

NOVA CONSUMER LAB NEWSLETTER

Welcome to the NOVA Consumer Lab newsletter. The newsletter includes all the latest news from our centre and relevant information on consumption and consumer law in Portugal, Europe and the world.



**BEM-VINDOS AO
NOVA CONSUMER LAB!**

INTERNATIONAL PARTICIPATION



At the beginning of October, the European Commission released the Study to support the fitness check of EU consumer law on digital fairness and report on the application of the Modernisation Directive. The bibliography of the Study includes several references authored by our researcher Fabrizio Esposito. All the information can be found here - [Link](#).

We are pleased to announce that Maria Miguel Oliveira da Silva and Odete Severino Soares have been selected to present their paper on the 26th General Comment of the Committee on the Rights of the Child. Their research includes an analysis of the role of children as consumers in driving environmental sustainability. This important work was showcased as part of the panel on children's rights and future generations at the ClimateChange24 Conference.



In October, Catarina Rocha participated in the LegalGreek Conference in London which key focus was on AI's transformative role in the legal industry, especially in boosting efficiency and accuracy in legal research and due diligence processes.

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BLOG POSTS

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AGRESSIVIDADE OU LEALDADE?
O DILEMA DO MODELO "CONSENT OR PAY"

Catarina Rocha

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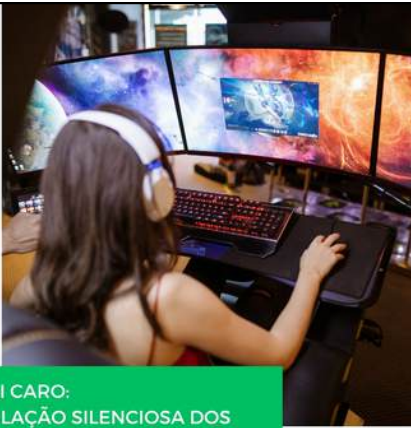


TIME-TRAVELING PRICES THAT
SHOULD EMPOWER CONSUMERS
CONFUSE A GERMAN JUDGE

Fabrizio Esposito

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JOGAR SAI CARO:
A MANIPULAÇÃO SILENCIOSA DOS
PREÇOS NOS VIDEOJOGOS

Leonor Gomes Martins
Tiago Ribeiro Longa

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CLÁUSULAS CONTRATUAIS GERAIS ABUSIVAS:
A PROPÓSITO DO CASO DO CASAL QUE NÃO PÔDE
PROCESSAR A UBER NUM TRIBUNAL JUDICIAL POR
TER SUBSCRITO O SERVIÇO DA UBER EATS

Luis Felipe Lobo

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GORJETA INCLUÍDA NA CONTA

Jorge Morais Carvalho

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NOVA CONSUMER PODCAST

The NOVA Consumer Podcast will be back in November with a season entirely dedicated to supervisory agencies and authorities. In the October newsletter we interviewed Maria Miguel Oliveira da Silva about the new season of the podcast. Stay tuned!



There's a new season of the NOVA Consumer Podcast. What can our readers expect from it?

We are currently launching the 6th season of the NOVA Consumer Podcast, which will be entirely dedicated to regulators and supervising entities that are related to consumer law. Just like in other seasons, we will release a series of 15 interviews, this time each episode with a representative of those entities. The conversation lasts for around 45 minutes, where we discuss all things consumer law, in an informal way, with the aim of sharing knowledge on these subjects with the whole community, whether academic or not.

Can you share anything about the creative process and episode production that goes behind the scenes?

This podcast has released 75 episodes to date. That's 75 hours of conversations on very relevant topics that impact the lives of all of us, consumers. That was only possible, and only continues to be, due to the efforts of this great team, that unfolds in establishing contacts, preparing the scripts, interviews and editing of each episode. It's not as easy as it may seem: we are jurists, but a lot of soft skills, outside of law, are needed in order for this project to see daylight.

What was the biggest challenge in preparing this new season?

I would say that the challenge we initially expected to face did not come to be. We thought we would find some resistance from the entities in participating in an informal type of conversation. It was a very pleasant surprise to find an absolute receptivity on their part.

What feedback did you receive from last season?

The feedback is very positive from the community. Sometimes we receive questions or suggestions from the listeners, that we look for to answer in later episodes. However, the best feedback we receive comes, without a doubt, from the guests themselves, who show real excitement in participating and sharing their knowledge and opinions, cost free. Several interviewees have said: "since having been to your podcast, I've been invited to go to 2 or 3 more, to speak on the same topic". I believe this to be relevant and shows that law matters don't have to be boring, and that people in general are interested in knowing more, as long as their attention is captured. That is what we aim to do. To finish, I leave the reference for a very nice comment we received from a listener and that sums up what was our intention for 2020, when we started: "congratulations on the program, each episode is a class".

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CONSUMER LAB NEWS



Our researcher Amanda Costa Novaes successfully defended her master's thesis at NOVA School of Law. Congratulations!

CONSUMER LAW NEWS



The European Commission imposed a 2 month deadline for Portugal, Cyprus and Czechia to comply with the new EU Digital Services Act, applicable to digital platforms, since neither have adopted the necessary measures in terms of sanctioning legal infringements - [Link](#).



The BEUC priorities for the next European Commission (2024-2029) have been published. It includes a Project of a Consumer Protection Legal Code - [Link](#).



Following the public consultation phase on the Unfair Commercial Practices Directive 2005/29/EC, the Consumer Rights Directive 2011/83/EU and the Unfair Contract Terms Directive 93/13/EEC, the European Commission has published the results - [Link](#).



