



RUPRECHT-KARLS-UNIVERSITÄT
HEIDELBERG

INSTITUT FÜR AUSLÄNDISCHES UND
INTERNATIONALES PRIVAT- UND WIRTSCHAFTSRECHT

**RECHTSVERGLEICHENDE
UNTERSUCHUNG DES VERBRAUCHERIN-
FORMATIONSRRECHTS**

IN
DEUTSCHLAND, BELGIEN, DÄNEMARK,
FRANKREICH, GROSSBRITANNIEN, IRLAND, SCHWEDEN
UND DEN VEREINIGTEN STAATEN VON AMERIKA

DOKUMENTATIONSBAND
ZUM ABSCHLUSSBERICHT

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FRAGEBÖGEN DEUTSCHLAND



Anspruchsgrundlage mit Gesetzesbezeichnung (Originaltitel und Übersetzung):
§ 1 VIG (Gesetz zur Verbesserung der gesundheitsbezogenen Verbraucherinformation)

1. Anspruchsziel/Rechtsfolge

a. Der Anspruch zielt auf

- Herausgabe vorhandener/vorliegender Informationen
- Herausgabe vorhandener Informationen oder Weiterleitung der Anfrage/des Antragstellers an die zuständige Stelle
- Untersuchung des Sachverhalts auf Antrag und Herausgabe der Information
- Produktwarnung (Behörde)/Rückruf des Produkts (Unternehmer).
- Veröffentlichung (z.B. im Internet) Ort:
- nichts von allem, sondern zur:

b. Informationstiefe

Der Anspruch ist auf Weitergabe welcher Informationen gerichtet (z.B. Unbedenklichkeit für die Gesundheit nach oder ohne Grenzwerte(n), Herstellungsprozess, Erzeugnisse, andere)?

Verstöße gegen Lebensmittel- und Futtermittelrecht, § 1 I Nr. 1 VIG,
Gefahren und Risiken, die von einem Erzeugnis im Sinne des LFVG ausgehen, § 1 I Nr. 2 VIG,
Daten über Kennzeichnung, Herkunft, Beschaffenheit, Verwendung, Herstellung oder Behandlung von Erzeugnissen iSd LFVG, § 1 I Nr. 3 VIG,
Ausgangsstoffe, § 1 I Nr. 4 VIG,
Überwachungsmaßnahmen u.ä., § 1 I Nr. 5 VIG.

c. Verfahrensdauer

Ist eine Frist zur Informationsherausgabe/Bearbeitung vorgesehen? Wenn ja, wie lang ist sie?

Gemäß § 4 II VIG ist eine Regelfrist von einem Monat vorgesehen, innerhalb welcher der Antrag bearbeitet werden soll. Bei Beteiligung Dritter beträgt die Frist zwei Monate (§ 4 III VIG). Eine Beteiligung Dritter in diesem Sinne liegt vor, wenn Personen aus den in § 4 I VIG festgelegten Gründen eine Möglichkeit zur Stellungnahme haben. Dritte sind dabei Personen, deren Belange durch den Antrag auf Informationszugang betroffen sind.

2. Beteiligte

a. Anspruchsberechtigt ist/sind

- Jedermann (natürliche und juristische Personen)
- Verbraucher
- Verbraucherverbände
- Andere spezifische Personen(-gruppen)/Behörden: teilweise vertreten: auch nicht rechtsfähige Personenvereinigungen wie Verbände, Bürgerinitiativen etc. (Beck, VIG, S. 14).

**b. Anspruchsbefugt sind**

- Personen, die selbst von der Information betroffen sind
- Personen, die folgendes besondere Interesse an der Information geltend machen:
- sonstige Personen(-gruppen), unter folgenden Voraussetzungen: Alle Personen, die nicht bereits über die Informationen verfügen (§ 3 IV VIG). Der Antrag kann überdies abgelehnt werden, wenn der Antragsteller sich die Information in zumutbaren Weise aus allgemein zugänglichen Quellen beschaffen kann (§ 3 V VIG).

c. Anspruchsgegner/informationspflichtig sind

- Behörden
- Hersteller/Dienstleister** (zutreffendes bitte auswählen)
- Zwischenhändler
- andere: Natürliche und juristische Personen, die öffentlich-rechtliche Aufgaben oder Tätigkeiten wahrnehmen und der Aufsicht einer Behörde unterstellt sind (§ 1 II Nr. 2 VIG). Im Moment existieren solche Personen nicht (Beck, S. 27).

3. Tatbestandsvoraussetzungen**a. Gibt es eine Verfallfrist für Informationen?**

- Nein
- Ja, Informationen, die älter als **5 Jahre** sind, **sollen** nicht mehr herausgegeben werden (zutreffendes bitte auswählen).

b. Ausnahmetatbestände

Vom Informationsanspruch ausgenommen sind

- Betriebs- und Geschäftsgeheimnisse § 2 Nr. 2 c VIG
- Informationen, die folgenden Behörden vorliegen:
- Informationen, zum Schutz folgender öffentlicher Belange: § 2 S.1 Nr. 1 VIG u.a.: internationale Beziehungen, Vertraulichkeit der Beratung von Behörden, Funktionsfähigkeit der Verwaltungsverfahren, fiskalische Interessen, Datenschutz.
- sonstige Informationen aus folgenden Gründen: Schutz des geistigen Eigentums (§ 2 S. 1 Nr. 2 b VIG), Informationen die die Behörde aufgrund einer Meldepflicht erhalten hat (§ 2 S. 1 Nr. 2 c VIG).

c. Das Vorliegen von Ausnahmetatbeständen wird

- vom Unternehmen geltend gemacht:
- von der folgenden Behörde überprüft: § 2 VIG
- zusätzlich auf Antrag von der folgenden unabhängigen Institution überprüft:
- wie folgt geltend gemacht/überprüft:

d. Es besteht ein Antragserfordernis ja nein

4. Anwendungsbereich

Ist der Anspruch auf bestimmte Produkte/Dienstleistungen beschränkt (z.B. Lebens- und Futtermittel nach VO (EG) Nr. 178/2002)?

Verstöße gegen Lebensmittel- und Futtermittelrecht (BT-Drucksache 16/5404 S. 10).
Informationen im Zusammenhang mit Lebens- und Futtermitteln.



5. Telos der Regelung

a. Kriterium der unter 1.a. und 1.b. genannten Anspruchstiefe (Mehrfachnennung möglich)

(die spezifische Anspruchstiefe ist gewählt worden aufgrund)

- des Grads der Verbrauchergefährdung
- des bedrohten Schutzguts (Leben, Gesundheit, Eigentum, selbstbestimmte Lebensführung)
- Gegenstand des Gesetzes/Produktkategorie
- Vorbestimmung durch europäisches Sekundärrecht

b. Bei Abhängigkeit von einem Schutzgut: Was soll die Vorschrift schützen?

- Leib, Leben und/oder körperlicher Unversehrtheit des Verbrauchers
- die finanziellen Interessen des Verbrauchers
- Dritte/selbstbestimmte Lebensführung und/oder sinnvolle Faktorallokation durch aufgeklärte Konsumententscheidungen
 - mit Blick auf den Schutz von Leib/Leben und körperlicher Unversehrtheit der Beteiligten am Herstellungsprozess
 - zugunsten eines effektiven Umwelt- und Tierschutzes
 - Aus anderen sozialen/gesellschaftlichen Erwägungen (Fair trade/Weltanschauung)

c. Bei Abhängigkeit von einem bestimmten Grad der Verbrauchergefährdung:

Welche Erkenntnissicherheit ist Voraussetzung?

- Verdacht einer Gefährdung/eines Rechtsverstoßes genügt
- Begründeter Verdacht einer Gefährdung/eines Rechtsverstoßes
- Sichere Erkenntnis über eine Gefährdung/einen Rechtsverstoßes
- einem anderen Grad und zwar:

6. Anspruchsnatur

Es handelt sich um einen

- Vertraglichen Anspruch des Privatrechts
- Deliktischen Anspruch des Privatrechts
- Öffentlich-rechtlichen Anspruch
- Strafbewehrte öffentlich-rechtliche Pflicht zur Informationsherausgabe.

7. Rechtsfolgen fehlerhafter Information

Stellt sich die von einer Behörde/einem Unternehmen gegebene Information nachträglich als unvollständig oder falsch heraus

- hat der Bürger einen Schadensersatzanspruch gegen den Informationspflichtigen
 - der verschuldensabhängig ist
- kann ein Unternehmer unter folgenden Voraussetzungen als Ordnungswidrigkeit/Straftat Verfolgt werden:
- Kann auch das Unternehmen strafrechtlich verfolgt werden

a. Schadenshöhe

- der Schaden lässt sich nicht beziffern und daher ist der Anspruch unbedeutend
 - † errechnet sich wie folgt
 - Bei Verletzung wird ein immaterieller Schaden i.H.v. ≈ bis ≈ € angenommen
 - Bei Verletzung wird ein Strafschadensersatz i.H.v. ≈ . bis ≈ € angenommen
- Voraussetzungen:



b. Der Fehler wird wie folgt publik gemacht

c. Andere Sanktion

Der Fehler/die Unvollständigkeit der Information wird wie folgt sanktioniert:

8. Kostentragung

Kosten verursachen folgende Tätigkeiten,

Heraussuchen vorhandener Information

Weiterverweisung an andere Stelle

Rücksprache mit dem Unternehmer

Veröffentlichung der Information

- Beschaffung einfach zug. Information

- Beschaffung jeglicher Information

- sonstige

dies sind

sowie

davon trägt der Verbraucher

9. Sonstige relevante Informationen

Folgende Informationen wurden nicht abgefragt, könnten jedoch generell noch relevant sein:

(z.B. Abhängigkeit des Anspruchs von einer Täuschung o.ä.)

zu Frage 2a: Anspruchsberechtigte: Nicht: Juristische Personen des öffentlichen Rechts (Beck, S. 14), da Verbraucherschutzrechte gestärkt werden sollen. Gleichwohl kann ein Mitarbeiter einer solchen juristischen Person die Information einholen und auch für die juristische Person verwenden.

**Anspruchsgrundlage mit Gesetzesbezeichnung (Originaltitel und Übersetzung):**
§ 3 I UIG (Umweltinformationsgesetz)**1. Anspruchsziel/Rechtsfolge****a. Der Anspruch zielt auf**

- Herausgabe vorhandener/vorliegender Informationen
- Herausgabe vorhandener Informationen oder Weiterleitung der Anfrage/des Antragstellers an die zuständige Stelle
- Untersuchung des Sachverhalts auf Antrag und Herausgabe der Information
- Produktwarnung (Behörde)/Rückruf des Produkts (Unternehmer).
- Veröffentlichung (z.B. im Internet) Ort:
- nichts von allem, sondern zur:

b. Informationstiefe

Der Anspruch ist auf Weitergabe welcher Informationen gerichtet (z.B. Unbedenklichkeit für die Gesundheit nach oder ohne Grenzwerte(n), Herstellungsprozess, Erzeugnisse, andere)?

Umweltinformationen

c. Verfahrensdauer

Ist eine Frist zur Informationsherausgabe/Bearbeitung vorgesehen? Wenn ja, wie lang ist sie?

§ 3 III Nr. 1 UIG: grundsätzlich 1 Monat gemäß § 3 III Nr. 2 UIG in Ausnahmefällen 2 Monate

2. Beteiligte**a. Anspruchsberechtigt ist/sind**

- Jedermann (natürliche und juristische Personen)
- Verbraucher
- Verbraucherverbände
- Andere spezifische Personen(-gruppen)/Behörden:

b. Anspruchsbefugt sind

- Personen, die selbst von der Information betroffen sind
- Personen, die folgendes besondere Interesse an der Information geltend machen:
- sonstige Personen(-gruppen), unter folgenden Voraussetzungen: alle, voraussetzungslos

c. Anspruchsgegner/informationspflichtig sind

- Behörden
- Hersteller/Dienstleister** (zutreffendes bitte auswählen)
- Zwischenhändler
- andere: natürliche und juristische Personen, die öffentliche Aufgaben wahrnehmen oder öffentliche Dienstleistungen erbringen, die im Zusammenhang mit der Umwelt stehen § 2 I Nr. 2 UIG



3. Tatbestandsvoraussetzungen

a. Gibt es eine Verfallfrist für Informationen?

- Nein
 Ja, Informationen, die älter als **Monate** sind,
dürfen nicht mehr herausgegeben werden (*zutreffendes bitte auswählen*).

b. Ausnahmetatbestände

Vom Informationsanspruch ausgenommen sind

- Betriebs- und Geschäftsgeheimnisse § 9 UIG
 Informationen, die folgenden Behörden vorliegen:
 Informationen, zum Schutz folgender öffentlicher Belange: § 8 I und II u.a. internationale Beziehungen, Verteidigung, Vertraulichkeit von Beratungen der Behörde, Durchführung von Gerichtsverfahren, Umwelt, Funktionsfähigkeit der Behörde
 sonstige Informationen aus folgenden Gründen: Datenschutz (§ 9 I Nr. 1 UIG), Rechte an geistigem Eigentum (§ 9 I Nr. 2 UIG); freiwillig übermittelte Informationen, wenn die Offenbarung nachteilige Wirkung für den Unternehmer hätte (§ 9 II UIG).

c. Das Vorliegen von Ausnahmetatbeständen wird

- vom Unternehmen geltend gemacht:
 von der folgenden Behörde überprüft: die Behörde bei der der Antrag gestellt wurde
 zusätzlich auf Antrag von der folgenden unabhängigen Institution überprüft:
 wie folgt geltend gemacht/überprüft:

d. Es besteht ein Antragsersfordernis ja nein

4. Anwendungsbereich

Ist der Anspruch auf bestimmte Produkte/Dienstleistungen beschränkt (z.B. Lebens- und Futtermittel nach VO (EG) Nr. 178/2002)?

5. Telos der Regelung

a. Kriterium der unter 1.a. und 1.b. genannten Anspruchstiefe (Mehrfachnennung möglich)

(die spezifische Anspruchstiefe ist gewählt worden aufgrund)

- des Grads der Verbrauchergefährdung
 des bedrohten Schutzguts (Leben, Gesundheit, Eigentum, selbstbestimmte Lebensführung)
 Gegenstand des Gesetzes/Produktkategorie
 Vorbestimmung durch europäisches Sekundärrecht

b. Bei Abhängigkeit von einem Schutzgut: Was soll die Vorschrift schützen?

- Leib, Leben und/oder körperlicher Unversehrtheit des Verbrauchers
 die finanziellen Interessen des Verbrauchers
 Dritte/selbstbestimmte Lebensführung und/oder sinnvolle Faktorallokation durch aufgeklärte Konsumententscheidungen
 mit Blick auf den Schutz von Leib/Leben und körperlicher Unversehrtheit der Beteiligten am Herstellungsprozess
 zugunsten eines effektiven Umwelt- und Tierschutzes
 Aus anderen sozialen/gesellschaftlichen Erwägungen (Fair trade/Weltanschauung)



c. Bei Abhängigkeit von einem bestimmten Grad der Verbrauchergefährdung:

Welche Erkenntnissicherheit ist Voraussetzung?

- Verdacht einer Gefährdung/eines Rechtsverstoßes genügt
- Begründeter Verdacht einer Gefährdung/eines Rechtsverstoßes
- Sichere Erkenntnis über eine Gefährdung/einen Rechtsverstoßes
- einem anderen Grad und zwar:

6. Anspruchsnatur

Es handelt sich um einen

- Vertraglichen Anspruch des Privatrechts
- Deliktischen Anspruch des Privatrechts
- Öffentlich-rechtlichen Anspruch
- Strafbewehrte öffentlich-rechtliche Pflicht zur Informationsherausgabe.

7. Rechtsfolgen fehlerhafter Information

Stellt sich die von einer Behörde/einem Unternehmen gegebene Information nachträglich als unvollständig oder falsch heraus

- hat der Bürger einen Schadensersatzanspruch gegen den Informationspflichtigen
 - der verschuldensabhängig ist
- kann ein Unternehmer unter folgenden Voraussetzungen als Ordnungswidrigkeit/Straftat Verfolgt werden:
- Kann auch das Unternehmen strafrechtlich verfolgt werden

a. Schadenshöhe

- der Schaden lässt sich nicht beziffern und daher ist der Anspruch unbedeutend
 - † errechnet sich wie folgt
 - Bei Verletzung wird ein immaterieller Schaden i.H.v. ≈ bis ≈ € angenommen
 - Bei Verletzung wird ein Strafschadensersatz i.H.v. ≈ . bis ≈ € angenommen
- Voraussetzungen:

b. Der Fehler wird wie folgt publik gemacht

c. Andere Sanktion

Der Fehler/die Unvollständigkeit der Information wird wie folgt sanktioniert:

8. Kostentragung

Kosten verursachen folgende Tätigkeiten,

Heraussuchen vorhandener Information

Weiterverweisung an andere Stelle

Rücksprache mit dem Unternehmer

Veröffentlichung der Information

- Beschaffung einfach zug. Information

- Beschaffung jeglicher Information

- sonstige

dies sind sowie

davon trägt der Verbraucher

- | | |
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9. Sonstige relevante Informationen

Folgende Informationen wurden nicht abgefragt, könnten jedoch generell noch relevant sein:
(z.B. Abhängigkeit des Anspruchs von einer Täuschung o.ä.)

Frage 1 a: auch Anspruch auch auf Herausgabe bereitgehaltener Informationen.



Anspruchsgrundlage mit Gesetzesbezeichnung (Originaltitel und Übersetzung):
§ 1 I S. 1 IFG (Informationsfreiheitsgesetz des Bundes)

1. Anspruchsziel/Rechtsfolge

a. Der Anspruch zielt auf

- Herausgabe vorhandener/vorliegender Informationen
- Herausgabe vorhandener Informationen oder Weiterleitung der Anfrage/des Antragstellers an die zuständige Stelle
- Untersuchung des Sachverhalts auf Antrag und Herausgabe der Information
- Produktwarnung (Behörde)/Rückruf des Produkts (Unternehmer).
- Veröffentlichung (z.B. im Internet) Ort:
- nichts von allem, sondern zur:

b. Informationstiefe

Der Anspruch ist auf Weitergabe welcher Informationen gerichtet (z.B. Unbedenklichkeit für die Gesundheit nach oder ohne Grenzwerte(n), Herstellungsprozess, Erzeugnisse, andere)?

Amtliche Informationen

c. Verfahrensdauer

Ist eine Frist zur Informationsherausgabe/Bearbeitung vorgesehen? Wenn ja, wie lang ist sie?

1 Monat, § 7 V IFG,

2. Beteiligte

a. Anspruchsberechtigt ist/sind

- Jedermann (natürliche und juristische Personen)
- Verbraucher
- Verbraucherverbände
- Andere spezifische Personen(-gruppen)/Behörden:

b. Anspruchsbefugt sind

- Personen, die selbst von der Information betroffen sind
- Personen, die folgendes besondere Interesse an der Information geltend machen:
- sonstige Personen(-gruppen), unter folgenden Voraussetzungen: alle, voraussetzungslos

c. Anspruchsgegner/informationspflichtig sind

- Behörden
- Hersteller/Dienstleister** (zutreffendes bitte auswählen)
- Zwischenhändler
- andere: Private, denen sich eine Behörde zur Erfüllung ihrer öffentlich-rechtlichen Aufgaben bedient, § 1 I S. 3 IFG.



3. Tatbestandsvoraussetzungen

a. Gibt es eine Verfallfrist für Informationen?

- Nein
 Ja, Informationen, die älter als **Monate** sind,
dürfen nicht mehr herausgegeben werden (*zutreffendes bitte auswählen*).

b. Ausnahmetatbestände

Vom Informationsanspruch ausgenommen sind

- Betriebs- und Geschäftsgeheimnisse
 Informationen, die folgenden Behörden vorliegen:
 Informationen, zum Schutz folgender öffentlicher Belange:
 sonstige Informationen aus folgenden Gründen:

c. Das Vorliegen von Ausnahmetatbeständen wird

- vom Unternehmen geltend gemacht:
 von der folgenden Behörde überprüft:
 zusätzlich auf Antrag von der folgenden unabhängigen Institution überprüft:
 wie folgt geltend gemacht/überprüft:

d. Es besteht ein Antragsersfordernis ja nein

4. Anwendungsbereich

Ist der Anspruch auf bestimmte Produkte/Dienstleistungen beschränkt (z.B. Lebens- und Futtermittel nach VO (EG) Nr. 178/2002)?

nein

5. Telos der Regelung

a. Kriterium der unter 1.a. und 1.b. genannten Anspruchstiefe (Mehrfachnennung möglich)

(die spezifische Anspruchstiefe ist gewählt worden aufgrund)

- des Grads der Verbrauchergefährdung
 des bedrohten Schutzguts (Leben, Gesundheit, Eigentum, selbstbestimmte Lebensführung)
 Gegenstand des Gesetzes/Produktkategorie
 Vorbestimmung durch europäisches Sekundärrecht

b. Bei Abhängigkeit von einem Schutzgut: Was soll die Vorschrift schützen?

- Leib, Leben und/oder körperlicher Unversehrtheit des Verbrauchers
 die finanziellen Interessen des Verbrauchers
 Dritte/selbstbestimmte Lebensführung und/oder sinnvolle Faktorallokation durch aufgeklärte Konsumententscheidungen
 mit Blick auf den Schutz von Leib/Leben und körperlicher Unversehrtheit der Beteiligten am Herstellungsprozess
 zugunsten eines effektiven Umwelt- und Tierschutzes
 Aus anderen sozialen/gesellschaftlichen Erwägungen (Fair trade/Weltanschauung)



c. Bei Abhängigkeit von einem bestimmten Grad der Verbrauchergefährdung:

Welche Erkenntnissicherheit ist Voraussetzung?

- Verdacht einer Gefährdung/eines Rechtsverstoßes genügt
- Begründeter Verdacht einer Gefährdung/eines Rechtsverstoßes
- Sichere Erkenntnis über eine Gefährdung/einen Rechtsverstoßes
- einem anderen Grad und zwar:

6. Anspruchsnatur

Es handelt sich um einen

- Vertraglichen Anspruch des Privatrechts
- Deliktischen Anspruch des Privatrechts
- Öffentlich-rechtlichen Anspruch
- Strafbewehrte öffentlich-rechtliche Pflicht zur Informationsherausgabe.

7. Rechtsfolgen fehlerhafter Information

Stellt sich die von einer Behörde/einem Unternehmen gegebene Information nachträglich als unvollständig oder falsch heraus

- hat der Bürger einen Schadensersatzanspruch gegen den Informationspflichtigen
 der verschuldensabhängig ist
- kann ein Unternehmer unter folgenden Voraussetzungen als Ordnungswidrigkeit/Straftat Verfolgt werden:
- Kann auch das Unternehmen strafrechtlich verfolgt werden

a. Schadenshöhe

- der Schaden lässt sich nicht beziffern und daher ist der Anspruch unbedeutend
- † errechnet sich wie folgt
- Bei Verletzung wird ein immaterieller Schaden i.H.v. ≈ bis ≈ € angenommen
- Bei Verletzung wird ein Strafschadensersatz i.H.v. ≈ . bis ≈ € angenommen
- Voraussetzungen:

b. Der Fehler wird wie folgt publik gemacht

c. Andere Sanktion

Der Fehler/die Unvollständigkeit der Information wird wie folgt sanktioniert:

8. Kostentragung

Kosten verursachen folgende Tätigkeiten,

Heraussuchen vorhandener Information

Weiterverweisung an andere Stelle

Rücksprache mit dem Unternehmer

Veröffentlichung der Information

- Beschaffung einfach zug. Information

- Beschaffung jeglicher Information

- sonstige

dies sind





9. Sonstige relevante Informationen

Folgende Informationen wurden nicht abgefragt, könnten jedoch generell noch relevant sein:
(z.B. Abhängigkeit des Anspruchs von einer Täuschung o.ä.)

Frage 2 a: Juristische Personen des öffentlichen Rechts sind nicht anspruchsberechtigt (Rossi, IFG, § 1 Rn, 15).



Anspruchsgrundlage mit Gesetzesbezeichnung (Originaltitel und Übersetzung):
§§ 1004 iVm 823 BGB analog (Vorbeugender Rechtsschutz)

1. Anspruchsziel/Rechtsfolge

a. Der Anspruch zielt auf

- Herausgabe vorhandener/vorliegender Informationen
- Herausgabe vorhandener Informationen oder Weiterleitung der Anfrage/des Antragstellers an die zuständige Stelle
- Untersuchung des Sachverhalts auf Antrag und Herausgabe der Information
- Produktwarnung (Behörde)/Rückruf des Produkts (Unternehmer).
- Veröffentlichung (z.B. im Internet) Ort:
- nichts von allem, sondern zur: Verhinderung drohender Schäden

b. Informationstiefe

Der Anspruch ist auf Weitergabe welcher Informationen gerichtet (z.B. Unbedenklichkeit für die Gesundheit nach oder ohne Grenzwerte(n), Herstellungsprozess, Erzeugnisse, andere)?

Derjenigen Informationen, die notwendig sind, um den Schadenseintritt zu verhindern.

c. Verfahrensdauer

Ist eine Frist zur Informationsherausgabe/Bearbeitung vorgesehen? Wenn ja, wie lang ist sie?

nein

2. Beteiligte

a. Anspruchsberechtigt ist/sind

- Jedermann (natürliche und juristische Personen)
- Verbraucher
- Verbraucherverbände
- Andere spezifische Personen(-gruppen)/Behörden:

b. Anspruchsbefugt sind

- Personen, die selbst von der Information betroffen sind
- Personen, die folgendes besondere Interesse an der Information geltend machen:
- sonstige Personen(-gruppen), unter folgenden Voraussetzungen:

c. Anspruchsgegner/informationspflichtig sind

- Behörden
- Hersteller/Dienstleister** (zutreffendes bitte auswählen)
- Zwischenhändler
- andere: diejenigen bei denen die Informationen vorliegen und die haftbar gemacht würden, wenn der Schaden einträte



3. Tatbestandsvoraussetzungen

a. Gibt es eine Verfallfrist für Informationen?

- Nein
 Ja, Informationen, die älter als **Monate** sind,
dürfen nicht mehr herausgegeben werden (*zutreffendes bitte auswählen*).

b. Ausnahmetatbestände

Vom Informationsanspruch ausgenommen sind

- Betriebs- und Geschäftsgeheimnisse
 Informationen, die folgenden Behörden vorliegen:
 Informationen, zum Schutz folgender öffentlicher Belange:
 sonstige Informationen aus folgenden Gründen:

c. Das Vorliegen von Ausnahmetatbeständen wird

- vom Unternehmen geltend gemacht:
 von der folgenden Behörde überprüft:
 zusätzlich auf Antrag von der folgenden unabhängigen Institution überprüft:
 wie folgt geltend gemacht/überprüft:

- d. Es besteht ein Antragsersfordernis** ja nein

4. Anwendungsbereich

Ist der Anspruch auf bestimmte Produkte/Dienstleistungen beschränkt (z.B. Lebens- und Futtermittel nach VO (EG) Nr. 178/2002)?

nein

5. Telos der Regelung

a. Kriterium der unter 1.a. und 1.b. genannten Anspruchstiefe (Mehrfachnennung möglich)

(die spezifische Anspruchstiefe ist gewählt worden aufgrund)

- des Grads der Verbrauchergefährdung
 des bedrohten Schutzguts (Leben, Gesundheit, Eigentum, selbstbestimmte Lebensführung)
 Gegenstand des Gesetzes/Produktkategorie
 Vorbestimmung durch europäisches Sekundärrecht

b. Bei Abhängigkeit von einem Schutzgut: Was soll die Vorschrift schützen?

- Leib, Leben und/oder körperlicher Unversehrtheit des Verbrauchers
 die finanziellen Interessen des Verbrauchers
 Dritte/selbstbestimmte Lebensführung und/oder sinnvolle Faktorallokation durch aufgeklärte Konsumententscheidungen
 mit Blick auf den Schutz von Leib/Leben und körperlicher Unversehrtheit der Beteiligten am Herstellungsprozess
 zugunsten eines effektiven Umwelt- und Tierschutzes
 Aus anderen sozialen/gesellschaftlichen Erwägungen (Fair trade/Weltanschauung)



c. Bei Abhängigkeit von einem bestimmten Grad der Verbrauchergefährdung:

Welche Erkenntnissicherheit ist Voraussetzung?

- Verdacht einer Gefährdung/eines Rechtsverstoßes genügt
- Begründeter Verdacht einer Gefährdung/eines Rechtsverstoßes
- Sichere Erkenntnis über eine Gefährdung/einen Rechtsverstoßes
- einem anderen Grad und zwar:

6. Anspruchsnatur

Es handelt sich um einen

- Vertraglichen Anspruch des Privatrechts
- Deliktischen Anspruch des Privatrechts
- Öffentlich-rechtlichen Anspruch
- Strafbewehrte öffentlich-rechtliche Pflicht zur Informationsherausgabe.

7. Rechtsfolgen fehlerhafter Information

Stellt sich die von einer Behörde/einem Unternehmen gegebene Information nachträglich als unvollständig oder falsch heraus

- hat der Bürger einen Schadensersatzanspruch gegen den Informationspflichtigen
 - der verschuldensabhängig ist
- kann ein Unternehmer unter folgenden Voraussetzungen als Ordnungswidrigkeit/Straftat Verfolgt werden:
- Kann auch das Unternehmen strafrechtlich verfolgt werden

a. Schadenshöhe

- der Schaden lässt sich nicht beziffern und daher ist der Anspruch unbedeutend
 - errechnet sich wie folgt
 - Bei Verletzung wird ein immaterieller Schaden i.H.v. ≈ bis ≈ € angenommen
 - Bei Verletzung wird ein Strafschadensersatz i.H.v. ≈ . bis ≈ € angenommen
- Voraussetzungen:

b. Der Fehler wird wie folgt publik gemacht

c. Andere Sanktion

Der Fehler/die Unvollständigkeit der Information wird wie folgt sanktioniert:

8. Kostentragung

Kosten verursachen folgende Tätigkeiten,

Heraussuchen vorhandener Information

Weiterverweisung an andere Stelle

Rücksprache mit dem Unternehmer

Veröffentlichung der Information

- Beschaffung einfach zug. Information

- Beschaffung jeglicher Information

- sonstige

dies sind

sowie

davon trägt der Verbraucher		<input checked="" type="checkbox"/>		<input type="checkbox"/>
		<input checked="" type="checkbox"/>		<input type="checkbox"/>
		<input checked="" type="checkbox"/>		<input type="checkbox"/>
		<input checked="" type="checkbox"/>		<input type="checkbox"/>
		<input checked="" type="checkbox"/>		<input type="checkbox"/>
		<input checked="" type="checkbox"/>		<input type="checkbox"/>
		<input checked="" type="checkbox"/>		<input type="checkbox"/>



9. Sonstige relevante Informationen

Folgende Informationen wurden nicht abgefragt, könnten jedoch generell noch relevant sein:
(z.B. Abhängigkeit des Anspruchs von einer Täuschung o.ä.)

Frage 6: Anspruchsnatur: Quasinegatorisch.



Anspruchsgrundlage mit Gesetzesbezeichnung (Originaltitel und Übersetzung):
 § 40 LFBG (Lebensmittel-, Bedarfsgegenstände- und Futtermittelgesetzbuch)

1. Anspruchsziel/Rechtsfolge

a. Der Anspruch zielt auf

- Herausgabe vorhandener/vorliegender Informationen
- Herausgabe vorhandener Informationen oder Weiterleitung der Anfrage/des Antragstellers an die zuständige Stelle
- Untersuchung des Sachverhalts auf Antrag und Herausgabe der Information
- Produktwarnung (Behörde)/Rückruf des Produkts (Unternehmer).
- Veröffentlichung (z.B. im Internet) Ort:
- nichts von allem, sondern zur:

b. Informationstiefe

Der Anspruch ist auf Weitergabe welcher Informationen gerichtet (z.B. Unbedenklichkeit für die Gesundheit nach oder ohne Grenzwerte(n), Herstellungsprozess, Erzeugnisse, andere)?

Risiko für die menschliche Gesundheit, § 40 I Nr. 1 LFBG
 Gesetzesverstöße gegen Vorschriften des LFBG, § 40 I Nr.2 LFBG--> Gesundheitsschädigung und Täuschung
 Sicherheit § 40 I Nr.3 LFBG
 Informationen über in den Verkehr gelangte zum Verzehr ungeeignete Lebensmittel § 40 I Nr. 4 LFBG

--> Nennung/Bezeichnung des Lebensmittels oder Futtermittels und namentliche Nennung des Lebensmittel- oder Futtermittelunternehmens (Hersteller oder Inverkehrbringer)

c. Verfahrensdauer

Ist eine Frist zur Informationsherausgabe/Bearbeitung vorgesehen? Wenn ja, wie lang ist sie?

nein

2. Beteiligte

a. Anspruchsberechtigt ist/sind

- Jedermann (natürliche und juristische Personen)
- Verbraucher
- Verbraucherverbände
- Andere spezifische Personen(-gruppen)/Behörden:

b. Anspruchsbefugt sind

- Personen, die selbst von der Information betroffen sind
- Personen, die folgendes besondere Interesse an der Information geltend machen:
- sonstige Personen(-gruppen), unter folgenden Voraussetzungen: alle

**c. Anspruchsgegner/informationspflichtig sind**

- Behörden
 Hersteller/Dienstleister (zutreffendes bitte auswählen)
 Zwischenhändler
 andere:

3. Tatbestandsvoraussetzungen**a. Gibt es eine Verfallfrist für Informationen?**

- Nein
 Ja, Informationen, die älter als **Monate** sind,
dürfen nicht mehr herausgegeben werden (zutreffendes bitte auswählen).

b. Ausnahmetatbestände

Vom Informationsanspruch ausgenommen sind

- Betriebs- und Geschäftsgeheimnisse
 Informationen, die folgenden Behörden vorliegen:
 Informationen, zum Schutz folgender öffentlicher Belange:
 sonstige Informationen aus folgenden Gründen: Belange der Betroffenen, § 40 I S. 3;
andere wirksame Maßnahmen möglich 40 II LFBG

c. Das Vorliegen von Ausnahmetatbeständen wird

- vom Unternehmen geltend gemacht:
 von der folgenden Behörde überprüft:
 zusätzlich auf Antrag von der folgenden unabhängigen Institution überprüft:
 wie folgt geltend gemacht/überprüft:

d. Es besteht ein Antragserfordernis ja nein

4. Anwendungsbereich

Ist der Anspruch auf bestimmte Produkte/Dienstleistungen beschränkt (z.B. Lebens- und Futtermittel nach VO (EG) Nr. 178/2002)?

Lebensmittel, Futtermittel, Bedarfsgegenstände nach (EG) Nr. 178/2002

5. Telos der Regelung**a. Kriterium der unter 1.a. und 1.b. genannten Anspruchstiefe (Mehrfachnennung möglich)**

(die spezifische Anspruchstiefe ist gewählt worden aufgrund)

- des Grads der Verbrauchergefährdung
 des bedrohten Schutzguts (Leben, Gesundheit, Eigentum, selbstbestimmte Lebensführung)
 Gegenstand des Gesetzes/Produktkategorie
 Vorbestimmung durch europäisches Sekundärrecht

**b. Bei Abhängigkeit von einem Schutzgut: Was soll die Vorschrift schützen?**

- Leib, Leben und/oder körperlicher Unversehrtheit des Verbrauchers
- die finanziellen Interessen des Verbrauchers
- Dritte/selbstbestimmte Lebensführung und/oder sinnvolle Faktorallokation durch aufgeklärte Konsumententscheidungen
- mit Blick auf den Schutz von Leib/Leben und körperlicher Unversehrtheit der Beteiligten am Herstellungsprozess
- zugunsten eines effektiven Umwelt- und Tierschutzes
- Aus anderen sozialen/gesellschaftlichen Erwägungen (Fair trade/Weltanschauung)

c. Bei Abhängigkeit von einem bestimmten Grad der Verbrauchergefährdung:

Welche Erkenntnissicherheit ist Voraussetzung?

- Verdacht einer Gefährdung/eines Rechtsverstoßes genügt
- Begründeter Verdacht einer Gefährdung/eines Rechtsverstoßes
- Sichere Erkenntnis über eine Gefährdung/einen Rechtsverstoßes
- einem anderen Grad und zwar:

6. Anspruchsnatur

Es handelt sich um einen

- Vertraglichen Anspruch des Privatrechts
- Deliktischen Anspruch des Privatrechts
- Öffentlich-rechtlichen Anspruch
- Strafbewehrte öffentlich-rechtliche Pflicht zur Informationsherausgabe.

7. Rechtsfolgen fehlerhafter Information

Stellt sich die von einer Behörde/einem Unternehmen gegebene Information nachträglich als unvollständig oder falsch heraus

- hat der Bürger einen Schadensersatzanspruch gegen den Informationspflichtigen
- der verschuldensabhängig ist
- kann ein Unternehmer unter folgenden Voraussetzungen als Ordnungswidrigkeit/Straftat Verfolgt werden:
- Kann auch das Unternehmen strafrechtlich verfolgt werden

a. Schadenshöhe

- der Schaden lässt sich nicht beziffern und daher ist der Anspruch unbedeutend
- † errechnet sich wie folgt
- Bei Verletzung wird ein immaterieller Schaden i.H.v. ≈ bis ≈ € angenommen
- Bei Verletzung wird ein Strafschadensersatz i.H.v. ≈ . bis ≈ € angenommen
- Voraussetzungen:

b. Der Fehler wird wie folgt publik gemacht

Durch Veröffentlichung auf die selbe Art und Weise wie die Information veröffentlicht wurde, § 40 IV LFBG, allerdings nur auf Antrag des Unternehmens.

c. Andere Sanktion

Der Fehler/die Unvollständigkeit der Information wird wie folgt sanktioniert:



8. Kostentragung

Kosten verursachen folgende Tätigkeiten,

Heraussuchen vorhandener Information

Weiterverweisung an andere Stelle

Rücksprache mit dem Unternehmer

Veröffentlichung der Information

- Beschaffung einfach zug. Information

- Beschaffung jeglicher Information

- sonstige

dies sind

sowie

davon trägt der Verbraucher

9. Sonstige relevante Informationen

Folgende Informationen wurden nicht abgefragt, könnten jedoch generell noch relevant sein:

(z.B. Abhängigkeit des Anspruchs von einer Täuschung o.ä.)

Frage 3 a: Informationen über Erzeugnisse die nicht mehr in den Verkehr gelangen und von denen auszugehen ist, dass sie verbraucht sind, § 40 IV LFBG

Frage 5c: hinreichender Verdacht =

Hinweis: subjektivrechtlicher Anspruch nur im Falle einer Ermessensreduzierung auf Null. Ansonsten bloße Hinweispflicht ohne subjektivrechtlichen Charakter.



Anspruchsgrundlage mit Gesetzesbezeichnung (Originaltitel und Übersetzung):
 § 10 UIG (Umweltinformationsgesetz)

1. Anspruchsziel/Rechtsfolge

a. Der Anspruch zielt auf

- Herausgabe vorhandener/vorliegender Informationen
- Herausgabe vorhandener Informationen oder Weiterleitung der Anfrage/des Antragstellers an die zuständige Stelle
- Untersuchung des Sachverhalts auf Antrag und Herausgabe der Information
- Produktwarnung (Behörde)/Rückruf des Produkts (Unternehmer).
- Veröffentlichung (z.B. im Internet) Ort: § 10 III UIG: soweit vorhanden elektronische Kommunikationsmittel;

§ 10 IV UIG: Verknüpfung mit Internetseiten zulässig und ausreichend

- nichts von allem, sondern zur:

b. Informationstiefe

Der Anspruch ist auf Weitergabe welcher Informationen gerichtet (z.B. Unbedenklichkeit für die Gesundheit nach oder ohne Grenzwerte(n), Herstellungsprozess, Erzeugnisse, andere)?

Umweltinformationen

c. Verfahrensdauer

Ist eine Frist zur Informationsherausgabe/Bearbeitung vorgesehen? Wenn ja, wie lang ist sie?

nein

2. Beteiligte

a. Anspruchsberechtigt ist/sind

- Jedermann (natürliche und juristische Personen)
- Verbraucher
- Verbraucherverbände
- Andere spezifische Personen(-gruppen)/Behörden:

b. Anspruchsbefugt sind

- Personen, die selbst von der Information betroffen sind
- Personen, die folgendes besondere Interesse an der Information geltend machen:
- sonstige Personen(-gruppen), unter folgenden Voraussetzungen: alle, voraussetzungslos

c. Anspruchsgegner/informationspflichtig sind

- Behörden
- Hersteller/Dienstleister** (zutreffendes bitte auswählen)
- Zwischenhändler
- andere:



3. Tatbestandsvoraussetzungen

a. Gibt es eine Verfallfrist für Informationen?

- Nein
 Ja, Informationen, die älter als **Monate** sind,
dürfen nicht mehr herausgegeben werden (*zutreffendes bitte auswählen*).

b. Ausnahmetatbestände

Vom Informationsanspruch ausgenommen sind

- Betriebs- und Geschäftsgeheimnisse
 Informationen, die folgenden Behörden vorliegen:
 Informationen, zum Schutz folgender öffentlicher Belange:
 sonstige Informationen aus folgenden Gründen:

c. Das Vorliegen von Ausnahmetatbeständen wird

- vom Unternehmen geltend gemacht:
 von der folgenden Behörde überprüft:
 zusätzlich auf Antrag von der folgenden unabhängigen Institution überprüft:
 wie folgt geltend gemacht/überprüft:

- d. Es besteht ein Antragserfordernis** ja nein

4. Anwendungsbereich

Ist der Anspruch auf bestimmte Produkte/Dienstleistungen beschränkt (z.B. Lebens- und Futtermittel nach VO (EG) Nr. 178/2002)?

nein

5. Telos der Regelung

a. Kriterium der unter 1.a. und 1.b. genannten Anspruchstiefe (Mehrfachnennung möglich)

(die spezifische Anspruchstiefe ist gewählt worden aufgrund)

- des Grads der Verbrauchergefährdung
 des bedrohten Schutzguts (Leben, Gesundheit, Eigentum, selbstbestimmte Lebensführung)
 Gegenstand des Gesetzes/Produktkategorie
 Vorbestimmung durch europäisches Sekundärrecht

b. Bei Abhängigkeit von einem Schutzgut: Was soll die Vorschrift schützen?

- Leib, Leben und/oder körperlicher Unversehrtheit des Verbrauchers
 die finanziellen Interessen des Verbrauchers
 Dritte/selbstbestimmte Lebensführung und/oder sinnvolle Faktorallokation durch aufgeklärte Konsumentenscheidungen
 mit Blick auf den Schutz von Leib/Leben und körperlicher Unversehrtheit der Beteiligten am Herstellungsprozess
 zugunsten eines effektiven Umwelt- und Tierschutzes
 Aus anderen sozialen/gesellschaftlichen Erwägungen (Fair trade/Weltanschauung)



c. Bei Abhängigkeit von einem bestimmten Grad der Verbrauchergefährdung:

Welche Erkenntnissicherheit ist Voraussetzung?

- Verdacht einer Gefährdung/eines Rechtsverstoßes genügt
- Begründeter Verdacht einer Gefährdung/eines Rechtsverstoßes
- Sichere Erkenntnis über eine Gefährdung/einen Rechtsverstoßes
- einem anderen Grad und zwar:

6. Anspruchsnatur

Es handelt sich um einen

- Vertraglichen Anspruch des Privatrechts
- Deliktischen Anspruch des Privatrechts
- Öffentlich-rechtlichen Anspruch
- Strafbewehrte öffentlich-rechtliche Pflicht zur Informationsherausgabe.

7. Rechtsfolgen fehlerhafter Information

Stellt sich die von einer Behörde/einem Unternehmen gegebene Information nachträglich als unvollständig oder falsch heraus

- hat der Bürger einen Schadensersatzanspruch gegen den Informationspflichtigen
 - der verschuldensabhängig ist
- kann ein Unternehmer unter folgenden Voraussetzungen als Ordnungswidrigkeit/Straftat Verfolgt werden:
- Kann auch das Unternehmen strafrechtlich verfolgt werden

a. Schadenshöhe

- der Schaden lässt sich nicht beziffern und daher ist der Anspruch unbedeutend
 - errechnet sich wie folgt
 - Bei Verletzung wird ein immaterieller Schaden i.H.v. ≈ bis ≈ € angenommen
 - Bei Verletzung wird ein Strafschadensersatz i.H.v. ≈ . bis ≈ € angenommen
- Voraussetzungen:

b. Der Fehler wird wie folgt publik gemacht

c. Andere Sanktion

Der Fehler/die Unvollständigkeit der Information wird wie folgt sanktioniert:

8. Kostentragung

Kosten verursachen folgende Tätigkeiten,		davon trägt der Verbraucher
Heraussuchen vorhandener Information	<input type="checkbox"/>	<input type="checkbox"/>
Weiterverweisung an andere Stelle	<input type="checkbox"/>	<input type="checkbox"/>
Rücksprache mit dem Unternehmer	<input type="checkbox"/>	<input type="checkbox"/>
Veröffentlichung der Information	<input type="checkbox"/>	<input type="checkbox"/>
- Beschaffung einfach zug. Information	<input type="checkbox"/>	<input type="checkbox"/>
- Beschaffung jeglicher Information	<input type="checkbox"/>	<input type="checkbox"/>
- sonstige	<input type="checkbox"/>	<input type="checkbox"/>
dies sind		
sowie		



9. Sonstige relevante Informationen

Folgende Informationen wurden nicht abgefragt, könnten jedoch generell noch relevant sein:
(z.B. Abhängigkeit des Anspruchs von einer Täuschung o.ä.)

Anspruchsgrundlage mit Gesetzesbezeichnung (Originaltitel und Übersetzung):
§ 29 VwVfG (Verwaltungsverfahrensgesetz)

1. Anspruchsziel/Rechtsfolge

a. Der Anspruch zielt auf

- Herausgabe vorhandener/vorliegender Informationen
- Herausgabe vorhandener Informationen oder Weiterleitung der Anfrage/des Antragstellers an die zuständige Stelle
- Untersuchung des Sachverhalts auf Antrag und Herausgabe der Information
- Produktwarnung (Behörde)/Rückruf des Produkts (Unternehmer).
- Veröffentlichung (z.B. im Internet) Ort:
- nichts von allem, sondern zur:

b. Informationstiefe

Der Anspruch ist auf Weitergabe welcher Informationen gerichtet (z.B. Unbedenklichkeit für die Gesundheit nach oder ohne Grenzwerte(n), Herstellungsprozess, Erzeugnisse, andere)?

Akten

c. Verfahrensdauer

Ist eine Frist zur Informationsherausgabe/Bearbeitung vorgesehen? Wenn ja, wie lang ist sie?

nein

2. Beteiligte

a. Anspruchsberechtigt ist/sind

- Jedermann (natürliche und juristische Personen)
- Verbraucher
- Verbraucherverbände
- Andere spezifische Personen(-gruppen)/Behörden:

b. Anspruchsbefugt sind

- Personen, die selbst von der Information betroffen sind
- Personen, die folgendes besondere Interesse an der Information geltend machen:
- sonstige Personen(-gruppen), unter folgenden Voraussetzungen: **Beteiligte**

c. Anspruchsgegner/informationspflichtig sind

- Behörden
- Hersteller/Dienstleister** (zutreffendes bitte auswählen)
- Zwischenhändler
- andere:

3. Tatbestandsvoraussetzungen

a. Gibt es eine Verfallfrist für Informationen?

- Nein
 Ja, Informationen, die älter als **Monate** sind,
dürfen nicht mehr herausgegeben werden (*zutreffendes bitte auswählen*).

b. Ausnahmetatbestände

Vom Informationsanspruch ausgenommen sind

- Betriebs- und Geschäftsgeheimnisse
 Informationen, die folgenden Behörden vorliegen:
 Informationen, zum Schutz folgender öffentlicher Belange: Funktionsfähigkeit der Behörde, Schutz von Bund und Ländern, geheime Unterlagen § 29 II VwVfG
 sonstige Informationen aus folgenden Gründen:

c. Das Vorliegen von Ausnahmetatbeständen wird

- vom Unternehmen geltend gemacht:
 von der folgenden Behörde überprüft:
 zusätzlich auf Antrag von der folgenden unabhängigen Institution überprüft:
 wie folgt geltend gemacht/überprüft:

d. Es besteht ein Antragsersfordernis ja nein

4. Anwendungsbereich

Ist der Anspruch auf bestimmte Produkte/Dienstleistungen beschränkt (z.B. Lebens- und Futtermittel nach VO (EG) Nr. 178/2002)?

nein

5. Telos der Regelung

a. Kriterium der unter 1.a. und 1.b. genannten Anspruchstiefe (Mehrfachnennung möglich)

(die spezifische Anspruchstiefe ist gewählt worden aufgrund)

- des Grads der Verbrauchergefährdung
 des bedrohten Schutzguts (Leben, Gesundheit, Eigentum, selbstbestimmte Lebensführung)
 Gegenstand des Gesetzes/Produktkategorie
 Vorbestimmung durch europäisches Sekundärrecht

b. Bei Abhängigkeit von einem Schutzgut: Was soll die Vorschrift schützen?

- Leib, Leben und/oder körperlicher Unversehrtheit des Verbrauchers
 die finanziellen Interessen des Verbrauchers
 Dritte/selbstbestimmte Lebensführung und/oder sinnvolle Faktorallokation durch aufgeklärte Konsumententscheidungen
 mit Blick auf den Schutz von Leib/Leben und körperlicher Unversehrtheit der Beteiligten am Herstellungsprozess
 zugunsten eines effektiven Umwelt- und Tierschutzes
 Aus anderen sozialen/gesellschaftlichen Erwägungen (Fair trade/Weltanschauung)

c. Bei Abhängigkeit von einem bestimmten Grad der Verbrauchergefährdung:

Welche Erkenntnissicherheit ist Voraussetzung?

- Verdacht einer Gefährdung/eines Rechtsverstoßes genügt

- Begründeter Verdacht einer Gefährdung/eines Rechtsverstoßes
- Sichere Erkenntnis über eine Gefährdung/einen Rechtsverstoßes
- einem anderen Grad und zwar:

6. Anspruchsnatur

Es handelt sich um einen

- Vertraglichen Anspruch des Privatrechts
- Deliktischen Anspruch des Privatrechts
- Öffentlich-rechtlichen Anspruch
- Strafbewehrte öffentlich-rechtliche Pflicht zur Informationsherausgabe.

7. Rechtsfolgen fehlerhafter Information

Stellt sich die von einer Behörde/einem Unternehmen gegebene Information nachträglich als unvollständig oder falsch heraus

- hat der Bürger einen Schadensersatzanspruch gegen den Informationspflichtigen
 - der verschuldensabhängig ist
- kann ein Unternehmer unter folgenden Voraussetzungen als Ordnungswidrigkeit/Straftat Verfolgt werden:
- Kann auch das Unternehmen strafrechtlich verfolgt werden

a. Schadenshöhe

- der Schaden lässt sich nicht beziffern und daher ist der Anspruch unbedeutend
 - † errechnet sich wie folgt
 - Bei Verletzung wird ein immaterieller Schaden i.H.v. ≈ bis ≈ € angenommen
 - Bei Verletzung wird ein Strafschadensersatz i.H.v. ≈ . bis ≈ € angenommen
- Voraussetzungen:

b. Der Fehler wird wie folgt publik gemacht

c. Andere Sanktion

Der Fehler/die Unvollständigkeit der Information wird wie folgt sanktioniert:

8. Kostentragung

Kosten verursachen folgende Tätigkeiten,

Heraussuchen vorhandener Information

Weiterverweisung an andere Stelle

Rücksprache mit dem Unternehmer

Veröffentlichung der Information

- Beschaffung einfach zug. Information

- Beschaffung jeglicher Information

- sonstige

dies sind

sowie

davon trägt der Verbraucher

9. Sonstige relevante Informationen

Folgende Informationen wurden nicht abgefragt, könnten jedoch generell noch relevant sein:

(z.B. Abhängigkeit des Anspruchs von einer Täuschung o.ä.)

--

FRAGEBÖGEN BELGIEN

Basis of claim and name of the legal act (original name and translation):
Federal Transparency in Governance Act of 11 April 1994

1. Objective of the claim/legal consequence

a. The claim is directed at

- release of existing/available information
- release of existing information or forwarding of the request/the claimant to the competent body
- examination of the facts upon request and release of information
- product warning (authority)/product recall (business).
- publishing (e.g. on the internet) – location:
- none of the above, but aimed at:

b. Extent of the claim

What kind of information may be released according to the provision (e.g. risks to health with or without limit value(s), production process, products, other)?

documents held by administrative bodies: including reports, studies, statistics, contracts, documents, minutes, ...

c. Duration of proceedings

Is there a deadline for releasing the information required/for handling the inquiry? If so, what is the time limit?

If the request cannot immediately be complied with the authority informs the applicant within 30 days of the reasons for the delay or of the refusal to comply with the request. In case access is postponed, there is a further time limit of 15 days (article 6).

2. Parties involved

a. Entitled is/are generally

- anyone (natural and legal persons)
- consumers
- consumer associations
- other specific persons (groups of persons)/authorities:

b. Conditions of entitlement

persons have to

- be affected by the information themselves
- have the following interest in the information:
- other conditions: an interest is only required if the document requested has a personal character

c. Opponents/those with a duty to inform are

- authorities
- producers/service providers** (*please choose the appropriate option*)
- functional intermediaries
- other:

3. Legal prerequisites

a. Is there a term of maturity for information?

- No
 Yes, information older than **month must not** be released any longer (*please choose the appropriate options*).

b. Exceptions

Exempt from the right to information are

- industrial secrets, in particular:
 business secrets, in particular:
 information connected to property rights, in particular:
 information available to the following authorities: bodies participating in a legislative or judicial function, authorities bound by professional secret imposed by law
 information for the protection of the following public interests: public safety, public security, international relations, public defense, federal economic interest, monetary stability, prosecution of criminal offences
 other information due to the following reasons: privacy, fundamental rights and freedoms

c. The existence of specialized provisions is

- claimed by the company:
 checked by the following authority:
 checked also by the following independent institution upon request:
 is claimed/checked as follows:
 is determined regularly/in exceptional cases (please strike out if not appropriate) in hearings:

d. A request is required yes no

4. Scope of application

Is the claim limited to specific products/services (e.g. food and (animal) fodder according to Regulation (EC) 178/2002)? Please indicate to which products/services the claim is limited.

