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Consumer Protection Act¹

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Amended by the following acts

Reception	Publication	Enforcement
23.02.2016	RT I, 11.03.2016, 1	21.03.2016
14.12.2016	RT I, 31.12.2016, 1	10.01.2017, partially 31.10.2018, nine months after Directive 2014/92/EU of the European Parliament and of the Council on comparability of fees related to payment accounts, switching payment accounts and access to the main payment account (OJ L 257, 28.08.2014, pages 214-246) in paragraph 3 of Article 4 of the implementation regulation of the European Commission (OJ L 6, 11.01.2018, pp. 3–25) entered into force.
07.06.2017	RT I, 21.06.2017, 1	04.07.2017
06.12.2017	RT I, 28.12.2017, 3	01.07.2018, partially 07.01.2018
24.10.2018	RT I, 14.11.2018, 2	03.12.2018
21.11.2018	RT I, 12.12.2018, 3	01.01.2019, in the law, the word "Consumer Protection Board" was replaced throughout by the words "Consumer Protection and Technical Supervision Board" in the corresponding case.
20.02.2019	RT I, 19.03.2019, 4	29.03.2019
18.12.2019	RT I, 08.01.2020, 1	17.01.2020
25.11.2020	RT I, 04.12.2020, 1	14.12.2020
16.12.2020	RT I, 04.01.2021, 1	01.05.2021
10.11.2021	RT I, 24.11.2021, 1	01.01.2022
16.03.2022	RT I, 01.04.2022, 1	28/05/2022
25.01.2023	RT I, 10.02.2023, 3	01.09.2023

Chapter 1 General settings

§ 1. Scope of the Act

(1) This Act regulates the offer and sale of goods or services to the consumer or the marketing in other ways by the trader, the procedure for the out-of-court settlement of the dispute between the consumer and the trader, including the organization of the work of the Consumer Disputes Commission, the organization and supervision of consumer protection and liability for violation of the law is stipulated.

(2) This Act is established to ensure consumer rights.

(3) This Act also applies if the trader mediates the delivery of goods or the provision of services to the consumer.

(4) This Act, the Law of Obligations Act, the Product Compliance Act and other laws apply to the offer, sale or other marketing of goods or services to the consumer.

(5) The provisions of the Administrative Procedure Act apply to the administrative procedure prescribed in this Act, taking into account the specifics of this Act.

(6) The settlement of a dispute arising from a contract between a consumer and a trader in the Consumer Disputes Commission in accordance with the provisions of Chapter 6 of this Act is not an administrative proceeding within the meaning of the Administrative Procedure Act.

§ 2. Terms

(1) For the purposes of this Act, the following are:

1) consumer – a natural person who acts for a purpose that is not related to his economic or professional activity;

2) trader - a natural or legal person, including a public legal person, who acts for a purpose related to his economic or professional activity;

3) goods – offered, sold or otherwise marketed thing, right and digital content within the meaning of the Law of Obligations Act;
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4) service – a good offered, provided or otherwise marketed and a digital service within the meaning of the Law of Obligations Act, which is not a good, or other performance offered or performed;

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5) manufacturer - a person defined in § 4 (1) point 9 of the Product Conformity Act;

6) consumer dispute - a dispute related to the contractual obligations arising from the contract between the consumer and the trader;
7) internet-based trading place - a trading place where a consumer can enter into contracts with another trader or consumer using a communication tool, using software, including a website, a part of a website or an application operated by the trader or operated on behalf of the trader;

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8) rank – the relative superiority given to the goods or services presented, ranked or transmitted by the trader.

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(2) In the application of the regulation of trading practices related to a transaction between a trader and a consumer provided for in Chapter 3, Section 2 of this Act, a person acting on behalf of or in the interest of the person specified in Clause 1, Clause 2 of this section is also considered a trader.

(3) The offer of goods or services to the consumer within the meaning of this Act is considered both a proposal to submit an offer and an offer within the meaning of the Law of Obligations Act.

§ 3. Basic rights of the consumer

The consumer has the right to:

- 1) demand and receive goods or services that meet the requirements, are safe for the consumer's life, health and property, and whose possession and use are not prohibited;
- 2) receive the necessary and true information about the offered goods and services to make an informed choice and timely information about the risks associated with the goods or services;
- 3) receive consumer law and consumer information;
- 4) get advice and help if his rights have been violated;
- 5) demand compensation for property and non-property damage caused to oneself;
- 6) request consideration of one's interests and be represented through consumer associations and unions in making decisions shaping consumer policy.

Chapter 2 Consumer notification

§ 4. The consumer's right to receive information

(1) The consumer has the right to receive the necessary information about the offered goods or services from the point of view of safety, as well as the protection of health, property and economic interests.

(2) The trader and manufacturer are obliged to provide the consumer with information about the characteristics and conditions of use of the goods or services and the contract for the acquisition of the goods or the use of the service to the extent and in a manner that corresponds to the obligation to provide pre-contractual information provided for in the Law of Obligations Act or another law and in this Act to the stated conditions.

(3) The information provided to the consumer must be in Estonian, if the consumer has not agreed to its presentation in another language.

(4) Upon immediate payment for the sale of goods or the provision of services, the trader presents to the consumer a document certifying the sale of goods or the provision of services in writing or in a form that allows for written reproduction with the consent of the consumer, which includes at least: 1) the trader's name or business name and the address of the place of business ;
2) date of sale of goods or provision of services;
3) the name and price of each good or service and the amount paid.

(5) If the amount to be paid by the consumer is less than 20 euros, the document specified in subsection 4 of this section shall be provided at the request of the consumer.

(6) When concluding a contract, the trader provides the consumer with information about the amount of the consumer's obligation and the payment deadline. If the trader does not fulfill his obligation in full immediately after concluding the contract with the consumer or if the consumer can fulfill his obligation later, the trader must provide the consumer with an invoice for the amount of his obligation and the payment deadline, unless otherwise provided by law. When selling goods or providing services on the basis of a duration contract, an invoice is submitted for each agreed billing period. The invoice is sent to the consumer's postal address or e-mail address at the consumer's choice.

(7) The trader may not present the invoice in the manner specified in subsection 6 of this section only if the consumer has expressly agreed that the invoice is available through the trader's electronic customer service environment, internet bank or other such environment or data carrier. In the event of a dispute, the trader shall prove receipt of consent from the consumer.

(8) The Government of the Republic or its authorized minister may, by regulation, establish more precise requirements for providing information to the consumer about some goods or services.

§ 5. General requirements for product labeling

(1) The marking on the goods offered or sold to the consumer or on its sales packaging or on the label attached to the goods must be clearly legible, comprehensible and unambiguous and meet all the requirements established for the marking of the goods.

(2) If no requirements have been established in the legal act regarding the labeling of the goods, the labeling shall contain at least the name of the goods, if its absence may mislead the consumer.

(3) The name of the goods specified in subsection 2 of this section can be an expression established in general practice to define the goods, which, if necessary, is supplemented with a reference to the intended use or the materials used in its manufacture, or another name necessary for the identification of the goods. The name of the product may not be replaced by a trademark or a fictitious name.

(4) Taking into account the type, characteristics and purpose of the goods, the following information must be provided in addition to what is stipulated in subsection 2 of this section:

- 1) the quantity or dimensions of the goods in relevant units of the international system of measurement units;
- 2) composition of goods and quantities of ingredients;
- 3) instructions for washing, cleaning and maintaining the goods;
- 4) instructions for using the goods and conditions for storing the goods;
- 5) warnings and precautions to avoid dangers related to the use or destruction of goods;
- 6) shelf life of goods;
- 7) basic technical data about the goods.

(5) The information specified in subsection 4 of this section may be provided on the marking of the goods, on a label attached to the goods or in the user manual accompanying the goods. The information provided must enable the intended and safe use of the product.

(6) The information required in subsections 2 and 4 of this section shall be submitted in writing and in the Estonian language. It is also permitted to use instructive or warning drawings, pictograms, signs and symbols, provided that the information conveyed through them is understandable to the consumer.

(7) The original information presented on the labeling of the goods must not be covered by additional information, a picture or a sticker or in any other way.

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(7) More precise requirements for product labeling and methods for determining the ingredients or properties of the product required in the labeling shall be established by a regulation of the minister responsible for the field .

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(8) The general requirements set forth in this section apply to goods offered as movable property. The requirements do not apply to used goods, unless warnings and precautions are necessary in connection with the use or destruction of the goods to ensure the safety of the consumer and to protect his health and property.

§ 6. User manual

(1) The manufacturer must add a user manual to goods that are technically complex, contain dangerous substances or require special skills in use.

(2) The user manual must contain the information necessary for the consumer to use the goods in a safe, purposeful and economical manner and for the correct assembly, installation, connection, maintenance or storage of the goods and, if necessary, also for their destruction. If the product consists of several parts, a list of the parts belonging to the product (components of the set) is included in the user manual.

(3) The user manual in a foreign language must be translated into Estonian at least to the extent specified in subsection 2 of this section and must be clearly understandable.

(4) When selling goods, the trader provides the user manual to the consumer and its Estonian translation on paper or another permanent data carrier, or with the consent of the consumer, makes the user manual available in another way.

(5) The provisions of this section apply to goods offered as movable property.

§ 7. Publication of the price of goods and notification of a price reduction

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(1) When offering and selling goods, the trader must inform the consumer of the selling price of the goods and the unit price, unless the legislation established on the basis of subsection 8 of this section provides otherwise regarding the unit price.

(2) The selling price is the final price paid by the consumer for a unit of goods or quantity of goods.

(3) The unit price is the final price of one kilogram, one liter, one meter, one square meter, one cubic meter or other widely and commonly used unit in the marketing of goods. The unit price can also be the piece price, if the goods are not measured in the aforementioned units.

(4) The sales price and unit price of the goods are published in writing in a clearly legible and clearly understandable and easily noticeable way for the consumer.

(5) In the case of unpackaged goods, which are sold by quantity, volume or measure according to the consumer's wishes, the unit price is published before measurement. The sale price will be published after measurement.

(6) If information about the selling price of the goods is published in the advertisement aimed at the consumer, the unit price of the goods must also be published there, unless otherwise stipulated in the legislation.

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(6) In the notice of reduction of the price of the goods, the trader indicates the previous price prior to the reduction of the price in accordance with the requirements set forth in the legislation established on the basis of paragraph 8 of this section.

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(7) The provisions of this section apply to goods offered as movable property.

(8) More detailed requirements regarding the publication of the sales and unit price of goods and notification of price reductions shall be established by a regulation of the minister responsible for the field .

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§ 8. Publishing the price of the service

(1) When offering the service, the trader informs the consumer of the final price to be paid for the service. If it is not possible to determine the final price of the service in advance, the trader informs the consumer about the components of the service price, the tariffs or the basis of the price calculation so that the consumer can calculate the final price of the service with sufficient accuracy.

(2) When offering a service, the price list of the offered services or another document describing the basis for calculating the price of the service is displayed in a place visible to the consumer at the place of service provision or made available to the consumer in another way.

(3) The minister responsible for the field may, by regulation, establish more precise requirements regarding the publication of the price of the service.

Chapter 3

Offering and selling and otherwise marketing goods and services

Section 1

Safety and quality of goods and services

§ 9. General requirements

(1) Goods and services must meet the established requirements, be safe for the consumer's life, health and property when used as intended, and have the characteristics that the consumer usually justifiably expects. The goods sold to the consumer or the service provided must comply with the contract conditions in accordance with the provisions of the law.

(2) The trader is obliged to implement measures in accordance with the specific features of the offered goods or services, which would enable the trader to:

- 1) be aware of the dangers that the goods or services may cause;
- 2) choose an appropriate action to avoid the danger, such as removing the goods from the market or terminating the service, warning the consumer or reclaiming the goods from the consumer.

(3) The trader is obliged to cooperate with the market surveillance authority in order to avoid dangers arising from the offered goods or services.

§ 10. Evaluation of service safety

(1) If no requirements have been established for the service by legislation, the supervisory authority assesses the safety of the service, taking into account:

- 1) the international or European standards organization standard adopted as the Estonian standard;
- 2) the original Estonian standard;
- 3) good practice of ensuring the safety of the service in the relevant field;
- 4) current state of science and technology;
- 5) reasonable expectations of the consumer regarding safety.

(2) A dangerous service is a service in which an error related to the method of provision or a defect in the design or composition of the product used in the provision of the service or incorrect, misleading or incomplete information about the service may cause injury, poisoning, illness or otherwise endanger the health of a person.

§ 11. Goods and service guarantee

In connection with ensuring the compliance of goods or services with the prescribed conditions, it is allowed to use the word "guarantee" in any form or combination of words or another word with the same meaning only if its meaning corresponds to the provisions of the Law of Obligations Act on sales guarantee or employment guarantee or other legislation on guarantee.

§ 12. Defective goods

(1) For the purposes of this Act, goods are defective if they do not meet the requirements established in legislation or other technical conditions. The goods are defective even if the minimum storage period indicated on the goods, including the "best before" period, has passed.

(2) It is allowed to offer and sell defective goods to the consumer only if such goods are safe for life, health and property and the consumer has been informed of the defect.

(3) The provisions of subsection 2 of this section also apply to used goods.

