

Directive 98/6/EC of the European Parliament and of the Council of 16 February 1998 on consumer protection in the indication of the prices of products offered to consumers

DIRECTIVE 98/6/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

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on consumer protection in the indication of the prices of products offered to consumers

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 129a(2) thereof,

Having regard to the proposal from the Commission⁽¹⁾,

Having regard to the opinion of the Economic and Social Committee⁽²⁾,

Acting in accordance with the procedure laid down in Article 189b of the Treaty⁽³⁾, in the light of the joint text approved by the Conciliation Committee on 9 December 1997,

- (1) Whereas transparent operation of the market and correct information is of benefit to consumer protection and healthy competition between enterprises and products;
- (2) Whereas consumers must be guaranteed a high level of protection; whereas the Community should contribute thereto by specific action which supports and supplements the policy pursued by the Member States regarding precise, transparent and unambiguous information for consumers on the prices of products offered to them;
- (3) Whereas the Council Resolution of 14 April 1975 on a preliminary programme of the European Economic Community for a consumer protection and information policy⁽⁴⁾ and the Council Resolution of 19 May 1981 on a second programme of the European Economic Community for a consumer protection and information policy⁽⁵⁾ provide for the establishment of common principles for indicating prices;
- (4) Whereas these principles have been established by Directive 79/581/EEC concerning the indication of prices of certain foodstuffs⁽⁶⁾ and Directive 88/314/EEC concerning the indication of prices of non-food products⁽⁷⁾;
- (5) Whereas the link between indication of the unit price of products and their pre-packaging in pre-established quantities or capacities corresponding to the values of the ranges adopted at Community level has proved overly complex to apply, whereas it is thus necessary to abandon this link in favour of a new simplified mechanism and in the interest of the consumer, without prejudice to the rules governing packaging standardisation;
- (6) Whereas the obligation to indicate the selling price and the unit price contributes substantially to improving consumer information, as this is the easiest way to enable

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consumers to evaluate and compare the price of products in an optimum manner and hence to make informed choices on the basis of simple comparisons;

- (7) Whereas, therefore, there should be a general obligation to indicate both the selling price and the unit price for all products except for products sold in bulk, where the selling price cannot be determined until the consumer indicates how much of the product is required;
- (8) Whereas it is necessary to take into account the fact that certain products are customarily sold in quantities different from one kilogramme, one litre, one metre, one square metre or one cubic metre; whereas it is thus appropriate to allow Member States to authorise that the unit price refer to a different single unit of quantity, taking into account the nature of the product and the quantities in which it is customarily sold in the Member State concerned;
- (9) Whereas the obligation to indicate the unit price may entail an excessive burden for certain small retail businesses under certain circumstances; whereas Member States should therefore be allowed to refrain from applying this obligation during an appropriate transitional period;
- (10) Whereas Member States should also remain free to waive the obligation to indicate the unit price in the case of products for which such price indication would not be useful or would be liable to cause confusion for instance when indication of the quantity is not relevant for price comparison purposes, or when different products are marketed in the same packaging;
- (11) Whereas in the case of non-food products, Member States, with a view to facilitating application of the mechanism implemented, are free to draw up a list of products or categories of products for which the obligation to indicate the unit price remains applicable;
- (12) Whereas Community-level rules can ensure homogenous and transparent information that will benefit all consumers in the context of the internal market; whereas the new, simplified approach is both necessary and sufficient to achieve this objective;
- (13) Whereas Member States must make sure that the system is effective; whereas the transparency of the system should also be maintained when the euro is introduced; whereas, to that end, the maximum number of prices to be indicated should be limited;
- (14) Whereas particular attention should be paid to small retail businesses; whereas, to this end, the Commission should, in its report on the application of this Directive to be presented no later than three years after the date referred to in Article 11(1), take particular account of the experience gleaned in the application of the Directive by small retail businesses, *inter alia*, regarding technological developments and the introduction of the single currency, whereas this report, having regard to the transitional period referred to in Article 6, should be accompanied by a proposal,

HAVE ADOPTED THIS DIRECTIVE:

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- (1) [OJ C 260, 5. 10. 1995, p. 5](#) and [OJ C 249, 27. 8. 1996, p. 2](#).
- (2) [OJ C 82, 19. 3. 1996, p. 32](#).
- (3) Opinion of the European Parliament of 18 April 1996 ([OJ C 141, 13. 5. 1996, p. 191](#)). Council Common Position of 27 September 1996 ([OJ C 333, 7. 11. 1996, p. 7](#)) and Decision of the European Parliament of 18 February 1997 ([OJ C 85, 17. 3. 1997, p. 26](#)). Decision of the European Parliament of 16 December 1997 and Decision of the Council of 18 December 1997.
- (4) [OJ C 92, 25. 4. 1975, p. 1](#).
- (5) [OJ C 133, 3. 6. 1981, p. 1](#).
- (6) [OJ L 158, 26. 6. 1979, p. 19](#). Directive as last amended by Directive 95/58/EC ([OJ L 299, 12. 12. 1995, p. 11](#)).
- (7) [OJ L 142, 9. 6. 1988, p. 19](#). Directive as last amended by Directive 95/58/EC ([OJ L 299, 12. 12. 1995, p. 11](#)).