

CONSUMER PROTECTION

List provided for in Article 56 of the Framework Agreement

INTRODUCTION

When the legal acts referred to in this Annex contain notions or refer to procedures which are specific to the EU legal order, such as:

- recitals;
- the addressees of the EU legal acts;
- references to territories or languages of the EU;
- references to rights and obligations of EU Member States, their public entities, undertakings or individuals in relation to each other; and
- references to information and notification procedures;

Framework Protocol 1 on horizontal adaptations shall apply, unless otherwise provided for in this Annex.

ACTS REFERRED TO

1. 31998 L 0006: Directive 98/6/EC of the European Parliament and of the Council of 16 February 1998 on consumer protection in the indication of the prices of products offered to consumers (OJ L 80, 18.3.1998, p. 27), as amended by:
 - 32019 L 2161: Directive (EU) 2019/2161 of the European Parliament and of the Council of 27 November 2019 (OJ L 328, 18.12.2019, p. 7).
2. 32006 L 0114: Directive 2006/114/EC of the European Parliament and of the Council of 12 December 2006 concerning misleading and comparative advertising (codified version) (OJ L 376, 27.12.2006, p. 21).
3. 31987 L 0357: Council Directive 87/357/EEC of 25 June 1987 on the approximation of the laws of the Member States concerning products which, appearing to be other than they are, endanger the health or safety of consumers (OJ L 192, 11.7.1987, p. 49).

The provisions of this Directive shall, for the purposes of this Agreement, be read with the following adaptation:

In Article 4(2), the reference to Decision 84/133/EEC shall be read as a reference to Decision 89/45/EEC.

4. 31993 L 0013: Council Directive 93/13/EEC of 5 April 1993 on unfair terms in consumer contracts (OJ L 95, 21.4.1993, p.29), as amended by:
 - 32011 L 0083: Directive 2011/83/EU of the European Parliament and of the Council (OJ L 304, 22.11.2011, p. 64),

- 32019 L 2161: Directive (EU) 2019/2161 of the European Parliament and of the Council of 27 November 2019 (OJ L 328, 18.12.2019, p. 7).
5. 32008 L 0122: Directive 2008/122/EC of the European Parliament and of the Council of 14 January 2009 on the protection of consumers in respect of certain aspects of timeshare, long-term holiday product, resale and exchange contracts (OJ L 33, 3.2.2009, p. 10).

The provisions of this Directive shall, for the purposes of this Agreement, be read with the following adaptation:

Article 4 of Framework Protocol 1 to this Agreement shall apply. During the suspension referred to in Article 4(2) of Framework Protocol 1, Andorra shall not authorise timeshare, long-term holiday product, resale and exchange contracts in its territory.

6. 32020 L 1828: Directive (EU) 2020/1828 of the European Parliament and of the Council of 25 November 2020 on representative actions for the protection of the collective interests of consumers and repealing Directive 2009/22/EC (OJ L 409, 4.12.2020, p. 1), as amended by:
 - 32022 R 1925: Regulation (EU) 2022/1925 of the European Parliament and of the Council of 14 September 2022 (OJ L 265, 12.10.2022, p. 1).
7. 32020 D 0369: Commission Decision (EU) 2020/369 of 4 March 2020 conferring the power to issue an external alert on entities representing consumer and trader interests at a Union level pursuant to Regulation (EU) 2017/2394 of the European Parliament and of the Council (OJ L 67, 5.3.2020, p. 139).

The provisions of this Decision shall, for the purposes of this Agreement, be read with the following adaptation:

Article 3 of Framework Protocol 1 to this Agreement shall apply. The period referred to in Article 3(2) of Framework Protocol 1 shall be one year from the date of entry into force of this Agreement.

8. 32011 L 0083: Directive 2011/83/EU of the European Parliament and of the Council Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights, amending Council Directive 93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council (OJ L 304, 22.11.2011, p. 64), as amended by:
 - 32019 L 2161: Directive (EU) 2019/2161 of the European Parliament and of the Council of 27 November 2019 (OJ L 328, 18.12.2019, p. 7).
9. 32019 L 0770: Directive (EU) 2019/770 of the European Parliament and of the Council of 20 May 2019 on certain aspects concerning contracts for the supply of digital content and digital services (OJ L 136, 22.5.2019, p. 1).
10. 32019 L 0771: Directive (EU) 2019/771 of the European Parliament and of the Council of 20 May 2019 on certain aspects concerning contracts for the sale of goods, amending Regulation (EU) 2017/2394 and Directive 2009/22/EC, and repealing Directive 1999/44/EC (OJ L 136, 22.5.2019, p. 28).

11. 32018 R 2394: Regulation (EU) 2017/2394 of the European Parliament and of the Council of 12 December 2017 on cooperation between national authorities responsible for the enforcement of consumer protection laws and repealing Regulation (EC) No 2006/2004 (OJ L 345, 24.12.2017 p.1), as amended by:
 - 32018 R 0302: Regulation (EU) 2018/302 of the European Parliament and of the Council of 28 February 2018 (OJ L 345, 27.12.2017, p. 1).

The provisions of this Regulation shall, for the purposes of this Agreement, be read with the following adaptation:

Article 3 of Framework Protocol 1 to this Agreement shall apply. The period referred to in Article 3(2) of Framework Protocol 1 shall be one year from the date of entry into force of this Agreement.

