

Ratification of the Statute of the State Consumer Protection Board of Estonia

Regulation No 19 of the Minister of Economic Affairs, dated 20 May 1997

Pursuant to section 42 (1) of the Act of the Government of the Republic (SG I 1995, 94, 1628; 1996, 49, 953; 88, 1560; 1997, 29, 447; 40, 622) and in accordance with section 63 (2) and section 104 (2), I decree:

1. to ratify the Statute of the State Consumer Protection Board of Estonia (annexed).
2. to declare void clause 2 of regulation No 25 of the Minister of Economic Affairs on "Reorganisation of the Trade Inspectorate of the Republic of Estonia into the State Consumer Protection Board of Estonia" (Annex of SG 1994, 36, p 1228), dated 16 May 1994.

Jaak Leimann, Minister

Margus Leivo, Chancellor

Ratified

With regulation No 19 of the Minister of Economic Affairs, dated 20 May 1997

STATUTE OF THE STATE CONSUMER PROTECTION BOARD OF ESTONIA

General Provisions

1. The State Consumer Protection Board of Estonia (hereinafter "board") is a government office functioning in the regulation area of the Ministry of Economic Affairs which is concerned with the national regulation of consumer protection. The board provides national supervision and applies, if necessary, national forcing methods on the bases of and to such extent as provided by law.
2. The board shall represent the state in the performance of its functions.
3. The board shall have a seal with a small image of the coat of arms of the state and its name on it, its own budget and bank accounts, and symbols registered pursuant to the procedure provided by law. The expenses of the board shall be covered from state budget.
4. The board shall be accountable to the Minister of Economic Affairs who shall manage and co-ordinate its activities and shall provide supervisory control over it.
5. The board shall be situated in Tallinn. The locations of the structural units of the board not situated in Tallinn shall be indicated in their statutes.

Functions of the Board

6. The objective of the board shall be protection of the lawful rights of consumers and promotion of their interests. The board shall execute protection of the lawful rights and interests of consumers with respect to all entrepreneurs, despite the form of ownership or departmental subordination of the enterprise, who in their relationship with consumers sell, produce/provide, or intermediate products or services.

7. The functions of the board at regulating consumer protection shall be:
 1. to ensure the legal rights of consumers in their relationship with the seller of a product or service;
 2. to ensure the fulfillment of the seller's legal commitments in their relationship with consumers;
 3. to provide supervision, if necessary, over the fulfillment of the mandatory obligatory to a product or service;
 4. to protect in contracts between sellers and consumers the rights of consumers as more fragile parties to an economically contractual relationship;
 5. to represent consumers pursuant to the procedure provided by law in state and local government agencies; in enterprises producing/providing, selling, or intermediating products or services; in court; in court of arbitration; in organisations of producers, sellers, or consumers; and in international consumer protection movements;
 6. to apply liability for violation of the requirements of the Consumer Protection Act and liability for administrative offences pursuant to law;
 7. to arrange for indemnity to consumers for damage caused with the unlawful acts of a seller or employee.

8. The board, at regulating other affairs:
 1. shall deliver opinions at elaborating draft acts concerning the field of consumer protection, prepared by other government agencies;
 2. shall provide assistance to other government agencies, local government agencies, foundations, non-profit associations, consumer organisations in resolving matters concerning its specific field, and shall co-operate with the above mentioned;
 3. shall represent the state in external relations in its specific field pursuant to the procedure provided by the External Relations Act;
 4. shall prepare the draft budget of the board and shall compile the report on the fulfillment of the budget of the previous year;
 5. shall perform other functions imposed on it pursuant to laws, decisions of the Parliamentary Session, decrees of the President of the Republic, acts of the Government of the Republic and of the Minister of Economic Affairs.

Rights of the Board

9. The board shall be entitled at performing its functions to:
 10. make proposals for passing or amending legislative acts concerning consumer protection; collect, analyse, and communicate data and practices necessary for that;
 11. monitor the fulfillment of the Consumer Protection Act in contractual relationships between sellers and consumers;
 12. resolve and transfer for resolving claims and complaints submitted to the board concerning the abuse of the rights of consumers;
 13. protect the rights and lawful interests of consumers in court as the representative of the plaintiff or defendant or as a third party with independent claims;

14. give oral warnings and issue precepts provided by law to the seller in case of violation of the requirements of the Consumer Protection Act;
15. apply administrative liability pursuant to the Code of Administrative Offences and request criminal prosecution of natural persons pursuant to law;
16. stop the sales of a product or service jeopardizing consumers or having no consignment or sale documentation, resorting, if necessary, to sealing, and request seizure of such goods or elimination of the defects;
17. request the withdrawal or stopping of the activity licences of an enterprise or organisation pursuant to the procedure provided by law;
18. have unhindered access to inspect the premises, warehouses, and documentation of the seller, also their transportation vehicles, and demand from natural and legal persons all relevant documents, materials, explanations, and other relevant information;
19. enable the participation of a representative of a consumer association or organisation in inspections and in resolving matters concerning the regulation of consumer protection;
20. inform the public of the activities of the seller or employee violating the rights of consumers;
21. spread information concerning the field of consumer protection, educate consumers and consumer associations in the field of consumer protection;
22. participate in international co-operation pursuant to the procedure and under the conditions provided by law;
23. demand the performance of revisions and stocktaking in enterprises and participate, if necessary, in these;
24. issue decisions, precepts, reports, and other acts and legislation in compliance with its competence for performing its functions;
25. provide consumers with services at inspecting the quality and safety of products;
26. participate in resolving matters concerning consumer protection in ministries, national services, local governments, enterprises, companies, organisations, and unions.
 10. The board shall be entitled to perform and order analyses and expert opinions with regard to products and services the results of which shall be communicated to consumers, if necessary.
 11. The board shall be entitled to institute proceedings against a legal person for a legal offence in the field of consumer protection, and it shall be entitled to execute a punishment pursuant to law.
 12. The officials of the board shall be obliged to maintain the confidentiality of data revealed to them in the performance of surveys, appearing to be the business secret of an enterprise in the meaning of the Competition Act, if the necessity for releasing the data does not rise from the requirement to spread information concerning consumer protection or administrative offences.