No

5. Purpose of the provision

a. Criteria for the scope of the claim mentioned in 1.a. and 1.b. (multiple answers are permitted)

(the specific scope was selected due to)

- degree of exposure of the consumer
 protected matter that is threatened (life, health, property, self-determined lifestyle)
 subject matter of the law/product category
 provisions in European secondary legislation

b. In case of dependence on a protected matter: What is the provision intended to protect?

- life and body and/or physical integrity of the consumer
- financial interests of the consumer
- third parties/self-determined life and/or reasonable factor allocation through mature consumer decisions
 - with regard to the protection of limb and life and physical integrity of those involved in the production process
 - in support of effective environmental and animal protection
 - for other social/societal considerations (fair trade/philosophy of life)

c. In case of dependence of a certain degree of exposure of the consumer:

Which degree of certainty is required?

- suspicion that there is a danger/an infringement is sufficient
- reasonable suspicion of a danger/an infringement
- certainty about a danger/an infringement
- a different degree:

6. Nature of the claim

The claim is a

- contractual claim subject to private law
- tort claim subject to private law
- public-law claim
- public-law obligation to release information enforced by penalty.

7. Legal consequences in case of incorrect information

If the information provided by an authority/a company turns out to be incomplete or wrong,

- consumers are entitled to claim for damages against those in duty to inform
- claim depends on fault
- an entrepreneur can be prosecuted for administrative offence/criminal offence under the following conditions
- the business (company) also can be prosecuted

a. Amount of damages

- the damage cannot be determined, so the claim is ineffectual
- is calculated as follows : often ex aequo et bono
- in case of infringement, moral damage to the amount of ≈ to ≈. €
is assumed
- in case of infringement, punitive damages are estimated at ≈ to ≈. €
Conditions:

b. The mistake is made public as follows

c. Other Sanctions

The mistake/incompleteness of the information is sanctioned as follows:

8. Costs

Costs are caused by the following activities,

providing existing information

referring the consumer to another body

consultation of the business

publishing the information

-provision of easily accessible information

-provision of any information

-other

such as providing a copy

and providing explanations

of which the consumer pays

9. Other relevant information

In case there is anything else that in your opinion could be relevant in general although it has not specifically been asked for, please mention it below (e.g. claim dependent on fraud or similar).

FRAGEBÖGEN DÄNEMARK

Basis of claim and name of the legal act (original name and translation):
Lov om offentliggørelse af oplysninger (The Access to Documents Act)

1. Objective of the claim/legal consequence

a. The claim is directed at

- release of existing/available information
- release of existing information or forwarding of the request/the claimant to the competent body
- examination of the facts upon request and release of information
- product warning (authority)/product recall (business).
- publishing (e.g. on the internet) – location:
- none of the above, but aimed at: getting access to information in cases on file at a public administrative authority

b. Extent of the claim

What kind of information may be released according to the provision (e.g. risks to health with or without limit value(s), production process, products, other)?

All non-exempted information on the case file

c. Duration of proceedings

Is there a deadline for releasing the information required/for handling the inquiry? If so, what is the time limit?

10 days

2. Parties involved

a. Entitled is/are generally

- anyone (natural and legal persons)
- consumers
- consumer associations
- other specific persons (groups of persons)/authorities:

b. Conditions of entitlement

persons have to

- be affected by the information themselves
- have the following interest in the information:
- other conditions:

c. Opponents/those with a duty to inform are

- authorities
- producers/service providers** (*please choose the appropriate option*)
- functional intermediaries
- other:

3. Legal prerequisites

a. Is there a term of maturity for information?

- No
 Yes, information older than **month must not** be released any longer (*please choose the appropriate options*).

b. Exceptions

Exempt from the right to information are

- industrial secrets, in particular:
 business secrets, in particular:
 information connected to property rights, in particular:
 information available to the following authorities:
 information for the protection of the following public interests: administrative decision making process
 other information due to the following reasons: sensitive personal information

c. The existence of specialized provisions is

- claimed by the company:
 checked by the following authority:
 checked also by the following independent institution upon request:
 is claimed/checked as follows: Whether an exception from the general right to access to documents applies is decided ex officio by the public authority dealing with the request for access
 is determined regularly/in exceptional cases (please strike out if not appropriate) in hearings:

d. A request is required yes no

4. Scope of application

Is the claim limited to specific products/services (e.g. food and (animal) fodder according to Regulation (EC) 178/2002)? Please indicate to which products/services the claim is limited.

The Access to Documents Act apply in all cases before public administrative authorities

5. Purpose of the provision

a. Criteria for the scope of the claim mentioned in 1.a. and 1.b. (multiple answers are permitted)

(the specific scope was selected due to)

- degree of exposure of the consumer
 protected matter that is threatened (life, health, property, self-determined lifestyle)
 subject matter of the law/product category
 provisions in European secondary legislation

b. In case of dependence on a protected matter: What is the provision intended to protect?

- life and body and/or physical integrity of the consumer
- financial interests of the consumer
- third parties/self-determined life and/or reasonable factor allocation through mature consumer decisions
 - with regard to the protection of limb and life and physical integrity of those involved in the production process
 - in support of effective environmental and animal protection
 - for other social/societal considerations (fair trade/philosophy of life)

c. In case of dependence of a certain degree of exposure of the consumer:

Which degree of certainty is required?

- suspicion that there is a danger/an infringement is sufficient
- reasonable suspicion of a danger/an infringement
- certainty about a danger/an infringement
- a different degree:

6. Nature of the claim

The claim is a

- contractual claim subject to private law
- tort claim subject to private law
- public-law claim
- public-law obligation to release information enforced by penalty.

7. Legal consequences in case of incorrect information

If the information provided by an authority/a company turns out to be incomplete or wrong,

- consumers are entitled to claim for damages against those in duty to inform
- claim depends on fault
- an entrepreneur can be prosecuted for administrative offence/criminal offence under the following conditions
- the business (company) also can be prosecuted

a. Amount of damages

- the damage cannot be determined, so the claim is ineffectual
- is calculated as follows
- in case of infringement, moral damage to the amount of ≈ to ≈. €
is assumed
- in case of infringement, punitive damages are estimated at ≈ to ≈. €
Conditions:

b. The mistake is made public as follows

c. Other Sanctions

The mistake/incompleteness of the information is sanctioned as follows:

If a public administrative authority does not fulfil its obligation to give an applicant access to a file according to the Access to Documents Act the applicant can appeal the decision or bring a complain to the Parliamentary Ombudsman and/or bring the case before the courts. Administrative misconduct may result in disciplinary/penal sanctions.

8. Costs

Costs are caused by the following activities,

providing existing information

referring the consumer to another body

consultation of the business

publishing the information

-provision of easily accessible information

-provision of any information

-other

such as

and

of which the consumer pays

9. Other relevant information

In case there is anything else that in your opinion could be relevant in general although it has not specifically been asked for, please mention it below (e.g. claim dependent on fraud or similar).

FRAGEBÖGEN FRANKREICH



Anspruchsgrundlage mit Gesetzesbezeichnung (Originaltitel und Übersetzung):
Art 111-1

1. Anspruchsziel/Rechtsfolge

a. Der Anspruch zielt auf

- Herausgabe vorhandener/vorliegender Informationen
- Herausgabe vorhandener Informationen oder Weiterleitung der Anfrage/des Antragstellers an die zuständige Stelle
- Untersuchung des Sachverhalts auf Antrag und Herausgabe der Information
- Produktwarnung (Behörde)/Rückruf des Produkts (Unternehmer).
- Veröffentlichung (z.B. im Internet) Ort:
- nichts von allem, sondern zur:

b. Informationstiefe

Der Anspruch ist auf Weitergabe welcher Informationen gerichtet (z.B. Unbedenklichkeit für die Gesundheit nach oder ohne Grenzwerte(n), Herstellungsprozess, Erzeugnisse, andere)?

Vorvertragliche Informationen über wesentliche Eigenschaften des Produktes oder der Dienstleistung. Diese werden nicht genauer vom Gesetz definiert, aber beziehen sich sowohl auf die Beschreibung der Eigenschaften der Ware oder Dienstleistung als auch auf die Benutzungshinweise. Dazu zählen auch der Rechtsprechung (Cass 1re civ. 1. März 2005, Jurisdata Nr. 027236) auch der Hinweis auf Risiken die für den Verbraucher durch die Benutzung des Produktes entstehen können.

c. Verfahrensdauer

Ist eine Frist zur Informationsherausgabe/Bearbeitung vorgesehen? Wenn ja, wie lang ist sie?

Nein, es gibt keine ausdrückliche Pflicht, aber es handelt sich eigentlich um eine vorvertragliche Pflicht, die also im Prinzip vor Abschluss des Vertrages erfüllt werden muss.

2. Beteiligte

a. Anspruchsberechtigt ist/sind

- Jedermann (natürliche und juristische Personen)
- Verbraucher
- Verbraucherverbände
- Andere spezifische Personen(-gruppen)/Behörden:

b. Anspruchsbefugt sind

- Personen, die selbst von der Information betroffen sind
- Personen, die folgendes besondere Interesse an der Information geltend machen:
- sonstige Personen(-gruppen), unter folgenden Voraussetzungen:

c. Anspruchsgegner/informationspflichtig sind

- Behörden
- Hersteller/Dienstleister** (zutreffendes bitte auswählen)
- Zwischenhändler



3. Tatbestandsvoraussetzungen

a. Gibt es eine Verfallfrist für Informationen?

- Nein
 Ja, Informationen, die älter als **Monate** sind,
dürfen nicht mehr herausgegeben werden (*zutreffendes bitte auswählen*).

b. Ausnahmetatbestände

Vom Informationsanspruch ausgenommen sind

- Betriebs- und Geschäftsgeheimnisse
 Informationen, die folgenden Behörden vorliegen:
 Informationen, zum Schutz folgender öffentlicher Belange:
 sonstige Informationen aus folgenden Gründen:

c. Das Vorliegen von Ausnahmetatbeständen wird

- vom Unternehmen geltend gemacht:
 von der folgenden Behörde überprüft:
 zusätzlich auf Antrag von der folgenden unabhängigen Institution überprüft:
 wie folgt geltend gemacht/überprüft:

d. Es besteht ein Antragerfordernis ja nein

4. Anwendungsbereich

Ist der Anspruch auf bestimmte Produkte/Dienstleistungen beschränkt (z.B. Lebens- und Futtermittel nach VO (EG) Nr. 178/2002)?

Nein, er gilt für alle Waren und Dienstleistungen.

5. Telos der Regelung

a. Kriterium der unter 1.a. und 1.b. genannten Anspruchstiefe (Mehrfachnennung möglich)

(die spezifische Anspruchstiefe ist gewählt worden aufgrund)

- des Grads der Verbrauchergefährdung
 des bedrohten Schutzguts (Leben, Gesundheit, Eigentum, selbstbestimmte Lebensführung)
 Gegenstand des Gesetzes/Produktkategorie
 Vorbestimmung durch europäisches Sekundärrecht

b. Bei Abhängigkeit von einem Schutzgut: Was soll die Vorschrift schützen?

- Leib, Leben und/oder körperlicher Unversehrtheit des Verbrauchers
 die finanziellen Interessen des Verbrauchers
 Dritte/selbstbestimmte Lebensführung und/oder sinnvolle Faktorallokation durch aufgeklärte Konsumententscheidungen
- mit Blick auf den Schutz von Leib/Leben und körperlicher Unversehrtheit der Beteiligten am Herstellungsprozess
 zugunsten eines effektiven Umwelt- und Tierschutzes
 Aus anderen sozialen/gesellschaftlichen Erwägungen (Fair trade/Weltanschauung)

c. Bei Abhängigkeit von einem bestimmten Grad der Verbrauchergefährdung:

Welche Erkenntnissicherheit ist Voraussetzung?

- Verdacht einer Gefährdung/eines Rechtsverstoßes genügt
 Begründeter Verdacht einer Gefährdung/eines Rechtsverstoßes



- Sichere Erkenntnis über eine Gefährdung/einen Rechtsverstoßes
 einem anderen Grad und zwar:

6. Anspruchsnatur

Es handelt sich um einen

- Vertraglichen Anspruch des Privatrechts
 Deliktischen Anspruch des Privatrechts
 Öffentlich-rechtlichen Anspruch
 Strafbewehrte öffentlich-rechtliche Pflicht zur Informationsherausgabe.

7. Rechtsfolgen fehlerhafter Information

Stellt sich die von einer Behörde/einem Unternehmen gegebene Information nachträglich als unvollständig oder falsch heraus

- hat der Bürger einen Schadensersatzanspruch gegen den Informationspflichtigen
 der verschuldensabhängig ist
 kann ein Unternehmer unter folgenden Voraussetzungen als Ordnungswidrigkeit/Straftat Verfolgt werden: Nach Art L 213-1 ff. Ccons kann die Tatsache als Straftat verfolgt werden, wenn der Unternehmer über die Art und Weise der Herstellung, wesentliche Eigenschaften der Ware oder Dienstleistung, Ursprung oder Zusammensetzung, die Anzahl der gelieferten Sachen, die in der Benutzung liegenden Risiken, die vorgenommenen Kontrolle oder erforderlichen Sicherheitsmassnahmen täuscht oder versucht zu täuschen
 Kann auch das Unternehmen strafrechtlich verfolgt werden

a. Schadenshöhe

- der Schaden lässt sich nicht beziffern und daher ist der Anspruch unbedeutend
† errechnet sich wie folgt nach dem tatsächlich erlittenen und nachgewiesenen Schaden

- Bei Verletzung wird ein immaterieller Schaden i.H.v. ≈ bis ≈ € angenommen
 Bei Verletzung wird ein Strafschadensersatz i.H.v. ≈ . bis ≈ € angenommen

Voraussetzungen:

b. Der Fehler wird wie folgt publik gemacht

Die Veröffentlichung des Urteils in der Presse aknn angeordnet werden.

c. Andere Sanktion

Der Fehler/die Unvollständigkeit der Information wird wie folgt sanktioniert:

Wenn die vorvertragliche Informationspflicht nicht erfüllt wird, ist der Vertrag durch den Verbraucher anfechtbar.



8. Kostentragung

Kosten verursachen folgende Tätigkeiten,

Heraussuchen vorhandener Information

Weiterverweisung an andere Stelle

Rücksprache mit dem Unternehmer

Veröffentlichung der Information

- Beschaffung einfach zug. Information

- Beschaffung jeglicher Information

- sonstige

dies sind

sowie

davon trägt der Verbraucher

9. Sonstige relevante Informationen

Folgende Informationen wurden nicht abgefragt, könnten jedoch generell noch relevant sein:

(z.B. Abhängigkeit des Anspruchs von einer Täuschung o.ä.)

Die strafrechtliche Sanktion des Unternehmers hängt von einer Täuschung bzw. versuchten Täuschung ab.

Anspruchsgrundlage mit Gesetzesbezeichnung (Originaltitel und Übersetzung):
Art L 221-1-2 Code de la consommation

1. Anspruchsziel/Rechtsfolge

a. Der Anspruch zielt auf

- Herausgabe vorhandener/vorliegender Informationen
- Herausgabe vorhandener Informationen oder Weiterleitung der Anfrage/des Antragstellers an die zuständige Stelle
- Untersuchung des Sachverhalts auf Antrag und Herausgabe der Information
- Produktwarnung (Behörde)/Rückruf des Produkts (Unternehmer).
- Veröffentlichung (z.B. im Internet) Ort:
- nichts von allem, sondern zur:

b. Informationstiefe

Der Anspruch ist auf Weitergabe welcher Informationen gerichtet (z.B. Unbedenklichkeit für die Gesundheit nach oder ohne Grenzwerte(n), Herstellungsprozess, Erzeugnisse, andere)?

Sämtliche Angaben, die es dem Verbraucher ermöglichen, die in einem Produkt liegenden Risiken zu beurteilen zu können. Es handelt sich hierbei nur um Risiken, die sich bei einer normalen Benutzung und vernünftigerweise von dem Unternehmer vorhersehbaren Benutzung ergeben können. Außerdem muss der Verbraucher durch die Informationen in die Lage versetzt werden, die erforderlichen Sicherheitsvorkehrungen zu treffen, um eine Realisierung der Gefahr zu vermeiden. Dazu gehören also Warnhinweise aber auch Benutzungshinweise.

c. Verfahrensdauer

Ist eine Frist zur Informationsherausgabe/Bearbeitung vorgesehen? Wenn ja, wie lang ist sie?

Nein

2. Beteiligte

a. Anspruchsberechtigt ist/sind

- Jedermann (natürliche und juristische Personen)
- Verbraucher
- Verbraucherverbände
- Andere spezifische Personen(-gruppen)/Behörden:

b. Anspruchsbefugt sind

- Personen, die selbst von der Information betroffen sind
- Personen, die folgendes besondere Interesse an der Information geltend machen:
- sonstige Personen(-gruppen), unter folgenden Voraussetzungen:

c. Anspruchsgegner/informationspflichtig sind

- Behörden
- Hersteller/Dienstleister** (zutreffendes bitte auswählen)
- Zwischenhändler
- andere: Importeur von Produkten ausserhalb der EU

3. Tatbestandsvoraussetzungen

a. Gibt es eine Verfallfrist für Informationen?

- Nein
 Ja, Informationen, die älter als **Monate** sind,
dürfen nicht mehr herausgegeben werden (*zutreffendes bitte auswählen*).

b. Ausnahmetatbestände

Vom Informationsanspruch ausgenommen sind

- Betriebs- und Geschäftsgeheimnisse
 Informationen, die folgenden Behörden vorliegen:
 Informationen, zum Schutz folgender öffentlicher Belange:
 sonstige Informationen aus folgenden Gründen:

c. Das Vorliegen von Ausnahmetatbeständen wird

- vom Unternehmen geltend gemacht:
 von der folgenden Behörde überprüft:
 zusätzlich auf Antrag von der folgenden unabhängigen Institution überprüft:
 wie folgt geltend gemacht/überprüft:

d. Es besteht ein Antragserfordernis ja nein

4. Anwendungsbereich

Ist der Anspruch auf bestimmte Produkte/Dienstleistungen beschränkt (z.B. Lebens- und Futtermittel nach VO (EG) Nr. 178/2002)?

Nein

5. Telos der Regelung

a. Kriterium der unter 1.a. und 1.b. genannten Anspruchstiefe (Mehrfachnennung möglich)

(die spezifische Anspruchstiefe ist gewählt worden aufgrund)

- des Grads der Verbrauchergefährdung
 des bedrohten Schutzguts (Leben, Gesundheit, Eigentum, selbstbestimmte Lebensführung)
 Gegenstand des Gesetzes/Produktkategorie
 Vorbestimmung durch europäisches Sekundärrecht

b. Bei Abhängigkeit von einem Schutzgut: Was soll die Vorschrift schützen?

- Leib, Leben und/oder körperlicher Unversehrtheit des Verbrauchers
 die finanziellen Interessen des Verbrauchers
 Dritte/selbstbestimmte Lebensführung und/oder sinnvolle Faktorallokation durch aufgeklärte Konsumententscheidungen
 mit Blick auf den Schutz von Leib/Leben und körperlicher Unversehrtheit der Beteiligten am Herstellungsprozess
 zugunsten eines effektiven Umwelt- und Tierschutzes
 Aus anderen sozialen/gesellschaftlichen Erwägungen (Fair trade/Weltanschauung)

c. Bei Abhängigkeit von einem bestimmten Grad der Verbrauchergefährdung:

Welche Erkenntnissicherheit ist Voraussetzung?

- Verdacht einer Gefährdung/eines Rechtsverstoßes genügt
- Begründeter Verdacht einer Gefährdung/eines Rechtsverstoßes
- Sichere Erkenntnis über eine Gefährdung/einen Rechtsverstoßes
- einem anderen Grad und zwar:

6. Anspruchsnatur

Es handelt sich um einen

- Vertraglichen Anspruch des Privatrechts
- Deliktischen Anspruch des Privatrechts
- Öffentlich-rechtlichen Anspruch
- Strafbewehrte öffentlich-rechtliche Pflicht zur Informationsherausgabe.

7. Rechtsfolgen fehlerhafter Information

Stellt sich die von einer Behörde/einem Unternehmen gegebene Information nachträglich als unvollständig oder falsch heraus

- hat der Bürger einen Schadensersatzanspruch gegen den Informationspflichtigen
 - der verschuldensabhängig ist
- kann ein Unternehmer unter folgenden Voraussetzungen als Ordnungswidrigkeit/Straftat Verfolgt werden:
 - Kann auch das Unternehmen strafrechtlich verfolgt werden

a. Schadenshöhe

- der Schaden lässt sich nicht beziffern und daher ist der Anspruch unbedeutend
 - errechnet sich wie folgt
 - Bei Verletzung wird ein immaterieller Schaden i.H.v. ≈ kommt auf den Einzelfall an und kann nicht pauschal bewertet werden. bis ≈ € angenommen
 - Bei Verletzung wird ein Strafschadensersatz i.H.v. ≈ . bis ≈ € angenommen
- Voraussetzungen:

b. Der Fehler wird wie folgt publik gemacht

Die Veröffentlichung des Urteils in der Presse kann angeordnet werden.

c. Andere Sanktion

Der Fehler/die Unvollständigkeit der Information wird wie folgt sanktioniert:

Wenn die vorvertragliche Informationspflicht nicht erfüllt wird, ist der Vertrag durch den Verbraucher anfechtbar.

8. Kostentragung

Kosten verursachen folgende Tätigkeiten,

Heraussuchen vorhandener Information

Weiterverweisung an andere Stelle

Rücksprache mit dem Unternehmer

Veröffentlichung der Information

- Beschaffung einfach zug. Information

- Beschaffung jeglicher Information

- sonstige

dies sind

sowie

davon trägt der Verbraucher

9. Sonstige relevante Informationen

Folgende Informationen wurden nicht abgefragt, könnten jedoch generell noch relevant sein:

(z.B. Abhängigkeit des Anspruchs von einer Täuschung o.ä.)

Die ordnungswidrigkeitsrechtlichen oder strafrechtlichen Sanktionen sind von einer Täuschung abhängig.
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FRAGEBÖGEN GROßBRITANNIEN



Basis of claim and name of the legal act (original name and translation):
Freedom of Information Act 2000

1. Objective of the claim/legal consequence

a. The claim is directed at

- release of existing/available information
- release of existing information or forwarding of the request/the claimant to the competent body
- examination of the facts upon request and release of information
- product warning (authority)/product recall (business).
- publishing (e.g. on the internet) – location:
- none of the above, but aimed at:

b. Extent of the claim

What kind of information may be released according to the provision (e.g. risks to health with or without limit value(s), production process, products, other)?

All information held by public authorities covered by the Act - over 100,000 are covered with possible extension to the private sector.

c. Duration of proceedings

Is there a deadline for releasing the information required/for handling the inquiry? If so, what is the time limit?

20 working days with possible additional 20 days (guidance) to consider the public interest

2. Parties involved

a. Entitled is/are generally

- anyone (natural and legal persons)
- consumers
- consumer associations
- other specific persons (groups of persons)/authorities:

b. Conditions of entitlement

persons have to

- be affected by the information themselves
- have the following interest in the information:
- other conditions:

c. Opponents/those with a duty to inform are

- authorities
- producers/service providers** (please choose the appropriate option)
- functional intermediaries
- other:



3. Legal prerequisites

a. Is there a term of maturity for information?

- No
 Yes, information older than **month must not** be released any longer (*please choose the appropriate options*).

b. Exceptions

Exempt from the right to information are

- industrial secrets, in particular:
 business secrets, in particular:
 information connected to property rights, in particular:
 information available to the following authorities:
 information for the protection of the following public interests:
 other information due to the following reasons: Exemptions are spelt out in the Commentary

c. The existence of specialized provisions is

- claimed by the company:
 checked by the following authority:
 checked also by the following independent institution upon request:
 is claimed/checked as follows:
 is determined regularly/in exceptional cases (please strike out if not appropriate) in hearings:

- d. A request is required** yes no

4. Scope of application

Is the claim limited to specific products/services (e.g. food and (animal) fodder according to Regulation (EC) 178/2002)? Please indicate to which products/services the claim is limited.

5. Purpose of the provision

a. Criteria for the scope of the claim mentioned in 1.a. and 1.b. (multiple answers are permitted)

(the specific scope was selected due to)

- degree of exposure of the consumer
 protected matter that is threatened (life, health, property, self-determined lifestyle)
 subject matter of the law/product category
 provisions in European secondary legislation

b. In case of dependence on a protected matter: What is the provision intended to protect?

- life and body and/or physical integrity of the consumer
 financial interests of the consumer
 third parties/self-determined life and/or reasonable factor allocation through mature consumer decisions
- with regard to the protection of limb and life and physical integrity of those involved in the production process
 - in support of effective environmental and animal protection
 - for other social/societal considerations (fair trade/philosophy of life)



c. In case of dependence of a certain degree of exposure of the consumer:

Which degree of certainty is required?

- suspicion that there is a danger/an infringement is sufficient
- reasonable suspicion of a danger/an infringement
- certainty about a danger/an infringement
- a different degree:

6. Nature of the claim

The claim is a

- contractual claim subject to private law
- tort claim subject to private law
- public-law claim
- public-law obligation to release information enforced by penalty.

7. Legal consequences in case of incorrect information

If the information provided by an authority/a company turns out to be incomplete or wrong,

- consumers are entitled to claim for damages against those in duty to inform
- claim depends on fault
- an entrepreneur can be prosecuted for administrative offence/criminal offence under the following conditions
- the business (company) also can be prosecuted

a. Amount of damages

- the damage cannot be determined, so the claim is ineffectual
 - is calculated as follows
 - in case of infringement, moral damage to the amount of ≈ to ≈. €
is assumed
 - in case of infringement, punitive damages are estimated at ≈ to ≈. €
- Conditions:

b. The mistake is made public as follows

c. Other Sanctions

The mistake/incompleteness of the information is sanctioned as follows:

Administrative sanctions plus possible contempt proceedings. Fines exist for some offences - falsifying information

8. Costs

Costs are caused by the following activities,

- providing existing information
- referring the consumer to another body
- consultation of the business
- publishing the information
 - provision of easily accessible information
 - provision of any information
 - other
- such as

of which the consumer pays

<input type="checkbox"/>	<input type="checkbox"/>



9. Other relevant information

In case there is anything else that in your opinion could be relevant in general although it has not specifically been asked for, please mention it below (e.g. claim dependent on fraud or similar).



Basis of claim and name of the legal act (original name and translation):
Data Protection Act 1998

1. Objective of the claim/legal consequence

a. The claim is directed at

- release of existing/available information
 release of existing information or forwarding of the request/the claimant to the competent body
 examination of the facts upon request and release of information
 product warning (authority)/product recall (business).
 publishing (e.g. on the internet) – location:
 none of the above, but aimed at:

b. Extent of the claim

What kind of information may be released according to the provision (e.g. risks to health with or without limit value(s), production process, products, other)?

Personal data

c. Duration of proceedings

Is there a deadline for releasing the information required/for handling the inquiry? If so, what is the time limit?

Holding data has to comply with the Data Protection Principles

2. Parties involved

a. Entitled is/are generally

- anyone (natural and legal persons)
 consumers
 consumer associations
 other specific persons (groups of persons)/authorities:

b. Conditions of entitlement

persons have to

- be affected by the information themselves
 have the following interest in the information: data about them
 other conditions:

c. Opponents/those with a duty to inform are

- authorities
 producers/service providers (please choose the appropriate option)
 functional intermediaries
 other: All holders of data



3. Legal prerequisites

a. Is there a term of maturity for information?

- No
 Yes, information older than **month must not** be released any longer (*please choose the appropriate options*).

b. Exceptions

Exempt from the right to information are

- industrial secrets, in particular: There are a variety of public interest exemptions
 business secrets, in particular:
 information connected to property rights, in particular:
 information available to the following authorities:
 information for the protection of the following public interests:
 other information due to the following reasons:

c. The existence of specialized provisions is

- claimed by the company:
 checked by the following authority:
 checked also by the following independent institution upon request:
 is claimed/checked as follows:
 is determined regularly/in exceptional cases (please strike out if not appropriate) in hearings:

- d. A request is required** yes no

4. Scope of application

Is the claim limited to specific products/services (e.g. food and (animal) fodder according to Regulation (EC) 178/2002)? Please indicate to which products/services the claim is limited.

It concerns personal data

5. Purpose of the provision

a. Criteria for the scope of the claim mentioned in 1.a. and 1.b. (multiple answers are permitted)

(the specific scope was selected due to)

- degree of exposure of the consumer
 protected matter that is threatened (life, health, property, self-determined lifestyle)
 subject matter of the law/product category
 provisions in European secondary legislation

b. In case of dependence on a protected matter: What is the provision intended to protect?

- life and body and/or physical integrity of the consumer
 financial interests of the consumer
 third parties/self-determined life and/or reasonable factor allocation through mature consumer decisions
- with regard to the protection of limb and life and physical integrity of those involved in the production process
 - in support of effective environmental and animal protection
 - for other social/societal considerations (fair trade/philosophy of life)



c. In case of dependence of a certain degree of exposure of the consumer:

Which degree of certainty is required?

- suspicion that there is a danger/an infringement is sufficient
- reasonable suspicion of a danger/an infringement
- certainty about a danger/an infringement
- a different degree:

6. Nature of the claim

The claim is a

- contractual claim subject to private law
- tort claim subject to private law
- public-law claim
- public-law obligation to release information enforced by penalty.

7. Legal consequences in case of incorrect information

If the information provided by an authority/a company turns out to be incomplete or wrong,

- consumers are entitled to claim for damages against those in duty to inform
- claim depends on fault
- an entrepreneur can be prosecuted for administrative offence/criminal offence under the following conditions The registered data controller is liable
- the business (company) also can be prosecuted

a. Amount of damages

- the damage cannot be determined, so the claim is ineffectual
- is calculated as follows
- in case of infringement, moral damage to the amount of ≈ to ≈. €
is assumed
- in case of infringement, punitive damages are estimated at ≈ to ≈. €
Conditions:

b. The mistake is made public as follows

c. Other Sanctions

The mistake/incompleteness of the information is sanctioned as follows:

It may be rectified, blocked, etc

8. Costs

Costs are caused by the following activities,

- providing existing information
- referring the consumer to another body
- consultation of the business
- publishing the information
 - provision of easily accessible information
 - provision of any information
 - other
- such as

of which the consumer pays



9. Other relevant information

In case there is anything else that in your opinion could be relevant in general although it has not specifically been asked for, please mention it below (e.g. claim dependent on fraud or similar).



Basis of claim and name of the legal act (original name and translation):
Environmental Information Regulations 2004

1. Objective of the claim/legal consequence

a. The claim is directed at

- release of existing/available information
- release of existing information or forwarding of the request/the claimant to the competent body
- examination of the facts upon request and release of information
- product warning (authority)/product recall (business).
- publishing (e.g. on the internet) – location:
- none of the above, but aimed at:

b. Extent of the claim

What kind of information may be released according to the provision (e.g. risks to health with or without limit value(s), production process, products, other)?

Any environment information which is very broadly defined

c. Duration of proceedings

Is there a deadline for releasing the information required/for handling the inquiry? If so, what is the time limit?

20 working days extendable to 40 working days for complicated or 'large' requests.

2. Parties involved

a. Entitled is/are generally

- anyone (natural and legal persons)
- consumers
- consumer associations
- other specific persons (groups of persons)/authorities:

b. Conditions of entitlement

persons have to

- be affected by the information themselves
- have the following interest in the information:
- other conditions:

c. Opponents/those with a duty to inform are

- authorities
- producers/service providers** (please choose the appropriate option)
- functional intermediaries
- other:



3. Legal prerequisites

a. Is there a term of maturity for information?

- No
- Yes, information older than **month must not** be released any longer (*please choose the appropriate options*).

b. Exceptions

Exempt from the right to information are

- industrial secrets, in particular: There is a list of exemptions as set out in the Directive
- business secrets, in particular:
- information connected to property rights, in particular:
- information available to the following authorities:
- information for the protection of the following public interests:
- other information due to the following reasons:

c. The existence of specialized provisions is

- claimed by the company:
- checked by the following authority:
- checked also by the following independent institution upon request:
- is claimed/checked as follows:
- is determined regularly/in exceptional cases (please strike out if not appropriate) in hearings:

d. A request is required yes no

4. Scope of application

Is the claim limited to specific products/services (e.g. food and (animal) fodder according to Regulation (EC) 178/2002)? Please indicate to which products/services the claim is limited.

Claims cover environmental information

5. Purpose of the provision

a. Criteria for the scope of the claim mentioned in 1.a. and 1.b. (multiple answers are permitted)

(the specific scope was selected due to)

- degree of exposure of the consumer
- protected matter that is threatened (life, health, property, self-determined lifestyle)
- subject matter of the law/product category
- provisions in European secondary legislation

b. In case of dependence on a protected matter: What is the provision intended to protect?

- life and body and/or physical integrity of the consumer
- financial interests of the consumer
- third parties/self-determined life and/or reasonable factor allocation through mature consumer decisions
- with regard to the protection of limb and life and physical integrity of those involved in the production process
- in support of effective environmental and animal protection
- for other social/societal considerations (fair trade/philosophy of life)

**c. In case of dependence of a certain degree of exposure of the consumer:**

Which degree of certainty is required?

- suspicion that there is a danger/an infringement is sufficient
- reasonable suspicion of a danger/an infringement
- certainty about a danger/an infringement
- a different degree:

6. Nature of the claim

The claim is a

- contractual claim subject to private law
- tort claim subject to private law
- public-law claim
- public-law obligation to release information enforced by penalty.

7. Legal consequences in case of incorrect information

If the information provided by an authority/a company turns out to be incomplete or wrong,

- consumers are entitled to claim for damages against those in duty to inform
- claim depends on fault
- an entrepreneur can be prosecuted for administrative offence/criminal offence under the following conditions
- the business (company) also can be prosecuted

a. Amount of damages

- the damage cannot be determined, so the claim is ineffectual
- is calculated as follows
- in case of infringement, moral damage to the amount of ≈ to ≈. €
is assumed
- in case of infringement, punitive damages are estimated at ≈ to ≈. €
Conditions:

b. The mistake is made public as follows

--

c. Other Sanctions

The mistake/incompleteness of the information is sanctioned as follows:

--

8. Costs

Costs are caused by the following activities,

providing existing information

referring the consumer to another body

consultation of the business

publishing the information

-provision of easily accessible information

-provision of any information

-other

such as

and

<input type="checkbox"/>

of which the consumer pays

<input type="checkbox"/>



9. Other relevant information

In case there is anything else that in your opinion could be relevant in general although it has not specifically been asked for, please mention it below (e.g. claim dependent on fraud or similar).



Basis of claim and name of the legal act (original name and translation):
Consumer Credit (Agreements) Regulations 1983/1553 etc and 2004 SI 1482/2004

1. Objective of the claim/legal consequence

a. The claim is directed at

- release of existing/available information
 release of existing information or forwarding of the request/the claimant to the competent body
 examination of the facts upon request and release of information
 product warning (authority)/product recall (business).
 publishing (e.g. on the internet) – location:
 none of the above, but aimed at:

b. Extent of the claim

What kind of information may be released according to the provision (e.g. risks to health with or without limit value(s), production process, products, other)?

Information about consumer credit agreements. The provisions are very detailed and cover the rights and liabilities of consumers.

c. Duration of proceedings

Is there a deadline for releasing the information required/for handling the inquiry? If so, what is the time limit?

There are periods within which the agreement may be cancelled

2. Parties involved

a. Entitled is/are generally

- anyone (natural and legal persons)
 consumers
 consumer associations
 other specific persons (groups of persons)/authorities:

b. Conditions of entitlement

persons have to

- be affected by the information themselves
 have the following interest in the information: Be a prospective party to a consumer credit agreement
 other conditions:

c. Opponents/those with a duty to inform are

- authorities
 producers/service providers (*please choose the appropriate option*)
 functional intermediaries
 other: credit providers



3. Legal prerequisites

a. Is there a term of maturity for information?

- No
- Yes, information older than **month must not** be released any longer (*please choose the appropriate options*).

b. Exceptions

Exempt from the right to information are

- industrial secrets, in particular:
- business secrets, in particular:
- information connected to property rights, in particular:
- information available to the following authorities:
- information for the protection of the following public interests:
- other information due to the following reasons:

c. The existence of specialized provisions is

- claimed by the company:
- checked by the following authority:
- checked also by the following independent institution upon request:
- is claimed/checked as follows:
- is determined regularly/in exceptional cases (please strike out if not appropriate) in hearings:

d. A request is required yes no

4. Scope of application

Is the claim limited to specific products/services (e.g. food and (animal) fodder according to Regulation (EC) 178/2002)? Please indicate to which products/services the claim is limited.

5. Purpose of the provision

a. Criteria for the scope of the claim mentioned in 1.a. and 1.b. (multiple answers are permitted)

(the specific scope was selected due to)

- degree of exposure of the consumer
- protected matter that is threatened (life, health, property, self-determined lifestyle)
- subject matter of the law/product category
- provisions in European secondary legislation

b. In case of dependence on a protected matter: What is the provision intended to protect?

- life and body and/or physical integrity of the consumer
- financial interests of the consumer
- third parties/self-determined life and/or reasonable factor allocation through mature consumer decisions
- with regard to the protection of limb and life and physical integrity of those involved in the production process
- in support of effective environmental and animal protection
- for other social/societal considerations (fair trade/philosophy of life)



c. In case of dependence of a certain degree of exposure of the consumer:

Which degree of certainty is required?

- suspicion that there is a danger/an infringement is sufficient
- reasonable suspicion of a danger/an infringement
- certainty about a danger/an infringement
- a different degree:

6. Nature of the claim

The claim is a

- contractual claim subject to private law
- tort claim subject to private law
- public-law claim
- public-law obligation to release information enforced by penalty.

7. Legal consequences in case of incorrect information

If the information provided by an authority/a company turns out to be incomplete or wrong,

- consumers are entitled to claim for damages against those in duty to inform
- claim depends on fault
- an entrepreneur can be prosecuted for administrative offence/criminal offence under the following conditions
- the business (company) also can be prosecuted

a. Amount of damages

- the damage cannot be determined, so the claim is ineffectual
- is calculated as follows
- in case of infringement, moral damage to the amount of ≈ to ≈. €
is assumed
- in case of infringement, punitive damages are estimated at ≈ to ≈. €
Conditions:

b. The mistake is made public as follows

c. Other Sanctions

The mistake/incompleteness of the information is sanctioned as follows:

See Commentary

8. Costs

Costs are caused by the following activities,

- providing existing information
- referring the consumer to another body
- consultation of the business
- publishing the information
 - provision of easily accessible information
 - provision of any information
 - other
- such as
- and

of which the consumer pays	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>



9. Other relevant information

In case there is anything else that in your opinion could be relevant in general although it has not specifically been asked for, please mention it below (e.g. claim dependent on fraud or similar).



Basis of claim and name of the legal act (original name and translation):
SI 1999/2083 Unfair Terms in Consumer Contract Regulations

1. Objective of the claim/legal consequence

a. The claim is directed at

- release of existing/available information
- release of existing information or forwarding of the request/the claimant to the competent body
- examination of the facts upon request and release of information
- product warning (authority)/product recall (business).
- publishing (e.g. on the internet) – location:
- none of the above, but aimed at:

b. Extent of the claim

What kind of information may be released according to the provision (e.g. risks to health with or without limit value(s), production process, products, other)?

Publication, information and advice

15. - (1) The Director shall arrange for the publication in such form and manner as he considers appropriate, of-

(a) details of any undertaking or order notified to him under regulation 14;

(b) details of any undertaking given to him by or on behalf of any person as to the continued use of a term which the Director considers to be unfair in contracts concluded with consumers;

(c) details of any application made by him under regulation 12, and of the terms of any undertaking given to, or order made by, the court;

(d) details of any application made by the Director to enforce a previous order of the court.

(2) The Director shall inform any person on request whether a particular term to which these Regulations apply has been-

(a) the subject of an undertaking given to the Director or notified to him by a qualifying body; or

(b) the subject of an order of the court made upon application by him or notified to him by a qualifying body;

and shall give that person details of the undertaking or a copy of the order, as the case may be, together with a copy of any amendments which the person giving the undertaking has agreed to make to the term in question.

(3) The Director may arrange for the dissemination in such form and manner as he considers appropriate of such information and advice concerning the operation of these Regulations as may appear to him to be expedient to give to the public and to all persons likely to be affected by these Regulations.

c. Duration of proceedings

Is there a deadline for releasing the information required/for handling the inquiry? If so, what is the time limit?



2. Parties involved

a. Entitled is/are generally

- anyone (natural and legal persons)
- consumers
- consumer associations
- other specific persons (groups of persons)/authorities:

b. Conditions of entitlement

persons have to

- be affected by the information themselves
- have the following interest in the information:
- other conditions:

c. Opponents/those with a duty to inform are

- authorities
- producers/service providers** (*please choose the appropriate option*)
- functional intermediaries
- other:

3. Legal prerequisites

a. Is there a term of maturity for information?

- No
- Yes, information older than **month must not** be released any longer (*please choose the appropriate options*).

b. Exceptions

Exempt from the right to information are

- industrial secrets, in particular:
- business secrets, in particular:
- information connected to property rights, in particular:
- information available to the following authorities:
- information for the protection of the following public interests:
- other information due to the following reasons:

c. The existence of specialized provisions is

- claimed by the company:
- checked by the following authority:
- checked also by the following independent institution upon request:
- is claimed/checked as follows:
- is determined regularly/in exceptional cases (please strike out if not appropriate) in hearings:

- d. A request is required yes no



4. Scope of application

Is the claim limited to specific products/services (e.g. food and (animal) fodder according to Regulation (EC) 178/2002)? Please indicate to which products/services the claim is limited.

5. Purpose of the provision

a. Criteria for the scope of the claim mentioned in 1.a. and 1.b. (multiple answers are permitted)

(the specific scope was selected due to)

- degree of exposure of the consumer
- protected matter that is threatened (life, health, property, self-determined lifestyle)
- subject matter of the law/product category
- provisions in European secondary legislation

b. In case of dependence on a protected matter: What is the provision intended to protect?

- life and body and/or physical integrity of the consumer
- financial interests of the consumer
- third parties/self-determined life and/or reasonable factor allocation through mature consumer decisions
 - with regard to the protection of limb and life and physical integrity of those involved in the production process
 - in support of effective environmental and animal protection
 - for other social/societal considerations (fair trade/philosophy of life)

c. In case of dependence of a certain degree of exposure of the consumer:

Which degree of certainty is required?

- suspicion that there is a danger/an infringement is sufficient
- reasonable suspicion of a danger/an infringement
- certainty about a danger/an infringement
- a different degree:

6. Nature of the claim

The claim is a

- contractual claim subject to private law
- tort claim subject to private law
- public-law claim
- public-law obligation to release information enforced by penalty.

7. Legal consequences in case of incorrect information

If the information provided by an authority/a company turns out to be incomplete or wrong,

- consumers are entitled to claim for damages against those in duty to inform
- claim depends on fault
- an entrepreneur can be prosecuted for administrative offence/criminal offence under the following conditions
- the business (company) also can be prosecuted



a. Amount of damages

- the damage cannot be determined, so the claim is ineffectual
- is calculated as follows
- in case of infringement, moral damage to the amount of ≈ to ≈. €
is assumed
- in case of infringement, punitive damages are estimated at ≈ to ≈. €
Conditions:

b. The mistake is made public as follows

c. Other Sanctions

The mistake/incompleteness of the information is sanctioned as follows:

8. Costs

Costs are caused by the following activities,		of which the consumer pays
providing existing information	<input type="checkbox"/>	<input type="checkbox"/>
referring the consumer to another body	<input type="checkbox"/>	<input type="checkbox"/>
consultation of the business	<input type="checkbox"/>	<input type="checkbox"/>
publishing the information	<input type="checkbox"/>	<input type="checkbox"/>
-provision of easily accessible information	<input type="checkbox"/>	<input type="checkbox"/>
-provision of any information	<input type="checkbox"/>	<input type="checkbox"/>
-other	<input type="checkbox"/>	<input type="checkbox"/>
such as		
and		

9. Other relevant information

In case there is anything else that in your opinion could be relevant in general although it has not specifically been asked for, please mention it below (e.g. claim dependent on fraud or similar).



Basis of claim and name of the legal act (original name and translation):
General Product Safety Regulations 2005 SI 1803/2005

1. Objective of the claim/legal consequence

a. The claim is directed at

- release of existing/available information
- release of existing information or forwarding of the request/the claimant to the competent body
- examination of the facts upon request and release of information
- product warning (authority)/product recall (business).
- publishing (e.g. on the internet) – location:
- none of the above, but aimed at:

b. Extent of the claim

What kind of information may be released according to the provision (e.g. risks to health with or without limit value(s), production process, products, other)?

These Regulations impose requirements concerning the safety of products intended for consumers or which are likely to be used by consumers.

c. Duration of proceedings

Is there a deadline for releasing the information required/for handling the inquiry? If so, what is the time limit?

Information has to be provided 'forthwith' to the authorities

2. Parties involved

a. Entitled is/are generally

- anyone (natural and legal persons)
- consumers
- consumer associations
- other specific persons (groups of persons)/authorities:

b. Conditions of entitlement

persons have to

- be affected by the information themselves
- have the following interest in the information:
- other conditions:

c. Opponents/those with a duty to inform are

- authorities
- producers/service providers** (please choose the appropriate option)
- functional intermediaries
- other:



3. Legal prerequisites

a. Is there a term of maturity for information?

- No
- Yes, information older than **month must not** be released any longer (*please choose the appropriate options*).

b. Exceptions

Exempt from the right to information are

- industrial secrets, in particular:
- business secrets, in particular:
- information connected to property rights, in particular:
- information available to the following authorities:
- information for the protection of the following public interests:
- other information due to the following reasons: professional secrecy

c. The existence of specialized provisions is

- claimed by the company:
- checked by the following authority:
- checked also by the following independent institution upon request:
- is claimed/checked as follows:
- is determined regularly/in exceptional cases (please strike out if not appropriate) in hearings:

d. A request is required yes no

4. Scope of application

Is the claim limited to specific products/services (e.g. food and (animal) fodder according to Regulation (EC) 178/2002)? Please indicate to which products/services the claim is limited.

5. Purpose of the provision

a. Criteria for the scope of the claim mentioned in 1.a. and 1.b. (multiple answers are permitted)

(the specific scope was selected due to)

- degree of exposure of the consumer
- protected matter that is threatened (life, health, property, self-determined lifestyle)
- subject matter of the law/product category
- provisions in European secondary legislation

b. In case of dependence on a protected matter: What is the provision intended to protect?

- life and body and/or physical integrity of the consumer
- financial interests of the consumer
- third parties/self-determined life and/or reasonable factor allocation through mature consumer decisions
- with regard to the protection of limb and life and physical integrity of those involved in the production process
- in support of effective environmental and animal protection
- for other social/societal considerations (fair trade/philosophy of life)

**c. In case of dependence of a certain degree of exposure of the consumer:**

Which degree of certainty is required?

- suspicion that there is a danger/an infringement is sufficient
- reasonable suspicion of a danger/an infringement
- certainty about a danger/an infringement
- a different degree:

6. Nature of the claim

The claim is a

- contractual claim subject to private law
- tort claim subject to private law
- public-law claim
- public-law obligation to release information enforced by penalty.

7. Legal consequences in case of incorrect information

If the information provided by an authority/a company turns out to be incomplete or wrong,

- consumers are entitled to claim for damages against those in duty to inform
- claim depends on fault
- an entrepreneur can be prosecuted for administrative offence/criminal offence under the following conditions NB - if a sole trader is liable s/he can be prosecuted. If a company is liable, the company will be prosecuted. This question is answered on this basis in all the following questionnaires.
- the business (company) also can be prosecuted

a. Amount of damages

- the damage cannot be determined, so the claim is ineffectual
- is calculated as follows
- in case of infringement, moral damage to the amount of ≈ to ≈. €
is assumed
- in case of infringement, punitive damages are estimated at ≈ to ≈. €

Conditions:

b. The mistake is made public as follows

c. Other Sanctions

The mistake/incompleteness of the information is sanctioned as follows:

8. Costs

Costs are caused by the following activities,

- providing existing information
- referring the consumer to another body
- consultation of the business
- publishing the information
- provision of easily accessible information
- provision of any information
- other
- such as
- and

of which the consumer pays



9. Other relevant information

In case there is anything else that in your opinion could be relevant in general although it has not specifically been asked for, please mention it below (e.g. claim dependent on fraud or similar).

39. —(1) An enforcement authority shall in general make available to the public such information as is available to it on the following matters relating to the risks to consumer health and safety posed by a product—

(a) the nature of the risk,

(b) the product identification,

and the measures taken in respect of the risk, without prejudice to the need not to disclose information for effective monitoring and investigation activities.

(2) Paragraph (1) shall not apply to any information obtained by an enforcement authority for the purposes of these Regulations which, by its nature, is covered by professional secrecy, unless the circumstances require such information to be made public in order to protect the health and safety of consumers.



Basis of claim and name of the legal act (original name and translation):
Consumer Protection from Unfair Trading Regulations SI 2008/1277

1. Objective of the claim/legal consequence

a. The claim is directed at

- release of existing/available information
- release of existing information or forwarding of the request/the claimant to the competent body
- examination of the facts upon request and release of information
- product warning (authority)/product recall (business).
- publishing (e.g. on the internet) – location:
- none of the above, but aimed at:

b. Extent of the claim

What kind of information may be released according to the provision (e.g. risks to health with or without limit value(s), production process, products, other)?

Unfair trading practices

c. Duration of proceedings

Is there a deadline for releasing the information required/for handling the inquiry? If so, what is the time limit?

No - the duration is on prosecuting offenders

2. Parties involved

a. Entitled is/are generally

- anyone (natural and legal persons)
- consumers
- consumer associations
- other specific persons (groups of persons)/authorities:

b. Conditions of entitlement

persons have to

- be affected by the information themselves
- have the following interest in the information:
- other conditions:

c. Opponents/those with a duty to inform are

- authorities
- producers/service providers** (*please choose the appropriate option*)
- functional intermediaries
- other:



3. Legal prerequisites

a. Is there a term of maturity for information?

- No
 Yes, information older than **month must not** be released any longer (*please choose the appropriate options*).

b. Exceptions

Exempt from the right to information are

- industrial secrets, in particular:
 business secrets, in particular:
 information connected to property rights, in particular:
 information available to the following authorities:
 information for the protection of the following public interests:
 other information due to the following reasons:

c. The existence of specialized provisions is

- claimed by the company:
 checked by the following authority:
 checked also by the following independent institution upon request:
 is claimed/checked as follows:
 is determined regularly/in exceptional cases (please strike out if not appropriate) in hearings:

- d. A request is required** yes no

4. Scope of application

Is the claim limited to specific products/services (e.g. food and (animal) fodder according to Regulation (EC) 178/2002)? Please indicate to which products/services the claim is limited.

5. Purpose of the provision

a. Criteria for the scope of the claim mentioned in 1.a. and 1.b. (multiple answers are permitted)

(the specific scope was selected due to)

- degree of exposure of the consumer
 protected matter that is threatened (life, health, property, self-determined lifestyle)
 subject matter of the law/product category
 provisions in European secondary legislation

b. In case of dependence on a protected matter: What is the provision intended to protect?

- life and body and/or physical integrity of the consumer
 financial interests of the consumer
 third parties/self-determined life and/or reasonable factor allocation through mature consumer decisions
- with regard to the protection of limb and life and physical integrity of those involved in the production process
 - in support of effective environmental and animal protection
 - for other social/societal considerations (fair trade/philosophy of life)

**c. In case of dependence of a certain degree of exposure of the consumer:**

Which degree of certainty is required?

- suspicion that there is a danger/an infringement is sufficient
- reasonable suspicion of a danger/an infringement
- certainty about a danger/an infringement
- a different degree:

6. Nature of the claim

The claim is a

- contractual claim subject to private law
- tort claim subject to private law
- public-law claim
- public-law obligation to release information enforced by penalty.

7. Legal consequences in case of incorrect information

If the information provided by an authority/a company turns out to be incomplete or wrong,

- consumers are entitled to claim for damages against those in duty to inform
- claim depends on fault
- an entrepreneur can be prosecuted for administrative offence/criminal offence under the following conditions
- the business (company) also can be prosecuted

a. Amount of damages

- the damage cannot be determined, so the claim is ineffectual
- is calculated as follows
- in case of infringement, moral damage to the amount of ≈ to ≈. €
is assumed
- in case of infringement, punitive damages are estimated at ≈ to ≈. €
Conditions:

b. The mistake is made public as follows**c. Other Sanctions**

The mistake/incompleteness of the information is sanctioned as follows:

8. Costs

Costs are caused by the following activities,

providing existing information

referring the consumer to another body

consultation of the business

publishing the information

-provision of easily accessible information

-provision of any information

-other

such as

and

of which the consumer pays



9. Other relevant information

In case there is anything else that in your opinion could be relevant in general although it has not specifically been asked for, please mention it below (e.g. claim dependent on fraud or similar).



**Basis of claim and name of the legal act (original name and translation):
Medicines (Labelling) Regulations SI 1976/1726 as amended and SI 1992/3273 -
labelling requirements for safety of medicines**

1. Objective of the claim/legal consequence

a. The claim is directed at

- release of existing/available information
- release of existing information or forwarding of the request/the claimant to the competent body
- examination of the facts upon request and release of information
- product warning (authority)/product recall (business).
- publishing (e.g. on the internet) – location:
- none of the above, but aimed at:

b. Extent of the claim

What kind of information may be released according to the provision (e.g. risks to health with or without limit value(s), production process, products, other)?

The Schedules contain the details. The first covers:
STANDARD LABELLING REQUIREMENTS FOR CONTAINERS AND PACKAGES OF
MEDICINAL PRODUCTS FOR HUMAN USE

"1. The name of the product followed, where the product contains one active ingredient and its name is an invented name, by the common name.

2. A statement of the active ingredients of the product expressed qualitatively and quantitatively per dosage unit or according to the form of administration for a given volume or weight, using the common names of the ingredients.