(4) Defective or used goods are separated from new and proper goods, and appropriate information is displayed at the point of sale of such goods. The information provided about the reduction of the price of the goods is not considered as information about the shortage of the goods.

(5) The provisions of this section apply to goods offered as movable property.

Section 2

A trading technique related to a transaction between a trader and a consumer

§ 13. Trading method

(1) For the purposes of this Act, a trading technique is a trader's activity, inactivity, way of acting or presentation, commercial announcement, including advertising, and marketing, which is directly related to the promotion, offer, sale or delivery of goods or services to a consumer or the purchase of a thing from a consumer.

(2) The provisions of this section regarding trading methods do not affect the application of legislation regulating private law. A consumer who has suffered damage due to the use of an unfair trading practice has the right to use legal remedies under the conditions stipulated in the Law of Obligations Act.

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(3) The provisions of this section regarding the trading method do not affect the application of the legislation that establishes, in particular:

- 1) health protection or safety requirements for the supply and marketing of goods or services;
- 2) requirements for proof and marking of the precious metal sample of precious metal products;
- 3) establishment conditions of an enterprise, the procedure for granting or registering permits necessary for operating in certain fields of activity, as well as requirements for regulated professions.

§ 14. Prohibition of using unfair trading practices

(1) The offer and sale of goods or services to the consumer and marketing in other ways must take place taking into account good commercial practice and be fair to the consumer. The offer of goods or services must be planned and executed in such a way that the commercial purpose of the offer is clear to the consumer.

(2) The use of unfair trading practices is prohibited both before and after a transaction related to goods or services, as well as during the transaction.

§ 15. Unfair trading practice

(1) A trading practice is unfair if it contradicts the requirements of the trader's due diligence in his economic or professional activities (hereinafter *the trader's professional due diligence*) and in relation to some goods or services distorts or is likely to significantly distort the economic behavior of the average consumer who comes into contact with the goods or services or to whom it is targeted.

(2) The average consumer specified in subsection 1 of this section is considered to be a consumer who has sufficient information and is reasonably observant and cautious, taking into account social, cultural and linguistic factors. If the marketing approach is aimed at a specific consumer group, the average consumer is the average member of that consumer group.

(3) A trading practice that is likely to significantly distort the economic behavior of only such consumer groups whose members, due to their mental or physical disabilities, age or gullibility, are particularly susceptible to the trading practice or the goods or services related to it in a way that can be legitimately expected of the trader, shall be evaluated based on the trading practice of the effect on the average member of the consumer group in question.

(4) The provisions of subsection 3 of this section do not apply to the general and legitimate practice of advertising to make exaggerated claims or claims that should not be taken literally.

(5) In the case of the trader's professional diligence specified in subsection 1 of this section, it is based on the level of skill and diligence which the trader can reasonably be expected to use in relation to consumers and which is in accordance with good commercial practice and the principle of good faith.

(6) The code of conduct followed by the trader in his economic or professional activities may be used when assessing compliance with the requirements of the trader's professional diligence. A code of conduct is a set of rules or an agreement not established by legislation describing the behavior of a trader in a certain economic or professional activity, which the trader who has joined it undertakes to follow. The compiler of the code of conduct, including a trader or a group of traders, may provide for the control of the activities of traders obliged to follow the code of conduct and the resolution of complaints related to their activities.

(7) The use of such a trading technique, which significantly reduces the consumer's ability to make an informed choice and thus influences the consumer to make a transaction decision that he would not otherwise have made, is considered to be a significant distortion of the consumer's economic behavior.

(8) The transaction decision specified in subsection 7 of this section is the consumer's decision whether to make a transaction or not, as well as how and under what conditions to make a transaction, among others: whether and under what conditions to buy, whether to pay for the purchase in full or in parts, whether the goods or services retain or waive it or exercise contractual rights with respect to goods or services.

(9) Above all, dishonest is a trading practice that misleads the consumer or is aggressive towards him.

§ 16. Misleading trading technique

(1) A misleading trading technique is both a misleading action and a failure to act.

(2) A trading tactic is considered misleading if the information presented with it is incorrect or if the presentation of the factually correct information deceives or is likely to deceive the average consumer and in either case the average consumer makes or is likely to make a transaction decision under its influence that he would not otherwise have made. Information is incorrect if it contains false information about one or more of the following circumstances:

- 1) the existence or nature of goods or services;
- 2) main characteristics of goods or services;
- 3) the extent of the trader's obligations, the motivation for using the trading technique and the nature of the sales process, and any statement or symbol related to direct or indirect sponsorship or recognition of the trader, goods or services;
- 4) the price or the basis for calculating the price or the existence of a specific price advantage;
- 5) the need for maintenance, spare parts, replacement or repair;
- 6) features and rights describing a person acting as a trader or his representative, including the trader's name and legal form, his property, qualification, status, recognition, affiliation or association and rights to industrial, commercial or intellectual property or received awards and recognitions;
- 7) the consumer's rights, including the right to demand the replacement of the item or receive compensation in accordance with the Law of Obligations Act.

(3) The main characteristics of the goods or services specified in Clause 2, Clause 2 of this section are, among others:

- 1) availability;
- 2) resulting benefit;
- 3) accompanying risks;
- 4) execution, composition and associated additives;
- 5) method and time of production or stocking;
- 6) purpose and method of use;

- 7) quantity;
- 8) description and origin;
- 9) expected results from use;
- 10) results and important features of inspections or tests of goods or services;
- 11) terms of delivery;
- 12) post-transaction service related to goods or services and the procedure for resolving possible complaints.

(4) A trading technique is also misleading if under its influence in a specific situation, taking into account all the circumstances of the trading technique, the average consumer makes or is likely to make a transaction decision that he would not otherwise have made, and if the trading technique is related to: 1) the marketing method of goods or services, including comparative advertising that creates confusion regarding a competitor's goods or services, trademarks, trade names or other distinctive features;

2) non-fulfillment of the obligation contained in the code of conduct by a trader who has committed to comply with the code, if the trader refers to his association with the code of conduct;

3) marketing goods as identical to goods marketed in other member states, if the composition or characteristics of these goods differ significantly from the composition or characteristics of goods marketed in another member state, unless the significant difference is legally and objectively justified.

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(5) The provisions of Clause 4, Clause 2 of this section shall not be considered a misleading trading practice, if the obligation contained in the code of conduct is not strictly enforceable, but is aspirational and its fulfillment cannot be determined.

(6) A trading technique is also considered misleading if, under its influence, the average consumer makes or is likely to make a transaction decision that he would not otherwise have made, and if: 1) in a specific

situation, taking into account all the circumstances of the trading technique and the limitations related to the means of communication, this does not reveal important information that the average consumer needs to make an informed transactional decision;

- 2) it hides important information or presents information in an unclear, incomprehensible, ambiguous or untimely manner, or
- 3) the commercial purpose of the trading technique is not mentioned and the latter is not already clear from the context.

(7) If the means of communication used for the transmission of information imposes spatial or temporal restrictions on the transmission of information, the aforementioned restrictions and the trader's measures to make the information available to the consumer in other ways shall be taken into account when deciding whether to provide the information.

(8) The following trading techniques are always considered misleading and their use is prohibited:

- 1) untrue statement that the trader has joined the code of conduct;
- 2) an untrue statement that the code of conduct has been approved by a public or other institution;
- 3) use of trust, quality or equivalent marks without the relevant permission;
- 4) an untrue statement that the trader, his trading method or the goods or services he offers has been approved, confirmed or allowed by a public or private institution, or making a similar statement without meeting the necessary conditions for approval, confirmation or permission;
- 5) an invitation to buy a good or service at a specified price, if the trader does not disclose his reasonable suspicion that he is not able to offer the good or service or an equivalent good or service at such a price or to arrange for its delivery by another trader in a time period and in quantities that are reasonable considering the product or service, the extent of its advertising and the offered price (baiting advertising);
- 6) an invitation to purchase a good or service at a specified price and then refusing to display the advertised good or service or demonstrating a defective sample or refusing to accept an order for the good or service in question or to deliver it within a reasonable time for the purpose of promoting the sale of a different good or service (baiting);
- 7) an untrue statement that a good or service is only available for a very limited time or under certain conditions for a very limited time in order to influence the consumer to make an immediate decision and deprive him of sufficient opportunity or time necessary to make an informed choice;
- 8) allowing the provision of a post-transaction service to a consumer with whom the trader has communicated in a language different from the official language of the country of residence before making the transaction, without notifying that the use of such service is only possible in a language other than the language of communication;
- 9) making an untrue statement or otherwise creating an untrue impression that the sale of goods or the provision of services is legitimate;
- 10) presenting the rights granted to the consumer by legislation as a special feature of the trader's offer;
- 11) the transmission of non-advertising texts in the media with the aim of promoting the sale of goods or the provision of services, if the trader has paid for the transmission, but does not inform the consumer of this through the content of the text or a clearly recognizable image or sound (advertising text);

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11) presenting the results of a search made through an online search function, clearly undisclosed paid advertising or payment made to achieve a higher position of a product or service in the ranking of search results;

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12) a significantly inaccurate statement about the nature and extent of a risk that threatens the safety of the consumer or his family if the consumer does not buy the goods or use the service;

13) promoting the sale of a product similar to the product of another manufacturer or the provision of a service similar to the service of another service provider in a way that intentionally misleads the consumer, making him believe that another manufacturer or service provider is named as the manufacturer of the product or service provider;

14) creation, use and development of such a sales scheme, in which the consumer pays for the opportunity to receive compensation mainly due to the inclusion of other consumers in the system, and not from the distribution or consumption of goods or services (pyramid sales scheme);

15) an untrue statement that the trader intends to stop trading or change the place of business;

16) the statement that the product or service helps to win in games of chance;

17) falsely claiming that a good or service cures a disease, malfunction or malformation;

18) transmission of inaccurate data about market conditions or the possibilities of finding a product or service on the market in order to influence the consumer to acquire the product or use the service under less favorable conditions than usual;

19) allowing a prize without issuing the described prizes or reasonable equivalent prizes;

20) describing goods or services with the words "free", "free" or other similar expression, if the consumer has to pay for costs other than unavoidable costs related to responding to the offer and receiving or delivering the goods;

21) including an invoice or similar document indicating payment in the marketing material, which gives the consumer the false impression that he has already ordered the offered goods or services;

22) making an untrue statement or otherwise creating a false impression that the trader is not acting for a purpose related to his economic or professional activity, or untruthfully presenting himself as a consumer;

23) creating an untrue impression that post-transaction services related to goods or services are available in another Member State in addition to the Member State where the goods are sold or the service is provided;

24) resale of event tickets to the consumer, if the trader has obtained the tickets using a software solution enabling automatic purchases, ignoring the limit of the number of tickets purchased by one person or other ticket purchase conditions;

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25) statement that the review was submitted by a consumer who used or purchased the product or service, without the trader having used reasonable and proportionate measures to verify the statement;

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26) submitting an untrue consumer review or statement of support or assigning it to another person, or misusing a consumer review or statement of support made to promote a product or service.

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§ 16 . Substantiating the statements related to the trading method

(1) The law enforcement body exercising state supervision may demand that the trader prove the accuracy of the factual statements related to his trading practice.

(2) If the trader does not fulfill the requirement specified in subsection 1 of this section, the law enforcement body performing state supervision may consider the factual statements related to the trading practice to be inaccurate.

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§ 17. Important information on the purchase invitation

(1) An invitation to purchase is a commercial message delivered by a trader, in which the characteristics and price of a good or service are presented in a manner appropriate to the means of its delivery, and thereby enable the consumer to make a purchase.

(2) Important information specified in subsection 6 of § 16 of this Act is, in the case of a purchase invitation, information about the following circumstances, if it is not already clear from the context: 1) the main characteristics of the goods or services to the extent appropriate for the goods or services and the means of communication used to transmit the information;

2) the address and name or business name of the trader's place of business and, if necessary, the address and name or business name of the trader in whose interest he acts;

3) the price of the goods or services including taxes or the basis for calculating the price, if due to the nature of the goods or services it is not possible to calculate the price in advance;

4) freight, postage or delivery costs not included in the price or information that payment of such costs is required if it is not possible to calculate these costs in advance;

5) the procedure for payment for goods or services, if it differs from the trader's professional due diligence requirements;

6) the procedure for delivering the goods or fulfilling the order, if it differs from the trader's professional diligence requirements;

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7) the right to withdraw from the transaction or cancel it;

8) in the case of goods or services offered in an online trading place, information on whether the third party offering the goods or services is a trader or not, based on the third party's statement to the operator of the online trading place.

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(2) If the consumer is offered the opportunity to search for goods or services offered by various traders or consumers on the basis of a request, in addition to the information specified in subsection 2 of this section, information about the main parameters determining the order of the goods or services presented as a result of the consumer's search and the relative importance of these parameters with other parameters is also important in comparison. Information about the main parameters and their importance is made available to the consumer in the part of the web interface that is directly and easily accessible from the web page where the query results are presented.

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2) Subsection 2 1

(2 of this section does not apply to Regulation (EU) 2019/1150 of the European Parliament and of the Council on the promotion of fairness and transparency for business users of online mediation services (OJ L 186, 11.07.2019, pp. 57–79), Article 2 in relation to the web search engine providers defined in clause 6.

