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THE SWEDISH CONSUMERS' ASSOCIATION

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European Commission
Directorate-General for Health and Consumer
Protection
Rue de la Loi 200
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Communication from the Commission to the Council and the European Parliament on the implementation of Directive 1998/6/EC of the European Parliament and of the Council of 16 February 1998 on consumer protection in the indication of prices and products offered to consumers

The Swedish Consumers' Association have been asked to provide comments on the communication from the Commission to the Council and the European Parliament on the implementation of Directive 1998/6/EC.

Our comments follow the questions as these are presented in COM (2006) 325 final, under the heading "Questions for consultations".

Questions for consultations

Question A: Should the derogation in article 3(2) be maintained?

In answer to the question marked as A, it is our preferred option to keep sales by auction and sales of works of art and antiques excluded, but to include services. It is our view, and the view of the Swedish legislator, that there is a substantial consumer value in keeping services included in the Unit Price legislation. There is nothing to indicate that consumers would have less a need to compare prices when visiting a hairdresser or

eating at a restaurant, than when purchasing food or a car. Of course, in relation to certain services the price is only determined during the course of performance. An example would be where a carpenter is contracted to perform services or similar. In such cases we prefer a method where the service provider is obliged to explain how the price will be computed, e.g. price per hour or the cost of material per unit etc.

Question B: For which products should there be an obligation to indicate the unit price?

With services being included (see above), a part of this question has already been answered. Nonetheless, we do support the inclusion of a general definition stating what is included (again, both products and services being included), followed with a qualifying article of what could be excluded and under what limited circumstances this should be allowed. In general, it is our view that the obligation should be kept strict, unless this might cause confusion or otherwise be useless with a view to the nature of the product.

Question C: Should specific rules on advertising be maintained in this context?

With a view to ensuring a high level of consumer protection, we would support the abolition of article 3(4), only if this is coupled with the adding of the indication of unit price to the black list under Directive 2005/29/EC.

Question D: Should the derogation for small retail businesses become permanent? If so, should a European notion of small retail business be introduced? How should it be formulated?

We find it very difficult to understand how the indication of unit price could be said to be overly burdensome on small retail businesses. One method to ensure that such businesses do not suffer unjustifiably from the obligation of unit prices is to allow small retailers the right to inform their customers of the unit price orally, but only where it is not possible to supply the information in writing.

Question E: Should the minimum harmonisation clause be maintained?

If the mentioned changes were to be carried out, whereby the most important is the inclusion of services in article 3(2), we would be prepared to support a change towards maximum harmonisation in this field, i.e. abolish article 10. However, this presupposes that these changes actually take place. We are not prepared to trade a diminished level of consumer protection in Sweden (where the proposed changes are in fact a reality), against a low fully harmonised European standard.

This consultation was prepared by Jonas Adolfsson, Legal Assistant, and the undersigned.

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