3. The pharmaceutical form of the product.

4. The contents of the product by weight, by volume or by number of doses of the product.

5. A list of excipients known to have a recognised action or effect. In relation to products which are injectable or are topical or eye preparations, all excipients.

6. The method and, if necessary, the route of administration of the product.

7. A special warning that the product must be stored out of reach of children.

8. Any special warning required by the product licence for the product concerned.

9. The expiry date of the product (stating the month and year) in clear terms.

10. Any special storage precautions for the product.



11. Any special precautions for the disposal of any unused products or waste materials derived from such products.
12. The name of the holder of the product licence of the product.
13. The address of the holder of the product licence of the product.
14. Any product licence number as allocated by the licensing authority which relates to the product preceded by the letters "PL" in capital letters or other abbreviation of the expression "product licence".
15. The manufacturer's batch reference.
16. Where a product is intended for self-medication, any instruction on the use of the product.

c. Duration of proceedings

Is there a deadline for releasing the information required/for handling the inquiry? If so, what is the time limit?

2. Parties involved

a. Entitled is/are generally

- anyone (natural and legal persons)
- consumers
- consumer associations
- other specific persons (groups of persons)/authorities:

b. Conditions of entitlement

persons have to

- be affected by the information themselves
- have the following interest in the information:
- other conditions:

c. Opponents/those with a duty to inform are

- authorities
- producers/service providers** (please choose the appropriate option)
- functional intermediaries
- other:

3. Legal prerequisites

a. Is there a term of maturity for information?

- No
- Yes, information older than month must not be released any longer (please choose the appropriate options).



b. Exceptions

Exempt from the right to information are

- industrial secrets, in particular:
- business secrets, in particular:
- information connected to property rights, in particular:
- information available to the following authorities:
- information for the protection of the following public interests:
- other information due to the following reasons:

c. The existence of specialized provisions is

- claimed by the company:
- checked by the following authority:
- checked also by the following independent institution upon request:
- is claimed/checked as follows:
- is determined regularly/in exceptional cases (please strike out if not appropriate) in hearings:

d. A request is required yes no

4. Scope of application

Is the claim limited to specific products/services (e.g. food and (animal) fodder according to Regulation (EC) 178/2002)? Please indicate to which products/services the claim is limited.

5. Purpose of the provision

a. Criteria for the scope of the claim mentioned in 1.a. and 1.b. (multiple answers are permitted)

(the specific scope was selected due to)

- degree of exposure of the consumer
- protected matter that is threatened (life, health, property, self-determined lifestyle)
- subject matter of the law/product category
- provisions in European secondary legislation

b. In case of dependence on a protected matter: What is the provision intended to protect?

- life and body and/or physical integrity of the consumer
- financial interests of the consumer
- third parties/self-determined life and/or reasonable factor allocation through mature consumer decisions
 - with regard to the protection of limb and life and physical integrity of those involved in the production process
 - in support of effective environmental and animal protection
 - for other social/societal considerations (fair trade/philosophy of life)



c. In case of dependence of a certain degree of exposure of the consumer:

Which degree of certainty is required?

- suspicion that there is a danger/an infringement is sufficient
- reasonable suspicion of a danger/an infringement
- certainty about a danger/an infringement
- a different degree:

6. Nature of the claim

The claim is a

- contractual claim subject to private law
- tort claim subject to private law
- public-law claim
- public-law obligation to release information enforced by penalty.

7. Legal consequences in case of incorrect information

If the information provided by an authority/a company turns out to be incomplete or wrong,

- consumers are entitled to claim for damages against those in duty to inform
- claim depends on fault
- an entrepreneur can be prosecuted for administrative offence/criminal offence under the following conditions
- the business (company) also can be prosecuted

a. Amount of damages

- the damage cannot be determined, so the claim is ineffectual
- is calculated as follows
- in case of infringement, moral damage to the amount of ≈ to ≈. €
is assumed
- in case of infringement, punitive damages are estimated at ≈ to ≈. €

Conditions:

b. The mistake is made public as follows

c. Other Sanctions

The mistake/incompleteness of the information is sanctioned as follows:

8. Costs

Costs are caused by the following activities,
providing existing information
referring the consumer to another body
consultation of the business
publishing the information

- provision of easily accessible information
- provision of any information
- other

such as

		of which the consumer pays
<input type="checkbox"/>		<input type="checkbox"/>



9. Other relevant information

In case there is anything else that in your opinion could be relevant in general although it has not specifically been asked for, please mention it below (e.g. claim dependent on fraud or similar).



Basis of claim and name of the legal act (original name and translation):
The Medicines (Labelling and Leaflets) Amendment Regulations 1994

1. Objective of the claim/legal consequence

a. The claim is directed at

- release of existing/available information
 release of existing information or forwarding of the request/the claimant to the competent body
 examination of the facts upon request and release of information
 product warning (authority)/product recall (business).
 publishing (e.g. on the internet) – location:
 none of the above, but aimed at:

b. Extent of the claim

What kind of information may be released according to the provision (e.g. risks to health with or without limit value(s), production process, products, other)?

STANDARD LABELLING REQUIREMENTS FOR CONTAINERS AND PACKAGES OF HOMOEOPATHIC PRODUCTS MARKETED UNDER A CERTIFICATE GRANTED UNDER THE MEDICINES (HOMOEOPATHIC MEDICINAL PRODUCTS FOR HUMAN USE) REGULATIONS 1993

"1. The scientific name of the stock or stocks followed by the degree of dilution, making use of the symbols of the pharmacopoeia used in relation to the homoeopathic manufacturing procedure described therein for that stock or stocks.

2. The name and address of the holder of the certificate of registration and, where different, the name and address of the manufacturer.

3. The method of administration and, if necessary, route.

4. The expiry date of the product in clear terms, stating the month and year.

5. The pharmaceutical form.

6. The contents of the sales presentation.

7. Any special storage precautions.

8. Any special warning necessary for the product concerned.

9. The manufacturer's batch number.

10. The registration number allocated by the licensing authority preceded by the letters "HR" in capital letters.

11. The words "homoeopathic medicinal product without approved therapeutic indications".



12. A warning advising the user to consult a doctor if the symptoms persist during the use of the product.

c. Duration of proceedings

Is there a deadline for releasing the information required/for handling the inquiry? If so, what is the time limit?

2. Parties involved

a. Entitled is/are generally

- anyone (natural and legal persons)
 consumers
 consumer associations
 other specific persons (groups of persons)/authorities:

b. Conditions of entitlement

persons have to

- be affected by the information themselves
 have the following interest in the information:
 other conditions:

c. Opponents/those with a duty to inform are

- authorities
 producers/service providers (*please choose the appropriate option*)
 functional intermediaries
 other:

3. Legal prerequisites

a. Is there a term of maturity for information?

- No
 Yes, information older than **month must not** be released any longer (*please choose the appropriate options*).

b. Exceptions

Exempt from the right to information are

- industrial secrets, in particular:
 business secrets, in particular:
 information connected to property rights, in particular:
 information available to the following authorities:
 information for the protection of the following public interests:
 other information due to the following reasons:

**c. The existence of specialized provisions is**

- claimed by the company:
 checked by the following authority:
 checked also by the following independent institution upon request:
 is claimed/checked as follows:
 is determined regularly/in exceptional cases (please strike out if not appropriate) in hearings:

d. A request is required yes no

4. Scope of application

Is the claim limited to specific products/services (e.g. food and (animal) fodder according to Regulation (EC) 178/2002)? Please indicate to which products/services the claim is limited.

5. Purpose of the provision**a. Criteria for the scope of the claim mentioned in 1.a. and 1.b. (multiple answers are permitted)**

(the specific scope was selected due to)

- degree of exposure of the consumer
 protected matter that is threatened (life, health, property, self-determined lifestyle)
 subject matter of the law/product category
 provisions in European secondary legislation

b. In case of dependence on a protected matter: What is the provision intended to protect?

- life and body and/or physical integrity of the consumer
 financial interests of the consumer
 third parties/self-determined life and/or reasonable factor allocation through mature consumer decisions
 with regard to the protection of limb and life and physical integrity of those involved in the production process
 in support of effective environmental and animal protection
 for other social/societal considerations (fair trade/philosophy of life)

c. In case of dependence of a certain degree of exposure of the consumer:

Which degree of certainty is required?

- suspicion that there is a danger/an infringement is sufficient
 reasonable suspicion of a danger/an infringement
 certainty about a danger/an infringement
 a different degree:

6. Nature of the claim

The claim is a

- contractual claim subject to private law
 tort claim subject to private law
 public-law claim
 public-law obligation to release information enforced by penalty.



7. Legal consequences in case of incorrect information

If the information provided by an authority/a company turns out to be incomplete or wrong,

- consumers are entitled to claim for damages against those in duty to inform
- claim depends on fault
- an entrepreneur can be prosecuted for administrative offence/criminal offence under the following conditions
- the business (company) also can be prosecuted

a. Amount of damages

- the damage cannot be determined, so the claim is ineffectual
- is calculated as follows
- in case of infringement, moral damage to the amount of ≈ to ≈. €
is assumed
- in case of infringement, punitive damages are estimated at ≈ to ≈. €
- Conditions:

b. The mistake is made public as follows

c. Other Sanctions

The mistake/incompleteness of the information is sanctioned as follows:

8. Costs

Costs are caused by the following activities,

providing existing information

referring the consumer to another body

consultation of the business

publishing the information

-provision of easily accessible information

-provision of any information

-other

such as

and

of which the consumer pays

9. Other relevant information

In case there is anything else that in your opinion could be relevant in general although it has not specifically been asked for, please mention it below (e.g. claim dependent on fraud or similar).



Basis of claim and name of the legal act (original name and translation):
Feeding Stuffs (England) Regulations SI 2005/3281

1. Objective of the claim/legal consequence

a. The claim is directed at

- release of existing/available information
 release of existing information or forwarding of the request/the claimant to the competent body
 examination of the facts upon request and release of information
 product warning (authority)/product recall (business).
 publishing (e.g. on the internet) – location:
 none of the above, but aimed at:

b. Extent of the claim

What kind of information may be released according to the provision (e.g. risks to health with or without limit value(s), production process, products, other)?

The information is very detailed and is in Schedule 3 of the regulations

c. Duration of proceedings

Is there a deadline for releasing the information required/for handling the inquiry? If so, what is the time limit?

2. Parties involved

a. Entitled is/are generally

- anyone (natural and legal persons)
 consumers
 consumer associations
 other specific persons (groups of persons)/authorities:

b. Conditions of entitlement

persons have to

- be affected by the information themselves
 have the following interest in the information:
 other conditions:

c. Opponents/those with a duty to inform are

- authorities
 producers/service providers (please choose the appropriate option)
 functional intermediaries
 other:



3. Legal prerequisites

a. Is there a term of maturity for information?

- No
- Yes, information older than **month must not** be released any longer (*please choose the appropriate options*).

b. Exceptions

Exempt from the right to information are

- industrial secrets, in particular: Yes
- business secrets, in particular: Yes
- information connected to property rights, in particular:
- information available to the following authorities:
- information for the protection of the following public interests:
- other information due to the following reasons:

c. The existence of specialized provisions is

- claimed by the company:
- checked by the following authority:
- checked also by the following independent institution upon request:
- is claimed/checked as follows:
- is determined regularly/in exceptional cases (please strike out if not appropriate) in hearings:

d. A request is required yes no

4. Scope of application

Is the claim limited to specific products/services (e.g. food and (animal) fodder according to Regulation (EC) 178/2002)? Please indicate to which products/services the claim is limited.

5. Purpose of the provision

a. Criteria for the scope of the claim mentioned in 1.a. and 1.b. (multiple answers are permitted)

(the specific scope was selected due to)

- degree of exposure of the consumer
- protected matter that is threatened (life, health, property, self-determined lifestyle)
- subject matter of the law/product category
- provisions in European secondary legislation

b. In case of dependence on a protected matter: What is the provision intended to protect?

- life and body and/or physical integrity of the consumer
- financial interests of the consumer
- third parties/self-determined life and/or reasonable factor allocation through mature consumer decisions
- with regard to the protection of limb and life and physical integrity of those involved in the production process
- in support of effective environmental and animal protection
- for other social/societal considerations (fair trade/philosophy of life)



c. In case of dependence of a certain degree of exposure of the consumer:

Which degree of certainty is required?

- suspicion that there is a danger/an infringement is sufficient
- reasonable suspicion of a danger/an infringement
- certainty about a danger/an infringement
- a different degree:

6. Nature of the claim

The claim is a

- contractual claim subject to private law
- tort claim subject to private law
- public-law claim
- public-law obligation to release information enforced by penalty.

7. Legal consequences in case of incorrect information

If the information provided by an authority/a company turns out to be incomplete or wrong,

- consumers are entitled to claim for damages against those in duty to inform
- claim depends on fault
- an entrepreneur can be prosecuted for administrative offence/criminal offence under the following conditions
- the business (company) also can be prosecuted

a. Amount of damages

- the damage cannot be determined, so the claim is ineffectual
 - is calculated as follows
 - in case of infringement, moral damage to the amount of ≈ to ≈. €
is assumed
 - in case of infringement, punitive damages are estimated at ≈ to ≈. €
- Conditions:

b. The mistake is made public as follows

c. Other Sanctions

The mistake/incompleteness of the information is sanctioned as follows:

Criminal penalty

8. Costs

Costs are caused by the following activities,

- providing existing information
- referring the consumer to another body
- consultation of the business
- publishing the information
 - provision of easily accessible information
 - provision of any information
 - other
- such as
- and

- of which the consumer pays
- | | |
|--------------------------|--------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> |



9. Other relevant information

In case there is anything else that in your opinion could be relevant in general although it has not specifically been asked for, please mention it below (e.g. claim dependent on fraud or similar).



**Basis of claim and name of the legal act (original name and translation):
Classification and Labelling of Explosives Regulations SI 1983/1140**

1. Objective of the claim/legal consequence

a. The claim is directed at

- release of existing/available information
- release of existing information or forwarding of the request/the claimant to the competent body
- examination of the facts upon request and release of information
- product warning (authority)/product recall (business).
- publishing (e.g. on the internet) – location:
- none of the above, but aimed at:

b. Extent of the claim

What kind of information may be released according to the provision (e.g. risks to health with or without limit value(s), production process, products, other)?

These are detailed and set out in the regulations.

c. Duration of proceedings

Is there a deadline for releasing the information required/for handling the inquiry? If so, what is the time limit?

2. Parties involved

a. Entitled is/are generally

- anyone (natural and legal persons)
- consumers
- consumer associations
- other specific persons (groups of persons)/authorities:

b. Conditions of entitlement

persons have to

- be affected by the information themselves
- have the following interest in the information:
- other conditions:

c. Opponents/those with a duty to inform are

- authorities
- producers/service providers** (*please choose the appropriate option*)
- functional intermediaries
- other:



3. Legal prerequisites

a. Is there a term of maturity for information?

- No
- Yes, information older than **month must not** be released any longer (*please choose the appropriate options*).

b. Exceptions

Exempt from the right to information are

- industrial secrets, in particular:
- business secrets, in particular:
- information connected to property rights, in particular:
- information available to the following authorities:
- information for the protection of the following public interests: Terrorism - possibly
- other information due to the following reasons:

c. The existence of specialized provisions is

- claimed by the company:
- checked by the following authority:
- checked also by the following independent institution upon request:
- is claimed/checked as follows:
- is determined regularly/in exceptional cases (please strike out if not appropriate) in hearings:

d. A request is required yes no

4. Scope of application

Is the claim limited to specific products/services (e.g. food and (animal) fodder according to Regulation (EC) 178/2002)? Please indicate to which products/services the claim is limited.

5. Purpose of the provision

a. Criteria for the scope of the claim mentioned in 1.a. and 1.b. (multiple answers are permitted)

(the specific scope was selected due to)

- degree of exposure of the consumer
- protected matter that is threatened (life, health, property, self-determined lifestyle)
- subject matter of the law/product category
- provisions in European secondary legislation

b. In case of dependence on a protected matter: What is the provision intended to protect?

- life and body and/or physical integrity of the consumer
- financial interests of the consumer
- third parties/self-determined life and/or reasonable factor allocation through mature consumer decisions
- with regard to the protection of limb and life and physical integrity of those involved in the production process
- in support of effective environmental and animal protection
- for other social/societal considerations (fair trade/philosophy of life)

**c. In case of dependence of a certain degree of exposure of the consumer:**

Which degree of certainty is required?

- suspicion that there is a danger/an infringement is sufficient
- reasonable suspicion of a danger/an infringement
- certainty about a danger/an infringement
- a different degree:

6. Nature of the claim

The claim is a

- contractual claim subject to private law
- tort claim subject to private law
- public-law claim
- public-law obligation to release information enforced by penalty.

7. Legal consequences in case of incorrect information

If the information provided by an authority/a company turns out to be incomplete or wrong,

- consumers are entitled to claim for damages against those in duty to inform
- claim depends on fault
- an entrepreneur can be prosecuted for administrative offence/criminal offence under the following conditions
- the business (company) also can be prosecuted

a. Amount of damages

- the damage cannot be determined, so the claim is ineffectual
- is calculated as follows
- in case of infringement, moral damage to the amount of ≈ to ≈. €
is assumed
- in case of infringement, punitive damages are estimated at ≈ to ≈. €
Conditions:

b. The mistake is made public as follows**c. Other Sanctions**

The mistake/incompleteness of the information is sanctioned as follows:

8. Costs

Costs are caused by the following activities,

providing existing information

referring the consumer to another body

consultation of the business

publishing the information

-provision of easily accessible information

-provision of any information

-other

such as

and

of which the consumer pays



9. Other relevant information

In case there is anything else that in your opinion could be relevant in general although it has not specifically been asked for, please mention it below (e.g. claim dependent on fraud or similar).



Basis of claim and name of the legal act (original name and translation):
Plant Protection Products Regulations SI 2005/1435

1. Objective of the claim/legal consequence

a. The claim is directed at

- release of existing/available information
- release of existing information or forwarding of the request/the claimant to the competent body
- examination of the facts upon request and release of information
- product warning (authority)/product recall (business).
- publishing (e.g. on the internet) – location:
- none of the above, but aimed at:

b. Extent of the claim

What kind of information may be released according to the provision (e.g. risks to health with or without limit value(s), production process, products, other)?

Information collected by the authorities in the approval process

c. Duration of proceedings

Is there a deadline for releasing the information required/for handling the inquiry? If so, what is the time limit?

2. Parties involved

a. Entitled is/are generally

- anyone (natural and legal persons)
- consumers
- consumer associations
- other specific persons (groups of persons)/authorities:

b. Conditions of entitlement

persons have to

- be affected by the information themselves
- have the following interest in the information:
- other conditions:

c. Opponents/those with a duty to inform are

- authorities
- producers/service providers** (*please choose the appropriate option*)
- functional intermediaries
- other:



3. Legal prerequisites

a. Is there a term of maturity for information?

- No
- Yes, information older than **month must not** be released any longer (*please choose the appropriate options*).

b. Exceptions

Exempt from the right to information are

- industrial secrets, in particular: x
- business secrets, in particular:
- information connected to property rights, in particular:
- information available to the following authorities:
- information for the protection of the following public interests:
- other information due to the following reasons: confidentiality

c. The existence of specialized provisions is

- claimed by the company:
- checked by the following authority:
- checked also by the following independent institution upon request:
- is claimed/checked as follows:
- is determined regularly/in exceptional cases (please strike out if not appropriate) in hearings:

d. A request is required yes no

4. Scope of application

Is the claim limited to specific products/services (e.g. food and (animal) fodder according to Regulation (EC) 178/2002)? Please indicate to which products/services the claim is limited.

5. Purpose of the provision

a. Criteria for the scope of the claim mentioned in 1.a. and 1.b. (multiple answers are permitted)

(the specific scope was selected due to)

- degree of exposure of the consumer
- protected matter that is threatened (life, health, property, self-determined lifestyle)
- subject matter of the law/product category
- provisions in European secondary legislation

b. In case of dependence on a protected matter: What is the provision intended to protect?

- life and body and/or physical integrity of the consumer
- financial interests of the consumer
- third parties/self-determined life and/or reasonable factor allocation through mature consumer decisions
- with regard to the protection of limb and life and physical integrity of those involved in the production process
- in support of effective environmental and animal protection
- for other social/societal considerations (fair trade/philosophy of life)



c. In case of dependence of a certain degree of exposure of the consumer:

Which degree of certainty is required?

- suspicion that there is a danger/an infringement is sufficient
- reasonable suspicion of a danger/an infringement
- certainty about a danger/an infringement
- a different degree:

6. Nature of the claim

The claim is a

- contractual claim subject to private law
- tort claim subject to private law
- public-law claim
- public-law obligation to release information enforced by penalty.

7. Legal consequences in case of incorrect information

If the information provided by an authority/a company turns out to be incomplete or wrong,

- consumers are entitled to claim for damages against those in duty to inform
- claim depends on fault
- an entrepreneur can be prosecuted for administrative offence/criminal offence under the following conditions
- the business (company) also can be prosecuted

a. Amount of damages

- the damage cannot be determined, so the claim is ineffectual
- is calculated as follows
- in case of infringement, moral damage to the amount of ≈ to ≈. €
is assumed
- in case of infringement, punitive damages are estimated at ≈ to ≈. €
Conditions:

b. The mistake is made public as follows

c. Other Sanctions

The mistake/incompleteness of the information is sanctioned as follows:

8. Costs

Costs are caused by the following activities,

- providing existing information
- referring the consumer to another body
- consultation of the business
- publishing the information
 - provision of easily accessible information
 - provision of any information
 - other
- such as
- and

of which the consumer pays		
	<input type="checkbox"/>	<input type="checkbox"/>



9. Other relevant information

In case there is anything else that in your opinion could be relevant in general although it has not specifically been asked for, please mention it below (e.g. claim dependent on fraud or similar).



Basis of claim and name of the legal act (original name and translation):
Food Labelling Regulations SI 1996/1499

1. Objective of the claim/legal consequence

a. The claim is directed at

- release of existing/available information
 release of existing information or forwarding of the request/the claimant to the competent body
 examination of the facts upon request and release of information
 product warning (authority)/product recall (business).
 publishing (e.g. on the internet) – location:
 none of the above, but aimed at:

b. Extent of the claim

What kind of information may be released according to the provision (e.g. risks to health with or without limit value(s), production process, products, other)?

The principal provisions of the Regulations—

(1) require all food which is ready for delivery to the ultimate consumer or to a catering establishment, subject to certain exceptions, to be marked or labelled with—

- (a) the name of the food (regulations 5(a), 6 to 11, and Schedules 1 and 2);
(b) a list of ingredients (regulations 5(b), 12 to 18, and Schedules 3 and 4);
(c) the appropriate durability indication (regulations 5(c), 20 to 22);
(d) any special storage conditions or conditions of use (regulation 5(d));
(e) the name and address of the manufacturer or packer or of a seller (regulation 5(e));

and in certain cases—

- (f) particulars of the place of origin of the food (regulation 5(f)), and
(g) instructions for use (regulation 5(g));
and numerous other items of information

c. Duration of proceedings

Is there a deadline for releasing the information required/for handling the inquiry? If so, what is the time limit?

2. Parties involved

a. Entitled is/are generally

- anyone (natural and legal persons)
 consumers
 consumer associations
 other specific persons (groups of persons)/authorities:



b. Conditions of entitlement

persons have to

- be affected by the information themselves
- have the following interest in the information:
- other conditions:

c. Opponents/those with a duty to inform are

- authorities
- producers/service providers** (*please choose the appropriate option*)
- functional intermediaries
- other:

3. Legal prerequisites

a. Is there a term of maturity for information?

- No
- Yes, information older than **month must not** be released any longer (*please choose the appropriate options*).

b. Exceptions

Exempt from the right to information are

- industrial secrets, in particular:
- business secrets, in particular:
- information connected to property rights, in particular:
- information available to the following authorities:
- information for the protection of the following public interests:
- other information due to the following reasons:

c. The existence of specialized provisions is

- claimed by the company:
- checked by the following authority:
- checked also by the following independent institution upon request:
- is claimed/checked as follows:
- is determined regularly/in exceptional cases (*please strike out if not appropriate*) in hearings:

d. A request is required yes no

4. Scope of application

Is the claim limited to specific products/services (e.g. food and (animal) fodder according to Regulation (EC) 178/2002)? Please indicate to which products/services the claim is limited.



5. Purpose of the provision

a. Criteria for the scope of the claim mentioned in 1.a. and 1.b. (multiple answers are permitted)

(the specific scope was selected due to)

- degree of exposure of the consumer
- protected matter that is threatened (life, health, property, self-determined lifestyle)
- subject matter of the law/product category
- provisions in European secondary legislation

b. In case of dependence on a protected matter: What is the provision intended to protect?

- life and body and/or physical integrity of the consumer
- financial interests of the consumer
- third parties/self-determined life and/or reasonable factor allocation through mature consumer decisions
 - with regard to the protection of limb and life and physical integrity of those involved in the production process
 - in support of effective environmental and animal protection
 - for other social/societal considerations (fair trade/philosophy of life)

c. In case of dependence of a certain degree of exposure of the consumer:

Which degree of certainty is required?

- suspicion that there is a danger/an infringement is sufficient
- reasonable suspicion of a danger/an infringement
- certainty about a danger/an infringement
- a different degree:

6. Nature of the claim

The claim is a

- contractual claim subject to private law
- tort claim subject to private law
- public-law claim
- public-law obligation to release information enforced by penalty.

7. Legal consequences in case of incorrect information

If the information provided by an authority/a company turns out to be incomplete or wrong,

- consumers are entitled to claim for damages against those in duty to inform
- claim depends on fault
- an entrepreneur can be prosecuted for administrative offence/criminal offence under the following conditions
- the business (company) also can be prosecuted

a. Amount of damages

- the damage cannot be determined, so the claim is ineffectual
- is calculated as follows
- in case of infringement, moral damage to the amount of ≈ to ≈. €
is assumed
- in case of infringement, punitive damages are estimated at ≈ to ≈. €
Conditions:



b. The mistake is made public as follows

c. Other Sanctions

The mistake/incompleteness of the information is sanctioned as follows:

8. Costs

Costs are caused by the following activities,

providing existing information

referring the consumer to another body

consultation of the business

publishing the information

-provision of easily accessible information

-provision of any information

-other

such as

and

of which the consumer pays

9. Other relevant information

In case there is anything else that in your opinion could be relevant in general although it has not specifically been asked for, please mention it below (e.g. claim dependent on fraud or similar).



Basis of claim and name of the legal act (original name and translation):
The Meat Products (England) Regulations SI 2003/2075

1. Objective of the claim/legal consequence

a. The claim is directed at

- release of existing/available information
 release of existing information or forwarding of the request/the claimant to the competent body
 examination of the facts upon request and release of information
 product warning (authority)/product recall (business).
 publishing (e.g. on the internet) – location:
 none of the above, but aimed at:

b. Extent of the claim

What kind of information may be released according to the provision (e.g. risks to health with or without limit value(s), production process, products, other)?

4.—(1) For the purposes of the Food Labelling Regulations 1996, a name which appears in column 1 of Schedule 2 shall not be used in the labelling or advertising of a meat product as the name of the food, whether or not qualified by other words, unless either—
 (a) the product complies with the appropriate requirements in columns 2 and 3 of that Schedule; or
 (b) the name is used in accordance with paragraph (2).
 Certain items do not need to be identified in the name.

c. Duration of proceedings

Is there a deadline for releasing the information required/for handling the inquiry? If so, what is the time limit?

2. Parties involved

a. Entitled is/are generally

- anyone (natural and legal persons)
 consumers
 consumer associations
 other specific persons (groups of persons)/authorities:

b. Conditions of entitlement

persons have to

- be affected by the information themselves
 have the following interest in the information:
 other conditions:

c. Opponents/those with a duty to inform are

- authorities
 producers/service providers (please choose the appropriate option)
 functional intermediaries
 other:



3. Legal prerequisites

a. Is there a term of maturity for information?

- No
- Yes, information older than **month must not** be released any longer (*please choose the appropriate options*).

b. Exceptions

Exempt from the right to information are

- industrial secrets, in particular:
- business secrets, in particular:
- information connected to property rights, in particular:
- information available to the following authorities:
- information for the protection of the following public interests:
- other information due to the following reasons:

c. The existence of specialized provisions is

- claimed by the company:
- checked by the following authority:
- checked also by the following independent institution upon request:
- is claimed/checked as follows:
- is determined regularly/in exceptional cases (please strike out if not appropriate) in hearings:

- d. A request is required** yes no

4. Scope of application

Is the claim limited to specific products/services (e.g. food and (animal) fodder according to Regulation (EC) 178/2002)? Please indicate to which products/services the claim is limited.

5. Purpose of the provision

a. Criteria for the scope of the claim mentioned in 1.a. and 1.b. (multiple answers are permitted)

(the specific scope was selected due to)

- degree of exposure of the consumer
- protected matter that is threatened (life, health, property, self-determined lifestyle)
- subject matter of the law/product category
- provisions in European secondary legislation

b. In case of dependence on a protected matter: What is the provision intended to protect?

- life and body and/or physical integrity of the consumer
- financial interests of the consumer
- third parties/self-determined life and/or reasonable factor allocation through mature consumer decisions
- with regard to the protection of limb and life and physical integrity of those involved in the production process
- in support of effective environmental and animal protection
- for other social/societal considerations (fair trade/philosophy of life)



c. In case of dependence of a certain degree of exposure of the consumer:

Which degree of certainty is required?

- suspicion that there is a danger/an infringement is sufficient
- reasonable suspicion of a danger/an infringement
- certainty about a danger/an infringement
- a different degree:

6. Nature of the claim

The claim is a

- contractual claim subject to private law
- tort claim subject to private law
- public-law claim
- public-law obligation to release information enforced by penalty.

7. Legal consequences in case of incorrect information

If the information provided by an authority/a company turns out to be incomplete or wrong,

- consumers are entitled to claim for damages against those in duty to inform
- claim depends on fault
- an entrepreneur can be prosecuted for administrative offence/criminal offence under the following conditions
- the business (company) also can be prosecuted

a. Amount of damages

- the damage cannot be determined, so the claim is ineffectual
- is calculated as follows
- in case of infringement, moral damage to the amount of ≈ to ≈. €
is assumed
- in case of infringement, punitive damages are estimated at ≈ to ≈. €
Conditions:

b. The mistake is made public as follows

c. Other Sanctions

The mistake/incompleteness of the information is sanctioned as follows:

8. Costs

Costs are caused by the following activities,

- providing existing information
- referring the consumer to another body
- consultation of the business
- publishing the information
 - provision of easily accessible information
 - provision of any information
 - other
- such as
- and

- | | | |
|----------------------------|--------------------------|--------------------------|
| of which the consumer pays | <input type="checkbox"/> | <input type="checkbox"/> |
| | <input type="checkbox"/> | <input type="checkbox"/> |



9. Other relevant information

In case there is anything else that in your opinion could be relevant in general although it has not specifically been asked for, please mention it below (e.g. claim dependent on fraud or similar).



Basis of claim and name of the legal act (original name and translation):
Water Supply (Water Quality) Regulations SI 2000/3184

1. Objective of the claim/legal consequence

a. The claim is directed at

- release of existing/available information
 release of existing information or forwarding of the request/the claimant to the competent body
 examination of the facts upon request and release of information
 product warning (authority)/product recall (business).
 publishing (e.g. on the internet) – location:
 none of the above, but aimed at:

b. Extent of the claim

What kind of information may be released according to the provision (e.g. risks to health with or without limit value(s), production process, products, other)?

Information on water quality

c. Duration of proceedings

Is there a deadline for releasing the information required/for handling the inquiry? If so, what is the time limit?

Annually and otherwise

2. Parties involved

a. Entitled is/are generally

- anyone (natural and legal persons)
 consumers
 consumer associations
 other specific persons (groups of persons)/authorities:

b. Conditions of entitlement

persons have to

- be affected by the information themselves
 have the following interest in the information:
 other conditions:

c. Opponents/those with a duty to inform are

- authorities
 producers/service providers (please choose the appropriate option)
 functional intermediaries
 other:



3. Legal prerequisites

a. Is there a term of maturity for information?

- No
- Yes, information older than **month must not** be released any longer (*please choose the appropriate options*).

b. Exceptions

Exempt from the right to information are

- industrial secrets, in particular:
- business secrets, in particular:
- information connected to property rights, in particular:
- information available to the following authorities:
- information for the protection of the following public interests:
- other information due to the following reasons:

c. The existence of specialized provisions is

- claimed by the company:
- checked by the following authority:
- checked also by the following independent institution upon request:
- is claimed/checked as follows:
- is determined regularly/in exceptional cases (please strike out if not appropriate) in hearings:

d. A request is required yes no

4. Scope of application

Is the claim limited to specific products/services (e.g. food and (animal) fodder according to Regulation (EC) 178/2002)? Please indicate to which products/services the claim is limited.

5. Purpose of the provision

a. Criteria for the scope of the claim mentioned in 1.a. and 1.b. (multiple answers are permitted)

(the specific scope was selected due to)

- degree of exposure of the consumer
- protected matter that is threatened (life, health, property, self-determined lifestyle)
- subject matter of the law/product category
- provisions in European secondary legislation

b. In case of dependence on a protected matter: What is the provision intended to protect?

- life and body and/or physical integrity of the consumer
- financial interests of the consumer
- third parties/self-determined life and/or reasonable factor allocation through mature consumer decisions
- with regard to the protection of limb and life and physical integrity of those involved in the production process
- in support of effective environmental and animal protection
- for other social/societal considerations (fair trade/philosophy of life)



c. In case of dependence of a certain degree of exposure of the consumer:

Which degree of certainty is required?

- suspicion that there is a danger/an infringement is sufficient
- reasonable suspicion of a danger/an infringement
- certainty about a danger/an infringement
- a different degree:

6. Nature of the claim

The claim is a

- contractual claim subject to private law
- tort claim subject to private law
- public-law claim
- public-law obligation to release information enforced by penalty.

7. Legal consequences in case of incorrect information

If the information provided by an authority/a company turns out to be incomplete or wrong,

- consumers are entitled to claim for damages against those in duty to inform
- claim depends on fault
- an entrepreneur can be prosecuted for administrative offence/criminal offence under the following conditions
- the business (company) also can be prosecuted

a. Amount of damages

- the damage cannot be determined, so the claim is ineffectual
- is calculated as follows
- in case of infringement, moral damage to the amount of ≈ to ≈. €
is assumed
- in case of infringement, punitive damages are estimated at ≈ to ≈. €
Conditions:

b. The mistake is made public as follows

c. Other Sanctions

The mistake/incompleteness of the information is sanctioned as follows:

8. Costs

Costs are caused by the following activities,

- providing existing information
- referring the consumer to another body
- consultation of the business
- publishing the information
 - provision of easily accessible information
 - provision of any information
 - other
- such as
- and

of which the consumer pays	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>



9. Other relevant information

In case there is anything else that in your opinion could be relevant in general although it has not specifically been asked for, please mention it below (e.g. claim dependent on fraud or similar).



Basis of claim and name of the legal act (original name and translation):
Water Resources Act 1991, Water Industry Act 1991 (as amended by the Water Industry Act 1999 Water Act 2003
Utilities Act 2000

The duties in these Acts in relation to information are numerous and varied. An account of their range is given in the Commentary section for the main questionnaire.

1. Objective of the claim/legal consequence

a. The claim is directed at

- release of existing/available information
- release of existing information or forwarding of the request/the claimant to the competent body
- examination of the facts upon request and release of information
- product warning (authority)/product recall (business).
- publishing (e.g. on the internet) – location:
- none of the above, but aimed at:

b. Extent of the claim

What kind of information may be released according to the provision (e.g. risks to health with or without limit value(s), production process, products, other)?

c. Duration of proceedings

Is there a deadline for releasing the information required/for handling the inquiry? If so, what is the time limit?

2. Parties involved

a. Entitled is/are generally

- anyone (natural and legal persons)
- consumers
- consumer associations
- other specific persons (groups of persons)/authorities:

b. Conditions of entitlement

persons have to

- be affected by the information themselves
- have the following interest in the information:
- other conditions:

c. Opponents/those with a duty to inform are

- authorities
- producers/service providers** (please choose the appropriate option)
- functional intermediaries
- other:



3. Legal prerequisites

a. Is there a term of maturity for information?

- No
- Yes, information older than **month must not** be released any longer (*please choose the appropriate options*).

b. Exceptions

Exempt from the right to information are

- industrial secrets, in particular:
- business secrets, in particular:
- information connected to property rights, in particular:
- information available to the following authorities:
- information for the protection of the following public interests:
- other information due to the following reasons:

c. The existence of specialized provisions is

- claimed by the company:
- checked by the following authority:
- checked also by the following independent institution upon request:
- is claimed/checked as follows:
- is determined regularly/in exceptional cases (please strike out if not appropriate) in hearings:

d. A request is required yes no

4. Scope of application

Is the claim limited to specific products/services (e.g. food and (animal) fodder according to Regulation (EC) 178/2002)? Please indicate to which products/services the claim is limited.

5. Purpose of the provision

a. Criteria for the scope of the claim mentioned in 1.a. and 1.b. (multiple answers are permitted)

(the specific scope was selected due to)

- degree of exposure of the consumer
- protected matter that is threatened (life, health, property, self-determined lifestyle)
- subject matter of the law/product category
- provisions in European secondary legislation

b. In case of dependence on a protected matter: What is the provision intended to protect?

- life and body and/or physical integrity of the consumer
- financial interests of the consumer
- third parties/self-determined life and/or reasonable factor allocation through mature consumer decisions
- with regard to the protection of limb and life and physical integrity of those involved in the production process
- in support of effective environmental and animal protection
- for other social/societal considerations (fair trade/philosophy of life)

**c. In case of dependence of a certain degree of exposure of the consumer:**

Which degree of certainty is required?

- suspicion that there is a danger/an infringement is sufficient
- reasonable suspicion of a danger/an infringement
- certainty about a danger/an infringement
- a different degree:

6. Nature of the claim

The claim is a

- contractual claim subject to private law
- tort claim subject to private law
- public-law claim
- public-law obligation to release information enforced by penalty.

7. Legal consequences in case of incorrect information

If the information provided by an authority/a company turns out to be incomplete or wrong,

- consumers are entitled to claim for damages against those in duty to inform
- claim depends on fault
- an entrepreneur can be prosecuted for administrative offence/criminal offence under the following conditions
- the business (company) also can be prosecuted

a. Amount of damages

- the damage cannot be determined, so the claim is ineffectual
- is calculated as follows
- in case of infringement, moral damage to the amount of ≈ to ≈. €
is assumed
- in case of infringement, punitive damages are estimated at ≈ to ≈. €
Conditions:

b. The mistake is made public as follows**c. Other Sanctions**

The mistake/incompleteness of the information is sanctioned as follows:

8. Costs

Costs are caused by the following activities,

providing existing information

referring the consumer to another body

consultation of the business

publishing the information

 -provision of easily accessible information

 -provision of any information

 -other

such as

and

of which the consumer pays



9. Other relevant information

In case there is anything else that in your opinion could be relevant in general although it has not specifically been asked for, please mention it below (e.g. claim dependent on fraud or similar).



Basis of claim and name of the legal act (original name and translation):
Financial Services (Distance Marketing) Regulations SI 2004/2095
NB - the FSA Handbook produced under the Financial Services and Markets Act 2000 is dealt with in the Commentary.

1. Objective of the claim/legal consequence

a. The claim is directed at

- release of existing/available information
- release of existing information or forwarding of the request/the claimant to the competent body
- examination of the facts upon request and release of information
- product warning (authority)/product recall (business).
- publishing (e.g. on the internet) – location:
- none of the above, but aimed at:

b. Extent of the claim

What kind of information may be released according to the provision (e.g. risks to health with or without limit value(s), production process, products, other)?

Pre contract information

c. Duration of proceedings

Is there a deadline for releasing the information required/for handling the inquiry? If so, what is the time limit?

2. Parties involved

a. Entitled is/are generally

- anyone (natural and legal persons)
- consumers
- consumer associations
- other specific persons (groups of persons)/authorities:

b. Conditions of entitlement

persons have to

- be affected by the information themselves
- have the following interest in the information: pre contract
- other conditions:

c. Opponents/those with a duty to inform are

- authorities
- producers/service providers** (please choose the appropriate option)
- functional intermediaries
- other:



3. Legal prerequisites

a. Is there a term of maturity for information?

- No
- Yes, information older than **month must not** be released any longer (*please choose the appropriate options*).

b. Exceptions

Exempt from the right to information are

- industrial secrets, in particular:
- business secrets, in particular:
- information connected to property rights, in particular:
- information available to the following authorities:
- information for the protection of the following public interests:
- other information due to the following reasons:

c. The existence of specialized provisions is

- claimed by the company:
- checked by the following authority:
- checked also by the following independent institution upon request:
- is claimed/checked as follows:
- is determined regularly/in exceptional cases (please strike out if not appropriate) in hearings:

d. A request is required yes no

4. Scope of application

Is the claim limited to specific products/services (e.g. food and (animal) fodder according to Regulation (EC) 178/2002)? Please indicate to which products/services the claim is limited.

5. Purpose of the provision

a. Criteria for the scope of the claim mentioned in 1.a. and 1.b. (multiple answers are permitted)

(the specific scope was selected due to)

- degree of exposure of the consumer
- protected matter that is threatened (life, health, property, self-determined lifestyle)
- subject matter of the law/product category
- provisions in European secondary legislation

b. In case of dependence on a protected matter: What is the provision intended to protect?

- life and body and/or physical integrity of the consumer
- financial interests of the consumer
- third parties/self-determined life and/or reasonable factor allocation through mature consumer decisions
- with regard to the protection of limb and life and physical integrity of those involved in the production process
- in support of effective environmental and animal protection
- for other social/societal considerations (fair trade/philosophy of life)

**c. In case of dependence of a certain degree of exposure of the consumer:**

Which degree of certainty is required?

- suspicion that there is a danger/an infringement is sufficient
- reasonable suspicion of a danger/an infringement
- certainty about a danger/an infringement
- a different degree:

6. Nature of the claim

The claim is a

- contractual claim subject to private law
- tort claim subject to private law
- public-law claim
- public-law obligation to release information enforced by penalty.

7. Legal consequences in case of incorrect information

If the information provided by an authority/a company turns out to be incomplete or wrong,

- consumers are entitled to claim for damages against those in duty to inform
- claim depends on fault
- an entrepreneur can be prosecuted for administrative offence/criminal offence under the following conditions
- the business (company) also can be prosecuted

a. Amount of damages

- the damage cannot be determined, so the claim is ineffectual
- is calculated as follows
- in case of infringement, moral damage to the amount of ≈ to ≈. €
is assumed
- in case of infringement, punitive damages are estimated at ≈ to ≈. €
Conditions:

b. The mistake is made public as follows**c. Other Sanctions**

The mistake/incompleteness of the information is sanctioned as follows:

8. Costs

Costs are caused by the following activities,

- providing existing information
- referring the consumer to another body
- consultation of the business
- publishing the information
- provision of easily accessible information
- provision of any information
- other
- such as
- and

of which the consumer pays



9. Other relevant information

In case there is anything else that in your opinion could be relevant in general although it has not specifically been asked for, please mention it below (e.g. claim dependent on fraud or similar).



Basis of claim and name of the legal act (original name and translation):
Housing Act 2004 Part 5 - Home Information Packs

1. Objective of the claim/legal consequence

a. The claim is directed at

- release of existing/available information
 release of existing information or forwarding of the request/the claimant to the competent body
 examination of the facts upon request and release of information
 product warning (authority)/product recall (business).
 publishing (e.g. on the internet) – location:
 none of the above, but aimed at:

b. Extent of the claim

What kind of information may be released according to the provision (e.g. risks to health with or without limit value(s), production process, products, other)?

(5) Without prejudice to the generality of subsection (4), the information which the Secretary of State may consider to be relevant information includes any information about—
 (a) the interest which is for sale and the terms on which it is proposed to sell it;
 (b) the title to the property;
 (c) anything relating to or affecting the property that is contained in—
 (i) a register required to be kept by or under any enactment (whenever passed); or
 (ii) records kept by a person who can reasonably be expected to give information derived from those records to the seller at his request (on payment, if required, of a reasonable charge);
 (d) the physical condition of the property (including any particular characteristics or features of the property);
 (e) the energy efficiency of the property;
 (f) any warranties or guarantees subsisting in relation to the property;
 (g) any taxes, service charges or other charges payable in relation to the property.
 (6) The regulations may require or authorise the home information pack to include—
 (a) replies the seller proposes to give to prescribed pre-contract enquiries; and
 (b) documents or particular information indexing or otherwise explaining the contents of the pack.
 And other items.

c. Duration of proceedings

Is there a deadline for releasing the information required/for handling the inquiry? If so, what is the time limit?

Penalties cannot be imposed six months after the time for publication - within 7 days of request

2. Parties involved

a. Entitled is/are generally

- anyone (natural and legal persons)
 consumers
 consumer associations
 other specific persons (groups of persons)/authorities:

**b. Conditions of entitlement**

persons have to

- be affected by the information themselves
 have the following interest in the information: prospective purchaser of property
 other conditions:

c. Opponents/those with a duty to inform are

- authorities
 producers/service providers (*please choose the appropriate option*)
 functional intermediaries
 other: Estate agents or property owners

3. Legal prerequisites**a. Is there a term of maturity for information?**

- No
 Yes, information older than Information to be updated as necessary **month must not** be released any longer (*please choose the appropriate options*).

b. Exceptions

Exempt from the right to information are

- industrial secrets, in particular:
 business secrets, in particular:
 information connected to property rights, in particular:
 information available to the following authorities:
 information for the protection of the following public interests:
 other information due to the following reasons: The Act provides for exceptions based on prospective purchasers and matters added by Secretary of State

c. The existence of specialized provisions is

- claimed by the company:
 checked by the following authority:
 checked also by the following independent institution upon request:
 is claimed/checked as follows:
 is determined regularly/in exceptional cases (please strike out if not appropriate) in hearings:

d. A request is required yes no

4. Scope of application

Is the claim limited to specific products/services (e.g. food and (animal) fodder according to Regulation (EC) 178/2002)? Please indicate to which products/services the claim is limited.

5. Purpose of the provision**a. Criteria for the scope of the claim mentioned in 1.a. and 1.b. (multiple answers are permitted)**

(the specific scope was selected due to)

- degree of exposure of the consumer
 protected matter that is threatened (life, health, property, self-determined lifestyle)
 subject matter of the law/product category
 provisions in European secondary legislation



b. In case of dependence on a protected matter: What is the provision intended to protect?

- life and body and/or physical integrity of the consumer
- financial interests of the consumer
- third parties/self-determined life and/or reasonable factor allocation through mature consumer decisions
- with regard to the protection of limb and life and physical integrity of those involved in the production process
- in support of effective environmental and animal protection
- for other social/societal considerations (fair trade/philosophy of life)

c. In case of dependence of a certain degree of exposure of the consumer:

Which degree of certainty is required?

- suspicion that there is a danger/an infringement is sufficient
- reasonable suspicion of a danger/an infringement
- certainty about a danger/an infringement
- a different degree:

6. Nature of the claim

The claim is a

- contractual claim subject to private law
- tort claim subject to private law
- public-law claim
- public-law obligation to release information enforced by penalty.

7. Legal consequences in case of incorrect information

If the information provided by an authority/a company turns out to be incomplete or wrong,

- consumers are entitled to claim for damages against those in duty to inform
- claim depends on fault
- an entrepreneur can be prosecuted for administrative offence/criminal offence under the following conditions The person prosecuted may be the owner or estate agent
- the business (company) also can be prosecuted

a. Amount of damages

- the damage cannot be determined, so the claim is ineffectual
- is calculated as follows Cost of producing Home Information Pack
- in case of infringement, moral damage to the amount of ≈ to ≈. €
is assumed
- in case of infringement, punitive damages are estimated at ≈ to ≈. €
Conditions:

b. The mistake is made public as follows

c. Other Sanctions

The mistake/incompleteness of the information is sanctioned as follows:

Penalty Notices and possible fines



8. Costs

Costs are caused by the following activities,		of which the consumer pays
providing existing information	<input type="checkbox"/>	<input type="checkbox"/>
referring the consumer to another body	<input type="checkbox"/>	<input type="checkbox"/>
consultation of the business	<input type="checkbox"/>	<input type="checkbox"/>
publishing the information	<input type="checkbox"/>	<input type="checkbox"/>
-provision of easily accessible information	<input type="checkbox"/>	<input type="checkbox"/>
-provision of any information	<input type="checkbox"/>	<input type="checkbox"/>
-other	<input type="checkbox"/>	<input type="checkbox"/>
such as		
and		

9. Other relevant information

In case there is anything else that in your opinion could be relevant in general although it has not specifically been asked for, please mention it below (e.g. claim dependent on fraud or similar).

FRAGEBÖGEN IRLAND


Basis of claim and name of the legal act (original name and translation):

Freedom of Information Act, 1997 (No.13 / 1997), as amended by the Freedom of Information (Amendment) Act 2003 (No.9/2003)

The Freedom of Information Act 1997 - 2003 provides for a right of access to "any record held by a public body" . There are however a number of restrictions and exemptions on the type of record which can be accessed. The Act also establishes a right to have personal information in a record amended where it is incomplete, incorrect or misleading. Under the Act, public bodies are required to publish certain information about themselves, including services which are provided to the public and classes of records which are held by the body, and also to make available details of their internal rules, procedures and interpretations used in decision making.

1. Objective of the claim/legal consequence
a. The claim is directed at

- release of existing/available information
 release of existing information or forwarding of the request/the claimant to the competent body
 examination of the facts upon request and release of information
 product warning (authority)/product recall (business).
 publishing (e.g. on the internet) – location:
 none of the above, but aimed at:

b. Extent of the claim

What kind of information may be released according to the provision (e.g. risks to health with or without limit value(s), production process, products, other)?

The information which may be released under the Act is determined by who holds the information (i.e. a public body) and by the definition of the term "record", rather than by the type of information held per se. It is also subject to a number of exemptions and restrictions.

1. Definition of a public body

The right of access applies to records held by Government Departments and certain public bodies, including Universities and institutes of technology, the national television and radio broadcaster (RTÉ), the Health Service Executive, voluntary hospitals, major service providers in the intellectual and physical disability fields, the Food Safety Authority of Ireland, the Irish Blood Transfusion Service, the Dublin Transportation Office, the Revenue Commissioners, the Probation and Welfare service, the National Safety Council, and the National Consumer Agency. A full list of public bodies to which the provisions apply is available at <http://www.foi.gov.ie/bodies-covered-by-foi>.

2. Types of records which can be accessed

The term "record" includes any memorandum, book, plan, map, drawing, diagram, pictorial or graphic work or other document, any photograph, film or recording (whether of sound or images or both), any form in which data are held, any other form (including machine-readable form) or thing in which information is held or stored manually, mechanically or electronically and anything



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that is a part or a copy, in any form, of any of the foregoing or is a combination of two or more of the foregoing.

The Act operates partially retrospectively. Generally records can only be accessed if they were created after the commencement date of the Act (21 April 1998; 21 October 1998 for health boards and local authorities). However, it is possible to access any records created before this date if it is necessary to the understanding of a current record, and all personal records and records relating to personal information of a requester can be accessed irrespective of when they were created.

A record will not come within the scope of the Act where it is already publicly available or excluded under section 46. (Section 46 concerns exclusions such as records relating to the courts, the President, and records held or created by the Attorney General or Director of Public Prosecutions). In addition, a number of exemptions are set out in Part III of the Act, including records of Government meetings, or where disclosure could prejudice or impair national security, law enforcement functions or public safety. Section 27 provides that a public body shall refuse to grant access to commercially sensitive information to persons other than the individual or company to whom the information relates, unless there are exceptional circumstances where, on balance, it is in the public interest to do so. A consultation procedure in section 29 must be followed before making a decision on disclosure. Section 28 protects the privacy of individuals by allowing the withholding of personal information held by a public body from third party access. The head of a public body has discretion to consider release of personal information to a third party only in exceptional circumstances where, on balance, he or she is of the opinion that the public interest in disclosure outweighs the right to privacy of the individual concerned, or where release of the information would benefit the individual.

In the event a request for information is refused a person generally has a right to an internal review, and then to an appeal to the Information Commissioner.

c. Duration of proceedings

Is there a deadline for releasing the information required/for handling the inquiry? If so, what is the time limit?

The public body must acknowledge receipt of the request within 10 working days of receipt of the request and must decide whether to grant or refuse to grant the request within 20 working days after receipt of the request. The head of the public body may extend the time limit for dealing with a request by up to 20 working days, if the request, or related requests, concern such a large number of records that compliance within the initial 20 working day period is not possible. If no fee for search and retrieval and/or photocopying is due or the amount of the deposit paid covers the fee, access to the record is granted immediately. If such a fee is charged, access to the record is granted within 5 working days of receipt.

2. Parties involved

a. Entitled is/are generally

- anyone (natural and legal persons)
- consumers
- consumer associations
- other specific persons (groups of persons)/authorities:



b. Conditions of entitlement

persons have to

- be affected by the information themselves
- have the following interest in the information:
- other conditions: Generally there is no need to have a particular interest in the information sought. However, as mentioned above there are some exemptions. For example, Section 27 essentially means that only the individual or company to whom commercially sensitive information relates can be granted access to that information, except in exceptional circumstances where, on balance, it is in the public interest to do so. Section 28 similarly protects the privacy of individuals by allowing the withholding of personal information held by a public body from third party access, except in exceptional circumstances where the public interest in disclosure outweighs the right to privacy of the individual concerned, or where release of the information would benefit the individual. If the request relates to a demand for the reasons for the administrative (or other) decision of a public body, such a request may only be made if the requester has a "material interest" in the decision. A further exemption exists whereby access to records may be denied in the case of vexatious claims, although it would have to be a clear case as generally the motives of the applicant are irrelevant.

c. Opponents/those with a duty to inform are

- authorities
- producers/service providers** (*please choose the appropriate option*)
- functional intermediaries
- other: Public bodies, as defined above.

3. Legal prerequisites

a. Is there a term of maturity for information?

