

GERMANY

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1. Institutions of Consumer Policy

1.1. MINISTRY RESPONSIBLE FOR CONSUMER POLICY

The **Federal Ministry of Food, Agriculture and Consumer Protection (BMELV)** is responsible for consumer policy, consumer protection and general matters regarding consumer information.

Bundesministerium für Ernährung, Landwirtschaft und Verbraucherschutz - Federal Ministry of Food, Agriculture and Consumer Protection

Minister: Ilse Aigner

Address: PO Box 14 02 70, DE-53107 Bonn

Tel: +49 (0)228 99 529 0

Fax: +49 (0)228 99 529 4262

E-mail: poststelle@bmelv.bund.de

Website: www.bmelv.de

It is specifically responsible for

- consumer health protection as well as protection from deception with regard to food, animal feed, cosmetics and other commodities, including the pertinent labelling law, composition and labelling of tobacco products,
- food and nutrition policies, especially dietary education,
- the protection of consumers' economic interests, including fundamental issues regarding consumer information.

Issues of economic consumer protection often address more than one area of responsibility; the BMELV acts in an advisory capacity in those areas for which it is competent. In this field, the BMELV is in overall charge of the Consumer Information Act and the cooperation in cross-border consumer protection, in particular. Most consumer rights and rules and regulations concerning the information and labelling requirements of suppliers, however, are laid down in laws for which other Federal Ministries are technically responsible.

For example, consumer policy measures or consumer rights are based on

- rules of civil law (e.g. contract law) and of mercantile and commercial law (e.g. the act against unfair competition, the copyright act, insurance contract law, passenger rights) governed by the **Federal Ministry of Justice**,
- rules and measures in the field of competition and price policy, telecommunications or energy policy governed by the **Federal Ministry of Economics**,
- general product and equipment safety governed by the **Federal Labour Ministry**,
- rules of financial and capital market law governed by the **Federal Ministry of Finance**.

Contact details:

- **Bundesministerium der Justiz - Federal Ministry of Justice**
Minister: Sabine Leutheusser-Schnarrenberger
Address: Mohrenstrasse 37, DE-10117 Berlin
Tel: +49 (0)30 18 580 0
Fax: +49 (0)30 18 580 9525
E-mail: poststelle@bmj.bund.de
Website: www.bmj.bund.de
- **Bundesministerium für Wirtschaft und Technologie - Federal Ministry of Economics and Technology**
Minister: Rainer Brüderle
Address: Scharnhorststrasse 34-37, DE-10115 Berlin
Postal address: 11019 Berlin
Tel: +49 (0)30 18 615 0
Fax: +49 (0)30 18 615 7010
E-mail: info@bmwi.bund.de
Website: www.bmwi.bund.de
- **Bundesministerium für Arbeit und Soziales - Federal Ministry of Labour and Social Affairs**
Minister: Dr. Ursula von der Leyen
Address: Wilhelmstrasse 49, DE-10117 Berlin
Postal address: 11017 Berlin
Tel: +49 (0)30 18 527 0
Fax: +49 (0)30 18 527 1830
E-mail: info@bmas.bund.de
Website: www.bmas.de
- **Bundesministerium der Finanzen - Federal Ministry of Finance**
Minister: Dr Wolfgang Schäuble
Address: Wilhelmstrasse 97, DE-10117 Berlin
Tel: +49 (0)30 18682 0
Fax: +49 (0)30 18682 3260
E-mail: buengerreferat@bmf.bund.de
Website: www.bundesfinanzministerium.de

1.2. GOVERNMENT BODIES

Given that Germany is a federal country, the Federal Government generally enacts legislation governing consumer protection within the scope of its constitutional competencies. The 16 federal states, the *Länder*, are responsible for the enforcement of laws. Hence, there is no central supervisory authority for consumer protection in Germany. In addition to that, (government-funded) private organisations, in particular, operate in the field of consumer protection alongside the government bodies.

In the field of economic consumer protection, the consumers concerned are themselves generally responsible for asserting private claims under civil law, e.g. if purchased products

show material defects, i.e. they must take court action if necessary and there is no public enforcement authority that takes care of this for them. In contrast, the public authorities are responsible for enforcing the safety and health protection of consumers, e.g. with regard to foodstuffs.