[RT I, 01.04.2022, 1 - enters into force. 28.05.2022]

(3) In addition to the information specified in subsection 2 of this section, important information in the case of an invitation to purchase is also such information, which is required to be submitted when marketing or advertising goods or services is established by the Law of Obligations Act or other law resulting from the legislation of the European Union.

(4) If the trader makes available to consumers the reviews submitted about the goods or services, in addition to the information

and

mentioned in subsections 2, 2 1 3 of this section, information on whether and how the trader ensures that the reviewers have

actually used or purchased the goods or services is also considered important information made by consumers.
[RT I, 01.04.2022, 1 - enters into force. 28.05.2022]

§ 18. Aggressive trading technique

(1) A trading approach is aggressive if, in a specific situation, taking into account all its circumstances, through harassment, coercion, including the use of physical force, or excessive influence, the average consumer's freedom of choice is significantly damaged or is likely to be damaged, or his behavior towards goods or services is affected, and as a result of this, the consumer makes or is likely to make a transactional decision that it would not otherwise make.

(2) The excessive influence specified in subsection 1 of this section is the exploitation of the trader's stronger position to exert pressure on the consumer in a way that significantly limits the consumer's ability to make an informed choice. Putting pressure on the consumer can also be done without the use of physical force or the threat of using it.

(3) When determining harassment, coercion, including the use of physical force or undue influence in the case of a trading scheme, the following circumstances are taken into account:

- 1) the timing, place, nature and duration of the trading scheme;
- 2) threatening or offensive behavior or similar language;
- 3) knowingly using a serious accident or special circumstances that reduce the consumer's decision-making ability to influence the consumer's decision regarding the goods or services;
- 4) imposition of a burdensome or disproportionate non-contractual obstacle by the trader, if the consumer wants to exercise contractual rights, including the right to withdraw from the contract or change goods, services or traders;
- 5) a threat to implement measures that are not legally possible.

(4) The following trading techniques are always considered aggressive and their use is prohibited:

- 1) creating the impression that the consumer cannot leave before concluding the contract;
- 2) visiting the consumer at his home, ignoring the consumer's request to leave or not to return, except for the fulfillment of a contractual obligation under the conditions and to the extent provided by legislation;
- 3) making consistent and unsolicited offers by telephone, fax, e-mail or other means of communication, except for the fulfillment of a contractual obligation under the conditions and to the extent provided by legislation;
- 4) demanding documents from a consumer who wishes to file a claim on the basis of an insurance policy, which cannot be considered relevant according to the principle of reasonableness from the point of view of the justification of the claim, or consistently not responding to the relevant letters in order to make the consumer waive the exercise of his contractual rights;
- 5) a direct appeal to children included in the advertisement, with which they are invited to buy the advertised goods or services or to persuade parents or other adults to do so;
- 6) demanding immediate or later payment to the consumer for the goods delivered by the trader or the service provided, which the consumer has not ordered, or demanding the return or storage of such goods;
- 7) an explicit announcement to the consumer that failure to purchase the goods or services threatens the trader's job or income;
- 8) creating an untrue impression that the consumer has already won, will win or after a certain activity will win a prize or receive another equivalent benefit, when in fact there is no prize or other equivalent benefit, or if receiving a prize or other equivalent benefit requires the consumer to pay money or other expenditure-related activity.

Chapter 4 Organization of consumer protection

Section 1 Non-governmental consumer associations

§ 19. Consumer associations

(1) A consumer association is a voluntary association of persons, which has been established and registered in accordance with the Non-Profit Organizations Act, and whose activity aims to protect and promote the rights and interests of consumers.

(2) The consumer association has the right to:

- 1) participate in the design and implementation of the consumer protection policy;
- 2) organize information, counseling and training in the field of consumer protection;
- 3) advise and assist the consumer;
- 4) to represent the consumer in court through a person meeting the conditions set forth in § 218 (1) point 1 or 2 of the Code of Civil Procedure;
- 5) to represent the consumer, with his consent, in the state institution not mentioned in point 4 of this subsection and in relations with the trader or manufacturer;
- 6) to represent the consumer, with his consent, in the settlement of an out-of-court dispute;
- 7) organize consumer protection studies;
- 8) cooperate with consumer protection supervisory authorities.

(3) A consumer association representing the interests of consumers at the state or local level, whose members are at least 50 persons, or an association of associations whose member associations include a total of at least 50 persons, has the right, in addition to what is mentioned in subsection 2 of this section: 1) to demand through the court, in the cases provided for in the Law of Obligations Act, for the protection of interests, the termination of the use of standard terms and conditions that unreasonably harm consumers or other violations and refraining from violations;

2) participate in negotiations on the standard terms of contracts between the general interest service provider and the consumer, including pricing negotiations.

(4) The general interest service provider referred to in clause 3, clause 2 of this section is a person defined in § 5, subsection 3 of the Act on the General Part of the Code of Economic Activities.

(5) The state may support, within the limits of the funds provided for this purpose in the state budget, an association representing the interests of consumers at the national level or a union of associations whose activities are important for the promotion of the rights and interests of consumers and for improving the availability of information and advice on consumer protection.

(6) The minister responsible for the field shall establish the detailed conditions and procedure for granting support by regulation.

(7) The consumer association submits the annual report in accordance with § 36 (5) and § 78 (3) of the Non-Profit Organizations Act without data on the main field of activity.

Section 2 Consumer protection at the local government level

§ 20. Consumer protection activities of the local government

(1) The local government unit organizes consumer protection counseling for consumers in its administrative territory. The local government is obliged to advise and assist consumers in matters related to the services that the local government organizes on the basis of the law.

(2) In order to fulfill the task specified in subsection 1 of this section, a local government unit may establish a consumer protection unit or authorize an official to deal with consumer protection or, in accordance with the Administrative Cooperation Act, conclude an appropriate administrative agreement with the consumer association specified in § 19 subsection 1 of this Act.

Section 3 National consumer protection

§ 21. Consumer Protection and Technical Supervision Agency

(1) The Agency for Consumer Protection and Technical Supervision is a government institution under the jurisdiction of the Ministry of Economic Affairs and Communications.

(2) The competence of the Consumer Protection and Technical Supervision Board is to:

1) supervise the fulfillment of the requirements set forth in this Act and in the legislation established on its basis and in other laws for the protection of consumer rights;

2) to make proposals to amend the legislation concerning the agency's areas of competence;

3) resolve or forward to the relevant institutions for resolution the complaints submitted to the agency regarding the violation of the requirements established to ensure the consumer's rights;

4) advise consumers, consumer associations and traders and contribute to improving their knowledge of consumer protection;

5) conclude cooperation agreements with other supervisory authorities and local government units;

6) to demand, through the county court, the prohibition of the use of standard conditions and unfair trading methods that unreasonably harm the collective interests of consumers, and the termination of other activities that violate consumer rights;

[RT I, 12.12.2018, 3 - enters into force. 01.01.2019]

7) inform the public about the actions of a trader or manufacturer that violates the rights of the consumer or harms the legitimate interests of the consumer, and inform consumers who have suffered damage as a result of the violation about the possibilities of requesting compensation.

[RT I, 08.01.2020, 1 - enters into force. 17.01.2020]

(3) The Consumer Protection and Technical Supervision Agency does not resolve a consumer complaint, the content of which is the resolution of a consumer dispute arising from a contract between a consumer and a trader. A consumer dispute arising from a contract concluded between a consumer and a trader is resolved by the Consumer Disputes Committee operating at the Consumer Protection and Technical Supervision Board, based on the provisions of Chapter 6 of this Act.

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§ 21 . Submission of data and documents to the Consumer Protection and Technical Supervision Agency

The data and documents submitted to the Consumer Protection and Technical Supervision Board on the basis of this Act are entered into the supervision information system of the Consumer Protection and Technical Supervision Board created on the basis of § 12 of the Device Safety Act.

[RT I, 10.02.2023, 3 - enters into force. 01.09.2023]

§ 22. Supervision information system of the Consumer Protection and Technical Supervision Board

[Repealed - RT I, 10.02.2023, 3 - entry into force. 01.09.2023]

§ 23. Keeping business secrets

(1) Officials with the competence of national supervision in the field of consumer protection and representatives of consumer associations and federations of associations are obliged to keep business secrets that have become known to them in connection with the performance of consumer protection tasks. Information related to the trader's offense or the transmission of which is prescribed by law is not considered a trade secret.

(2) The provisions of subsection 1 of this section also apply to natural persons engaged in the settlement of consumer disputes in the out-of-court dispute resolution unit.

Chapter 5 Settlement of a consumer dispute between a consumer and a trader

Section 1 Resolution of the consumer's complaint at the trader

§ 24. Submission of a complaint to a trader

(1) The consumer may submit a complaint arising from a breach of contract to the trader in any form. The consumer can file a complaint himself or through a representative.

(2) If the consumer submits a complaint in writing or in a form that enables written reproduction, the trader confirms receipt of the complaint. The trader confirms receipt of the complaint even if he allows the complaint to be submitted electronically through his website.

(3) In a complaint submitted in writing or in a form that enables written reproduction, the consumer states:

- 1) his name and contact details;
- 2) the date of filing the complaint;
- 3) date of purchase of goods or receipt of service;
- 4) lack of goods or services;
- 5) the claim submitted to the trader.

(4) In the complaint, the consumer refers to a document proving the conclusion of a transaction or a sales or employment guarantee, or adds a copy of the relevant document to the complaint. The trader has the right to request a copy of the document certifying the execution of the transaction.

(5) The trader is obliged to respond in the same form to the consumer's complaint submitted in writing or in a form that enables written reproduction and to inform the consumer of the satisfaction of the claim or the possible resolution of the complaint within 15 days from the receipt of the complaint, unless another deadline is provided by law or European Union regulation. The reply to the consumer is sent to the postal address or e-mail address specified by the consumer, unless otherwise agreed with the consumer.

(6) If it is not possible to resolve the complaint within the time limit specified in subsection 5 of this section, the trader is obliged to justify the delay and inform the consumer about it in writing or in a form that enables written reproduction, setting a new reasonable time limit.

(7) If the trader does not consider the consumer's claim justified and refuses to satisfy the claim or only agrees to partial satisfaction of the claim, the trader is obliged to justify the complete or partial non-satisfaction of the consumer's claim in writing or in a form that enables written reproduction.

(8) If the trader has not resolved the complaint within the time limit specified in subsections 5 and 6 of this section, it is considered that the trader has refused to satisfy the consumer's claim.

(9) If the trader has refused to satisfy the consumer's claim or the consumer does not agree with the solution proposed by the trader, the consumer can submit an application to resolve the dispute to the out-of-court dispute settlement unit or the county court.

§ 25. Customer service

The trader ensures the availability of appropriate customer service to resolve consumer complaints and provide information to the consumer. In order to process consumer complaints, the trader may provide its own internal procedures, taking into account the provisions of this law.

§ 26. Trader's information to the consumer

(1) The trader makes contact information available to the consumer in an appropriate way, through which the consumer can contact the trader and communicate with him for the purpose of resolving the complaint.

(2) The trader informs the consumer about the out-of-court dispute resolution unit recognized on the basis of this Act, to whom the consumer can turn to resolve a dispute arising with the trader. The information must contain at least the name of the out-of-court dispute resolution unit or the person who created it, contact details, website address and information on where the procedural rules of the out-of-court dispute resolution unit can be found.

(3) The information specified in subsections 1 and 2 of this section is presented in a clear, comprehensible and easily accessible manner on the trader's website if it exists and, if necessary, in the general or standard terms and conditions of contracts between the trader and the consumer or at the trader's place of business.

(4) If the trader refuses to satisfy the claim contained in the complaint received from the consumer or considers that it is not possible to satisfy the consumer's claim, the trader shall provide the consumer with information on paper or other permanent data medium about a recognized out-of-court dispute resolution unit, to which the consumer can turn to resolve the dispute with the trader.

(5) Traders who conclude contracts with consumers using electronic means, and information society service providers who enable contracts between consumers and traders to be concluded using a computer network, inform consumers about the online dispute resolution platform in accordance with Regulation (EU) No. 524/2013 of the European Parliament and the Council on the Internet-based Dispute Resolution Platform for Consumer Disputes on settlement, which amends Regulation (EC) No. 2006/2004 and Directive 2009/22/EC (regulation on online settlement of consumer disputes) (OJ L 165, 18.06.2013, pp. 1–11).

(6) If the trader's obligation to inform the consumer about the possibility of initiating a procedure for the out-of-court settlement of a dispute is also provided for in another legislation, these provisions shall apply in addition to the provisions of this section.

§ 27. Assistance to the consumer in case of cross-border disputes

In the case of cross-border disputes, the Consumer Advisory Center of the European Union, operating at the Consumer Protection and Technical Supervision Agency, assists the consumer in resolving the complaint against a trader operating in another member state. The said advice center helps the consumer to submit a complaint to a trader operating in another Member State and a statement to an out-of-court dispute resolution unit operating in the Member State where the trader is located.

Section 2 Out-of-court settlement of disputes

§ 28. Procedure for out-of-court settlement of disputes

(1) In the out-of-court dispute resolution procedure, a cross-border or domestic consumer dispute is resolved by the out-of-court dispute resolution unit.