- No
- Yes, information older than **month must not** be released any longer (*please choose the appropriate options*).

b. Exceptions

Exempt from the right to information are

- industrial secrets, in particular: defined as "Commercially sensitive" material, although such information may be released, following a period of consultation, if it is in the public interest. Such information may also be released to the company or individual to whom the information relates.
- business secrets, in particular: see above
- information connected to property rights, in particular: where release of the information would prejudice the safety or security of property only.
- information available to the following authorities: An Garda Síochána (police)
- information for the protection of the following public interests: where the record could reasonably be expected to prejudice the investigation of offences, law enforcement, public safety, national security or the fairness of criminal proceedings.
- other information due to the following reasons: See the full list of exceptions discussed in the introduction section, on the Freedom of Information Act.

c. The existence of specialized provisions is

- claimed by the company:
- checked by the following authority:
- checked also by the following independent institution upon request:
- is claimed/checked as follows:



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is determined regularly/in exceptional cases (please strike out if not appropriate) in hearings:

d. A request is required yes no

4. Scope of application

Is the claim limited to specific products/services (e.g. food and (animal) fodder according to Regulation (EC) 178/2002)? Please indicate to which products/services the claim is limited.

Request for information limited by reference to public body, and also to list of exemptions.

5. Purpose of the provision

a. Criteria for the scope of the claim mentioned in 1.a. and 1.b. (multiple answers are permitted)

(the specific scope was selected due to)

- degree of exposure of the consumer
- protected matter that is threatened (life, health, property, self-determined lifestyle)
- subject matter of the law/product category
- provisions in European secondary legislation

b. In case of dependence on a protected matter: What is the provision intended to protect?

- life and body and/or physical integrity of the consumer
- financial interests of the consumer
- third parties/self-determined life and/or reasonable factor allocation through mature consumer decisions
 - with regard to the protection of limb and life and physical integrity of those involved in the production process
 - in support of effective environmental and animal protection
 - for other social/societal considerations (fair trade/philosophy of life)

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c. In case of dependence of a certain degree of exposure of the consumer:

Which degree of certainty is required?

- suspicion that there is a danger/an infringement is sufficient
- reasonable suspicion of a danger/an infringement
- certainty about a danger/an infringement
- a different degree:

6. Nature of the claim

The claim is a

- contractual claim subject to private law
- tort claim subject to private law
- public-law claim
- public-law obligation to release information enforced by penalty.

7. Legal consequences in case of incorrect information

If the information provided by an authority/a company turns out to be incomplete or wrong,

- consumers are entitled to claim for damages against those in duty to inform
- claim depends on fault



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- an entrepreneur can be prosecuted for administrative offence/criminal offence under the following conditions
- the business (company) also can be prosecuted

a. Amount of damages

- the damage cannot be determined, so the claim is ineffectual
 - is calculated as follows
 - in case of infringement, moral damage to the amount of ≈ to ≈. €
is assumed
 - in case of infringement, punitive damages are estimated at ≈ to ≈. €
- Conditions:

b. The mistake is made public as follows

c. Other Sanctions

The mistake/incompleteness of the information is sanctioned as follows:

8. Costs

Costs are caused by the following activities, providing existing information referring the consumer to another body consultation of the business publishing the information -provision of easily accessible information -provision of any information -other such as and	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	of which the consumer pays <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
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9. Other relevant information

In case there is anything else that in your opinion could be relevant in general although it has not specifically been asked for, please mention it below (e.g. claim dependent on fraud or similar).

It might not be immediately obvious why this Act is a source of "consumer information" , or can count as a basis for a claim to information. However, in Ireland many the provision of goods and/or services to consumers is frequently regulated by public bodies which produce reports on those services. Before the Freedom of information Act it was "generally the norm that such inspectorates or regulatory bodies operated outside of the public domain; their reports and findings in individual instances tended not to be available to the public and there were few if any mechanisms for informing the public of their activities." (Office of the Information Commissioner "Freedom of Information, the First Decade" 2008, page26). The reports of these bodies are now open to the public either by way of automatic publication of reports on the internet or by way of release of information under the Act. The impact of this on consumers can be seen in the case of inspections by health boards of private nursing homes and child care facilities. Until recently the reports of the Health Boards were not published, yet there was an obvious public interest in



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obtaining the information contained in such reports. Access to such information was initially only by means of FOI requests, but is now obtainable as a matter of course on the Health boards' websites. Without the Act, it is possible that consumers would have remained unaware of the lack of standards in particular facilities.

Other released records which can be said to have an impact on consumers include requests made to hospitals for extensive records about microbiology, infection control, hygiene and related issues possibly connected to MRSA, records detailing on which streets in Dublin you are most likely to have your car clamped, "University Feeder School" tables, records relating to the policy of some hospitals regarding the transference of children's body parts to hospitals in the UK and records relating to the amount of the RTÉ license fee, which all television owners in the country are legally obliged to pay.



Basis of claim and name of the legal act (original name and translation):
Consumer Protection Act 2007

1. Objective of the claim/legal consequence

a. The claim is directed at

- release of existing/available information
- release of existing information or forwarding of the request/the claimant to the competent body
- examination of the facts upon request and release of information
- product warning (authority)/product recall (business).
- publishing (e.g. on the internet) – location: Information on businesses which mislead consumers and which have been found not to be in compliance with the Act is published at www.nca.ie and www.consumerconnect.ie
- none of the above, but aimed at: preventing traders from misleading consumers (implementation of the Unfair Commercial Practices Directive, (Directive of the European Parliament and Council concerning unfair business-to-consumer practices in the internal market and amending Directives 84/450/EEC, 98/27/EC). In addition, it provides that the Minister may make regulations regarding obligations on traders to provide certain information (section 50) and provides for the approval of consumer protection codes which may contain consumer information provisions.

b. Extent of the claim

What kind of information may be released according to the provision (e.g. risks to health with or without limit value(s), production process, products, other)?

n/a

c. Duration of proceedings

Is there a deadline for releasing the information required/for handling the inquiry? If so, what is the time limit?

A prosecution for an offence under this Act must generally be brought within 2 year of the alleged commission of the offence.

2. Parties involved

a. Entitled is/are generally

- anyone (natural and legal persons)
- consumers
- consumer associations
- other specific persons (groups of persons)/authorities: The National Consumer Agency can institute proceedings, and it is also possible for traders to obtain injunctions against other traders who are not in compliance with the Act. Section 72 states that any person, including the National Consumer Agency or any other public body that is prescribed for the purposes of this subsection, may apply to the Circuit Court or High Court for an order prohibiting a trader or person from committing or engaging in a prohibited act or practice.If the court considers it necessary or appropriate in the circumstances,taking into account all interests



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involved and, in particular, the public interest, the court may make an order under this section without proof of any actual loss or damage or of any intention or negligence on the part of the trader. A consumer who is aggrieved by a prohibited act or practice shall have a right of action for relief by way of damages, including exemplary damages. However, this does not apply to the provisions on misleading commercial practice under the Act.

b. Conditions of entitlement

persons have to

- be affected by the information themselves
 have the following interest in the information:
 other conditions: See above.

c. Opponents/those with a duty to inform are

- authorities
 producers/service providers (please choose the appropriate option)
 functional intermediaries
 other:

3. Legal prerequisites**a. Is there a term of maturity for information?**

- No
 Yes, information older than **month must not** be released any longer (please choose the appropriate options).

b. Exceptions

Exempt from the right to information are

- industrial secrets, in particular:
 business secrets, in particular:
 information connected to property rights, in particular:
 information available to the following authorities:
 information for the protection of the following public interests:
 other information due to the following reasons:

c. The existence of specialized provisions is

- claimed by the company:
 checked by the following authority:
 checked also by the following independent institution upon request:
 is claimed/checked as follows:
 is determined regularly/in exceptional cases (please strike out if not appropriate) in hearings:

d. A request is required yes no

4. Scope of application

Is the claim limited to specific products/services (e.g. food and (animal) fodder according to Regulation (EC) 178/2002)? Please indicate to which products/services the claim is limited.

Not specifically limited, although where specific sectoral rules apply they will take precedence over the Directive.



5. Purpose of the provision

a. Criteria for the scope of the claim mentioned in 1.a. and 1.b. (multiple answers are permitted)

(the specific scope was selected due to)

- degree of exposure of the consumer
- protected matter that is threatened (life, health, property, self-determined lifestyle)
- subject matter of the law/product category
- provisions in European secondary legislation

b. In case of dependence on a protected matter: What is the provision intended to protect?

- life and body and/or physical integrity of the consumer
- financial interests of the consumer
- third parties/self-determined life and/or reasonable factor allocation through mature consumer decisions
 - with regard to the protection of limb and life and physical integrity of those involved in the production process
 - in support of effective environmental and animal protection
 - for other social/societal considerations (fair trade/philosophy of life)

c. In case of dependence of a certain degree of exposure of the consumer:

Which degree of certainty is required?

- suspicion that there is a danger/an infringement is sufficient
- reasonable suspicion of a danger/an infringement
- certainty about a danger/an infringement
- a different degree:

6. Nature of the claim

The claim is a

- contractual claim subject to private law
- tort claim subject to private law
- public-law claim
- public-law obligation to release information enforced by penalty.

7. Legal consequences in case of incorrect information

If the information provided by an authority/a company turns out to be incomplete or wrong,

- consumers are entitled to claim for damages against those in duty to inform
- claim depends on fault
- an entrepreneur can be prosecuted for administrative offence/criminal offence under the following conditions
- the business (company) also can be prosecuted

a. Amount of damages

- the damage cannot be determined, so the claim is ineffectual
 - is calculated as follows
 - in case of infringement, moral damage to the amount of ≈ to ≈. €
is assumed
 - in case of infringement, punitive damages are estimated at ≈ to ≈. €
- Conditions:



b. The mistake is made public as follows

c. Other Sanctions

The mistake/incompleteness of the information is sanctioned as follows:

8. Costs

Costs are caused by the following activities,
providing existing information
referring the consumer to another body
consultation of the business
publishing the information
 -provision of easily accessible information
 -provision of any information
 -other
such as
and

		of which the consumer pays
	<input type="checkbox"/>	<input type="checkbox"/>

9. Other relevant information

In case there is anything else that in your opinion could be relevant in general although it has not specifically been asked for, please mention it below (e.g. claim dependent on fraud or similar).



Basis of claim and name of the legal act (original name and translation):
Protection of Consumers in Respect of Contracts made by means of Distance Communication) Regulations, 2001, SI 207 of 2001, which implements Directive 97/7/EC of the European Parliament and of the Council of 20 May 1997 on the protection of consumers in respect of distance contracts

1. Objective of the claim/legal consequence

a. The claim is directed at

- release of existing/available information
- release of existing information or forwarding of the request/the claimant to the competent body
- examination of the facts upon request and release of information
- product warning (authority)/product recall (business).
- publishing (e.g. on the internet) – location:
- none of the above, but aimed at: The aim of this piece of legislation is to put consumers who purchase goods or services through distance communication (including internet sales) in a similar position to consumers who buy goods or services in shops, in particular by the provision of certain information to consumers.

b. Extent of the claim

What kind of information may be released according to the provision (e.g. risks to health with or without limit value(s), production process, products, other)?

All businesses which use any of the means of distance sales mentioned in the Regulation must provide certain information before an enforceable online contract can take place, and must subsequently confirm this information in a durable medium. A contract will not be enforceable against the consumer unless this information is given, and the trader who fails to provide the information may also be guilty of an offence. The information must be set out in a clear fashion and in a manner “which is appropriate to the means of distance communication used”.

c. Duration of proceedings

Is there a deadline for releasing the information required/for handling the inquiry? If so, what is the time limit?

2. Parties involved

a. Entitled is/are generally

- anyone (natural and legal persons)
- consumers
- consumer associations
- other specific persons (groups of persons)/authorities: The National Consumer Agency can apply to the High Court for a court order that a trader must comply with this Regulation.



b. Conditions of entitlement

persons have to

- be affected by the information themselves
 have the following interest in the information:
 other conditions:

c. Opponents/those with a duty to inform are

- authorities
 producers/service providers (please choose the appropriate option)
 functional intermediaries
 other:

3. Legal prerequisites

a. Is there a term of maturity for information?

- No
 Yes, information older than **month must not** be released any longer (please choose the appropriate options).

b. Exceptions

Exempt from the right to information are

- industrial secrets, in particular:
 business secrets, in particular:
 information connected to property rights, in particular:
 information available to the following authorities:
 information for the protection of the following public interests:
 other information due to the following reasons:

c. The existence of specialized provisions is

- claimed by the company:
 checked by the following authority:
 checked also by the following independent institution upon request:
 is claimed/checked as follows:
 is determined regularly/in exceptional cases (please strike out if not appropriate) in hearings:

d. A request is required yes no

4. Scope of application

Is the claim limited to specific products/services (e.g. food and (animal) fodder according to Regulation (EC) 178/2002)? Please indicate to which products/services the claim is limited.

The Regulations apply to distance contracts. A "distance contract" is a contract between a supplier and a consumer which - (a) relates to goods or services, (b) is made under an organised distance sales or service-provision scheme run by the supplier, and, (c) is made by the supplier making exclusive use of one or more means of distance communication up to and including the moment at which the contract is made. The Regulations do not apply to certain types of contracts, such as a contract which relates to financial services, or which is made at an auction. Nor do any of the information rights apply to a contract "for the supply of foodstuffs, beverages or other goods intended for everyday consumption supplied to the home, residence or workplace of the consumer by regular roundsmen", or "for the provision of accommodation, transport, catering or leisure services where the supplier undertakes, when the contract is made, to provide those services on a specific date or within a specific period."



5. Purpose of the provision

a. Criteria for the scope of the claim mentioned in 1.a. and 1.b. (multiple answers are permitted)

(the specific scope was selected due to)

- degree of exposure of the consumer
- protected matter that is threatened (life, health, property, self-determined lifestyle)
- subject matter of the law/product category
- provisions in European secondary legislation

b. In case of dependence on a protected matter: What is the provision intended to protect?

- life and body and/or physical integrity of the consumer
- financial interests of the consumer
- third parties/self-determined life and/or reasonable factor allocation through mature consumer decisions
 - with regard to the protection of limb and life and physical integrity of those involved in the production process
 - in support of effective environmental and animal protection
 - for other social/societal considerations (fair trade/philosophy of life)

c. In case of dependence of a certain degree of exposure of the consumer:

Which degree of certainty is required?

- suspicion that there is a danger/an infringement is sufficient
- reasonable suspicion of a danger/an infringement
- certainty about a danger/an infringement
- a different degree:

6. Nature of the claim

The claim is a

- contractual claim subject to private law
- tort claim subject to private law
- public-law claim
- public-law obligation to release information enforced by penalty.

7. Legal consequences in case of incorrect information

If the information provided by an authority/a company turns out to be incomplete or wrong,

- consumers are entitled to claim for damages against those in duty to inform
- claim depends on fault
- an entrepreneur can be prosecuted for administrative offence/criminal offence under the following conditions
- the business (company) also can be prosecuted

a. Amount of damages

- the damage cannot be determined, so the claim is ineffectual
 - is calculated as follows
 - in case of infringement, moral damage to the amount of ≈ to ≈. €
is assumed
 - in case of infringement, punitive damages are estimated at ≈ to ≈. €
- Conditions:



b. The mistake is made public as follows

[Empty box for response]

c. Other Sanctions

The mistake/incompleteness of the information is sanctioned as follows:

[Empty box for response]

8. Costs

Costs are caused by the following activities,
providing existing information
referring the consumer to another body
consultation of the business
publishing the information
 -provision of easily accessible information
 -provision of any information
 -other
such as
and

		of which the consumer pays
<input type="checkbox"/>		<input type="checkbox"/>

9. Other relevant information

In case there is anything else that in your opinion could be relevant in general although it has not specifically been asked for, please mention it below (e.g. claim dependent on fraud or similar).

A recent study has found that there is a significant degree of non-compliance with the governing regulations by webtraders. For example, whereas most webtraders complied with the obligation to describe the goods, almost 25 per cent of sites surveyed failed to comply with the requirement to provide information relating to price and almost 50 per cent of webtraders failed to comply with the requirement to provide information regarding payment, delivery or performance. It is arguable that this non-compliance may derive, in part at least, from a lack of knowledge among Irish webtraders of their legal obligations . See Donnelly and White "Webtraders' obligations under the Distance Selling Regulations 2001—From legal standards to best practice" (2007) 14(8) Commercial Law Practitioner 172 and White and Donnelly "Regulation and Consumer ProtectionL: A Study of the Online market" (2006) 13(1) Dublin University Law Journal 27



Basis of claim and name of the legal act (original name and translation):
The European Communities (Distance Marketing of Consumer Financial Services) Regulations 2004, which implements Directive 2002/65/2002/65 concerning the distance marketing of consumer financial services.

1. Objective of the claim/legal consequence

a. The claim is directed at

- release of existing/available information
- release of existing information or forwarding of the request/the claimant to the competent body
- examination of the facts upon request and release of information
- product warning (authority)/product recall (business).
- publishing (e.g. on the internet) – location:
- none of the above, but aimed at: Financial services were excluded from the Distance selling Directive (See Part B 3) but the Directive on which these Regulations are based sets out standards that must be imposed by all Member States in relation to the distance marketing of “financial services” to consumers.

b. Extent of the claim

What kind of information may be released according to the provision (e.g. risks to health with or without limit value(s), production process, products, other)?

Regulation 6(1) provides that, within a reasonable time before a consumer is bound by the contract, the supplier will provide the consumer with specific information about the supplier, the financial service, the distance contract and his rights of redress. The exact details of the information to be provided are set out in the First Sch. to the Regulations, (a)-(x). Regulation 6(2) provides that the supplier is required—

1. to make known to the consumer the commercial purpose of the contract;
2. to give the information in a clear and comprehensible manner; and
3. to comply with all rules that require good faith in commercial transactions and that protect those who are unable to give their consent, such as minors

Under Reg.7 where the information is provided by telephone the supplier must ensure that the identity of the supplier and the commercial purpose of the telephone call are made known at the beginning of the conversation. However, in these circumstances, a consumer may expressly waive his rights to the pre-contract information set out in the First Sch. In that case, he must be supplied with an abridged version of this information set out in the Second Sch., (a)-(e).

Reg.9 provides that, within a reasonable time before entering into a distance contract, the supplier shall give the consumer, in writing or in some other durable medium accessible to the consumer all the terms of the contract and all the information required by Pt 2 of the Regulations. The consumer has the right to request the contractual terms on paper.

It has been commented that in implementing these provisions" the Irish Regulations have taken a step further than is required by the Directive, by requiring, under Reg.6, that all the prior information in order to be “clear” must be capable of being stored by the consumer in a durable medium. This means that providing the prior information on a website would probably not be sufficient." See Donnelly and White "The European Communities (Distance Marketing of



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Consumer Financial Services) Regulations 2004: Legal obligations and regulatory compliance" (2005) 12(2) Commercial Law Practitioner 41

c. Duration of proceedings

Is there a deadline for releasing the information required/for handling the inquiry? If so, what is the time limit?

2. Parties involved

a. Entitled is/are generally

- anyone (natural and legal persons)
- consumers
- consumer associations
- other specific persons (groups of persons)/authorities: the Irish Financial Services Regulatory Authority and the National Consumer Agency have authority to enforce these Regulations and to monitor compliance, although in practical terms for the vast majority of financial service providers it will be the Irish Financial Services Authority who ensures compliance. The authority can appoint officers to conduct investigations and to enter at all reasonable times, and without a warrant, premises at which he believes a business involving the distance marketing of financial services is being carried on or where records relating to such a business are being kept. Regulation 28(1) provides that it is an offence, without reasonable excuse, to obstruct or interfere with the authorised officer; to knowingly give misleading information or to fail to comply with any reasonable requests made by the authorised officer

b. Conditions of entitlement

persons have to

- be affected by the information themselves
- have the following interest in the information:
- other conditions:

c. Opponents/those with a duty to inform are

- authorities
- producers/service providers** (please choose the appropriate option)
- functional intermediaries
- other:

3. Legal prerequisites

a. Is there a term of maturity for information?

- No
- Yes, information older than **month must not** be released any longer (please choose the appropriate options).

**b. Exceptions**

Exempt from the right to information are

- industrial secrets, in particular:
- business secrets, in particular:
- information connected to property rights, in particular:
- information available to the following authorities:
- information for the protection of the following public interests:
- other information due to the following reasons:

c. The existence of specialized provisions is

- claimed by the company:
- checked by the following authority: Financial Services Regulatory Authority
- checked also by the following independent institution upon request:
- is claimed/checked as follows:
- is determined regularly/in exceptional cases (please strike out if not appropriate) in hearings:

d. A request is required yes no

4. Scope of application

Is the claim limited to specific products/services (e.g. food and (animal) fodder according to Regulation (EC) 178/2002)? Please indicate to which products/services the claim is limited.

The Regulations apply to a contract "under which a supplier undertakes to supply a financial service to a consumer under an organised distance sales, or service-provision, scheme operated by the supplier, who, for the purposes of the contract, makes exclusive use of one or more means of distance communication up to and including the time when the contract is entered into." "Financial service" means any service of a kind normally provided in the ordinary course of carrying on a banking business, an insurance business (including life assurance) or a business of providing credit, personal pensions, an investment service or a payment service.

5. Purpose of the provision**a. Criteria for the scope of the claim mentioned in 1.a. and 1.b. (multiple answers are permitted)**

(the specific scope was selected due to)

- degree of exposure of the consumer
- protected matter that is threatened (life, health, property, self-determined lifestyle)
- subject matter of the law/product category
- provisions in European secondary legislation

b. In case of dependence on a protected matter: What is the provision intended to protect?

- life and body and/or physical integrity of the consumer
- financial interests of the consumer
- third parties/self-determined life and/or reasonable factor allocation through mature consumer decisions
 - with regard to the protection of limb and life and physical integrity of those involved in the production process
 - in support of effective environmental and animal protection
 - for other social/societal considerations (fair trade/philosophy of life)



9. Other relevant information

In case there is anything else that in your opinion could be relevant in general although it has not specifically been asked for, please mention it below (e.g. claim dependent on fraud or similar).



Basis of claim and name of the legal act (original name and translation):
European Communities (General Product Safety) Regulations 2004, SI No.199 / 2004, which implements Directive 2001/95/EC

1. Objective of the claim/legal consequence

a. The claim is directed at

- release of existing/available information
- release of existing information or forwarding of the request/the claimant to the competent body
- examination of the facts upon request and release of information
- product warning (authority)/product recall (business).
- publishing (e.g. on the internet) – location:
- none of the above, but aimed at:

b. Extent of the claim

What kind of information may be released according to the provision (e.g. risks to health with or without limit value(s), production process, products, other)?

Producers have a duty to provide consumers with all relevant information relating to a product to enable them to assess the risks inherent in the product throughout the normal or reasonably foreseeable period of its use, where such risks are not immediately obvious without adequate warnings. (Reg.6). In addition, distributors and producers must inform the National Consumer Agency in the event that a product is unsafe and should be recalled.

c. Duration of proceedings

Is there a deadline for releasing the information required/for handling the inquiry? If so, what is the time limit?

No, although if there is a risk the National Consumer Agency must be informed of the risk "immediately".

2. Parties involved

a. Entitled is/are generally

- anyone (natural and legal persons)
- consumers
- consumer associations
- other specific persons (groups of persons)/authorities:

b. Conditions of entitlement

persons have to

- be affected by the information themselves
- have the following interest in the information:
- other conditions:

**c. Opponents/those with a duty to inform are**

- authorities
 producers/service providers (please choose the appropriate option)
 functional intermediaries
 other:

3. Legal prerequisites**a. Is there a term of maturity for information?**

- No
 Yes, information older than **month must not** be released any longer (please choose the appropriate options).

b. Exceptions

Exempt from the right to information are

- industrial secrets, in particular:
 business secrets, in particular:
 information connected to property rights, in particular:
 information available to the following authorities:
 information for the protection of the following public interests:
 other information due to the following reasons:

c. The existence of specialized provisions is

- claimed by the company:
 checked by the following authority:
 checked also by the following independent institution upon request:
 is claimed/checked as follows:
 is determined regularly/in exceptional cases (please strike out if not appropriate) in hearings:

- d. A request is required** yes no

4. Scope of application

Is the claim limited to specific products/services (e.g. food and (animal) fodder according to Regulation (EC) 178/2002)? Please indicate to which products/services the claim is limited.

The Regulations apply to all "products" intended for consumers, including in the context of providing a service, whether new, used or reconditioned. It does not apply to second-hand products supplied as antiques or as products to be repaired or reconditioned prior to being used, provided that the supplier of such a product clearly informs the person to whom he or she supplies the product that such repair or reconditioning is necessary prior to use of the product.

5. Purpose of the provision**a. Criteria for the scope of the claim mentioned in 1.a. and 1.b. (multiple answers are permitted)**

(the specific scope was selected due to)

- degree of exposure of the consumer
 protected matter that is threatened (life, health, property, self-determined lifestyle)
 subject matter of the law/product category
 provisions in European secondary legislation


b. In case of dependence on a protected matter: What is the provision intended to protect?

- life and body and/or physical integrity of the consumer
- financial interests of the consumer
- third parties/self-determined life and/or reasonable factor allocation through mature consumer decisions
- with regard to the protection of limb and life and physical integrity of those involved in the production process
- in support of effective environmental and animal protection
- for other social/societal considerations (fair trade/philosophy of life)

c. In case of dependence of a certain degree of exposure of the consumer:

Which degree of certainty is required?

- suspicion that there is a danger/an infringement is sufficient
- reasonable suspicion of a danger/an infringement
- certainty about a danger/an infringement
- a different degree: The producer or distributor must inform the National Consumer Agency if he or she "knows or, on the basis of information in his or possession and as a profession, ought to know, that a product which he or she has placed on the market poses a risk to the consumer that is incompatible with the safety requirements" of the REgulations.

6. Nature of the claim

The claim is a

- contractual claim subject to private law
- tort claim subject to private law
- public-law claim
- public-law obligation to release information enforced by penalty.

7. Legal consequences in case of incorrect information

If the information provided by an authority/a company turns out to be incomplete or wrong,

- consumers are entitled to claim for damages against those in duty to inform
- claim depends on fault
- an entrepreneur can be prosecuted for administrative offence/criminal offence under the following conditions
- the business (company) also can be prosecuted

a. Amount of damages

- the damage cannot be determined, so the claim is ineffectual
- is calculated as follows
- in case of infringement, moral damage to the amount of ≈ to ≈. €
is assumed
- in case of infringement, punitive damages are estimated at ≈ to ≈. €
- Conditions:

b. The mistake is made public as follows

Through the website of the National Consumer Agency, email lists and if necessary through the media - radio, television, press etc.

c. Other Sanctions

The mistake/incompleteness of the information is sanctioned as follows:

Non-compliance is a criminal offence.



8. Costs

Costs are caused by the following activities,

providing existing information

referring the consumer to another body

consultation of the business

publishing the information

-provision of easily accessible information

-provision of any information

-other

such as

and

of which the consumer pays

9. Other relevant information

In case there is anything else that in your opinion could be relevant in general although it has not specifically been asked for, please mention it below (e.g. claim dependent on fraud or similar).



Basis of claim and name of the legal act (original name and translation):
European Communities (General Food Law) Regulations 2007, S.I. No. 747 of 2007,
which implements Regulation (EC) 178 / 2002

1. Objective of the claim/legal consequence

a. The claim is directed at

- release of existing/available information
- release of existing information or forwarding of the request/the claimant to the competent body
- examination of the facts upon request and release of information
- product warning (authority)/product recall (business).
- publishing (e.g. on the internet) – location:
- none of the above, but aimed at:

b. Extent of the claim

What kind of information may be released according to the provision (e.g. risks to health with or without limit value(s), production process, products, other)?

In the event of a risk to health, a food business operator must effectively and accurately inform consumers of the reasons for withdrawal of a food and initiate a recall of food. They must also inform the Food Safety Authority of Ireland of the health risks and the recall.

c. Duration of proceedings

Is there a deadline for releasing the information required/for handling the inquiry? If so, what is the time limit?

no.

2. Parties involved

a. Entitled is/are generally

- anyone (natural and legal persons)
- consumers
- consumer associations
- other specific persons (groups of persons)/authorities: The Food Safety Authority

b. Conditions of entitlement

persons have to

- be affected by the information themselves
- have the following interest in the information:
- other conditions:

c. Opponents/those with a duty to inform are

- authorities
- producers/service providers** (please choose the appropriate option)
- functional intermediaries
- other:



3. Legal prerequisites

a. Is there a term of maturity for information?

- No
 Yes, information older than **month must not** be released any longer (*please choose the appropriate options*).

b. Exceptions

Exempt from the right to information are

- industrial secrets, in particular:
 business secrets, in particular:
 information connected to property rights, in particular:
 information available to the following authorities:
 information for the protection of the following public interests:
 other information due to the following reasons:

c. The existence of specialized provisions is

- claimed by the company:
 checked by the following authority:
 checked also by the following independent institution upon request:
 is claimed/checked as follows:
 is determined regularly/in exceptional cases (please strike out if not appropriate) in hearings:

- d. A request is required** yes no

4. Scope of application

Is the claim limited to specific products/services (e.g. food and (animal) fodder according to Regulation (EC) 178/2002)? Please indicate to which products/services the claim is limited.

These Regulations apply to food and animal fodder.

These Regulations shall not apply to food businesses engaged in activities which are subject to the European Communities (Food and Feed Hygiene) Regulations 2005 (S.I. No. 910 of 2005, as amended) or the European Communities (Hygiene of Fishery Products and Fish Feed) Regulations 2006 (SI No 335 of 2006), but only to the extent that the food business engages in those activities

5. Purpose of the provision

a. Criteria for the scope of the claim mentioned in 1.a. and 1.b. (multiple answers are permitted)

(the specific scope was selected due to)

- degree of exposure of the consumer
 protected matter that is threatened (life, health, property, self-determined lifestyle)
 subject matter of the law/product category
 provisions in European secondary legislation



b. In case of dependence on a protected matter: What is the provision intended to protect?

- life and body and/or physical integrity of the consumer
- financial interests of the consumer
- third parties/self-determined life and/or reasonable factor allocation through mature consumer decisions
- with regard to the protection of limb and life and physical integrity of those involved in the production process
- in support of effective environmental and animal protection
- for other social/societal considerations (fair trade/philosophy of life)

c. In case of dependence of a certain degree of exposure of the consumer:

Which degree of certainty is required?

- suspicion that there is a danger/an infringement is sufficient
- reasonable suspicion of a danger/an infringement
- certainty about a danger/an infringement
- a different degree:

6. Nature of the claim

The claim is a

- contractual claim subject to private law
- tort claim subject to private law
- public-law claim
- public-law obligation to release information enforced by penalty.

7. Legal consequences in case of incorrect information

If the information provided by an authority/a company turns out to be incomplete or wrong,

- consumers are entitled to claim for damages against those in duty to inform
- claim depends on fault
- an entrepreneur can be prosecuted for administrative offence/criminal offence under the following conditions
- the business (company) also can be prosecuted

a. Amount of damages

- the damage cannot be determined, so the claim is ineffectual
- is calculated as follows
- in case of infringement, moral damage to the amount of ≈ to ≈. €
is assumed
- in case of infringement, punitive damages are estimated at ≈ to ≈. €
- Conditions:

b. The mistake is made public as follows

c. Other Sanctions

The mistake/incompleteness of the information is sanctioned as follows:

It is a criminal offense to provide false information.



8. Costs

Costs are caused by the following activities,		of which the consumer pays
providing existing information	<input type="checkbox"/>	<input type="checkbox"/>
referring the consumer to another body	<input type="checkbox"/>	<input type="checkbox"/>
consultation of the business	<input type="checkbox"/>	<input type="checkbox"/>
publishing the information	<input type="checkbox"/>	<input type="checkbox"/>
-provision of easily accessible information	<input type="checkbox"/>	<input type="checkbox"/>
-provision of any information	<input type="checkbox"/>	<input type="checkbox"/>
-other	<input type="checkbox"/>	<input type="checkbox"/>
such as		
and		

9. Other relevant information

In case there is anything else that in your opinion could be relevant in general although it has not specifically been asked for, please mention it below (e.g. claim dependent on fraud or similar).

These provisions are supplemented by the European Communities (Food and Feed Hygiene) Regulations 2005 (S.I. No. 910 of 2005, as amended) or the European Communities (Hygiene of Fishery Products and Fish Feed) Regulations 2006 (SI No 335 of 2006)

FRAGEBÖGEN SCHWEDEN

**Basis of claim and name of the legal act (original name and translation):****Freedom of Press Act (1949:105) § 2:1****2 kap. 1 § tryckfrihetsförordningen (1949:105)****Consolidated by SFS 2002:908. Amended up to 2002:1049****1. Objective of the claim/legal consequence****a. The claim is directed at**

- release of existing/available information
- release of existing information or forwarding of the request/the claimant to the competent body
- examination of the facts upon request and release of information
- product warning (authority)/product recall (business).
- publishing (e.g. on the internet) – location:
- none of the above, but aimed at:

b. Extent of the claim

What kind of information may be released according to the provision (e.g. risks to health with or without limit value(s), production process, products, other)?

Any information held by a public authority.

c. Duration of proceedings

Is there a deadline for releasing the information required/for handling the inquiry? If so, what is the time limit?

No, but public documents should be released immediately or as soon as possible, Freedom of Press Act § 2:12, see also § 7 Administration Act (1986:223) and § 4:1 Publicity and Secrecy Act (2009:400).

2. Parties involved**a. Entitled is/are generally**

- anyone (natural and legal persons)
- consumers
- consumer associations
- other specific persons (groups of persons)/authorities:

b. Conditions of entitlement

persons have to

- be affected by the information themselves
- have the following interest in the information:
- other conditions:

c. Opponents/those with a duty to inform are

- authorities
- service providers** (*please choose the appropriate option*)
- functional intermediaries
- other:



3. Legal prerequisites

a. Is there a term of maturity for information?

- No
 Yes, information older than **month must not** be released any longer (*please choose the appropriate options*).

b. Exceptions

Exempt from the right to information are

- industrial secrets, in particular:
 business secrets, in particular:
 information connected to property rights, in particular:
 information available to the following authorities:
 information for the protection of the following public interests:
 other information due to the following reasons: individuals' personal interests

c. The existence of specialized provisions is

- claimed by the company:
 checked by the following authority:
 checked also by the following independent institution upon request: Administrative court
 is claimed/checked as follows:
 is determined regularly/in exceptional cases (please strike out if not appropriate) in hearings:

- d. A request is required yes no

4. Scope of application

Is the claim limited to specific products/services (e.g. food and (animal) fodder according to Regulation (EC) 178/2002)? Please indicate to which products/services the claim is limited.

No.

5. Purpose of the provision

a. Criteria for the scope of the claim mentioned in 1.a. and 1.b. (multiple answers are permitted)

(the specific scope was selected due to)

- degree of exposure of the consumer
 protected matter that is threatened (life, health, property, self-determined lifestyle)
 subject matter of the law/product category
 provisions in European secondary legislation

b. In case of dependence on a protected matter: What is the provision intended to protect?

- life and body and/or physical integrity of the consumer
 financial interests of the consumer
 third parties/self-determined life and/or reasonable factor allocation through mature consumer decisions
- with regard to the protection of limb and life and physical integrity of those involved in the production process
 - in support of effective environmental and animal protection
 - for other social/societal considerations (fair trade/philosophy of life)

**c. In case of dependence of a certain degree of exposure of the consumer:**

Which degree of certainty is required?

- suspicion that there is a danger/an infringement is sufficient
- reasonable suspicion of a danger/an infringement
- certainty about a danger/an infringement
- a different degree:

6. Nature of the claim

The claim is a

- contractual claim subject to private law
- tort claim subject to private law
- public-law claim
- public-law obligation to release information enforced by penalty.

7. Legal consequences in case of incorrect information

If the information provided by an authority/a company turns out to be incomplete or wrong,

- consumers are entitled to claim for damages against those in duty to inform
- claim depends on fault
- an entrepreneur can be prosecuted for administrative offence/criminal offence under the following conditions
- the business (company) also can be prosecuted

a. Amount of damages

- the damage cannot be determined, so the claim is ineffectual
- is calculated as follows Personal injury, property damage and pure economic loss
- in case of infringement, moral damage to the amount of ≈ to ≈. €
is assumed
- in case of infringement, punitive damages are estimated at ≈ to ≈. €
Conditions:

b. The mistake is made public as follows**c. Other Sanctions**

The mistake/incompleteness of the information is sanctioned as follows:

8. Costs

Costs are caused by the following activities,

- providing existing information
- referring the consumer to another body
- consultation of the business
- publishing the information
- provision of easily accessible information
- provision of any information
- other
- such as
- and

of which the consumer pays



9. Other relevant information

In case there is anything else that in your opinion could be relevant in general although it has not specifically been asked for, please mention it below (e.g. claim dependent on fraud or similar).

Other provisions of interest are found in Freedom of Press Act chapter 2, Publicity and Secrecy Act (1949:400) and Tort Act (1972:207) §§ 3:2–3.


Basis of claim and name of the legal act (original name and translation):
Air Traffic Act (1957:297) § 9:10(2)
9 kap. 10 § andra stycket luftfartslagen (1957:297)
Consolidated by SFS 1986:166. Amended up to 2009:777
1. Objective of the claim/legal consequence
a. The claim is directed at

- release of existing/available information
- release of existing information or forwarding of the request/the claimant to the competent body
- examination of the facts upon request and release of information
- product warning (authority)/product recall (business).
- publishing (e.g. on the internet) – location:
- none of the above, but aimed at:

b. Extent of the claim

What kind of information may be released according to the provision (e.g. risks to health with or without limit value(s), production process, products, other)?

(i) Other: Price information:

The tariff for supplementary fees in some cases of air carriers' baggage handling, Art. 3a Regulation (EC) No 2027/97 on air carrier liability in respect of the carriage of passengers and their baggage by air, as amended by Regulation (EC) No 889/2002.

(ii) Other: Service provider's liability and limitations of liability:

Information concerning air carriers' liability towards passengers, Art. 6 Regulation (EC) No 2027/97, as amended.

c. Duration of proceedings

Is there a deadline for releasing the information required/for handling the inquiry? If so, what is the time limit?

No.

2. Parties involved
a. Entitled is/are generally

- anyone (natural and legal persons)
- consumers
- consumer associations
- other specific persons (groups of persons)/authorities: Consumer Ombudsman, affected business or association of businesses or employees

b. Conditions of entitlement

persons have to

- be affected by the information themselves
- have the following interest in the information:



other conditions:

c. Opponents/those with a duty to inform are

- authorities
 service providers (please choose the appropriate option)
 functional intermediaries
 other:

3. Legal prerequisites

a. Is there a term of maturity for information?

- No
 Yes, information older than **month must not** be released any longer (please choose the appropriate options).

b. Exceptions

Exempt from the right to information are

- industrial secrets, in particular:
 business secrets, in particular:
 information connected to property rights, in particular:
 information available to the following authorities:
 information for the protection of the following public interests:
 other information due to the following reasons:

c. The existence of specialized provisions is

- claimed by the company:
 checked by the following authority:
 checked also by the following independent institution upon request:
 is claimed/checked as follows:
 is determined regularly/in exceptional cases (please strike out if not appropriate) in hearings:

d. A request is required yes no

4. Scope of application

Is the claim limited to specific products/services (e.g. food and (animal) fodder according to Regulation (EC) 178/2002)? Please indicate to which products/services the claim is limited.

Passenger air carriage.

5. Purpose of the provision

a. Criteria for the scope of the claim mentioned in 1.a. and 1.b. (multiple answers are permitted)

(the specific scope was selected due to)

- degree of exposure of the consumer
 protected matter that is threatened (life, health, property, self-determined lifestyle)
 subject matter of the law/product category
 provisions in European secondary legislation



b. In case of dependence on a protected matter: What is the provision intended to protect?

- life and body and/or physical integrity of the consumer
- financial interests of the consumer
- third parties/self-determined life and/or reasonable factor allocation through mature consumer decisions
- with regard to the protection of limb and life and physical integrity of those involved in the production process
- in support of effective environmental and animal protection
- for other social/societal considerations (fair trade/philosophy of life)

c. In case of dependence of a certain degree of exposure of the consumer:

Which degree of certainty is required?

- suspicion that there is a danger/an infringement is sufficient
- reasonable suspicion of a danger/an infringement
- certainty about a danger/an infringement
- a different degree:

6. Nature of the claim

The claim is a

- contractual claim subject to private law
- tort claim subject to private law
- public-law claim
- public-law obligation to release information enforced by penalty.

7. Legal consequences in case of incorrect information

If the information provided by an authority/a company turns out to be incomplete or wrong,

- consumers are entitled to claim for damages against those in duty to inform
- claim depends on fault
- an entrepreneur can be prosecuted for administrative offence/criminal offence under the following conditions
- the business (company) also can be prosecuted

a. Amount of damages

- the damage cannot be determined, so the claim is ineffectual
- is calculated as follows
- in case of infringement, moral damage to the amount of ≈ to ≈. €
is assumed
- in case of infringement, punitive damages are estimated at ≈ to ≈. €
- Conditions:

b. The mistake is made public as follows

c. Other Sanctions

The mistake/incompleteness of the information is sanctioned as follows:

An injunction of release of information should be coupled with a threat of a fixed sum penalty, unless this, as an exception, seems unnecessary.



8. Costs

Costs are caused by the following activities,

providing existing information

referring the consumer to another body

consultation of the business

publishing the information

-provision of easily accessible information

-provision of any information

-other

such as

and

of which the consumer pays

9. Other relevant information

In case there is anything else that in your opinion could be relevant in general although it has not specifically been asked for, please mention it below (e.g. claim dependent on fraud or similar).

The provision states that the relevant information is to be considered material in relation to MFA § 10(3). Material information is to be given upon injunction by either the Market Court or the Consumer Ombudsman after a demand of a consumer, MFA § 24(3)(3).


Basis of claim and name of the legal act (original name and translation):
Air Traffic Act (1957:297) § 9:12
9 kap. 12 § luftfartslagen (1957:297)
Consolidated by SFS 1986:166. Amended up to 2009:777
1. Objective of the claim/legal consequence
a. The claim is directed at

- release of existing/available information
- release of existing information or forwarding of the request/the claimant to the competent body
- examination of the facts upon request and release of information
- product warning (authority)/product recall (business).
- publishing (e.g. on the internet) – location:
- none of the above, but aimed at:

b. Extent of the claim

What kind of information may be released according to the provision (e.g. risks to health with or without limit value(s), production process, products, other)?

Other:

Informing consumers of their rights.

c. Duration of proceedings

Is there a deadline for releasing the information required/for handling the inquiry? If so, what is the time limit?

No.

2. Parties involved
a. Entitled is/are generally

- anyone (natural and legal persons)
- consumers
- consumer associations
- other specific persons (groups of persons)/authorities: Consumer Ombudsman, business in contractual relationship with the offender or association of businesses

b. Conditions of entitlement

persons have to

- be affected by the information themselves
- have the following interest in the information: See 2 a.
- other conditions:

c. Opponents/those with a duty to inform are

- authorities
- service providers** (*please choose the appropriate option*)
- functional intermediaries
- other:



3. Legal prerequisites

a. Is there a term of maturity for information?

- No
 Yes, information older than **month must not** be released any longer (*please choose the appropriate options*).

b. Exceptions

Exempt from the right to information are

- industrial secrets, in particular:
 business secrets, in particular:
 information connected to property rights, in particular:
 information available to the following authorities:
 information for the protection of the following public interests:
 other information due to the following reasons:

c. The existence of specialized provisions is

- claimed by the company:
 checked by the following authority:
 checked also by the following independent institution upon request:
 is claimed/checked as follows:
 is determined regularly/in exceptional cases (please strike out if not appropriate) in hearings:

d. A request is required yes no

4. Scope of application

Is the claim limited to specific products/services (e.g. food and (animal) fodder according to Regulation (EC) 178/2002)? Please indicate to which products/services the claim is limited.

Passenger air carriage.

5. Purpose of the provision

a. Criteria for the scope of the claim mentioned in 1.a. and 1.b. (multiple answers are permitted)

(the specific scope was selected due to)

- degree of exposure of the consumer
 protected matter that is threatened (life, health, property, self-determined lifestyle)
 subject matter of the law/product category
 provisions in European secondary legislation



b. In case of dependence on a protected matter: What is the provision intended to protect?

- life and body and/or physical integrity of the consumer
- financial interests of the consumer
- third parties/self-determined life and/or reasonable factor allocation through mature consumer decisions
- with regard to the protection of limb and life and physical integrity of those involved in the production process
- in support of effective environmental and animal protection
- for other social/societal considerations (fair trade/philosophy of life)

c. In case of dependence of a certain degree of exposure of the consumer:

Which degree of certainty is required?

- suspicion that there is a danger/an infringement is sufficient
- reasonable suspicion of a danger/an infringement
- certainty about a danger/an infringement
- a different degree:

6. Nature of the claim

The claim is a

- contractual claim subject to private law
- tort claim subject to private law
- public-law claim
- public-law obligation to release information enforced by penalty.

7. Legal consequences in case of incorrect information

If the information provided by an authority/a company turns out to be incomplete or wrong,

- consumers are entitled to claim for damages against those in duty to inform
- claim depends on fault
- an entrepreneur can be prosecuted for administrative offence/criminal offence under the following conditions
- the business (company) also can be prosecuted

a. Amount of damages

- the damage cannot be determined, so the claim is ineffectual
- is calculated as follows
- in case of infringement, moral damage to the amount of ≈ to ≈. €
is assumed
- in case of infringement, punitive damages are estimated at ≈ to ≈. €
- Conditions:

b. The mistake is made public as follows

c. Other Sanctions

The mistake/incompleteness of the information is sanctioned as follows:

An injunction of release of information should be coupled with a threat of a fixed sum penalty, unless this, as an exception, seems unnecessary.



8. Costs

Costs are caused by the following activities,

providing existing information

referring the consumer to another body

consultation of the business

publishing the information

-provision of easily accessible information

-provision of any information

-other

such as

and

of which the consumer pays

9. Other relevant information

In case there is anything else that in your opinion could be relevant in general although it has not specifically been asked for, please mention it below (e.g. claim dependent on fraud or similar).

The provision refers to MFA § 24.


Basis of claim and name of the legal act (original name and translation):
Air Traffic Act (1957:297) § 9:13
9 kap. 13 § luftfartslagen (1957:297)
Consolidated by SFS 1986:166. Amended up to 2009:777
1. Objective of the claim/legal consequence
a. The claim is directed at

- release of existing/available information
- release of existing information or forwarding of the request/the claimant to the competent body
- examination of the facts upon request and release of information
- product warning (authority)/product recall (business).
- publishing (e.g. on the internet) – location:
- none of the above, but aimed at:

b. Extent of the claim

What kind of information may be released according to the provision (e.g. risks to health with or without limit value(s), production process, products, other)?

Other:

Informing consumers of their rights.

c. Duration of proceedings

Is there a deadline for releasing the information required/for handling the inquiry? If so, what is the time limit?

No.

2. Parties involved
a. Entitled is/are generally

- anyone (natural and legal persons)
- consumers
- consumer associations
- other specific persons (groups of persons)/authorities: Consumer Ombudsman

b. Conditions of entitlement

persons have to

- be affected by the information themselves
- have the following interest in the information: See 2 a.
- other conditions:

c. Opponents/those with a duty to inform are

- authorities
- service providers** (please choose the appropriate option)
- functional intermediaries
- other:



3. Legal prerequisites

a. Is there a term of maturity for information?

- No
 Yes, information older than **month must not** be released any longer (*please choose the appropriate options*).

b. Exceptions

Exempt from the right to information are

- industrial secrets, in particular:
 business secrets, in particular:
 information connected to property rights, in particular:
 information available to the following authorities:
 information for the protection of the following public interests:
 other information due to the following reasons:

c. The existence of specialized provisions is

- claimed by the company:
 checked by the following authority:
 checked also by the following independent institution upon request:
 is claimed/checked as follows:
 is determined regularly/in exceptional cases (please strike out if not appropriate) in hearings:

d. A request is required yes no

4. Scope of application

Is the claim limited to specific products/services (e.g. food and (animal) fodder according to Regulation (EC) 178/2002)? Please indicate to which products/services the claim is limited.

Passenger air carriage.

5. Purpose of the provision

a. Criteria for the scope of the claim mentioned in 1.a. and 1.b. (multiple answers are permitted)

(the specific scope was selected due to)

- degree of exposure of the consumer
 protected matter that is threatened (life, health, property, self-determined lifestyle)
 subject matter of the law/product category
 provisions in European secondary legislation

b. In case of dependence on a protected matter: What is the provision intended to protect?

- life and body and/or physical integrity of the consumer
 financial interests of the consumer
 third parties/self-determined life and/or reasonable factor allocation through mature consumer decisions
 with regard to the protection of limb and life and physical integrity of those involved in the production process
 in support of effective environmental and animal protection
 for other social/societal considerations (fair trade/philosophy of life)



9. Other relevant information

In case there is anything else that in your opinion could be relevant in general although it has not specifically been asked for, please mention it below (e.g. claim dependent on fraud or similar).

The provision refers to MFA § 28. The Consumer Ombudsman has the power to decide on injunction without going to the Market Court.


Basis of claim and name of the legal act (original name and translation):
Work Environment Act (1977:1160) § 1:2(5)
1 kap. 2 § femte stycket arbetsmiljölagen (1977:1160)
Consolidated by SFS 1991:677. Amended up to SFS 2009:870.
1. Objective of the claim/legal consequence
a. The claim is directed at

- release of existing/available information
- release of existing information or forwarding of the request/the claimant to the competent body
- examination of the facts upon request and release of information
- product warning (authority)/product recall (business).
- publishing (e.g. on the internet) – location:
- none of the above, but aimed at:

b. Extent of the claim

What kind of information may be released according to the provision (e.g. risks to health with or without limit value(s), production process, products, other)?

Risks to health.

c. Duration of proceedings

Is there a deadline for releasing the information required/for handling the inquiry? If so, what is the time limit?

No.

2. Parties involved
a. Entitled is/are generally

- anyone (natural and legal persons)
- consumers
- consumer associations
- other specific persons (groups of persons)/authorities: Swedish Work Environment Authority, Consumer Ombudsman or other relevant supervisory authority, see 9 below.

b. Conditions of entitlement

persons have to

- be affected by the information themselves
- have the following interest in the information: See 2 a.
- other conditions:

c. Opponents/those with a duty to inform are

- authorities
- producers/service providers** (please choose the appropriate option)
- functional intermediaries
- other:



3. Legal prerequisites

a. Is there a term of maturity for information?

- No
 Yes, information older than **month must not** be released any longer (*please choose the appropriate options*).

b. Exceptions

Exempt from the right to information are

- industrial secrets, in particular:
 business secrets, in particular:
 information connected to property rights, in particular:
 information available to the following authorities:
 information for the protection of the following public interests:
 other information due to the following reasons:

c. The existence of specialized provisions is

- claimed by the company:
 checked by the following authority: The relevant supervisory authority, see 9 below.
 checked also by the following independent institution upon request: Administrative Court.
 is claimed/checked as follows:
 is determined regularly/in exceptional cases (please strike out if not appropriate) in hearings:

d. A request is required yes no

4. Scope of application

Is the claim limited to specific products/services (e.g. food and (animal) fodder according to Regulation (EC) 178/2002)? Please indicate to which products/services the claim is limited.

Goods in workplaces, intended for consumers or that can be expected to be used by consumers.

5. Purpose of the provision

a. Criteria for the scope of the claim mentioned in 1.a. and 1.b. (multiple answers are permitted)

(the specific scope was selected due to)

- degree of exposure of the consumer
 protected matter that is threatened (life, health, property, self-determined lifestyle)
 subject matter of the law/product category
 provisions in European secondary legislation



b. In case of dependence on a protected matter: What is the provision intended to protect?

- life and body and/or physical integrity of the consumer
- financial interests of the consumer
- third parties/self-determined life and/or reasonable factor allocation through mature consumer decisions
- with regard to the protection of limb and life and physical integrity of those involved in the production process
- in support of effective environmental and animal protection
- for other social/societal considerations (fair trade/philosophy of life)

c. In case of dependence of a certain degree of exposure of the consumer:

Which degree of certainty is required?

- suspicion that there is a danger/an infringement is sufficient
- reasonable suspicion of a danger/an infringement
- certainty about a danger/an infringement
- a different degree: Presumption of CE-marked goods may be rebutted. For non-marked goods there is no presumption.

6. Nature of the claim

The claim is a

- contractual claim subject to private law
- tort claim subject to private law
- public-law claim
- public-law obligation to release information enforced by penalty.

7. Legal consequences in case of incorrect information

If the information provided by an authority/a company turns out to be incomplete or wrong,

- consumers are entitled to claim for damages against those in duty to inform
- claim depends on fault
- an entrepreneur can be prosecuted for administrative offence/criminal offence under the following conditions
- the business (company) also can be prosecuted

a. Amount of damages

- the damage cannot be determined, so the claim is ineffectual
- is calculated as follows
- in case of infringement, moral damage to the amount of ≈ to ≈. €
is assumed
- in case of infringement, punitive damages are estimated at ≈ to ≈. €
- Conditions:

b. The mistake is made public as follows

See Annexes ## 36 and 37.

c. Other Sanctions

The mistake/incompleteness of the information is sanctioned as follows:

See Annexes ## 36 and 37.



8. Costs

Costs are caused by the following activities,

providing existing information

referring the consumer to another body

consultation of the business

publishing the information

-provision of easily accessible information

-provision of any information

-other

such as

of which the consumer pays

9. Other relevant information

In case there is anything else that in your opinion could be relevant in general although it has not specifically been asked for, please mention it below (e.g. claim dependent on fraud or similar).

The provision makes a blank referral to PSA. Which authority has supervisory responsibility depends on the goods involved.



Basis of claim and name of the legal act (original name and translation):
Consumer Services Act (1985:716) § 33(2)
33 § andra stycket konsumenttjänstlagen (1985:716)
Amended up to SFS 2008:491

1. Objective of the claim/legal consequence

a. The claim is directed at

- release of existing/available information
- release of existing information or forwarding of the request/the claimant to the competent body
- examination of the facts upon request and release of information
- product warning (authority)/product recall (business).
- publishing (e.g. on the internet) – location:
- none of the above, but aimed at: Damages.

b. Extent of the claim

What kind of information may be released according to the provision (e.g. risks to health with or without limit value(s), production process, products, other)?

