



MINISTRY OF  
ECONOMIC AFFAIRS AND  
COMMUNICATIONS

# Consumer legislation

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# Internal market and consumer rights

- **Four freedoms of the internal market**
  - ✓ Free movement of capital
  - ✓ Free movement of labour force
  - ✓ Free movement of services
  - ✓ Free movement of capital
- **Technical harmonization**
  - ✓ Directives and regulations
- **Mutual recognition**



## Unfair commercial practices [2005/29/EC](#)

- Directive concerning unfair business-to-consumer commercial practices in the internal market
  - ✓ Determines whether a commercial practice is unfair
  - ✓ Contrary to the requirements of professional diligence
  - ✓ Distortion of the behaviour of the average consumer
  - ✓ Misleading practices
    - false information, untruthful in any way
    - Misleading omissions
  - ✓ Minimal information in case of purchase
  - ✓ Aggressive commercial practices
    - Impairs the freedom of choice



## Misleading and comparative advertising

### 2006/114/EC on misleading advertising

- ✓ To determine whether advertising is misleading
- ✓ To control misleading advertising

### 97/55/EC on comparative advertising

- ✓ comparison with a competitor
- ✓ conditions when comparative advertising is permitted



- **Product liability**

85/374/EEC on liability for defective products

- ✓ Industrially produced movables, primary agricultural products
- ✓ Liability of the producer
- ✓ Exemptions of producers from liability
- ✓ Covered damages
- ✓ 3-years expiration period
- ✓ Limit for producer's liability not lower than 70 mln euros



- **Product safety** [2001/95/EC](#) on general product safety
  - ✓ Any product and service related to a product (not second hand products)
  - ✓ Hierarchy of requirements while assessing the safety:  
Community provisions - National regulations of the member states - European standards - National standards  
transposing European and Commission recommendations –  
Original national standards - Codes of good practices –  
Current state of art - Consumers' safety expectations
  - ✓ Safeguard clause
  - ✓ Rapex system



- **Toy safety** [88/378/EEC](#) on safety of toys
  - ✓ Any product or material designed or intended for use in play by children less than 14 years
  - ✓ Essential requirements
  - ✓ Harmonized standards, presumption of conformity
  - ✓ Conformity assessment (manufacturer or notified body)
  - ✓ CE marking
  - ✓ Special requirements for toys made of PVC. Commission decision 1999/815/EC and Directive 2005/84/EC



- **Explosives intended for civilian use**

[93/15/EEC](#) on explosives intended for civil uses

- ✓ Minimal risk to the safety
- ✓ Supervision of transfers of explosives
- ✓ Harmonized standards, presumption of conformity
- ✓ conformity assessment, notified bodies
- ✓ CE marking
- ✓ Directive 2004/57/EC on the identification of pyrotechnic articles and certain ammunition



- **Fire safety in hotels**

- ✓ Council recommendation [86/666/EEC](#) on fire safety in existing hotels
- ✓ Safe escape routes
- ✓ Stability suggestions for buildings in case of evacuation
- ✓ Warning systems
- ✓ Training of the staff and giving instructions

- **Cosmetic products**

- ✓ 7 directives on the methods of analyses necessary for checking the composition of cosmetic products



# Economic and legal rights

- **Electronic commerce, Directive [2000/31/EC](#)**
  - ✓ Free movement of information society services (on-line electronic transactions)
  - ✓ Establishment of service providers;
  - ✓ Commercial communications and spamming;
  - ✓ Contracts concluded by electronic means;
  - ✓ Liability of intermediaries;
  - ✓ Codes of conduct;
  - ✓ Out-of-court dispute settlements
  - ✓ Court actions and cooperation between member states
  - ✓ Directives [2002/38/EC](#), [2006/58/EC](#), [2006/112/EC](#), [2006/138/EC](#) on value added tax arrangements applicable to radio and television broadcasting services



# Economic and legal rights

- **Contracts - directive [97/7/EC](#) on protection of consumers in respect to distance contracts**
  - ✓ Provision of information prior to concluding a contract
  - ✓ Confirmation from the supplier about special conditions mentioned in the directive
  - ✓ Consumer has a right of withdrawal
  - ✓ The supplier has 30 days to perform the contract
- **Distance contracts for financial services - directive [2002/65/EC](#) on distance marketing of consumer financial services**
  - ✓ Reflection period of 14 days or 30 days in case of life assurance and personal pension operations under some circumstances