(2) A domestic dispute within the meaning of this Act is a dispute related to contractual obligations arising from a contract between a consumer and a trader, in which case the consumer's place of residence at the time of ordering the goods or services was in the same Member State as the trader's seat.

(3) For the purposes of this Act, a cross-border dispute is a dispute related to contractual obligations arising from a contract between a consumer and a trader, in which case the consumer's place of residence at the time of ordering the goods or services was in a Member State other than the trader's country of residence.

(4) Pursuant to this Act, the following are not considered procedures for the out-of-court settlement of a consumer dispute:

- 1) direct negotiations between the consumer and the trader;
- 2) resolution of consumer complaints by the trader;
- 3) proceedings in which the natural persons responsible for resolving the dispute have been hired or paid by a specific trader;
- 4) procedure for resolving the dispute during court proceedings;
- 5) proceedings initiated by the trader against the consumer;
- 6) arbitration proceedings within the meaning of the Code of Civil Procedure.

(5) The provisions on the out-of-court settlement of consumer disputes do not apply to the settlement of disputes concerning the provision of non-economic general interest services and healthcare services and educational services provided by a public entity.

(6) The provisions of this Act on the procedure for the out-of-court settlement of consumer disputes shall not be applied to the procedure for the settlement of a dispute between traders.

(7) If the provisions of this chapter regarding the settlement of a consumer dispute are in conflict with other legislation regarding the procedure for the out-of-court settlement of a dispute initiated by a consumer against a trader, the provisions of this chapter shall apply to the processing of a consumer dispute, unless otherwise provided in this Act.

§ 29. Unit for out-of-court settlement of disputes

(1) An out-of-court dispute settlement entity within the meaning of this Act is a permanently operating entity bearing any name, which conducts out-of-court settlement procedures for consumer disputes and recommends or decides on a solution or supports communication between the parties to a consumer dispute with the aim of helping them reach an agreement.

(2) A legal entity, including a non-profit organization and a public legal entity, may form a unit for the out-of-court settlement of disputes, if the law on a public legal entity allows it.

(3) In addition to out-of-court proceedings for consumer disputes, the unit for out-of-court settlement of disputes may also carry out procedures for the settlement of other disputes.

(4) The location of the out-of-court dispute resolution unit is:

- 1) the place where out-of-court dispute resolution actions are performed, if the unit's activities are managed by a natural person;
- 2) the place where the legal entity carries out out-of-court settlement of disputes or where the registered office of this legal entity is located, if the entity's activities are managed by a legal entity;
- 3) location of the public legal entity, if the unit's activities are managed by a public legal entity.

(5) The Ministry of Economic Affairs and Communications (hereinafter *the competent authority*) has the competence to recognize the out-of-court settlement of disputes unit. The minister responsible for the field decides on the recognition with a directive.

§ 30. Requesting and deciding on the recognition of the out-of-court settlement of disputes unit

(1) The person specified in § 29 subsection 2 of this Act (hereinafter *the applicant*) may apply for the recognition of the out-of-court dispute resolution unit. With the recognition, the competent authority confirms that it has assessed the out-of-court dispute resolution unit as meeting the requirements set forth in §§ 31–36 of this Act.

(2) The applicant submits an application to the competent authority on paper or electronically, which contains at least the following information:

- 1) name, contact information and website address of the out-of-court dispute resolution unit;
- 2) type of disputes being processed;
- 3) information about the entity's structure and financing;
- 4) information about natural persons responsible for handling disputes, including their level of education, acquired skills and experience, their remuneration, tenure and employer, taking into account the provisions of § 33 of this Act;
- 5) procedure;
- 6) the grounds for refusing to process the dispute in accordance with the provisions of § 32 subsection 1 of this Act;
- 7) information on the amount of the processing fee;
- 8) average duration of the dispute settlement procedure;
- 9) the language or languages in which applications can be submitted and in which the dispute resolution procedure is carried out.

(3) From the data provided by the applicant, it must be clear whether his unit is suitable for a recognized out-of-court dispute resolution unit and whether it meets the requirements set forth in §§ 31–36 of this Act.

(4) When processing the application, the competent authority has the right to request from the applicant additional relevant data and documents, as well as the making of corrections and additions to the application and its appendices.

(5) Within 30 days after receiving the information in accordance with subsections 2 and 4 of this section, the competent authority shall assess the compliance of the out-of-court dispute resolution unit with the requirements set forth in this Act. The competent authority may form an advisory committee to review the application and evaluate the out-of-court dispute resolution unit, and involve experts in evaluating the application.

(6) On the basis of the evaluation carried out in accordance with subsection 5 of this section, the minister responsible for the field makes a decision on the recognition or refusal of the out-of-court dispute resolution unit by means of a directive.

(7) The competent authority prepares a list of recognized out-of-court dispute resolution entities and forwards it to the European Commission together with the following information:

- 1) name, contact information and website address of the out-of-court dispute resolution entity;
- 2) field and type of disputes being processed;
- 3) the amount of the processing fee;
- 4) the language or languages in which applications can be submitted and in which the dispute settlement procedure is carried out;
- 5) the grounds for refusing to process the dispute in accordance with the provisions of § 32 of this Act;
- 6) the need for the physical presence of the parties or their representatives, if relevant, including information on the possibility of conducting the procedure as an oral or written procedure;
- 7) the legal meaning of the result of the procedure.

(8) The competent authority makes available the consolidated list of out-of-court dispute resolution entities drawn up by the European Commission on its website, providing a link to the relevant website of the European Commission, and on a permanent data carrier.

(9) The dispute resolution unit or the person who formed the unit shall immediately notify the competent authority of a change in the data that was the basis for the recognition of the out-of-court dispute resolution unit, the suspension or termination of the activity, by submitting a paper or electronic request to change the data or to suspend or terminate the activity.

(10) If it appears that a recognized out-of-court dispute resolution entity does not meet the requirements set forth in this Act, the competent authority shall notify the entity of the requirements that it does not meet and set a deadline for bringing the entity into compliance with the requirements. The deadline cannot be longer than three months. If the entity has not ensured compliance with the requirements within three months of receiving a notification of non-compliance with the requirements from the competent authority, the minister responsible for the field declares the decision to recognize the out-of-court dispute resolution unit to be invalid with a directive.

(11) In the event of changes occurring in the cases specified in subsections 9 and 10 of this section, the competent authority shall update the list specified in subsection 7 of this section and forward the relevant information to the European Commission without delay.

(12) Every four years, the competent authority prepares and publishes a report on the operation and development of out-of-court dispute resolution units and forwards it to the European Commission. In particular, the report highlights:

- 1) best practices of out-of-court dispute resolution units;
- 2) deficiencies that hinder the work of out-of-court dispute resolution units in the resolution of domestic and cross-border disputes, if this is relevant based on statistics;
- 3) recommendations for improving the efficiency and effectiveness of the activities of out-of-court dispute resolution units, if applicable.

(13) The directive of the minister responsible for the field on the recognition of the out-of-court dispute resolution unit or its refusal or the invalidation of the recognition decision may be contested in accordance with the procedure provided for in the Code of Administrative Court Procedure.

Section 3

Requirements for out-of-court dispute resolution procedure and dispute resolution unit

§ 31. Access to the out-of-court settlement of disputes unit

(1) The unit for out-of-court settlement of disputes takes into account both domestic and cross-border consumer disputes, one of the parties of which is a trader whose place of establishment is in the Republic of Estonia.

(2) The trader's place of establishment is:

- 1) his place of business, if the trader is a self-employed person;
- 2) its registered office, the office of the board or the main place of business, including the office of a branch, representative office or other company, if the trader is a company or other legal entity.

(3) The out-of-court dispute resolution unit shall publish on its website or the website of the person who formed the unit the time and relevant information about the out-of-court dispute resolution procedure and enable the consumer to submit an application and the necessary additional documents electronically and, if necessary, on paper.

(4) The out-of-court dispute resolution unit shall provide the parties with the information specified in subsection 3 of this section on a permanent data carrier upon their request.

(5) The unit for out-of-court settlement of disputes mediates the information submitted by the parties electronically and, if necessary, by mail.

(6) The out-of-court dispute settlement unit implements the necessary measures to ensure that personal data is processed in accordance with the Personal Data Protection Act when processing consumer disputes.

(7) Dispute resolution in the out-of-court dispute resolution unit is free of charge or for a symbolic fee to the consumer.

§ 32. Refusal to process a dispute

(1) The out-of-court dispute resolution unit may, in its procedure, provide for the refusal to process a consumer dispute within its jurisdiction for the following reasons:

- 1) the consumer has not turned to the relevant trader to resolve the complaint in order to solve the problem directly with the trader;
- 2) the dispute is meaningless or malicious;
- 3) the dispute is being processed or has previously been processed and made a decision by another recognized out-of-court dispute resolution unit or court;
- 4) the value of the claim is lower or higher than the predetermined financial limit;
- 5) resolving the dispute would seriously disrupt the effective functioning of the out-of-court dispute resolution unit due to the complexity of the dispute;
- 6) more than 12 months have passed since the consumer approached the trader with a complaint.

(2) If the procedural rules of the out-of-court dispute resolution unit provide for pre-determined financial thresholds for the value of the subject of the dispute or the claim, they must not significantly impede consumers' access to the procedure of the out-of-court dispute

resolution unit.

(3) The parties to the dispute shall be notified of the refusal to process the dispute within three weeks from the date of receipt of the necessary explanations from the parties to the dispute, and the reasons for the refusal to process shall be given.

§ 33. Independence and impartiality of the out-of-court settlement of disputes unit

(1) Natural persons responsible for settling disputes in the out-of-court dispute resolution unit must be independent, impartial and sufficiently competent.

(2) The requirements specified in subsection 1 of this section are ensured if the persons responsible for dispute resolution:

- 1) have the necessary knowledge and skills in the field of out-of-court or judicial resolution of consumer disputes and general legal knowledge;
- 2) are appointed for at least three years and cannot be released without a legitimate reason;
- 3) has been paid in a way that is not related to the outcome of the procedure;
- 4) does not receive operational instructions from either disputing party or their representatives;
- 5) disclose without delay all circumstances that may affect or appear to affect their independence and impartiality, or that may give rise to a conflict of interest with one or the other party to the dispute being resolved.

(3) The obligation to disclose the circumstances specified in Clause 2, Clause 5 of this section shall be fulfilled during the entire dispute settlement procedure. The procedural procedure of the out-of-court dispute resolution unit must ensure the replacement of the natural person responsible for dispute resolution in the event of a conflict of interest referred to in point 5 of paragraph 2 of this section.

(4) If the out-of-court dispute resolution unit consists of only one natural person, when the circumstances referred to in Clause 2, Clause 5 of this section occur, the relevant person informs the disputing parties thereof and, if possible, recommends that they turn to another competent dispute resolution unit or conducts the dispute resolution procedure only in the case , if the parties have not raised an objection, if they have been informed of the aforementioned circumstances and their right to raise an objection.

(5) If a collegial assembly consisting of natural persons resolves disputes in the out-of-court dispute settlement unit, representatives of the interests of consumers and traders must be represented in equal numbers.

(6) If only a professional organization or an association of entrepreneurs decides to employ natural persons engaged in out-of-court settlement of disputes or to pay them, the relevant natural persons must have a separate dedicated budget at their disposal, which is sufficient for the performance of their tasks.

(7) The requirement of a dedicated budget specified in subsection 6 of this section shall not be applied if natural persons employed or paid by a professional organization or an association of entrepreneurs form part of a collegial body, which includes an equal number of the professional organization that employed or paid them or the association of entrepreneurs and organizations protecting the interests of consumers or representatives of institutions.

(8) In order to ensure the provisions of Clause 2, Clause 1 of this section, the out-of-court dispute resolution unit or the person who formed the unit shall organize training sessions for natural persons responsible for dispute resolution. The training plans of the out-of-court dispute resolution unit are reviewed by the competent authority on the basis of the information submitted to it in accordance with § 37 (4) point 2 of this Act.

§ 34. Transparency of activities of the out-of-court settlement of disputes unit

The out-of-court dispute resolution unit or the person who created the unit shall make the following information available in a clear and easily understandable form on its website and in other ways, if appropriate, and, upon request, on a permanent data carrier: 1) contact details of the unit, including postal address and e-mail

- address ;
- 2) the fact that the entity has been recognized and entered in the list in accordance with subsections 6 and 10 of § 30 of this Act;
- 3) the names of natural persons responsible for out-of-court settlement of disputes, the manner of their appointment and the duration of their term of office;
- 4) the field and types of disputes within the competence of the unit according to the content of the complaint, including limits on the amount of claims, if relevant;
- 5) the unit's procedure and requirements for starting the procedure;
- 6) the grounds for refusing to process the dispute in accordance with the provisions of § 32 of this Act;
- 7) the language or languages in which an application to resolve a dispute can be submitted and in which the procedure is conducted;
- 8) the possibility of disputing parties to withdraw from the procedure;
- 9) the fee for starting the procedure and other preliminary requirements for starting the procedure, including the requirement that the consumer must first try to solve the problem directly with the trader;
- 10) expenses borne by the disputing parties, including the procedure for reimbursement of expenses at the end of the proceedings, if relevant;
- 11) average duration of the procedure;
- 12) the norms used as a basis for processing the dispute, such as legal norms, fairness considerations, codes of good practice or relevant guidelines;
- 13) the legal consequence of the outcome of the procedure, including, if necessary, the remedies applied to the party that failed to comply with the decision;
- 14) ensuring the execution of the decision made as a result of the procedure, if it is relevant;
- 15) participation in networks of out-of-court dispute resolution units, if appropriate.