Information is not to be released according to this provision. It is directed at pecuniary compensation from others than the contractual counterparty, namely another business or a branch organization or similar acting on behalf of the counterparty, or a supplier of material for the service or someone else earlier in the chain of supply of the service.

c. Duration of proceedings

Is there a deadline for releasing the information required/for handling the inquiry? If so, what is the time limit?

No.

2. Parties involved

a. Entitled is/are generally

- anyone (natural and legal persons)
- consumers
- consumer associations
- other specific persons (groups of persons)/authorities:

b. Conditions of entitlement

persons have to

- be affected by the information themselves
- have the following interest in the information:
- other conditions:

c. Opponents/those with a duty to inform are

- authorities
- producers/service providers** (*please choose the appropriate option*)
- functional intermediaries
- other: Others than the contractual counterparty, see 1 b.



3. Legal prerequisites

a. Is there a term of maturity for information?

- No
 Yes, information older than **month must not** be released any longer (*please choose the appropriate options*).

b. Exceptions

Exempt from the right to information are

- industrial secrets, in particular:
 business secrets, in particular:
 information connected to property rights, in particular:
 information available to the following authorities:
 information for the protection of the following public interests:
 other information due to the following reasons:

c. The existence of specialized provisions is

- claimed by the company:
 checked by the following authority:
 checked also by the following independent institution upon request:
 is claimed/checked as follows:
 is determined regularly/in exceptional cases (please strike out if not appropriate) in hearings:

d. A request is required yes no

4. Scope of application

Is the claim limited to specific products/services (e.g. food and (animal) fodder according to Regulation (EC) 178/2002)? Please indicate to which products/services the claim is limited.

Services on movables, immovables and storage services.

5. Purpose of the provision

a. Criteria for the scope of the claim mentioned in 1.a. and 1.b. (multiple answers are permitted)

(the specific scope was selected due to)

- degree of exposure of the consumer
 protected matter that is threatened (life, health, property, self-determined lifestyle)
 subject matter of the law/product category
 provisions in European secondary legislation

b. In case of dependence on a protected matter: What is the provision intended to protect?

- life and body and/or physical integrity of the consumer
 financial interests of the consumer
 third parties/self-determined life and/or reasonable factor allocation through mature consumer decisions
 with regard to the protection of limb and life and physical integrity of those involved in the production process
 in support of effective environmental and animal protection
 for other social/societal considerations (fair trade/philosophy of life)



c. In case of dependence of a certain degree of exposure of the consumer:

Which degree of certainty is required?

- suspicion that there is a danger/an infringement is sufficient
- reasonable suspicion of a danger/an infringement
- certainty about a danger/an infringement
- a different degree: Failure to provide safety information or marketing information in accordance with an injunction based on PSA or MPA.

6. Nature of the claim

The claim is a

- contractual claim subject to private law
- tort claim subject to private law
- public-law claim
- public-law obligation to release information enforced by penalty.

7. Legal consequences in case of incorrect information

If the information provided by an authority/a company turns out to be incomplete or wrong,

- consumers are entitled to claim for damages against those in duty to inform
- claim depends on fault
- an entrepreneur can be prosecuted for administrative offence/criminal offence under the following conditions
- the business (company) also can be prosecuted

a. Amount of damages

- the damage cannot be determined, so the claim is ineffectual
- is calculated as follows Personal injury, property damage or pure economic loss.
- in case of infringement, moral damage to the amount of ≈ to ≈. €
is assumed
- in case of infringement, punitive damages are estimated at ≈ to ≈. €
Conditions:

b. The mistake is made public as follows

c. Other Sanctions

The mistake/incompleteness of the information is sanctioned as follows:

8. Costs

Costs are caused by the following activities,

- providing existing information
- referring the consumer to another body
- consultation of the business
- publishing the information
 - provision of easily accessible information
 - provision of any information
 - other
 - such as

		of which the consumer pays
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9. Other relevant information

In case there is anything else that in your opinion could be relevant in general although it has not specifically been asked for, please mention it below (e.g. claim dependent on fraud or similar).

The provision states strict liability without any possibility of exemption of liability if the consumer is able to show that the failure to provide the information could be expected to have affected the will of the consumer to enter the contract (the lowest degree of proof).

**Basis of claim and name of the legal act (original name and translation):**

Radio and TV Act (1996:844) § 9:7
9 kap. 7 § radio- och TV-lagen (1996:844)
Amended up to SFS 2008:498

1. Objective of the claim/legal consequence**a. The claim is directed at**

- release of existing/available information
 release of existing information or forwarding of the request/the claimant to the competent body
 examination of the facts upon request and release of information
 product warning (authority)/product recall (business).
 publishing (e.g. on the internet) – location:
 none of the above, but aimed at:

b. Extent of the claim

What kind of information may be released according to the provision (e.g. risks to health with or without limit value(s), production process, products, other)?

Other:

Marketing information.

c. Duration of proceedings

Is there a deadline for releasing the information required/for handling the inquiry? If so, what is the time limit?

No.

2. Parties involved**a. Entitled is/are generally**

- anyone (natural and legal persons)
 consumers
 consumer associations
 other specific persons (groups of persons)/authorities: Consumer Ombudsman

b. Conditions of entitlement

persons have to

- be affected by the information themselves
 have the following interest in the information: See 2 a.
 other conditions:

c. Opponents/those with a duty to inform are

- authorities
 service providers (*please choose the appropriate option*)
 functional intermediaries
 other:



3. Legal prerequisites

a. Is there a term of maturity for information?

- No
 Yes, information older than **month must not** be released any longer (*please choose the appropriate options*).

b. Exceptions

Exempt from the right to information are

- industrial secrets, in particular:
 business secrets, in particular:
 information connected to property rights, in particular:
 information available to the following authorities:
 information for the protection of the following public interests:
 other information due to the following reasons:

c. The existence of specialized provisions is

- claimed by the company:
 checked by the following authority:
 checked also by the following independent institution upon request:
 is claimed/checked as follows:
 is determined regularly/in exceptional cases (please strike out if not appropriate) in hearings:

- d. A request is required** yes no

4. Scope of application

Is the claim limited to specific products/services (e.g. food and (animal) fodder according to Regulation (EC) 178/2002)? Please indicate to which products/services the claim is limited.

Radio- and TV-marketing.

5. Purpose of the provision

a. Criteria for the scope of the claim mentioned in 1.a. and 1.b. (multiple answers are permitted)

(the specific scope was selected due to)

- degree of exposure of the consumer
 protected matter that is threatened (life, health, property, self-determined lifestyle)
 subject matter of the law/product category
 provisions in European secondary legislation

b. In case of dependence on a protected matter: What is the provision intended to protect?

- life and body and/or physical integrity of the consumer
 financial interests of the consumer
 third parties/self-determined life and/or reasonable factor allocation through mature consumer decisions
 with regard to the protection of limb and life and physical integrity of those involved in the production process
 in support of effective environmental and animal protection
 for other social/societal considerations (fair trade/philosophy of life)



c. In case of dependence of a certain degree of exposure of the consumer:

Which degree of certainty is required?

- suspicion that there is a danger/an infringement is sufficient
- reasonable suspicion of a danger/an infringement
- certainty about a danger/an infringement
- a different degree:

6. Nature of the claim

The claim is a

- contractual claim subject to private law
- tort claim subject to private law
- public-law claim
- public-law obligation to release information enforced by penalty.

7. Legal consequences in case of incorrect information

If the information provided by an authority/a company turns out to be incomplete or wrong,

- consumers are entitled to claim for damages against those in duty to inform
- claim depends on fault
- an entrepreneur can be prosecuted for administrative offence/criminal offence under the following conditions
- the business (company) also can be prosecuted

a. Amount of damages

- the damage cannot be determined, so the claim is ineffectual
- is calculated as follows
- in case of infringement, moral damage to the amount of ≈ to ≈. €
is assumed
- in case of infringement, punitive damages are estimated at ≈ to ≈. €
Conditions:

b. The mistake is made public as follows

c. Other Sanctions

The mistake/incompleteness of the information is sanctioned as follows:

An injunction of release of information should be coupled with a threat of a fixed sum penalty, unless this, as an exception, seems unnecessary.

8. Costs

Costs are caused by the following activities,

- providing existing information
- referring the consumer to another body
- consultation of the business
- publishing the information
 - provision of easily accessible information
 - provision of any information
 - other
 - such as

of which the consumer pays	
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<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>



9. Other relevant information

In case there is anything else that in your opinion could be relevant in general although it has not specifically been asked for, please mention it below (e.g. claim dependent on fraud or similar).

The provision refers to MPA §§ 5, 23 and 26.


Basis of claim and name of the legal act (original name and translation):
Radiation Protection Act (1988:220) § 5a
5 a § strålskyddslagen (1988:220)
Amended up to SFS 2009:436.
1. Objective of the claim/legal consequence
a. The claim is directed at

- release of existing/available information
- release of existing information or forwarding of the request/the claimant to the competent body
- examination of the facts upon request and release of information
- product warning (authority)/product recall (business).
- publishing (e.g. on the internet) – location:
- none of the above, but aimed at:

b. Extent of the claim

What kind of information may be released according to the provision (e.g. risks to health with or without limit value(s), production process, products, other)?

Risks to health.

c. Duration of proceedings

Is there a deadline for releasing the information required/for handling the inquiry? If so, what is the time limit?

No.

2. Parties involved
a. Entitled is/are generally

- anyone (natural and legal persons)
- consumers
- consumer associations
- other specific persons (groups of persons)/authorities: Swedish Radiation Safety Authority and other municipal and state authorities, see 9 below.

b. Conditions of entitlement

persons have to

- be affected by the information themselves
- have the following interest in the information: See 2 a.
- other conditions:

c. Opponents/those with a duty to inform are

- authorities
- producers/service providers** (please choose the appropriate option)
- functional intermediaries
- other:



3. Legal prerequisites

a. Is there a term of maturity for information?

- No
 Yes, information older than **month must not** be released any longer (*please choose the appropriate options*).

b. Exceptions

Exempt from the right to information are

- industrial secrets, in particular:
 business secrets, in particular:
 information connected to property rights, in particular:
 information available to the following authorities:
 information for the protection of the following public interests:
 other information due to the following reasons:

c. The existence of specialized provisions is

- claimed by the company:
 checked by the following authority: The relevant supervisory authority, see 9 below.
 checked also by the following independent institution upon request: Administrative Court.
 is claimed/checked as follows:
 is determined regularly/in exceptional cases (please strike out if not appropriate) in hearings:

- d. A request is required** yes no

4. Scope of application

Is the claim limited to specific products/services (e.g. food and (animal) fodder according to Regulation (EC) 178/2002)? Please indicate to which products/services the claim is limited.

Goods and services with ionizing and non-ionizing radiation.

5. Purpose of the provision

a. Criteria for the scope of the claim mentioned in 1.a. and 1.b. (multiple answers are permitted)

(the specific scope was selected due to)

- degree of exposure of the consumer
 protected matter that is threatened (life, health, property, self-determined lifestyle)
 subject matter of the law/product category
 provisions in European secondary legislation

b. In case of dependence on a protected matter: What is the provision intended to protect?

- life and body and/or physical integrity of the consumer
 financial interests of the consumer
 third parties/self-determined life and/or reasonable factor allocation through mature consumer decisions
- with regard to the protection of limb and life and physical integrity of those involved in the production process
 - in support of effective environmental and animal protection
 - for other social/societal considerations (fair trade/philosophy of life)



9. Other relevant information

In case there is anything else that in your opinion could be relevant in general although it has not specifically been asked for, please mention it below (e.g. claim dependent on fraud or similar).

The provision makes a blank referral to PSA. Which authority has supervisory responsibility depends on the goods or services involved.



Basis of claim and name of the legal act (original name and translation):
Flammable and Explosive Goods Act (1988:868) § 4(2)
4 § andra stycket lagen (1988:868) om brandfarliga och explosiva varor
Amended up to SFS 2009:439

1. Objective of the claim/legal consequence

a. The claim is directed at

- release of existing/available information
- release of existing information or forwarding of the request/the claimant to the competent body
- examination of the facts upon request and release of information
- product warning (authority)/product recall (business).
- publishing (e.g. on the internet) – location:
- none of the above, but aimed at:

b. Extent of the claim

What kind of information may be released according to the provision (e.g. risks to health with or without limit value(s), production process, products, other)?

Risks to health.

c. Duration of proceedings

Is there a deadline for releasing the information required/for handling the inquiry? If so, what is the time limit?

No.

2. Parties involved

a. Entitled is/are generally

- anyone (natural and legal persons)
- consumers
- consumer associations
- other specific persons (groups of persons)/authorities: Swedish Civil Contingencies Agency and other municipal and state authorities, see 9 below.

b. Conditions of entitlement

persons have to

- be affected by the information themselves
- have the following interest in the information: See 2 a.
- other conditions:

c. Opponents/those with a duty to inform are

- authorities
- producers/service providers** (please choose the appropriate option)
- functional intermediaries
- other:



3. Legal prerequisites

a. Is there a term of maturity for information?

- No
 Yes, information older than **month must not** be released any longer (*please choose the appropriate options*).

b. Exceptions

Exempt from the right to information are

- industrial secrets, in particular:
 business secrets, in particular:
 information connected to property rights, in particular:
 information available to the following authorities:
 information for the protection of the following public interests:
 other information due to the following reasons:

c. The existence of specialized provisions is

- claimed by the company:
 checked by the following authority: The relevant supervisory authority, see 9 below.
 checked also by the following independent institution upon request: Administrative Court.
 is claimed/checked as follows:
 is determined regularly/in exceptional cases (please strike out if not appropriate) in hearings:

d. A request is required yes no

4. Scope of application

Is the claim limited to specific products/services (e.g. food and (animal) fodder according to Regulation (EC) 178/2002)? Please indicate to which products/services the claim is limited.

Flammable and explosive goods..

5. Purpose of the provision

a. Criteria for the scope of the claim mentioned in 1.a. and 1.b. (multiple answers are permitted)

(the specific scope was selected due to)

- degree of exposure of the consumer
 protected matter that is threatened (life, health, property, self-determined lifestyle)
 subject matter of the law/product category
 provisions in European secondary legislation

b. In case of dependence on a protected matter: What is the provision intended to protect?

- life and body and/or physical integrity of the consumer
 financial interests of the consumer
 third parties/self-determined life and/or reasonable factor allocation through mature consumer decisions
 with regard to the protection of limb and life and physical integrity of those involved in the production process
 in support of effective environmental and animal protection
 for other social/societal considerations (fair trade/philosophy of life)



c. In case of dependence of a certain degree of exposure of the consumer:

Which degree of certainty is required?

- suspicion that there is a danger/an infringement is sufficient
- reasonable suspicion of a danger/an infringement
- certainty about a danger/an infringement
- a different degree: Presumption of CE-marked goods may be rebutted. For non-marked goods there is no presumption.

6. Nature of the claim

The claim is a

- contractual claim subject to private law
- tort claim subject to private law
- public-law claim
- public-law obligation to release information enforced by penalty.

7. Legal consequences in case of incorrect information

If the information provided by an authority/a company turns out to be incomplete or wrong,

- consumers are entitled to claim for damages against those in duty to inform
- claim depends on fault
- an entrepreneur can be prosecuted for administrative offence/criminal offence under the following conditions
- the business (company) also can be prosecuted

a. Amount of damages

- the damage cannot be determined, so the claim is ineffectual
 - is calculated as follows
 - in case of infringement, moral damage to the amount of ≈ to ≈. €
is assumed
 - in case of infringement, punitive damages are estimated at ≈ to ≈. €
- Conditions:

b. The mistake is made public as follows

See Annexes ## 36 and 37.

c. Other Sanctions

The mistake/incompleteness of the information is sanctioned as follows:

See Annexes ## 36 and 37.

8. Costs

Costs are caused by the following activities,

- providing existing information
- referring the consumer to another body
- consultation of the business
- publishing the information
 - provision of easily accessible information
 - provision of any information
 - other
 - such as

<input checked="" type="checkbox"/>	of which the consumer pays
<input type="checkbox"/>	<input type="checkbox"/>



9. Other relevant information

In case there is anything else that in your opinion could be relevant in general although it has not specifically been asked for, please mention it below (e.g. claim dependent on fraud or similar).

The provision makes a blank referral to PSA. Which authority has supervisory responsibility depends on the goods involved and on the geographical level.


Basis of claim and name of the legal act (original name and translation):
Consumer Sales Act (1990:932) § 19(4)
19 § fjärde stycket konsumentköplagen (1990:932)
Amended up to SFS 2008:492.
1. Objective of the claim/legal consequence
a. The claim is directed at

- release of existing/available information
- release of existing information or forwarding of the request/the claimant to the competent body
- examination of the facts upon request and release of information
- product warning (authority)/product recall (business).
- publishing (e.g. on the internet) – location:
- none of the above, but aimed at: Contractual sanctions

b. Extent of the claim

What kind of information may be released according to the provision (e.g. risks to health with or without limit value(s), production process, products, other)?

Information is not to be released according to this provision. It is directed at contractual sanctions.

c. Duration of proceedings

Is there a deadline for releasing the information required/for handling the inquiry? If so, what is the time limit?

No.

2. Parties involved
a. Entitled is/are generally

- anyone (natural and legal persons)
- consumers
- consumer associations
- other specific persons (groups of persons)/authorities:

b. Conditions of entitlement

persons have to

- be affected by the information themselves
- have the following interest in the information:
- other conditions:

c. Opponents/those with a duty to inform are

- authorities
- producers/service providers** (please choose the appropriate option)
- functional intermediaries
- other: Sellers.



3. Legal prerequisites

a. Is there a term of maturity for information?

- No
 Yes, information older than **month must not** be released any longer (*please choose the appropriate options*).

b. Exceptions

Exempt from the right to information are

- industrial secrets, in particular:
 business secrets, in particular:
 information connected to property rights, in particular:
 information available to the following authorities:
 information for the protection of the following public interests:
 other information due to the following reasons:

c. The existence of specialized provisions is

- claimed by the company:
 checked by the following authority:
 checked also by the following independent institution upon request:
 is claimed/checked as follows:
 is determined regularly/in exceptional cases (please strike out if not appropriate) in hearings:

d. A request is required yes no

4. Scope of application

Is the claim limited to specific products/services (e.g. food and (animal) fodder according to Regulation (EC) 178/2002)? Please indicate to which products/services the claim is limited.

Sale of goods.

5. Purpose of the provision

a. Criteria for the scope of the claim mentioned in 1.a. and 1.b. (multiple answers are permitted)

(the specific scope was selected due to)

- degree of exposure of the consumer
 protected matter that is threatened (life, health, property, self-determined lifestyle)
 subject matter of the law/product category
 provisions in European secondary legislation

b. In case of dependence on a protected matter: What is the provision intended to protect?

- life and body and/or physical integrity of the consumer
 financial interests of the consumer
 third parties/self-determined life and/or reasonable factor allocation through mature consumer decisions
 with regard to the protection of limb and life and physical integrity of those involved in the production process
 in support of effective environmental and animal protection
 for other social/societal considerations (fair trade/philosophy of life)



c. In case of dependence of a certain degree of exposure of the consumer:

Which degree of certainty is required?

- suspicion that there is a danger/an infringement is sufficient
- reasonable suspicion of a danger/an infringement
- certainty about a danger/an infringement
- a different degree: Failure to provide safety information or marketing information in accordance with an injunction based on PSA or MPA.

6. Nature of the claim

The claim is a

- contractual claim subject to private law
- tort claim subject to private law
- public-law claim
- public-law obligation to release information enforced by penalty.

7. Legal consequences in case of incorrect information

If the information provided by an authority/a company turns out to be incomplete or wrong,

- consumers are entitled to claim for damages against those in duty to inform
- claim depends on fault
- an entrepreneur can be prosecuted for administrative offence/criminal offence under the following conditions
- the business (company) also can be prosecuted

a. Amount of damages

- the damage cannot be determined, so the claim is ineffectual
- is calculated as follows Personal injury, property damage or pure economic loss.
- in case of infringement, moral damage to the amount of ≈ to ≈. €
is assumed
- in case of infringement, punitive damages are estimated at ≈ to ≈. €
Conditions:

b. The mistake is made public as follows

c. Other Sanctions

The mistake/incompleteness of the information is sanctioned as follows:

8. Costs

Costs are caused by the following activities,

- providing existing information
- referring the consumer to another body
- consultation of the business
- publishing the information
 - provision of easily accessible information
 - provision of any information
 - other
- such as
- and

		of which the consumer pays
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9. Other relevant information

In case there is anything else that in your opinion could be relevant in general although it has not specifically been asked for, please mention it below (e.g. claim dependent on fraud or similar).

The provision states that the goods are defective if the consumer is able to show that the failure to provide the information could be expected to have affected the will of the consumer to enter the contract (the lowest degree of proof). There is a theoretical possibility for the seller to avoid liability in showing that the failure was due to an impediment of his/hers control. However, the gravity of the failure must in every case be deemed to be negligent, and therefore not exempt.

The seller is also liable for earlier suppliers' failure to provide such information, if the seller was aware or ought to have been aware of the injunction.



Basis of claim and name of the legal act (original name and translation):
Consumer Credit Act (1992:830) § 8(2)
8 § andra stycket konsumentkreditlagen (1992:830)
Corrected by SFS 2004:312. Amended up to SFS 2008:493

1. Objective of the claim/legal consequence

a. The claim is directed at

- release of existing/available information
- release of existing information or forwarding of the request/the claimant to the competent body
- examination of the facts upon request and release of information
- product warning (authority)/product recall (business).
- publishing (e.g. on the internet) – location:
- none of the above, but aimed at:

b. Extent of the claim

What kind of information may be released according to the provision (e.g. risks to health with or without limit value(s), production process, products, other)?

Other: Consumer credit price information:

- (i) When marketing consumer credits the annual rate of charge is to be informed of.
- (ii) When contracting with a consumer the annual rate of charge is to be informed of.

c. Duration of proceedings

Is there a deadline for releasing the information required/for handling the inquiry? If so, what is the time limit?

No.

2. Parties involved

a. Entitled is/are generally

- anyone (natural and legal persons)
- consumers
- consumer associations
- other specific persons (groups of persons)/authorities: Consumer Ombudsman, affected business or association of businesses or employees

b. Conditions of entitlement

persons have to

- be affected by the information themselves
- have the following interest in the information:
- other conditions: As to (i): No condition.

c. Opponents/those with a duty to inform are

- authorities
- producers/service providers** (please choose the appropriate option)
- functional intermediaries
- other:



3. Legal prerequisites

a. Is there a term of maturity for information?

- No
 Yes, information older than **month must not** be released any longer (*please choose the appropriate options*).

b. Exceptions

Exempt from the right to information are

- industrial secrets, in particular:
 business secrets, in particular:
 information connected to property rights, in particular:
 information available to the following authorities:
 information for the protection of the following public interests:
 other information due to the following reasons:

c. The existence of specialized provisions is

- claimed by the company:
 checked by the following authority:
 checked also by the following independent institution upon request:
 is claimed/checked as follows:
 is determined regularly/in exceptional cases (please strike out if not appropriate) in hearings:

- d. A request is required** yes no

4. Scope of application

Is the claim limited to specific products/services (e.g. food and (animal) fodder according to Regulation (EC) 178/2002)? Please indicate to which products/services the claim is limited.

Consumer credit

5. Purpose of the provision

a. Criteria for the scope of the claim mentioned in 1.a. and 1.b. (multiple answers are permitted)

(the specific scope was selected due to)

- degree of exposure of the consumer
 protected matter that is threatened (life, health, property, self-determined lifestyle)
 subject matter of the law/product category
 provisions in European secondary legislation

b. In case of dependence on a protected matter: What is the provision intended to protect?

- life and body and/or physical integrity of the consumer
 financial interests of the consumer
 third parties/self-determined life and/or reasonable factor allocation through mature consumer decisions
- with regard to the protection of limb and life and physical integrity of those involved in the production process
 - in support of effective environmental and animal protection
 - for other social/societal considerations (fair trade/philosophy of life)



c. In case of dependence of a certain degree of exposure of the consumer:

Which degree of certainty is required?

- suspicion that there is a danger/an infringement is sufficient
- reasonable suspicion of a danger/an infringement
- certainty about a danger/an infringement
- a different degree:

6. Nature of the claim

The claim is a

- contractual claim subject to private law
- tort claim subject to private law
- public-law claim
- public-law obligation to release information enforced by penalty.

7. Legal consequences in case of incorrect information

If the information provided by an authority/a company turns out to be incomplete or wrong,

- consumers are entitled to claim for damages against those in duty to inform
- claim depends on fault
- an entrepreneur can be prosecuted for administrative offence/criminal offence under the following conditions
- the business (company) also can be prosecuted

a. Amount of damages

- the damage cannot be determined, so the claim is ineffectual
- is calculated as follows
- in case of infringement, moral damage to the amount of ≈ to ≈. €
is assumed
- in case of infringement, punitive damages are estimated at ≈ to ≈. €
Conditions:

b. The mistake is made public as follows

c. Other Sanctions

The mistake/incompleteness of the information is sanctioned as follows:

An injunction of release of information should be coupled with a threat of a fixed sum penalty, unless this, as an exception, seems unnecessary.

8. Costs

Costs are caused by the following activities,

- providing existing information
- referring the consumer to another body
- consultation of the business
- publishing the information
 - provision of easily accessible information
 - provision of any information
 - other
 - such as

of which the consumer pays	
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9. Other relevant information

In case there is anything else that in your opinion could be relevant in general although it has not specifically been asked for, please mention it below (e.g. claim dependent on fraud or similar).

The provision states that the relevant information is to be considered material in relation to MFA § 10(3). Material information is to be given upon injunction by either the Market Court or the Consumer Ombudsman after a demand of a consumer, MFA § 24(3)(3).


Basis of claim and name of the legal act (original name and translation):
Consumer Credit Act (1992:830) § 9
9 § konsumentkreditlagen (1992:830)
Corrected by SFS 2004:312. Amended up to SFS 2008:493
1. Objective of the claim/legal consequence
a. The claim is directed at

- release of existing/available information
- release of existing information or forwarding of the request/the claimant to the competent body
- examination of the facts upon request and release of information
- product warning (authority)/product recall (business).
- publishing (e.g. on the internet) – location:
- none of the above, but aimed at:

b. Extent of the claim

What kind of information may be released according to the provision (e.g. risks to health with or without limit value(s), production process, products, other)?

Other: Contract terms.

c. Duration of proceedings

Is there a deadline for releasing the information required/for handling the inquiry? If so, what is the time limit?

No.

2. Parties involved
a. Entitled is/are generally

- anyone (natural and legal persons)
- consumers
- consumer associations
- other specific persons (groups of persons)/authorities:

b. Conditions of entitlement

persons have to

- be affected by the information themselves
- have the following interest in the information:
- other conditions:

c. Opponents/those with a duty to inform are

- authorities
- service providers** (*please choose the appropriate option*)
- functional intermediaries
- other:



3. Legal prerequisites

a. Is there a term of maturity for information?

- No
 Yes, information older than **month must not** be released any longer (*please choose the appropriate options*).

b. Exceptions

Exempt from the right to information are

- industrial secrets, in particular:
 business secrets, in particular:
 information connected to property rights, in particular:
 information available to the following authorities:
 information for the protection of the following public interests:
 other information due to the following reasons:

c. The existence of specialized provisions is

- claimed by the company:
 checked by the following authority:
 checked also by the following independent institution upon request:
 is claimed/checked as follows:
 is determined regularly/in exceptional cases (please strike out if not appropriate) in hearings:

d. A request is required yes no

4. Scope of application

Is the claim limited to specific products/services (e.g. food and (animal) fodder according to Regulation (EC) 178/2002)? Please indicate to which products/services the claim is limited.

Consumer credit

5. Purpose of the provision

a. Criteria for the scope of the claim mentioned in 1.a. and 1.b. (multiple answers are permitted)

(the specific scope was selected due to)

- degree of exposure of the consumer
 protected matter that is threatened (life, health, property, self-determined lifestyle)
 subject matter of the law/product category
 provisions in European secondary legislation

b. In case of dependence on a protected matter: What is the provision intended to protect?

- life and body and/or physical integrity of the consumer
 financial interests of the consumer
 third parties/self-determined life and/or reasonable factor allocation through mature consumer decisions
 with regard to the protection of limb and life and physical integrity of those involved in the production process
 in support of effective environmental and animal protection
 for other social/societal considerations (fair trade/philosophy of life)



c. In case of dependence of a certain degree of exposure of the consumer:

Which degree of certainty is required?

- suspicion that there is a danger/an infringement is sufficient
- reasonable suspicion of a danger/an infringement
- certainty about a danger/an infringement
- a different degree:

6. Nature of the claim

The claim is a

- contractual claim subject to private law
- tort claim subject to private law
- public-law claim
- public-law obligation to release information enforced by penalty.

7. Legal consequences in case of incorrect information

If the information provided by an authority/a company turns out to be incomplete or wrong,

- consumers are entitled to claim for damages against those in duty to inform
- claim depends on fault
- an entrepreneur can be prosecuted for administrative offence/criminal offence under the following conditions
- the business (company) also can be prosecuted

a. Amount of damages

- the damage cannot be determined, so the claim is ineffectual
- is calculated as follows
- in case of infringement, moral damage to the amount of ≈ to ≈. €
is assumed
- in case of infringement, punitive damages are estimated at ≈ to ≈. €
Conditions:

b. The mistake is made public as follows

c. Other Sanctions

The mistake/incompleteness of the information is sanctioned as follows:

Failure to provide written agreement leads to nullity of terms that are more favourable for the business than default rules.

8. Costs

Costs are caused by the following activities,

- providing existing information
- referring the consumer to another body
- consultation of the business
- publishing the information
 - provision of easily accessible information
 - provision of any information
 - other
- such as

<input checked="" type="checkbox"/>	of which the consumer pays	<input type="checkbox"/>
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and

9. Other relevant information

In case there is anything else that in your opinion could be relevant in general although it has not specifically been asked for, please mention it below (e.g. claim dependent on fraud or similar).


Basis of claim and name of the legal act (original name and translation):
Consumer Credit Act (1992:830) § 36
36 § konsumentkreditlagen (1992:830)
Corrected by SFS 2004:312. Amended up to SFS 2008:493
1. Objective of the claim/legal consequence
a. The claim is directed at

- release of existing/available information
- release of existing information or forwarding of the request/the claimant to the competent body
- examination of the facts upon request and release of information
- product warning (authority)/product recall (business).
- publishing (e.g. on the internet) – location:
- none of the above, but aimed at:

b. Extent of the claim

What kind of information may be released according to the provision (e.g. risks to health with or without limit value(s), production process, products, other)?

Other: Debtors' financial protection.

c. Duration of proceedings

Is there a deadline for releasing the information required/for handling the inquiry? If so, what is the time limit?

No.

2. Parties involved
a. Entitled is/are generally

- anyone (natural and legal persons)
- consumers
- consumer associations
- other specific persons (groups of persons)/authorities: Swedish Consumer Agency

b. Conditions of entitlement

persons have to

- be affected by the information themselves
- have the following interest in the information:
- other conditions:

c. Opponents/those with a duty to inform are

- authorities
- service providers** (*please choose the appropriate option*)
- functional intermediaries
- other:



3. Legal prerequisites

a. Is there a term of maturity for information?

- No
 Yes, information older than **month must not** be released any longer (*please choose the appropriate options*).

b. Exceptions

Exempt from the right to information are

- industrial secrets, in particular:
 business secrets, in particular:
 information connected to property rights, in particular:
 information available to the following authorities:
 information for the protection of the following public interests:
 other information due to the following reasons:

c. The existence of specialized provisions is

- claimed by the company:
 checked by the following authority: Swedish Consumer Agency
 checked also by the following independent institution upon request: Administrative court
 is claimed/checked as follows:
 is determined regularly/in exceptional cases (please strike out if not appropriate) in hearings:

- d. A request is required** yes no

4. Scope of application

Is the claim limited to specific products/services (e.g. food and (animal) fodder according to Regulation (EC) 178/2002)? Please indicate to which products/services the claim is limited.

Consumer credit.

5. Purpose of the provision

a. Criteria for the scope of the claim mentioned in 1.a. and 1.b. (multiple answers are permitted)

(the specific scope was selected due to)

- degree of exposure of the consumer
 protected matter that is threatened (life, health, property, self-determined lifestyle)
 subject matter of the law/product category
 provisions in European secondary legislation

b. In case of dependence on a protected matter: What is the provision intended to protect?

- life and body and/or physical integrity of the consumer
 financial interests of the consumer
 third parties/self-determined life and/or reasonable factor allocation through mature consumer decisions
- with regard to the protection of limb and life and physical integrity of those involved in the production process
 - in support of effective environmental and animal protection
 - for other social/societal considerations (fair trade/philosophy of life)



c. In case of dependence of a certain degree of exposure of the consumer:

Which degree of certainty is required?

- suspicion that there is a danger/an infringement is sufficient
- reasonable suspicion of a danger/an infringement
- certainty about a danger/an infringement
- a different degree:

6. Nature of the claim

The claim is a

- contractual claim subject to private law
- tort claim subject to private law
- public-law claim
- public-law obligation to release information enforced by penalty.

7. Legal consequences in case of incorrect information

If the information provided by an authority/a company turns out to be incomplete or wrong,

- consumers are entitled to claim for damages against those in duty to inform
- claim depends on fault
- an entrepreneur can be prosecuted for administrative offence/criminal offence under the following conditions
- the business (company) also can be prosecuted

a. Amount of damages

- the damage cannot be determined, so the claim is ineffectual
- is calculated as follows
- in case of infringement, moral damage to the amount of ≈ to ≈. €
is assumed
- in case of infringement, punitive damages are estimated at ≈ to ≈. €
Conditions:

b. The mistake is made public as follows

c. Other Sanctions

The mistake/incompleteness of the information is sanctioned as follows:

An injunction of release of information may be coupled with a threat of a fixed sum penalty.

8. Costs

Costs are caused by the following activities,

- providing existing information
- referring the consumer to another body
- consultation of the business
- publishing the information
 - provision of easily accessible information
 - provision of any information
 - other
- such as
- and

of which the consumer pays	
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9. Other relevant information

In case there is anything else that in your opinion could be relevant in general although it has not specifically been asked for, please mention it below (e.g. claim dependent on fraud or similar).


Basis of claim and name of the legal act (original name and translation):

Medicine Act (1992:859) § 3 a
3 a § läkemedelslagen (1992:859)
Amended up to SFS 2009:811

1. Objective of the claim/legal consequence
a. The claim is directed at

- release of existing/available information
 release of existing information or forwarding of the request/the claimant to the competent body
 examination of the facts upon request and release of information
 product warning (authority)/product recall (business).
 publishing (e.g. on the internet) – location:
 none of the above, but aimed at:

b. Extent of the claim

What kind of information may be released according to the provision (e.g. risks to health with or without limit value(s), production process, products, other)?

Risks to health.

c. Duration of proceedings

Is there a deadline for releasing the information required/for handling the inquiry? If so, what is the time limit?

No.

2. Parties involved
a. Entitled is/are generally

- anyone (natural and legal persons)
 consumers
 consumer associations
 other specific persons (groups of persons)/authorities: Medical Products Agency.

b. Conditions of entitlement

persons have to

- be affected by the information themselves
 have the following interest in the information: See 2 a.
 other conditions:

c. Opponents/those with a duty to inform are

- authorities
 producers (please choose the appropriate option)
 functional intermediaries
 other:



3. Legal prerequisites

a. Is there a term of maturity for information?

- No
 Yes, information older than **month must not** be released any longer (*please choose the appropriate options*).

b. Exceptions

Exempt from the right to information are

- industrial secrets, in particular:
 business secrets, in particular:
 information connected to property rights, in particular:
 information available to the following authorities:
 information for the protection of the following public interests:
 other information due to the following reasons:

c. The existence of specialized provisions is

- claimed by the company:
 checked by the following authority: Medical Products Agency.
 checked also by the following independent institution upon request: Administrative court.
 is claimed/checked as follows:
 is determined regularly/in exceptional cases (please strike out if not appropriate) in hearings:

- d. A request is required** yes no

4. Scope of application

Is the claim limited to specific products/services (e.g. food and (animal) fodder according to Regulation (EC) 178/2002)? Please indicate to which products/services the claim is limited.

Medical products.

5. Purpose of the provision

a. Criteria for the scope of the claim mentioned in 1.a. and 1.b. (multiple answers are permitted)

(the specific scope was selected due to)

- degree of exposure of the consumer
 protected matter that is threatened (life, health, property, self-determined lifestyle)
 subject matter of the law/product category
 provisions in European secondary legislation

b. In case of dependence on a protected matter: What is the provision intended to protect?

- life and body and/or physical integrity of the consumer
 financial interests of the consumer
 third parties/self-determined life and/or reasonable factor allocation through mature consumer decisions
- with regard to the protection of limb and life and physical integrity of those involved in the production process
 - in support of effective environmental and animal protection
 - for other social/societal considerations (fair trade/philosophy of life)



c. In case of dependence of a certain degree of exposure of the consumer:

Which degree of certainty is required?

- suspicion that there is a danger/an infringement is sufficient
- reasonable suspicion of a danger/an infringement
- certainty about a danger/an infringement
- a different degree:

6. Nature of the claim

The claim is a

- contractual claim subject to private law
- tort claim subject to private law
- public-law claim
- public-law obligation to release information enforced by penalty.

7. Legal consequences in case of incorrect information

If the information provided by an authority/a company turns out to be incomplete or wrong,

- consumers are entitled to claim for damages against those in duty to inform
- claim depends on fault
- an entrepreneur can be prosecuted for administrative offence/criminal offence under the following conditions
- the business (company) also can be prosecuted

a. Amount of damages

- the damage cannot be determined, so the claim is ineffectual
- is calculated as follows
- in case of infringement, moral damage to the amount of ≈ to ≈. €
is assumed
- in case of infringement, punitive damages are estimated at ≈ to ≈. €
Conditions:

b. The mistake is made public as follows

See Annexes ## 36 and 37.

c. Other Sanctions

The mistake/incompleteness of the information is sanctioned as follows:

See Annexes ## 36 and 37.

8. Costs

Costs are caused by the following activities,

- providing existing information
- referring the consumer to another body
- consultation of the business
- publishing the information
 - provision of easily accessible information
 - provision of any information
 - other
- such as
- and

of which the consumer pays	
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9. Other relevant information

In case there is anything else that in your opinion could be relevant in general although it has not specifically been asked for, please mention it below (e.g. claim dependent on fraud or similar).

The provision makes a blank referral to PSA.


Basis of claim and name of the legal act (original name and translation):

Safety of Toys Act (1992:1327) § 7
7 § lagen (1992:1327) om leksakers säkerhet
Amended up to SFS 2004:461.

1. Objective of the claim/legal consequence
a. The claim is directed at

- release of existing/available information
 release of existing information or forwarding of the request/the claimant to the competent body
 examination of the facts upon request and release of information
 product warning (authority)/product recall (business).
 publishing (e.g. on the internet) – location:
 none of the above, but aimed at:

b. Extent of the claim

What kind of information may be released according to the provision (e.g. risks to health with or without limit value(s), production process, products, other)?

Risks to health.

c. Duration of proceedings

Is there a deadline for releasing the information required/for handling the inquiry? If so, what is the time limit?

No.

2. Parties involved
a. Entitled is/are generally

- anyone (natural and legal persons)
 consumers
 consumer associations
 other specific persons (groups of persons)/authorities: Swedish Consumer Agency

b. Conditions of entitlement

persons have to

- be affected by the information themselves
 have the following interest in the information: See 2 a.
 other conditions:

c. Opponents/those with a duty to inform are

- authorities
 producers (please choose the appropriate option)
 functional intermediaries
 other:



3. Legal prerequisites

a. Is there a term of maturity for information?

- No
 Yes, information older than **month must not** be released any longer (*please choose the appropriate options*).

b. Exceptions

Exempt from the right to information are

- industrial secrets, in particular:
 business secrets, in particular:
 information connected to property rights, in particular:
 information available to the following authorities:
 information for the protection of the following public interests:
 other information due to the following reasons:

c. The existence of specialized provisions is

- claimed by the company:
 checked by the following authority: Swedish Consumer Agency.
 checked also by the following independent institution upon request: Administrative Court.
 is claimed/checked as follows:
 is determined regularly/in exceptional cases (please strike out if not appropriate) in hearings:

- d. A request is required** yes no

4. Scope of application

Is the claim limited to specific products/services (e.g. food and (animal) fodder according to Regulation (EC) 178/2002)? Please indicate to which products/services the claim is limited.

Toys.

5. Purpose of the provision

a. Criteria for the scope of the claim mentioned in 1.a. and 1.b. (multiple answers are permitted)

(the specific scope was selected due to)

- degree of exposure of the consumer
 protected matter that is threatened (life, health, property, self-determined lifestyle)
 subject matter of the law/product category
 provisions in European secondary legislation

b. In case of dependence on a protected matter: What is the provision intended to protect?

- life and body and/or physical integrity of the consumer
 financial interests of the consumer
 third parties/self-determined life and/or reasonable factor allocation through mature consumer decisions
- with regard to the protection of limb and life and physical integrity of those involved in the production process
 - in support of effective environmental and animal protection
 - for other social/societal considerations (fair trade/philosophy of life)



c. In case of dependence of a certain degree of exposure of the consumer:

Which degree of certainty is required?

- suspicion that there is a danger/an infringement is sufficient
- reasonable suspicion of a danger/an infringement
- certainty about a danger/an infringement
- a different degree:

6. Nature of the claim

The claim is a

- contractual claim subject to private law
- tort claim subject to private law
- public-law claim
- public-law obligation to release information enforced by penalty.

7. Legal consequences in case of incorrect information

If the information provided by an authority/a company turns out to be incomplete or wrong,

- consumers are entitled to claim for damages against those in duty to inform
- claim depends on fault
- an entrepreneur can be prosecuted for administrative offence/criminal offence under the following conditions
- the business (company) also can be prosecuted

a. Amount of damages

- the damage cannot be determined, so the claim is ineffectual
- is calculated as follows
- in case of infringement, moral damage to the amount of ≈ to ≈. €
is assumed
- in case of infringement, punitive damages are estimated at ≈ to ≈. €
Conditions:

b. The mistake is made public as follows

See Annexes ## 36 and 37.

c. Other Sanctions

The mistake/incompleteness of the information is sanctioned as follows:

See Annexes ## 36 and 37.

8. Costs

Costs are caused by the following activities,

- providing existing information
- referring the consumer to another body
- consultation of the business
- publishing the information
 - provision of easily accessible information
 - provision of any information
 - other
- such as
- and

of which the consumer pays		
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9. Other relevant information

In case there is anything else that in your opinion could be relevant in general although it has not specifically been asked for, please mention it below (e.g. claim dependent on fraud or similar).

The provision makes a blank referral to PSA.



Basis of claim and name of the legal act (original name and translation):
Dangerous Imitations of Foodstuffs Act (1992:1328) § 3
3 § lagen (1992:1328) om farliga livsmedelsimitationer
Amended up to SFS 2004:462.

1. Objective of the claim/legal consequence

a. The claim is directed at

- release of existing/available information
- release of existing information or forwarding of the request/the claimant to the competent body
- examination of the facts upon request and release of information
- product warning (authority)/product recall (business).
- publishing (e.g. on the internet) – location:
- none of the above, but aimed at:

b. Extent of the claim

What kind of information may be released according to the provision (e.g. risks to health with or without limit value(s), production process, products, other)?

Risks to health.

c. Duration of proceedings

Is there a deadline for releasing the information required/for handling the inquiry? If so, what is the time limit?

No.

2. Parties involved

a. Entitled is/are generally

- anyone (natural and legal persons)
- consumers
- consumer associations
- other specific persons (groups of persons)/authorities: Swedish Consumer Agency

b. Conditions of entitlement

persons have to

- be affected by the information themselves
- have the following interest in the information: See 2 a.
- other conditions:

c. Opponents/those with a duty to inform are

- authorities
- producers** (please choose the appropriate option)
- functional intermediaries
- other:



3. Legal prerequisites

a. Is there a term of maturity for information?

- No
 Yes, information older than **month must not** be released any longer (*please choose the appropriate options*).

b. Exceptions

Exempt from the right to information are

- industrial secrets, in particular:
 business secrets, in particular:
 information connected to property rights, in particular:
 information available to the following authorities:
 information for the protection of the following public interests:
 other information due to the following reasons:

c. The existence of specialized provisions is

- claimed by the company:
 checked by the following authority: Swedish Consumer Agency.
 checked also by the following independent institution upon request: Administrative Court.
 is claimed/checked as follows:
 is determined regularly/in exceptional cases (please strike out if not appropriate) in hearings:

- d. A request is required** yes no

4. Scope of application

Is the claim limited to specific products/services (e.g. food and (animal) fodder according to Regulation (EC) 178/2002)? Please indicate to which products/services the claim is limited.

Foodstuff imitations.

5. Purpose of the provision

a. Criteria for the scope of the claim mentioned in 1.a. and 1.b. (multiple answers are permitted)

(the specific scope was selected due to)

- degree of exposure of the consumer
 protected matter that is threatened (life, health, property, self-determined lifestyle)
 subject matter of the law/product category
 provisions in European secondary legislation

b. In case of dependence on a protected matter: What is the provision intended to protect?

- life and body and/or physical integrity of the consumer
 financial interests of the consumer
 third parties/self-determined life and/or reasonable factor allocation through mature consumer decisions
- with regard to the protection of limb and life and physical integrity of those involved in the production process
 - in support of effective environmental and animal protection
 - for other social/societal considerations (fair trade/philosophy of life)

**c. In case of dependence of a certain degree of exposure of the consumer:**

Which degree of certainty is required?

- suspicion that there is a danger/an infringement is sufficient
- reasonable suspicion of a danger/an infringement
- certainty about a danger/an infringement
- a different degree:

6. Nature of the claim

The claim is a

- contractual claim subject to private law
- tort claim subject to private law
- public-law claim
- public-law obligation to release information enforced by penalty.

7. Legal consequences in case of incorrect information

If the information provided by an authority/a company turns out to be incomplete or wrong,

- consumers are entitled to claim for damages against those in duty to inform
- claim depends on fault
- an entrepreneur can be prosecuted for administrative offence/criminal offence under the following conditions
- the business (company) also can be prosecuted

a. Amount of damages

- the damage cannot be determined, so the claim is ineffectual
- is calculated as follows
- in case of infringement, moral damage to the amount of ≈ to ≈. €
is assumed
- in case of infringement, punitive damages are estimated at ≈ to ≈. €
- Conditions:

b. The mistake is made public as follows

See Annexes ## 36 and 37.

c. Other Sanctions

The mistake/incompleteness of the information is sanctioned as follows:

See Annexes ## 36 and 37.

8. Costs

Costs are caused by the following activities,

- providing existing information
- referring the consumer to another body
- consultation of the business
- publishing the information
- provision of easily accessible information
- provision of any information
- other
- such as
- and

of which the consumer pays



9. Other relevant information

In case there is anything else that in your opinion could be relevant in general although it has not specifically been asked for, please mention it below (e.g. claim dependent on fraud or similar).

The provision makes a blank referral to PSA.


Basis of claim and name of the legal act (original name and translation):
Package Travels Act (1992:1672) § 7(3)
7 § tredje stycket lagen (1992:1672) om paketresor
Amended up to SFS 2008:494
1. Objective of the claim/legal consequence
a. The claim is directed at

- release of existing/available information
- release of existing information or forwarding of the request/the claimant to the competent body
- examination of the facts upon request and release of information
- product warning (authority)/product recall (business).
- publishing (e.g. on the internet) – location:
- none of the above, but aimed at:

b. Extent of the claim

What kind of information may be released according to the provision (e.g. risks to health with or without limit value(s), production process, products, other)?

Service contents and other:

(i) Catalogues and brochures shall contain clear and understandable information on price and various important information concerning the travel arrangement.

(ii) Before entering a contract the traveller should be informed of health regulations and, if applicable, passport and visa requirements for EEA-citizens.

c. Duration of proceedings

Is there a deadline for releasing the information required/for handling the inquiry? If so, what is the time limit?

No.

2. Parties involved
a. Entitled is/are generally

- anyone (natural and legal persons)
- consumers
- consumer associations
- other specific persons (groups of persons)/authorities: Consumer Ombudsman, affected business or association of businesses or employees

b. Conditions of entitlement

persons have to

- be affected by the information themselves
- have the following interest in the information:
- other conditions: As to (i): No condition.



c. Opponents/those with a duty to inform are

- authorities
 service providers (*please choose the appropriate option*)
 functional intermediaries
 other: As to (i): Service provider (travel organizer). As to (ii): Service provider and functional intermediary (travel organizer and retailer)

3. Legal prerequisites

a. Is there a term of maturity for information?

- No
 Yes, information older than **month must not** be released any longer (*please choose the appropriate options*).

b. Exceptions

Exempt from the right to information are

- industrial secrets, in particular:
 business secrets, in particular:
 information connected to property rights, in particular:
 information available to the following authorities:
 information for the protection of the following public interests:
 other information due to the following reasons:

c. The existence of specialized provisions is

- claimed by the company:
 checked by the following authority:
 checked also by the following independent institution upon request:
 is claimed/checked as follows:
 is determined regularly/in exceptional cases (please strike out if not appropriate) in hearings:

d. A request is required yes no

4. Scope of application

Is the claim limited to specific products/services (e.g. food and (animal) fodder according to Regulation (EC) 178/2002)? Please indicate to which products/services the claim is limited.

Package travels.

5. Purpose of the provision

a. Criteria for the scope of the claim mentioned in 1.a. and 1.b. (multiple answers are permitted)

(the specific scope was selected due to)

- degree of exposure of the consumer
 protected matter that is threatened (life, health, property, self-determined lifestyle)
 subject matter of the law/product category
 provisions in European secondary legislation



b. In case of dependence on a protected matter: What is the provision intended to protect?

- life and body and/or physical integrity of the consumer
- financial interests of the consumer
- third parties/self-determined life and/or reasonable factor allocation through mature consumer decisions
- with regard to the protection of limb and life and physical integrity of those involved in the production process
- in support of effective environmental and animal protection
- for other social/societal considerations (fair trade/philosophy of life)

c. In case of dependence of a certain degree of exposure of the consumer:

Which degree of certainty is required?

- suspicion that there is a danger/an infringement is sufficient
- reasonable suspicion of a danger/an infringement
- certainty about a danger/an infringement
- a different degree:

6. Nature of the claim

The claim is a

- contractual claim subject to private law
- tort claim subject to private law
- public-law claim
- public-law obligation to release information enforced by penalty.

7. Legal consequences in case of incorrect information

If the information provided by an authority/a company turns out to be incomplete or wrong,

- consumers are entitled to claim for damages against those in duty to inform
- claim depends on fault
- an entrepreneur can be prosecuted for administrative offence/criminal offence under the following conditions
- the business (company) also can be prosecuted

a. Amount of damages

- the damage cannot be determined, so the claim is ineffectual
- is calculated as follows
- in case of infringement, moral damage to the amount of ≈ to ≈. €
is assumed
- in case of infringement, punitive damages are estimated at ≈ to ≈. €
- Conditions:

b. The mistake is made public as follows

c. Other Sanctions

The mistake/incompleteness of the information is sanctioned as follows:

An injunction of release of information should be coupled with a threat of a fixed sum penalty, unless this, as an exception, seems unnecessary.



8. Costs

Costs are caused by the following activities,

providing existing information

referring the consumer to another body

consultation of the business

publishing the information

-provision of easily accessible information

-provision of any information

-other

such as

and

of which the consumer pays

9. Other relevant information

In case there is anything else that in your opinion could be relevant in general although it has not specifically been asked for, please mention it below (e.g. claim dependent on fraud or similar).

The provision states that the relevant information is to be considered material in relation to MFA § 10(3). Material information is to be given upon injunction by either the Market Court or the Consumer Ombudsman after a demand of a consumer, MFA § 24(3)(3).


Basis of claim and name of the legal act (original name and translation):
Medicine Technincal Products Act (1993:584) § 1(2)
1 § andra stycket lagen (1993:584) om medicintekniska produkter
Amended up to SFS 2009:457
1. Objective of the claim/legal consequence
a. The claim is directed at

- release of existing/available information
- release of existing information or forwarding of the request/the claimant to the competent body
- examination of the facts upon request and release of information
- product warning (authority)/product recall (business).
- publishing (e.g. on the internet) – location:
- none of the above, but aimed at:

b. Extent of the claim

What kind of information may be released according to the provision (e.g. risks to health with or without limit value(s), production process, products, other)?

Risks to health.

c. Duration of proceedings

Is there a deadline for releasing the information required/for handling the inquiry? If so, what is the time limit?

No.

2. Parties involved
a. Entitled is/are generally

- anyone (natural and legal persons)
- consumers
- consumer associations
- other specific persons (groups of persons)/authorities: Medical Products Agency.

b. Conditions of entitlement

persons have to

- be affected by the information themselves
- have the following interest in the information: See 2 a.
- other conditions:

c. Opponents/those with a duty to inform are

- authorities
- producers** (please choose the appropriate option)
- functional intermediaries
- other:



3. Legal prerequisites

a. Is there a term of maturity for information?

- No
 Yes, information older than **month must not** be released any longer (*please choose the appropriate options*).

b. Exceptions

Exempt from the right to information are

- industrial secrets, in particular:
 business secrets, in particular:
 information connected to property rights, in particular:
 information available to the following authorities:
 information for the protection of the following public interests:
 other information due to the following reasons:

c. The existence of specialized provisions is

- claimed by the company:
 checked by the following authority: Medical Products Agency.
 checked also by the following independent institution upon request: Administrative court.
 is claimed/checked as follows:
 is determined regularly/in exceptional cases (please strike out if not appropriate) in hearings:

- d. A request is required** yes no

4. Scope of application

Is the claim limited to specific products/services (e.g. food and (animal) fodder according to Regulation (EC) 178/2002)? Please indicate to which products/services the claim is limited.

Medical technical products.

5. Purpose of the provision

a. Criteria for the scope of the claim mentioned in 1.a. and 1.b. (multiple answers are permitted)

(the specific scope was selected due to)

- degree of exposure of the consumer
 protected matter that is threatened (life, health, property, self-determined lifestyle)
 subject matter of the law/product category
 provisions in European secondary legislation

b. In case of dependence on a protected matter: What is the provision intended to protect?