What this means in practice is that the shop and factory inspection competent for monitoring the enforcement of product safety provisions, for example, is subordinate to the respective *Länder* governments and not to the Federal Government. These activities are coordinated technically in the different bodies and in certain areas via an internet-based technical information and communication system: “Information and communication system for the pan-European market surveillance of technical products” (ICSMS: www.icsms.org). The same also applies to the food and animal feed sector, for instance.

There are, however, some basic issues that cannot be effectively regulated at *Länder* level.

The following federal agencies, in particular, are engaged in the **protection of the economic interests of consumers**:

- the **Federal Cartel Office** monitors compliance with anti-trust law and competition law. It is an independent higher federal authority within the purview of the Federal Ministry of Economics and Technology.
- the **Federal Financial Supervisory Authority** (BaFin), as a public authority, exercises supervision over all banks, financial services institutes authorised in Germany, insurance companies and securities trading. It provides consumers with plenty of information on financial issues and on possibilities of arbitration. It is an independent institution governed by public law and subject to the legal and technical supervision of the Federal Ministry of Finance.
- the **Federal Network Agency for Electricity, Gas, Telecommunications, Post and Railway** monitors, for example, the compliance with consumer protection rules laid down in the Telecommunications Act or Postal Services Ordinance, for instance, and enacts measures, as appropriate. The Federal Network Agency is an independent higher federal authority within the purview of the Federal Ministry of Economics and Technology.
- On the basis of Regulation (EC) No. 2006/2004 on consumer protection cooperation and the EC Act implementing the EC Consumer Protection Cooperation Regulation, the **Federal Office of Consumer Protection and Food Safety** (BVL) forms part of a network of European authorities to combat cross-border violations of consumer rights. The BVL is an independent higher federal authority within the purview of the Federal Ministry of Food, Agriculture and Consumer Protection.

Please see Germany's country profile:

http://ec.europa.eu/food/fvo/country_profiles/CP_germany.pdf for more information on **consumer health protection** as well as protection from deception. The following federal agencies, in particular, operate in this field:

- The **Federal Institute for Risk Assessment (BfR)** is the independent scientific agency in Germany that draws up expert opinions and statements on issues relating to the safety of foods, substances (e.g. cosmetics) and other commodities and provides information on

possible hazards. The Federal Institute for Risk Assessment is an independent body governed by public law within the purview of the Federal Ministry of Food, Agriculture and Consumer Protection.

- The **Federal Office of Consumer Protection and Food Safety (BVL)** discharges sovereign functions, notably in the field of risk management and authorisation tasks for substances and products that may harbour health hazards and that are directly or indirectly related to food safety. The BVL is thus, for instance, the national contact point for the European rapid alert system for food safety. It undertakes coordinating tasks for uniform food monitoring nationwide and discharges sovereign duties in the authorisation of plant protection products, veterinary medicinal products and genetically modified organisms. The BVL is an independent higher federal authority within the purview of the Federal Ministry of Food, Agriculture and Consumer Protection.
- In view of its responsibility for equipment and product safety, the **Federal Institute for Occupational Safety and Health (BAuA)** also plays a key role in consumer protection. The BAuA acts as the German intersection point for the Community system for rapid exchange of information on consumer products that may pose a serious risk for consumer health and safety. The BAuA is a body governed by public law without legal capacity and falls under the purview of the Federal Ministry of Labour and Social Affairs.
- The **Federal Institute for Drugs and Medical Devices (BfArM)** is responsible for the approval of medicinal products, the registration of homeopathic medicinal products, risk assessment of drugs and medicinal products (such as e.g. cardiac pacemakers, computer tomographs, implants) and for the monitoring of the legal trade in narcotics and basic substances.
The BfArM, being an independent Higher Federal Authority, acts under the authority of the Federal Ministry of Health.

