



## COVID-19

### Legal Insights no. 10

Exceptional and temporary measures to encourage the acceptance of card-based payments in the context of the COVID-19 pandemic.

## **Decree-Law no. 10-H/2020, of 26 march**

On 26 March 2020, it was published in the Portuguese Official Gazette the Decree-Law No. 10-H/2020, of 26 March, which establishes exceptional and temporary measures to encourage the acceptance of card-based payments, in the context of the COVID-19 disease pandemic.

Regarding card payment transactions carried out at the point of sale machines ("POS"), the decree-law establishes that payment service providers are forbidden from (i) charging the fixed component of any commission per transaction (which is suspended), (ii) carry increases in the variable components of commissions per operation, as well as other fixed non-suspended commissions, and (iii) provide for the charging of new fixed or variable commissions in their price list, on pain of offence liability. The violations are punishable by fines of € 3.000 to € 1.500.000 or € 1.000 to € 500.000, depending on whether it is a legal person or a natural person.

The legal diploma under consideration foresees that card payments' beneficiaries that provide POS cannot refuse or limit the acceptance of cards for payment of any goods or services, regardless of the value of the operation, during the period in which the suspension of the collection of commissions per operation in POS is in force, on pain of penalty. The violations are punishable by fines of € 250 to € 3.740,98 or € 3.000 to € 44.891,81, depending on whether the offender is a natural or legal person.

The decree-law comes into force on 27 March 2020 and remains into force until 30 June 2020.

This legal alert does not constitute legal advice or exempt its reader from fully reading the Regulation in question, available [here](#).

For more information about this topic, please contact:

**Miguel Cordeiro**

+351 219 245 010

**mcordeiro@ctsu.pt**

*If you do not intend to receive these communications, you may oppose, at any time, to the use of your data for these purposes, by sending a written request to the following email address: [geral@ctsu.pt](mailto:geral@ctsu.pt). CTSU also ensures the right to access, update, rectify and delete, as per the applicable law, upon written request sent to the above mentioned email address. This communication contains only general information, therefore it is not an advice nor a provision of professional services by CTSU. Before any act or decision which may affect you, you should seek advice from a qualified professional. CTSU is not liable for any damages or losses suffered as a result of decision-making based on this communication.*

*CTSU - Sociedade de Advogados, SP, RL, SA is an independent law firm member of Deloitte Legal network. "Deloitte Legal" means the legal practices of Deloitte Touche Tohmatsu Limited member firms or their affiliates that provide legal services. For legal and regulatory reasons, not all member firms provide legal services.*