

Other material**Other material**

Member State: Ireland

Title: Scheme of Consumer Rights Bill 2021, and associated Consultation

Emanating from: Department of Enterprise, Trade and Employment

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Keywords: standard contract, terms and conditions, unfair terms

Directive Articles

Consumer Sales and Guarantees Directive, [Article 1](#) , Unfair Contract Terms Directive, [Article 1](#) , Consumer Rights Directive, [Chapter 1, Article 1](#) , Consumer Rights Directive, [Chapter 1, Article 1](#)

Headnote

Scheme of Consumer Rights Bill 2021, and associated Consultation

Department of Enterprise, Trade and Employment

As part of a public consultation process by the relevant government ministry, the Department of Enterprise, Trade and Employment, Part 7 of this Scheme of a Consumer Rights Bill 2021 sets out a draft statutory framework which seeks to repeal existing consumer legislation on unfair terms (i.e. European Communities (Unfair Terms in Consumer Contracts) Regulations 1995, S.I. No. 27/1995, as amended, which transposes Directive 1993/13 on unfair terms into Irish law) and replace it with consolidated and updated provisions in national law on consumer rights, including unfair terms. In light of the minimum harmonising nature of Directive 1993/13, Part 5 also seeks to augment and clarify certain consumer rights in relation to unfair terms by:

- expanding its application to both negotiated and non-negotiated (or standard) terms;
- providing clarification around the transparency requirements in relation to contract terms, in line with jurisprudence from the Court of Justice;
- providing clarification concerning contract terms that are exempt from an assessment for unfairness (core-terms) to ensure that such terms are not interpreted too broadly, in line with rulings of the Court of Justice;
- including a new 'blacklist' of nine terms which are always unfair;
- including a 'greylist' of terms which are presumed to be unfair.

General Note**Full text**

Consultation on Scheme of Consumer Rights Bill 2021

From Department of Enterprise, Trade and Employment

Published on 20 May 2021

Open for submissions from 20 May 2021

Submissions closed 30 June 2021

Last updated on 16 November 2021

Consultation is being reviewed

The Department of Enterprise, Trade and Employment is seeking the views of stakeholders on the Scheme of the Consumer Rights Bill, which will consolidate and update the legislative provisions that regulate the main types of consumer contract.

The EU Directives on contracts for the sale of goods, the supply of digital content and digital services, consumer rights and unfair commercial practices which are given effect in Parts 2-3, 5-6 and 9 of the Scheme are maximum harmonisation measures whose provisions cannot be exceeded or supplemented in national legislation.

The focus of the consultation on these Parts of the Scheme is on provisions where Member States have regulatory discretion. In some cases, this is because the Directives contain optional provisions that Member States can choose whether or not to implement, or minimum harmonisation provisions that can be extended or supplemented in national legislation.

In other cases, Member States are free to extend the provisions of a Directive to areas outside the scope of the Directive. The provisions on contracts for the supply of non-digital services in Part 4 of the Scheme are not regulated by EU legislation and views are sought accordingly on all of the substantive provisions of this Part.

The Unfair Contract Terms Directive which is given effect in Part 7 of the Scheme is a minimum harmonisation measure and views are sought therefore on the provisions of the Part that extend the Directive's protections.

While respondents are welcome to comment on any of the provisions of the Scheme, they should be aware that provisions which give effect to fully harmonised provisions in EU Directives must be implemented in full in accordance with our obligations under EU law.

The Department is also seeking views on an amendment to the Regulations on the Indication of Product Prices which does not form part of the Scheme.

We would encourage consumers and consumer organisations, businesses and business bodies, and other interested parties to submit their views on the issues and questions set out in the Paper. Individuals or organisations with an exclusive or predominant interest in a specific aspect or aspects of the proposals are free to confine their responses to those aspects. Submissions will be accepted in the Irish language.

Deadline for responses: Wednesday, 30 June 2021.

Submissions will be accepted in the Irish language.