

# THE CZECH REPUBLIC

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# 1. Consumer policy institutions

## 1.1. Ministry Responsible for Consumer Policy

The Ministry of Industry and Trade (MIT) is the main responsible authority for consumer-related subjects in the Czech Republic. In order to ensure a high level of consumer protection in all various areas, the MIT cooperates with other ministries, in particularly with the Ministry of Finance, the Ministry of Health, and the Ministry for Regional Development etc. However, the MIT has the general responsibility for consumer protection.

The ministries were set up and their competencies are given by the Act N°2/1969 Coll., on establishment of ministries and other central authorities of state administration of the Czech Republic.

- **Ministry of Industry and Trade**

*Address:* Na Františku 32, CZ-110 15 Praha 1

*Tel:* +420 224 851 111

*Fax:* +420 224 811 089

*E-mail:* [posta@mpo.cz](mailto:posta@mpo.cz)

*Website:* <http://www.mpo.cz/>

The MIT's main role in the field of consumer protection is in particular to:

- implement consumer policy;
- prepare and submit conceptual and legal proposals and other legal regulations of binding force related to consumer protection in line with EU legislation and international treaties and documents. It coordinates the establishment of conditions for the protection of consumers' health and safety and for the protection of their economic interests. In this regard, it cooperates with other government authorities, civil consumer organisations and business associations;
- represent the Czech Republic in committees and working bodies of the EU institutions, the OECD;
- supervise the implementation of the project related to out-of-court settlement of consumer disputes;
- act as the single liaison office in pursuance of cooperation in the field of consumer protection within the framework of the CPC Regulation. The MIT provides activities related to the functioning of RAPEX system;
- allocate the state subsidies for non-governmental non-profit organizations acting in the fields of consumer protection.

The MIT provides advice to consumers, but does not enforce consumer complaints.

- **Ministry of Finance**

*Address:* Letenská 15, CZ-118 10 Praha 1

*Tel:* +420 257 041 111

*Fax:* +420 257 042 788

*E-mail:* [podatelna@mfcz.cz](mailto:podatelna@mfcz.cz)

*Website:* [www.mfcz.cz](http://www.mfcz.cz)

The Ministry of Finance (MF) is according to the Act No. 2/1969 Coll., responsible among others for the area of the financial markets and consumer protection in the financial market.

The MF's main role in the field of consumer protection is in particular to:

- prepare and submit conceptual and legal proposals and other legal regulations of binding force related to consumer protection in line with EU legislation and international treaties and documents. In this regard, it cooperates with other government authorities, civil consumer organisations and business associations;
- draw up and implement the Framework Policy on Consumer Protection in the Financial Market;
- represent the Czech Republic in committees and working bodies of the EU institutions, the OECD and other international consumer protection organisations;
- coordinate financial education in the Czech republic through the Working Group for Financial Education and support the process of implementing financial education in primary and secondary education. The MF coordinated the creation of the Financial Education Strategy and the Financial Education System for Primary and Secondary Schools and initiated the Public Opinion Poll on Financial Education.

- **Ministry of Health**

*Address:* Palackého nám. 4, CZ-128 01 Praha 2

*Tel:* +420 224 971 111

*Fax:* +420 224 972 111

*E-mail:* [verejnost@mzcr.cz](mailto:verejnost@mzcr.cz), [mzcr@mzcr.cz](mailto:mzcr@mzcr.cz)

*Website:* [www.mzcr.cz](http://www.mzcr.cz)

The Ministry is responsible mainly for public health protection; health care; the supervision of cosmetics, drugs and sanitary conditions. The National Institute of Public Health, the State Institute for Drugs Control and Regional Hygiene Stations are enforcement bodies directly subordinated to the Ministry.

- **Ministry for Regional Development**

*Address:* Staroměstské náměstí 6, CZ-110 15 Praha 1

*Tel:* +420 224 861 111

*Fax:* +420 224 861 333

*E-mail:* [info@mmr.cz](mailto:info@mmr.cz)

*Website:* <http://www.mmr.cz>

The Ministry in consumer-related matters is the central government authority for tourist industry in the Czech Republic. Its role is to regulate and promote the development of tourism in the Czech republic by laying down rules for the operation of travel agencies and tour operators and protection of consumers' interests.