12. 32019 D 2213: Commission Implementing Decision (EU) 2019/2213 of 20 December 2019 laying down the practical and operational arrangements for the functioning of the electronic database established pursuant to Regulation (EU) 2017/2394 of the European Parliament and of the Council as respects certain communications under that Regulation (OJ L 332, 23.12.2019, p. 163).
13. 32019 D 2212: Commission Implementing Decision (EU) 2019/2212 of 20 December 2019 on a pilot project to implement certain administrative cooperation provisions set out in Regulation (EU) 2017/2394 of the European Parliament and of the Council on cooperation between authorities responsible for the enforcement of consumer protection laws by means of the Internal Market Information System (OJ L 332, 23.12.2019, p. 159)³⁷.

³⁷ Certain administrative cooperation provisions set out in Regulation (EU) 2017/2394 are subject to a pilot project using the Internal Market Information System established by Regulation (EU) No 1024/2012 of the European Parliament and of the Council of 25 October 2012 on administrative cooperation through the Internal Market Information System and repealing Commission Decision 2008/49/EC ('the IMI Regulation') (OJ L 316, 14.11.2012, p. 1). A separate implementing decision has been adopted for this purpose under Article 4 of the IMI Regulation.

The provisions of this Decision shall, for the purposes of this Agreement, be read with the following adaptation:

Article 3 of Framework Protocol 1 to this Agreement shall apply. The period referred to in Article 3(2) of Framework Protocol 1 shall be three years from the date of entry into force of this Agreement.

14. 32005 L 0029: Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and Regulation (EC) No 2006/2004 of the European Parliament and of the Council ('Unfair Commercial Practices Directive') (OJ L 149, 11.6.2005, p. 22), as amended by:
 - 32019 L 2161: Directive (EU) 2019/2161 of the European Parliament and of the Council of 27 November 2019 (OJ L 328, 18.12.2019, p. 7).

15. 32008 L 0048: Directive 2008/48/EC of the European Parliament and of the Council of 23 April 2008 on credit agreements for consumers and repealing Council Directive 87/102/EEC (OJ L 133, 2.5.2008, p. 66), as amended by:
 - 32011 L 0090: Commission Directive 2011/90/EU of 14 November 2011 (OJ L 296, 15.11.2011, p. 35),
 - 32014 L 0017: Directive 2014/17/EU of the European Parliament and of the Council (OJ L 60, 28.2.2014, p. 34),

- 32016 R 1011: Regulation (EU) 2016/1011 of the European Parliament and of the Council of 8 June 2016 (OJ L 171, 29.6.2016, p. 1),
- 32019 R 1243: Regulation (EU) 2019/1243 of the European Parliament and of the Council of 20 June 2019 (OJ L 198, 25.7.2019, p. 241).

The provisions of this Directive shall, for the purposes of this Agreement, be read with the following adaptation:

Article 4 of Framework Protocol 3 to this Agreement shall apply with regard to Article 9 of this Directive. The abovementioned Article shall only apply from the moment Andorra has obtained access to the banking segment referred to in Article 4(1) of Framework Protocol 3.

16. 32013 R 0524: Regulation (EU) No 524/2013 of the European Parliament and of the Council of 21 May 2013 on online dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC (OJ L 165, 18.6.2013, p. 1).
17. 32015 R 1051: Commission Implementing Regulation (EU) 2015/1051 of 1 July 2015 on the modalities for the exercise of the functions of the online dispute resolution platform, on the modalities of the electronic complaint form and on the modalities of the cooperation between contact points provided for in Regulation (EU) No 524/2013 of the European Parliament and of the Council on online dispute resolution for consumer disputes (OJ L 171, 2.7.2015, p. 1).
18. 32013 L 0011: Directive 2013/11/EU of the European Parliament and of the Council of 21 May 2013 on alternative dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC (OJ L 165, 18.6.2013, p. 63).

The provisions of this Directive shall, for the purposes of this Agreement, be read with the following adaptations:

(a) References to other acts in the Directive shall be considered relevant to the extent and in the form that those acts are incorporated into this Agreement.

(b) Article 11(2) shall read as follows:

"2. For the purposes of this Article, 'habitual residence' shall be determined in accordance with the following:

(a) The habitual residence of companies and other bodies, corporate or unincorporated, shall be the place of central administration.

The habitual residence of a natural person acting in the course of his business activity shall be his principal place of business;

(b) Where the contract is concluded in the course of the operations of a branch, agency or any other establishment, or if, under the contract, performance is the responsibility of such a branch, agency or establishment, the place where the branch, agency or any other establishment is located shall be treated as the place of habitual residence;

(c) For the purposes of determining the habitual residence, the relevant point in time shall be the time of the conclusion of the contract."

(c) In Article 18(2), the following shall be added:

"The Commission shall include on that list competent authorities and single points of contact designated by Andorra."

(d) In Article 20(4), the following shall be inserted after the words "notified to the Commission.":

"The Commission shall include on that list the ADR entities established in Andorra and listed in accordance with paragraph 2."

19. 32015 L 2302: Directive (EU) 2015/2302 of the European Parliament and of the Council of 25 November 2015 on package travel and linked travel arrangements, amending Regulation (EC) No 2006/2004 and Directive 2011/83/EU of the European Parliament and of the Council and repealing Council Directive 90/314/EEC (OJ L 326, 11.12.2015, p. 1).

The provisions of this Directive shall, for the purposes of this Agreement, be read with the following adaptation:

In Article 14(4), the words "the Union" shall read "Andorra".

ACTS OF WHICH THE ASSOCIATED PARTIES SHALL TAKE NOTE

1. 41986 X 0723(06): Council Resolution and the Ministers for Education meeting within the Council of 9 July 1986 on consumer education in primary and secondary schools (OJ C 184, 23.7.1986, p. 21).

2. 32010 H 0304: Commission Recommendation 2010/304/EU of 12 May 2010 on the use of a harmonised methodology for classifying and reporting consumer complaints and enquiries (OJ L 136, 2.6.2010, p. 1).