§ 35. Participation of the consumer and trader in the out-of-court dispute settlement procedure and procedural deadlines

(1) Disputing parties are allowed to participate in the proceedings of the out-of-court dispute resolution unit both electronically and in other ways, regardless of where they are located.

(2) The parties are not obliged to use a representative with specialized legal knowledge to participate in the proceedings, but they have the right to receive advice from an independent person or to be represented or assisted by this person at all stages of the

proceedings. The parties will be informed of this right before the start of the proceedings.

(3) If the out-of-court dispute resolution unit resolves disputes with a proposal containing a recommended solution, the consumer is informed that he can at any time notify his wish to opt out of the out-of-court settlement of the dispute. The consumer will be informed of this right before the start of the procedure.

(4) In the case of the procedure specified in subsection 3 of this section, before accepting the recommended solution or following it, the disputing parties are informed of the possibility to go to court with the same dispute if they do not agree with the result of the procedure, as well as of the fact that the solution offered as a result of the procedure may differ from the result of the court procedure. The disputing parties are also informed of the legal consequences of accepting or following the recommended settlement.

(5) The out-of-court dispute resolution unit that has received an application to resolve a dispute shall notify the disputing parties without delay if the consumer has submitted all the documents necessary to resolve the dispute.

(6) Disputing parties are given the opportunity within a reasonable time to express their point of view and receive objections to it, and to submit objections to the point of view presented by the other party, to comment on the evidence and factual circumstances presented by the other party, as well as the opinions of experts. The parties are given a reasonable period of reflection before agreeing to the settlement.

(7) The results of the dispute resolution shall be made available to the parties within 90 days from the receipt of the complete information necessary for the resolution of the dispute from the consumer to the out-of-court dispute resolution unit. In case of complex disputes, the out-of-court dispute settlement unit may extend the specified deadline. The parties will be notified of the extension of the deadline and the expected deadline for the termination of the dispute proceedings.

(8) Disputing parties shall be informed of the outcome of the procedure and the reasons underlying the outcome in writing or on a permanent data medium.

§ 36. Result of the out-of-court settlement of disputes

(1) The result of the out-of-court settlement of disputes may not be a legally binding decision for the consumer.

(2) In the out-of-court dispute resolution procedure, the purpose of which is to resolve the dispute with a mandatory or recommended decision, the provisions of contract law must be taken into account, from which an agreement deviating to the detriment of the consumer is void.

(3) If a question of applicable law arises during the settlement of the dispute and the law applicable to the contract between the consumer and the trader is determined in accordance with Regulation (EC) No. 593/2008 of the European Parliament and of the Council on the law applicable to contractual obligations (OJ L 177, 04.07.2008, p. 6– 16) with paragraphs 1 and 2 of Article 6, the provisions of the contract law of the Member State of the consumer's habitual residence must be taken into account, from which an agreement deviating to the detriment of the consumer is void.

(4) The usual place of residence of the consumer specified in subsection 3 of this section is determined in accordance with Regulation (EC) No. 593/2008 of the European Parliament and of the Council.

§ 37. Notification and reporting obligation of the out-of-court settlement of disputes unit

(1) The unit for the out-of-court settlement of disputes or the person who established the unit shall make available on its website a consolidated list of recognized entities that settle disputes out of court by providing a link to the relevant website of the European Commission, and, if possible, shall also make the list available on a permanent data carrier on its premises.

(2) The out-of-court settlement of disputes unit or the person who formed the unit shall make available the annual reports of the unit's activities on its website or in another way, if it is appropriate. Upon request, the annual report is submitted on a permanent data medium.

(3) The annual report specified in subsection 2 of this section contains the following information regarding both domestic and cross-border disputes:

1) the number of applications received for the resolution of disputes and the types of complaints that caused disputes according to the content of the complaint;

2) more frequent systematic or significant problems that cause disputes between consumers and traders, and possible recommendations to avoid or solve these problems in the future;

3) the number of disputes in which the entity refused to process the dispute, and the percentage distribution of the reasons for refusal specified in subsection 1 of § 32 of this Act;

4) the percentage of procedures interrupted before reaching a solution and the reasons for interruption, if known;

5) average time taken to resolve disputes;

6) degree of compliance with solutions reached as a result of the procedure or decisions made, if known;

7) cooperation in the networks of out-of-court dispute settlement units formed to facilitate the settlement of cross-border disputes, if appropriate.

(4) The out-of-court dispute resolution unit submits the following information to the competent authority every two years:

1) the information specified in points 1-7 of subsection 3 of this section;

2) trainings organized for natural persons responsible for dispute resolution in accordance with § 33 (8) of this Act, if it is relevant;

3) assessment of the effectiveness of the unit's out-of-court dispute settlement procedure and opportunities for its improvement.

§ 38. Cooperation of the out-of-court dispute resolution unit with supervisory authorities

(1) The unit for out-of-court settlement of disputes cooperates with the authorities performing the task of state supervision, which is involved in ensuring the implementation of legislation on consumer rights.

(2) The cooperation primarily includes the mutual exchange of information about complaints repeatedly submitted by consumers in connection with the practice used in a specific business sector. The cooperation also includes the provision of technical assessments

and information by the authorities performing the task of state supervision to the out-of-court dispute resolution units, if this assessment or information is necessary for the resolution of a specific dispute and it is possible to provide it.

(3) In the case of mutual cooperation and information exchange specified in subsections 1 and 2 of this section, the provisions of the Personal Data Protection Act and the Competition Act regarding trade secrets shall be followed.

Section 4 **Online dispute resolution**

§ 39. Out-of-court settlement of disputes arising from Internet-based contracts

(1) In accordance with Regulation (EU) No. 524/2013 of the European Parliament and of the Council, settlement of disputes related to contractual obligations arising from Internet-based contracts related to the sale of goods, provision of services or other performance may take place through an Internet-based dispute resolution platform.

(2) The tasks of the contact point for internet-based dispute resolution in accordance with Article 7 (1) of the regulation specified in subsection (1) of this section are performed by the European Union Consumer Advisory Center operating at the Consumer Protection and Technical Supervision Agency. The Consumer Advisory Center of the European Union makes available the consolidated list of out-of-court dispute resolution entities on its website, providing a link to the relevant website of the European Commission, and, if possible, on a permanent data medium on its premises.

Chapter 6 **Consumer Disputes Commission**

Section 1 **General settings**

§ 40. Status and competence of the Consumer Disputes Commission

(1) The Consumer Disputes Commission (hereinafter *the Commission*) is an independent and impartial entity that resolves consumer disputes.

(2) The Commission operates at the Consumer Protection and Technical Supervision Board in the area of governance of the Ministry of Economic Affairs and Communications and resolves disputes independently, based on the law and other legislation.

(3) The commission has the competence to resolve domestic and cross-border consumer disputes arising from the contract between the consumer and the trader, one of the parties of which is the trader whose place of establishment is in the Republic of Estonia.

(4) The Commission shall not settle a dispute related to:

- 1) the provision of a non-economic general interest service;
- 2) with the educational service provided by public legal entities;
- 3) with health care services provided by health care workers to patients to assess, maintain or restore their health, including prescribing, issuing and supplying medicines and medical devices.

(5) The Commission shall not settle a dispute in which the claim for damages results from death, bodily injury or health damage, as well as a dispute whose settlement procedure is prescribed in other laws in accordance with the requirements set forth in this Act.

(6) Disputes specified in subsections 4 and 5 of this section shall be resolved in the county court or other competent institution.

§ 41. Committee members and composition of the committee

(1) The committee consists of the chairman of the committee and as members representatives of business or professional associations and organizations or institutions representing the interests of consumers.

(2) The chairman of the committee must be a person who has a master's degree in the field of law or a corresponding qualification in

accordance with § 28 (2) 2 of the Education Act of the Republic of Estonia who knows consumer law and has the necessary skills in the field of dispute resolution.

(3) Proposals for inclusion of a person in the list of committee chairpersons shall be made by professional associations of persons involved in the administration of justice or the provision of legal services and state institutions, submitting the following information about the candidate to the minister responsible for the field: 1) the person's first and last

name ;

2) workplace and contact information.

(4) The candidate for the chairman of the committee submits written consent to be included in the list of committee chairs along with a curriculum vitae to the minister responsible for the field. The minister responsible for the field can form a committee that selects suitable persons to be the chairman of the committee from among the candidates.

(5) The list of committee chairpersons is coordinated by the minister responsible for the field with the minister of justice and approved by directive for five years.

(6) Business or professional associations and organizations or institutions representing consumers' interests make a proposal to include a person in the list of members of the commission by submitting the following information about him to the Consumer Protection and Technical Supervision Authority with the person's consent: 1) the person's first and last

name ;

2) workplace and contact information.

(7) The list of members of the committee is approved by the director general of the Consumer Protection and Technical Supervision Agency by directive for four years.

(8) The chairman of the commission is removed from the list upon the written request of the chairman himself, which is submitted to the minister responsible for the field.

(9) A member of the commission is removed from the list upon a written request of the organization that submitted the member or the member himself, which is submitted to the Consumer Protection and Technical Supervision Agency.

(10) The list of committee chairmen and the list of members may be supplemented with new chairmen and members if necessary.

(11) In order to resolve each dispute, the Consumer Protection and Technical Supervision Board approves the composition of the committee from among the persons listed in subsections 5 and 7 of this section.

[RT I, 08.01.2020, 1 - enters into force. 17.01.2020]

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(11) The commission consists of at least three members: the chairman and an equal number of representatives of entrepreneurs and consumers. A representative of a business or professional association is appointed to the committee depending on the area of activity of the trader involved in the dispute. The official who prepared the review of the dispute is not appointed as a representative of the consumers.

[RT I, 08.01.2020, 1 - enters into force. 17.01.2020]

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(11) The composition of the commission may be confirmed as one member, if the circumstances of the dispute are clear on the basis of the information and evidence collected during the preparation of the dispute resolution, and the dispute can be resolved in a written procedure in accordance with § 51 (2) of this Act. The one-member committee consists of the chairman of the committee.

[RT I, 08.01.2020, 1 - enters into force. 17.01.2020]

(12) Committee chairpersons and members may not disclose information that has become known to them during the committee's proceedings, the disclosure of which is prohibited by law.

§ 42. Obligation of resignation of the chairman and member of the commission

(1) The chairperson and member of the committee may not participate in the resolution of the dispute and are obliged to withdraw if there are circumstances that may affect the independence and impartiality of the chairperson or member of the committee, or which may be considered to affect his independence and impartiality, or from which a conflict of interest may arise for one or more of the parties to the dispute being resolved with the other side.

(2) The chairman and member of the committee are obliged to recuse themselves:

1) in the case of a complaint by their spouse or partner, as well as in the case of a complaint by a sister or brother or a direct relative of the spouse or partner, even if the marriage or cohabitation has ended;

2) in the case of a complaint by a direct or collateral relative or the spouse or life partner of such a person;

3) if there is another circumstance that gives reason to doubt the impartiality of the chairman or member of the committee.

(3) In addition to what is stipulated in subsection 2 of this section, a person who is a member of the commission as a representative of the interests of entrepreneurs may not participate in the settlement of the dispute and is obliged to recuse himself: 1) in a matter in which the consumer's complaint is directed against a trader with whom he is himself or with whom he has a relationship in accordance with subsection 2 of this section the persons specified in points 1 and 2 are directly related, including as a partner, member of the company's supervisory board or management board;

2) in a matter in which he has given an opinion as an expert.

§ 43. Resolving notice of withdrawal

If the chairman or a member of the committee finds that there is a circumstance that is the basis for his withdrawal, he will notify the Director General of the Consumer Protection and Technical Supervision Agency or his authorized person, who will replace the chairman

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or member of the committee as soon as possible and confirm § 41 subsections 11-11 of this Act composition of the new commission.

[RT I, 08.01.2020, 1 - enters into force. 17.01.2020]

§ 44. Secretariat of the commission

(1) The tasks of the commission's secretariat are performed by the Consumer Protection and Technical Supervision Agency.

(2) The secretariat of the commission deals with the preparation of the settlement of consumer disputes, ensures the administration of the commission, the meeting room, the recording of the session and the publication of decisions, organizes the publication of the required information about the commission and the commission's activities, and the submission of reports.

(3) The Consumer Protection and Technical Supervision Agency shall publish on its website and, upon request, make available on a permanent data medium and in other appropriate ways the information specified in §§ 34 and 37 of this Act about the commission and the commission's annual report.

§ 45. Expenses related to the commission's work and dispute proceedings

(1) The commission's activities are financed from the state budget with funds allocated to the Consumer Protection and Technical Supervision Board.

(2) The commission chairman's remuneration rates are established by a regulation of the minister responsible for the field .

(3) The work of a committee member is not remunerated.

