

LEGAL ALERT



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Latest Amendments to Consumer Protection Law

Monitorul Oficial al Romaniei No. 573 / 11 August 2011 has published Government Resolution No. 795 which amends and supplements Government Resolution No. 1553 / 2004, regarding ways to stopping illegal practices in the field of protection of the collective interests of consumers, and Government Resolution No.796 which amends legislative acts on consumers' protection.

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Monitorul Oficial No. 573 / 11 August 2011 has published **Government Resolution No. 795** which amends and supplements **Government Resolution No. 1553 / 2004**, regarding ways of stopping illegal practices in the field of protection of the collective interests of consumers (“**Resolution 795**”), and **Government Resolution No. 796** which amends legislative acts on consumers’ protection (“**Resolution 796**”).

Resolution 795 provides for a maximum term of 20 calendar days, within which the relevant authorities may require the application of measures / penalties for the elimination, limitation or cessation of the effects of illegal practices.

Resolution 795 also provides for EU Member States consumers’ possibility to contact the competent authorities in Romania, which have also been included in the list drawn up by the European Commission.

In addition, **Resolution 795** specifies that the former European Directive on consumer protection has been replaced by Directive 2009/22/EC of the European Parliament and of the Council of 23 April 2009 on injunctions for the protection of consumers’ interests.

Resolution 795 impacts on the following legislative acts which are enumerated as examples:

- ▶▶ Law No. 363 / 2007 on fighting traders’ unfair practices in their relations with consumers, in harmony with the European legislation regarding consumers’ protection, as subsequently amended;
- ▶▶ Law No. 193 / 2000 regarding abusive clauses in contracts concluded between traders and consumers, as republished and amended;
- ▶▶ Government Ordinance No. 130 / 2000 regarding consumers’ protection in respect to the conclusion and performance of distance contracts, as republished and amended;
- ▶▶ Government Ordinance No. 106 / 1999 regarding contracts concluded away from business premises, as republished;
- ▶▶ Government Emergency Ordinance No. 50 / 2010 regarding consumer credit agreements, approved as amended and supplemented under Law No. 288 / 2010;
- ▶▶ Government Ordinance No. 85 / 2004 regarding consumers’ protection under distance contracts in respect to financial services, as republished after being amended and supplemented;
- ▶▶ Law No. 449 / 2003 regarding sale of products and their related warranties, as republished after being amended and supplemented;
- ▶▶ Government Emergency Ordinance No. 49 / 2009 regarding freedom of establishment of service providers and freedom to provide services in Romania, as approved after being amended and supplemented under Law No. 68 / 2010.

Resolution 796 provides for the application of a fine ranging between RON 100 and RON 10,000 for the labelling of foodstuffs with information misleading consumers. The same fine is applicable to inappropriate labelling of textile products, while the lack of any indication of the price per units of measure for any product is punished with a fine ranging from RON 500 to RON 2,500.

Resolution 795 and Resolution 796 have come into full force and effect on **11 August 2011**, the date on which they have been published in *Monitorul Oficial*.

Legal News Alert contains a selection of the latest major issues occurred in the Romanian legislative framework, is intended only to provide information and, hence, shall not be deemed to provide professional advice or consultancy. Therefore, we assume no responsibility in this respect.

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