Contact details:

- **Bundeskartellamt - Federal Cartel Office**
Address: Kaiser-Friedrich-Strasse 16, DE-53113 Bonn
Tel: +49 (0)228 9499 0
Fax: +49 (0)228 9499 400
E-mail: info@bundeskartellamt.bund.de
Website: www.bundeskartellamt.de
- **Bundesnetzagentur für Elektrizität, Gas, Telekommunikation, Post und Eisenbahnen - Federal Network Agency for Electricity, Gas, Telecommunications, Post and Railway**
Postal address: PO Box 80 01, DE-53105 Bonn
Tel: +49 (0)228 14 0
Fax: +49 (0)228 14 8872
E-mail: Poststelle@BNetzA.de
Website: www.bundesnetzagentur.de

- Bundesanstalt für Finanzdienstleistungsaufsicht (BaFin) - Federal Financial Supervisory Authority**
Postal address: PO Box 1253, DE-53002 Bonn
Tel: +49 (0)228 4108 0
Fax: +49 (0)228 4108 1550 (Bonn) - +49 (0)228 4108 123 (Frankfurt)
E-mail: poststelle@bafin.de
Website: www.bafin.de
- Bundesinstitut für Risikobewertung (BfR) - Federal Institute for Risk Assessment**
Address: Thielallee 88/92, DE-14195 Berlin
Tel: +49 (0)30 8412 0
Fax: +49 (0)30 8412 4741
E-mail: poststelle@bfr.bund.de
Website: www.bfr.bund.de
- Bundesamt für Verbraucherschutz und Lebensmittelsicherheit (BVL) - Federal Office of Consumer Protection and Food Safety**
Address: PO Box 1564, DE-38005 Braunschweig
Tel: +49 (0)531 21497 0
Fax: +49 (0)531 21497 299
E-mail: poststelle@bvl.bund.de
Website: www.bvl.bund.de
- Bundesanstalt für Arbeitsschutz und Arbeitsmedizin (BAuA) - Federal Institute for Occupational Safety and Health**
Address: PO Box 17 02 02, DE-44061 Dortmund
Tel: +49 (0)231 9071 0
Fax: +49 (0)231 9071 2454
E-mail: poststelle@baua.de
Website: www.baua.de
- Bundesinstitut für Arzneimittel und Medizinprodukte (BfArM) - Federal Institute for Drugs and Medical Devices**
Address: Kurt-Georg-Kiesinger-Allee 3 DE-53175 Bonn
Tel: +49 (0)228 99-307-0
Fax: +49 (0)228 99-307-5207
E-mail: poststelle@bfarm.de
Website: <http://www.bfarm.de/>

1.3. NATIONAL CONSUMER ORGANISATIONS

An official list of all consumer organisations operating at national and federal state level does not exist. Consumer organisations do not require any approval by the state in order to take up work in Germany. De facto, alongside the two large consumer organisations "Federation of German Consumer Organisations (vzbv)" and "Stiftung Warentest" (Germany's premier consumer testing organisation) that operate throughout Germany and receive funding from the federal budget, at least the 42 members of the umbrella organisation "Federation of German Consumer Organisations (Verbraucherzentrale Bundesverband e.V., vzbv)" can be considered

as consumer organisations or consumer-policy oriented associations. In addition, there are other consumers organisations such as e.g. the German Consumer Initiative (Verbraucherinitiative e.V.).

The Federation of German Consumer Organisations (vzbv), which covers around 90% of its budget with annual institutional grants provided by the federal government in the order of approx. 8.7 million Euro, is a non-governmental body acting as an umbrella organisation for the 16 consumer advice centres in the federal states and for 26 other consumer-policy oriented associations. It represents the interests of consumers in public and vis-à-vis policy-makers, public authorities, businesses, economic operators and civil society at national, European and international level. Its tasks also, for example, include collective redress through class-action lawsuits, the development of standards for consumer advice and providing professional training for the staff of member organisations.

The 16 consumer advice centres in the federal states and the Federation of German Consumer Organisations together form an integrated system of advice, information, law enforcement and representation of political interests. Consumers receive advice from a network of 190 advice centres dealing with around four million individual contacts with consumers per year. All advice centres have recourse to a database of "advisory stances" (i.e. model answers for typical problems). The formulation of advisory stances is coordinated by the federal association and is subject to a uniform quality management. The individual advisory activities are stored in a central computer database, in parallel. This constitutes the basis for being able to systematically take action against recurring violations, on the one hand, and for obtaining a precise empirical picture of existing consumer problems, on the other hand. The political lobbyists of the Federation of German Consumer Organisations can follow up on this.