(4) Dispute settlement in the Consumer Disputes Committee is free of charge for the parties.

(5) Costs related to the parties' participation in the proceedings, such as travel, postal, communication, accommodation and other similar costs, and, if necessary, interpreter costs, shall be borne by the disputing parties themselves.

Submitting a statement to the Consumer Disputes Commission

§ 46. Submission of an application

(1) A consumer can submit an application for the resolution of a consumer dispute in the Consumer Disputes Committee if the trader has refused to satisfy the consumer's claim or the consumer does not agree with the solution proposed by the trader.

(2) The consumer submits an application to the commission in writing on paper or another permanent data medium, and the secretariat of the commission registers the submitted application.

(3) The following shall be stated in the application:

- 1) the consumer's name, place of residence and other contact information;
- 2) business name or name and address of the place of business of the trader;
- 3) the content of the dispute and the consumer's clearly expressed claim and the circumstances justifying it;
- 4) the consumer's confirmation that the dispute is not processed by another recognized dispute resolution unit or that the dispute is not processed or has not been previously processed by a court;
- 5) the consumer's confirmation of contacting the trader in advance;
- 6) if the dispute is to be discussed orally, the consumer's declaration of intent.

(4) When submitting a claim, the consumer may primarily rely on the legal remedies provided in § 101 of the Law of Obligations Act. [RT I, 08.01.2020, 1 - enters into force. 17.01.2020]

(5) Evidence, if possible, a copy of the document certifying the transaction, and copies of the complaint submitted to the trader and the response received, shall be attached to the application.

(6) If the consumer's representative submits an application on behalf of the consumer, a power of attorney certifying the right of representation shall also be attached to the application.

(7) The commission's secretariat registers the application submitted by the consumer.

(8) If the application does not meet the requirements set forth in subsections 3, 5 and 6 of this section, the secretariat of the commission shall set a reasonable deadline for eliminating the deficiencies. A deadline of 14 days is generally considered reasonable.

(9) The secretariat of the Commission may propose to the consumer who submitted the application to withdraw the application, if it is reasonable to expect that the dispute will be resolved to the detriment of the consumer on the basis of the applicable legislation, the decisions of the Commission or the judgments that have entered into force.

(10) The Consumer Protection and Technical Supervision Board has the right to develop the application form to be submitted to the Consumer Disputes Commission and make it available on its website.

§ 47. Refusal to take the application into proceedings and termination of proceedings

(1) The commission's secretariat will not process the application if:

- 1) the consumer has not previously addressed the trader with a complaint;
- 2) the consumer has not eliminated the deficiencies in the application within the specified term;
- 3) settlement of the dispute does not fall under the competence of the commission based on the provisions of subsections 4 and 5 of § 40 of this Act;
- 4) the same dispute by the same parties on the same basis is or has been in the proceedings of another recognized dispute resolution unit or court;
- 5) bankruptcy or liquidation proceedings have been initiated against the consumer's counterparty.

(2) The consumer shall be notified in writing of the refusal to process the application on the basis specified in subsection 1 of this section within five working days from the date of receipt of the consumer's application or from the expiry of the deadline for eliminating deficiencies in the application. The non-admission must be justified in writing.

(3) The Commission may refuse to process the application or terminate the procedure if:

- 1) the application is not submitted for the protection of the consumer's right or interest protected by law;
- 2) achieving the goal sought by the consumer in out-of-court proceedings is hopeless;
- 3) the settlement of the dispute is not possible without a thorough investigation and the hearing of witnesses, and it would be more expedient to settle it in the county court;
- 4) the value of the goods or services in question or the amount of the consumer's claim is less than 30 euros and the settlement of the dispute is not important from the point of view of shaping practice or the need to significantly change existing practice, the dispute has no meaning for possible other consumers or it is not a requirement to fulfill the contract or to establish the nullity of the contract .

(4) On the basis specified in subsection 3 of this section, the chairman of the commission decides not to process the consumer's application on the proposal of the secretariat. The parties will be notified in writing of the non-acceptance of the application within 21 days from the day of receipt of the consumer's application or from the expiry of the deadline for eliminating deficiencies in the application. The refusal to take the application into the proceedings or the termination of the proceedings must be justified in writing.

Section 3

Consumer dispute resolution procedure

§ 48. Beginning of the consumer dispute settlement procedure and preparation for dispute settlement

[RT I, 08.01.2020, 1 - entry into force. 17.01.2020]

(1) The dispute resolution procedure begins with the processing of the application submitted by the consumer.

(2) The Secretariat of the Commission shall notify the consumer in writing of the processing of his application within five working days from the date of receipt of the application or from the expiry of the deadline for eliminating deficiencies in the application.

(3) The secretariat of the commission sends a copy of the application submitted by the consumer after the application has been processed to the trader indicated in the application, who gives a written answer to it. In the response, the trader takes a position on the

statements contained in the statement and the consumer's claim and offers a possible solution to end the dispute. A copy of the trader's written response is sent to the consumer who submitted the application, who informs in writing of his agreement or disagreement with the decision proposed by the trader and presents his opinion.

(4) The Secretariat explains to the parties the need to submit additional evidence or collects evidence on its own initiative and, if necessary, asks the opinion of the competent supervisory authority on matters of importance in resolving the dispute. The Secretariat has the right to contact the consumer who submitted the application and the trader named in the application in order to reconcile the parties.

(5) The Secretariat forwards to the disputing parties the assessment of the competent supervisory authority and the collected evidence and the information submitted by the other party.

(6) The secretariat shall set a reasonable deadline within which the disputing parties must submit the opinions specified in subsections 3 and 4 of this section and other information required by the secretariat. If the trader does not submit an opinion within the deadline, the consumer's application and available information will be used as the basis for resolving the dispute. If the consumer does not notify the agreement or disagreement with the decision offered by the trader within the specified period, it is considered that the consumer has withdrawn the application.

(7) The consumer dispute has been resolved and the secretariat ends the procedure if:

- 1) the trader satisfies the consumer's claim;
- 2) the consumer accepts the solution offered by the trader;
- 3) the consumer withdraws the application.

(8) The Secretariat shall terminate the proceedings also in the event that during the course of the proceedings the grounds for refusing to accept the application specified in subsection 1 of § 47 of this Act become clear.

(9) If the parties do not reach a solution during the preparation for the review of the dispute, the secretariat forwards the consumer's statement together with the accompanying material to the chairman of the commission.

[RT I, 08.01.2020, 1 - enters into force. 17.01.2020]

§ 49. Consolidation of statements

[RT I, 08.01.2020, 1 - entered into force. 17.01.2020]

The commission's secretariat can merge the applications into one procedure if the claims against the same trader are based on similar circumstances and legal bases, and the joint procedure enables their faster resolution.

[RT I, 08.01.2020, 1 - enters into force. 17.01.2020]

§ 50. Participation of the consumer and trader in the procedure

(1) During the proceedings, the consumer and the trader have the right to use a person with special legal knowledge or a legal advisor or to use the opportunity to be assisted or represented by another person. The parties may use experts at their own expense and submit written expert opinions.

(2) When processing the consumer's application, the secretariat informs the consumer that he can notify the consumer of his wish to withdraw the application at any time. The parties are informed of the possibility to appeal to the county court with the same dispute if they do not agree with the outcome of the proceedings.

§ 51. Dispute resolution

[RT I, 08.01.2020, 1 - entered into force. 17.01.2020]

(1) The dispute is resolved on the basis of information and evidence submitted in writing by the parties and collected by the Secretariat.

(2) If the consumer has not expressed a desire to discuss the matter orally and the chairman of the commission does not consider it necessary to hear the parties orally, the dispute shall be resolved in a written procedure.

(3) An oral discussion of the dispute with the participation of the parties is organized if the consumer has expressed a desire for it or if the chairman of the committee considers it necessary to resolve the dispute.

(4) If the disputing party does not appear at the commission session for a good reason and informs about it before the session begins and explains what prevents him from appearing, the resolution of the dispute will be postponed.

(5) If the disputing party fails to appear at the hearing without a good reason, the dispute will be considered without his presence.

(6) The chairman of the commission may, if necessary, convene an organizing session to determine that there is no basis for refusing to process the dispute.

(7) Disputing parties and the chairman of the committee may, at any stage of the procedure, make their own proposal to settle the dispute by agreement.

[RT I, 08.01.2020, 1 - enters into force. 17.01.2020]

§ 52. Commission session

(1) The committee discusses the dispute at a session, the working language of which is Estonian. The session is chaired by the chairman of the committee. The chairman announces the content of the consumer's application and the composition of the committee and explains the obligation to withdraw.

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(1) The commission session held in written procedure may be organized using appropriate means of communication. The one-

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member commission specified in § 41 subsection 11 of this Act does not organize a session.

[RT I, 08.01.2020, 1 - enters into force. 17.01.2020]

(2) If disputing parties have also been invited to the session, the chairman of the committee shall determine the identity of the persons present and the authorizations of the representatives and shall explain to the parties the legal meaning of the outcome of the proceedings.

(3) The chairman of the committee explains the nature of the dispute and the relevant legal regulations at the session. During the hearing, documents and other evidence are examined and evaluated.

(4) Experts may be invited to the session and heard. The official who prepared the review of the dispute may also participate in the hearing.

(5) Disputing parties may present additional evidence at the hearing.

(6) At the session with the participation of the parties, the parties may make their own proposals to resolve the dispute by concluding an agreement during the discussion of the dispute. The commission may also submit a conciliation proposal if it is reasonable considering the circumstances of the particular dispute.

(7) If the parties reach an agreement, the chairman of the commission prepares a written agreement, which is signed by the parties to the dispute.

[RT I, 08.01.2020, 1 - enters into force. 17.01.2020]

(8) The commission may postpone the consideration of the case if:

- 1) a commission member withdraws from the commission session;
- 2) obtaining an expert opinion is necessary to resolve the dispute;
- 3) another obstacle appears that cannot be eliminated at the session.

§ 53. Expert opinion

(1) With the consent of the disputing parties, the commission has the right, if necessary, to order an expert opinion on the disputed goods or services. When ordering an expert opinion, the commission takes into account the opinions of the parties. The term of expertise is set by the chairman of the commission in agreement with the expert.

(2) The expert opinion is sent to both disputing parties.

(3) The costs related to providing an expert opinion on goods or services shall be borne by the disputing parties in equal parts and shall be paid before the expert opinion is carried out, unless the commission decides otherwise.

(4) The Commission may decide that the expenses related to the provision of an expert opinion shall be paid by the trader, if the defects of the goods or services in question appeared within six months from the day of handing over the goods to the consumer or of providing the service, and the trader did not order an expert opinion to find out the nature and cause of the defect in the goods or services.

(5) The Commission has the right to order an expert opinion on the disputed goods or services even if one of the disputing parties requests an expert opinion and is willing to pay the related costs.

§ 54. Minutes of the committee session

[RT I, 08.01.2020, 1 - entered into force. 17.01.2020]

(1) The session with the participation of the parties shall be recorded. The chairman of the committee decides on the need to record the session without the participation of the parties.

[RT I, 08.01.2020, 1 - enters into force. 17.01.2020]

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(1) The minutes of the session shall include the following data:

- 1) the date and place of the session;
- 2) the time of the start and end of the session;
- 3) the names of the chairman and members of the commission and the name of the recorder;
- 4) names of the parties to the dispute;
- 5) data on the participation of the parties to the dispute in the session;
- 6) the main content of the parties' explanations, demands and objections;
- 7) data on the agreement between the parties, if relevant;
- 8) date of signing the protocol.

[RT I, 08.01.2020, 1 - enters into force. 17.01.2020]

(2) The minutes are signed by the chairman of the commission and the recorder.

(3) The minutes of the sessions are kept in the Office of Consumer Protection and Technical Supervision.

§ 55. Termination of the consumer dispute resolution procedure in the Commission

(1) The commission's procedure ends:

- 1) when the consumer withdraws the application;
- 2) by concluding an agreement between the parties;

[RT I, 08.01.2020, 1 - enters into force. 17.01.2020]

3) by making a decision by the commission.

(2) The Commission may terminate the dispute resolution procedure if the grounds provided for in subsections 1 and 3 of § 47 of this Act appear.

[RT I, 08.01.2020, 1 - enters into force. 17.01.2020]

(3) Termination of the dispute settlement procedure on the basis specified in subsection 2 of this section is decided by the chairman of the committee. The disputing parties shall be notified in writing immediately of the termination of the proceedings and the reasons for the termination.

§ 56. Term of the dispute resolution procedure

(1) The application submitted by the consumer will be reviewed and the result of the dispute resolution procedure will be made available to the parties within 90 days of the consumer's application being processed.

(2) In case of complex disputes, the commission may extend the deadline specified in subsection 1 of this section. The disputing parties are informed of the extension of the deadline and the expected deadline for the completion of the dispute proceedings.

Section 4 The Commission's decision, its publication and compliance

§ 57. Making a decision

(1) The commission makes a decision after reviewing the dispute. Only members of the commission are present when the decision is made.

[RT I, 08.01.2020, 1 - enters into force. 17.01.2020]

(1) The decision of the one-member committee specified in subsection 11² of § 41 of this Act is made by the chairman of the committee and subsections 4 and 5 of this section do not apply to it.

