

Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Directive	1995/0148(COD) Procedure completed
Consumer protection: indication of prices of products offered to consumers Amended by 2018/0090(COD)	
Subject 4.60.02 Consumer information, advertising, labelling	

Key players			
European Parliament			
	Former committee responsible		
	ENVI Environment, Public Health and Consumer Protection	PPE OOMEN-RUIJTEN Ria	27/07/1995
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	Former committee for opinion		
	AGRI Agriculture and Rural Development	PPE BÉBÉAR Jean-Pierre	21/02/1996
Council of the European Union			
	Council configuration	Meeting	Date
	Fisheries	2063	18/12/1997
	Economic and Financial Affairs ECOFIN	2004	12/05/1997
	Telecommunications	1949	27/09/1996

Key events			
12/07/1995	Legislative proposal published	COM(1995)0276	Summary
18/09/1995	Committee referral announced in Parliament, 1st reading		
15/04/1996	Vote in committee, 1st reading		Summary
15/04/1996	Committee report tabled for plenary, 1st reading	A4-0109/1996	
17/04/1996	Debate in Parliament		
18/04/1996	Decision by Parliament, 1st reading	T4-0190/1996	Summary
24/06/1996	Modified legislative proposal published	COM(1996)0264	Summary
27/09/1996	Council position published	08252/1/1996	Summary

24/10/1996	Committee referral announced in Parliament, 2nd reading		
22/01/1997	Vote in committee, 2nd reading		Summary
22/01/1997	Committee recommendation tabled for plenary, 2nd reading	A4-0015/1997	
18/02/1997	Debate in Parliament		Summary
18/02/1997	Decision by Parliament, 2nd reading	T4-0036/1997	Summary
12/05/1997	Parliament's amendments rejected by Council		
06/11/1997	Formal meeting of Conciliation Committee		
20/11/1997	Final decision by Conciliation Committee		Summary
09/12/1997	Joint text approved by Conciliation Committee co-chairs	3631/1997	
11/12/1997	Report tabled for plenary, 3rd reading	A4-0414/1997	
15/12/1997	Debate in Parliament		
16/12/1997	Decision by Parliament, 3rd reading	T4-0602/1997	Summary
18/12/1997	Decision by Council, 3rd reading		
16/02/1998	Final act signed		
16/02/1998	End of procedure in Parliament		
18/03/1998	Final act published in Official Journal		

Technical information

Procedure reference	1995/0148(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
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	Amended by 2018/0090(COD)
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Stage reached in procedure	Procedure completed
Committee dossier	CODE/4/08929

Documentation gateway

Legislative proposal	COM(1995)0276 OJ C 260 05.10.1995, p. 0005	12/07/1995	EC	Summary
Economic and Social Committee: opinion, report	CES1454/1995 OJ C 082 19.03.1996, p. 0032	20/12/1995	ESC	Summary
Committee report tabled for plenary, 1st reading/single reading	A4-0109/1996 OJ C 141 13.05.1996, p. 0015	15/04/1996	EP	
Text adopted by Parliament, 1st reading/single reading	T4-0190/1996 OJ C 141 13.05.1996, p.	18/04/1996	EP	Summary

		0167-0191			
Modified legislative proposal		COM(1996)0264 OJ C 249 27.08.1996, p. 0002	24/06/1996	EC	Summary
Council position		08252/1/1996 OJ C 333 07.11.1996, p. 0007	27/09/1996	CSL	Summary
Commission communication on Council's position		SEC(1996)1179	15/10/1996	EC	Summary
Committee recommendation tabled for plenary, 2nd reading		A4-0015/1997 OJ C 055 24.02.1997, p. 0004	22/01/1997	EP	
Text adopted by Parliament, 2nd reading		T4-0036/1997 OJ C 085 17.03.1997, p. 0019-0026	18/02/1997	EP	Summary
Commission opinion on Parliament's position at 2nd reading		COM(1997)0136	04/04/1997	EC	Summary
Joint text approved by Conciliation Committee co-chairs		3631/1997	09/12/1997	CSL/EP	
Report tabled for plenary by Parliament delegation to Conciliation Committee, 3rd reading		A4-0414/1997 OJ C 014 19.01.1998, p. 0006	11/12/1997	EP	
Text adopted by Parliament, 3rd reading		T4-0602/1997 OJ C 014 19.01.1998, p. 0018-0026	16/12/1997	EP	Summary
Follow-up document		COM(2006)0325	21/06/2006	EC	Summary

