

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.



We are pleased to announce that the second edition of the Postgraduate Course in Consumer Law (in Portuguese) will start in September 2025. Registration is now open. You can find all the information [here](#).

INTERNATIONAL PARTICIPATION



The NOVA Consumer Lab researchers Joana Campos Carvalho and Jorge Morais Carvalho were Visiting Scholars at the School of Law of the University of Warwick in the third week of November. They were welcomed and were in close contact with Professor Christian Twigg-Flesner.

Jorge Morais Carvalho was the Guest Speaker at a Law School Lunchtime Research Seminar held in November at the University of Warwick on 'Orientation towards sustainable consumption as a fundamental principle of consumer law'.

You can find all the information [here](#).



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BLOG POSTS

NOVA
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BLOG



A ESSENCIALIDADE DA
"LEI DOS SEIS MESES"

Rodrigo Melo

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BLOG



SERÁ CONSUMIDORA A PESSOA
QUE ADQUIRE UM IMÓVEL PARA
ARRENDAMENTO?

Jorge Morais Carvalho

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CRIANÇAS-CONSUMIDORAS TAMBÉM
«VOTAM COM O DINHEIRO» DOS PAIS

Maria Miguel Oliveira da Silva

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CLÁUSULAS ABUSIVAS E
SANÇÕES CONTRAORDENACIONAIS

Jorge Morais Carvalho

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WEB SCRAPING E O RGPD: COMO
GARANTIR UMA RECOLHA LÍCITA DE
DADOS PESSOAIS

Francisco Arga e Lima

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O FENÓMENO BLACK FRIDAY

Leonor Gambôa Machado

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NOVA CONSUMER PODCAST



NOVA CONSUMER YOUTH

In the November newsletter we interviewed Catarina Nicolau Campos about NOVA Consumer Youth. Stay tuned!

You are in charge of NOVA Consumer Youth. Can you describe the project for our readers?

This project was born out of the realization that, despite the importance of the rules governing consumer contracts in people's daily lives, there is still a great deal of ignorance regarding these rules, which often contributes to consumers acting in an insecure and unprepared manner, ignoring rights and duties that they could benefit from.

Although this lack of knowledge cuts across all generations, it is particularly important to bridge this gap in the younger, school-age groups, as they are a particularly vulnerable group. The aim of this project is therefore to train young people in the legal framework applicable to consumer relations. We tried to focus the sessions on topics that young people have the opportunity to relate to directly daily: buying and selling consumer goods, subscribing to digital services through a platform and the link between consumption and sustainability.

When will the first session take place?

We are working with schools to see what the best date is to start these sessions, but we would like it to be as soon as possible.

Why do you think this project matters?

I believe that a complete education should include training for responsible and informed consumer activity, which will strengthen the consumer of the future and allow the next generations to make decisions based on a secure knowledge of the rules that shape the contracts they enter into.

Only in this way can we move forward with regard to freedom and autonomy in consumer contracts.

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CONSUMER LAW NEWS



European Commission and national authorities urge Temu to respect EU consumer protection laws. Temu now has one month to reply to the CPC Network's findings and propose commitments on how they will address the identified consumer law issues. - [Link](#).



Facebook and Instagram to Offer Subscription for No Ads in Europe - [Link](#).




Press Release 873/24 19/11/2024 Council calls for the closure of the European Online Dispute Resolution Platform (ODR platform) and its replacement with a better tool - [Link](#).




Directive (EU) 2024/2853 of the European Parliament and of the Council of 23 October 2024 on liability for defective products and repealing Council Directive 85/374/EEC - [Link](#)

[CJEU in Zabiiton \(C-347/23\) - 24 October - Link](#).



Article 2(b) of Council Directive 93/13/EEC of 5 April 1993 on unfair terms in **consumer** contracts must be interpreted as meaning that a natural person who enters into a mortgage loan agreement in order to finance the purchase of a single residential property to be leased for consideration comes under the concept of '**consumer**', within the meaning of that provision, where that natural person acts for purposes that are outside his or her trade, business or profession. The mere fact that that natural person seeks to earn income from the management of that property cannot, in itself, lead to the exclusion of that person from the scope of the concept of '**consumer**', within the meaning of that provision.

[CJEU in Horyzont \(C-339/23\) - 24 October - Link](#).




Articles 23 of Directive 2008/48/EC of the European Parliament and of the Council of 23 April 2008 on credit agreements for consumers and repealing Council Directive 87/102/EEC must be interpreted as not precluding a penalty implemented in the event of a failure to comply with the obligation to assess the **consumer's** creditworthiness, provided for in Article 8(1) of that directive, from differing from the penalty provided for in the event of a failure to comply with other, potentially equivalent, obligations provided for in that directive, in particular the obligation referred to in Article 10(2) thereof concerning the information to be included in **consumer** credit agreements, provided that the conditions laid down in Article 23 of that directive are met.

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CONSUMER LAW NEWS

CJEU in ERB New Europe Funding II (C-178/23) - 7 November - [Link](#)



Article 7(1) of Council Directive 93/13/EEC of 5 April 1993 on unfair terms in consumer contracts, read in the light of the twenty-fourth recital of that directive, the principle of effectiveness, and Article 47 of the Charter of Fundamental Rights of the European Union, must be interpreted as not requiring a national court or tribunal to examine whether the terms of a contract concluded between a seller or supplier and a consumer are unfair where those terms have already been examined by another national court or tribunal whose decision has the force of *res judicata*, even if, before that other court or tribunal, the consumer was not assisted by a lawyer, did not attend the hearing and did not make use of a remedy which was available to him or her, provided that that decision was duly notified to the consumer, together with an indication of the remedies available to him or her, and that there are no other particular reasons connected with the conduct of the proceedings, such as a failure to state the reasons for that decision, which could have prevented or dissuaded the consumer from properly exercising his or her procedural rights.