## 1.2. PUBLIC AGENCIES

Public enforcement authorities of the Czech Republic in the field of consumer protection are as follows:

<b>Enforcement body</b>	<b>Contact details</b>
Czech Trade Inspection	<p><i>Address:</i> Stěpánská 15, CZ-120 00 Praha2  <i>Tel:</i> +420 296 366 102  <i>Fax:</i> +420 296 366 236  <i>E-mail:</i> <a href="mailto:info@coi.cz">info@coi.cz</a>  <i>Website:</i> <a href="http://www.coi.cz/en">www.coi.cz/en</a></p>
Regional Trades Licensing Offices	<p>Ministry of Industry and Trade            Department of Trade  <i>Address:</i> Na Františku 32, CZ-110 15 Praha 1  <i>Tel:</i> +420 224 851 111  <i>Fax:</i> +420 224 811 089  <i>E-mail:</i> <a href="mailto:posta@mpo.cz">posta@mpo.cz</a>  <i>Website:</i> <a href="http://www.mpo.cz/">http://www.mpo.cz/</a></p>
Local Trades Licensing Offices	
Regional Pricing Authorities	<p>Ministry of Finance            Dpt of Pricing Policy:  <i>Address:</i> Information Office, Letenska 15, CZ-118 10 Prague 1  <i>Tel:</i> +420 257 042 719 / +420 257 042 722  <i>Fax:</i> +420 257 049 272 / +420 257 049 273  <i>E-mail:</i> <a href="mailto:informace@mfcz.cz">informace@mfcz.cz</a>  <i>Website:</i> <a href="http://www.mfcz.cz">www.mfcz.cz</a></p>
Czech National Bank	<p><i>Address:</i> Na Příkopě 28, CZ-115 03 Praha 1  <i>Tel:</i> +420 224 411 111  <i>Fax:</i> +420 224 412 404 / +420 224 413 708  <i>E-mail:</i> <a href="mailto:info@cnb.cz">info@cnb.cz</a>  <i>Website:</i> <a href="http://www.cnb.cz/en/">www.cnb.cz/en/</a></p>
Office for Personal Data Protection	<p><i>Address:</i> Pplk Sochora 27, CZ-170 00 Praha 7  <i>Tel:</i> +420 234 665 111  <i>Fax:</i> +420 234 665 444  <i>E-mail:</i> <a href="mailto:info@uouu.cz">info@uouu.cz</a>  <i>Website:</i> <a href="http://www.uouu.cz/">www.uouu.cz/</a></p>
Council for Radio and Television Broadcasting	<p><i>Address:</i> Krátká 10, CZ-100 00 Praha 10  <i>Tel:</i> +420 274 813 830 or +420 274 811 826  <i>Fax:</i> +420 274 810 885  <i>E-mail:</i> <a href="mailto:info@rrtv.cz">info@rrtv.cz</a>  <i>Website:</i> <a href="http://www.rrtv.cz/en">www.rrtv.cz/en</a></p>
State Institute for Drug Control	<p><i>Address:</i> Srobarova 48, CZ-100 41 Praha 10  <i>Tel:</i> +420 272 185 111  <i>Fax:</i> +420 271 732 377  <i>E-mail:</i> <a href="mailto:sukl@sukl.cz">sukl@sukl.cz</a>  <i>Website:</i> <a href="http://www.sukl.cz/enindex.htm">www.sukl.cz/enindex.htm</a></p>

