

Regulation (EC) No 2006/2004 of the European Parliament and of the Council of 27 October 2004 on cooperation between national authorities responsible for the enforcement of consumer protection laws (the Regulation on consumer protection cooperation) (Text with EEA relevance) (repealed)

CHAPTER I

INTRODUCTORY PROVISIONS

Article 1

Objective

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

Article 2

Scope

- 1 The provisions on mutual assistance set out in Chapters II and III shall cover intra-Community infringements.
- 2 This Regulation shall be without prejudice to the Community rules on private international law, in particular rules related to court jurisdiction and applicable law.
- 3 This Regulation shall be without prejudice to the application in the Member States of measures relating to judicial cooperation in criminal and civil matters, in particular the operation of the European Judicial Network.
- 4 This Regulation shall be without prejudice to the fulfilment by the Member States of any additional obligations in relation to mutual assistance on the protection of the collective economic interests of consumers, including in criminal matters, ensuing from other legal acts, including bilateral or multilateral agreements.
- 5 This Regulation shall be without prejudice to Directive 98/27/EC of the European Parliament and of the Council of 19 May 1998 on injunctions for the protection of consumers' interests⁽¹⁾.
- 6 This Regulation shall be without prejudice to Community law relating to the internal market, in particular those provisions concerning the free movement of goods and services.
- 7 This Regulation shall be without prejudice to Community law relating to television broadcasting services.

Article 3

Definitions

For the purposes of this Regulation:

- (a) ‘laws that protect consumers’ interests’ means the Directives as transposed into the internal legal order of the Member States and the Regulations listed in the Annex;
- (b) ‘intra-Community infringement’ means any act or omission contrary to the laws that protect consumers’ interests, as defined in (a), that harms, or is likely to harm, the collective interests of consumers residing in a Member State or Member States other than the Member State where the act or omission originated or took place; or where the responsible seller or supplier is established; or where evidence or assets pertaining to the act or omission are to be found;
- (c) ‘competent authority’ means any public authority established either at national, regional or local level with specific responsibilities to enforce the laws that protect consumers’ interests;
- (d) ‘single liaison office’ means the public authority in each Member State designated as responsible for coordinating the application of this Regulation within that Member State;
- (e) ‘competent official’ means an official of a competent authority designated as responsible for the application of this Regulation;
- (f) ‘applicant authority’ means the competent authority that makes a request for mutual assistance;
- (g) ‘requested authority’ means the competent authority that receives a request for mutual assistance;
- (h) ‘seller or supplier’ means any natural or legal person who, in respect of the laws that protect consumers’ interests, is acting for purposes relating to his trade, business, craft or profession;
- (i) ‘market surveillance activities’ means the actions of a competent authority designed to detect whether intra-Community infringements have taken place within its territory;
- (j) ‘consumer complaint’ means a statement, supported by reasonable evidence, that a seller or supplier has committed, or is likely to commit, an infringement of the laws that protect consumers’ interests;
- (k) ‘collective interests of consumers’ means the interests of a number of consumers that have been harmed or are likely to be harmed by an infringement.

Article 4

Competent authorities

1 Each Member State shall designate the competent authorities and a single liaison office responsible for the application of this Regulation.

2 Each Member State may, if necessary in order to fulfil its obligations under this Regulation, designate other public authorities. They may also designate bodies having a legitimate interest in the cessation or prohibition of intra-Community infringements in accordance with Article 8(3).

3 Each competent authority shall, without prejudice to paragraph 4, have the investigation and enforcement powers necessary for the application of this Regulation and shall exercise them in conformity with national law.

4 The competent authorities may exercise the powers referred to in paragraph 3 in conformity with national law either:

- a directly under their own authority or under the supervision of the judicial authorities; or
- b by application to courts competent to grant the necessary decision, including, where appropriate, by appeal, if the application to grant the necessary decision is not successful.

5 Insofar as competent authorities exercise their powers by application to the courts in accordance with paragraph 4(b), those courts shall be competent to grant the necessary decisions.

6 The powers referred to in paragraph 3 shall only be exercised where there is a reasonable suspicion of an intra-Community infringement and shall include, at least, the right:

- a to have access to any relevant document, in any form, related to the intra-Community infringement;
- b to require the supply by any person of relevant information related to the intra-Community infringement;
- c to carry out necessary on-site inspections;
- d to request in writing that the seller or supplier concerned cease the intra-Community infringement;
- e to obtain from the seller or supplier responsible for intra-Community infringements an undertaking to cease the intra-Community infringement; and, where appropriate, to publish the resulting undertaking;
- f to require the cessation or prohibition of any intra-Community infringement and, where appropriate, to publish resulting decisions;
- g to require the losing defendant to make payments into the public purse or to any beneficiary designated in or under national legislation, in the event of failure to comply with the decision.

7 Member States shall ensure that competent authorities have adequate resources necessary for the application of this Regulation. The competent officials shall observe professional standards and be subject to appropriate internal procedures or rules of conduct that ensure, in particular, the protection of individuals with regard to the processing of personal data, procedural fairness and the proper observance of the confidentiality and professional secrecy provisions established in Article 13.

8 Each competent authority shall make known to the general public the rights and responsibilities it has been granted under this Regulation and shall designate the competent officials.

Article 5

Lists

1 Each Member State shall communicate to the Commission and the other Member States the identities of the competent authorities, of other public authorities and bodies having a legitimate interest in the cessation or prohibition of intra-Community infringements, and of the single liaison office.

2 The Commission shall publish and update the list of single liaison offices and competent authorities in the *Official Journal of the European Union*.

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

- (1) [OJ L 166, 11.6.1998, p. 51](#). Directive as last amended by Directive 2002/65/EC ([OJ L 271, 9.10.2002, p. 16](#)).