Individual consumer advice is organised on a regional basis and is provided predominantly by the 16 consumer advice centres in the federal states that receive funding from the respective federal state budgets. In Germany, there are separate institutional bodies that act as consumer policy lobbies or provide consumers with personal (legal) advice to address individual problems, on the one hand, and carry out product and service testing, on the other hand. The "Stiftung Warentest", a foundation established in 1964 under private law, is charged with the task of informing the public about the quality and environmental friendliness of goods and services on the basis of tests. Furthermore, the foundation is to provide general information about optimal private housekeeping and health- and eco-conscious behaviour. Around 88% of the annual earnings of the "Stifting Warentest" or approximately 50 million Euro come from the sale of its publications, e.g. the magazines "test" and "FinanzTest". In addition, the foundation receives an annual grant from the federal budget as compensation for the fact that it waives income from advertisements in its publications in order to maintain its independence from suppliers.

Contact details:

- **Verbraucherzentrale Bundesverband vzbv - Federation of German Consumer Organisations**
Address: Markgrafenstrasse 66, DE-10969 Berlin
Tel: +49 (0)30 258000
E-mail: info@vzbv.de
Website: www.vzbv.de/go/linksortga

- **Stiftung Warentest e.V.**
Address: Lützowplatz 11-13, DE-10785 Berlin
Tel: +49 (0)30 26 31 0
Fax: +49 (0)30 26 31 27 27
E-mail: email@stiftung-warentest.de
Website: www.test.de
- **Die VerbraucherInitiative e.V. - Consumer Initiative**
Address: Elsenstrasse 106, DE-12435 Berlin
Tel: +49 (0)30 53 60 73 3
Fax: +49 (0)30 53 60 73 45
E-mail: mail@verbraucher.org
Website: www.verbraucher.org

1.4. NATIONAL CONSUMER AFFAIRS COUNCILS/ASSOCIATIONS OF CONSUMER ORGANISATIONS OR OTHER LOBBIES

The Consumer Affairs Council - Verbraucherrat (VR) - of the German Institute for Standardisation (DIN), which was set up in 1974 as an independent committee of the DIN executive committee and receives around 900,000 Euro in annual funds mainly from the federal budget, represents the interests of the "non-commercial end users" in standardisation at global, European and national levels in the DIN bodies. The Consumer Affairs Council is composed of five independent members working on a voluntary basis who have been recruited from consumer organisations or consumer-oriented testing and research agencies. The Council cooperates with the standardisation committees and is assisted by its office, currently composed of 9 staff members, that in turn draws on the expertise of around 70 volunteer consumer representatives that are designated by the VR for specific projects.

- **Verbraucherrat (VR) des DIN - Consumer Affairs Council of DIN**
Address: Burggrafenstrasse 6, DE-10787 Berlin
Tel: +49 (0)30 2601 0
Fax: +49 (0)30 2601 1231
Website: www.verbraucherrat.din.de

1.5. CONSUMER MEDIA

Reports in the regional and supra-regional newspapers and magazines; specific journals such as the magazines published by Stiftung Warentest, "test" and "Finanztest" as well as other publications such as e.g. "Öko-Test", "Guter Rat" various political and economic magazine programmes on ARD and ZDF (TV) and various other TV and radio broadcasting stations.

1.6. REDRESS BODIES: COURTS AND CONCILIATION BODIES

See http://ec.europa.eu/consumers/redress_cons/ecc_germany_en.htm, and http://ec.europa.eu/consumers/redress/out_of_court/commu/acce_just04_en_ccb_en.pdf

- Out-of-court dispute settlement bodies for **financial services**:

Complaints **against banks** authorised in Germany may be addressed to the ombudsmen or conciliation bodies of the banking association to which the bank belongs. The Deutsche Bundesbank (central bank of the Federal Republic of Germany) is responsible for all banks that do not belong to any of the banking associations. The Federal Financial Supervisory Authority (BaFin) provides information about the procedures and contact points:

(http://www.bafin.de/cln_109/nn_723250/DE/Verbraucher/BeschwerdenAnsprechpartner/OmbudsBeschwerde/ombudsbeschwerde_node.html?nnn=true).

