

Regulation (EU) 2017/2394 of the European Parliament and of the Council of 12 December 2017 on cooperation between national authorities responsible for the enforcement of consumer protection laws and repealing Regulation (EC) No 2006/2004 (Text with EEA relevance)

CHAPTER I

INTRODUCTORY PROVISIONS

Article 1

Subject matter

This Regulation lays down the conditions under which competent authorities, having been designated by their Member States as responsible for the enforcement of Union laws that protect consumers' interests, cooperate and coordinate actions with each other and with the Commission, in order to enforce compliance with those laws and to ensure the smooth functioning of the internal market, and in order to enhance the protection of consumers' economic interests.

Article 2

Scope

- 1 This Regulation applies to intra-Union infringements, widespread infringements and widespread infringements with a Union dimension, even if those infringements have ceased before enforcement starts or is completed.
- 2 This Regulation is without prejudice to the Union rules on private international law, in particular rules related to court jurisdiction and applicable laws.
- 3 This Regulation is without prejudice to the application in the Member States of measures relating to judicial cooperation in civil and criminal matters, in particular the operation of the European Judicial Network.
- 4 This Regulation is without prejudice to the fulfilment by the Member States of any additional obligations in relation to mutual assistance for the protection of the collective economic interests of consumers, including in criminal matters, stemming from other legal acts, including bilateral or multilateral agreements.
- 5 This Regulation is without prejudice to Directive 2009/22/EC of the European Parliament and of the Council⁽¹⁾.
- 6 This Regulation is without prejudice to the possibility of bringing further public or private enforcement actions under national law.
- 7 This Regulation is without prejudice to relevant Union law applicable to the protection of individuals with regard to the processing of personal data.
- 8 This Regulation is without prejudice to national law applicable to compensation of consumers for harm caused by infringements of Union laws that protect consumers' interests.

9 This Regulation is without prejudice to the right of the competent authorities to conduct investigation and enforcement actions against more than one trader for similar infringements covered by this Regulation.

10 Chapter III of this Regulation does not apply to intra-Union infringements of Directives 2014/17/EU and 2014/92/EU.

Article 3

Definitions

For the purposes of this Regulation, the following definitions apply:

- (1) ‘Union laws that protect consumers’ interests’ means the Regulations and the Directives, as transposed into the internal legal order of the Member States, that are listed in the Annex hereto;
- (2) ‘intra-Union infringement’ means any act or omission contrary to Union laws that protect consumers’ interests that has done, does or is likely to do harm to the collective interests of consumers residing in a Member State other than the Member State in which:
 - (a) the act or omission originated or took place;
 - (b) the trader responsible for the act or omission is established; or
 - (c) evidence or assets of the trader pertaining to the act or omission are to be found;
- (3) ‘widespread infringement’ means:
 - (a) any act or omission contrary to Union laws that protect consumers’ interests that has done, does or is likely to do harm to the collective interests of consumers residing in at least two Member States other than the Member State in which:
 - (i) the act or omission originated or took place;
 - (ii) the trader responsible for the act or omission is established; or
 - (iii) evidence or assets of the trader pertaining to the act or omission are to be found; or
 - (b) any acts or omissions contrary to Union laws that protect consumers interests that have done, do or are likely to do harm to the collective interests of consumers and that have common features, including the same unlawful practice, the same interest being infringed and that are occurring concurrently, committed by the same trader, in at least three Member States;
- (4) ‘widespread infringement with a Union dimension’ means a widespread infringement that has done, does or is likely to do harm to the collective interests of consumers in at least two-thirds of the Member States, accounting, together, for at least two-thirds of the population of the Union;
- (5) ‘infringements covered by this Regulation’ means intra-Union infringements, widespread infringements and widespread infringements with a Union dimension;

- (6) ‘competent authority’ means any public authority established either at national, regional or local level and designated by a Member State as responsible for enforcing the Union laws that protect consumers’ interests;
- (7) ‘single liaison office’ means the public authority designated by a Member State as responsible for coordinating the application of this Regulation within that Member State;
- (8) ‘designated body’ means a body having a legitimate interest in the cessation or prohibition of infringements of the Union laws that protect consumers’ interests which is designated by a Member State and instructed by a competent authority for the purpose of gathering the necessary information and to take the necessary enforcement measures available to that body under national law in order to bring about the cessation or prohibition of the infringement, and which is acting on behalf of that competent authority;
- (9) ‘applicant authority’ means the competent authority that makes a request for mutual assistance;
- (10) ‘requested authority’ means the competent authority that receives a request for mutual assistance;
- (11) ‘trader’ means any natural person or any legal person, irrespective of whether privately or publicly owned, who is acting, including through any other person acting in his name or on his behalf, for purposes relating to his trade, business, craft or profession;
- (12) ‘consumer’ means any natural person who is acting for purposes which are outside his trade, business, craft or profession;
- (13) ‘consumer complaint’ means a statement, supported by reasonable evidence, that a trader has committed, is committing, or is likely to commit, an infringement of the Union laws that protect consumers’ interests;
- (14) ‘harm to collective interests of consumers’ means actual or potential harm to the interests of a number of consumers that are affected by intra-Union infringements, by widespread infringements or by widespread infringements with a Union dimension;
- (15) ‘online interface’ means any software, including a website, part of a website or an application, that is operated by or on behalf of a trader, and which serves to give consumers access to the trader’s goods or services;
- (16) ‘sweeps’ means concerted investigations of consumer markets through simultaneous coordinated control actions to check compliance with, or to detect infringements of, Union laws that protect consumers’ interests.

Article 4

Notification of limitation periods

Each single liaison office shall notify the Commission of the limitation periods that are in place in its own Member State and that apply to enforcement measures referred to in Article 9(4). The Commission shall summarise the notified limitation periods and shall make that summary available to the competent authorities.

Status: This is the original version (as it was originally adopted).

- (1) Directive 2009/22/EC of the European Parliament and of the Council of 23 April 2009 on injunctions for the protection of consumers' interests ([OJ L 110, 1.5.2009, p. 30](#)).