Additional information

European Commission

[EUR-Lex](#)

Final act

[Directive 1998/6](#)
[OJ L 080 18.03.1998, p. 0027](#) Summary

Consumer protection: indication of prices of products offered to consumers

OBJECTIVE: to adopt new arrangements for improving consumer information and simplifying existing law to allow the Community to propose a standard level of price information for consumers, based on national policies. COMMUNITY MEASURE: proposal for a European Parliament and Council Directive on consumer protection in the indication of the prices of products offered to consumers. SUBSTANCE: the proposal contains simplified arrangements to replace the mechanism for the indication of product prices established by Directive 79/581/EEC and 88/314/EEC for foodstuffs and non-food products respectively, application of which has proved very complex for many Member States. The transitional period for implementation has just been extended by two years by means of a postponement directive. - The proposal for a Directive enshrines the general consumer information principle of indicating the selling price and unit price of both foodstuffs and non-food products. - The obligation to display prices is incumbent on sellers offering wares to the public, in other words the final consumer, a natural person who is not purchasing in the course of business. The rules on price indication do not apply to dealings between suppliers and retailers. - For bulk products, only the unit price has to be indicated. - The selling price and unit price must be unambiguous, easily identifiable and clearly legible. They must relate to the final price of the product. - Member States must lay down practical procedures for marking and labelling. - The Directive stipulates the role of Member States in making exemptions for certain products where indication of the unit price would not be meaningful in terms of consumer information (e.g. non-food products). - The obligation to indicate the unit price applies from 7 July 1997. Member States may extend, by a maximum of four years, the period of adaptation to the new mechanism for certain small retail businesses. - Member States must lay down penalties for infringements of national provisions adopted in application of the Directive. These penalties must be effective, proportionate and dissuasive. - Member States will submit details of any exemptions they adopt. - The Commission will submit a report to the European Parliament and Council no later than four years after the final date for transposition. This will be preceded, after two years, by an interim report relating to small retail businesses. ?

Consumer protection: indication of prices of products offered to consumers

Consumer protection through the supply of accurate information on prices of goods offered for retail sale to consumers is governed by Directive 79/581/EEC, as amended by Directive 88/315/EEC, and by Directive 88/314/EEC. The ESC's point of departure in drawing up this Opinion was the conviction that the interests of all those involved in the market are better served when conditions of transparency and proper operation prevail. Moreover, such conditions provide equal protection for both the consumer and healthy competition. The ESC accepts the breaking of the link between the obligation to indicate the unit price and the existence of "ranges". For the transitional period when the single Community currency is being introduced, the ESC proposes that three prices be indicated for each product: a) the selling price in the national currency; b) the selling price in the single currency; c) the unit price in the single currency. The ESC proposes as a practical, uniform approach the listing of each item according to its Common Customs Tariff number (NIMEXE). The ESC calls upon the Commission to ensure that the two-year period of adaptation to the new Directive runs from the date of its publication and not as from 7 June 1995. It also asks the Commission to take measures to oblige the Member States to transpose the Directive into their national laws within six months of the date of its publication. The ESC proposes that three reports (instead of two) be drawn up on the implementation of the Directive, with the active participation of the ESC itself: the first one year, the second two years and the third four years after the date of publication of the Directive. ?