Contact points:

- **Schlichtungsstelle bei der Deutschen Bundesbank - Arbitration Board at the Deutsche Bundesbank**
Address: PO Box 11 12 32, DE-60047 Frankfurt am Main
Tel: +49 (0)69 2388 1907
Fax: +49 (0)69 2388 1919
Website: www.bundesbank.de/schlichtungsstelle/schlichtungsstelle.php
- **Bundesverband Öffentlicher Banken Deutschlands e.V. (VÖB), Kundenbeschwerdestelle - Association of German Public Sector Banks, Customer complaints office**
Address: PO Box 11 02 72, DE-10832 Berlin
Tel: +49 (0)30 81 92 2 95
Fax: +49 (0)30 81 92 2 99
Website: www.voeb.de
- **Kundenbeschwerdestelle beim Bundesverband deutscher Banken e.V. - Association of German Banks, Customer complaints office**
Address: PO Box 04 03 07, DE-10062 Berlin
Tel: +49 (0)30 16 63 3166
Fax: +49(0)30 16 63 3169
Website: www.bankenverband.de
- **Kundenbeschwerdestelle beim Bundesverband der Deutschen Volksbanken (BVR) - Federation of the German Credit Unions and Agricultural Banks, Customer complaints office**
Address: PO Box 30 92 63, DE-10760 Berlin
Tel: +49 (0)30 20 21 0
Fax: +49 (0)30 20 21 1900
Website: www.bvr.de

- **Schlichtungsstelle der Landesbausparkassen - Conciliation body of the Land building societies**
Address: PO Box 7448, DE-48040 Münster
Tel: +49 (0)511 926 6099
Website: www.lbs.de

- **Verband der privaten Bausparkassen e.V., Kundenbeschwerdestelle - Federation of the Private Buiding Societies, Customer complaints office**
Address: PO Box 30 30 79, DE-10730 Berlin
Tel: +49 (0)30 59 00 91 500
Fax: +49 (0)30 59 00 91 501
Website: www.bausparkassen.de

- **For savings banks** there are several regional conciliation bodies; central contact point:
 - **Deutscher Sparkassen- und Giroverband (DSGV), Kundenbeschwerden - German Savings Bank Association, Customer complaints**
Address: Charlottenstrasse 47, DE-10117 Berlin

- Consumers can turn to the following bodies in the event of disputes with **insurance companies**:
 - **Ombudsmann Private Kranken- und Pflegeversicherung - Ombudsman for private health and long-term care insurance**
Address: PO Box 06 02 22, DE-10052 Berlin
Tel: +49 (0)80 1802 55 04 44 (6ct per call from a German landline)
Fax: +49 (0)30 20 45 58 931
Website: www.pkv-ombudsmann.de

 - **Versicherungsombudsmann e.V. - Insurance Ombudsman**
Address: PO Box 08 06 32, DE-10006 Berlin
Headquarters: Leipziger Strasse 121, DE-10117 Berlin
Tel: +49 (0)30 20 60 58 0 (20 ct per call from a German landline, charges from mobile communications networks may vary)
Fax: +49 (0)30 20 60 58 58
E-mail: info@versicherungsombudsmann.de
Website: www.versicherungsombudsmann.de

The insurance ombudsman is an independent conciliation body free of charge for consumers that is funded by the affiliated insurance companies and the German Insurance Association. The insurance ombudsman examines decisions taken by insurance companies and makes conciliatory proposals, as required, that are binding on the company up to an amount in dispute of 5000 Euro.

- **Out-of-court dispute settlement bodies for the transport sector:**

- **Schlichtungsstelle Öffentlicher Personenverkehr - Arbitration Board for Public Passenger Transport**

Address: Fasanenstr. 81, DE-10623 Berlin

Tel: +49 (0)30 644 99 33 0

Fax: +49 (0)30 644 99 33 10

E-mail: kontakt@soep-online.de

Website: www.soep-online.de

The arbitration board is funded by the affiliated companies and will mediate, for the time being, in disputes between passengers and railway transport services providers. In the long-term concept it is foreseen to integrate all passenger transport services.

