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PRIE TEISINGUMO MINISTERIJOS**

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European Commission

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**CONCERNING THE IMPLEMENTATION OF DIRECTIVE 1998/6/EC OF  
THE EUROPEAN PARLIAMENT AND THE COUNCIL OF 16 FEBRUARY  
1998 ON CONSUMER PROTECTION IN THE INDICATION OF PRICES OF  
PRODUCTS OFFERED TO CONSUMERS**

National Consumer Rights Protection Board (hereinafter – the Board) received Communication from the Commission to the Council and the European Parliament concerning the implementation of Directive 1998/6/EC of the European Parliament and the Council of 16 February 1998 on consumer protection in the indication of prices of products offered to consumers. The Board submits the following answers to the provided questions:

***Question A: Should the derogation in article 3(2) be maintained?***

Option 2: It is also possible to maintain that – since Member States remain free under article 5(1) to waive the obligation to indicate the unit price of products for which this indication would not be useful – there is no need to exclude these goods from the scope of application of the Directive. Article 3 (2) would be repealed altogether and Member States would be free to determine whether the unit price of these products should be indicated under article 5 (1).

***Question B: For which products should there be an obligation to indicate the unit price?***

Option 3: a third possibility would be to elicit the criteria Member States must take into account when implementing article 5 (1). This would limit the wide discretion enjoyed by member States, without leading to the elimination of article 5.

***Question C: Should specific rules on advertising be maintained in this context?***

Lithuania would like to maintain currently applicable provisions of the national law acts concerning specific rules on advertising: “In any case the product is advertised if selling price is indicated there should be indicated and the standard unit price of the product, except <...> there are determined exceptions“. *Exceptions* – it is obligation to indicate the unit price of every product or the unit price of one kind products and the standard unit price of that product. The selling price of the product and the standard unit price could be not indicated when products:

- 1) supplied in the course of the provision of a service;
- 2) sales by auction and sales of works of art and antiques.

The standard unit price of product need not to be indicated:

- 1) for product which price is independent of its weight or size;
- 2) if it matches the selling price;
- 3) for products or their groups if list of products is approved by the Government or its authorized institution.

***Question D: Should the derogation for small retail businesses become permanent? If so, should European notion of small retail business be introduced? How should it be formulated?***

Option 2: It could be argued that the indication to indicate the unit price does not constitute an excessive burden for small retail business. If so, the derogation in article 6 could be disposed of altogether.

***Question E: Should the minimum harmonization clause be maintained?***

*Option 1:* It could be argued that, since Member states have hardly made use of the possibility to introduce or maintain more stringent consumer protection rules in the domain harmonized by the Directive, there is scope to move towards a fully harmonized regime for price indication, thus combining a high level of consumer protection with full market price integration.

The Board would like to pay attention to consumer protection indicating price when services are provided. We would like to suggest to expand the scope of the Directive 1998/6/EC. The scope of the Directive could cover not only the indication of prices of products but also determination of price of services and regulation of its indication.

When consumers in Lithuania are purchasing the event organizing services, services of telecommunication and ect. there are not indicated the final price. As an example we could tell you about purchase of services of organizing the event. When consumer purchases the ticket to the concert it is indicated the price of the ticket but at the end of his purchase via Internet consumer pays price which consist of ticket price and fee for intermediation. If the concert is canceled it is difficult to consumer not only to get his money back for provided service but also money for intermediation.

The similar case is with telecommunication services. The final price consumer pays for telecommunication services includes subscription fee, communication fee and alike. The consumer finds out about all inclusive fees only after the purchase.

Lithuania proposes to regulate the indication of prices of other services in the similar way as it is sought to regulate prices of air tickets – in the final price needs to be indicated all fees.

Sincerely

Temporal Chairman of the Board

Algirdas Romeika