# Economic and legal rights

- **Contract negotiated away from business premises**
  - ✓ Directive [85/577/EEC](#)
  - ✓ “Out-of-office” contracts
  - ✓ “Doorstep contracts”
- **Purchase of the right to use immovable property**
  - ✓ Directive [97/47/EC](#)
  - ✓ information on the constituent parts of the contract
  - ✓ the procedures for cancelling and withdrawing



- **Sale of consumer goods and associated guarantees**
  - ✓ Directive [99/44/EC](#)
  - ✓ Goods, water, gas and electricity
  - ✓ Legal guarantee
  - ✓ Commercial guarantee



- **Package travel, holidays and tours** [90/314/EEC](#)
  - ✓ 24 hours + sold at inclusive price
  - ✓ Information requirements
  - ✓ Requirements for change of prices
  - ✓ Conditions for cancellation
- **Computerised reservation systems**
  - ✓ Council regulation [2299/89](#)
  - ✓ CRS for air transport
  - ✓ Obligations of the system and for the participants



- **Air fares and air cargo rates**
  - ✓ Council regulation [2342/90](#)
  - ✓ criteria and procedures for the establishment of the air fares and air cargo rates charged by air carriers on air services within the Community
- **Denied boarding compensation system**
  - ✓ Council regulation [261/2004](#)
  - ✓ Application: airports of the member states or departure to an airport of a member state
  - ✓ Applies in case of denied boarding, flight cancellation, delays, upgrading and downgrading



- **Air carrier liability in case of accidents**
  - ✓ Council regulation [2027/97](#) and [889/2002](#)
  - ✓ Event of death, wounding pr any other injury as well baggage – no financial limit
- **Denied boarding compensation system**
  - ✓ Council regulation [261/2004](#)
  - ✓ Application: airports of the member states or departure to an airport of a member state
  - ✓ Applies in case of denied boarding, flight cancellation, delays, upgrading and downgrading



- **Financial services – consumer credit**
  - ✓ Directive [87/102/EEC](#)
  - ✓ Application limit to small-scale credits
  - ✓ Requirements of advertising
  - ✓ Information requirements
  - ✓ Conditions for discharge
- **Cross-boarder credit transfers**
  - ✓ Directive [97/5/EC](#), Regulation [2560/21](#)
  - ✓ Transfers up to 50 000 euros effected in member states' currencies and in euros
  - ✓ Transparency and information requirements
  - ✓ Minimal information requirements



- **Energy efficiency of office equipment**
  - ✓ Conditions for the manufacturers, retailers and dealers to use Energy Star label
  - ✓ Voluntary application
  - ✓ Agreement between USA and EU for 5 years
- **Ecodesign for energy using appliances**
  - ✓ Directive [2005/32/EEC](#)
  - ✓ No direct provisions for specific products, only general framework
  - ✓ Applies to all energy-using products and all energy sources
  - ✓ Manufacturer is responsible for the relevant implementation



- **Household appliances – energy consumption labeling - Directive [92/75/EEC](#)**
  - ✓ Specific types of appliances
  - ✓ Fiche and label indicating the consumption of energy
  - ✓ Implementing directives (energy labeling):
    - 2003/66/EC electric refrigerators, freezers and their combinations
    - 2002/40/EC electric ovens, 2002/31/EC air-conditioners,
    - 1999/9/EC dishwashers 98/11/EC lamps, 96/60/EC washer-dryers,
    - 95/13/EC tumble dryers, 95/12/EC washing machines



- **Eco-label award scheme**

- ✓ Regulation [1980/2000](#)

- ✓ The Community eco-label scheme is designed to:

- promote products which have a reduced environmental impact compared with other products in the same product group
    - provide consumers with accurate and scientifically based information and guidance on products

- ✓ Eco-label criteria is established by a product group

- ✓ Applicants: manufacturers, importers, service providers etc

- ✓ Annual fee



- **Textiles**

- ✓ Directive [96/74/EC](#)
- ✓ Coverage: textile products
- ✓ Composition of textile products and authorized names
- ✓ Labeling requirements

- **Shoes**

- ✓ Directive [94/11/EC](#)
- ✓ Labeling of shoes

- **Fuel consumption of the new cars**

- ✓ Directive [1999/94/EC](#)
- ✓ Fuel consumption and CO2 emissions (on promotional material)