<b>Enforcement body</b>	<b>Contact details</b>
Regional Sanitary (Hygiene) Stations	<i>Address:</i> Palackého náměstí 4, CZ-128 01 Praha 2 <i>Tel:</i> +420 249 711 11 <i>Fax:</i> +420 249 721 11 <i>E-mail:</i> <a href="mailto:mzcr@mzcr.cz">mzcr@mzcr.cz</a> or <a href="mailto:tis@mzcr.cz">tis@mzcr.cz</a> <i>Website:</i> <a href="http://www.mzcr.cz/">www.mzcr.cz/</a>
State Veterinary Administration	<i>Address:</i> Slezská 7, CZ-120 00 Praha 2 <i>Tel:</i> +420 227 010 137 <i>Fax:</i> +420 227 010 193 <i>E-mail:</i> <a href="mailto:e.podatelna@svscr.cz">e.podatelna@svscr.cz</a> <i>Website:</i> <a href="http://www.svscr.cz">www.svscr.cz</a>
Czech Agriculture and Food Inspection Authority	<i>Address:</i> Květná 15, CZ-603 00 Brno <i>Tel:</i> +420 543 540 111 <i>Fax:</i> +420 543 540 202 <i>E-mail:</i> <a href="mailto:epodatelna@szpi.gov.cz">epodatelna@szpi.gov.cz</a> <i>Website:</i> <a href="http://www.szpi.gov.cz/en/">www.szpi.gov.cz/en/</a>
Czech Proof House for Firearms and Ammunition	<i>Address:</i> Jilmová 759/12, CZ-130 00 Praha 3 <i>Tel:</i> +420 284 081 821 <i>Fax:</i> +420 271 773 064 <i>E-mail:</i> <a href="mailto:info@cuzzs.cz">info@cuzzs.cz</a> <i>Website:</i> <a href="http://www.cuzzs.cz">www.cuzzs.cz</a>
Civil Aviation Authority	Úřad pro civilní letectví <i>Address:</i> Letiště RUZYNĚ, CZ-160 08 Praha 6 <i>Tel:</i> +420 225 421 111 <i>Fax:</i> +420 220 561 823 <i>E-mail:</i> <a href="mailto:caa@caa.cz">caa@caa.cz</a> , <a href="mailto:podatelna@caa.cz">podatelna@caa.cz</a> <i>Website:</i> <a href="http://www.caa.cz">www.caa.cz</a>

Relevant competences are given in the table below, according to the main EU directives and regulations.

<b>Directives</b>	<b>Public Enforcement Agencies</b>
1985/577/EEC 1987/102/EEC 1993/13/EEC 1994/47/EC 1997/7/EC 1999/44/EC 2001/95/EC	Czech Trade Inspection
1989/552/EEC	Council for Radio and Television Broadcasting
2000/31/EC	Office for Personal Data Protection
1990/314/EEC	Local Trades Licensing Offices Czech Trade Inspection
1998/6/EC	Regional Pricing Authorities Czech Trade Inspection

Directives	Public Enforcement Agencies
2001/83/EC	State Institute for Drug Control
2005/29/EC	Czech National Bank Czech Trade Inspection Czech Proof House for Firearms and Ammunition State Institute for Drug Control Czech Agriculture and Food Inspection Authority State Veterinary Administration Regional Trades Licensing Offices Regional Sanitary (Hygiene) Stations
261/2004/EC (Regulation) 2008/1008/EC (Regulation)	Civil Aviation Authority
2002/65/EC 2008/48/EC	Czech National Bank Czech Trade Inspection
2002/58/EC	Office for Personal Data Protection

### 1.3. NATIONAL CONSUMER ORGANISATIONS

- **SOS Sdružení obrany spotřebitelů, o.s. (SOS Consumers Protection Association)**

*Address:* Novákových 8, CZ-180 00 Praha 8

*Tel:* +420 224 239 940

*Fax:* +420 224 239 941

*E-mail:* [sos@spotrebitele.info](mailto:sos@spotrebitele.info)

*Website:* [www.spotrebitele.info](http://www.spotrebitele.info) and [www.consumers.cz](http://www.consumers.cz)

SOS is an independent, non-governmental and non-profit democratic member-based consumer organisation (more than 10 000 members). The organisation:

- **Provides consumer-counselling**

SOS gives the consumer public a possibility to obtain information about consumer rights and to consult specific consumer cases in advice centres of SOS, which are continuously being established in all regions of the Czech Republic, as well as on various Internet sites (Gives telephone, letter, online and personal counselling. In 2009, it gave around 42 000 answers to consumers).