GDPR: Member States may make provision for competitors of the person allegedly responsible for an infringement of the laws protecting personal data to challenge that infringement in court as a prohibited unfair commercial practice - [Link](#).



Disney says man can't sue over wife's death because he agreed to Disney+ terms of service - [Link](#).



Public consultation (10/2024) relating to the Guidelines 1/2024 on processing of personal data based on Article 6(1)(f) GDPR, with focus on the right of erasure of personal data and the prohibition of discriminatory practices, started on 9/11/24. End date: 20/11/2024 - [Link](#).



The Portuguese court set in Braga has annulled a decision that had previously condemned Ryanair to pay 56,50 euros to a passenger that was charged extra for cabin luggage - [Link](#).



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CONSUMER LAW NEWS



The Council adopted a directive to update the EU's civil liability law in line with the digital age and circular economy - [Link](#).



The Meta v. German Competition Authority case has ended with the latter compromising on the topic of aggregated personal data processing conducted by Meta's several services - [Link](#).



New rules on authorised push payment fraud in the UK have entered into force (PSR Specific Direction 20) - [Link](#).



US: Federal Trade Commission Announces Final "Click-to-Cancel" Rule Making It Easier for Consumers to End Recurring Subscriptions and Memberships - [Link](#).



The European Ombudsman published the inquiry outcome on the European Commission's refusal to give public access to documents concerning an impact assessment on the revision of the Food Information to Consumers Regulation. - [Link](#)



The Portuguese Directorate-General for Consumers detects unfair clauses that are absolutely forbidden in contracts with fitness centres. - [Link](#)



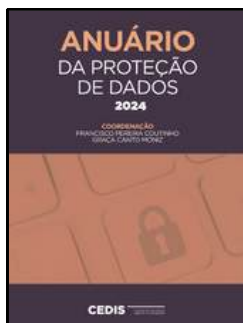
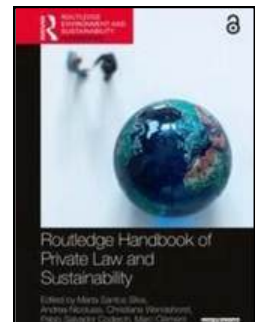
The Azores now have a consumer arbitration centre. CIMARA (Centro de Informação, Mediação e Arbitragem de Consumo dos Açores) was inaugurated on 22 October. Check out the news here: - [Link](#)



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CONSUMER LAW PUBLICATIONS

The Routledge Handbook of Private Law and Sustainability, edited by Marta Santos Silva, Andrea Nicolussi, Christiane Wendehorst, Pablo Salvador Coderch, Marc Clément and Fryderyk Zoll, published in 2024, includes two chapters written by NOVA Consumer Lab researchers. Maria Miguel Oliveira da Silva and Jorge Morais Carvalho tackle the topic "The (Un)sustainability of the Sale of Goods in Directive (EU) 2019/771", while Lucila de Almeida and Fabrizio Esposito focus on "The Blinding Effect of EU Consumer Policy Overshadows the Role of Consumer Law in Delivering the Green Transition" - [Link](#).



Our researcher Martim Farinha's article on "«Consent or Pay» - A new chapter in the saga of personal data as consideration in contracts for the supply of digital content and services" ("«Consent or Pay» - Novo capítulo na saga dos dados pessoais como contraprestação nos contratos de fornecimento de conteúdos e serviços digitais") was published in October. The text is available [here](#).

Álvaro Bueno Biot is the author of a monograph titled "El contrato de suministro de contenidos y servicios digitales: un estudio a raíz de la Directiva 2019/770 y su transposición al TRLGDCU" ("The contract for the supply of digital content and digital services: a study following Directive 2019/770 and its transposition into the TRLGDCU"), published by Tirant lo Blanch. More information [here](#).



The book "Cláusulas Contratuais Gerais - Decreto-Lei n.º 446/85, de 25 de outubro - Anotado e Comentado" ("General Contractual Clauses - Decree-Law no. 446/85, of 25 October - Annotated and Commented"), written by José Manuel de Araújo Barros, was published this month - More information [here](#).

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STARTING SOON

We can also suggest the following courses, to some extent related to consumer law and starting soon:



[Conference on Enforcement of Rights in the Digital Space at Osnabrück University on November 7th and 8th, 2024 - Link](#)

CALL FOR PAPERS

Making Digital Markets Work for People - Fairness, Efficiency and Consumer Welfare in Dialogue

Call for papers for the conference “Making Digital Markets Work for People - Fairness, Efficiency and Consumer Welfare in Dialogue” organised by Behrang Kianzad, Johan Axhamn and Fabrizio Esposito. Papers must be submitted by 14 November. The paper selected will be published with a special issue of Nordic Journal of Intellectual Property Review.

The call for papers is open until 14 November 2024.

FEATURED WEBPAGE OF THE MONTH

CACCL (Centro de Arbitragem de Conflitos de Consumo de Lisboa). The Lisbon Consumer Dispute Arbitration Centre has been operating since 1989, for around 35 years. The centre aims to inform consumers and traders of their rights and duties and to settle consumer disputes quickly and properly through mediation and arbitration. The webpage of the centre stands out for its very prompt publication of the arbitration awards, which allows us to learn more about consumer law as it is applied in practice. The arbitrators at the centre include our researcher Joana Campos Carvalho and our former mediator and legal advisor Daniela Mirante. More information [here](#).