Consumer protection: indication of prices of products offered to consumers

According to the text of the proposed directive, as amended by the committee (Amendment 1), "transparent operation of the market and correct information can be of benefit to consumer protection and healthy competition between enterprises and products". However, there was some concern in the committee that the obligation to introduce unit pricing alongside the actual price would prove too costly for small shopkeepers. The proposal will involve the repeal of the following existing legislation on pricing: Council Directives 79/581/EEC, 88/314/EEC and 88/315/EEC and European Parliament and Council Directive 95/58/EEC. According to the text amended by the committee (Amendment 29), the purpose of the Directive is to stipulate indication of the selling price and the price per unit of products customarily marketed and offered for retail to final consumers with their price expressed by unit weight, measure or number or per item so as to facilitate comparison of prices, wherever such comparison is relevant. Selling price (Amendment 31) means the final price for a given quantity of a product, including VAT, all other taxes and the costs of all services which the consumer is obliged to pay for in addition. Unit price (Amendment 31) means the final price (including VAT, all other taxes and the costs of all services which the consumer is obliged to pay for in addition) for one kilogram, one litre, one square metre or cubic metre of the product or any other quantity which is widely and customarily used in the Member States in the marketing of specific products. However, Member States may waive the obligation to indicate the unit price of products for which this is not meaningful because of the products' nature or purpose (Amendment 16). According to amendment 38, "the selling price and the unit price shall be indicated on the product offered for sale or on the shelf where the product is located, in such a manner as to be clearly legible for the consumer. In small retail businesses the price may also be indicated on a price list displayed in a prominent place in the shop." The committee also adopted an amendment (amendment 11) extending certain provisions of the proposed directive to any type of advertising in which a price is indicated. CONCERN OVER COST TO SMALL SHOPS in a concession to worries from small businesses about the cost of the new system, the committee adopted a recital (amendment 28) to the effect that it was "essential that, before this directive enters into force, the Commission should draw up, in collaboration with national governments and relevant organizations, an accurate statement of the cost of its full implementation to retail businesses, especially in the small and medium-sized sector". In amendment 45, the committee extended by two years, to 2003, the deadline for the introduction of unit pricing in small businesses where it was likely to constitute an excessive burden or where it was impracticable. Moreover, according to amendment 17, the Commission must grant financial aid to small retailers for information campaigns and brochures. TRANSITION TO A SINGLE EUROPEAN CURRENCY The committee adopted two amendments (4 and 15) concerning the forthcoming introduction of a single European currency. According to these, in the transitional period following introduction of the single currency, when prices have to be indicated in both the national currency and the single European currency, the following three prices must be displayed by the shopkeeper: * the selling price in the national currency; * the selling price in the single currency; * the unit price in the single currency. There would be no need, therefore, to display the unit price in the national currency.

Consumer protection: indication of prices of products offered to consumers

In adopting the report by Mrs Ria OOMEN-RUIJTEN (PPE,NL), Parliament approved the directive the purpose of which is to stipulate indication of the selling price (final price for a given quantity of the product) and the price per unit (kg, litre, metre, sq metre, cubic metre etc.) of products offered for retail to final consumers, so as to facilitate comparison of prices, wherever such comparison is relevant. The selling price and the unit price must be indicated on the product offered for sale or on the shelf where it is located. In small retail businesses the prices may also be indicated on a price list displayed in a prominent place in the shop. Parliament called for the following to be excluded from this directive: - food products sold in hotels, cafés, restaurants, drinks outlets, cinemas and theatres, teaching establishments, leisure centres, staff cooperatives, hospitals, canteens and similar establishments; - itinerant salesmen; - products sold in means of transport; - products sold in vending machines; - auctions; - private sales. In the transitional period following introduction of the single currency, the following three prices should be indicated: selling price in the national currency; selling price in the single currency; unit price in the single currency. The Commission and the Member States were invited to provide the necessary financing for training sales outlet staff responsible for explaining the prices to consumers in the run-up to the single currency. The Commission should grant financial aid for information campaigns for small retailers. ?