CJEU in Compass Banca (C-646/22) - 14 November - [Link](#)



1. Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and Regulation (EC) No 2006/2004 of the European Parliament and of the Council ('Unfair Commercial Practices Directive') must be interpreted as meaning that the concept of 'average consumer', within the meaning of that directive, must be defined by reference to a consumer who is reasonably well-informed and reasonably observant and circumspect. Such a definition does not, however, exclude the possibility that an individual's decision-making capacity may be impaired by constraints, such as cognitive biases.

2. Article 2(j), Article 5(2) and (5) and Articles 8 and 9 of Directive 2005/29 must be interpreted as meaning that the commercial practice consisting in simultaneously proposing to the consumer an offer for a personal loan and an offer for an insurance product not related to that loan, does not constitute either a commercial practice that is in all circumstances aggressive or even a commercial practice in all circumstances regarded as unfair, within the meaning of that directive.

3. Directive 2005/29 must be interpreted as not precluding a national measure which allows a national authority, once it has been established that the commercial practice adopted by a particular trader is 'aggressive' or, more generally, 'unfair', to require that trader to grant the consumer a reasonable cooling-off period between the dates on which the insurance contract and the loan contract are signed, unless there are other means less prejudicial to the freedom to conduct a business which are equally effective to put an end to the 'aggressive' or, more generally, 'unfair' nature of that practice.

4. Article 24(3) of Directive (EU) 2016/97 of the European Parliament and of the Council of 20 January 2016 on insurance distribution must be interpreted as not precluding a national authority from requiring a trader, whose commercial practice of framing is regarded as 'aggressive' within the meaning of Articles 8 and 9 of Directive 2005/29, or, more generally, as 'unfair' within the meaning of Article 5(2) of that directive, in order to put an end to that practice, to grant the consumer a reasonable cooling-off period between the dates on which the contracts concerned are signed.

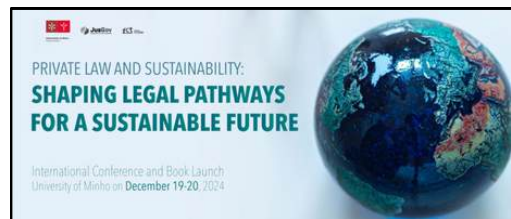
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EXTERNAL EVENTS



19th Global Conference of the International Consumer Law Association/19ª Conferencia Global de la International Consumer Law Association - [Link](#).

Private Law and Sustainability: Shaping Legal Pathways for a Sustainable Future. International Conference and Book Launch
19 and 20 December | University of Minho - [Link](#).



CONSUMER LAW PUBLICATIONS



Utente e Consumidor nos serviços Públicos Essenciais, Pedro Falcão - [Link](#).

A responsabilidade do transportador aéreo: As circunstâncias extraordinárias no Regulamento (CE) N° 261/2004 - Uma análise jurisprudencial. The text is available [here](#).

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CALL FOR PAPERS

EUCML - Journal of European Consumer and Market Law

The selected paper will be published in a special section in one of its future editions and the author/s will have the opportunity to present it at an EUCML event to take place in 2025. NOVA Consumer Lab's researcher and director, Jorge Morais Carvalho, is one of the editors of EUCML. More informations [here](#).



The call for papers is open until 15 April 2025.

STARTING SOON

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



Digital Rights Festival 2024 (9.12.24, at Casa das Histórias Paula Rego) The Digital Rights festival, themed 'A Summit for Civil Discourse', is an event organised by citizens and supported by NOVA School of Law. This is an event where regulators, civil rights defenders, entrepreneurs and scientists come together to hold civil debate. Check the program [here](#). Register [here](#).



Postgraduation in Law in the Information Society (Pós-Graduação O Direito na Sociedade da Informação: A Era da Transição Digital), with the participation of the NOVA Consumer Lab researchers José Antonio Castillo Parrilla, Fabrizio Esposito, Joana Campos Carvalho and Jorge Morais Carvalho. 6 February to 27 May 2025 - [Link](#)



Postgraduate Course in Contract and Consumer Law (University of Coimbra), with the participation of the NOVA Consumer Lab researchers Joana Campos Carvalho and Jorge Morais Carvalho - [Link](#)



E-Course The Evolution of Energy Law: renewables, energy efficiency and climate (E-Curso A Evolução do Direito de Energia: renováveis, eficiência energética e clima), with the participation of the NOVA Consumer Lab researcher Jorge Morais Carvalho - [Link](#).

FEATURED WEBPAGE OF THE MONTH

Recent developments in European Consumer Law is an almost fifteen-year-old blog where you can find information on the main developments in consumer law. The ever-present analysis of decisions by the EU Court of Justice is particularly interesting. The role played by Joasia Luzak in managing the blog should be highlighted. The contributors have changed over the years. In addition to Joasia Luzak, Adrianna Michałowicz, Andrea Fejős, Candida Leone, Carolina Paulesu, Jie Ouyang and Marina Federico are currently contributing to the blog. More information [here](#).