

Case law**Case Details**

National ID: 4257/13.9TBMTS.PT

Member State: Portugal

Common Name:link

Decision type: Court decision in appeal

Decision date: 27/04/2015

Court: Court of Appeal of Porto

Subject:

Plaintiff: C., S.A.

Defendant: B.

Keywords: consumer rights, right of withdrawal

Directive Articles

Distance Selling Directive, [link](#)

Headnote

A trader that does not reimburse the amounts paid by a consumer within 30 days following the right of withdrawal of the latter shall return in double the amounts paid by the consumer.

Facts

The plaintiff concluded a contract with the defendant for the sale of two televisions. The defendant exercised his right of withdrawal within a 14-days period following the delivery of the goods and asked the plaintiff for the reimbursement of the amounts paid. The plaintiff did not proceed with the reimbursement of the amounts paid in the following 30 days of the defendant's request.

Legal issue

The court considered that the plaintiff should return in double the amounts paid due to the lack of reimbursement of the amounts paid for the purchase within 30 days from the right of withdrawal, in accordance with article 8 of Decree-Law 143/2001 that transposes Directive 97/7/EC.

Decision

Must a trader return in double the amounts paid for the lack of reimbursement within 30 days from the right of withdrawal?

URL: <http://www.dgsi.pt/jtrp.nsf/56a6e7121657f91e80257cda00381fdf/8fd5a26aed05a45480257e3c0053b700?OpenDocument>

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Related Cases

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Result

The court accepted the appeal.