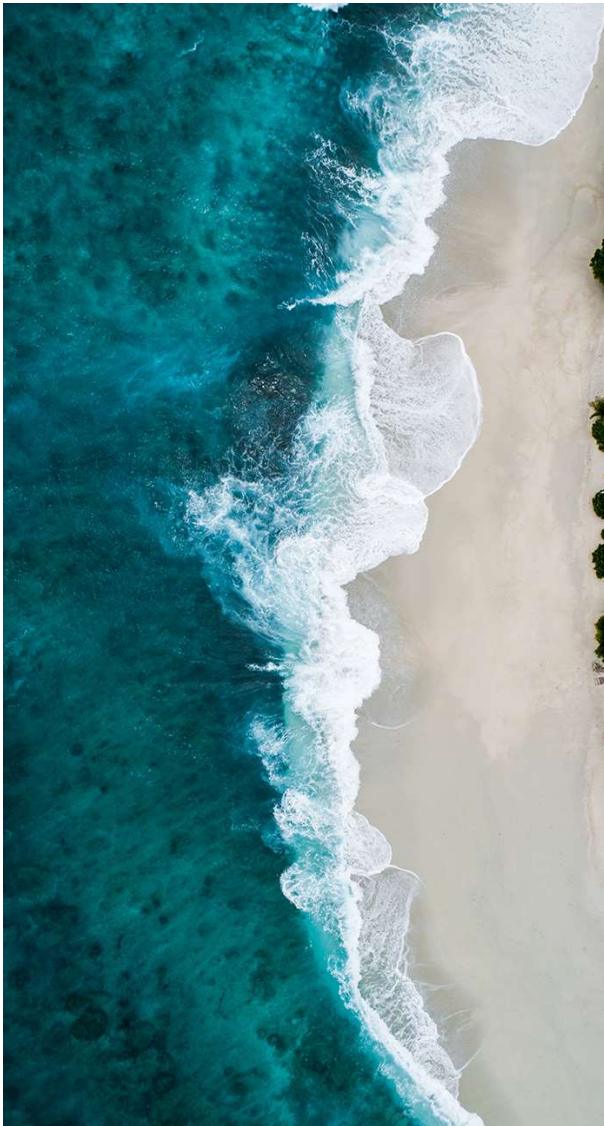

Prohibition of geoblocking and discrimination in online sales

New obligations approved for businesses using remote sales tools, prohibiting geoblocking and unjustified discrimination

Intellectual property, media, and IT legal flash

March 2, 2022



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- > Law 7/2022 of January 10 prohibits geoblocking and discrimination in online sales to consumers.
 - > This law applies to all businesses operating in Portugal.



I. General comments on Law 7/2022 of January 10

- Law 7/2022 of January 10 supplements Regulation (EU) 2018/302 of the European Parliament and of the Council of February 28, 2018 (in the version currently in force), which aims to prevent geoblocking based, for example, on consumers' place of residence or establishment in the internal market.
- It establishes new obligations for businesses using remote sales tools, prohibiting geoblocking and unjustified discrimination, and other forms of discrimination in online sales, based directly or indirectly on consumers' place of residence or establishment.
- Regarding access to online interfaces, sellers cannot:
 - a) block or restrict consumers' access to these interfaces, using technological or other means; or
 - b) redirect consumers, for reasons relating to their place of residence or establishment in Portugal, to a different version of the online interface that consumers initially attempted to access.
- The only exceptions are when:
 - a) consumers have expressly agreed to this redirection; and
 - b) blocking, restricted access or redirection are necessary to ensure compliance with the legal requirements applicable to business activities.
- Concerning access to goods and services, businesses exercising at least part of their activity through online sales must provide standard terms of access to their products to all consumers, regardless of the consumers' place of residence or establishment in Portugal.
- Regarding payment methods accepted, businesses cannot apply different terms to payment transactions.

However, businesses can, based on consumers' place of residence or establishment, apply different delivery terms, specifically concerning the amount consumers pay for the delivery of goods (which may be higher based on distance).



II. Final provisions

The Portuguese Authority on Food and Economic Security (ASAE) and the regional authorities with jurisdiction in the area of economic monitoring are responsible for monitoring the rules under this law.

Fines of up to €25,000 can be imposed for infringing this law.

Under article 11 of Law 7/2022, it will come into force on March 11, 2022.

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