- life and body and/or physical integrity of the consumer
 financial interests of the consumer
 third parties/self-determined life and/or reasonable factor allocation through mature consumer decisions
- with regard to the protection of limb and life and physical integrity of those involved in the production process
 - in support of effective environmental and animal protection
 - for other social/societal considerations (fair trade/philosophy of life)



c. In case of dependence of a certain degree of exposure of the consumer:

Which degree of certainty is required?

- suspicion that there is a danger/an infringement is sufficient
- reasonable suspicion of a danger/an infringement
- certainty about a danger/an infringement
- a different degree:

6. Nature of the claim

The claim is a

- contractual claim subject to private law
- tort claim subject to private law
- public-law claim
- public-law obligation to release information enforced by penalty.

7. Legal consequences in case of incorrect information

If the information provided by an authority/a company turns out to be incomplete or wrong,

- consumers are entitled to claim for damages against those in duty to inform
- claim depends on fault
- an entrepreneur can be prosecuted for administrative offence/criminal offence under the following conditions
- the business (company) also can be prosecuted

a. Amount of damages

- the damage cannot be determined, so the claim is ineffectual
- is calculated as follows
- in case of infringement, moral damage to the amount of ≈ to ≈. €
is assumed
- in case of infringement, punitive damages are estimated at ≈ to ≈. €
Conditions:

b. The mistake is made public as follows

See Annexes ## 36 and 37.

c. Other Sanctions

The mistake/incompleteness of the information is sanctioned as follows:

See Annexes ## 36 and 37.

8. Costs

Costs are caused by the following activities,

- providing existing information
- referring the consumer to another body
- consultation of the business
- publishing the information
 - provision of easily accessible information
 - provision of any information
 - other
- such as
- and

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9. Other relevant information

In case there is anything else that in your opinion could be relevant in general although it has not specifically been asked for, please mention it below (e.g. claim dependent on fraud or similar).

The provision makes a blank referral to PSA.


Basis of claim and name of the legal act (original name and translation):
Consumer Contract Terms Act (1994:1512) § 8
8 § lagen (1994:1512) om avtalsvillkor i konsumentförhållanden
Amended up to SFS 2007:2
1. Objective of the claim/legal consequence
a. The claim is directed at

- release of existing/available information
- release of existing information or forwarding of the request/the claimant to the competent body
- examination of the facts upon request and release of information
- product warning (authority)/product recall (business).
- publishing (e.g. on the internet) – location:
- none of the above, but aimed at:

b. Extent of the claim

What kind of information may be released according to the provision (e.g. risks to health with or without limit value(s), production process, products, other)?

Other: Contract terms.

c. Duration of proceedings

Is there a deadline for releasing the information required/for handling the inquiry? If so, what is the time limit?

No.

2. Parties involved
a. Entitled is/are generally

- anyone (natural and legal persons)
- consumers
- consumer associations
- other specific persons (groups of persons)/authorities: Swedish Consumer Agency

b. Conditions of entitlement

persons have to

- be affected by the information themselves
- have the following interest in the information:
- other conditions:

c. Opponents/those with a duty to inform are

- authorities
- producers/service providers** (please choose the appropriate option)
- functional intermediaries
- other:



3. Legal prerequisites

a. Is there a term of maturity for information?

- No
 Yes, information older than **month must not** be released any longer (*please choose the appropriate options*).

b. Exceptions

Exempt from the right to information are

- industrial secrets, in particular:
 business secrets, in particular:
 information connected to property rights, in particular:
 information available to the following authorities:
 information for the protection of the following public interests:
 other information due to the following reasons:

c. The existence of specialized provisions is

- claimed by the company:
 checked by the following authority: Swedish Consumer Agency
 checked also by the following independent institution upon request: Administrative court
 is claimed/checked as follows:
 is determined regularly/in exceptional cases (please strike out if not appropriate) in hearings:

- d. A request is required** yes no

4. Scope of application

Is the claim limited to specific products/services (e.g. food and (animal) fodder according to Regulation (EC) 178/2002)? Please indicate to which products/services the claim is limited.

Consumer contracts.

5. Purpose of the provision

a. Criteria for the scope of the claim mentioned in 1.a. and 1.b. (multiple answers are permitted)

(the specific scope was selected due to)

- degree of exposure of the consumer
 protected matter that is threatened (life, health, property, self-determined lifestyle)
 subject matter of the law/product category
 provisions in European secondary legislation

b. In case of dependence on a protected matter: What is the provision intended to protect?

- life and body and/or physical integrity of the consumer
 financial interests of the consumer
 third parties/self-determined life and/or reasonable factor allocation through mature consumer decisions
- with regard to the protection of limb and life and physical integrity of those involved in the production process
 - in support of effective environmental and animal protection
 - for other social/societal considerations (fair trade/philosophy of life)



c. In case of dependence of a certain degree of exposure of the consumer:

Which degree of certainty is required?

- suspicion that there is a danger/an infringement is sufficient
- reasonable suspicion of a danger/an infringement
- certainty about a danger/an infringement
- a different degree:

6. Nature of the claim

The claim is a

- contractual claim subject to private law
- tort claim subject to private law
- public-law claim
- public-law obligation to release information enforced by penalty.

7. Legal consequences in case of incorrect information

If the information provided by an authority/a company turns out to be incomplete or wrong,

- consumers are entitled to claim for damages against those in duty to inform
- claim depends on fault
- an entrepreneur can be prosecuted for administrative offence/criminal offence under the following conditions
- the business (company) also can be prosecuted

a. Amount of damages

- the damage cannot be determined, so the claim is ineffectual
- is calculated as follows
- in case of infringement, moral damage to the amount of ≈ to ≈. €
is assumed
- in case of infringement, punitive damages are estimated at ≈ to ≈. €
Conditions:

b. The mistake is made public as follows

c. Other Sanctions

The mistake/incompleteness of the information is sanctioned as follows:

An injunction of release of information may be coupled with a threat of a fixed sum penalty.

8. Costs

Costs are caused by the following activities,

- providing existing information
- referring the consumer to another body
- consultation of the business
- publishing the information
 - provision of easily accessible information
 - provision of any information
 - other
- such as
- and

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9. Other relevant information

In case there is anything else that in your opinion could be relevant in general although it has not specifically been asked for, please mention it below (e.g. claim dependent on fraud or similar).



Basis of claim and name of the legal act (original name and translation):
Money Deposit Guarantee Act (1995:1571) § 11 a(1)
11 a § första stycket lagen (1995:1571) om insättningsgaranti
Amended up to SFS 2009:698

1. Objective of the claim/legal consequence

a. The claim is directed at

- release of existing/available information
- release of existing information or forwarding of the request/the claimant to the competent body
- examination of the facts upon request and release of information
- product warning (authority)/product recall (business).
- publishing (e.g. on the internet) – location:
- none of the above, but aimed at:

b. Extent of the claim

What kind of information may be released according to the provision (e.g. risks to health with or without limit value(s), production process, products, other)?

Service contents:

Financial institutions shall inform depositors and prospective depositors whether the claim is protected by a deposit guarantee or not and certain important information about the guarantee.

c. Duration of proceedings

Is there a deadline for releasing the information required/for handling the inquiry? If so, what is the time limit?

When marketing, contracting and during the course of the relationship.

2. Parties involved

a. Entitled is/are generally

- anyone (natural and legal persons)
- consumers
- consumer associations
- other specific persons (groups of persons)/authorities: Negotiating consumers.

b. Conditions of entitlement

persons have to

- be affected by the information themselves
- have the following interest in the information: Being in contractual or precontractual stage of making a deposit.
- other conditions:

c. Opponents/those with a duty to inform are

- authorities
- service providers** (*please choose the appropriate option*)
- functional intermediaries
- other:



3. Legal prerequisites

a. Is there a term of maturity for information?

- No
 Yes, information older than **month must not** be released any longer (*please choose the appropriate options*).

b. Exceptions

Exempt from the right to information are

- industrial secrets, in particular:
 business secrets, in particular:
 information connected to property rights, in particular:
 information available to the following authorities:
 information for the protection of the following public interests:
 other information due to the following reasons:

c. The existence of specialized provisions is

- claimed by the company:
 checked by the following authority:
 checked also by the following independent institution upon request:
 is claimed/checked as follows:
 is determined regularly/in exceptional cases (please strike out if not appropriate) in hearings:

- d. A request is required** yes no

4. Scope of application

Is the claim limited to specific products/services (e.g. food and (animal) fodder according to Regulation (EC) 178/2002)? Please indicate to which products/services the claim is limited.

Money deposits.

5. Purpose of the provision

a. Criteria for the scope of the claim mentioned in 1.a. and 1.b. (multiple answers are permitted)

(the specific scope was selected due to)

- degree of exposure of the consumer
 protected matter that is threatened (life, health, property, self-determined lifestyle)
 subject matter of the law/product category
 provisions in European secondary legislation

b. In case of dependence on a protected matter: What is the provision intended to protect?

- life and body and/or physical integrity of the consumer
 financial interests of the consumer
 third parties/self-determined life and/or reasonable factor allocation through mature consumer decisions
- with regard to the protection of limb and life and physical integrity of those involved in the production process
 - in support of effective environmental and animal protection
 - for other social/societal considerations (fair trade/philosophy of life)

**c. In case of dependence of a certain degree of exposure of the consumer:**

Which degree of certainty is required?

- suspicion that there is a danger/an infringement is sufficient
- reasonable suspicion of a danger/an infringement
- certainty about a danger/an infringement
- a different degree:

6. Nature of the claim

The claim is a

- contractual claim subject to private law
- tort claim subject to private law
- public-law claim
- public-law obligation to release information enforced by penalty.

7. Legal consequences in case of incorrect information

If the information provided by an authority/a company turns out to be incomplete or wrong,

- consumers are entitled to claim for damages against those in duty to inform
- claim depends on fault
- an entrepreneur can be prosecuted for administrative offence/criminal offence under the following conditions
- the business (company) also can be prosecuted

a. Amount of damages

- the damage cannot be determined, so the claim is ineffectual
- is calculated as follows
- in case of infringement, moral damage to the amount of ≈ to ≈. €
is assumed
- in case of infringement, punitive damages are estimated at ≈ to ≈. €
Conditions:

b. The mistake is made public as follows**c. Other Sanctions**

The mistake/incompleteness of the information is sanctioned as follows:

An injunction of release of information should be coupled with a threat of a fixed sum penalty, unless this, as an exception, seems unnecessary.

8. Costs

Costs are caused by the following activities,

- providing existing information
- referring the consumer to another body
- consultation of the business
- publishing the information
- provision of easily accessible information
- provision of any information
- other
- such as

of which the consumer pays



9. Other relevant information

In case there is anything else that in your opinion could be relevant in general although it has not specifically been asked for, please mention it below (e.g. claim dependent on fraud or similar).

The provision states that the relevant information is to be considered material in relation to MFA § 10(3). Material information is to be given upon injunction by either the Market Court or the Consumer Ombudsman after a demand of a consumer, MFA § 24(3)(3).



Basis of claim and name of the legal act (original name and translation):
Certain Environmental and Safety Requirements on Pleasure Boats (1996:18) § 3
3 § lagen (1996:18) om vissa säkerhets- och miljökrav på fritidsbåtar
Amended up to SFS 2004:4757

1. Objective of the claim/legal consequence

a. The claim is directed at

- release of existing/available information
- release of existing information or forwarding of the request/the claimant to the competent body
- examination of the facts upon request and release of information
- product warning (authority)/product recall (business).
- publishing (e.g. on the internet) – location:
- none of the above, but aimed at:

b. Extent of the claim

What kind of information may be released according to the provision (e.g. risks to health with or without limit value(s), production process, products, other)?

Risks to health.

c. Duration of proceedings

Is there a deadline for releasing the information required/for handling the inquiry? If so, what is the time limit?

No.

2. Parties involved

a. Entitled is/are generally

- anyone (natural and legal persons)
- consumers
- consumer associations
- other specific persons (groups of persons)/authorities: Swedish Transport Agency.

b. Conditions of entitlement

persons have to

- be affected by the information themselves
- have the following interest in the information: See 2 a.
- other conditions:

c. Opponents/those with a duty to inform are

- authorities
- producers** (please choose the appropriate option)
- functional intermediaries
- other:



3. Legal prerequisites

a. Is there a term of maturity for information?

- No
 Yes, information older than **month must not** be released any longer (*please choose the appropriate options*).

b. Exceptions

Exempt from the right to information are

- industrial secrets, in particular:
 business secrets, in particular:
 information connected to property rights, in particular:
 information available to the following authorities:
 information for the protection of the following public interests:
 other information due to the following reasons:

c. The existence of specialized provisions is

- claimed by the company:
 checked by the following authority: Swedish Transport Agency.
 checked also by the following independent institution upon request: Administrative court.
 is claimed/checked as follows:
 is determined regularly/in exceptional cases (please strike out if not appropriate) in hearings:

d. A request is required yes no

4. Scope of application

Is the claim limited to specific products/services (e.g. food and (animal) fodder according to Regulation (EC) 178/2002)? Please indicate to which products/services the claim is limited.

Pleasure boats.

5. Purpose of the provision

a. Criteria for the scope of the claim mentioned in 1.a. and 1.b. (multiple answers are permitted)

(the specific scope was selected due to)

- degree of exposure of the consumer
 protected matter that is threatened (life, health, property, self-determined lifestyle)
 subject matter of the law/product category
 provisions in European secondary legislation

b. In case of dependence on a protected matter: What is the provision intended to protect?

- life and body and/or physical integrity of the consumer
 financial interests of the consumer
 third parties/self-determined life and/or reasonable factor allocation through mature consumer decisions
- with regard to the protection of limb and life and physical integrity of those involved in the production process
 - in support of effective environmental and animal protection
 - for other social/societal considerations (fair trade/philosophy of life)



c. In case of dependence of a certain degree of exposure of the consumer:

Which degree of certainty is required?

- suspicion that there is a danger/an infringement is sufficient
- reasonable suspicion of a danger/an infringement
- certainty about a danger/an infringement
- a different degree:

6. Nature of the claim

The claim is a

- contractual claim subject to private law
- tort claim subject to private law
- public-law claim
- public-law obligation to release information enforced by penalty.

7. Legal consequences in case of incorrect information

If the information provided by an authority/a company turns out to be incomplete or wrong,

- consumers are entitled to claim for damages against those in duty to inform
- claim depends on fault
- an entrepreneur can be prosecuted for administrative offence/criminal offence under the following conditions
- the business (company) also can be prosecuted

a. Amount of damages

- the damage cannot be determined, so the claim is ineffectual
- is calculated as follows
- in case of infringement, moral damage to the amount of ≈ to ≈. €
is assumed
- in case of infringement, punitive damages are estimated at ≈ to ≈. €
Conditions:

b. The mistake is made public as follows

See Annexes ## 36 and 37.

c. Other Sanctions

The mistake/incompleteness of the information is sanctioned as follows:

See Annexes ## 36 and 37.

8. Costs

Costs are caused by the following activities,

- providing existing information
- referring the consumer to another body
- consultation of the business
- publishing the information
 - provision of easily accessible information
 - provision of any information
 - other
- such as
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9. Other relevant information

In case there is anything else that in your opinion could be relevant in general although it has not specifically been asked for, please mention it below (e.g. claim dependent on fraud or similar).

The provision makes a blank referral to PSA.



Basis of claim and name of the legal act (original name and translation):
Duty of Reporting Certain Financial Business Activity Act (1996:1006) § 6
6 § lagen (1996:1006) om anmälningsplikt avseende viss finansiell verksamhet
Amended up to SFS 2009:709

1. Objective of the claim/legal consequence

a. The claim is directed at

- release of existing/available information
- release of existing information or forwarding of the request/the claimant to the competent body
- examination of the facts upon request and release of information
- product warning (authority)/product recall (business).
- publishing (e.g. on the internet) – location:
- none of the above, but aimed at:

b. Extent of the claim

What kind of information may be released according to the provision (e.g. risks to health with or without limit value(s), production process, products, other)?

Service contents:

A natural or legal person engaged in currency exchange must clearly inform of current rates and charges as well as providing contract notes indicating the person's name, bid and ask prices, and fees.

c. Duration of proceedings

Is there a deadline for releasing the information required/for handling the inquiry? If so, what is the time limit?

No.

2. Parties involved

a. Entitled is/are generally

- anyone (natural and legal persons)
- consumers
- consumer associations
- other specific persons (groups of persons)/authorities: Consumer Ombudsman, affected business or association of businesses or employees.

b. Conditions of entitlement

persons have to

- be affected by the information themselves
- have the following interest in the information:
- other conditions:

**c. Opponents/those with a duty to inform are**

- authorities
 service providers (*please choose the appropriate option*)
 functional intermediaries
 other:

3. Legal prerequisites**a. Is there a term of maturity for information?**

- No
 Yes, information older than **month must not** be released any longer (*please choose the appropriate options*).

b. Exceptions

Exempt from the right to information are

- industrial secrets, in particular:
 business secrets, in particular:
 information connected to property rights, in particular:
 information available to the following authorities:
 information for the protection of the following public interests:
 other information due to the following reasons:

c. The existence of specialized provisions is

- claimed by the company:
 checked by the following authority:
 checked also by the following independent institution upon request:
 is claimed/checked as follows:
 is determined regularly/in exceptional cases (please strike out if not appropriate) in hearings:

d. A request is required yes no

4. Scope of application

Is the claim limited to specific products/services (e.g. food and (animal) fodder according to Regulation (EC) 178/2002)? Please indicate to which products/services the claim is limited.

Currency exchange.

5. Purpose of the provision**a. Criteria for the scope of the claim mentioned in 1.a. and 1.b. (multiple answers are permitted)**

(the specific scope was selected due to)

- degree of exposure of the consumer
 protected matter that is threatened (life, health, property, self-determined lifestyle)
 subject matter of the law/product category
 provisions in European secondary legislation



b. In case of dependence on a protected matter: What is the provision intended to protect?

- life and body and/or physical integrity of the consumer
- financial interests of the consumer
- third parties/self-determined life and/or reasonable factor allocation through mature consumer decisions
- with regard to the protection of limb and life and physical integrity of those involved in the production process
- in support of effective environmental and animal protection
- for other social/societal considerations (fair trade/philosophy of life)

c. In case of dependence of a certain degree of exposure of the consumer:

Which degree of certainty is required?

- suspicion that there is a danger/an infringement is sufficient
- reasonable suspicion of a danger/an infringement
- certainty about a danger/an infringement
- a different degree:

6. Nature of the claim

The claim is a

- contractual claim subject to private law
- tort claim subject to private law
- public-law claim
- public-law obligation to release information enforced by penalty.

7. Legal consequences in case of incorrect information

If the information provided by an authority/a company turns out to be incomplete or wrong,

- consumers are entitled to claim for damages against those in duty to inform
- claim depends on fault
- an entrepreneur can be prosecuted for administrative offence/criminal offence under the following conditions
- the business (company) also can be prosecuted

a. Amount of damages

- the damage cannot be determined, so the claim is ineffectual
- is calculated as follows
- in case of infringement, moral damage to the amount of ≈ to ≈. €
is assumed
- in case of infringement, punitive damages are estimated at ≈ to ≈. €
- Conditions:

b. The mistake is made public as follows

c. Other Sanctions

The mistake/incompleteness of the information is sanctioned as follows:

An injunction of release of information should be coupled with a threat of a fixed sum penalty, unless this, as an exception, seems unnecessary.



8. Costs

Costs are caused by the following activities,

providing existing information

referring the consumer to another body

consultation of the business

publishing the information

-provision of easily accessible information

-provision of any information

-other

such as

and

of which the consumer pays

9. Other relevant information

In case there is anything else that in your opinion could be relevant in general although it has not specifically been asked for, please mention it below (e.g. claim dependent on fraud or similar).

The provision states that the relevant information is to be considered material in relation to MFA § 10(3). Material information is to be given upon injunction by either the Market Court or the Consumer Ombudsman after a demand of a consumer, MFA § 24(3)(3).



Basis of claim and name of the legal act (original name and translation):
Consumer Protection in Time Share Contracts Act (1997:218) § 6
6 § lagen (1997:218) om konsumentskydd vid avtal om tidsdelat boende
Amended up to SFS 2008:501

1. Objective of the claim/legal consequence

a. The claim is directed at

- release of existing/available information
- release of existing information or forwarding of the request/the claimant to the competent body
- examination of the facts upon request and release of information
- product warning (authority)/product recall (business).
- publishing (e.g. on the internet) – location:
- none of the above, but aimed at:

b. Extent of the claim

What kind of information may be released according to the provision (e.g. risks to health with or without limit value(s), production process, products, other)?

Products and legal rights:

The business shall give information in writing as to certain facts about the time share apartment and the consumer's legal rights relating to the contract.

c. Duration of proceedings

Is there a deadline for releasing the information required/for handling the inquiry? If so, what is the time limit?

No.

2. Parties involved

a. Entitled is/are generally

- anyone (natural and legal persons)
- consumers
- consumer associations
- other specific persons (groups of persons)/authorities: Consumer Ombudsman, affected business or association of businesses or employees.

b. Conditions of entitlement

persons have to

- be affected by the information themselves
- have the following interest in the information:
- other conditions:

c. Opponents/those with a duty to inform are

- authorities
- producers** (*please choose the appropriate option*)
- functional intermediaries
- other:



3. Legal prerequisites

a. Is there a term of maturity for information?

- No
 Yes, information older than **month must not** be released any longer (*please choose the appropriate options*).

b. Exceptions

Exempt from the right to information are

- industrial secrets, in particular:
 business secrets, in particular:
 information connected to property rights, in particular:
 information available to the following authorities:
 information for the protection of the following public interests:
 other information due to the following reasons:

c. The existence of specialized provisions is

- claimed by the company:
 checked by the following authority:
 checked also by the following independent institution upon request:
 is claimed/checked as follows:
 is determined regularly/in exceptional cases (please strike out if not appropriate) in hearings:

- d. A request is required** yes no

4. Scope of application

Is the claim limited to specific products/services (e.g. food and (animal) fodder according to Regulation (EC) 178/2002)? Please indicate to which products/services the claim is limited.

Time share apartments.

5. Purpose of the provision

a. Criteria for the scope of the claim mentioned in 1.a. and 1.b. (multiple answers are permitted)

(the specific scope was selected due to)

- degree of exposure of the consumer
 protected matter that is threatened (life, health, property, self-determined lifestyle)
 subject matter of the law/product category
 provisions in European secondary legislation

b. In case of dependence on a protected matter: What is the provision intended to protect?

- life and body and/or physical integrity of the consumer
 financial interests of the consumer
 third parties/self-determined life and/or reasonable factor allocation through mature consumer decisions
 - with regard to the protection of limb and life and physical integrity of those involved in the production process
 - in support of effective environmental and animal protection
 - for other social/societal considerations (fair trade/philosophy of life)



c. In case of dependence of a certain degree of exposure of the consumer:

Which degree of certainty is required?

- suspicion that there is a danger/an infringement is sufficient
- reasonable suspicion of a danger/an infringement
- certainty about a danger/an infringement
- a different degree:

6. Nature of the claim

The claim is a

- contractual claim subject to private law
- tort claim subject to private law
- public-law claim
- public-law obligation to release information enforced by penalty.

7. Legal consequences in case of incorrect information

If the information provided by an authority/a company turns out to be incomplete or wrong,

- consumers are entitled to claim for damages against those in duty to inform
- claim depends on fault
- an entrepreneur can be prosecuted for administrative offence/criminal offence under the following conditions
- the business (company) also can be prosecuted

a. Amount of damages

- the damage cannot be determined, so the claim is ineffectual
- is calculated as follows
- in case of infringement, moral damage to the amount of ≈ to ≈. €
is assumed
- in case of infringement, punitive damages are estimated at ≈ to ≈. €
Conditions:

b. The mistake is made public as follows

c. Other Sanctions

The mistake/incompleteness of the information is sanctioned as follows:

An injunction of release of information should be coupled with a threat of a fixed sum penalty, unless this, as an exception, seems unnecessary.

8. Costs

Costs are caused by the following activities,

- providing existing information
- referring the consumer to another body
- consultation of the business
- publishing the information
 - provision of easily accessible information
 - provision of any information
 - other
 - such as

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9. Other relevant information

In case there is anything else that in your opinion could be relevant in general although it has not specifically been asked for, please mention it below (e.g. claim dependent on fraud or similar).

The provision states that the relevant information is to be considered material in relation to MFA § 10(3). Material information is to be given upon injunction by either the Market Court or the Consumer Ombudsman after a demand of a consumer, MFA § 24(3)(3).



Basis of claim and name of the legal act (original name and translation):
Consumer Protection in Time Share Contracts Act (1997:218) § 20
20 § lagen (1997:218) om konsumentskydd vid avtal om tidsdelat boende
Amended up to SFS 2008:501

1. Objective of the claim/legal consequence

a. The claim is directed at

- release of existing/available information
 release of existing information or forwarding of the request/the claimant to the competent body
 examination of the facts upon request and release of information
 product warning (authority)/product recall (business).
 publishing (e.g. on the internet) – location:
 none of the above, but aimed at:

b. Extent of the claim

What kind of information may be released according to the provision (e.g. risks to health with or without limit value(s), production process, products, other)?

Other: Share owners' financial protection.

c. Duration of proceedings

Is there a deadline for releasing the information required/for handling the inquiry? If so, what is the time limit?

No.

2. Parties involved

a. Entitled is/are generally

- anyone (natural and legal persons)
 consumers
 consumer associations
 other specific persons (groups of persons)/authorities: Swedish Consumer Agency

b. Conditions of entitlement

persons have to

- be affected by the information themselves
 have the following interest in the information:
 other conditions:

c. Opponents/those with a duty to inform are

- authorities
 service providers (please choose the appropriate option)
 functional intermediaries
 other:



3. Legal prerequisites

a. Is there a term of maturity for information?

- No
 Yes, information older than **month must not** be released any longer (*please choose the appropriate options*).

b. Exceptions

Exempt from the right to information are

- industrial secrets, in particular:
 business secrets, in particular:
 information connected to property rights, in particular:
 information available to the following authorities:
 information for the protection of the following public interests:
 other information due to the following reasons:

c. The existence of specialized provisions is

- claimed by the company:
 checked by the following authority: Swedish Consumer Agency
 checked also by the following independent institution upon request: Administrative court
 is claimed/checked as follows:
 is determined regularly/in exceptional cases (please strike out if not appropriate) in hearings:

- d. A request is required** yes no

4. Scope of application

Is the claim limited to specific products/services (e.g. food and (animal) fodder according to Regulation (EC) 178/2002)? Please indicate to which products/services the claim is limited.

Time share contracts.

5. Purpose of the provision

a. Criteria for the scope of the claim mentioned in 1.a. and 1.b. (multiple answers are permitted)

(the specific scope was selected due to)

- degree of exposure of the consumer
 protected matter that is threatened (life, health, property, self-determined lifestyle)
 subject matter of the law/product category
 provisions in European secondary legislation

b. In case of dependence on a protected matter: What is the provision intended to protect?

- life and body and/or physical integrity of the consumer
 financial interests of the consumer
 third parties/self-determined life and/or reasonable factor allocation through mature consumer decisions
- with regard to the protection of limb and life and physical integrity of those involved in the production process
 - in support of effective environmental and animal protection
 - for other social/societal considerations (fair trade/philosophy of life)

**c. In case of dependence of a certain degree of exposure of the consumer:**

Which degree of certainty is required?

- suspicion that there is a danger/an infringement is sufficient
- reasonable suspicion of a danger/an infringement
- certainty about a danger/an infringement
- a different degree:

6. Nature of the claim

The claim is a

- contractual claim subject to private law
- tort claim subject to private law
- public-law claim
- public-law obligation to release information enforced by penalty.

7. Legal consequences in case of incorrect information

If the information provided by an authority/a company turns out to be incomplete or wrong,

- consumers are entitled to claim for damages against those in duty to inform
- claim depends on fault
- an entrepreneur can be prosecuted for administrative offence/criminal offence under the following conditions
- the business (company) also can be prosecuted

a. Amount of damages

- the damage cannot be determined, so the claim is ineffectual
- is calculated as follows
- in case of infringement, moral damage to the amount of ≈ to ≈. €
is assumed
- in case of infringement, punitive damages are estimated at ≈ to ≈. €
Conditions:

b. The mistake is made public as follows

--

c. Other Sanctions

The mistake/incompleteness of the information is sanctioned as follows:

An injunction of release of information may be coupled with a threat of a fixed sum penalty.
--

8. Costs

Costs are caused by the following activities,

- providing existing information
- referring the consumer to another body
- consultation of the business
- publishing the information
- provision of easily accessible information
- provision of any information
- other
- such as

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of which the consumer pays

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9. Other relevant information

In case there is anything else that in your opinion could be relevant in general although it has not specifically been asked for, please mention it below (e.g. claim dependent on fraud or similar).



Basis of claim and name of the legal act (original name and translation):
Measures Against Noise and Pollution from Mobile Machines Act (1998:1707)
§ 2(2)
2 § andra stycket lagen (1998:1707) om åtgärder mot buller och avgaser från mobila maskiner
Amended up to SFS 2004:1080

1. Objective of the claim/legal consequence

a. The claim is directed at

- release of existing/available information
- release of existing information or forwarding of the request/the claimant to the competent body
- examination of the facts upon request and release of information
- product warning (authority)/product recall (business).
- publishing (e.g. on the internet) – location:
- none of the above, but aimed at:

b. Extent of the claim

What kind of information may be released according to the provision (e.g. risks to health with or without limit value(s), production process, products, other)?

Risks to health and environment.

c. Duration of proceedings

Is there a deadline for releasing the information required/for handling the inquiry? If so, what is the time limit?

No.

2. Parties involved

a. Entitled is/are generally

- anyone (natural and legal persons)
- consumers
- consumer associations
- other specific persons (groups of persons)/authorities: Swedish Work Environment Authority and Swedish Environmental Protection Agency, see 9 below.

b. Conditions of entitlement

persons have to

- be affected by the information themselves
- have the following interest in the information: See 2 a.
- other conditions:

c. Opponents/those with a duty to inform are

- authorities
- producers/service providers** (please choose the appropriate option)
- functional intermediaries
- other: users



3. Legal prerequisites

a. Is there a term of maturity for information?

- No
 Yes, information older than **month must not** be released any longer (*please choose the appropriate options*).

b. Exceptions

Exempt from the right to information are

- industrial secrets, in particular:
 business secrets, in particular:
 information connected to property rights, in particular:
 information available to the following authorities:
 information for the protection of the following public interests:
 other information due to the following reasons:

c. The existence of specialized provisions is

- claimed by the company:
 checked by the following authority: See 2 a.
 checked also by the following independent institution upon request: Administrative court.
 is claimed/checked as follows:
 is determined regularly/in exceptional cases (please strike out if not appropriate) in hearings:

- d. A request is required** yes no

4. Scope of application

Is the claim limited to specific products/services (e.g. food and (animal) fodder according to Regulation (EC) 178/2002)? Please indicate to which products/services the claim is limited.

Mobile machines.

5. Purpose of the provision

a. Criteria for the scope of the claim mentioned in 1.a. and 1.b. (multiple answers are permitted)

(the specific scope was selected due to)

- degree of exposure of the consumer
 protected matter that is threatened (life, health, property, self-determined lifestyle)
 subject matter of the law/product category
 provisions in European secondary legislation

b. In case of dependence on a protected matter: What is the provision intended to protect?

- life and body and/or physical integrity of the consumer
 financial interests of the consumer
 third parties/self-determined life and/or reasonable factor allocation through mature consumer decisions
- with regard to the protection of limb and life and physical integrity of those involved in the production process
 - in support of effective environmental and animal protection
 - for other social/societal considerations (fair trade/philosophy of life)

**c. In case of dependence of a certain degree of exposure of the consumer:**

Which degree of certainty is required?

- suspicion that there is a danger/an infringement is sufficient
- reasonable suspicion of a danger/an infringement
- certainty about a danger/an infringement
- a different degree:

6. Nature of the claim

The claim is a

- contractual claim subject to private law
- tort claim subject to private law
- public-law claim
- public-law obligation to release information enforced by penalty.

7. Legal consequences in case of incorrect information

If the information provided by an authority/a company turns out to be incomplete or wrong,

- consumers are entitled to claim for damages against those in duty to inform
- claim depends on fault
- an entrepreneur can be prosecuted for administrative offence/criminal offence under the following conditions
- the business (company) also can be prosecuted

a. Amount of damages

- the damage cannot be determined, so the claim is ineffectual
- is calculated as follows
- in case of infringement, moral damage to the amount of ≈ to ≈. €
is assumed
- in case of infringement, punitive damages are estimated at ≈ to ≈. €
Conditions:

b. The mistake is made public as follows

See Annexes ## 36 and 37.

c. Other Sanctions

The mistake/incompleteness of the information is sanctioned as follows:

See Annexes ## 36 and 37.

8. Costs

Costs are caused by the following activities,

providing existing information

referring the consumer to another body

consultation of the business

publishing the information

-provision of easily accessible information

-provision of any information

-other

such as

and

of which the consumer pays



9. Other relevant information

In case there is anything else that in your opinion could be relevant in general although it has not specifically been asked for, please mention it below (e.g. claim dependent on fraud or similar).

The provision makes a blank referral to PSA. Which authority has supervisory responsibility depends on the object of supervision.


Basis of claim and name of the legal act (original name and translation):

Investor Protection Act (1999:158) § 20(2)
20 § andra stycket lagen (1999:158) om investerarskydd
Amended up to SFS 2008:502

1. Objective of the claim/legal consequence
a. The claim is directed at

- release of existing/available information
 release of existing information or forwarding of the request/the claimant to the competent body
 examination of the facts upon request and release of information
 product warning (authority)/product recall (business).
 publishing (e.g. on the internet) – location:
 none of the above, but aimed at:

b. Extent of the claim

What kind of information may be released according to the provision (e.g. risks to health with or without limit value(s), production process, products, other)?

Products and legal rights:

Banks and other payment transferring businesses and shall give information in writing or in electronical form as to certain facts about crossborder payment transfers and the terms, and the consumer's legal rights relating to a transfer.

c. Duration of proceedings

Is there a deadline for releasing the information required/for handling the inquiry? If so, what is the time limit?

No.

2. Parties involved
a. Entitled is/are generally

- anyone (natural and legal persons)
 consumers
 consumer associations
 other specific persons (groups of persons)/authorities: Consumer Ombudsman, affected business or association of businesses or employees

b. Conditions of entitlement

persons have to

- be affected by the information themselves
 have the following interest in the information:
 other conditions:

**c. Opponents/those with a duty to inform are**

- authorities
- service providers** (*please choose the appropriate option*)
- functional intermediaries
- other:

3. Legal prerequisites**a. Is there a term of maturity for information?**

- No
- Yes, information older than **month must not** be released any longer (*please choose the appropriate options*).

b. Exceptions

Exempt from the right to information are

- industrial secrets, in particular:
- business secrets, in particular:
- information connected to property rights, in particular:
- information available to the following authorities:
- information for the protection of the following public interests:
- other information due to the following reasons:

c. The existence of specialized provisions is

- claimed by the company:
- checked by the following authority:
- checked also by the following independent institution upon request:
- is claimed/checked as follows:
- is determined regularly/in exceptional cases (please strike out if not appropriate) in hearings:

d. A request is required yes no

4. Scope of application

Is the claim limited to specific products/services (e.g. food and (animal) fodder according to Regulation (EC) 178/2002)? Please indicate to which products/services the claim is limited.

Cross border payment orders.

5. Purpose of the provision**a. Criteria for the scope of the claim mentioned in 1.a. and 1.b. (multiple answers are permitted)**

(the specific scope was selected due to)

- degree of exposure of the consumer
- protected matter that is threatened (life, health, property, self-determined lifestyle)
- subject matter of the law/product category
- provisions in European secondary legislation



b. In case of dependence on a protected matter: What is the provision intended to protect?

- life and body and/or physical integrity of the consumer
- financial interests of the consumer
- third parties/self-determined life and/or reasonable factor allocation through mature consumer decisions
- with regard to the protection of limb and life and physical integrity of those involved in the production process
- in support of effective environmental and animal protection
- for other social/societal considerations (fair trade/philosophy of life)

c. In case of dependence of a certain degree of exposure of the consumer:

Which degree of certainty is required?

- suspicion that there is a danger/an infringement is sufficient
- reasonable suspicion of a danger/an infringement
- certainty about a danger/an infringement
- a different degree:

6. Nature of the claim

The claim is a

- contractual claim subject to private law
- tort claim subject to private law
- public-law claim
- public-law obligation to release information enforced by penalty.

7. Legal consequences in case of incorrect information

If the information provided by an authority/a company turns out to be incomplete or wrong,

- consumers are entitled to claim for damages against those in duty to inform
- claim depends on fault
- an entrepreneur can be prosecuted for administrative offence/criminal offence under the following conditions
- the business (company) also can be prosecuted

a. Amount of damages

- the damage cannot be determined, so the claim is ineffectual
- is calculated as follows
- in case of infringement, moral damage to the amount of ≈ to ≈. €
is assumed
- in case of infringement, punitive damages are estimated at ≈ to ≈. €
- Conditions:

b. The mistake is made public as follows

c. Other Sanctions

The mistake/incompleteness of the information is sanctioned as follows:

An injunction of release of information should be coupled with a threat of a fixed sum penalty, unless this, as an exception, seems unnecessary.



8. Costs

Costs are caused by the following activities,

providing existing information

referring the consumer to another body

consultation of the business

publishing the information

-provision of easily accessible information

-provision of any information

-other

such as

and

of which the consumer pays

9. Other relevant information

In case there is anything else that in your opinion could be relevant in general although it has not specifically been asked for, please mention it below (e.g. claim dependent on fraud or similar).

The provision states that the relevant information is to be considered material in relation to MFA § 10(3). Material information is to be given upon injunction by either the Market Court or the Consumer Ombudsman after a demand of a consumer, MFA § 24(3)(3).



Basis of claim and name of the legal act (original name and translation):
Payment Transfers within the European Economic Area Act (1999:268) § 5
5 § lagen (1999:268) om betalningsöverföringar inom Europeiska ekonomiska
samarbetsområdet
Amended up to SFS 2009:69

1. Objective of the claim/legal consequence

a. The claim is directed at

- release of existing/available information
- release of existing information or forwarding of the request/the claimant to the competent body
- examination of the facts upon request and release of information
- product warning (authority)/product recall (business).
- publishing (e.g. on the internet) – location:
- none of the above, but aimed at:

b. Extent of the claim

What kind of information may be released according to the provision (e.g. risks to health with or without limit value(s), production process, products, other)?

Products and legal rights:

Banks and other payment transferring businesses and shall give information in writing or in electronical form as to certain facts about crossborder payment transfers and the terms, and the consumer's legal rights relating to a transfer.

c. Duration of proceedings

Is there a deadline for releasing the information required/for handling the inquiry? If so, what is the time limit?

No.

2. Parties involved

a. Entitled is/are generally

- anyone (natural and legal persons)
- consumers
- consumer associations
- other specific persons (groups of persons)/authorities: Consumer Ombudsman, affected business or association of businesses or employees

b. Conditions of entitlement

persons have to

- be affected by the information themselves
- have the following interest in the information:
- other conditions:

**c. Opponents/those with a duty to inform are**

- authorities
- service providers** (*please choose the appropriate option*)
- functional intermediaries
- other:

3. Legal prerequisites**a. Is there a term of maturity for information?**

- No
- Yes, information older than **month must not** be released any longer (*please choose the appropriate options*).

b. Exceptions

Exempt from the right to information are

- industrial secrets, in particular:
- business secrets, in particular:
- information connected to property rights, in particular:
- information available to the following authorities:
- information for the protection of the following public interests:
- other information due to the following reasons:

c. The existence of specialized provisions is

- claimed by the company:
- checked by the following authority:
- checked also by the following independent institution upon request:
- is claimed/checked as follows:
- is determined regularly/in exceptional cases (please strike out if not appropriate) in hearings:

d. A request is required yes no

4. Scope of application

Is the claim limited to specific products/services (e.g. food and (animal) fodder according to Regulation (EC) 178/2002)? Please indicate to which products/services the claim is limited.

Cross border payment orders.

5. Purpose of the provision**a. Criteria for the scope of the claim mentioned in 1.a. and 1.b. (multiple answers are permitted)**

(the specific scope was selected due to)

- degree of exposure of the consumer
- protected matter that is threatened (life, health, property, self-determined lifestyle)
- subject matter of the law/product category
- provisions in European secondary legislation



b. In case of dependence on a protected matter: What is the provision intended to protect?

- life and body and/or physical integrity of the consumer
- financial interests of the consumer
- third parties/self-determined life and/or reasonable factor allocation through mature consumer decisions
- with regard to the protection of limb and life and physical integrity of those involved in the production process
- in support of effective environmental and animal protection
- for other social/societal considerations (fair trade/philosophy of life)

c. In case of dependence of a certain degree of exposure of the consumer:

Which degree of certainty is required?

- suspicion that there is a danger/an infringement is sufficient
- reasonable suspicion of a danger/an infringement
- certainty about a danger/an infringement
- a different degree:

6. Nature of the claim

The claim is a

- contractual claim subject to private law
- tort claim subject to private law
- public-law claim
- public-law obligation to release information enforced by penalty.

7. Legal consequences in case of incorrect information

If the information provided by an authority/a company turns out to be incomplete or wrong,

- consumers are entitled to claim for damages against those in duty to inform
- claim depends on fault
- an entrepreneur can be prosecuted for administrative offence/criminal offence under the following conditions
- the business (company) also can be prosecuted

a. Amount of damages

- the damage cannot be determined, so the claim is ineffectual
- is calculated as follows
- in case of infringement, moral damage to the amount of ≈ to ≈. €
is assumed
- in case of infringement, punitive damages are estimated at ≈ to ≈. €

Conditions:

b. The mistake is made public as follows

c. Other Sanctions

The mistake/incompleteness of the information is sanctioned as follows:

An injunction of release of information should be coupled with a threat of a fixed sum penalty, unless this, as an exception, seems unnecessary.



8. Costs

Costs are caused by the following activities,

providing existing information

referring the consumer to another body

consultation of the business

publishing the information

-provision of easily accessible information

-provision of any information

-other

such as

and

of which the consumer pays

9. Other relevant information

In case there is anything else that in your opinion could be relevant in general although it has not specifically been asked for, please mention it below (e.g. claim dependent on fraud or similar).

The provision states that the relevant information is to be considered material in relation to MFA § 10(3). Material information is to be given upon injunction by either the Market Court or the Consumer Ombudsman after a demand of a consumer, MFA § 24(3)(3).



Basis of claim and name of the legal act (original name and translation):
Electronic Trade and Other Services of the Information Society Act (2002:562)
§ 15
15 § lagen (2002:562) om elektronisk handel och andra informationssamhällets tjänster
Amended up to SFS 2009:359

1. Objective of the claim/legal consequence

a. The claim is directed at

- release of existing/available information
 release of existing information or forwarding of the request/the claimant to the competent body
 examination of the facts upon request and release of information
 product warning (authority)/product recall (business).
 publishing (e.g. on the internet) – location:
 none of the above, but aimed at:

b. Extent of the claim

What kind of information may be released according to the provision (e.g. risks to health with or without limit value(s), production process, products, other)?

Products and legal rights:

A service provider shall give information about its identity etc., prices, additional service taxes, the preservation of documents, the businesses ethical standards etc., the reception of orders, and the terms.

c. Duration of proceedings

Is there a deadline for releasing the information required/for handling the inquiry? If so, what is the time limit?

No.

2. Parties involved

a. Entitled is/are generally

- anyone (natural and legal persons)
 consumers
 consumer associations
 other specific persons (groups of persons)/authorities: Consumer Ombudsman, affected business or association of businesses or employees

b. Conditions of entitlement

persons have to

- be affected by the information themselves
 have the following interest in the information:
 other conditions:

**c. Opponents/those with a duty to inform are**

- authorities
- service providers** (*please choose the appropriate option*)
- functional intermediaries
- other:

3. Legal prerequisites**a. Is there a term of maturity for information?**

- No
- Yes, information older than **month must not** be released any longer (*please choose the appropriate options*).

b. Exceptions

Exempt from the right to information are

- industrial secrets, in particular:
- business secrets, in particular:
- information connected to property rights, in particular:
- information available to the following authorities:
- information for the protection of the following public interests:
- other information due to the following reasons:

c. The existence of specialized provisions is

- claimed by the company:
- checked by the following authority:
- checked also by the following independent institution upon request:
- is claimed/checked as follows:
- is determined regularly/in exceptional cases (please strike out if not appropriate) in hearings:

d. A request is required yes no

4. Scope of application

Is the claim limited to specific products/services (e.g. food and (animal) fodder according to Regulation (EC) 178/2002)? Please indicate to which products/services the claim is limited.

Information society societies.

5. Purpose of the provision**a. Criteria for the scope of the claim mentioned in 1.a. and 1.b. (multiple answers are permitted)**

(the specific scope was selected due to)

- degree of exposure of the consumer
- protected matter that is threatened (life, health, property, self-determined lifestyle)
- subject matter of the law/product category
- provisions in European secondary legislation



b. In case of dependence on a protected matter: What is the provision intended to protect?

- life and body and/or physical integrity of the consumer
- financial interests of the consumer
- third parties/self-determined life and/or reasonable factor allocation through mature consumer decisions
- with regard to the protection of limb and life and physical integrity of those involved in the production process
- in support of effective environmental and animal protection
- for other social/societal considerations (fair trade/philosophy of life)

c. In case of dependence of a certain degree of exposure of the consumer:

Which degree of certainty is required?

- suspicion that there is a danger/an infringement is sufficient
- reasonable suspicion of a danger/an infringement
- certainty about a danger/an infringement
- a different degree:

6. Nature of the claim

The claim is a

- contractual claim subject to private law
- tort claim subject to private law
- public-law claim
- public-law obligation to release information enforced by penalty.

7. Legal consequences in case of incorrect information

If the information provided by an authority/a company turns out to be incomplete or wrong,

- consumers are entitled to claim for damages against those in duty to inform
- claim depends on fault
- an entrepreneur can be prosecuted for administrative offence/criminal offence under the following conditions
- the business (company) also can be prosecuted

a. Amount of damages

- the damage cannot be determined, so the claim is ineffectual
- is calculated as follows
- in case of infringement, moral damage to the amount of ≈ to ≈. €
is assumed
- in case of infringement, punitive damages are estimated at ≈ to ≈. €
Conditions:

b. The mistake is made public as follows

c. Other Sanctions

The mistake/incompleteness of the information is sanctioned as follows:

An injunction of release of information should be coupled with a threat of a fixed sum penalty, unless this, as an exception, seems unnecessary.



8. Costs

Costs are caused by the following activities,

providing existing information

referring the consumer to another body

consultation of the business

publishing the information

-provision of easily accessible information

-provision of any information

-other

such as

and

of which the consumer pays

9. Other relevant information

In case there is anything else that in your opinion could be relevant in general although it has not specifically been asked for, please mention it below (e.g. claim dependent on fraud or similar).

The provision states that the relevant information is to be considered material in relation to MFA § 10(3). Material information is to be given upon injunction by either the Market Court or the Consumer Ombudsman after a demand of a consumer, MFA § 24(3)(3).

**Basis of claim and name of the legal act (original name and translation):**

Vehicle Act (2002:574) § 1:2 a
1 kap. 2 a § fordonslagen (2002:574)
Amended up to SFS 2009:224

1. Objective of the claim/legal consequence**a. The claim is directed at**

- release of existing/available information
 release of existing information or forwarding of the request/the claimant to the competent body
 examination of the facts upon request and release of information
 product warning (authority)/product recall (business).
 publishing (e.g. on the internet) – location:
 none of the above, but aimed at:

b. Extent of the claim

What kind of information may be released according to the provision (e.g. risks to health with or without limit value(s), production process, products, other)?

Risks to health and environment.

c. Duration of proceedings

Is there a deadline for releasing the information required/for handling the inquiry? If so, what is the time limit?

No.

2. Parties involved**a. Entitled is/are generally**

- anyone (natural and legal persons)
 consumers
 consumer associations
 other specific persons (groups of persons)/authorities: Swedish Transport Agency.

b. Conditions of entitlement

persons have to

- be affected by the information themselves
 have the following interest in the information: See 2 a.
 other conditions:

c. Opponents/those with a duty to inform are

- authorities
 producers/service providers (please choose the appropriate option)
 functional intermediaries
 other: users



3. Legal prerequisites

a. Is there a term of maturity for information?

- No
 Yes, information older than **month must not** be released any longer (*please choose the appropriate options*).

b. Exceptions

Exempt from the right to information are

- industrial secrets, in particular:
 business secrets, in particular:
 information connected to property rights, in particular:
 information available to the following authorities:
 information for the protection of the following public interests:
 other information due to the following reasons:

c. The existence of specialized provisions is

- claimed by the company:
 checked by the following authority: Swedish Transport Agency.
 checked also by the following independent institution upon request: Administrative court.
 is claimed/checked as follows:
 is determined regularly/in exceptional cases (please strike out if not appropriate) in hearings:

- d. A request is required** yes no

4. Scope of application

Is the claim limited to specific products/services (e.g. food and (animal) fodder according to Regulation (EC) 178/2002)? Please indicate to which products/services the claim is limited.

Pleasure boats.

5. Purpose of the provision

a. Criteria for the scope of the claim mentioned in 1.a. and 1.b. (multiple answers are permitted)

(the specific scope was selected due to)

- degree of exposure of the consumer
 protected matter that is threatened (life, health, property, self-determined lifestyle)
 subject matter of the law/product category
 provisions in European secondary legislation

b. In case of dependence on a protected matter: What is the provision intended to protect?

- life and body and/or physical integrity of the consumer
 financial interests of the consumer
 third parties/self-determined life and/or reasonable factor allocation through mature consumer decisions
- with regard to the protection of limb and life and physical integrity of those involved in the production process
 - in support of effective environmental and animal protection
 - for other social/societal considerations (fair trade/philosophy of life)

**c. In case of dependence of a certain degree of exposure of the consumer:**

Which degree of certainty is required?

- suspicion that there is a danger/an infringement is sufficient
- reasonable suspicion of a danger/an infringement
- certainty about a danger/an infringement
- a different degree:

6. Nature of the claim

The claim is a

- contractual claim subject to private law
- tort claim subject to private law
- public-law claim
- public-law obligation to release information enforced by penalty.

7. Legal consequences in case of incorrect information

If the information provided by an authority/a company turns out to be incomplete or wrong,

- consumers are entitled to claim for damages against those in duty to inform
- claim depends on fault
- an entrepreneur can be prosecuted for administrative offence/criminal offence under the following conditions
- the business (company) also can be prosecuted

a. Amount of damages

- the damage cannot be determined, so the claim is ineffectual
- is calculated as follows
- in case of infringement, moral damage to the amount of ≈ to ≈. €
is assumed
- in case of infringement, punitive damages are estimated at ≈ to ≈. €
- Conditions:

b. The mistake is made public as follows

See Annexes ## 36 and 37.

c. Other Sanctions

The mistake/incompleteness of the information is sanctioned as follows:

See Annexes ## 36 and 37.

8. Costs

Costs are caused by the following activities,

- providing existing information
- referring the consumer to another body
- consultation of the business
- publishing the information
- provision of easily accessible information
- provision of any information
- other
- such as
- and

of which the consumer pays



9. Other relevant information

In case there is anything else that in your opinion could be relevant in general although it has not specifically been asked for, please mention it below (e.g. claim dependent on fraud or similar).

The provision makes a blank referral to PSA.


Basis of claim and name of the legal act (original name and translation):
Vessels Safety Act (2003:364) § 6:12(2)
6 kap. 12 § andra stycket fartygssäkerhetslagen (2003:364)
Amended up to SFS 2009:501
1. Objective of the claim/legal consequence
a. The claim is directed at

- release of existing/available information
- release of existing information or forwarding of the request/the claimant to the competent body
- examination of the facts upon request and release of information
- product warning (authority)/product recall (business).
- publishing (e.g. on the internet) – location:
- none of the above, but aimed at:

b. Extent of the claim

What kind of information may be released according to the provision (e.g. risks to health with or without limit value(s), production process, products, other)?

Risks to health and environment.

c. Duration of proceedings

Is there a deadline for releasing the information required/for handling the inquiry? If so, what is the time limit?

No.

2. Parties involved
a. Entitled is/are generally

- anyone (natural and legal persons)
- consumers
- consumer associations
- other specific persons (groups of persons)/authorities: Swedish Transport Agency, Coastal Guard, Swedish Work Environment Authority and other authorities, see 9 below.

b. Conditions of entitlement

persons have to

- be affected by the information themselves
- have the following interest in the information: See 2 a.
- other conditions:

c. Opponents/those with a duty to inform are

- authorities
- producers/service providers** (please choose the appropriate option)
- functional intermediaries
- other: users



3. Legal prerequisites

a. Is there a term of maturity for information?

- No
 Yes, information older than **month must not** be released any longer (*please choose the appropriate options*).

b. Exceptions

Exempt from the right to information are

- industrial secrets, in particular:
 business secrets, in particular:
 information connected to property rights, in particular:
 information available to the following authorities:
 information for the protection of the following public interests:
 other information due to the following reasons:

c. The existence of specialized provisions is

- claimed by the company:
 checked by the following authority: Swedish Transport Agency et al., see 2 a.
 checked also by the following independent institution upon request: Administrative court.
 is claimed/checked as follows:
 is determined regularly/in exceptional cases (please strike out if not appropriate) in hearings:

- d. A request is required** yes no

4. Scope of application

Is the claim limited to specific products/services (e.g. food and (animal) fodder according to Regulation (EC) 178/2002)? Please indicate to which products/services the claim is limited.

Sea vessels, equipment and cargo.

5. Purpose of the provision

a. Criteria for the scope of the claim mentioned in 1.a. and 1.b. (multiple answers are permitted)

(the specific scope was selected due to)

- degree of exposure of the consumer
 protected matter that is threatened (life, health, property, self-determined lifestyle)
 subject matter of the law/product category
 provisions in European secondary legislation

b. In case of dependence on a protected matter: What is the provision intended to protect?

- life and body and/or physical integrity of the consumer
 financial interests of the consumer
 third parties/self-determined life and/or reasonable factor allocation through mature consumer decisions
- with regard to the protection of limb and life and physical integrity of those involved in the production process
 - in support of effective environmental and animal protection
 - for other social/societal considerations (fair trade/philosophy of life)

**c. In case of dependence of a certain degree of exposure of the consumer:**

Which degree of certainty is required?

