

**INTERGOVERNMENTAL CONFERENCE  
ON THE ACCESSION OF THE REPUBLIC OF BULGARIA TO THE  
EUROPEAN UNION**

**NEGOTIATING POSITION  
ON CHAPTER 23**

**CONSUMER PROTECTION AND HEALTH**

**OVERALL POSITION**

The Republic of Bulgaria accepts and will implement in full the *acquis communautaire* in the field of Consumers and Health Protection, including the 1999 *acquis* on consumer protection by 31 December 2006 .

As a working hypothesis the Bulgarian Government considers that Bulgaria will become a member of the EU on 01.01.2007.

Bulgaria does not request a transitional period or a derogation from the *acquis* in the chapter Consumer protection and health.

**ACQUIS ADOPTION AND IMPLEMENTATION**

The legislation of the Republic of Bulgaria contains the essential elements of the *acquis communautaire* in the field of consumers and health protection. The right of independent consumer organisations to take part in the process of consumer rights protection is clearly stated in law. Their legitimate interest in commenting on draft consumer legislation is recognised, as their role in bringing complaints on behalf of consumers – individually or collectively, before enforcement authorities.

The Republic of Bulgaria has started the building up the necessary administrative structures and is in the process of building up a functioning institutional structure for consumer protection at national and local level, which is a precondition for the effective implementation of consumer protection legislation. Appropriate consultative procedures granting the participation of consumers in the decision making process and representation of consumers' interest in it, were elaborated.

Administrative bodies, and in particular, those responsible for the implementation and enforcement of the legislation shall be strengthened. Republic of Bulgaria encourages the development of independent consumer protection organisations and promotes the co-operation among the different enforcement authorities and the independent consumer protection organisations.

The Bulgarian Government proposes the negotiations on this chapter to be provisionally closed on the basis of the existing *acquis*.

Should new elements of the acquis make it necessary Bulgaria considers the possibility of opening supplementary negotiations before the end of the Intergovernmental conference.

**Justification :**

The chapter on consumer protection is regulated by the law on Consumer Protection and Trade Rules, in force as of July 2, 1999 and by its implementing regulations. The law transposes in the Bulgarian legislation Directive 98/6 on consumer protection in the indication of the prices of products offered to consumers, Directive 84/450 on misleading advertising, Directive 93/13 on unfair terms in consumer contracts, Directive 92/59 on general product safety, Directive 85/374 on product liability, Directive 85/577 on consumer contracts concluded away from business premises and partially Directive 97/7 on distance contract.

The law on Consumer Protection and Trade Rules establishes the legal framework for the establishment of the institutional structure for consumer protection in the Republic of Bulgaria. The law defines the following administrative and consultative structures for consumer protection:

- Ministry of Economy;
- Commission on Trade and Consumer Protection within the Ministry of Economy;
- National Council for Consumer Protection
- Conciliation Commissions for out-of-court settlement of consumer disputes;
- consumer protection units with local administrations

The Ministry of Economy of the Republic of Bulgaria has overall responsibility for carrying out consumer policy and for drafting consumer protection legislation. The Commission on Trade and Consumer Protection within the Ministry of Economy is responsible for the implementation of the legislation in the field of consumer protection, and partly also the Health Inspectorates, the Veterinary Service and the National Plant Protection Service. The Commission on Trade and Consumer Protection with the Ministry of Economy can issue orders to eliminate violations of the consumer legislation, analyse consumer contracts, take legal action to nullify unfair terms in consumer contracts, take action in court

to prohibit misleading advertising, supervise the observance of the regulation on price indication of products and services. It can issue orders to prohibit the marketing, or suspend the sale of products which are considered to be dangerous, it can order the withdrawal from the market or destruction of dangerous products. Administrative authorities may impose administrative sanctions to economic operators for a violations of the consumer protection legislation.

To be able to prepare and implement the legislation that will be fully in conformity with the *acquis communautaire* the Republic of Bulgaria needs certain time to train the personnel to acquire practical skills on the enforcement of the legislation and to reinforce the existing institutions. It will reinforce technically the existing institutions with the necessary equipment and funds to carry out its tasks effectively. It will provide training programmes for the judiciary to make judges more aware of consumer issues.

The Republic of Bulgaria shall reinforce the staffing in the institutions responsible for the monitoring and implementation of legislation.

The time schedule envisaged for the harmonisation of the legislation is as follows:

- Transposition of article 5 of the Rome Convention on the law applicable to contractual obligations, namely consumer contracts into the Law on Consumer Protection and Trade Rules through making an amendment of the Law on Obligations and Contracts – will be done by the end of 2000 ;
- Adoption of a Regulation which shall transpose into Bulgarian legislation requirements laid down in Directive 87/357 – will be done by the end of 2000;
- Amendment to the Law on Consumer Protection and Trade Rules, in order to transpose into Bulgarian legislation requirements laid down in Directive 97/7 and 97/55 and in order to take into consideration comments made by the European Commission during the screening exercise – will be done by 31 December 2002 ;
- the consumer credits will be regulated by a special regulation to be adopted by the end of 2002 ;
- Adoption of a new Law on Tourism to transpose into Bulgarian legislation Directive 90/314 on package travel – will be done by the end of 2001;
- the timeshare will be regulated by a special regulation to be adopted by the end of 2003 ;
- article 2 of the directive on injunctions will be implemented in Bulgarian legislation by the end of 2004 and the other provisions of this Directive will be implemented upon accession.