



STATUTORY INSTRUMENTS.

S.I. No. 597 of 2022

EUROPEAN UNION (REQUIREMENTS TO INDICATE PRODUCT
PRICES) (AMENDMENT) REGULATIONS 2022

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I, LEO VARADKAR, Minister for Enterprise, Trade and Employment, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972) and for the purpose of giving further effect to Directive 98/6/EC of the European Parliament and of the Council of 16 February 1998¹ on consumer protection in the indication of the prices of products offered to consumers amended by Directive (EU) 2019/2161 of the European Parliament and of the Council of 27 November 2019² amending Council Directive 93/13/EEC and Directives 98/6/EC, 2005/29/EC and 2011/83/EU of the European Parliament and of the Council as regards the better enforcement and modernisation of Union consumer protection rules, hereby make the following regulations:

1. These Regulations may be cited as the European Union (Requirements to Indicate Product Prices) (Amendment) Regulations 2022.

2. In these Regulations, “Principal Regulations” means the European Communities (Requirements to Indicate Product Prices) Regulations 2002 (S.I. No. 639 of 2002).

3. Regulation 2 of the Principal Regulations is amended, in paragraph (1) –

(a) by the insertion of the following definition:

“ ‘announcement’ means a promotional statement by a trader, and ‘announce’ shall be construed accordingly;”, and

(b) in the definition of “Directive”, by the substitution of “to consumers, as amended by Directive (EU) 2019/2161 of the European Parliament and of the Council of 27 November 2019 amending Council Directive 93/13/EEC and Directives 98/6/EC, 2005/29/EC and 2011/83/EU of the European Parliament and of the Council as regards the better enforcement and modernisation of Union consumer protection rules” for “to consumers”.

4. The Principal Regulations are amended by the insertion of the following Regulation after Regulation 5:

“5A. (1) Where a trader announces a reduction in the selling price or unit price, as the case may be, of a product offered for sale to consumers,

¹ OJ No. L. 80, 18.3.1998, p. 27.

² OJ No. L. 328, 18.12.2019, p. 7.

the trader shall indicate, in that announcement, the prior price of that product.

(2) A person who contravenes paragraph (1) is guilty of an offence.

(3) In this Regulation, ‘prior price’, in relation to a product in respect of which a reduction in selling price or unit price is announced, means –

- (a) subject to paragraph (b), the lowest selling price or unit price, as the case may be, applied by the trader to the product during a period of not less than 30 days before the application of the reduction in the selling price or unit price of the product, or
- (b) in a case where there are consecutive reductions in the selling price or unit price of the product, the lowest selling price or unit price, as the case may be, applied by the trader to the product during a period of not less than 30 days before the initial application of a reduction in the selling price or unit price of the product.”.

5. Regulation 6 of the Principal Regulations is amended –

- (a) in paragraph (2), by the substitution of “Subject to Regulation 5A, where” for “Where”, and
- (b) by the insertion of the following paragraph after paragraph (2):

“(2A) A trader shall ensure that the announcement of a reduction in the selling price or unit price, as the case may be, of a product offered for sale to a consumer is –

 - (a) unambiguous and easily identifiable as referring to that product, and
 - (b) clearly visible and legible to prospective consumers.”.

6. Regulation 12 of the Principal Regulations is amended –

- (a) in paragraph (2), by the substitution of “class A fine” for “fine not exceeding €3,000”, and
- (b) by the insertion of the following paragraph after paragraph (2):

“(3) Where a court is determining the sentence to impose on a person convicted of an offence under these Regulations, it shall take account, where it considers appropriate, of the following indicative and non-exhaustive criteria:

 - (a) the nature, gravity, scale and duration of the infringement of these Regulations;
 - (b) any action taken by the person to mitigate or remedy the damage suffered by consumers;

- (c) any previous infringements of these Regulations by the person;
- (d) the financial benefits gained or losses avoided by the person due to the infringement of these Regulations, if the relevant data are available;
- (e) any penalties imposed on the person for the same infringement in other Member States in cross-border cases where information about such penalties is available through the mechanism established by Regulation (EU) 2017/2394 of the European Parliament and of the Council of 12 December 2017³ on cooperation between national authorities responsible for the enforcement of consumer protection laws and repealing Regulation (EC) No. 2006/2004;
- (f) any other aggravating or mitigating factors applicable in the circumstances of the case.”.

7. Section 85(1) of the Consumer Protection Act 2007 (No. 19 of 2007) is amended, in paragraph (c), by the insertion of “5A(2),” after “5(5),”.



GIVEN under my Official Seal,
28 November, 2022.

LEO VARADKAR,
Minister for Enterprise, Trade and Employment.

³ OJ No. L. 345, 27.12.2017, p 1.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

These Regulations amend the European Communities (Requirements to Indicate Product Prices) Regulation 2002, giving further effect to Directive 98/6/EC of the European Parliament and of the Council of 16 February 1998 on consumer protection in the indication of the prices of products offered to consumers amended by Directive (EU) 2019/2161 of the European Parliament and of the Council of 27 November 2019 amending Council Directive 93/13/EEC and Directives 98/6/EC, 2005/29/EC and 2011/83/EU of the European Parliament and of the Council as regards the better enforcement and modernisation of Union consumer protection rules. These Regulations introduce the need for a trader to indicate the prior price applied in any announcement (promotional statement) of a price reduction of a product during a period of not less than 30 days before the application of the reduction in price. Where the trader does not indicate the prior price, he is guilty of an offence.

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