- **Publishes magazine “SOS MAGAZINE”**

Since its creation in 1993, SOS has published its own magazine called Štít spotřebitele. This quarterly magazine brings information on development in consumer protection and many other issues. In the end of 2006 was renamed to SOS MAGAZINE and is published every two months for members of association.

- **Runs a website**

Since 1998, SOS has been active on the Internet. The site Svět spotřebitelů at [www.spotrebitele.cz](http://www.spotrebitele.cz) publishes news, advice, laws and brings other special services. Foreigners can make use of the multilingual site [www.consumers.cz](http://www.consumers.cz), where basic information on SOS, consumer protection in Czech Republic and practical tips for staying in the country are published in English, French and German. This website had around 811 000 visits in 2009.

- **Publishes leaflets, brochures and cd-roms**

SOS provides information and recommendations on how to proceed in situations that are most hazardous for consumers in the form of leaflets and brochures. A complete summary of information about consumer protection in various areas was published on CD-ROM.

- **Enables consumers to associate**  
SOS is an open civil association and welcomes new members from all regions of the Czech Republic whether they are interested only in moral support of SOS activities or whether they want to participate in SOS projects. Anyone who fills the appropriate request form can become a sympathizing member, without any obligations or member fee duties.
  - **Campaigns for better regulation**  
SOS comments draft laws and news of existing laws in areas relevant for consumer interests. It welcomes all justified suggestions of law alterations.
  - **Promotes safe products and services**  
SOS attempts to guarantee that consumers meet only safe goods and services on the market. In doing so, SOS tries to push consumer voice in the area of technical standardisation, which could represent an effective way of making goods and services consumer-friendly. It welcomes assistance from those with expert knowledge.
  - **Monitors food safety**  
SOS considers obvious that only safe food is allowed on market and that consumers have the right to detailed information about what they eat. SOS' special group seeks objective information on this issue and passes them over to consumers.
  - **Supports consumer education**  
SOS is in favour of the development of consumer education including the integration of important information about protection of consumer rights and interests into syllabus at primary and secondary schools. This is why SOS also develops cooperation with pedagogic faculties. SOS promotes similar goals also in the area of life-long education.
  - **Cooperates internationally**  
SOS is a member of world consumer organisation Consumers International and of the European Consumer's Organisation BEUC and of the Transatlantic Consumer Dialogue (TACD). Through their presence at seminars, workshops, congresses and electronic conferences SOS representatives actively share their experiences internationally on behalf of consumer protection in times of market globalization.
  - **Consumer protection is complex**  
With its limited resources SOS acts in consumer rights and interests protection in all market segments including financial services, electronic trade, telecommunications, protection against natural monopolies, healthy environment etc.
- **Občanské sdružení spotřebitelů TEST (Czech Consumer Association TEST)**  
*Address:* Nuselská 297/5, CZ-147 00 Praha 4  
*Tel:* +420 241 404 922  
*Fax:* +420 241 406 533  
*E-mail:* [dtest@dtest.cz](mailto:dtest@dtest.cz)  
*Website:* [www.dtest.cz](http://www.dtest.cz) , [www.dtest.sk](http://www.dtest.sk)

The present number of the members of the Association is 34, about 23000 subscribers.

Main activities of the Association are:

- Testing products and publishing the test results for qualified decision-making by consumers, while purchasing and making choice; protection of consumer from low-quality products.
- More than 10000 products were tested already.
- Searching dangerous products and protecting consumers from dangerous products. More than 500 dangerous products were found (majority targeted to children).

- Publishing of test results of analysis in the only Czech monthly consumer magazine called dTest. Furthermore, dissemination is in the TV, radio broadcasting and other national media.

Operating the most visited consumer web portal in the Czech Republic [www.dtest.cz](http://www.dtest.cz) with all tests and archive since 2005. Annual number of visits is more than 2 800 000.

