

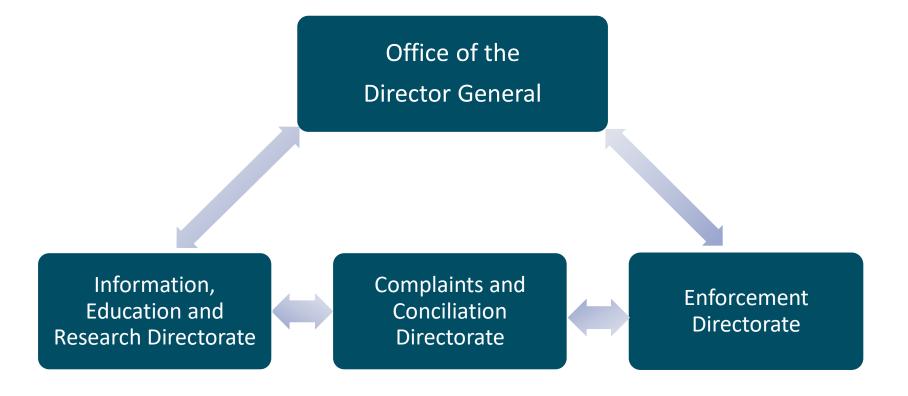
Safeguarding consumers' wellbeing in the digital age and the role of the Office for Consumer Affairs

Annual General Meeting Association for Consumer Rights

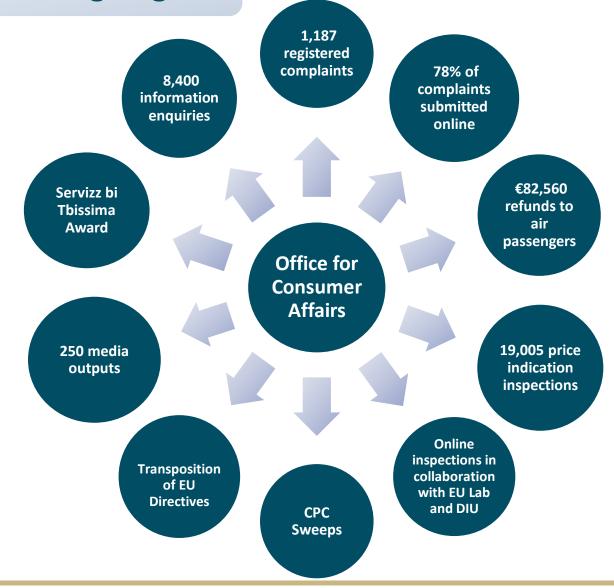
Grace Stivala

Director General - Office for Consumer Affairs

Office for Consumer Affairs



2022 Performance Highlights





- sets common rules for sales contracts concluded between sellers and consumers (SDG & DCD)
- applies to contracts for goods, including goods with digital elements (SGD),
 and for the supply of digital content and digital services (DCD)
- clearer rules on conformity of goods with sales contract subjective and objective requirements (SGD & DCD)
- liability of the trader (legal guarantee) and burden of proof (SGD & DCD)
- applicable remedies in case of lack of conformity (SGD & DCD)
- modification of digital content or a digital service (DCD)



Modernisation Directive



- modernises EU consumer laws in the light of new market developments
- strengthens enforcement by introducing uniform penalties for EU widespread infringements
- amends four main EU consumer protection Directives:
 - the Unfair Commercial Practices Directive
 - the Unfair Contract Terms Directive
 - the Consumer Rights Directive
 - the Price Indications Directive



Modernisation Directive – Consumer Affairs Act

Penalties up to 4% of turnover or up to €2 million if information is not available in accordance with Article 21 of the CPC Part XIIA – Offences, Penalties and Regulation related provisions Indicative criteria for the imposition of penalties Main amendments to **New definitions** the Consumer **Affairs Act** Dual quality of Goods Part VIII – Unfair Commercial Practices Amendments in the provisions on misleading omissions and material information First Schedule **MCCAA**

Modernisation Directive – Consumer Rights Regulations

Amendments to the Consumer Rights Regulations:

Extends the scope to cover digital content and digital services and includes free digital services

Updates the pre-contractual information provisions including, where applicable, that the price was personalised on the basis of automated decision-making

New regulation on additional specific information requirements for online marketplaces New obligations on both the trader and consumer in the event of the right of withdrawal for free digital services

Extension of the 14 days right of withdrawal period to 30 days for contracts concluded in the context of unsolicited visits by a trader to a consumer's home or excursions organised by a trader



Omnibus Directive – Price Indication Regulations

Amendments to the Price Indication Regulations:

New regulation on price reductions "Any announcement of a price reduction shall indicate the prior price* applied by the trader for a determined period of time prior to the application of the price

reduction."

Three provisos:

(1) For goods
which are liable
to deteriorate or
expire rapidly,
the prior price is
the one applied
immediately
before the price
reduction

(2) If the goods have been on the market for less than 30 days, the prior price means the lowest price applied by the trader during this period

(3) When the price reduction is progressively increased, the prior price is the price without the price reduction before the first application of the price reduction

Increase in fines for 1st and 2nd convictions and publication of sentences by the Court and Director General



^{*} The prior price being "the lowest price applied by the trader during a period of time not shorter than 30 days prior to the application of the price reduction".

Thank you

