities. The ASAE is in charge of the official food control system, which also acts as a criminal police organ as well as a national link to other Member States on these matters.

The duties of the ASAE include matters linked to the GPSD, Toys Directive, LVD and other New Approach directives. It is also represented in various ADCOs (for toys, appliances burning gaseous fuels, lifts, recreation craft, LVD, personal protective equipment, machinery, construction products and SOGS market surveillance). Further information is available under the hyperlink: www.asae.pt

PROSAFE Representative(s) and Main Contact(s)

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