- To ensure full independence of all tests both the magazine and web site are completely advertising-free.
- Other activities: consumer education, free advisory service by phone for everyone and for subscribers online, lectures, and involvement in the legislative process.

The magazine is delivered to consumers in Slovakia also.

Association TEST is a member of ICRT (International Consumer Research & Testing) and affiliate member of European Consumer Organisation BEUC. It has been cooperating for a long time with the German consumer foundation Stiftung Warentest.

- **Sdružení českých spotřebitelů (Czech Consumer Association)**

*Address:* Budějovická 73, CZ-140 00 Praha 4

*Tel:* +420 261 263 574

*Fax:* +420 261 262 268

*E-mail:* [spotrebitel@regio.cz](mailto:spotrebitel@regio.cz)

*Website:* [www.regio.cz/spotrebitel](http://www.regio.cz/spotrebitel)

**The Czech Consumers Association (CCA)** is a civic association founded in 1990. Now, it has more than 550 members.

The 2005-2007 CCA strategy was based on the vision of steering the Association towards becoming an independent consumer organisation with a transparent profile, aimed at supporting the protection of consumer interests in the Czech Republic, as an integral part of the European Union's internal market. In this manner the CCA became competitive within the realm of other civic organisations and has put the Association in a position from which it can better promote more effective cooperation between service oriented organisations and the consumer.

This includes dealings with the State administration authorities, financial institutions (in terms of individual businesses in the field of production, commerce and retail, as well as their respective trade-unions), the media and a number of European and international organisations and/or institutions as well. The CCA helps the consumers to be well and properly informed and raise their awareness of legislations and legal issues concerning their interests by issuing booklets aimed at various issues related to consumer affairs. The Association would also like to apply preventive measures, which would help improve relations between service providers and consumers and continue to be of support to those in need of advice or factual assistance in solving their consumer disputes.

- **Sdružení pro bezpečnost potravin a ochranu spotřebitele (Association for Food Safety and Consumer Protection)**

*Address:* Bubenečská 21, CZ-160 00 Praha 6

*Tel:* +420 603 572 759

*Fax:* +420 233 342 608

*E-mail:* [paha@food-consumer.cz](mailto:paha@food-consumer.cz)

*Website:* [www.food-consumer.cz](http://www.food-consumer.cz)

The present number of the members of the Association is 16.

The main activities of the Association:

- Enforcement and defence of rights and requirements of consumers towards state bodies and business, mainly in the area of food safety.
  - Providing consumer information service, mainly in electronic form.
  - Execution of legal consulting services for members of the Association.
  - Assistance during the settlement of justified claims of consumers.
  - Submission of input for action to be taken to relevant state administration bodies pursuant to the Act on consumer protection.
  - Co-operation with national and international non-governmental organisations in the area of consumer protection.
- **KOSA - Koalice občanských spotřebitelských aktivit ČR (Czech Coalition of Consumers Activities)**  
*Address:* Krátká 931/26, CZ-100 00 Praha 10  
*Tel:* +420 224 239 940  
*Fax:* +420 224 239 941  
*E-mail:* [kosa@kosa.cz](mailto:kosa@kosa.cz)  
*Website:* [www.kosa.cz](http://www.kosa.cz)

The Czech Coalition of Consumers Activities has 11 members and 2 partner organisations. It associates NGOs enforcing basic rights of consumers, focusing especially on redressing the asymmetry between the contracting parties in the case of consumer contracts.

#### **1.4. NATIONAL COUNCILS/ASSEMBLIES OF CONSUMER ORGANISATIONS AND OTHER STAKEHOLDERS**

##### **Consumer Consultative Committee**

*Address:* Ministry of Industry and Trade, Na Františku 32, CZ-110 15 Praha 1

*Fax:* +420 224 062 865

*E-mail:* [dolezalova@mpo.cz](mailto:dolezalova@mpo.cz)

*Website:* [www.mpo.cz](http://www.mpo.cz)

The Consumer Consultative Committee is an advisory body on consumer policy issues. It was established by the MIT in 2000 and the Ministry provides the secretariat services.