Consumer protection: indication of prices of products offered to consumers

The amended proposal by the Commission on consumer protection in the indication of the prices of products offered to consumers incorporated 14 of the 22 amendments adopted by the European Parliament. The main changes made by the Commission concerned: - clarification of the text: auctions and private sales would be excluded from the directive. The obligation to indicate the price per unit measurement was not to apply to: foodstuffs sold in hotels, cafes, restaurants, public houses, cinemas and theatres, teaching institutions, leisure centres, staff shops, hospitals, canteens and similar establishments; itinerant traders; products sold in means of transport; products sold in vending machines; - the treatment of small retail businesses: the Commission was in favour, not of an exemption, but of a generous adjustment period of six extra years after the date of application of the Directive. It did not adopt the idea of financial support for information programmes for small retail businesses. ?

Consumer protection: indication of prices of products offered to consumers

The common position of the Council on consumer protection in the indication of the prices of products offered to consumers did not incorporate any of the amendments adopted by Parliament and incorporated by the Commission in its amended proposal. The Council departed from the amended proposal by inserting new provisions, notably with the following aims: - to clarify the scope of the Directive: the Council inserted explicit exemptions, stating that products supplied in the course of the provision of a service, and sales of works of art and antiques, were excluded from its scope. It also adopted more detailed definitions, particularly of the terms 'sale price', 'products sold in bulk', 'trader' and 'consumer'. It stated clearly that advertising was included. - to take into account the difficulties faced by certain businesses in applying the new provisions: Member States which so wished were to remain free to exempt certain small businesses from the requirement to indicate price per unit of measurement. Not more than 3 years after the expiry of the deadline for transposition, the Commission was to submit a report and, if appropriate, a specific proposal concerning small businesses. ?

Consumer protection: indication of prices of products offered to consumers

With regard to the scope of the directive (exemptions, definitions and editorial amendments), the Commission considered that a common point of view would soon be reached. As far as small shops were concerned, the Commission was closer to the position of the European Parliament, i.e. permanent monitoring and financial support, together with a generous period of adaptation, than that of the Council, which recommends the possibility of exemption for the Member States. The Council and the European Parliament therefore continue to take a different approach.?

Consumer protection: indication of prices of products offered to consumers

The committee has adopted a recommendation for second reading (rapporteur Mrs OOMEN-RUIJTEN, PPE, NL), on the obligation to indicate both the unit price and price by weight of products. Following the common position of the Council, the differences between the two institutions mainly concern small businesses. Briefly, Parliament would like to help small businesses by providing them with information and giving them a maximum of six years to comply with the Directive. It is with this in mind that the Committee on the Environment has produced its own recommendation, proposing amendments. ?

Consumer protection: indication of prices of products offered to consumers

The rapporteur firstly explained why the proposal on price indication had taken such a long time to arrive at a clear system of price comparison which was in consumers' interests. Mrs Oomen-Ruijten then cited the main exemptions which Member States were free to apply to the system; the amendments tabled included, in particular, goods sold in vending machines and by itinerant traders and also food sold in hotels, restaurants, canteens, theatres, cinemas and so on. As regards the protection afforded to small retailers, the rapporteur pointed out the transitional provision which deferred, just for them, the application of the new price display regime. In addition, at small points of sale, the price could also be indicated in a price list visibly displayed in the premises. Finally, the speaker stated that, during the transitional period following the introduction of the single currency, the regime in question would be further amended to allow the selling price and unit price to also be expressed in the single currency. Commissioner Flynn stated that the Commission was prepared to accept most of the amendments. However, it could not accept Nos 9, 15 and 16 on the system of dual pricing in national currencies and euros, after the latter's launch, as it seemed too early to lay down such detailed rules on the measures accompanying the single currency which would be the subject of a global presentation at the due time. Likewise, the Commission could not accept Amendments Nos 23 and 24, because they laid down detailed rules on price indication and encroached on the competence of Member States. or Amendment No 25 which contradicted another amendment (No 6) which had been accepted. Finally, Mr Flynn stated that the Commission agreed with the interpretation that the exemptions included in Amendment No 13 could be extended to antique dealers.