[RT I, 08.01.2020, 1 - entry into force. 17.01.2020]

(2) The commission's decision must be justified and based on a legal assessment of the circumstances of the dispute. When making a decision, the commission evaluates all evidence comprehensively, completely and objectively.

(3) In the case of a cross-border dispute, if the question of applicable law arises and the law applicable to the contract between the consumer and the trader is determined in accordance with Article 6, paragraphs 1 and 2 of Regulation (EC) No. 593/2008 of the European Parliament and of the Council, the provisions of the contract law of the Member State of residence of the consumer shall be taken into account when making a decision, an agreement deviating from which is void.

(4) The decision is made by a simple majority. A committee member who is in the minority has the right to dissent, which is reflected in the committee's decision.

(5) A committee member does not have the right to remain neutral.

§ 58. Formalization of the decision

(1) The committee's decision is formalized in writing by the chairman of the committee and consists of an introduction, a descriptive part, the committee's reasoning and a resolution. The decision is signed by all committee members.

(2) The decision shall state:

- 1) the time of the decision and the names of the parties;
- 2) the consumer's claim and the trader's objections;
- 3) the facts and evidence identified by the commission and the commission's conclusions based on them, as well as legal acts and their provisions that the commission has applied;
- 4) the commission's position on the satisfaction, partial satisfaction or non-satisfaction of the consumer's claim.

§ 59. Announcement and publication of the decision

(1) A copy of the decision will be sent to the parties by mail or e-mail within two working days after its signing.

(2) The Commission's decision without the personal data of the consumer involved in the dispute is published on the website of the Consumer Protection and Technical Supervision Agency within two working days from the date of its signing.

§ 60. Compliance with the decision

(1) The trader has 30 days to comply with the Commission's decision from the day following its publication on the website of the Consumer Protection and Technical Supervision Board, unless another deadline is specified in the decision.

(2) If the parties do not agree with the commission's decision and do not comply with it, they may apply to the county court for review of the same dispute.

(3) The trader informs the Consumer Protection and Technical Supervision Board in writing about complying with the decision or about turning to the county court in the same matter, attaching a copy of the statement of claim submitted to the county court.

(4) The list of traders who have not followed the commission's decisions is published on the website of the Consumer Protection and Technical Supervision Board. The trader will be added to the list of traders who do not comply with the Commission's decisions, if he has not notified the Consumer Protection and Technical Supervision Board in accordance with subsection 3 of this section within the time limit specified in subsection 1 of this section.

(5) A trader included in the list is deleted from the list if:

- 1) the trader complies with the commission's decision after being entered in the list;
- 2) more than 12 months have passed since the trader was entered on the list.

(6) The Consumer Protection and Technical Supervision Board has the right, with the consent of the consumer, to apply to the county court as a representative of the consumer for review of a dispute resolved by the commission, if the trader has not complied with the decision made by the commission and the dispute is important from the point of view of the application of the law or other legislation or the collective interest of consumers.

Chapter 7 State supervision

§ 61. State supervision

(1) State supervision over the guarantee of the rights granted to the consumer on the basis of this Act and other legislation is carried out by the Consumer Protection and Technical Supervision Agency.

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(1) The Consumer Protection and Technical Supervision Agency ensures the implementation of Regulation (EU) 2018/302 of the European Parliament and of the Council, which deals with unjustified location-based blocking and other forms of discrimination on the basis of the customer's nationality, place of residence or location on the internal market and which amends Regulation (EC) No. 2006/2004 and (EU) 2017/2394 and Directive 2009/22/EC (OJ L 60 I, 02.03.2018, pages 1–15), and supervises the fulfillment of the requirements stipulated in the regulation.

[RT I, 14.11.2018, 2 - enters into force. 03.12.2018]

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(1) The Consumer Protection and Technical Supervision Agency carries out national supervision over the fulfillment of the requirements concerning consumer rights included in Regulation (EU) 2017/1128 of the European Parliament and of the Council on the cross-border portability of online content services in the internal market (OJ L 168, 30.06.2017, pages 1–11).

[RT I, 19.03.2019, 4 - enters into force. 29.03.2019]

(2) In addition to what is stipulated in subsection 1 of this section, the following law enforcement bodies also carry out state supervision:

1) The Health Board over the fulfillment of the health safety requirements of the service provided to the consumer;
2) a local government unit on compliance with the requirements for price publication of goods and services provided to consumers, as well as the requirements established for product labeling and user manuals in its administrative territory.

(3) State supervision is not carried out over compliance with the requirements to which the recognition procedure applies.

§ 62. Special measures of state supervision

(1) The Consumer Protection and Technical Supervision Board and the Health Board may apply the special state supervision measures provided for in §§ 30–32 and 49–53 of the Law Enforcement Act on the basis and according to the procedure provided for in the Law Enforcement Act to carry out the state supervision provided for in this Act.

(2) A local government unit may apply the special measures of state supervision provided for in §§ 30–32 and 49–51 of the Law on Law Enforcement in order to carry out the state supervision provided for in this Act, on the basis and according to the procedure provided for in the Law on Law Enforcement.

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§ 62 . The right of the Consumer Protection and Technical Supervision Board to request information from a third party

(1) The Consumer Protection and Technical Supervision Board has the right to demand the submission of relevant information, documents and data from a physical and legal person, including a credit institution, a payment institution, a communication and information society service provider, as well as from a state institution, if it is necessary in accordance with the Regulation (EU) of the European Parliament and of the Council 2017/2394 on cooperation between national authorities responsible for ensuring the enforcement of consumer protection legislation and which repeals Regulation (EC) No. 2006/2004 (OJ L 345, 27.12.2017, pp. 1–26) of the legislation mentioned in the annex (hereinafter Union legislation protecting the interests of *consumers*) to determine the circumstances necessary to identify a disorder, to check the information provided by the trader, or to eliminate the disorder when ensuring the fulfillment of the resulting requirements. The Agency has the right to access information, documents and data in any form or format related to the relevant violation.

(2) The Consumer Protection and Technical Supervision Board has the right to receive from the electronic communications company the data necessary for the identification of the end user related to the identification features used in the public electronic communications network.

(3) The information, documents and data provided for in subsection 1 of this section, or the possibility of viewing them, shall be requested in a request enabling written reproduction, in which the purpose and legal basis for requesting the information, as well as, if necessary, the name or other identifying information of the trader whose activities the information is collected in connection with are stated. The application refers to the possibility of an injunction for failure to provide information.

(4) Before requesting information from a third party, the trader must be contacted to obtain information, unless there is no information about the trader's location or place of business, the trader is not available at a known address or prevents the identification of significant facts in the proceedings, or if there is a doubt that the trader's the information is not true.

[RT I, 08.01.2020, 1 - enters into force. 17.01.2020]

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§ 62 . The right of the Consumer Protection and Technical Supervision Board to request restriction of access to the web interface

(1) If there is a violation of the requirements arising from Union legislation protecting the interests of consumers and there are no other effective ways to stop it and to prevent a significant threat to the collective interests of consumers, the Consumer Protection and Technical Supervision Board has the right to issue an injunction to the information society service provider and demand the removal of information submitted via the web interface, the web interface restricting access or adding a warning to consumers when accessing the web interface.

(2) For the purposes of this Act, a web interface is the software specified in Article 3, Clause 15 of Regulation (EU) 2017/2394 of the European Parliament and of the Council, which may be a website, a part thereof or another application.

(3) On the basis of the prescription of the Consumer Protection and Technical Supervision Agency, the provider of a publicly available electronic communication service offering an Internet connection is obliged to block the domain name specified in the prescription in the name servers belonging to it.

(4) The administrator of the domain registry or the domain registrar is obliged to block access to the domain or delete the registration of the domain name specified in the prescription and to enable the Consumer Protection and Technical Supervision Agency to register this domain name based on the authority's prescription.

(5) The service provider, domain registry, or domain registrar specified in subsections 1, 3, and 4 of this section shall not be liable for any damage arising from the failure to perform a transaction, late execution, or limitation of service provision in the course of fulfilling the obligations arising from this section.

[RT I, 08.01.2020, 1 - enters into force. 17.01.2020]

§ 63. Control transaction

[RT I, 21.06.2017, 1 - entered into force. 04.07.2017]

(1) The Consumer Protection and Technical Supervision Board and the Board of Health have the right to carry out a control transaction if monitoring the fulfillment of the requirements arising from this Act or Union legislation protecting the interests of consumers or

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identifying a disorder is not possible in any other way or is significantly complicated in §§ 62–62 of this Act with the measures provided for.

(2) A control transaction is an operation with characteristics of a debt transaction, the purpose of which may be concealed when performing the transaction.

(3) An official performing a control transaction does not have to present himself or wear a uniform when performing the transaction, nor does the official have to present an official certificate before achieving the purpose of the control transaction.

(4) When conducting a control transaction, you may not conduct surveillance, incite a person to commit an offense, or commit an act with the characteristics of a crime, nor may you pretend to be a legal person to ensure the execution of a control transaction or use

conspiracy techniques within the meaning of §§ 7 51 and 7 54 - 7 56 of the Police Border Act and Guard .

(5) When performing a control transaction, an official acts as an average consumer. If, due to the nature of the control transaction, it is not possible to achieve the purpose of the control transaction, the official may, if necessary, use a fictitious name or involve a person not responsible for public order in the transaction with his consent.

(6) The operator of the control transaction informs the person immediately after the goal of the control transaction has been achieved that a control transaction was made in relation to him. With a written, reasoned decision, notification of a person may be postponed if it is necessary to continue the supervision related to the activities of the same person or to check compliance with the requirements submitted by other persons for making such transactions. Notification may not be delayed for more than three months from the date of the transaction.

(7) The inspection transaction is recorded in accordance with the procedure provided for in § 12 of the Law on Law Enforcement.

(8) The minutes shall include:

- 1) a reference to the decision that was the basis of the control transaction;
- 2) officials who participated in the control transaction and the person in respect of whom the control transaction was made, and other participants in the proceedings and involved persons;
- 3) statements of officials about circumstances and results;
- 4) description of transferred or received items and documents;
- 5) statements, explanations and opinions of other participants in the proceedings and persons involved in the proceedings.

(9) If notification of the control transaction is postponed, the decision on postponement is referred to in the protocol of the control transaction. The protocol is delivered to the person against whom the control transaction was made.

(10) The Board of Consumer Protection and Technical Supervision and the Board of Health have the right, if necessary, to examine, dismantle and test the movable property acquired during the control transaction and monitor the provision of services during the control transaction.

(11) The transaction executed during the control transaction is void.

[RT I, 08.01.2020, 1 - enters into force. 17.01.2020]

§ 64. Termination of activities that harm the collective interests of consumers

(1) In order to stop activities that harm the collective interests of consumers and to refrain from such activities, the Director General of the Consumer Protection and Technical Supervision Agency or his authorized official may issue an injunction, or the Consumer Protection and Technical Supervision Agency may apply to the county court on behalf of the Republic of Estonia.

(2) Any act that harms or may harm the common interests of an indefinite number of consumers and that is contrary to the provisions of this Act, the Law of Obligations Act and other laws, is any act that harms collective interests, primarily the use of an unfair trading practice or the intention to use it.

(3) The injunction shall be delivered to the trader by registered mail with delivery notice or electronically within two working days from the day the injunction is issued.

[RT I, 08.01.2020, 1 - enters into force. 17.01.2020]

(4) It is mandatory for the trader to comply with the prescription issued by the Director General of the Consumer Protection and Technical Supervision Board or his authorized official. Disputing the injunction does not exempt the trader from complying with it, unless the court decides otherwise.

§ 65. Termination of activities that are contrary to the provisions of the Debt Law Act and harm the collective interests of consumers

(1) The Director General of the Consumer Protection and Technical Supervision Board or his authorized official may issue an injunction and demand from a trader who has violated §§ 14 1, 48 1, § 49 subsection 2, §§ 54–55, § in subsection 56 2, §§ 62 1, 62 2, 380, 403 1–404 1, 406–408, 417 1, 418, 711, 711 3, 711 5, 711 6, 718 1, 727, 727 1 and 867-870 provided notification obligations, termination of infringement and refraining from further infringement.
[RT I, 31.12.2016, 1 - enters into force. 10.01.2017]

(2) The Director General of the Consumer Protection and Technical Supervision Board or his authorized official may issue an injunction and demand from a trader who has violated §§ 28 1, 42, 113 2, 401 2, 406 2, 419 2, 419 3, 710 1, the Act of Obligations 1, 4 5 Act 721 - 721 and § 721 subsection 1, termination of the violation and refraining from further violation.
[RT I, 08.01.2020, 1 - enters into force. 17.01.2020]

(3) The Consumer Protection and Technical Supervision Agency may apply to the county court on behalf of the Republic of Estonia and demand that the trader cease and refrain from violating the rights of consumers in §§ 45, 50, 61, 62 21, 236, 387, 420, 656, 733 13 of Act and 881 of the Law Obligations according to the provisions.
[RT I, 24.11.2021, 1 - enters into force. 01.01.2022]

(4) Before applying to the county court with a lawsuit, the Consumer Protection and Technical Supervision Agency informs the trader of the intention to apply to the county court and allows him to express his opinion about it.