The Members of this Committee are besides representatives of the MIT 9 consumer organisations; with regular participation of a representative of Czech Confederation of Commerce and Tourism.

According to the statutes of the Committee, its meetings should be held four times a year.

#### **1.5. CONSUMER MEDIA**

Besides useful information, advice and alerts related to consumer protection provided by the public authorities and the consumer organizations listed above, consumer awareness of their rights is increased via several other consumer media, in particularly:

- TV and Radio programmes:
  - Černé ovce/Bílé ovce – [www.cerneovce.cz](http://www.cerneovce.cz)
  - Občanské Judo – [tv.nova.cz](http://tv.nova.cz)
  - Poradna pro spotřebitele - <http://www.rozhlas.cz/poradnapraha/spotrebitele>
- Print media:
  - TEST (independent monthly consumer magazine publishing test results of comparative product tests, advice & recommendations for consumers and findings on dangerous products. Advertising free.) – [www.dtest.cz](http://www.dtest.cz)
  - SOS magazine – [www.spotrebitele.info](http://www.spotrebitele.info)
  - Mladá fronta Dnes (Friday newspaper supplement called TEST provides independent tests of goods and services) – [www.mfd.cz](http://www.mfd.cz)

## 1.6. REDRESS BODIES: COURTS AND ADRS

### • Courts

Courts responsible for hearing cases of a private nature are all country district courts. The cases that they deal with in the field of consumer protection concern mainly protection of consumers' economic interests (timeshare, door-step selling, distance selling, unfair contractual terms, etc.). Regarding public law, it is the Administrative Court that decides appeals against administrative decisions of state supervisory authorities, such as the Czech Trade Inspection.

### • ADR

Besides bringing traders before the court, there exists another possibility how to solve national or cross-border disputes between consumers and traders<sup>1</sup>, in most cases faster and less expensive, that is the ADR system.

The Alternative Dispute Resolution Project, which began operate of April 1, 2008 was prepared by the Ministry of Industry and Trade in co-operation with the Economic Chamber of the Czech Republic and various consumer organizations, the Arbitration Court attached to the Economic Chamber of the Czech Republic and Agricultural Chamber of the Czech Republic, the Association of Mediators of the Czech Republic, the Ministry of Finance and the Ministry of Justice. The MIT also cooperates with the ECC and the Czech Bar Association, but only informally. The aim of the Project is to set up an effective system, which will speed up and simplify the resolution of consumer disputes.

Basically, all it takes is to fill in a simple form and send it to a competent contact place. The contact place staff will then be able to provide qualified information and to give recommendations regarding the method of the dispute resolution. If the dispute is not resolved outright the staff will then arrange for an initiation of mediation or arbitration proceedings. The entire system is built on the voluntary participation of both parties. In order to start mediation or arbitration both parties need to agree with their participation therein.

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<sup>1</sup> Except areas that fall under the competence of Financial Arbitrator, Civil Aviation authority and Czech telecommunication Authority.

More information can be found on

<http://www.mpo.cz/en/consumer-protection/alternative-dispute/default.html>

- **Financial Arbitrator**

Financial arbitrator was established by the Act No. 229/2002 Coll., on financial arbitrator. The financial arbitrator is empowered to decide disputes between payment services providers and payment services users and also between electronic payment instrument issuers and holders of electronic payment instruments.

## 1.7. EUROPEAN CONSUMER CENTRE

### **European Consumer Centre by the Czech Trade Inspection**

*Address:* Štěpánská 15, CZ-120 00 Praha 2

*Tel:* +420 296 366 155

*Fax:* +420 296 366 236

*E-mail:* [esc@coi.cz](mailto:esc@coi.cz)

*Website:* <http://www.coi.cz/cs/esc-2.html>

## 1.8. SELF OR CO-REGULATION

- **Asociace direkt marketingu (Direct Marketing Association ADMAZ)**

*Address:* Senovážné náměstí 23, CZ-110 00 Praha 1

*Tel:* +420 222 241 386

*Fax:* +420 222 241 387

*E-mail:* [info@admaz.cz](mailto:info@admaz.cz)

*Website:* [www.admaz.cz](http://www.admaz.cz)

ADMAZ is a professional association of natural and legal persons in direct and mail-order marketing undertaking. The main goal of the association is to develop credible direct and mail-order marketing, protection of the professional interests of the members and its representation at dealing with state authorities, joint professional promotion, organizing specialized actions for members, exchange of experience and counselling.