Consumer protection: indication of prices of products offered to consumers

In adopting the report by Mrs Ria OOMEN-RUIJTEN (PPE, NL) Parliament amended at second reading the Council's common position on consumer protection in the indication of the prices of products. In order to assist small retail businesses Parliament proposes granting them a deadline of a maximum of six years to conform to this directive. It asks that the Commission submit an assessment report on the situation one year before the last deadline provided for the generalized application of the provision. The report also calls for the Member States to be allowed not to apply the obligation to indicate the unit price to: - sales of products in vending machines; - itinerant traders and personal in-home sales; - foodstuffs sold in catering establishments, cinemas and theatres, educational establishments, recreational establishments, staff shops at the workplace, hospitals, canteens and similar institutions. The selling price and the unit price shall be indicated on the product offered for sale or on the shelf where the product is located, in such a manner as to be clearly legible for the consumer. In small retail businesses the prices may also be indicated on a price list displayed in a prominent place in the shop. Parliament also stressed that following the introduction of the Euro, the following three prices may be indicated: - selling price in the national currency, - selling price in the single currency, - unit price in the single currency. If a temporary special offer or discount applies an indication of other prices, for information purposes, shall be optional. It was also proposed that Member States may waive the obligation to indicate the unit price of products for which such indication is meaningless because of the products' nature or purpose or would be liable to create confusion. ?

Consumer protection: indication of prices of products offered to consumers

The Commission incorporated 18 of the 22 amendments adopted by the European Parliament at second reading and amended its proposal

accordingly. The amendments incorporated by the Commission relate mainly to: a) clarification of the text: the Commission has incorporated the amendment seeking to allow Member States not to apply the obligation to state the unit price: - to products sold in automatic vending machines; - to itinerant traders and home sellers; - to food products sold in hotels, cafés, restaurants, bars, cinemas, theatres, teaching establishments, leisure centres, staff shops at the workplace, hospitals, canteens etc. The amendment introducing the obligation for Member States to notify separately the system of penalties applicable to infringements of national transposition regulations was also incorporated; b) the situation of small traders: the solution proposed by the European Parliament and incorporated by the Commission at first reading, providing for a longer period of adaptation (six years) than that initially proposed, was also incorporated. In order to facilitate application, provision has been made for an obligation for Member States to provide specific information on transposition regulations for retailers, especially small shopkeepers. However, the Commission did not incorporate amendments relating to: - details on the application of price indications; - the obligation to display double prices (in euros and national currency) during the transitional period when the single currency is introduced.?

Consumer protection: indication of prices of products offered to consumers

Meeting on 19 November 1997 in Strasbourg, Parliament's delegation approved the compromise package proposed at the Conciliation Committee meeting of 6 November 1997 (in spite of an agreement prematurely announced in the press before that date). The Conciliation Committee met on Thursday, 6 November to discuss the 8 remaining amendments, which concerned in particular the question of exemptions for small retail businesses. The compromise proposal involves an open-ended transitional period during which exemptions for small businesses could be maintained, but requires Parliament and the Council to take a decision on revision of the directive no later than 6 years after implementation thereof. The only outstanding matter concerned a Commission declaration, announced by Mrs BONINO at the Conciliation Committee meeting, the text of which had to be finalized subsequently. The co-chairmen established on 9 December 1997 that agreement had been reached, so as to permit the Directive to be adopted by Parliament and the Council in the course of the month (Parliament adoption scheduled for 15 December 1997 in Strasbourg).

Consumer protection: indication of prices of products offered to consumers

In adopting the report by Mrs Ria OOMEN-RUIJTEN (EPP, NL) Parliament approved the joint text which provides in particular for Member States to have the option for a three year transitional period of exempting certain small retail businesses from the obligation to indicate the unit price in addition to the sales price. ?