- **Schlichtungsstelle Nahverkehr des Landes Nordrhein-Westfalen -Arbitration Board for Local Public Transport in North Rhine-Westphalia**

Address: Mintropstrasse 27, DE-40215 Düsseldorf

Tel: +49 (0)211 380 9 380

Fax: +49 (0)211 380 9 666

E-Mail: info@schlichtungsstelle-nahverkehr.de

Website: www.schlichtungsstelle-nahverkehr.de

The Arbitration Board for local public transport is an independent body of the Schlichtungsstelle Nahverkehr e.V (Arbitration Board for local public transport). It mediates in the event of disputes concerning local public passenger transport in North Rhine-Westphalia (bus, subway, tram, railway).

- **Schlichtungsstelle Nahverkehr Ost (Schlichtungsstelle Nahverkehr Berlin/Brandenburg/Sachsen-Anhalt) - Arbitration Board for Local Public Transport East**

Address: Postfach 120626, DE-10596 Berlin

Tel: +49 (0)30 3999 32 17

E-Mail: kontakt@schlichtungsstelle-nahverkehr-ost.de

Website: www.schlichtungsstelle-nahverkehr-ost.de

The Arbitration Board for local public transport mediates in the event of disputes concerning local public passenger transport in Berlin, Brandenburg und Saxony-Anhalt (bus, subway, tram, regional and local railway, without S-Bahn and DB Regio).

- **Ombudsstelle Nahverkehr Bayern - Ombudspoint for Local Public Transport Bavaria**

Address: c/o VDV-Landesgruppe Bayern, Postfach 202052, DE-80020 München

Tel: +49 (0)89 4702484

Website: www.ombudsstelle-nahverkehr-bayern.de

The ombudspoint for local public transport Bavaria mediates in the event of disputes concerning local bus or train transport services in Bavaria; it makes conciliatory proposals, which are not binding.

- **Ombudsstelle Nahverkehr Baden-Württemberg - Ombudspoint for Local Public Transport Baden-Württemberg**
 Address: c/o VDV-Landesgruppe Baden-Württemberg, Postfach 801006, DE- 70510 Stuttgart
 Tel: +49 (0)711 7885 7201
 Fax: +49 (0) 711 7885 7202
 E-mail: vdv.bw@mail.ssb-ag.de

- **Out-of-court dispute settlement bodies for other sectors:**
 - **German Contact Point for Arbitration/e-Commerce Contact Point Germany;**
 the European Consumer Centre (see no. 1.7) is also engaged in arbitration:
e-Commerce-Verbindungsstelle – e-Commerce Contact Point
 Address: Rehfusplatz 11, DE-77694 Kehl
 Tel: +49 (0)7851 991 48 0
 Fax: +49 (0)7851 991 48 11
 E-mail: info@eCommerce-Verbindungsstelle.de

1.7. EUROPEAN CONSUMER CENTRE (EVZ)

The European Consumer Centre Germany has two locations in Kehl and Kiel and is part of the ECC-Net - European Consumer Centres Network established in 2005. It unites two networks initiated by the European Commission: on the one hand the network of the so-called Euroguichets set up in the early 1990s for consumer information, advice and legal representation in the European internal market and, on the other hand, the network of the so-called clearing houses set up in 2001 that was charged with assisting consumers in settling legal disputes with businesses located in other EU Member States through arbitration.

German consumers seeking advice and assistance in cross-border issues have since 2005 been able to turn to the European Consumer Centre Germany located in Kehl and Kiel in order to obtain information and advice concerning the European internal market and assistance in the out-of-court settlement of cross-border disputes.

- **Europäisches Verbraucherzentrum Deutschland - European Consumer Information Centre in Germany**
 c/o Euro-Info-Verbraucher e.V.:
 Address: Bahnhofsplatz 3, DE-77694 Kehl
 Tel: +49 (0)7851 991 48 0
 Fax: +49 (0)7851 991 48 11
 E-mail: info@euroinfo-kehl.eu
 Website: www.euroinfo-kehl.eu

- **European Consumer Centre**
 Visitor's address: Andreas-Gayk Strasse 15, DE-24103 Kiel
 Address: Postfach 2025, DE-24019 Kiel
 Tel: +49 (0)431 590 99 50
 Fax: +49 (0)431 590 99 77
 E-mail: evz@evz.de
 Website: www.evz.de

1.8. INSTITUTIONS OF SELF-REGULATION

Wettbewerbszentrale e.V. - Association for the Prevention of Unfair Competition

Address: Landgrafenstrasse 24 B, DE-61348 Bad Homburg v. d. H.