- **Rada pro reklamu (Advertisement Council)**

*Address:* Malostranské nám 23/37, CZ-118 00 Praha 1

*Tel:* +120 257 531 441

*Fax:* +420 257 531 442

*E-mail:* [info@rpr.cz](mailto:info@rpr.cz)

*Website:* [www.rpr.cz](http://www.rpr.cz)

Advertising Council was founded in order to enforce self-regulation of advertising. The main goal is to ensure and enforce the honest, legal, true and decent advertising on the territory of the Czech Republic. It co-operates closely with regional trade licensing offices, Czech state departments, the Council for Radio and TV Broadcasting, and others.

- **Asociace osobního prodeje (Association of Personnel sell)**

*Address:* Nad Kazankou 29, CZ-171 00 Praha 7

*Tel:* +420 220 190 821

*Fax:* +420 220 190 812

*E-mail:* [info@osobniprodej.cz](mailto:info@osobniprodej.cz)

*Website:* [www.osobniprodej.cz](http://www.osobniprodej.cz)

The purpose of the Association is to support the interests of its members with regard to their common method of sales. A condition of membership is that the applicant carries out his business activities permanently in the Czech Republic, carries his own trademark or his own product or service denomination and observes ethics and correctness of his business ethics. Members are not allowed to use any aggressive sales system and are obliged to observe strictly correctness and fairness towards any consumer, competitor and external collaborator.

- **Sdružení korektní podnikání (SKP)**

*Address:* Václavské náměstí 21, CZ-113 60 Praha 1

*Tel:* +420 602 327 922

*E-mail:* [info@korektnipodnikani.cz](mailto:info@korektnipodnikani.cz)

*Website:* <http://www.korektnipodnikani.cz/>

The SKP was founded by the professional organizations of producers, service providers, and traders together with other Czech companies in order to improve the public image of entrepreneurs and entrepreneurs, to cultivate the business environment and to increase consumer confidence towards suppliers, trade and advertising.

- **Asociace pro elektronickou komerci APEK**

*Address:* Sokolská 23, CZ-120 00 Praha 2

*Tel:* + 420 775 692 735

*Fax:* +420 220 190 812

*E-mail:* [jan.vetyska@apek.cz](mailto:jan.vetyska@apek.cz)

*Website:* [www.apek.cz](http://www.apek.cz)

The Association for electronic commerce (APEK) is an association of more than 190 companies, entrepreneurs and experts in the field of e-commerce. The association was founded in 1998 as an independent organization that promotes the development of e-commerce in the Czech Republic. Among its members the largest Czech online shops, the leading software companies and financial institutions belong.

## 2. Consumer policies

### 2.1. CONSUMER PROTECTION LEGISLATION

Consumer protection in the Czech Republic is built upon various levels of legal protection. It is mainly based on private-law principles and it is also governed by public law.

- **Private law**

Regarding private law, consumer protection basis is defined in the Civil Code (Act no. 40/1964 Coll.). The following EU directives have been transposed into this legal regulation:

- Directive on the protection of consumers in respect to distance contracts (1997/7/EC);
- Directive on certain aspects of the sale of consumer goods and associated guarantees (1999/44/EC);
- Directive on contracts negotiated away from business premises (85/577/ECC);
- Directive on unfair terms in consumer contracts (1993/13/EEC);

- Directive on the protection of purchasers in respect to certain aspects of contracts relating to the purchase of the right to use immovable properties on a timeshare basis (1994/47/EC);
- Directive on package travel, package holidays and package tours (90/314/EEC);
- Directive concerning the distance marketing of consumer financial services (2002/65/EC).

