

Judikatúra**Údaje o veci**

Národný identifikačný prvok: Case P/0175/07/16

Členský štát: Slovensko

Všeobecný názov: N/A

Typ rozhodnutia: Správne rozhodnutie, prvý stupeň

Dátum rozhodnutia: 16/08/2016

Súd: Inšpektorát Slovenskej obchodnej inšpekcie so sídlom v Prešove pre Prešovský kraj

Predmet:

Žalobca: N/A

Žalovaný: COOP Jednota Humenné, spotrebné družstvo

Kľúčové slová: consumer, consumer rights, selling price, unit price

Články smernice

Price Indication Directive, [Article 3](#) Price Indication Directive, [Article 5](#)

Úvodná poznámka

(1) A seller is obliged to mark the product with the selling price in accordance with Section 14a (1) of Act No. 250/2007 Coll. on consumer protection, as amended, (implemented from Article 3 (1) of the Directive 98/6/EC).

(2) A seller fulfils its obligation to mark the product with the selling price when the price information is made available to the consumer without a need for the consumer to take any action in order to find a price for the given product.

(3) A seller is obliged to clearly and understandably inform the consumer, prior to concluding the contract, on the option to refer his case to the institution performing alternative dispute resolution services in accordance with Section 10a (1) lit. k) of the Act 250/2007 Coll. on consumer protection.

Skutkový stav

The Trade Inspection inspected a grocery store operated by the defendant. The Trade Inspection identified several breaches of Act No. 250/2007 Coll. on consumer protection, as amended during the inspection on spot. The defendant breached the consumer protection regulations in the position of a seller offering and selling products or services to consumers and for this purpose concluding consumer contracts.

Právna záležitosť

(1) Is a seller obliged to mark the product with the selling price?

(2) When does a seller fulfil his obligation to mark the product with the selling price?

(3) Is a seller obliged to inform the consumer on the option to refer his case to the institution performing alternative dispute resolution services?

Rozhodnutie

The Trade Inspection identified the following breaches of Act No. 250/2007 Coll. on consumer protection, as amended ("Act on consumer protection") by the defendant:

The defendant has failed to clearly and understandably inform the consumer, prior to concluding the contract, on the option to refer his case to the institution performing alternative dispute resolution services as it is required under Section 10a (1) lit. k) of the Act on consumer protection (implemented from Article 5 (4) of the Directive 2011/83/EU); under the Act on consumer protection the seller is obliged to inform the consumer on the option of alternative dispute resolution in case the consumer was not satisfied with the way how the seller managed the consumer's claim or otherwise breached the consumer's rights.

The defendant has failed to mark the product that he was offering for sale with the selling price in accordance with Section 14a (1) of the Act on consumer protection (implemented from Article 3 (1) of the Directive 98/6/EC). At the time of the inspection, six types of products that were not marked with the selling price were identified. The selling price must be designated directly on the product itself. Such obligation is also stipulated in the Directive 98/6/EC. The Article 3 of the Directive 98/6/EC (implemented into Slovak law by Section 14a of Act No. 250/2007 Coll. on Consumer Protection, as amended) stipulates that all the products defined in Article 1 of the Directive 98/6/EC (implemented into Slovak law by Section 1 of Act No. 250/2007 Coll. on Consumer Protection, as amended) are to be marked with the selling price as well as the unit price. The designation of the price is further detailed in Article 5 of the Directive 98/6/EC (implemented into Slovak law by Section 14a (3) of Act No. 250/2007 Coll. on Consumer Protection, as amended).

The Trade Inspection further stated that in accordance with the case law of the Supreme Court of the Slovak Republic, the obligation of the seller to inform the consumer on the price of the product is fulfilled when the price information is made available to the consumer without a need for the consumer to take any action in order to find a price for the given product.

Celé znenie: [Celé znenie](#)

Súvisiace veci

Nie sú k dispozícii žiadne výsledky

Právna náuka

Nie sú k dispozícii žiadne výsledky

Výsledok

The defendant was imposed with a fine in the amount of EUR 300 for breaching the provisions of Act No. 250/2007 Coll. on consumer protection, as amended.