- suspicion that there is a danger/an infringement is sufficient
- reasonable suspicion of a danger/an infringement
- certainty about a danger/an infringement
- a different degree:

6. Nature of the claim

The claim is a

- contractual claim subject to private law
- tort claim subject to private law
- public-law claim
- public-law obligation to release information enforced by penalty.

7. Legal consequences in case of incorrect information

If the information provided by an authority/a company turns out to be incomplete or wrong,

- consumers are entitled to claim for damages against those in duty to inform
- claim depends on fault
- an entrepreneur can be prosecuted for administrative offence/criminal offence under the following conditions
- the business (company) also can be prosecuted

a. Amount of damages

- the damage cannot be determined, so the claim is ineffectual
- is calculated as follows
- in case of infringement, moral damage to the amount of ≈ to ≈. €
is assumed
- in case of infringement, punitive damages are estimated at ≈ to ≈. €
- Conditions:

b. The mistake is made public as follows

See Annexes ## 36 and 37.

c. Other Sanctions

The mistake/incompleteness of the information is sanctioned as follows:

See Annexes ## 36 and 37.

8. Costs

Costs are caused by the following activities,

- providing existing information
- referring the consumer to another body
- consultation of the business
- publishing the information
- provision of easily accessible information
- provision of any information
- other
- such as
- and

of which the consumer pays



9. Other relevant information

In case there is anything else that in your opinion could be relevant in general although it has not specifically been asked for, please mention it below (e.g. claim dependent on fraud or similar).

The provision makes a blank referral to PSA. Which authority has supervisory responsibility depends on the location of the vessel and on the object of supervision.



Basis of claim and name of the legal act (original name and translation):
Financial Advice to Consumers Act (2003:862) § 4(1)(3)
4 § första stycket 3 lagen (2003:862) om finansiell rådgivning till konsumenter
Amended up to SFS 2007:560

1. Objective of the claim/legal consequence

a. The claim is directed at

- release of existing/available information
 release of existing information or forwarding of the request/the claimant to the competent body
 examination of the facts upon request and release of information
 product warning (authority)/product recall (business).
 publishing (e.g. on the internet) – location:
 none of the above, but aimed at:

b. Extent of the claim

What kind of information may be released according to the provision (e.g. risks to health with or without limit value(s), production process, products, other)?

Other: Investors' financial protection.

c. Duration of proceedings

Is there a deadline for releasing the information required/for handling the inquiry? If so, what is the time limit?

No.

2. Parties involved

a. Entitled is/are generally

- anyone (natural and legal persons)
 consumers
 consumer associations
 other specific persons (groups of persons)/authorities:

b. Conditions of entitlement

persons have to

- be affected by the information themselves
 have the following interest in the information:
 other conditions:

c. Opponents/those with a duty to inform are

- authorities
 service providers (please choose the appropriate option)
 functional intermediaries
 other:



3. Legal prerequisites

a. Is there a term of maturity for information?

- No
 Yes, information older than **month must not** be released any longer (*please choose the appropriate options*).

b. Exceptions

Exempt from the right to information are

- industrial secrets, in particular:
 business secrets, in particular:
 information connected to property rights, in particular:
 information available to the following authorities:
 information for the protection of the following public interests:
 other information due to the following reasons:

c. The existence of specialized provisions is

- claimed by the company:
 checked by the following authority: Swedish Consumer Agency
 checked also by the following independent institution upon request: Administrative court
 is claimed/checked as follows:
 is determined regularly/in exceptional cases (please strike out if not appropriate) in hearings:

- d. A request is required** yes no

4. Scope of application

Is the claim limited to specific products/services (e.g. food and (animal) fodder according to Regulation (EC) 178/2002)? Please indicate to which products/services the claim is limited.

Financial advice.

5. Purpose of the provision

a. Criteria for the scope of the claim mentioned in 1.a. and 1.b. (multiple answers are permitted)

(the specific scope was selected due to)

- degree of exposure of the consumer
 protected matter that is threatened (life, health, property, self-determined lifestyle)
 subject matter of the law/product category
 provisions in European secondary legislation

b. In case of dependence on a protected matter: What is the provision intended to protect?

- life and body and/or physical integrity of the consumer
 financial interests of the consumer
 third parties/self-determined life and/or reasonable factor allocation through mature consumer decisions
- with regard to the protection of limb and life and physical integrity of those involved in the production process
 - in support of effective environmental and animal protection
 - for other social/societal considerations (fair trade/philosophy of life)



c. In case of dependence of a certain degree of exposure of the consumer:

Which degree of certainty is required?

- suspicion that there is a danger/an infringement is sufficient
- reasonable suspicion of a danger/an infringement
- certainty about a danger/an infringement
- a different degree:

6. Nature of the claim

The claim is a

- contractual claim subject to private law
- tort claim subject to private law
- public-law claim
- public-law obligation to release information enforced by penalty.

7. Legal consequences in case of incorrect information

If the information provided by an authority/a company turns out to be incomplete or wrong,

- consumers are entitled to claim for damages against those in duty to inform
- claim depends on fault
- an entrepreneur can be prosecuted for administrative offence/criminal offence under the following conditions
- the business (company) also can be prosecuted

a. Amount of damages

- the damage cannot be determined, so the claim is ineffectual
- is calculated as follows
- in case of infringement, moral damage to the amount of ≈ to ≈. €
is assumed
- in case of infringement, punitive damages are estimated at ≈ to ≈. €
Conditions:

b. The mistake is made public as follows

c. Other Sanctions

The mistake/incompleteness of the information is sanctioned as follows:

A shift in the burden of proof. An injunction of release of information may be coupled with a threat of a fixed sum penalty.

8. Costs

Costs are caused by the following activities,

- providing existing information
- referring the consumer to another body
- consultation of the business
- publishing the information
 - provision of easily accessible information
 - provision of any information
 - other
 - such as

of which the consumer pays	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
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9. Other relevant information

In case there is anything else that in your opinion could be relevant in general although it has not specifically been asked for, please mention it below (e.g. claim dependent on fraud or similar).

The advisor must provide written documentation over the financial advice.



Basis of claim and name of the legal act (original name and translation):
Financial Advice to Consumers Act (2003:862) § 8
8 § lagen (2003:862) om finansiell rådgivning till konsumenter
Amended up to SFS 2007:560

1. Objective of the claim/legal consequence

a. The claim is directed at

- release of existing/available information
 release of existing information or forwarding of the request/the claimant to the competent body
 examination of the facts upon request and release of information
 product warning (authority)/product recall (business).
 publishing (e.g. on the internet) – location:
 none of the above, but aimed at:

b. Extent of the claim

What kind of information may be released according to the provision (e.g. risks to health with or without limit value(s), production process, products, other)?

Other: Investors' financial protection.

c. Duration of proceedings

Is there a deadline for releasing the information required/for handling the inquiry? If so, what is the time limit?

No.

2. Parties involved

a. Entitled is/are generally

- anyone (natural and legal persons)
 consumers
 consumer associations
 other specific persons (groups of persons)/authorities: Swedish Consumer Agency

b. Conditions of entitlement

persons have to

- be affected by the information themselves
 have the following interest in the information:
 other conditions:

c. Opponents/those with a duty to inform are

- authorities
 service providers (please choose the appropriate option)
 functional intermediaries
 other:



3. Legal prerequisites

a. Is there a term of maturity for information?

- No
 Yes, information older than **month must not** be released any longer (*please choose the appropriate options*).

b. Exceptions

Exempt from the right to information are

- industrial secrets, in particular:
 business secrets, in particular:
 information connected to property rights, in particular:
 information available to the following authorities:
 information for the protection of the following public interests:
 other information due to the following reasons:

c. The existence of specialized provisions is

- claimed by the company:
 checked by the following authority: Swedish Consumer Agency
 checked also by the following independent institution upon request: Administrative court
 is claimed/checked as follows:
 is determined regularly/in exceptional cases (please strike out if not appropriate) in hearings:

- d. A request is required** yes no

4. Scope of application

Is the claim limited to specific products/services (e.g. food and (animal) fodder according to Regulation (EC) 178/2002)? Please indicate to which products/services the claim is limited.

Financial advice.

5. Purpose of the provision

a. Criteria for the scope of the claim mentioned in 1.a. and 1.b. (multiple answers are permitted)

(the specific scope was selected due to)

- degree of exposure of the consumer
 protected matter that is threatened (life, health, property, self-determined lifestyle)
 subject matter of the law/product category
 provisions in European secondary legislation

b. In case of dependence on a protected matter: What is the provision intended to protect?

- life and body and/or physical integrity of the consumer
 financial interests of the consumer
 third parties/self-determined life and/or reasonable factor allocation through mature consumer decisions
- with regard to the protection of limb and life and physical integrity of those involved in the production process
 - in support of effective environmental and animal protection
 - for other social/societal considerations (fair trade/philosophy of life)

**c. In case of dependence of a certain degree of exposure of the consumer:**

Which degree of certainty is required?

- suspicion that there is a danger/an infringement is sufficient
- reasonable suspicion of a danger/an infringement
- certainty about a danger/an infringement
- a different degree:

6. Nature of the claim

The claim is a

- contractual claim subject to private law
- tort claim subject to private law
- public-law claim
- public-law obligation to release information enforced by penalty.

7. Legal consequences in case of incorrect information

If the information provided by an authority/a company turns out to be incomplete or wrong,

- consumers are entitled to claim for damages against those in duty to inform
- claim depends on fault
- an entrepreneur can be prosecuted for administrative offence/criminal offence under the following conditions
- the business (company) also can be prosecuted

a. Amount of damages

- the damage cannot be determined, so the claim is ineffectual
- is calculated as follows
- in case of infringement, moral damage to the amount of ≈ to ≈. €
is assumed
- in case of infringement, punitive damages are estimated at ≈ to ≈. €
- Conditions:

b. The mistake is made public as follows

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c. Other Sanctions

The mistake/incompleteness of the information is sanctioned as follows:

An injunction of release of information may be coupled with a threat of a fixed sum penalty.

8. Costs

Costs are caused by the following activities,

- providing existing information
- referring the consumer to another body
- consultation of the business
- publishing the information
- provision of easily accessible information
- provision of any information
- other
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9. Other relevant information

In case there is anything else that in your opinion could be relevant in general although it has not specifically been asked for, please mention it below (e.g. claim dependent on fraud or similar).



Basis of claim and name of the legal act (original name and translation):
Money Deposit Activity Act (2004:299) § 16
16 § lagen (2004:299) om inlåningsverksamhet
Amended up to SFS 2009:362

1. Objective of the claim/legal consequence

a. The claim is directed at

- release of existing/available information
- release of existing information or forwarding of the request/the claimant to the competent body
- examination of the facts upon request and release of information
- product warning (authority)/product recall (business).
- publishing (e.g. on the internet) – location:
- none of the above, but aimed at:

b. Extent of the claim

What kind of information may be released according to the provision (e.g. risks to health with or without limit value(s), production process, products, other)?

Products and legal rights:
 Money depositors' shall give information in writing or in electronical form as to certain facts about deposits and the terms, and the consumer's legal rights relating to a deposit.

c. Duration of proceedings

Is there a deadline for releasing the information required/for handling the inquiry? If so, what is the time limit?

No.

2. Parties involved

a. Entitled is/are generally

- anyone (natural and legal persons)
- consumers
- consumer associations
- other specific persons (groups of persons)/authorities: Swedish Financial Supervisory Authority

b. Conditions of entitlement

persons have to

- be affected by the information themselves
- have the following interest in the information:
- other conditions:

c. Opponents/those with a duty to inform are

- authorities
- service providers** (*please choose the appropriate option*)
- functional intermediaries
- other:



3. Legal prerequisites

a. Is there a term of maturity for information?

- No
 Yes, information older than **month must not** be released any longer (*please choose the appropriate options*).

b. Exceptions

Exempt from the right to information are

- industrial secrets, in particular:
 business secrets, in particular:
 information connected to property rights, in particular:
 information available to the following authorities:
 information for the protection of the following public interests:
 other information due to the following reasons:

c. The existence of specialized provisions is

- claimed by the company:
 checked by the following authority:
 checked also by the following independent institution upon request:
 is claimed/checked as follows:
 is determined regularly/in exceptional cases (please strike out if not appropriate) in hearings:

- d. A request is required** yes no

4. Scope of application

Is the claim limited to specific products/services (e.g. food and (animal) fodder according to Regulation (EC) 178/2002)? Please indicate to which products/services the claim is limited.

Cross border payment orders.

5. Purpose of the provision

a. Criteria for the scope of the claim mentioned in 1.a. and 1.b. (multiple answers are permitted)

(the specific scope was selected due to)

- degree of exposure of the consumer
 protected matter that is threatened (life, health, property, self-determined lifestyle)
 subject matter of the law/product category
 provisions in European secondary legislation

b. In case of dependence on a protected matter: What is the provision intended to protect?

- life and body and/or physical integrity of the consumer
 financial interests of the consumer
 third parties/self-determined life and/or reasonable factor allocation through mature consumer decisions
- with regard to the protection of limb and life and physical integrity of those involved in the production process
 - in support of effective environmental and animal protection
 - for other social/societal considerations (fair trade/philosophy of life)

**c. In case of dependence of a certain degree of exposure of the consumer:**

Which degree of certainty is required?

- suspicion that there is a danger/an infringement is sufficient
- reasonable suspicion of a danger/an infringement
- certainty about a danger/an infringement
- a different degree:

6. Nature of the claim

The claim is a

- contractual claim subject to private law
- tort claim subject to private law
- public-law claim
- public-law obligation to release information enforced by penalty.

7. Legal consequences in case of incorrect information

If the information provided by an authority/a company turns out to be incomplete or wrong,

- consumers are entitled to claim for damages against those in duty to inform
- claim depends on fault
- an entrepreneur can be prosecuted for administrative offence/criminal offence under the following conditions
- the business (company) also can be prosecuted

a. Amount of damages

- the damage cannot be determined, so the claim is ineffectual
- is calculated as follows
- in case of infringement, moral damage to the amount of ≈ to ≈. €
is assumed
- in case of infringement, punitive damages are estimated at ≈ to ≈. €
- Conditions:

b. The mistake is made public as follows**c. Other Sanctions**

The mistake/incompleteness of the information is sanctioned as follows:

An injunction of release of information may be coupled with a threat of a fixed sum penalty.

8. Costs

Costs are caused by the following activities,

- providing existing information
- referring the consumer to another body
- consultation of the business
- publishing the information
- provision of easily accessible information
- provision of any information
- other
- such as
- and

of which the consumer pays



9. Other relevant information

In case there is anything else that in your opinion could be relevant in general although it has not specifically been asked for, please mention it below (e.g. claim dependent on fraud or similar).

The provision refers to § 8, which states a right to information for the consumer..



Basis of claim and name of the legal act (original name and translation):
Price Information Act (2004:347) § 12
12 § prisinformationslagen (2004:347)
Amended up to SFS 2008:507

1. Objective of the claim/legal consequence

a. The claim is directed at

- release of existing/available information
 release of existing information or forwarding of the request/the claimant to the competent body
 examination of the facts upon request and release of information
 product warning (authority)/product recall (business).
 publishing (e.g. on the internet) – location:
 none of the above, but aimed at:

b. Extent of the claim

What kind of information may be released according to the provision (e.g. risks to health with or without limit value(s), production process, products, other)?

Price

c. Duration of proceedings

Is there a deadline for releasing the information required/for handling the inquiry? If so, what is the time limit?

No.

2. Parties involved

a. Entitled is/are generally

- anyone (natural and legal persons)
 consumers
 consumer associations
 other specific persons (groups of persons)/authorities: Consumer Ombudsman, affected business or association of businesses or employees

b. Conditions of entitlement

persons have to

- be affected by the information themselves
 have the following interest in the information:
 other conditions:

c. Opponents/those with a duty to inform are

- authorities
 producers/service providers (please choose the appropriate option)
 functional intermediaries
 other:



3. Legal prerequisites

a. Is there a term of maturity for information?

- No
 Yes, information older than **month must not** be released any longer (*please choose the appropriate options*).

b. Exceptions

Exempt from the right to information are

- industrial secrets, in particular:
 business secrets, in particular:
 information connected to property rights, in particular:
 information available to the following authorities:
 information for the protection of the following public interests:
 other information due to the following reasons:

c. The existence of specialized provisions is

- claimed by the company:
 checked by the following authority:
 checked also by the following independent institution upon request:
 is claimed/checked as follows:
 is determined regularly/in exceptional cases (please strike out if not appropriate) in hearings:

- d. A request is required** yes no

4. Scope of application

Is the claim limited to specific products/services (e.g. food and (animal) fodder according to Regulation (EC) 178/2002)? Please indicate to which products/services the claim is limited.

No. Land, work opportunity and auctions exempt.

5. Purpose of the provision

a. Criteria for the scope of the claim mentioned in 1.a. and 1.b. (multiple answers are permitted)

(the specific scope was selected due to)

- degree of exposure of the consumer
 protected matter that is threatened (life, health, property, self-determined lifestyle)
 subject matter of the law/product category
 provisions in European secondary legislation

b. In case of dependence on a protected matter: What is the provision intended to protect?

- life and body and/or physical integrity of the consumer
 financial interests of the consumer
 third parties/self-determined life and/or reasonable factor allocation through mature consumer decisions
 - with regard to the protection of limb and life and physical integrity of those involved in the production process
 - in support of effective environmental and animal protection
 - for other social/societal considerations (fair trade/philosophy of life)



c. In case of dependence of a certain degree of exposure of the consumer:

Which degree of certainty is required?

- suspicion that there is a danger/an infringement is sufficient
- reasonable suspicion of a danger/an infringement
- certainty about a danger/an infringement
- a different degree:

6. Nature of the claim

The claim is a

- contractual claim subject to private law
- tort claim subject to private law
- public-law claim
- public-law obligation to release information enforced by penalty.

7. Legal consequences in case of incorrect information

If the information provided by an authority/a company turns out to be incomplete or wrong,

- consumers are entitled to claim for damages against those in duty to inform
- claim depends on fault
- an entrepreneur can be prosecuted for administrative offence/criminal offence under the following conditions
- the business (company) also can be prosecuted

a. Amount of damages

- the damage cannot be determined, so the claim is ineffectual
- is calculated as follows
- in case of infringement, moral damage to the amount of ≈ to ≈. €
is assumed
- in case of infringement, punitive damages are estimated at ≈ to ≈. €
Conditions:

b. The mistake is made public as follows

c. Other Sanctions

The mistake/incompleteness of the information is sanctioned as follows:

An injunction of release of information should be coupled with a threat of a fixed sum penalty, unless this, as an exception, seems unnecessary.

8. Costs

Costs are caused by the following activities,

- providing existing information
- referring the consumer to another body
- consultation of the business
- publishing the information
 - provision of easily accessible information
 - provision of any information
 - other
 - such as

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9. Other relevant information

In case there is anything else that in your opinion could be relevant in general although it has not specifically been asked for, please mention it below (e.g. claim dependent on fraud or similar).

The provision states that the relevant information is to be considered material in relation to MFA § 10(3). Material information is to be given upon injunction by either the Market Court or the Consumer Ombudsman after a demand of a consumer, MFA § 24(3)(3).


Basis of claim and name of the legal act (original name and translation):

Product Safety Act (2004:451) § 13
13 § produktsäkerhetslagen (2004:451)
Amended up to 2009:842

1. Objective of the claim/legal consequence
a. The claim is directed at

- release of existing/available information
 release of existing information or forwarding of the request/the claimant to the competent body
 examination of the facts upon request and release of information
 product warning (authority)/product recall (business).
 publishing (e.g. on the internet) – location:
 none of the above, but aimed at:

b. Extent of the claim

What kind of information may be released according to the provision (e.g. risks to health with or without limit value(s), production process, products, other)?

Risks to health.

c. Duration of proceedings

Is there a deadline for releasing the information required/for handling the inquiry? If so, what is the time limit?

No.

2. Parties involved
a. Entitled is/are generally

- anyone (natural and legal persons)
 consumers
 consumer associations
 other specific persons (groups of persons)/authorities:

b. Conditions of entitlement

persons have to

- be affected by the information themselves
 have the following interest in the information:
 other conditions:

c. Opponents/those with a duty to inform are

- authorities
 producers/service providers (please choose the appropriate option)
 functional intermediaries
 other:



3. Legal prerequisites

a. Is there a term of maturity for information?

- No
 Yes, information older than **month must not** be released any longer (*please choose the appropriate options*).

b. Exceptions

Exempt from the right to information are

- industrial secrets, in particular:
 business secrets, in particular:
 information connected to property rights, in particular:
 information available to the following authorities:
 information for the protection of the following public interests:
 other information due to the following reasons:

c. The existence of specialized provisions is

- claimed by the company:
 checked by the following authority: The relevant supervisory authority.
 checked also by the following independent institution upon request: Administrative Court.
 is claimed/checked as follows:
 is determined regularly/in exceptional cases (please strike out if not appropriate) in hearings:

- d. A request is required** yes no

4. Scope of application

Is the claim limited to specific products/services (e.g. food and (animal) fodder according to Regulation (EC) 178/2002)? Please indicate to which products/services the claim is limited.

No.

5. Purpose of the provision

a. Criteria for the scope of the claim mentioned in 1.a. and 1.b. (multiple answers are permitted)

(the specific scope was selected due to)

- degree of exposure of the consumer
 protected matter that is threatened (life, health, property, self-determined lifestyle)
 subject matter of the law/product category
 provisions in European secondary legislation

b. In case of dependence on a protected matter: What is the provision intended to protect?

- life and body and/or physical integrity of the consumer
 financial interests of the consumer
 third parties/self-determined life and/or reasonable factor allocation through mature consumer decisions
- with regard to the protection of limb and life and physical integrity of those involved in the production process
 - in support of effective environmental and animal protection
 - for other social/societal considerations (fair trade/philosophy of life)



c. In case of dependence of a certain degree of exposure of the consumer:

Which degree of certainty is required?

- suspicion that there is a danger/an infringement is sufficient
- reasonable suspicion of a danger/an infringement
- certainty about a danger/an infringement
- a different degree: Presumption of CE-marked goods may be rebutted. For non-marked goods there is no presumption.

6. Nature of the claim

The claim is a

- contractual claim subject to private law
- tort claim subject to private law
- public-law claim
- public-law obligation to release information enforced by penalty.

7. Legal consequences in case of incorrect information

If the information provided by an authority/a company turns out to be incomplete or wrong,

- consumers are entitled to claim for damages against those in duty to inform
- claim depends on fault
- an entrepreneur can be prosecuted for administrative offence/criminal offence under the following conditions
- the business (company) also can be prosecuted

a. Amount of damages

- the damage cannot be determined, so the claim is ineffectual
- is calculated as follows
- in case of infringement, moral damage to the amount of ≈ to ≈. €
is assumed
- in case of infringement, punitive damages are estimated at ≈ to ≈. €

Conditions:

b. The mistake is made public as follows

Warning information or recall is to be directed to consumers who have acquired the dangerous product or service.

c. Other Sanctions

The mistake/incompleteness of the information is sanctioned as follows:

Sales bans may be used.

8. Costs

Costs are caused by the following activities,

- providing existing information
- referring the consumer to another body
- consultation of the business
- publishing the information
- provision of easily accessible information
- provision of any information
- other
- such as

of which the consumer pays



9. Other relevant information

In case there is anything else that in your opinion could be relevant in general although it has not specifically been asked for, please mention it below (e.g. claim dependent on fraud or similar).

Which authority has supervisory responsibility depends on the goods involved, but the default authority is the Swedish Consumer Agency, PSO § 3.

PSO § 5 states that the information is to be provided to a consumer requesting it.


Basis of claim and name of the legal act (original name and translation):

Product Safety Act (2004:451) § 26
26 § produktsäkerhetslagen (2004:451)
Amended up to 2009:842

1. Objective of the claim/legal consequence
a. The claim is directed at

- release of existing/available information
 release of existing information or forwarding of the request/the claimant to the competent body
 examination of the facts upon request and release of information
 product warning (authority)/product recall (business).
 publishing (e.g. on the internet) – location:
 none of the above, but aimed at:

b. Extent of the claim

What kind of information may be released according to the provision (e.g. risks to health with or without limit value(s), production process, products, other)?

Risks to health.

c. Duration of proceedings

Is there a deadline for releasing the information required/for handling the inquiry? If so, what is the time limit?

No.

2. Parties involved
a. Entitled is/are generally

- anyone (natural and legal persons)
 consumers
 consumer associations
 other specific persons (groups of persons)/authorities: Supervisory authorities.

b. Conditions of entitlement

persons have to

- be affected by the information themselves
 have the following interest in the information: See 2 a.
 other conditions:

c. Opponents/those with a duty to inform are

- authorities
 producers/service providers (please choose the appropriate option)
 functional intermediaries
 other:



3. Legal prerequisites

a. Is there a term of maturity for information?

- No
 Yes, information older than **month must not** be released any longer (*please choose the appropriate options*).

b. Exceptions

Exempt from the right to information are

- industrial secrets, in particular:
 business secrets, in particular:
 information connected to property rights, in particular:
 information available to the following authorities:
 information for the protection of the following public interests:
 other information due to the following reasons:

c. The existence of specialized provisions is

- claimed by the company:
 checked by the following authority: The relevant supervisory authority.
 checked also by the following independent institution upon request: Administrative Court.
 is claimed/checked as follows:
 is determined regularly/in exceptional cases (please strike out if not appropriate) in hearings:

- d. A request is required yes no

4. Scope of application

Is the claim limited to specific products/services (e.g. food and (animal) fodder according to Regulation (EC) 178/2002)? Please indicate to which products/services the claim is limited.

No.

5. Purpose of the provision

a. Criteria for the scope of the claim mentioned in 1.a. and 1.b. (multiple answers are permitted)

(the specific scope was selected due to)

- degree of exposure of the consumer
 protected matter that is threatened (life, health, property, self-determined lifestyle)
 subject matter of the law/product category
 provisions in European secondary legislation

b. In case of dependence on a protected matter: What is the provision intended to protect?

- life and body and/or physical integrity of the consumer
 financial interests of the consumer
 third parties/self-determined life and/or reasonable factor allocation through mature consumer decisions
- with regard to the protection of limb and life and physical integrity of those involved in the production process
 - in support of effective environmental and animal protection
 - for other social/societal considerations (fair trade/philosophy of life)



c. In case of dependence of a certain degree of exposure of the consumer:

Which degree of certainty is required?

- suspicion that there is a danger/an infringement is sufficient
- reasonable suspicion of a danger/an infringement
- certainty about a danger/an infringement
- a different degree: Presumption of CE-marked goods may be rebutted. For non-marked goods there is no presumption.

6. Nature of the claim

The claim is a

- contractual claim subject to private law
- tort claim subject to private law
- public-law claim
- public-law obligation to release information enforced by penalty.

7. Legal consequences in case of incorrect information

If the information provided by an authority/a company turns out to be incomplete or wrong,

- consumers are entitled to claim for damages against those in duty to inform
- claim depends on fault
- an entrepreneur can be prosecuted for administrative offence/criminal offence under the following conditions
- the business (company) also can be prosecuted

a. Amount of damages

- the damage cannot be determined, so the claim is ineffectual
 - is calculated as follows
 - in case of infringement, moral damage to the amount of ≈ to ≈. €
is assumed
 - in case of infringement, punitive damages are estimated at ≈ to ≈. €
- Conditions:

b. The mistake is made public as follows

Warning information or recall is to be directed to consumers who have acquired the dangerous product or service.

c. Other Sanctions

The mistake/incompleteness of the information is sanctioned as follows:

Sales bans may be used.

8. Costs

Costs are caused by the following activities,

- providing existing information
- referring the consumer to another body
- consultation of the business
- publishing the information
 - provision of easily accessible information
 - provision of any information
 - other
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9. Other relevant information

In case there is anything else that in your opinion could be relevant in general although it has not specifically been asked for, please mention it below (e.g. claim dependent on fraud or similar).

Which authority has supervisory responsibility depends on the goods involved, but the default authority is the Swedish Consumer Agency, PSO § 3.



Basis of claim and name of the legal act (original name and translation):
Distance and Doorstep Selling Act (2005:59) § 2:8
2 kap. 8 § distans- och hemförsäljningslagen (2005:59)
Amended up to SFS 2009:1087

1. Objective of the claim/legal consequence

a. The claim is directed at

- release of existing/available information
- release of existing information or forwarding of the request/the claimant to the competent body
- examination of the facts upon request and release of information
- product warning (authority)/product recall (business).
- publishing (e.g. on the internet) – location:
- none of the above, but aimed at:

b. Extent of the claim

What kind of information may be released according to the provision (e.g. risks to health with or without limit value(s), production process, products, other)?

Product and other:

The business's identity, the characteristics of the product or service, the price, cooling off period etc.

c. Duration of proceedings

Is there a deadline for releasing the information required/for handling the inquiry? If so, what is the time limit?

No.

2. Parties involved

a. Entitled is/are generally

- anyone (natural and legal persons)
- consumers
- consumer associations
- other specific persons (groups of persons)/authorities: Consumer Ombudsman, affected business or association of businesses or employees

b. Conditions of entitlement

persons have to

- be affected by the information themselves
- have the following interest in the information:
- other conditions:

c. Opponents/those with a duty to inform are

- authorities
- producers/service providers** (*please choose the appropriate option*)
- functional intermediaries
- other:



3. Legal prerequisites

a. Is there a term of maturity for information?

- No
 Yes, information older than **month must not** be released any longer (*please choose the appropriate options*).

b. Exceptions

Exempt from the right to information are

- industrial secrets, in particular:
 business secrets, in particular:
 information connected to property rights, in particular:
 information available to the following authorities:
 information for the protection of the following public interests:
 other information due to the following reasons:

c. The existence of specialized provisions is

- claimed by the company:
 checked by the following authority:
 checked also by the following independent institution upon request:
 is claimed/checked as follows:
 is determined regularly/in exceptional cases (please strike out if not appropriate) in hearings:

d. A request is required yes no

4. Scope of application

Is the claim limited to specific products/services (e.g. food and (animal) fodder according to Regulation (EC) 178/2002)? Please indicate to which products/services the claim is limited.

Distance selling of goods and non-financial services.

5. Purpose of the provision

a. Criteria for the scope of the claim mentioned in 1.a. and 1.b. (multiple answers are permitted)

(the specific scope was selected due to)

- degree of exposure of the consumer
 protected matter that is threatened (life, health, property, self-determined lifestyle)
 subject matter of the law/product category
 provisions in European secondary legislation

b. In case of dependence on a protected matter: What is the provision intended to protect?

- life and body and/or physical integrity of the consumer
 financial interests of the consumer
 third parties/self-determined life and/or reasonable factor allocation through mature consumer decisions
 - with regard to the protection of limb and life and physical integrity of those involved in the production process
 - in support of effective environmental and animal protection
 - for other social/societal considerations (fair trade/philosophy of life)



c. In case of dependence of a certain degree of exposure of the consumer:

Which degree of certainty is required?

- suspicion that there is a danger/an infringement is sufficient
- reasonable suspicion of a danger/an infringement
- certainty about a danger/an infringement
- a different degree:

6. Nature of the claim

The claim is a

- contractual claim subject to private law
- tort claim subject to private law
- public-law claim
- public-law obligation to release information enforced by penalty.

7. Legal consequences in case of incorrect information

If the information provided by an authority/a company turns out to be incomplete or wrong,

- consumers are entitled to claim for damages against those in duty to inform
- claim depends on fault
- an entrepreneur can be prosecuted for administrative offence/criminal offence under the following conditions
- the business (company) also can be prosecuted

a. Amount of damages

- the damage cannot be determined, so the claim is ineffectual
- is calculated as follows
- in case of infringement, moral damage to the amount of ≈ to ≈. €
is assumed
- in case of infringement, punitive damages are estimated at ≈ to ≈. €
Conditions:

b. The mistake is made public as follows

c. Other Sanctions

The mistake/incompleteness of the information is sanctioned as follows:

An injunction of release of information should be coupled with a threat of a fixed sum penalty, unless this, as an exception, seems unnecessary.

8. Costs

Costs are caused by the following activities,

- providing existing information
- referring the consumer to another body
- consultation of the business
- publishing the information
 - provision of easily accessible information
 - provision of any information
 - other
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9. Other relevant information

In case there is anything else that in your opinion could be relevant in general although it has not specifically been asked for, please mention it below (e.g. claim dependent on fraud or similar).

The provision states that the relevant information is to be considered material in relation to MFA § 10(3). Material information is to be given upon injunction by either the Market Court or the Consumer Ombudsman after a demand of a consumer, MFA § 24(3)(3).



Basis of claim and name of the legal act (original name and translation):
Distance and Doorstep Selling Act (2005:59) § 3:6
3 kap. 6 § distans- och hemförsäljningslagen (2005:59)
Amended up to SFS 2009:1087

1. Objective of the claim/legal consequence

a. The claim is directed at

- release of existing/available information
- release of existing information or forwarding of the request/the claimant to the competent body
- examination of the facts upon request and release of information
- product warning (authority)/product recall (business).
- publishing (e.g. on the internet) – location:
- none of the above, but aimed at:

b. Extent of the claim

What kind of information may be released according to the provision (e.g. risks to health with or without limit value(s), production process, products, other)?

Product and other:

The business's identity, the characteristics of the product or service, the price, cooling off period etc.

c. Duration of proceedings

Is there a deadline for releasing the information required/for handling the inquiry? If so, what is the time limit?

No.

2. Parties involved

a. Entitled is/are generally

- anyone (natural and legal persons)
- consumers
- consumer associations
- other specific persons (groups of persons)/authorities: Consumer Ombudsman, affected business or association of businesses or employees

b. Conditions of entitlement

persons have to

- be affected by the information themselves
- have the following interest in the information:
- other conditions:

c. Opponents/those with a duty to inform are

- authorities
- producers/service providers** (please choose the appropriate option)
- functional intermediaries
- other:



3. Legal prerequisites

a. Is there a term of maturity for information?

- No
 Yes, information older than **month must not** be released any longer (*please choose the appropriate options*).

b. Exceptions

Exempt from the right to information are

- industrial secrets, in particular:
 business secrets, in particular:
 information connected to property rights, in particular:
 information available to the following authorities:
 information for the protection of the following public interests:
 other information due to the following reasons:

c. The existence of specialized provisions is

- claimed by the company:
 checked by the following authority:
 checked also by the following independent institution upon request:
 is claimed/checked as follows:
 is determined regularly/in exceptional cases (please strike out if not appropriate) in hearings:

- d. A request is required** yes no

4. Scope of application

Is the claim limited to specific products/services (e.g. food and (animal) fodder according to Regulation (EC) 178/2002)? Please indicate to which products/services the claim is limited.

Distance selling of financial services and financial instruments.

5. Purpose of the provision

a. Criteria for the scope of the claim mentioned in 1.a. and 1.b. (multiple answers are permitted)

(the specific scope was selected due to)

- degree of exposure of the consumer
 protected matter that is threatened (life, health, property, self-determined lifestyle)
 subject matter of the law/product category
 provisions in European secondary legislation

b. In case of dependence on a protected matter: What is the provision intended to protect?

- life and body and/or physical integrity of the consumer
 financial interests of the consumer
 third parties/self-determined life and/or reasonable factor allocation through mature consumer decisions
- with regard to the protection of limb and life and physical integrity of those involved in the production process
 - in support of effective environmental and animal protection
 - for other social/societal considerations (fair trade/philosophy of life)



c. In case of dependence of a certain degree of exposure of the consumer:

Which degree of certainty is required?

- suspicion that there is a danger/an infringement is sufficient
- reasonable suspicion of a danger/an infringement
- certainty about a danger/an infringement
- a different degree:

6. Nature of the claim

The claim is a

- contractual claim subject to private law
- tort claim subject to private law
- public-law claim
- public-law obligation to release information enforced by penalty.

7. Legal consequences in case of incorrect information

If the information provided by an authority/a company turns out to be incomplete or wrong,

- consumers are entitled to claim for damages against those in duty to inform
- claim depends on fault
- an entrepreneur can be prosecuted for administrative offence/criminal offence under the following conditions
- the business (company) also can be prosecuted

a. Amount of damages

- the damage cannot be determined, so the claim is ineffectual
- is calculated as follows
- in case of infringement, moral damage to the amount of ≈ to ≈. €
is assumed
- in case of infringement, punitive damages are estimated at ≈ to ≈. €
Conditions:

b. The mistake is made public as follows

c. Other Sanctions

The mistake/incompleteness of the information is sanctioned as follows:

An injunction of release of information should be coupled with a threat of a fixed sum penalty, unless this, as an exception, seems unnecessary.

8. Costs

Costs are caused by the following activities,

- providing existing information
- referring the consumer to another body
- consultation of the business
- publishing the information
 - provision of easily accessible information
 - provision of any information
 - other
 - such as

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9. Other relevant information

In case there is anything else that in your opinion could be relevant in general although it has not specifically been asked for, please mention it below (e.g. claim dependent on fraud or similar).

The provision states that the relevant information is to be considered material in relation to MFA § 10(3). Material information is to be given upon injunction by either the Market Court or the Consumer Ombudsman after a demand of a consumer, MFA § 24(3)(3).



Basis of claim and name of the legal act (original name and translation):
Distance and Doorstep Selling Act (2005:59) § 4:4
4 kap. 4 § distans- och hemförsäljningslagen (2005:59)
Amended up to SFS 2009:1087

1. Objective of the claim/legal consequence

a. The claim is directed at

- release of existing/available information
- release of existing information or forwarding of the request/the claimant to the competent body
- examination of the facts upon request and release of information
- product warning (authority)/product recall (business).
- publishing (e.g. on the internet) – location:
- none of the above, but aimed at:

b. Extent of the claim

What kind of information may be released according to the provision (e.g. risks to health with or without limit value(s), production process, products, other)?

Product and other:

The business's identity, the characteristics of the product or service, the price, cooling off period etc.

c. Duration of proceedings

Is there a deadline for releasing the information required/for handling the inquiry? If so, what is the time limit?

No.

2. Parties involved

a. Entitled is/are generally

- anyone (natural and legal persons)
- consumers
- consumer associations
- other specific persons (groups of persons)/authorities: Consumer Ombudsman, affected business or association of businesses or employees

b. Conditions of entitlement

persons have to

- be affected by the information themselves
- have the following interest in the information:
- other conditions:

c. Opponents/those with a duty to inform are

- authorities
- producers/service providers** (please choose the appropriate option)
- functional intermediaries
- other:



3. Legal prerequisites

a. Is there a term of maturity for information?

- No
 Yes, information older than **month must not** be released any longer (*please choose the appropriate options*).

b. Exceptions

Exempt from the right to information are

- industrial secrets, in particular:
 business secrets, in particular:
 information connected to property rights, in particular:
 information available to the following authorities:
 information for the protection of the following public interests:
 other information due to the following reasons:

c. The existence of specialized provisions is

- claimed by the company:
 checked by the following authority:
 checked also by the following independent institution upon request:
 is claimed/checked as follows:
 is determined regularly/in exceptional cases (please strike out if not appropriate) in hearings:

- d. A request is required** yes no

4. Scope of application

Is the claim limited to specific products/services (e.g. food and (animal) fodder according to Regulation (EC) 178/2002)? Please indicate to which products/services the claim is limited.

Doorstep selling of other property than land and services.

5. Purpose of the provision

a. Criteria for the scope of the claim mentioned in 1.a. and 1.b. (multiple answers are permitted)

(the specific scope was selected due to)

- degree of exposure of the consumer
 protected matter that is threatened (life, health, property, self-determined lifestyle)
 subject matter of the law/product category
 provisions in European secondary legislation

b. In case of dependence on a protected matter: What is the provision intended to protect?

- life and body and/or physical integrity of the consumer
 financial interests of the consumer
 third parties/self-determined life and/or reasonable factor allocation through mature consumer decisions
- with regard to the protection of limb and life and physical integrity of those involved in the production process
 - in support of effective environmental and animal protection
 - for other social/societal considerations (fair trade/philosophy of life)



c. In case of dependence of a certain degree of exposure of the consumer:

Which degree of certainty is required?

- suspicion that there is a danger/an infringement is sufficient
- reasonable suspicion of a danger/an infringement
- certainty about a danger/an infringement
- a different degree:

6. Nature of the claim

The claim is a

- contractual claim subject to private law
- tort claim subject to private law
- public-law claim
- public-law obligation to release information enforced by penalty.

7. Legal consequences in case of incorrect information

If the information provided by an authority/a company turns out to be incomplete or wrong,

- consumers are entitled to claim for damages against those in duty to inform
- claim depends on fault
- an entrepreneur can be prosecuted for administrative offence/criminal offence under the following conditions
- the business (company) also can be prosecuted

a. Amount of damages

- the damage cannot be determined, so the claim is ineffectual
- is calculated as follows
- in case of infringement, moral damage to the amount of ≈ to ≈. €
is assumed
- in case of infringement, punitive damages are estimated at ≈ to ≈. €
Conditions:

b. The mistake is made public as follows

c. Other Sanctions

The mistake/incompleteness of the information is sanctioned as follows:

An injunction of release of information should be coupled with a threat of a fixed sum penalty, unless this, as an exception, seems unnecessary.

8. Costs

Costs are caused by the following activities,

- providing existing information
- referring the consumer to another body
- consultation of the business
- publishing the information
 - provision of easily accessible information
 - provision of any information
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9. Other relevant information

In case there is anything else that in your opinion could be relevant in general although it has not specifically been asked for, please mention it below (e.g. claim dependent on fraud or similar).

The provision states that the relevant information is to be considered material in relation to MFA § 10(3). Material information is to be given upon injunction by either the Market Court or the Consumer Ombudsman after a demand of a consumer, MFA § 24(3)(3).



Basis of claim and name of the legal act (original name and translation):
Insurance Contracts Act (2005:104) § 2:9
2 kap. 9 § försäkringsavtalslagen (2005:104)
Amended up to SFS 2008:509

1. Objective of the claim/legal consequence

a. The claim is directed at

- release of existing/available information
- release of existing information or forwarding of the request/the claimant to the competent body
- examination of the facts upon request and release of information
- product warning (authority)/product recall (business).
- publishing (e.g. on the internet) – location:
- none of the above, but aimed at:

b. Extent of the claim

What kind of information may be released according to the provision (e.g. risks to health with or without limit value(s), production process, products, other)?

Product and other:
Especially important information in insurance relationships.

c. Duration of proceedings

Is there a deadline for releasing the information required/for handling the inquiry? If so, what is the time limit?

No.

2. Parties involved

a. Entitled is/are generally

- anyone (natural and legal persons)
- consumers
- consumer associations
- other specific persons (groups of persons)/authorities: Consumer Ombudsman, affected business or association of businesses or employees

b. Conditions of entitlement

persons have to

- be affected by the information themselves
- have the following interest in the information:
- other conditions:

c. Opponents/those with a duty to inform are

- authorities
- producers/service providers** (please choose the appropriate option)
- functional intermediaries
- other:



3. Legal prerequisites

a. Is there a term of maturity for information?

- No
 Yes, information older than **month must not** be released any longer (*please choose the appropriate options*).

b. Exceptions

Exempt from the right to information are

- industrial secrets, in particular:
 business secrets, in particular:
 information connected to property rights, in particular:
 information available to the following authorities:
 information for the protection of the following public interests:
 other information due to the following reasons:

c. The existence of specialized provisions is

- claimed by the company:
 checked by the following authority:
 checked also by the following independent institution upon request:
 is claimed/checked as follows:
 is determined regularly/in exceptional cases (please strike out if not appropriate) in hearings:

- d. A request is required** yes no

4. Scope of application

Is the claim limited to specific products/services (e.g. food and (animal) fodder according to Regulation (EC) 178/2002)? Please indicate to which products/services the claim is limited.

Insurance against damaged property, liability and other pure economic loss.

5. Purpose of the provision

a. Criteria for the scope of the claim mentioned in 1.a. and 1.b. (multiple answers are permitted)

(the specific scope was selected due to)

- degree of exposure of the consumer
 protected matter that is threatened (life, health, property, self-determined lifestyle)
 subject matter of the law/product category
 provisions in European secondary legislation

b. In case of dependence on a protected matter: What is the provision intended to protect?

- life and body and/or physical integrity of the consumer
 financial interests of the consumer
 third parties/self-determined life and/or reasonable factor allocation through mature consumer decisions
- with regard to the protection of limb and life and physical integrity of those involved in the production process
 - in support of effective environmental and animal protection
 - for other social/societal considerations (fair trade/philosophy of life)



c. In case of dependence of a certain degree of exposure of the consumer:

Which degree of certainty is required?

- suspicion that there is a danger/an infringement is sufficient
- reasonable suspicion of a danger/an infringement
- certainty about a danger/an infringement
- a different degree:

6. Nature of the claim

The claim is a

- contractual claim subject to private law
- tort claim subject to private law
- public-law claim
- public-law obligation to release information enforced by penalty.

7. Legal consequences in case of incorrect information

If the information provided by an authority/a company turns out to be incomplete or wrong,

- consumers are entitled to claim for damages against those in duty to inform
- claim depends on fault
- an entrepreneur can be prosecuted for administrative offence/criminal offence under the following conditions
- the business (company) also can be prosecuted

a. Amount of damages

- the damage cannot be determined, so the claim is ineffectual
- is calculated as follows
- in case of infringement, moral damage to the amount of ≈ to ≈. €
is assumed
- in case of infringement, punitive damages are estimated at ≈ to ≈. €
Conditions:

b. The mistake is made public as follows

c. Other Sanctions

The mistake/incompleteness of the information is sanctioned as follows:

An injunction of release of information should be coupled with a threat of a fixed sum penalty, unless this, as an exception, seems unnecessary.

8. Costs

Costs are caused by the following activities,

- providing existing information
- referring the consumer to another body
- consultation of the business
- publishing the information
 - provision of easily accessible information
 - provision of any information
 - other
 - such as

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9. Other relevant information

In case there is anything else that in your opinion could be relevant in general although it has not specifically been asked for, please mention it below (e.g. claim dependent on fraud or similar).

The provision states that the relevant information is to be considered material in relation to MFA § 10(3). Material information is to be given upon injunction by either the Market Court or the Consumer Ombudsman after a demand of a consumer, MFA § 24(3)(3).



Basis of claim and name of the legal act (original name and translation):
Insurance Contracts Act (2005:104) § 10:10
10 kap. 10 § försäkringsavtalslagen (2005:104)
Amended up to SFS 2008:509

1. Objective of the claim/legal consequence

a. The claim is directed at

- release of existing/available information
- release of existing information or forwarding of the request/the claimant to the competent body
- examination of the facts upon request and release of information
- product warning (authority)/product recall (business).
- publishing (e.g. on the internet) – location:
- none of the above, but aimed at:

b. Extent of the claim

What kind of information may be released according to the provision (e.g. risks to health with or without limit value(s), production process, products, other)?

Product and other:
Especially important information in insurance relationships.

c. Duration of proceedings

Is there a deadline for releasing the information required/for handling the inquiry? If so, what is the time limit?

No.

2. Parties involved

a. Entitled is/are generally

- anyone (natural and legal persons)
- consumers
- consumer associations
- other specific persons (groups of persons)/authorities: Consumer Ombudsman, affected business or association of businesses or employees

b. Conditions of entitlement

persons have to

- be affected by the information themselves
- have the following interest in the information:
- other conditions:

c. Opponents/those with a duty to inform are

- authorities
- producers/service providers** (please choose the appropriate option)
- functional intermediaries
- other:



3. Legal prerequisites

a. Is there a term of maturity for information?

- No
 Yes, information older than **month must not** be released any longer (*please choose the appropriate options*).

b. Exceptions

Exempt from the right to information are

- industrial secrets, in particular:
 business secrets, in particular:
 information connected to property rights, in particular:
 information available to the following authorities:
 information for the protection of the following public interests:
 other information due to the following reasons:

c. The existence of specialized provisions is

- claimed by the company:
 checked by the following authority:
 checked also by the following independent institution upon request:
 is claimed/checked as follows:
 is determined regularly/in exceptional cases (please strike out if not appropriate) in hearings:

- d. A request is required** yes no

4. Scope of application

Is the claim limited to specific products/services (e.g. food and (animal) fodder according to Regulation (EC) 178/2002)? Please indicate to which products/services the claim is limited.

Individual life, health and accident insurance.

5. Purpose of the provision

a. Criteria for the scope of the claim mentioned in 1.a. and 1.b. (multiple answers are permitted)

(the specific scope was selected due to)

- degree of exposure of the consumer
 protected matter that is threatened (life, health, property, self-determined lifestyle)
 subject matter of the law/product category
 provisions in European secondary legislation

b. In case of dependence on a protected matter: What is the provision intended to protect?

- life and body and/or physical integrity of the consumer
 financial interests of the consumer
 third parties/self-determined life and/or reasonable factor allocation through mature consumer decisions
- with regard to the protection of limb and life and physical integrity of those involved in the production process
 - in support of effective environmental and animal protection
 - for other social/societal considerations (fair trade/philosophy of life)

**c. In case of dependence of a certain degree of exposure of the consumer:**

Which degree of certainty is required?

- suspicion that there is a danger/an infringement is sufficient
- reasonable suspicion of a danger/an infringement
- certainty about a danger/an infringement
- a different degree:

6. Nature of the claim

The claim is a

- contractual claim subject to private law
- tort claim subject to private law
- public-law claim
- public-law obligation to release information enforced by penalty.

7. Legal consequences in case of incorrect information

If the information provided by an authority/a company turns out to be incomplete or wrong,

- consumers are entitled to claim for damages against those in duty to inform
- claim depends on fault
- an entrepreneur can be prosecuted for administrative offence/criminal offence under the following conditions
- the business (company) also can be prosecuted

a. Amount of damages

- the damage cannot be determined, so the claim is ineffectual
- is calculated as follows
- in case of infringement, moral damage to the amount of ≈ to ≈. €
is assumed
- in case of infringement, punitive damages are estimated at ≈ to ≈. €
Conditions:

b. The mistake is made public as follows**c. Other Sanctions**

The mistake/incompleteness of the information is sanctioned as follows:

An injunction of release of information should be coupled with a threat of a fixed sum penalty, unless this, as an exception, seems unnecessary.

8. Costs

Costs are caused by the following activities,

- providing existing information
- referring the consumer to another body
- consultation of the business
- publishing the information
- provision of easily accessible information
- provision of any information
- other
- such as

of which the consumer pays



9. Other relevant information

In case there is anything else that in your opinion could be relevant in general although it has not specifically been asked for, please mention it below (e.g. claim dependent on fraud or similar).

The provision states that the relevant information is to be considered material in relation to MFA § 10(3). Material information is to be given upon injunction by either the Market Court or the Consumer Ombudsman after a demand of a consumer, MFA § 24(3)(3).



Basis of claim and name of the legal act (original name and translation):
Insurance Contracts Act (2005:104) § 19:8
19 kap. 8 § försäkringsavtalslagen (2005:104)
Amended up to SFS 2008:509

1. Objective of the claim/legal consequence

a. The claim is directed at

- release of existing/available information
- release of existing information or forwarding of the request/the claimant to the competent body
- examination of the facts upon request and release of information
- product warning (authority)/product recall (business).
- publishing (e.g. on the internet) – location:
- none of the above, but aimed at:

b. Extent of the claim

What kind of information may be released according to the provision (e.g. risks to health with or without limit value(s), production process, products, other)?

Product and other:
Especially important information in insurance relationships.

c. Duration of proceedings

Is there a deadline for releasing the information required/for handling the inquiry? If so, what is the time limit?

No.

2. Parties involved

a. Entitled is/are generally

- anyone (natural and legal persons)
- consumers
- consumer associations
- other specific persons (groups of persons)/authorities: Consumer Ombudsman, affected business or association of businesses or employees

b. Conditions of entitlement

persons have to

- be affected by the information themselves
- have the following interest in the information:
- other conditions:

c. Opponents/those with a duty to inform are

- authorities
- service providers** (*please choose the appropriate option*)
- functional intermediaries
- other:



3. Legal prerequisites

a. Is there a term of maturity for information?

- No
 Yes, information older than **month must not** be released any longer (*please choose the appropriate options*).

b. Exceptions

Exempt from the right to information are

- industrial secrets, in particular:
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c. The existence of specialized provisions is

- claimed by the company:
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 is claimed/checked as follows:
 is determined regularly/in exceptional cases (please strike out if not appropriate) in hearings:

d. A request is required yes no

4. Scope of application

Is the claim limited to specific products/services (e.g. food and (animal) fodder according to Regulation (EC) 178/2002)? Please indicate to which products/services the claim is limited.

Collective life, health and accident insurance.

5. Purpose of the provision

a. Criteria for the scope of the claim mentioned in 1.a. and 1.b. (multiple answers are permitted)

(the specific scope was selected due to)

- degree of exposure of the consumer
 protected matter that is threatened (life, health, property, self-determined lifestyle)
 subject matter of the law/product category
 provisions in European secondary legislation

b. In case of dependence on a protected matter: What is the provision intended to protect?

- life and body and/or physical integrity of the consumer
 financial interests of the consumer
 third parties/self-determined life and/or reasonable factor allocation through mature consumer decisions
 with regard to the protection of limb and life and physical integrity of those involved in the production process
 in support of effective environmental and animal protection
 for other social/societal considerations (fair trade/philosophy of life)



c. In case of dependence of a certain degree of exposure of the consumer:

Which degree of certainty is required?

- suspicion that there is a danger/an infringement is sufficient
- reasonable suspicion of a danger/an infringement
- certainty about a danger/an infringement
- a different degree:

6. Nature of the claim

The claim is a

- contractual claim subject to private law
- tort claim subject to private law
- public-law claim
- public-law obligation to release information enforced by penalty.

7. Legal consequences in case of incorrect information

If the information provided by an authority/a company turns out to be incomplete or wrong,

- consumers are entitled to claim for damages against those in duty to inform
- claim depends on fault
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- the business (company) also can be prosecuted

a. Amount of damages

- the damage cannot be determined, so the claim is ineffectual
- is calculated as follows
- in case of infringement, moral damage to the amount of ≈ to ≈. €
is assumed
- in case of infringement, punitive damages are estimated at ≈ to ≈. €
Conditions:

b. The mistake is made public as follows

c. Other Sanctions

The mistake/incompleteness of the information is sanctioned as follows:

An injunction of release of information should be coupled with a threat of a fixed sum penalty, unless this, as an exception, seems unnecessary.

