

Portugal

Notification Art. 33 CRD

National provisions going beyond Art. 5(1) to (3) and Art. 7(1) of Directive 1999/44/EC on certain aspects of the sale of consumer goods and associated guarantees

Decree-Law No 67 of 8 April 2003

Article 3

Any lack of conformity becoming apparent within two (...) years of the delivery date of the tangible movable item (...) shall be deemed to be existing since that date, unless this is incompatible with the nature of the item or the nature of the lack of conformity.'

Article 4

Consumer rights

1. In the event of the goods failing to conform to the contract, the consumer is entitled to have the goods restored to conformity free of charge by means of repair or replacement, [or] to have the price reduced or the contract rescinded.
2. Any repair or replacement shall be completed within a reasonable time and without any significant inconvenience to the consumer, taking account of the nature of the goods and the purpose for which the consumer required the goods.
3. The term 'free of charge' used in paragraph 1 refers to the expense of bringing the goods into conformity with the contract, including in particular the cost of transport, labour and materials.
4. The rights to rescission of the contract and a reduction in price may be exercised even if the goods have perished or deteriorated through no fault of the buyer.
5. Consumers may exercise any of the rights referred to in the preceding paragraphs, unless this proves to be impossible or to constitute an abuse of rights in general terms.

Article 5

Time limits

1. The purchaser may exercise the rights referred to in the previous article when the lack of conformity becomes evident within a period of two or five years from the date on which the good is delivered, depending on whether it is a movable or immovable good.
2. In the case of a used movable good, the time limit laid down in the preceding paragraph may be reduced to one year by agreement between the parties.

3. In order to exercise their rights, consumers must inform the vendor of the lack of conformity within two months in the case of a movable good or within one year in the case of an immovable good, both periods commencing on the date on which the lack of conformity is detected.

4. The rights conferred on the consumer by Article 4(1) shall cease when either of the time limits referred to in the preceding paragraphs expire without complaint by the consumer or within six months of any such complaint.

5. The time limits shall be suspended during the time the consumer is deprived of the use of the goods while they are repaired.