Structure and Management

13. The board shall be headed by a managing director who shall be appointed and dismissed by the Minister of Economic Affairs.
14. The structure and the staff of the board shall be confirmed by the Minister of Economic Affairs.
15. A department of the board shall be a structural unit of the board without executive powers with regard to persons from outside the board.
16. The departments of the board:
 1. supervisory department - monitoring and supervision over products and services sold at consumer markets; supervision over the general market strategy of enterprises; resolving of claims and complaints of consumers; practical counseling; revision and co-ordination of model contracts;
 2. information and counseling department - collecting of information concerning consumer protection and implementation of information system; informing consumers of their rights and obligations via mass media and other channels and means; compiling study-aids and information materials for consumers and arranging for their distribution; arranging for training for consumers; counseling; development of co-operation with consumer protection organisations;
 3. consumer policy department - elaboration of acts and legislation regulating the field of consumer protection in co-operation with other institutions; compiling of forms for rules, precepts, instructions, and documentation necessary for executing consumer protection; development of co-operation in the field of consumer protection with ministries, offices, unions, foundations, local government agencies, and consumer associations; protection of the rights of consumers in matters of economic policy; development of international co-operation in the field of consumer protection with appropriate institutions and international organisations.
17. The departments of the board may include offices. The functions and competence of the offices shall be specified in the statute of the department ratified by the managing director.
18. The managing director of the board shall:
 19. manage the board and be liable for the accurate and appropriate execution of laws and legislation regulating the activities of the board, and report to the Minister of Economic Affairs;
 20. appoint and dismiss the personnel and other employees;
 21. make proposals to the Minister of Economic Affairs concerning the budget of revenue and expenditure of the board, and monitor over its accurate and appropriate fulfillment;
 22. make proposals to the Minister of Economic Affairs for regulating the scope of activities of the board;

23. perform other functions imposed on it pursuant to laws and legislation.
19. The managing director of the board shall give decrees based on law, on a regulation or order of the Government of the Republic, or on a regulation or decree of the Minister of Economic to be executed in matters of service.
20. The managing director of the board shall issue precepts and give decisions on providing consumer protection in individual cases.
21. The written rulings of the managing director of the board shall be completed and registered pursuant to the order of business of the board.
22. During the absence of the managing director of the board, his or her functions shall be taken over by a deputy managing director or one of the heads of department appointed by the managing director.
23. The head of department shall:
 1. manage the activities of the department and ensure the performance of the functions assigned to the department;
 2. execute instructions and orders given to him or her, or report the obstacles of executing these;
 3. give instructions and orders to his or her subordinate employees;
 4. monitor over the performance by his or her subordinate employees of the functions assigned to them;
 5. issue precepts and give decisions on providing national supervision in individual cases within the limits of his or her competence.

Use of Symbols by the Board

24. The seal of the board shall be in the shape of a circle 50 mm in diameter, with a small image of the coat of arms of the state in the middle. Along the upper edge of the circle shall read the following words: RIIGI TARBIJAKAITSEAMET.
25. On the letter form, the general form, and on the decree of the managing director of the board the image of the small coat of arms of the state shall be used. The legal acts and other administrative documents of the board shall be compiled pursuant to the procedure provided by law and the order of business of government agencies.

The letter forms of the board shall be used by the managing director of the board within the limits of his or her competence.

26. The board shall use the national flag pursuant to the National Flag Act.

Supervisory Control

27. The managing director of the board shall provide supervisory control over the acts and activities of the officials of the board pursuant to the procedure provided by law.
28. The managing director may, as part of the supervisory control, order the deputy managing director (or a head of department with regard to his or her subordinate employees) collect materials and explanations in order to determine the circumstances of giving an act or performing an activity.
29. The managing director may with his or her decree assign to the deputy managing director the function of initiating supervisory control and making appropriate decisions concerning the activities of the officials of the board. The deputy managing director shall be entitled to order the head of department to determine the circumstances of performing an activity by an official of the board, and to collect appropriate documentation and explanations in order to perform supervisory control.

Consumer Protection Council

30. Beside the board shall function Consumer Protection Council, an advisory body and institutional representation of consumers, which shall consist of authorised representatives of consumer protection associations and of other organisations promoting the interests of consumers and of consumer protection institutions of local governments.
31. The Consumer Protection Council shall make recommendations for elaborating and regulating consumer protection policy and for co-ordination of work in the field of consumer protection in Estonia.

32. The Consumer Protection Council shall include the managing director of the board, one authorised representative from each registered consumer association and from other organisations promoting the interests of consumers, and one authorised representative from a local government agency regulating consumer protection in the municipal or county government.
33. The Consumer Protection Council shall be headed by the managing director of the board, during his or her absence his or her functions shall be taken over by a person appointed as deputy by the board. The Consumer Protection Council shall not directly participate in managing and organising the activities of the board.
34. The expenses of the Consumer Protection Council shall be covered from the budget of the board.

Termination of Activities

35. The activities of the board shall be terminated pursuant to the procedure provided by law.