Consumer protection: indication of prices of products offered to consumers

OBJECTIVE: to adopt a new measure to improve consumer information about prices of products offered for sale by traders. COMMUNITY MEASURE: European Parliament and Council Directive 98/6/EC on consumer protection in the indication of the prices of products offered to consumers. SUBSTANCE: the Directive establishes the general principle that selling prices and unit prices should both be indicated when traders offer products to consumers. The main points of the Directive are as follows: -both the selling price and the unit price must be indicated for products covered by the Directive (the unit price need not be indicated if it is the same as the selling price); -where products are sold in bulk, only the unit price need be indicated; -the selling price and the unit price must be unambiguous, easily identifiable and clearly legible; -the unit price must refer to a declared quantity. The Directive authorizes Member States not to apply the principle that both the selling price and the unit price must be indicated: -in the case of products supplied in the course of the provision of a service, -in the case of sales by auction and sales of works of art and antiques. The Directive also permits Member States to waive the obligation to indicate the unit price in the case of products in relation to which such an indication would not be useful because of the products' nature or purpose or would be liable to create confusion. If the obligation to indicate the unit price would be liable to constitute an excessive burden for certain small retail businesses, Member States may, during a transitional period, stipulate that the obligation for them to indicate the unit price of products other than those sold in bulk shall not apply. ENTRY INTO FORCE: 18/03/1998 DEADLINE FOR TRANSPOSITION: 18/03/2000 ?

Consumer protection: indication of prices of products offered to consumers

The purpose of this Communication is to examine how Member States have implemented Directive 1998/6/EC on consumer protection in the indication of prices of products offered to consumers. It is limited to this question on which public consultation is sought. All the Member States have adopted national legislative measures transposing the Directive 98/6/EC on consumer protection in the indication of the prices of products offered to consumers. The Commission here reports on the application of this Directive, as provided by its article 12.

At this stage, however, the Commission does not consider appropriate to put forward any proposal under article 12 of the Directive. In fact it has no evidence that the current divergences between national laws on price indications raise significant internal market barriers, which would justify a regulatory intervention. This issue will be decided in the light of the consultation. According to the Directive, a proposal in the field of price indications should take into account, in particular, the experience gained in the application of the Directive by small retail business, regarding technological developments and the introduction of the single currency. The Commission has carried out a study, which took place prior to enlargement and limited to the 15 old Member States, aimed to assess the actual impact of the provisions of article 6 and their implementation on small retail businesses, the functioning of the internal market and the overall level of consumer protection.

The Directive did not give rise to any major transposition problems in any of the Member States. It has been implemented by all Member States, though in some cases after the date set by article 11(1) - that is 18 March 2000. The study carried out by the Commission shows a wide agreement that the Directive has contributed to increase the protection of consumer economic interests, although the actual extent of its impact remains unclear. The Directive allows Member States a remarkable level of discretion when drafting their transposition measures. Several articles introduce open regulatory options for national legislators: as a result, national laws implementing the Directive are for some aspects significantly diverging. This is not always the case, however: for some provisions, the vast majority of Member States have adopted the same normative solutions at national level.

As a result of this discretion, Member States have not relied extensively on the minimum harmonisation clause in article 10, whereby they can adopt or

maintain provisions which are more favourable as regards consumer information and comparison of prices than those contained in the Directive. In the light of a possible revision of the Directive, the Commission intends therefore to consider whether there is a need to maintain the minimum harmonization clause in article 10.

As far as the possibility to waive the obligation to indicate the unit price of products for which this indication would not be useful because of their nature or purpose, the transposition checks reveal a very fragmented scenario: while some categories of products are exempted in most Member States, there are a number of quite specific exceptions, which are not always readily justifiable under the wording of article 5(1). This creates an unwelcome inequality in the level of consumer protection across Europe, which may require further guidance as to what products or categories of products may be subjected and/or exempted from the obligation to indicate the unit price.

The Commission intends to hear the view of the interested parties on the application of article 6, with particular reference to its impact on the commercial activity of small retail businesses. The Commission welcomes particularly any submission on the continuing need for the temporary derogation provided in the Directive and/or the opportunity to introduce a European definition of small retailers in the legislation.

The annex lists some of the questions that need to be addressed in the general review process. On the basis of the outcome of the consultation process, in the light of the result of the ongoing process of review of the consumer acquis, the Commission will consider the need of further legislative initiatives in the field of price indications.

All interested parties are invited to submit replies to the European Commission by 1 September 2006.