Tel: +49 (0)6172 12 15 0

Fax: +49 (0)6172 8 44 22

E-mail: mail@wettbewerbszentrale.de

Website: www.wettbewerbszentrale.de

The Association for the Prevention of Unfair Competition is a self-regulatory control body of the industry operating throughout Germany and transnationally to enforce the law against unfair competition. The right of associations to take legal action pursuant to Section 8 paragraph 3 number 2 of the Act Against Unfair Competition (UWG) and Section 33 paragraph 2 of the Act against Restraints of Competition (GWB) form the basis of its activities. It is not a consumer protection agency, but indirectly also ensures compliance with consumer protection rules in the interest of economic operators.

- **Deutscher Werberat - German Advertising Council**

Address: Am Weidendamm 1A, DE-10117 Berlin

Tel: +49 (0)30-59 00 99 700

Fax: +49(0)30-59 00 99 722

E-mail: werberat@werberat.de

Website: www.interverband.com

2. Consumer policy

2.1. CONSUMER ORGANISATIONS

In Germany, there is no official definition nor authorisation or approval for determining what a consumer organisation is. With regard to support for projects, however, the regular eligibility criterion is that a consumer organisation should be a non-governmental and non-profit organisation that, according to its rules and byelaws, pursues consumer policy goals.

The umbrella organisation of the consumer advice centres and consumer associations – the "Verbraucherzentrale Bundesverband e.V. (vzbv)" – receives institutional funding from the Federal Ministry of Food, Agriculture and Consumer Protection (BMELV).

Moreover, the Federal Ministry funds individual projects run by different consumer organisations as well as - quasi on an institutional basis - by the "Stiftung Warentest" and the Consumer Affairs Council of DIN, the "Deutsche Gesellschaft für Ernährung e.V. (DGE)" (*German Nutrition Society*) and the "aid Infodienst Verbraucherschutz, Ernährung und Landwirtschaft e.V." (*Information Service for Consumer Protection, Food und Agriculture*).

At the *Länder* (federal state) level, the consumer advice centres receive institutional as well as project financing.

"Qualified establishments" such as the consumer advice centres can take legal action against violations by filing for injunctive relief on the basis, inter alia, of the Injunctions Directive that has been transposed into national law.

2.2. IMPLEMENTATION/LAW ENFORCEMENT

See http://ec.europa.eu/consumers/redress_cons/ecc_germany_en.htm, and http://ec.europa.eu/consumers/redress/out_of_court/commu/acce_just04_en_ccb_en.pdf

2.3. INFORMATION AND EDUCATION

Consumer policy is aimed at providing consumers with opportunities to obtain well-balanced information. The focus lies on structured opportunities improving the overview, enabling comparisons to be made and facilitating consumers' search for information. The subsidiarity principle applies to consumer information. Tasks which the government does not necessarily have to carry out should be left to private organisations. The state also performs the task of preventing fraudulent conduct harming consumers by enacting laws or by taking administrative measures, as appropriate.

To safeguard an independent representation of interests and information campaigns for consumers, the Federal Government uses federal budgetary funds to support institutions and establishments which operate nationwide in the field of general consumer education and guidance. In addition, the Federal Government supports nationwide awareness schemes on priority issues within the scope of project financing. Here, too, the consumer organisations remain independent from the state as regards the contents of their work.

The federal states and the municipalities ensure that independent individual and regional consumer information and counselling is provided within their areas of operation.

2.4. INFORMATION GATHERING AND RESEARCH

The **Scientific Advisory Board on Consumer and Food Policies at the Federal Ministry of Food, Agriculture and Consumer Protection** was first appointed in September 2002. The board is appointed for three years. It is made up of persons from different disciplines, comprises twelve members and is designed to foster the further development of consumer policy. The independent body works in an honorary capacity and draws up scientific advisory opinions and statements.

Chairwoman: Professor Dr Lucia Reisch

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