Resolution 543 (1973)[1]

Consumer Protection Charter

Parliamentary Assembly

The Assembly,

1. Considering that, in the words of the Preamble to the Statute of the Council of Europe, "... in the interest of economic and social progress, there is need of a closer unity between all like-minded countries of Europe" ;

2. Considering the attachment of the Council of Europe to the protection of the individual and to the defence of the rights of certain particularly vulnerable sections of society ;

3. Believing that each State should implement, in accordance with its own traditions, a comprehensive and active policy of consumer protection ;

4. Stressing, however, the need for some international standardisation in the field of consumer protection policy in order to avoid prejudicing trade,

5. Declares solemnly its support for the principles set out in the appended "Consumer Protection Charter".

1. Assembly debate on 17 May 1973 (7th Sitting) (see Doc. 3280, report of the Committee on Economic Affairs and Development). Text adopted by the Assembly on 17 May 1973 (7th Sitting).

Appendix APPENDIX

Consumer Protection Charter

A. The right of consumers to protection and assistance

(i) A consumer is a physical or legal person to whom goods are supplied and services provided for private use.

(ii) The State has a recognised duty to give consumers comprehensive legal protection and active assistance.

(iii) The State shall take particular care to ensure that consumer protection and assistance is effectively afforded to all sections of the community, especially to the poorest and underprivileged sections.

(a) Protection against physical damage due to unsafe products

(i) National legislation shall include general requirements for the safety of food, other products and services. Specific requirements shall be prescribed, as necessary, for particular goods or services.

(ii) In general, goods shall not be distributed or services provided which, when used in a normal and reasonable way, are likely to be injurious to consumers.

(iii) Minimum standards shall be set and enforced, in order to eliminate or reduce, as far as possible, any risk of danger in the content of goods and the containers thereof, their handling and use.

(b) Protection against damage to the economic interest of the consumer

(i) The individual consumer shall be protected against the abuse of the power of the supplier of goods and services, in particular against one-sided standard contracts, the exclusion of essential legal rights in contracts, demand for payment of unsolicited goods and high-pressure selling methods which do not allow consumers to make reasonable assessments of the terms of sale.

(ii) The individual consumer shall have the right to a reasonable after-sale service for durable consumer goods.

(iii) Restrictive practices agreed between companies or operated by monopoly suppliers shall be controlled by legislation, in the interests of consumers.

(iv) The promotion of goods and services, including financial services, shall not be designed to mislead either directly or indirectly the person to whom they are offered or by whom they have been requested.

(v) National legislation shall include a mandatory requirement that all forms of advertising - visual and audio - shall not be designed to mislead the potential buyer of the product of service. An advertiser in any media shall be required to provide on request a proof of the validity of claims made in an advertisement. An advertiser unable to provide such proof shall, if so requested, issue at his own expense equivalent corrective advertising.

(vi) Detailed information provided on the label, at the point of sale or in advertisements shall be accurate. This includes information on nature, composition, quantity, performance, availability, quality, price and antecedent characteristics of the goods and services.

(vii) Laws prohibiting unfair trading practices shall be effectively administered and enforced, and kept under constant review to ensure that consumers' genuine complaints are being adequately dealt with.

(viii) Improper, biased or undesirable trading practices which. are not illegal shall be considered for legislative changes which would make them unlawful ; in the event of loss or damage caused by such practices, the consumer's right to obtain redress shall not be impaired.

B. The right to redress against damage

(i) A complainant shall have the right to seek redress from a supplier of goods or services for any loss or damage suffered by mis-description, or faulty products or performance, and for this purpose shall have easy and inexpensive access to a country's legal system or to an accepted form of arbitration for small claims.

(ii) Where there is a prima facie case of mis-description of a product or service to the detriment of a consumer, the burden of proof shall rest with the supplier, but the law shall make provision for reasonable defences of inadvertent mistakes and of relying on misleading information for which the supplier cannot be held responsible.

(iii) Legal actions against suppliers of goods and services shall, according to the legal administration of each country, be assigned to one or more specified authorities, but shall not be so restricted as to prevent consumers' organisations and individuals from initiating their own actions.

C. The right to consumer information

(i) The purchaser of goods and services shall have the right to sufficient information, including the identity of suppliers, to enable him to make a rational choice between competing products and services.

(ii) The purchaser shall have the right to any information or warning necessary to enable him to use a product or service safely and to his full satisfaction.

(iii) Specific and mandatory regulations shall be established as to the declaration of the weights and measures, quality, ingredients, date of production and keeping time (of foods, drugs and photographic films), directions for use or care, terms of contract, true rate of charge or interest on credit, and (where it is considered necessary or appropriate) price, including price per unit of measure

D. The right to consumer education

1. (i) Such consumer training shall be given to school-children as will enable them to act as informed consumers throughout their lives.

2. (ii) Education facilities in the field of consumer problems shall equally be made available to adults.

E. The right to representation and consultation

(i) Voluntary organisations of consumers shall be encouraged and recognised by governments and consulted on laws, regulations, administration and advisory services for consumers, and such recognition shall imply an obligation on such organisations to publish accurate information with advice.

(ii) Each country shall establish in accordance with its own traditions a strong, independent and effective authority representing consumers and responsible trading interests to advise legislatures and governments on all aspects of consumer protection, and to ensure that at national and local level there is full compliance with consumer laws and regulations, and that adequate information and advisory services are provided.

(iii) State and public services shall have full regard to the interests and rights of consumers, and shall provide for the appointment either of consumers' representatives to their boards of management in such number as is considered appropriate or of consumers' committees to express such interests to the boards of management.

(iv) It shall be a duty on each government, directly or assigned to a national consumer authority, to conduct research into and publish information on the composition and performance of products, on labeling and use of products, efficiency of services and all matters of interest to consumers, and where appropriate to provide for the establishing of local consumer advice centres where this information related to the services offered by local traders will be readily available.

(v) The enforcement of protective laws and administration of advisory services shall as far as possible be at local level.

(vi) Responsible associations of manufacturers and traders, nationally and collectively in Western Europe, shall be encouraged to formulate their own codes of trading practices which, while basically conforming to national laws, shall seek to promote higher standards, and shall be submitted - together with proposals for a private and objective enforcement of such codes in collaboration with the consumers - to national consumer authorities for approval. The authorities shall give public support and backing to approved codes.