(5) The rights granted by this section to the Director General of the Consumer Protection and Technical Supervision Agency or to an official authorized by him shall apply to the board of the Financial Supervision Authority or an official authorized by him in supervising credit providers and intermediaries to the extent of the rights and obligations provided for in the Credit Providers and Intermediaries Act.

§ 65 . Commitment by the trader

(1) The Consumer Protection and Technical Supervision Agency may, by agreement with the trader, enter into an administrative contract as provided for in § 99 subsection 1 of the Administrative Procedure Act instead of a prescription.

(2) With the administrative contract provided for in subsection 1 of this section, the trader assumes the obligation to end the disturbance by a specified deadline and to compensate the consumers for the resulting damage. If by the deadline specified in the administrative contract, the violation has not been terminated and the damage caused to consumers has not been remedied, the Consumer Protection and Technical Supervision Agency may issue an injunction to eliminate the violation.
[RT I, 08.01.2020, 1 - enters into force. 17.01.2020]

§ 66. Termination of cross-border activities that harm the collective interests of consumers

(1) The provisions of this section shall apply if the activities of a trader operating in one member state of the European Union are contrary to the provisions of certain European Union legislation as established in the legislation applicable in the member state, and the consequences of the violation occur in another member state.
[RT I, 24.11.2021, 1 - enters into force. 01.01.2022]

(2) The list of legislation of the European Union specified in subsection 1 of this section shall be established by a regulation of the minister responsible for the field .
[RT I, 24.11.2021, 1 - enters into force. 01.01.2022]

(3) The institutions and organizations of the member states published in the Official Notices of the European Union have the right to request the Consumer Protection and Technical Supervision Agency to file a lawsuit or issue an injunction, or to file a lawsuit themselves to terminate such activities of a trader operating in Estonia, which are in conflict with the provisions of the European Union legislation specified in subsection 2 of this section, as such, as they are established in the legislation applicable in Estonia, and which harms the collective interests of the consumers of this member state.
[RT I, 24.11.2021, 1 - enters into force. 01.01.2022]

(4) The minister responsible for the field appoints by regulation the Estonian institutions and persons who have the right to request the termination of such activities of a trader operating in a member state of the European Union, which are in conflict with the provisions of the legislation of the European Union specified in subsection 2 of this section, as they are established in the legislation of the member state, and which harms the collective interests of consumers in Estonia.
[RT I, 24.11.2021, 1 - enters into force. 01.01.2022]

§ 67. Supervisory cooperation

(1) Cooperation between the competent authorities appointed to be responsible for the enforcement of legislation protecting the interests of consumers in the member states of the European Union is carried out in accordance with Regulation (EU) 2017/2394 of the European Parliament and of the Council.
[RT I, 08.01.2020, 1 - enters into force. 17.01.2020]

(2) The contact authority for the implementation of the regulation specified in subsection 1 of this section is the Consumer Protection and Technical Supervision Agency.

(3) The minister responsible for the field appoints by regulation the competent authorities responsible for the implementation of the regulation specified in subsection 1 of this section.

(4) The Ministry of Economic Affairs and Communications shall notify the European Commission and the member states of the European Union of the competent authorities designated as responsible for the implementation of the regulation specified in subsection 1 of this section and the single contact point.

(5) On the basis of a reasoned request from a competent authority of another Member State and in the interests of the Consumer Protection and Technical Supervision Agency, to identify and terminate a disorder covered by Regulation (EU) 2017/2394 of the European Parliament and of the Council, it performs the procedural actions prescribed in this Act and the Administrative Procedure Act and applies the measures of state supervision provided for in the Law Enforcement Act or takes acts prescribed in misdemeanor proceedings as extrajudicial proceedings and determines the punishment.
[RT I, 08.01.2020, 1 - enters into force. 17.01.2020]

Chapter 8 Responsibility

§ 68. Violation of the requirements established for the sale of goods and goods and the provision of services

(1) Violation of the requirements set for the sale deadline, labeling or user manual of the goods or the publication of the price of the goods or services or the notification of the reduction of the price of the goods - shall be punished with a fine of up to 200 fine units.

(2) For the same act, if it has been committed by a legal entity, - shall be punished with a fine of up to 40,000 euros.
[RT I, 01.04.2022, 1 - enters into force. 28.05.2022]

§ 69. Deceiving the consumer

(1) Underweight, undermeasurement or incorrect price calculation when selling goods or providing services to the consumer - shall be punished with a fine of up to 200 fine units.

(2) For the same act, if it has been committed by a legal entity, - shall be punished with a fine of up to 40,000 euros.
[RT I, 01.04.2022, 1 - enters into force. 28.05.2022]

§ 70. Violation of the prohibition of using unfair trading practices

(1) The use of a misleading trading technique specified in § 16 of this Act or an aggressive trading technique specified in § 18 - shall be punished with a fine of up to 300 fine units.

(2) For the same act, if it is committed by a legal entity, - shall be punished with a fine of up to 400,000 euros.
[RT I, 01.04.2022, 1 - enters into force. 28.05.2022]

1

§ 70 . Violation of the requirements set forth in Regulation (EU) No. 2018/302 of the European Parliament and of the Council

(1) Violation of the prohibition of discrimination in connection with the requirements for access to internet-based user interfaces set forth in Article 3 of Regulation (EU) 2018/302 of the European Parliament and of the Council, the requirements for the availability of goods and services set forth in Article 4 or payments set forth in Article 5 - shall be punished with a fine of up to 300 fine units

(2) For the same act, if it is committed by a legal entity, - shall be punished with a fine of up to 400,000 euros.
[RT I, 01.04.2022, 1 - enters into force. 28.05.2022]

§ 71. Failure to apply the principle of responsible lending

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(1) Failure to apply the principle of responsible lending stipulated in § 403 of the Law of Debt Act - shall be punished with a fine of up to 300 fine units.
[RT I, 11.03.2016, 1 - enters into force. 21.03.2016]

(2) A fine of up to 400,000 euros shall be imposed for the same act, if it has been committed by a legal entity .
[RT I, 01.04.2022, 1 - enters into force. 28.05.2022]

§ 72. Non-observance of the upper limit of the cost of credit and the restrictions on the reimbursement of collection costs required from the consumer

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(1) Failure to comply with the upper limit of the cost of credit set forth in § 406² of the Law of Debt Act or the restrictions on reimbursement of collection costs required from the consumer set forth in § 113² of the Law of Debt Act - shall be punished with a fine of up to 300 fine units.

(2) A fine of up to 400,000 euros shall be imposed for the same act, if it has been committed by a legal entity .
[RT I, 01.04.2022, 1 - enters into force. 28.05.2022]

1

§ 72 . Violation of the requirements for the conclusion of the basic payment service contract

[RT I, 08.01.2020, 1 - in force. 17.01.2020]

(1) Violation of the requirements for the conclusion of the basic payment service contract provided for in § 710 of the Debt Law Act - shall be punished with a fine of up to 300 fine units.

(2) For the same act, if it is committed by a legal entity, - shall be punished with a fine of up to 400,000 euros.
[RT I, 01.04.2022, 1 - enters into force. 28.05.2022]

2

§ 72 . Violation of requirements for transparency and comparability of fees related to a payment account

(1) Violation of the requirements for transparency and comparability of payment account-related fees set forth in §§ 711³, 711⁶ and 718¹ of the Debt Law Act - shall be punished with a fine of up to 300 fine units.

(2) For the same act, if it is committed by a legal entity, - shall be punished with a fine of up to 400,000 euros.
[RT I, 01.04.2022, 1 - enters into force. 28.05.2022]

3

§ 72 . Violation of requirements for payment service transfer

(1) Violation of the requirements for the transfer of payment services provided for in §§ 711⁵, 721¹ - 721⁴ and § 721⁵ subsection 1 of the Debt Law Act - shall be punished with a fine of up to 300 fine units.
[RT I, 08.01.2020, 1 - enters into force. 17.01.2020]

(2) For the same act, if it is committed by a legal entity, - shall be punished with a fine of up to 400,000 euros.
[RT I, 01.04.2022, 1 - enters into force. 28.05.2022]

§ 73. Failure to provide information about the out-of-court dispute resolution unit and the internet-based out-of-court dispute resolution platform

(1) Failure to provide information about an out-of-court dispute resolution unit or an internet-based out-of-court dispute resolution platform - is punishable by a fine of up to 100 fine units.

(2) For the same act, if it has been committed by a legal entity, - shall be punished with a fine of up to 40,000 euros.
[RT I, 01.04.2022, 1 - enters into force. 28.05.2022]

§ 74. Refusal to accept legal tender

(1) To the extent provided in § 2 of the Act on the Introduction of the Euro, refusal to accept a legal means of payment when selling goods or paying for services is punishable by a fine of up to 200 fine units.

(2) For the same act, if it has been committed by a legal entity, - shall be punished with a fine of up to 40,000 euros.
[RT I, 01.04.2022, 1 - enters into force. 28.05.2022]

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§ 74 . Use of an unreasonably prejudicial contract term

(1) For the use of an unreasonably harmful standard condition provided in § 42 subsection 3 of the Debt Law Act - a fine of up to 300 fine units is imposed.

(2) For the same act, if it is committed by a legal entity, - shall be punished with a fine of up to 400,000 euros.
[RT I, 01.04.2022, 1 - enters into force. 28.05.2022]

2

§ 74 . Violation of the requirements stipulated in the Debt Law Act

(1) In §§ 14¹, 28¹, 48 and 48¹, § 49 subsection 2³, § 49 subsections 1 and 3, § 49 subsection 2 third sentence, §§ 54 and 54² -55 of the Law of Obligations Act, Violation of the obligation stipulated in § 56 subsection 2⁴, § 56 subsections 1 and 4, § 62, § 209 subsection 6 and § 636 subsection 5 - shall be punished with a fine of up to 300 fine units.

(2) For the same act, if it is committed by a legal entity, - shall be punished with a fine of up to 400,000 euros.
[RT I, 01.04.2022, 1 - enters into force. 28.05.2022]

§ 75. Procedure

(1) The out-of-court procedure for misdemeanors provided for in § 68 of this Act is:

- 1) the Consumer Protection and Technical Supervision Agency;
- 2) Health Board;
- 3) municipal or city government.

(2) The out-of-court procedure for misdemeanors provided for in § 69 of this Act is:

- 1) the Consumer Protection and Technical Supervision Agency;
- 2) municipality or city government.

2 of this Act is the Consumer Protection and Technical

(3) The out-of-court procedure for misdemeanors provided for in §§ 70–74
Supervision Agency.

[RT I, 01.04.2022, 1 - enters into force. 28.05.2022]

(4) In the case of the subjects of financial supervision specified in the Financial Supervision Authority Act, in addition to the Consumer Protection and Technical Supervision Authority, the Financial Supervisory Authority is also the non-judicial investigator of misdemeanors provided for in § 70 of this Act.

Chapter 9 Application settings

§ 76. Publication of the report specified in subsection 12 of § 30 of this Act

The Ministry of Economic Affairs and Communications prepares and publishes the first report on the operation and development of out-of-court dispute resolution units recognized under this Act by July 9, 2018.

§ 77. Compilation and notification of a list of out-of-court dispute resolution entities recognized on the basis of this Act

(1) The Ministry of Economic Affairs and Communications shall enter the list of recognized out-of-court dispute resolution entities into the list of recognized out-of-court dispute resolution entities. The list will be forwarded to the European Commission.

(2) The list of recognized out-of-court dispute resolution entities is published on the website of the Ministry of Economic Affairs and Communications and the Consumer Protection and Technical Supervision Board.

§ 78. – § 84. [Omitted from this text.]

§ 85. Entry into force of the law

This law enters into force on March 1, 2016.

1

Directive 2013/11/EU of the European Parliament and of the Council on out-of-court settlement of consumer disputes, amending Regulation (EC) No. 2006/2004 and Directive 2009/22/EC (Directive on out-of-court settlement of consumer disputes) (OJ L 165, 18.06.2013, p. 63 -79);

Directive 2009/22/EC of the European Parliament and of the Council on provisions protecting the interests of consumers (codified version) (OJ L 110, 01.05.2009, pp. 30–37);

Directive 2005/29/EC of the European Parliament and of the Council, which deals with unfair trade practices related to business-to-consumer transactions in the internal market and which amends Council Directive 84/450/EEC, European Parliament and Council Directives 97/7/EC, 98/27/EC and 2002/65/EC and Regulation (EC) No. 2006/2004 of the European Parliament and of the Council (Unfair Commercial Practices Directive) (OJ L 149, 11.06.2005, pp. 22–39), amended by Directive 2019/2161 (OJ L 328, 18.12. 2019, pp. 7–28);

Directive 98/6/EC of the European Parliament and of the Council on consumer protection when publishing the prices of products offered to consumers (OJ L 80, 18.03.1998, pp. 27–30), amended by Directive 2019/2161 (OJ L 328, 18.12.2019, pp. 7–28);

Directive 2014/92/EU of the European Parliament and of the Council on comparability of fees related to payment accounts, switching payment accounts and access to the main payment account (OJ L 257, 28.08.2014, pp. 214–246).

[RT I, 01.04.2022, 1 - enters into force. 28.05.2022]