

THE LEGAL REQUIREMENTS FOR THE SUPPLY OF SAFE CONSUMER PRODUCTS AND SERVICES

Consumer Rights Protection Law, 1999

The Consumer Rights Protection Law (CRPL) provides a general framework for the protection of consumers and the establishment of the market surveillance authority, the Consumer Rights Protection Centre (PTAC). As a producer, importer or supplier of goods and services you need to be aware your responsibilities and take the necessary steps to ensure that your business meets its legal obligations. If you have any doubts about these legal obligations you should contact PTAC or obtain independent legal advice.

The full text of the relevant Laws and associated Cabinet Decisions and Regulations is available by following the links on the Home page of the [PTAC website](#)

Here are some definitions in the Consumer Rights Protection Law that are important for entrepreneurs to be able to fully understand in order to comply with all of the product safety provisions:

- **directions for use** – instructions of the manufacturer or service provider through compliance with which goods or services retain their operational (utilisation) characteristics and adequate quality, and do not pose a threat to the property, health and life of the consumer and to the environment;
- **service** – performance of a consumer's order or such fulfilment of a contract entered into with a consumer, for remuneration or free of charge, within the scope of entrepreneurial or professional activity of a natural or a legal person as a result of which an article is leased, a new article is produced, an existing article or its characteristics are improved or altered, or work is performed, or intangible result of work is achieved;
- **consumer** – a natural or legal person who expresses a wish to purchase, purchases or might purchase goods or utilises a service for a purpose which is not directly related to his or her entrepreneurial activity;
- **service provider** – a natural or legal person who provides a service to a consumer;
- **seller** – a natural or legal person (also – importer) who offers or sells goods to consumers by means of entrepreneurial activity, as well as a person who acts in the name of the seller or at his or her instruction;
- **goods** – any article offered or sold to consumers; and
- **manufacturer** – a natural or legal person who manufactures or renovates goods for sale, or identifies himself/herself as the manufacturer by indicating (labelling) on the goods or the packaging thereof, or in the technical documentation of the goods, his/her name (firm name), given name, surname, trademark or other distinguishing mark.

Duties of entrepreneurs

It is the duty of a manufacturer, seller or service provider to acquaint the consumer with true and complete information regarding the quality, safety, price, guarantee and the possibilities for guarantee service, directions regarding use, the name (firm name), given name, surname and address of the manufacturer, seller or service provider regarding the goods or services offered, indicating such information in the labelling, the attached instructions for use, the technical certificate or in other written information in respect of such goods or services.

Information Regarding Specific Characteristics of Goods

It is a requirement that technically complicated goods, and goods which contain dangerous substances or the use of which requires specific skills, must be supplied by the manufacturer with directions for use and warning signs or symbols. If the information included in the directions for use is in a foreign language, a translation of the information into the official language must be attached.

The Law on the Safety of Goods and Services, 2004

Under this law, producers of goods and the providers of services have a number of specific responsibilities and duties concerning safety.

- It is the duty of producers to produce and put into circulation only safe goods, which are non-harmful to human life, health and the property of a person, as well as non-harmful to the environment.
- The producer of goods is responsible for the safety of the goods he puts into circulation.
- It is the duty of the service provider to provide only safe services, which are non-harmful to human life, health and the property of a person, as well as non-harmful to the environment.
- The service provider is responsible for the safety of the service he provides.

It is the duty of a producer and service provider to provide true and complete information about the goods or services (including warnings) in order to enable the user to make an assessment of any risks related to the use of the goods or the utilisation of the service throughout the normal or reasonably foreseeable period of the use of the product or service and to take precautionary measures, unless such risks are immediately obvious without adequate warnings. ***It is important to note however that a warning does not provide an exemption from the fulfilment of duties and responsibilities specified in the Law.***

Taking into consideration the characteristics of the goods and services provided, it is the duty of the producer and service provider to take all measures necessary to enable the risks which may be caused by the goods or services to be assessed, and to choose relevant actions which may include;

- withdrawing the commodities or items from circulation if such action is necessary in order to avoid risks;
- warning consumers; and
- recalling unsafe goods from consumers or properties supplied by the producer or distributor. The recovery of the goods may take place on a voluntary basis, or in accordance with a decision of the market surveillance authority.

The measures referred to above may include:

- providing reference number/s of the producer, product or commodity, as well as the identification of the producer on the relevant commodity, property or its packaging (except in cases where the non-provision of such indication is justified);
- carrying out tests on a sample of the commodity or property;
- examining complaints, and where necessary, the keeping of a register system of complaints; and
- informing distributors about the measures taken and the results thereof.

It is the duty of the distributor to act with due care in order to facilitate conformity of the goods with general safety requirements.

The distributor may not sell, supply or otherwise distribute goods if he or she may or should conclude that they fail to comply with safety requirements, as well as commodities about which he or she lacks sufficient information to determine the safety thereof. Within the limits of his or her respective activities, it is the duty of the distributor to participate in taking safety measures regarding commodities, especially informing of the possible risks, keeping and ensuring the necessary documentation for tracing the origin of the goods, as well as co-operating actively with the producers and the State supervision and control bodies in the actions taken to prevent any risks from goods put into circulation.

If the producer, distributor or service provider becomes aware or, as an expert he or she should have known, that the commodity or service causes a risk incompatible with general safety requirements, the producer, distributor or service provider must, in accordance with the procedures specified by the Cabinet, immediately inform the relevant State supervision and control bodies thereof. This condition, in particular, applies to the measures to be taken in order to prevent risk to consumers.

In the case of serious risk, the producer, distributor or service provider has a duty to provide at least:

- information that provides the opportunity to precisely identify the relevant commodity, property or production batch of commodities or properties;
- the complete description of the risk caused by the relevant commodity or property;
- all accessible information necessary for tracking the relevant commodities or properties; and
- information regarding the measures taken to prevent risk to consumers.

This requirement also applies to such serious risk of which the impact is not immediate and thus does not require immediate action by the State supervision and control bodies.

In order to commence the activities which prevent risk caused by commodities and provided services, it is the duty of the producer, distributor and service provider to co-operate with the State control and supervision bodies within the limits of their respective activities. The procedures for carrying out the co-operation referred to in this Section shall be determined by the State control and supervision bodies.

NOTE: The full text of these laws and other relevant Cabinet Decisions can be accessed from the home page, using the legislation link.