

## **Abstract**

### **Implementing Decree of the law N° 31.08 enacting protection measures of the consumer.**

The present decree project made under Law N°31-08 to enact measures for consumer protection, published in the official bulletin N°5932 of April 7th, 2011, aims to specify the modalities of application of this law in matters of consumer information, business practices, warranty and after-sale services, debts, consumer protection associations and research and recording of offenses, in particular:

- Modalities of consumer information;
- Compulsory precisions related to certain business practices;
- Standard with which have to be in accordance, the written agreements between the supplier and the consumer on the conventional warranty and / or after-sales service for some goods or products;
- Content of the standard according to which is established the prior offer and certain rates, values and amounts for credit ;
- Conditions to obtain a special permit to take legal action ;
- Modalities of deliverance of work card to the investigators.

#### **1. Modalities of consumer information**

The above mentioned law n°31-08 oblige the suppliers and the service providers to make available to consumer all information about the characteristics of the products, the goods or the services before the contract signature.

Thus, for clarity and precision in terms of consumer information and for ensuring him a better protection, this decree specifies the provisions concerning the modalities of consumer information, the obligatory information to be contained in invoices, receipts or any similar document, the content and the shape of the etiquette of the products and the goods put on sale, as well as the threshold of the price or the price list in information about the delivery deadlines. For more flexibility and to adapt to real practices, the decree project refers to orders to specify or establish the necessary details.

#### **2. Compulsory precisions relative to certain business practices:**

The decree project also specifies:

- The mentions to be included in the detachable form related to the exercise of the faculty of retraction in doorstep selling ;
- The maximum value of small items or services and samples covered by bonus granted to the consumers;
- The standard model with which the documents and announcements presenting the advertising operation of lottery must be in conformity.

#### **3. Standard with which have to be in accordance, the written agreements between the supplier and the consumer on the conventional warranty and / or after-sales service for some goods or products:**

Considering the specificity of certain products and goods, the decree project specifies the standard model of the legal and conventional warranty documents as well as those related to the customer service.

#### **4. Content of the standard according to which is established the prior offer and certain rates, values and amounts for credit :**

According to the provisions of law 31.08 relating to debt, and to balance the relations between consumer and finance companies, the decree project precise:

- Contents of the standard model according to which is established the necessary preliminary offer for credit transactions;
- Characteristics of the form of opposition to the modifications suggested by the lender, during the renewal of the contract.

For more flexibility and to adapt to the real practices, the decree project refers to orders for the setting of certain rates, values and amounts, according to the provisions of law 31.08, in particular:

- The maximum rate of late-payment interest;
- The updated value of the rents not yet due and the value of the returned or restored good;
- The value of expenses for the study of the credit file;
- The amount of allowance required under interests by the lender in case of earlier refund.

#### **5. Conditions for obtaining a special permit to take legal action:**

According to the provisions of article 157 of law 31.08, consumer protection associations not recognized of public utility, which wish to obtain a special permit to take legal action must respect the provisions of articles 152, 153 and 154, in order to allow these associations to represent consumers in court and to defend their interests. This permit is delivered by the governmental authorities on which depends the concerned sector.

#### **6. Modalities of deliverance of work card to the investigators:**

According to the provisions of article 166 of law 31.08, concerning the research and recording of the offenses to the provisions of this law, the investigators entitled to proceed to these missions are designated by the governmental authorities on which depends the concerned sector.

These investigators are sworn, and they carry a work card delivered by the governmental authorities on which depends the concerned business sector, in accordance to laws and applicable regulations.