A proposal for the amendment of the Civil Code has been submitted to the Parliament of the Czech Republic. This proposal transposes the new Directive 2008/122/EC on the protection of consumers in respect of certain aspects of timeshare, long-term holiday product, resale and exchange contracts into the Czech legal order.

Other private-law acts regulating areas such as for example consumer credit, unfair competition, liability for damages are:

- Act on the Liability for Damage Caused by a Defective Product, No. 59/1998 Coll.;
- Act on consumer credit, No. 145/2010 Coll. (This act also contains provisions of public-law nature.);
- Commercial Code, Act No. 513/1990 Coll.

- **Public law**

Besides the private-law rules, consumer protection is incorporated into several acts of public nature, of which the most important is Consumer Protection Act. This Act applies to the sale of products and provision of services in cases where performance is affected in the territory of the Czech Republic, it stipulates a number of basic requirements and obligations for entrepreneurs in relation to consumers (e.g. it instituted certain reporting duties, etc.); furthermore, this statute defines the role of public administration, and outlines consumers' rights, including the right to join together in their effort to enforce their claims (injunction). The latest amendment of this Act entered into force in February 2008, by which the directive on unfair commercial practises (2005/29/EC) has thus been transposed into Czech legal order.

However, there are a number of other provisions where consumer protection is more or less concerned, for example in areas such as food, product safety, public health etc:

- Act on General Product Safety, Act No. 102/2001 Coll.;
- Czech Trade Inspection Act, No. 64/1986 Coll.;
- Act no. 526/1990. Coll. on prices;
- Act no. 258/2000 Coll., on Public Health Protection.

Some of the above mentioned acts can be found in English on [www.mpo.cz](http://www.mpo.cz).

## 2.2. CONSUMER ORGANISATIONS

The legal status of consumer associations and other legal entities established to protect consumers is basically governed by Consumer Protection Act No. 634/1992 Coll., as amended. However, it provides that legal status is governed by general rules, especially by Act 83/1990 Coll., on Association of Citizens, and Act 40/1964 Coll., Civil Code. According to these rules, an association is established by a registration, it must be composed of at least 3 persons, of which at least one must be older than 18 years.

The Ministry of Industry and Trade funds the consumer organisations. The resources are allocated to them according to the projects approved by the Ministry in a tendering procedure.

Consumer organisations can ask for injunctions in civil court proceedings. According to the national law, organisations entitled to launch such proceedings have to have either this objective in their statute, or be listed in a register of empowered entities. The list of entities is registered with the EC Commission and is published in the Official Journal of EU. On behalf of the Czech Republic, an independent non-profit consumer association which has been functioning for at least two years in the consumer protection area, with settled financial obligations towards the Czech Republic, can be enlisted in the above list.

### **2.3. ENFORCEMENT/REDRESS**

Enforcement bodies supervise whether traders comply with all the legal obligations. If they detect failures they can apply for remedy or impose penalties. Regarding remedies, the most common measure that is taken is a request for terminating an infringement; in cases of direct danger to life, health or property, authorities can also ban the sale of products or provision of services; they are also entitled to withdraw products from the market. In really urgent cases the competent authorities can even close the business premises. However, they may not impose that the relevant entrepreneur provides redress to the consumer who has suffered any harm/injury.

In such a case, the consumer may directly ask the relevant entrepreneur for redress and if they do not settle the dispute together, the consumer may go to court and ask for redress. Eventually, out of court dispute settlement can be used, but it is rather an exception.

Class actions are not regulated in the Czech Republic.

### **2.4. INFORMATION AND EDUCATION**

Informing and educating consumers is carried out via (a) government authorities that inform and educate by means of their websites, press articles, TV and radio broadcasting; (b) non-governmental organisations that carry out many activities framed in projects that are financed from the state budget. The NGOs also provide information by means of their Internet web sites, counselling, seminars, lectures, discussions, leaflets, etc.; (c) media.

### **2.5. INFORMATION GATHERING/RESEARCH**

There have not been any research, statistical projects or studies carried out recently.