8. Costs

Costs are caused by the following activities,

- providing existing information
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- publishing the information
 - provision of easily accessible information
 - provision of any information
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9. Other relevant information

In case there is anything else that in your opinion could be relevant in general although it has not specifically been asked for, please mention it below (e.g. claim dependent on fraud or similar).

The provision states that the relevant information is to be considered material in relation to MFA § 10(3). Material information is to be given upon injunction by either the Market Court or the Consumer Ombudsman after a demand of a consumer, MFA § 24(3)(3).



Basis of claim and name of the legal act (original name and translation):
Insurance Contracts Act (2005:104) § 20:6
20 kap. 6 § försäkringsavtalslagen (2005:104)
Amended up to SFS 2008:509

1. Objective of the claim/legal consequence

a. The claim is directed at

- release of existing/available information
 release of existing information or forwarding of the request/the claimant to the competent body
 examination of the facts upon request and release of information
 product warning (authority)/product recall (business).
 publishing (e.g. on the internet) – location:
 none of the above, but aimed at:

b. Extent of the claim

What kind of information may be released according to the provision (e.g. risks to health with or without limit value(s), production process, products, other)?

Product and other:
 Especially important information in insurance relationships.

c. Duration of proceedings

Is there a deadline for releasing the information required/for handling the inquiry? If so, what is the time limit?

No.

2. Parties involved

a. Entitled is/are generally

- anyone (natural and legal persons)
 consumers
 consumer associations
 other specific persons (groups of persons)/authorities: Consumer Ombudsman, affected business or association of businesses or employees

b. Conditions of entitlement

persons have to

- be affected by the information themselves
 have the following interest in the information:
 other conditions:

c. Opponents/those with a duty to inform are

- authorities
 producers/service providers (please choose the appropriate option)
 functional intermediaries
 other:



3. Legal prerequisites

a. Is there a term of maturity for information?

- No
 Yes, information older than **month must not** be released any longer (*please choose the appropriate options*).

b. Exceptions

Exempt from the right to information are

- industrial secrets, in particular:
 business secrets, in particular:
 information connected to property rights, in particular:
 information available to the following authorities:
 information for the protection of the following public interests:
 other information due to the following reasons:

c. The existence of specialized provisions is

- claimed by the company:
 checked by the following authority:
 checked also by the following independent institution upon request:
 is claimed/checked as follows:
 is determined regularly/in exceptional cases (please strike out if not appropriate) in hearings:

- d. A request is required** yes no

4. Scope of application

Is the claim limited to specific products/services (e.g. food and (animal) fodder according to Regulation (EC) 178/2002)? Please indicate to which products/services the claim is limited.

Collective bargaining life, health and accident insurance.

5. Purpose of the provision

a. Criteria for the scope of the claim mentioned in 1.a. and 1.b. (multiple answers are permitted)

(the specific scope was selected due to)

- degree of exposure of the consumer
 protected matter that is threatened (life, health, property, self-determined lifestyle)
 subject matter of the law/product category
 provisions in European secondary legislation

b. In case of dependence on a protected matter: What is the provision intended to protect?

- life and body and/or physical integrity of the consumer
 financial interests of the consumer
 third parties/self-determined life and/or reasonable factor allocation through mature consumer decisions
- with regard to the protection of limb and life and physical integrity of those involved in the production process
 - in support of effective environmental and animal protection
 - for other social/societal considerations (fair trade/philosophy of life)

**c. In case of dependence of a certain degree of exposure of the consumer:**

Which degree of certainty is required?

- suspicion that there is a danger/an infringement is sufficient
- reasonable suspicion of a danger/an infringement
- certainty about a danger/an infringement
- a different degree:

6. Nature of the claim

The claim is a

- contractual claim subject to private law
- tort claim subject to private law
- public-law claim
- public-law obligation to release information enforced by penalty.

7. Legal consequences in case of incorrect information

If the information provided by an authority/a company turns out to be incomplete or wrong,

- consumers are entitled to claim for damages against those in duty to inform
- claim depends on fault
- an entrepreneur can be prosecuted for administrative offence/criminal offence under the following conditions
- the business (company) also can be prosecuted

a. Amount of damages

- the damage cannot be determined, so the claim is ineffectual
- is calculated as follows
- in case of infringement, moral damage to the amount of ≈ to ≈. €
is assumed
- in case of infringement, punitive damages are estimated at ≈ to ≈. €
- Conditions:

b. The mistake is made public as follows**c. Other Sanctions**

The mistake/incompleteness of the information is sanctioned as follows:

An injunction of release of information should be coupled with a threat of a fixed sum penalty, unless this, as an exception, seems unnecessary.

8. Costs

Costs are caused by the following activities,

- providing existing information
- referring the consumer to another body
- consultation of the business
- publishing the information
- provision of easily accessible information
- provision of any information
- other
- such as

of which the consumer pays



9. Other relevant information

In case there is anything else that in your opinion could be relevant in general although it has not specifically been asked for, please mention it below (e.g. claim dependent on fraud or similar).

The provision states that the relevant information is to be considered material in relation to MFA § 10(3). Material information is to be given upon injunction by either the Market Court or the Consumer Ombudsman after a demand of a consumer, MFA § 24(3)(3).



Basis of claim and name of the legal act (original name and translation):
Insurance Agency Act (2005:405) § 6:8
6 kap. 8 § lagen (2005:405) om försäkringsförmedling
Amended up to SFS 2009:363

1. Objective of the claim/legal consequence

a. The claim is directed at

- release of existing/available information
 release of existing information or forwarding of the request/the claimant to the competent body
 examination of the facts upon request and release of information
 product warning (authority)/product recall (business).
 publishing (e.g. on the internet) – location:
 none of the above, but aimed at:

b. Extent of the claim

What kind of information may be released according to the provision (e.g. risks to health with or without limit value(s), production process, products, other)?

Product and other:
 Identity of the business, dependence towards insurance company etc.

c. Duration of proceedings

Is there a deadline for releasing the information required/for handling the inquiry? If so, what is the time limit?

No.

2. Parties involved

a. Entitled is/are generally

- anyone (natural and legal persons)
 consumers
 consumer associations
 other specific persons (groups of persons)/authorities: Consumer Ombudsman, affected business or association of businesses or employees

b. Conditions of entitlement

persons have to

- be affected by the information themselves
 have the following interest in the information:
 other conditions:

c. Opponents/those with a duty to inform are

- authorities
 producers/service providers (please choose the appropriate option)
 functional intermediaries
 other:



3. Legal prerequisites

a. Is there a term of maturity for information?

- No
 Yes, information older than **month must not** be released any longer (*please choose the appropriate options*).

b. Exceptions

Exempt from the right to information are

- industrial secrets, in particular:
 business secrets, in particular:
 information connected to property rights, in particular:
 information available to the following authorities:
 information for the protection of the following public interests:
 other information due to the following reasons:

c. The existence of specialized provisions is

- claimed by the company:
 checked by the following authority:
 checked also by the following independent institution upon request:
 is claimed/checked as follows:
 is determined regularly/in exceptional cases (please strike out if not appropriate) in hearings:

- d. A request is required** yes no

4. Scope of application

Is the claim limited to specific products/services (e.g. food and (animal) fodder according to Regulation (EC) 178/2002)? Please indicate to which products/services the claim is limited.

Insurance agency.

5. Purpose of the provision

a. Criteria for the scope of the claim mentioned in 1.a. and 1.b. (multiple answers are permitted)

(the specific scope was selected due to)

- degree of exposure of the consumer
 protected matter that is threatened (life, health, property, self-determined lifestyle)
 subject matter of the law/product category
 provisions in European secondary legislation

b. In case of dependence on a protected matter: What is the provision intended to protect?

- life and body and/or physical integrity of the consumer
 financial interests of the consumer
 third parties/self-determined life and/or reasonable factor allocation through mature consumer decisions
 - with regard to the protection of limb and life and physical integrity of those involved in the production process
 - in support of effective environmental and animal protection
 - for other social/societal considerations (fair trade/philosophy of life)



c. In case of dependence of a certain degree of exposure of the consumer:

Which degree of certainty is required?

- suspicion that there is a danger/an infringement is sufficient
- reasonable suspicion of a danger/an infringement
- certainty about a danger/an infringement
- a different degree:

6. Nature of the claim

The claim is a

- contractual claim subject to private law
- tort claim subject to private law
- public-law claim
- public-law obligation to release information enforced by penalty.

7. Legal consequences in case of incorrect information

If the information provided by an authority/a company turns out to be incomplete or wrong,

- consumers are entitled to claim for damages against those in duty to inform
- claim depends on fault
- an entrepreneur can be prosecuted for administrative offence/criminal offence under the following conditions
- the business (company) also can be prosecuted

a. Amount of damages

- the damage cannot be determined, so the claim is ineffectual
- is calculated as follows
- in case of infringement, moral damage to the amount of ≈ to ≈. €
is assumed
- in case of infringement, punitive damages are estimated at ≈ to ≈. €
Conditions:

b. The mistake is made public as follows

c. Other Sanctions

The mistake/incompleteness of the information is sanctioned as follows:

An injunction of release of information should be coupled with a threat of a fixed sum penalty, unless this, as an exception, seems unnecessary.

8. Costs

Costs are caused by the following activities,

- providing existing information
- referring the consumer to another body
- consultation of the business
- publishing the information
 - provision of easily accessible information
 - provision of any information
 - other
 - such as

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9. Other relevant information

In case there is anything else that in your opinion could be relevant in general although it has not specifically been asked for, please mention it below (e.g. claim dependent on fraud or similar).

The provision states that the relevant information is to be considered material in relation to MFA § 10(3). Material information is to be given upon injunction by either the Market Court or the Consumer Ombudsman after a demand of a consumer, MFA § 24(3)(3).


Basis of claim and name of the legal act (original name and translation):
Marketing Practices Act (2008:486) § 24(3)(3)
24 § tredje stycket 3 marknadsföringslagen (2008:486)
Amended up to 2009:1084
1. Objective of the claim/legal consequence
a. The claim is directed at

- release of existing/available information
- release of existing information or forwarding of the request/the claimant to the competent body
- examination of the facts upon request and release of information
- product warning (authority)/product recall (business).
- publishing (e.g. on the internet) – location:
- none of the above, but aimed at:

b. Extent of the claim

What kind of information may be released according to the provision (e.g. risks to health with or without limit value(s), production process, products, other)?

Information deemed material in marketing.

c. Duration of proceedings

Is there a deadline for releasing the information required/for handling the inquiry? If so, what is the time limit?

No.

2. Parties involved
a. Entitled is/are generally

- anyone (natural and legal persons)
- consumers
- consumer associations
- other specific persons (groups of persons)/authorities: Consumer Ombudsman, affected business or association of businesses or employees

b. Conditions of entitlement

persons have to

- be affected by the information themselves
- have the following interest in the information:
- other conditions:

c. Opponents/those with a duty to inform are

- authorities
- producers/service providers** (please choose the appropriate option)
- functional intermediaries
- other:



3. Legal prerequisites

a. Is there a term of maturity for information?

- No
 Yes, information older than **month must not** be released any longer (*please choose the appropriate options*).

b. Exceptions

Exempt from the right to information are

- industrial secrets, in particular:
 business secrets, in particular:
 information connected to property rights, in particular:
 information available to the following authorities:
 information for the protection of the following public interests:
 other information due to the following reasons:

c. The existence of specialized provisions is

- claimed by the company:
 checked by the following authority:
 checked also by the following independent institution upon request:
 is claimed/checked as follows:
 is determined regularly/in exceptional cases (please strike out if not appropriate) in hearings:

- d. A request is required** yes no

4. Scope of application

Is the claim limited to specific products/services (e.g. food and (animal) fodder according to Regulation (EC) 178/2002)? Please indicate to which products/services the claim is limited.

No.

5. Purpose of the provision

a. Criteria for the scope of the claim mentioned in 1.a. and 1.b. (multiple answers are permitted)

(the specific scope was selected due to)

- degree of exposure of the consumer
 protected matter that is threatened (life, health, property, self-determined lifestyle)
 subject matter of the law/product category
 provisions in European secondary legislation

b. In case of dependence on a protected matter: What is the provision intended to protect?

- life and body and/or physical integrity of the consumer
 financial interests of the consumer
 third parties/self-determined life and/or reasonable factor allocation through mature consumer decisions
- with regard to the protection of limb and life and physical integrity of those involved in the production process
- in support of effective environmental and animal protection
- for other social/societal considerations (fair trade/philosophy of life)

**c. In case of dependence of a certain degree of exposure of the consumer:**

Which degree of certainty is required?

- suspicion that there is a danger/an infringement is sufficient
- reasonable suspicion of a danger/an infringement
- certainty about a danger/an infringement
- a different degree:

6. Nature of the claim

The claim is a

- contractual claim subject to private law
- tort claim subject to private law
- public-law claim
- public-law obligation to release information enforced by penalty.

7. Legal consequences in case of incorrect information

If the information provided by an authority/a company turns out to be incomplete or wrong,

- consumers are entitled to claim for damages against those in duty to inform
- claim depends on fault
- an entrepreneur can be prosecuted for administrative offence/criminal offence under the following conditions
- the business (company) also can be prosecuted

a. Amount of damages

- the damage cannot be determined, so the claim is ineffectual
- is calculated as follows
- in case of infringement, moral damage to the amount of ≈ to ≈. €
is assumed
- in case of infringement, punitive damages are estimated at ≈ to ≈. €
- Conditions:

b. The mistake is made public as follows

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c. Other Sanctions

The mistake/incompleteness of the information is sanctioned as follows:

An injunction of release of information should be coupled with a threat of a fixed sum penalty, unless this, as an exception, seems unnecessary.
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8. Costs

Costs are caused by the following activities,

providing existing information

referring the consumer to another body

consultation of the business

publishing the information

-provision of easily accessible information

-provision of any information

-other

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of which the consumer pays

9. Other relevant information

In case there is anything else that in your opinion could be relevant in general although it has not specifically been asked for, please mention it below (e.g. claim dependent on fraud or similar).

Material information is to be given upon injunction by either the Market Court or the Consumer Ombudsman after a demand of a consumer, MFA § 24(3)(3).



Basis of claim and name of the legal act (original name and translation):
Services on the Internal Market Act (2009:1079) § 18
18 § lagen (2009:1079) om tjänster på den inre marknaden

1. Objective of the claim/legal consequence

a. The claim is directed at

- release of existing/available information
 release of existing information or forwarding of the request/the claimant to the competent body
 examination of the facts upon request and release of information
 product warning (authority)/product recall (business).
 publishing (e.g. on the internet) – location:
 none of the above, but aimed at:

b. Extent of the claim

What kind of information may be released according to the provision (e.g. risks to health with or without limit value(s), production process, products, other)?

Product and other:

The business's identity, the characteristics of the product or service, the price etc.

c. Duration of proceedings

Is there a deadline for releasing the information required/for handling the inquiry? If so, what is the time limit?

No.

2. Parties involved

a. Entitled is/are generally

- anyone (natural and legal persons)
 consumers
 consumer associations
 other specific persons (groups of persons)/authorities: Consumer Ombudsman, affected business or association of businesses or employees

b. Conditions of entitlement

persons have to

- be affected by the information themselves
 have the following interest in the information:
 other conditions:

c. Opponents/those with a duty to inform are

- authorities
 service providers (*please choose the appropriate option*)
 functional intermediaries
 other:



3. Legal prerequisites

a. Is there a term of maturity for information?

- No
 Yes, information older than **month must not** be released any longer (*please choose the appropriate options*).

b. Exceptions

Exempt from the right to information are

- industrial secrets, in particular:
 business secrets, in particular:
 information connected to property rights, in particular:
 information available to the following authorities:
 information for the protection of the following public interests:
 other information due to the following reasons:

c. The existence of specialized provisions is

- claimed by the company:
 checked by the following authority:
 checked also by the following independent institution upon request:
 is claimed/checked as follows:
 is determined regularly/in exceptional cases (please strike out if not appropriate) in hearings:

d. A request is required yes no

4. Scope of application

Is the claim limited to specific products/services (e.g. food and (animal) fodder according to Regulation (EC) 178/2002)? Please indicate to which products/services the claim is limited.

Services, apart from financial, electronic communication, transport, etc., see Directive 2006/123/EC.

5. Purpose of the provision

a. Criteria for the scope of the claim mentioned in 1.a. and 1.b. (multiple answers are permitted)

(the specific scope was selected due to)

- degree of exposure of the consumer
 protected matter that is threatened (life, health, property, self-determined lifestyle)
 subject matter of the law/product category
 provisions in European secondary legislation

b. In case of dependence on a protected matter: What is the provision intended to protect?

- life and body and/or physical integrity of the consumer
 financial interests of the consumer
 third parties/self-determined life and/or reasonable factor allocation through mature consumer decisions
 with regard to the protection of limb and life and physical integrity of those involved in the production process
 in support of effective environmental and animal protection



for other social/societal considerations (fair trade/philosophy of life)

c. In case of dependence of a certain degree of exposure of the consumer:

Which degree of certainty is required?

- suspicion that there is a danger/an infringement is sufficient
- reasonable suspicion of a danger/an infringement
- certainty about a danger/an infringement
- a different degree:

6. Nature of the claim

The claim is a

- contractual claim subject to private law
- tort claim subject to private law
- public-law claim
- public-law obligation to release information enforced by penalty.

7. Legal consequences in case of incorrect information

If the information provided by an authority/a company turns out to be incomplete or wrong,

- consumers are entitled to claim for damages against those in duty to inform
- claim depends on fault
- an entrepreneur can be prosecuted for administrative offence/criminal offence under the following conditions
- the business (company) also can be prosecuted

a. Amount of damages

- the damage cannot be determined, so the claim is ineffectual
- is calculated as follows
- in case of infringement, moral damage to the amount of ≈ to ≈. €
is assumed
- in case of infringement, punitive damages are estimated at ≈ to ≈. €
Conditions:

b. The mistake is made public as follows

c. Other Sanctions

The mistake/incompleteness of the information is sanctioned as follows:

An injunction of release of information should be coupled with a threat of a fixed sum penalty, unless this, as an exception, seems unnecessary.

8. Costs

Costs are caused by the following activities,

- providing existing information
- referring the consumer to another body
- consultation of the business
- publishing the information
 - provision of easily accessible information
 - provision of any information
 - other

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9. Other relevant information

In case there is anything else that in your opinion could be relevant in general although it has not specifically been asked for, please mention it below (e.g. claim dependent on fraud or similar).

The provision states that the relevant information is to be considered material in relation to MFA § 10(3). Material information is to be given upon injunction by either the Market Court or the Consumer Ombudsman after a demand of a consumer, MFA § 24(3)(3).



Basis of claim and name of the legal act (original name and translation):
Payment Terms in Credit Sales Ordinance (1988:160) § 7
7 § förordningen (1988:160) om betalningsvillkor vid kreditköp
Amended up to SFS 1989:217.

1. Objective of the claim/legal consequence

a. The claim is directed at

- release of existing/available information
 release of existing information or forwarding of the request/the claimant to the competent body
 examination of the facts upon request and release of information
 product warning (authority)/product recall (business).
 publishing (e.g. on the internet) – location:
 none of the above, but aimed at:

b. Extent of the claim

What kind of information may be released according to the provision (e.g. risks to health with or without limit value(s), production process, products, other)?

Other: Debtors' financial protection.

c. Duration of proceedings

Is there a deadline for releasing the information required/for handling the inquiry? If so, what is the time limit?

No.

2. Parties involved

a. Entitled is/are generally

- anyone (natural and legal persons)
 consumers
 consumer associations
 other specific persons (groups of persons)/authorities: Swedish Financial Supervisory Authority

b. Conditions of entitlement

persons have to

- be affected by the information themselves
 have the following interest in the information:
 other conditions:

c. Opponents/those with a duty to inform are

- authorities
 service providers (please choose the appropriate option)
 functional intermediaries
 other:



3. Legal prerequisites

a. Is there a term of maturity for information?

- No
 Yes, information older than **month must not** be released any longer (*please choose the appropriate options*).

b. Exceptions

Exempt from the right to information are

- industrial secrets, in particular:
 business secrets, in particular:
 information connected to property rights, in particular:
 information available to the following authorities:
 information for the protection of the following public interests:
 other information due to the following reasons:

c. The existence of specialized provisions is

- claimed by the company:
 checked by the following authority: Swedish Financial Supervisory Authority
 checked also by the following independent institution upon request: Administrative court
 is claimed/checked as follows:
 is determined regularly/in exceptional cases (please strike out if not appropriate) in hearings:

- d. A request is required yes no

4. Scope of application

Is the claim limited to specific products/services (e.g. food and (animal) fodder according to Regulation (EC) 178/2002)? Please indicate to which products/services the claim is limited.

Consumer credit.

5. Purpose of the provision

a. Criteria for the scope of the claim mentioned in 1.a. and 1.b. (multiple answers are permitted)

(the specific scope was selected due to)

- degree of exposure of the consumer
 protected matter that is threatened (life, health, property, self-determined lifestyle)
 subject matter of the law/product category
 provisions in European secondary legislation

b. In case of dependence on a protected matter: What is the provision intended to protect?

- life and body and/or physical integrity of the consumer
 financial interests of the consumer
 third parties/self-determined life and/or reasonable factor allocation through mature consumer decisions
- with regard to the protection of limb and life and physical integrity of those involved in the production process
 - in support of effective environmental and animal protection
 - for other social/societal considerations (fair trade/philosophy of life)



c. In case of dependence of a certain degree of exposure of the consumer:

Which degree of certainty is required?

- suspicion that there is a danger/an infringement is sufficient
- reasonable suspicion of a danger/an infringement
- certainty about a danger/an infringement
- a different degree:

6. Nature of the claim

The claim is a

- contractual claim subject to private law
- tort claim subject to private law
- public-law claim
- public-law obligation to release information enforced by penalty.

7. Legal consequences in case of incorrect information

If the information provided by an authority/a company turns out to be incomplete or wrong,

- consumers are entitled to claim for damages against those in duty to inform
- claim depends on fault
- an entrepreneur can be prosecuted for administrative offence/criminal offence under the following conditions
- the business (company) also can be prosecuted

a. Amount of damages

- the damage cannot be determined, so the claim is ineffectual
- is calculated as follows
- in case of infringement, moral damage to the amount of ≈ to ≈. €
is assumed
- in case of infringement, punitive damages are estimated at ≈ to ≈. €
Conditions:

b. The mistake is made public as follows

c. Other Sanctions

The mistake/incompleteness of the information is sanctioned as follows:

An injunction of release of information may be coupled with a threat of a fixed sum penalty.

8. Costs

Costs are caused by the following activities,

- providing existing information
- referring the consumer to another body
- consultation of the business
- publishing the information
 - provision of easily accessible information
 - provision of any information
 - other
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9. Other relevant information

In case there is anything else that in your opinion could be relevant in general although it has not specifically been asked for, please mention it below (e.g. claim dependent on fraud or similar).



Basis of claim and name of the legal act (original name and translation):
Marking of Textiles Ordinance (1993:969) § 7
7 § förordningen (1993:969) om märkning av textilier
Amended up to SFS 2008:515.

1. Objective of the claim/legal consequence

a. The claim is directed at

- release of existing/available information
 release of existing information or forwarding of the request/the claimant to the competent body
 examination of the facts upon request and release of information
 product warning (authority)/product recall (business).
 publishing (e.g. on the internet) – location:
 none of the above, but aimed at:

b. Extent of the claim

What kind of information may be released according to the provision (e.g. risks to health with or without limit value(s), production process, products, other)?

Products.

c. Duration of proceedings

Is there a deadline for releasing the information required/for handling the inquiry? If so, what is the time limit?

No.

2. Parties involved

a. Entitled is/are generally

- anyone (natural and legal persons)
 consumers
 consumer associations
 other specific persons (groups of persons)/authorities: Swedish Consumer Agency

b. Conditions of entitlement

persons have to

- be affected by the information themselves
 have the following interest in the information:
 other conditions:

c. Opponents/those with a duty to inform are

- authorities
 producers (*please choose the appropriate option*)
 functional intermediaries
 other:



3. Legal prerequisites

a. Is there a term of maturity for information?

- No
 Yes, information older than **month must not** be released any longer (*please choose the appropriate options*).

b. Exceptions

Exempt from the right to information are

- industrial secrets, in particular:
 business secrets, in particular:
 information connected to property rights, in particular:
 information available to the following authorities:
 information for the protection of the following public interests:
 other information due to the following reasons:

c. The existence of specialized provisions is

- claimed by the company:
 checked by the following authority: Swedish Consumer Agency
 checked also by the following independent institution upon request: Administrative court
 is claimed/checked as follows:
 is determined regularly/in exceptional cases (please strike out if not appropriate) in hearings:

- d. A request is required** yes no

4. Scope of application

Is the claim limited to specific products/services (e.g. food and (animal) fodder according to Regulation (EC) 178/2002)? Please indicate to which products/services the claim is limited.

Consumer credit.

5. Purpose of the provision

a. Criteria for the scope of the claim mentioned in 1.a. and 1.b. (multiple answers are permitted)

(the specific scope was selected due to)

- degree of exposure of the consumer
 protected matter that is threatened (life, health, property, self-determined lifestyle)
 subject matter of the law/product category
 provisions in European secondary legislation

b. In case of dependence on a protected matter: What is the provision intended to protect?

- life and body and/or physical integrity of the consumer
 financial interests of the consumer
 third parties/self-determined life and/or reasonable factor allocation through mature consumer decisions
- with regard to the protection of limb and life and physical integrity of those involved in the production process
 - in support of effective environmental and animal protection
 - for other social/societal considerations (fair trade/philosophy of life)



c. In case of dependence of a certain degree of exposure of the consumer:

Which degree of certainty is required?

- suspicion that there is a danger/an infringement is sufficient
- reasonable suspicion of a danger/an infringement
- certainty about a danger/an infringement
- a different degree:

6. Nature of the claim

The claim is a

- contractual claim subject to private law
- tort claim subject to private law
- public-law claim
- public-law obligation to release information enforced by penalty.

7. Legal consequences in case of incorrect information

If the information provided by an authority/a company turns out to be incomplete or wrong,

- consumers are entitled to claim for damages against those in duty to inform
- claim depends on fault
- an entrepreneur can be prosecuted for administrative offence/criminal offence under the following conditions
- the business (company) also can be prosecuted

a. Amount of damages

- the damage cannot be determined, so the claim is ineffectual
- is calculated as follows
- in case of infringement, moral damage to the amount of ≈ to ≈. €
is assumed
- in case of infringement, punitive damages are estimated at ≈ to ≈. €
Conditions:

b. The mistake is made public as follows

c. Other Sanctions

The mistake/incompleteness of the information is sanctioned as follows:

An injunction of release of information may be coupled with a threat of a fixed sum penalty.

8. Costs

Costs are caused by the following activities,

- providing existing information
- referring the consumer to another body
- consultation of the business
- publishing the information
 - provision of easily accessible information
 - provision of any information
 - other
- such as
- and

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9. Other relevant information

In case there is anything else that in your opinion could be relevant in general although it has not specifically been asked for, please mention it below (e.g. claim dependent on fraud or similar).



Basis of claim and name of the legal act (original name and translation):
Electrical Equipment Ordinance (1993:1068) § 2 a
2 a § förordningen (1993:1068) om elektrisk materiel
Corrected in and amended up to SFS 2004:472

1. Objective of the claim/legal consequence

a. The claim is directed at

- release of existing/available information
 release of existing information or forwarding of the request/the claimant to the competent body
 examination of the facts upon request and release of information
 product warning (authority)/product recall (business).
 publishing (e.g. on the internet) – location:
 none of the above, but aimed at:

b. Extent of the claim

What kind of information may be released according to the provision (e.g. risks to health with or without limit value(s), production process, products, other)?

Risks to health.

c. Duration of proceedings

Is there a deadline for releasing the information required/for handling the inquiry? If so, what is the time limit?

No.

2. Parties involved

a. Entitled is/are generally

- anyone (natural and legal persons)
 consumers
 consumer associations
 other specific persons (groups of persons)/authorities: Swedish Consumer Agency

b. Conditions of entitlement

persons have to

- be affected by the information themselves
 have the following interest in the information: See 2 a.
 other conditions:

c. Opponents/those with a duty to inform are

- authorities
 producers (please choose the appropriate option)
 functional intermediaries
 other:



3. Legal prerequisites

a. Is there a term of maturity for information?

- No
 Yes, information older than **month must not** be released any longer (*please choose the appropriate options*).

b. Exceptions

Exempt from the right to information are

- industrial secrets, in particular:
 business secrets, in particular:
 information connected to property rights, in particular:
 information available to the following authorities:
 information for the protection of the following public interests:
 other information due to the following reasons:

c. The existence of specialized provisions is

- claimed by the company:
 checked by the following authority: Medical Products Agency.
 checked also by the following independent institution upon request: Administrative Court.
 is claimed/checked as follows:
 is determined regularly/in exceptional cases (please strike out if not appropriate) in hearings:

- d. A request is required yes no

4. Scope of application

Is the claim limited to specific products/services (e.g. food and (animal) fodder according to Regulation (EC) 178/2002)? Please indicate to which products/services the claim is limited.

Electrical equipment.

5. Purpose of the provision

a. Criteria for the scope of the claim mentioned in 1.a. and 1.b. (multiple answers are permitted)

(the specific scope was selected due to)

- degree of exposure of the consumer
 protected matter that is threatened (life, health, property, self-determined lifestyle)
 subject matter of the law/product category
 provisions in European secondary legislation

b. In case of dependence on a protected matter: What is the provision intended to protect?

- life and body and/or physical integrity of the consumer
 financial interests of the consumer
 third parties/self-determined life and/or reasonable factor allocation through mature consumer decisions
- with regard to the protection of limb and life and physical integrity of those involved in the production process
 - in support of effective environmental and animal protection
 - for other social/societal considerations (fair trade/philosophy of life)



c. In case of dependence of a certain degree of exposure of the consumer:

Which degree of certainty is required?

- suspicion that there is a danger/an infringement is sufficient
- reasonable suspicion of a danger/an infringement
- certainty about a danger/an infringement
- a different degree:

6. Nature of the claim

The claim is a

- contractual claim subject to private law
- tort claim subject to private law
- public-law claim
- public-law obligation to release information enforced by penalty.

7. Legal consequences in case of incorrect information

If the information provided by an authority/a company turns out to be incomplete or wrong,

- consumers are entitled to claim for damages against those in duty to inform
- claim depends on fault
- an entrepreneur can be prosecuted for administrative offence/criminal offence under the following conditions
- the business (company) also can be prosecuted

a. Amount of damages

- the damage cannot be determined, so the claim is ineffectual
- is calculated as follows
- in case of infringement, moral damage to the amount of ≈ to ≈. €
is assumed
- in case of infringement, punitive damages are estimated at ≈ to ≈. €
Conditions:

b. The mistake is made public as follows

See Annexes ## 36 and 37.

c. Other Sanctions

The mistake/incompleteness of the information is sanctioned as follows:

See Annexes ## 36 and 37.

8. Costs

Costs are caused by the following activities,

- providing existing information
- referring the consumer to another body
- consultation of the business
- publishing the information
 - provision of easily accessible information
 - provision of any information
 - other
- such as
- and

of which the consumer pays		
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9. Other relevant information

In case there is anything else that in your opinion could be relevant in general although it has not specifically been asked for, please mention it below (e.g. claim dependent on fraud or similar).

The provision makes a blank referral to PSA.



Basis of claim and name of the legal act (original name and translation):
Marking of Shoes Ordinance (1995:670) § 7
7 § förordningen (1995:670) om märkning av skor

1. Objective of the claim/legal consequence

a. The claim is directed at

- release of existing/available information
 release of existing information or forwarding of the request/the claimant to the competent body
 examination of the facts upon request and release of information
 product warning (authority)/product recall (business).
 publishing (e.g. on the internet) – location:
 none of the above, but aimed at:

b. Extent of the claim

What kind of information may be released according to the provision (e.g. risks to health with or without limit value(s), production process, products, other)?

Products.

c. Duration of proceedings

Is there a deadline for releasing the information required/for handling the inquiry? If so, what is the time limit?

No.

2. Parties involved

a. Entitled is/are generally

- anyone (natural and legal persons)
 consumers
 consumer associations
 other specific persons (groups of persons)/authorities: Swedish Consumer Agency

b. Conditions of entitlement

persons have to

- be affected by the information themselves
 have the following interest in the information:
 other conditions:

c. Opponents/those with a duty to inform are

- authorities
 producers (please choose the appropriate option)
 functional intermediaries
 other:



3. Legal prerequisites

a. Is there a term of maturity for information?

- No
 Yes, information older than **month must not** be released any longer (*please choose the appropriate options*).

b. Exceptions

Exempt from the right to information are

- industrial secrets, in particular:
 business secrets, in particular:
 information connected to property rights, in particular:
 information available to the following authorities:
 information for the protection of the following public interests:
 other information due to the following reasons:

c. The existence of specialized provisions is

- claimed by the company:
 checked by the following authority: Swedish Consumer Agency
 checked also by the following independent institution upon request: Administrative court
 is claimed/checked as follows:
 is determined regularly/in exceptional cases (please strike out if not appropriate) in hearings:

- d. A request is required** yes no

4. Scope of application

Is the claim limited to specific products/services (e.g. food and (animal) fodder according to Regulation (EC) 178/2002)? Please indicate to which products/services the claim is limited.

Consumer credit.

5. Purpose of the provision

a. Criteria for the scope of the claim mentioned in 1.a. and 1.b. (multiple answers are permitted)

(the specific scope was selected due to)

- degree of exposure of the consumer
 protected matter that is threatened (life, health, property, self-determined lifestyle)
 subject matter of the law/product category
 provisions in European secondary legislation

b. In case of dependence on a protected matter: What is the provision intended to protect?

- life and body and/or physical integrity of the consumer
 financial interests of the consumer
 third parties/self-determined life and/or reasonable factor allocation through mature consumer decisions
- with regard to the protection of limb and life and physical integrity of those involved in the production process
 - in support of effective environmental and animal protection
 - for other social/societal considerations (fair trade/philosophy of life)



c. In case of dependence of a certain degree of exposure of the consumer:

Which degree of certainty is required?

- suspicion that there is a danger/an infringement is sufficient
- reasonable suspicion of a danger/an infringement
- certainty about a danger/an infringement
- a different degree:

6. Nature of the claim

The claim is a

- contractual claim subject to private law
- tort claim subject to private law
- public-law claim
- public-law obligation to release information enforced by penalty.

7. Legal consequences in case of incorrect information

If the information provided by an authority/a company turns out to be incomplete or wrong,

- consumers are entitled to claim for damages against those in duty to inform
- claim depends on fault
- an entrepreneur can be prosecuted for administrative offence/criminal offence under the following conditions
- the business (company) also can be prosecuted

a. Amount of damages

- the damage cannot be determined, so the claim is ineffectual
- is calculated as follows
- in case of infringement, moral damage to the amount of ≈ to ≈. €
is assumed
- in case of infringement, punitive damages are estimated at ≈ to ≈. €
Conditions:

b. The mistake is made public as follows

c. Other Sanctions

The mistake/incompleteness of the information is sanctioned as follows:

An injunction of release of information may be coupled with a threat of a fixed sum penalty.

8. Costs

Costs are caused by the following activities,

- providing existing information
- referring the consumer to another body
- consultation of the business
- publishing the information
 - provision of easily accessible information
 - provision of any information
 - other
- such as
- and

of which the consumer pays	
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9. Other relevant information

In case there is anything else that in your opinion could be relevant in general although it has not specifically been asked for, please mention it below (e.g. claim dependent on fraud or similar).



Basis of claim and name of the legal act (original name and translation):
Prohibition of Certain Dangerous Lighters Ordinance (2006:1085) § 7 a
7 a § förordningen (2006:1085) om förbud mot vissa farliga tändare
Amended up to SFS 2007:684.

1. Objective of the claim/legal consequence

a. The claim is directed at

- release of existing/available information
 release of existing information or forwarding of the request/the claimant to the competent body
 examination of the facts upon request and release of information
 product warning (authority)/product recall (business).
 publishing (e.g. on the internet) – location:
 none of the above, but aimed at:

b. Extent of the claim

What kind of information may be released according to the provision (e.g. risks to health with or without limit value(s), production process, products, other)?

Risks to health.

c. Duration of proceedings

Is there a deadline for releasing the information required/for handling the inquiry? If so, what is the time limit?

No.

2. Parties involved

a. Entitled is/are generally

- anyone (natural and legal persons)
 consumers
 consumer associations
 other specific persons (groups of persons)/authorities: Swedish Consumer Agency

b. Conditions of entitlement

persons have to

- be affected by the information themselves
 have the following interest in the information:
 other conditions:

c. Opponents/those with a duty to inform are

- authorities
 producers (*please choose the appropriate option*)
 functional intermediaries
 other: Sellers



3. Legal prerequisites

a. Is there a term of maturity for information?

- No
 Yes, information older than **month must not** be released any longer (*please choose the appropriate options*).

b. Exceptions

Exempt from the right to information are

- industrial secrets, in particular:
 business secrets, in particular:
 information connected to property rights, in particular:
 information available to the following authorities:
 information for the protection of the following public interests:
 other information due to the following reasons:

c. The existence of specialized provisions is

- claimed by the company:
 checked by the following authority: Swedish Consumer Agency
 checked also by the following independent institution upon request: Administrative court
 is claimed/checked as follows:
 is determined regularly/in exceptional cases (please strike out if not appropriate) in hearings:

d. A request is required yes no

4. Scope of application

Is the claim limited to specific products/services (e.g. food and (animal) fodder according to Regulation (EC) 178/2002)? Please indicate to which products/services the claim is limited.

Financial advice.

5. Purpose of the provision

a. Criteria for the scope of the claim mentioned in 1.a. and 1.b. (multiple answers are permitted)

(the specific scope was selected due to)

- degree of exposure of the consumer
 protected matter that is threatened (life, health, property, self-determined lifestyle)
 subject matter of the law/product category
 provisions in European secondary legislation

b. In case of dependence on a protected matter: What is the provision intended to protect?

- life and body and/or physical integrity of the consumer
 financial interests of the consumer
 third parties/self-determined life and/or reasonable factor allocation through mature consumer decisions
 with regard to the protection of limb and life and physical integrity of those involved in the production process
 in support of effective environmental and animal protection



for other social/societal considerations (fair trade/philosophy of life)

c. In case of dependence of a certain degree of exposure of the consumer:

Which degree of certainty is required?

- suspicion that there is a danger/an infringement is sufficient
- reasonable suspicion of a danger/an infringement
- certainty about a danger/an infringement
- a different degree:

6. Nature of the claim

The claim is a

- contractual claim subject to private law
- tort claim subject to private law
- public-law claim
- public-law obligation to release information enforced by penalty.

7. Legal consequences in case of incorrect information

If the information provided by an authority/a company turns out to be incomplete or wrong,

- consumers are entitled to claim for damages against those in duty to inform
- claim depends on fault
- an entrepreneur can be prosecuted for administrative offence/criminal offence under the following conditions
- the business (company) also can be prosecuted

a. Amount of damages

- the damage cannot be determined, so the claim is ineffectual
- is calculated as follows
- in case of infringement, moral damage to the amount of ≈ to ≈. €
is assumed
- in case of infringement, punitive damages are estimated at ≈ to ≈. €

Conditions:

b. The mistake is made public as follows

c. Other Sanctions

The mistake/incompleteness of the information is sanctioned as follows:

An injunction of release of information may be coupled with a threat of a fixed sum penalty.

8. Costs

Costs are caused by the following activities,

- providing existing information
- referring the consumer to another body
- consultation of the business
- publishing the information
 - provision of easily accessible information
 - provision of any information
 - other
- such as

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and

9. Other relevant information

In case there is anything else that in your opinion could be relevant in general although it has not specifically been asked for, please mention it below (e.g. claim dependent on fraud or similar).



Basis of claim and name of the legal act (original name and translation):
Prohibition of Certain Dangerous Lighters Ordinance (2006:1085) § 7 c
7 c § förordningen (2006:1085) om förbud mot vissa farliga tändare
Amended up to SFS 2007:684.

1. Objective of the claim/legal consequence

a. The claim is directed at

- release of existing/available information
 release of existing information or forwarding of the request/the claimant to the competent body
 examination of the facts upon request and release of information
 product warning (authority)/product recall (business).
 publishing (e.g. on the internet) – location:
 none of the above, but aimed at:

b. Extent of the claim

What kind of information may be released according to the provision (e.g. risks to health with or without limit value(s), production process, products, other)?

Risks to health.

c. Duration of proceedings

Is there a deadline for releasing the information required/for handling the inquiry? If so, what is the time limit?

No.

2. Parties involved

a. Entitled is/are generally

- anyone (natural and legal persons)
 consumers
 consumer associations
 other specific persons (groups of persons)/authorities: Swedish Consumer Agency

b. Conditions of entitlement

persons have to

- be affected by the information themselves
 have the following interest in the information:
 other conditions:

c. Opponents/those with a duty to inform are

- authorities
 producers (please choose the appropriate option)
 functional intermediaries
 other: Sellers



3. Legal prerequisites

a. Is there a term of maturity for information?

- No
 Yes, information older than **month must not** be released any longer (*please choose the appropriate options*).

b. Exceptions

Exempt from the right to information are

- industrial secrets, in particular:
 business secrets, in particular:
 information connected to property rights, in particular:
 information available to the following authorities:
 information for the protection of the following public interests:
 other information due to the following reasons:

c. The existence of specialized provisions is

- claimed by the company:
 checked by the following authority: Swedish Consumer Agency
 checked also by the following independent institution upon request: Administrative court
 is claimed/checked as follows:
 is determined regularly/in exceptional cases (please strike out if not appropriate) in hearings:

- d. A request is required** yes no

4. Scope of application

Is the claim limited to specific products/services (e.g. food and (animal) fodder according to Regulation (EC) 178/2002)? Please indicate to which products/services the claim is limited.

Financial advice.

5. Purpose of the provision

a. Criteria for the scope of the claim mentioned in 1.a. and 1.b. (multiple answers are permitted)

(the specific scope was selected due to)

- degree of exposure of the consumer
 protected matter that is threatened (life, health, property, self-determined lifestyle)
 subject matter of the law/product category
 provisions in European secondary legislation

b. In case of dependence on a protected matter: What is the provision intended to protect?

- life and body and/or physical integrity of the consumer
 financial interests of the consumer
 third parties/self-determined life and/or reasonable factor allocation through mature consumer decisions
- with regard to the protection of limb and life and physical integrity of those involved in the production process
 - in support of effective environmental and animal protection
 - for other social/societal considerations (fair trade/philosophy of life)

**c. In case of dependence of a certain degree of exposure of the consumer:**

Which degree of certainty is required?

- suspicion that there is a danger/an infringement is sufficient
- reasonable suspicion of a danger/an infringement
- certainty about a danger/an infringement
- a different degree:

6. Nature of the claim

The claim is a

- contractual claim subject to private law
- tort claim subject to private law
- public-law claim
- public-law obligation to release information enforced by penalty.

7. Legal consequences in case of incorrect information

If the information provided by an authority/a company turns out to be incomplete or wrong,

- consumers are entitled to claim for damages against those in duty to inform
- claim depends on fault
- an entrepreneur can be prosecuted for administrative offence/criminal offence under the following conditions
- the business (company) also can be prosecuted

a. Amount of damages

- the damage cannot be determined, so the claim is ineffectual
- is calculated as follows
- in case of infringement, moral damage to the amount of ≈ to ≈. €
is assumed
- in case of infringement, punitive damages are estimated at ≈ to ≈. €
- Conditions:

b. The mistake is made public as follows

--

c. Other Sanctions

The mistake/incompleteness of the information is sanctioned as follows:

An injunction of release of information may be coupled with a threat of a fixed sum penalty.
--

8. Costs

Costs are caused by the following activities,

- providing existing information
- referring the consumer to another body
- consultation of the business
- publishing the information
- provision of easily accessible information
- provision of any information
- other
- such as
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of which the consumer pays

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9. Other relevant information

In case there is anything else that in your opinion could be relevant in general although it has not specifically been asked for, please mention it below (e.g. claim dependent on fraud or similar).

FRAGEBÖGEN DER VEREINIGTEN STAATEN
VON AMERIKA


Basis of claim and name of the legal act (original name and translation):

Fair Packaging and Labeling Act of 1966

15 U.S.C. §§ 1451-1461

FTC Regulations: 16 C.F.R. Parts 500- 503

16 C.F.R. Part 500

16 C.F.R. Part 501

16 C.F.R. Part 502

16 C.F.R. Part 503

§1451. Congressional Delegation of Policy.

Informed consumers are essential to the fair and efficient functioning of a free market economy. Packages and their labels should enable consumers to obtain accurate information as to the quantity of the contents and should facilitate value comparisons. Therefore, it is hereby declared to be the policy of the Congress to assist consumers and manufacturers in reaching these goals in the marketing of consumer goods."

1. Objective of the claim/legal consequence

a. The claim is directed at

- release of existing/available information
- release of existing information or forwarding of the request/the claimant to the competent body
- examination of the facts upon request and release of information
- product warning (authority)/product recall (business).
- publishing (e.g. on the internet) – location:
- none of the above, but aimed at:

b. Extent of the claim

What kind of information may be released according to the provision (e.g. risks to health with or without limit value(s), production process, products, other)?

Fair Packaging and Labeling Act

15 U.S.C. §§ 1451-1461

FTC Regulations: 16 C.F.R. Parts 500, 501, 502, 503

What is the Fair Packaging and Labeling Act?



The Fair Packaging and Labeling Act (FPLA or Act), enacted in 1967, directs the Federal Trade Commission and the Food and Drug Administration to issue regulations requiring that all "consumer commodities" be labeled to disclose net contents, identity of commodity, and name and place of business of the product's manufacturer, packer, or distributor. The Act authorizes additional regulations where necessary to prevent consumer deception (or to facilitate value comparisons) with respect to descriptions of ingredients, slack fill of packages, use of "cents-off" or lower price labeling, or characterization of package sizes. The Office of Weights and Measures of the National Institute of Standards and Technology, U.S. Department of Commerce, is authorized to promote to the greatest practicable extent uniformity in State and Federal regulation of the labeling of consumer commodities.

- **Basic Requirements:** The FPLA requires each package of household "consumer commodities" that is included in the coverage of the FPLA to bear a label on which there is:
 - a statement identifying the commodity, e.g., detergent, sponges, etc.;
 - the name and place of business of the manufacturer, packer, or distributor;
 - and the net quantity of contents in terms of weight, measure, or numerical count (measurement must be in both metric and inch/pound units).
- **Purpose of the Act:** The FPLA is designed to facilitate value comparisons and to prevent unfair or deceptive packaging and labeling of many household "consumer commodities."
- **FDA:** The Food and Drug Administration (FDA) administers the FPLA with respect to foods, drugs, cosmetics, and medical devices. The FTC administers the FPLA with respect to other "consumer commodities" that are consumed or expended in the household.

Exemptions from this law:

- The FTC's regulations under FPLA do not apply to products distributed for industrial or institutional uses.
- Insecticides, fungicides, and rodenticides are under the jurisdiction of the Environmental Protection Agency.
- The following products, and miscellaneous others, do not fall under FPLA jurisdiction:
 - automotive products, greeting cards school supplies,
 - bottled gas for heating or cooking, hardware, sewing accessories,
 - Christmas light sets, inks, small arms ammunition,
 - cigarette lighters, lawn and garden supplies, souvenirs,
 - clothing and other textiles, magnetic recording tape, stationary and writing supplies,
 - durable goods paints and kindred products, threads
 - gift ties and tapes, pet care supplies, tools,
 - gift wraps, safety flares, toys,
 - safety pins, typewriter ribbons.
- Many products that are exempt from the FPLA nevertheless fall within the purview of the Weights and Measures laws of the individual states.

c. Duration of proceedings

Is there a deadline for releasing the information required/for handling the inquiry? If so, what is the time limit?

Covered products may not be sold without the required consumer information (quantity and content information) affixed or provided.



2. Parties involved

a. Entitled is/are generally

- anyone (natural and legal persons)
- consumers
- consumer associations
- other specific persons (groups of persons)/authorities:

b. Conditions of entitlement

persons have to

- be affected by the information themselves
- have the following interest in the information:
- other conditions: any consumer, any actual or potential purchasers or user of the product

c. Opponents/those with a duty to inform are

- authorities
- producers/service providers** (*please choose the appropriate option*)
- functional intermediaries
- other:

3. Legal prerequisites

a. Is there a term of maturity for information?

- No
- Yes, information older than **month must not** be released any longer (*please choose the appropriate options*).

b. Exceptions

Exempt from the right to information are

- industrial secrets, in particular:
- business secrets, in particular:
- information connected to property rights, in particular:
- information available to the following authorities:
- information for the protection of the following public interests:
- other information due to the following reasons: Information not specifically required by statute or agency rule is excepted. In addition "If the promulgating authority ... finds that, because of the nature, form, or quantity of a particular consumer commodity, or for other good and sufficient reasons, full compliance with all the requirements otherwise applicable under section 1453 of this title is impracticable or is not necessary for the adequate protection of consumers, the Secretary or the Commission (whichever the case may be) shall promulgate regulations exempting such commodity from those requirements to the extent and under such conditions as the promulgating authority determines to be consistent with section 1451 of this title."

c. The existence of specialized provisions is

- claimed by the company:
- checked by the following authority:
- checked also by the following independent institution upon request:
- is claimed/checked as follows:



is determined regularly/in exceptional cases (please strike out if not appropriate) in hearings:

d. A request is required yes no

4. Scope of application

Is the claim limited to specific products/services (e.g. food and (animal) fodder according to Regulation (EC) 178/2002)? Please indicate to which products/services the claim is limited.

5. Purpose of the provision

a. Criteria for the scope of the claim mentioned in 1.a. and 1.b. (multiple answers are permitted)

(the specific scope was selected due to)

- degree of exposure of the consumer
- protected matter that is threatened (life, health, property, self-determined lifestyle)
- subject matter of the law/product category
- provisions in European secondary legislation

b. In case of dependence on a protected matter: What is the provision intended to protect?

- life and body and/or physical integrity of the consumer
- financial interests of the consumer
- third parties/self-determined life and/or reasonable factor allocation through mature consumer decisions
 - with regard to the protection of limb and life and physical integrity of those involved in the production process
 - in support of effective environmental and animal protection
 - for other social/societal considerations (fair trade/philosophy of life)

c. In case of dependence of a certain degree of exposure of the consumer:

Which degree of certainty is required?

- suspicion that there is a danger/an infringement is sufficient
- reasonable suspicion of a danger/an infringement
- certainty about a danger/an infringement
- a different degree:

6. Nature of the claim

The claim is a

- contractual claim subject to private law
- tort claim subject to private law
- public-law claim
- public-law obligation to release information enforced by penalty.

7. Legal consequences in case of incorrect information

If the information provided by an authority/a company turns out to be incomplete or wrong,

- consumers are entitled to claim for damages against those in duty to inform
- claim depends on fault



- an entrepreneur can be prosecuted for administrative offence/criminal offence under the following conditions
- the business (company) also can be prosecuted

a. Amount of damages

- the damage cannot be determined, so the claim is ineffectual
- is calculated as follows
- in case of infringement, moral damage to the amount of ≈ to ≈. €
is assumed
- in case of infringement, punitive damages are estimated at ≈ to ≈. €
Conditions:

b. The mistake is made public as follows

c. Other Sanctions

The mistake/incompleteness of the information is sanctioned as follows:

<http://www.fda.gov/ICECI/default.htm>

8. Costs

Costs are caused by the following activities,		of which the consumer pays
providing existing information	<input checked="" type="checkbox"/>	<input type="checkbox"/>
referring the consumer to another body	<input type="checkbox"/>	<input type="checkbox"/>
consultation of the business	<input checked="" type="checkbox"/>	<input type="checkbox"/>
publishing the information	<input type="checkbox"/>	<input type="checkbox"/>
-provision of easily accessible information	<input type="checkbox"/>	<input type="checkbox"/>
-provision of any information	<input type="checkbox"/>	<input type="checkbox"/>
-other	<input type="checkbox"/>	<input type="checkbox"/>
such as		
and		

9. Other relevant information

In case there is anything else that in your opinion could be relevant in general although it has not specifically been asked for, please mention it below (e.g. claim dependent on fraud or similar).

This federal statute expressly preempts state statutes: " It is hereby declared that it is the express intent of Congress to supersede any and all laws of the States or political subdivisions thereof insofar as they may now or hereafter provide for the labeling of the net quantity of contents of the package of any consumer commodity covered by this chapter which are less stringent than or require information different from the requirements of section 1453 of this title or regulations promulgated pursuant thereto."


Basis of claim and name of the legal act (original name and translation):
Federal Food, Drug and Cosmetic Act of 1934
21 U.S.C. 301 et seq and the Nutrition Labeling and Education Act of 1990 (“NLEA”). Pub.L. No. 101-535, 104 Stat. 2353 (1990) (codified at 21 U.S.C. § 343 et seq.).

The NLEA requires nutrition labeling on nearly all food products under the jurisdiction of the FDA with exemptions for small businesses, restaurants, and some other retail establishments. It specifies requirements for ingredient labels on food packages, regulates health claims on packages and standardizes nutrient content claims and serving sizes.

1. Objective of the claim/legal consequence
a. The claim is directed at

- release of existing/available information
 release of existing information or forwarding of the request/the claimant to the competent body
 examination of the facts upon request and release of information
 product warning (authority)/product recall (business).
 publishing (e.g. on the internet) – location: advertising, written and broadcast media
 none of the above, but aimed at:

b. Extent of the claim

What kind of information may be released according to the provision (e.g. risks to health with or without limit value(s), production process, products, other)?

This comprehensive federal law regulates the conditions under which many food products, drugs and medical devices, cosmetics and other items used by consumers may be manufactured marketed and sold in the US. The statutes requires that significant amounts of information, including business and trade secrets be conveyed to the federal government and that basic safety and health information be communicated to consumers through advertising and labeling. Sensitive business and trade data is protected from disclosure by exceptions to open records laws.

c. Duration of proceedings

Is there a deadline for releasing the information required/for handling the inquiry? If so, what is the time limit?

The products covered by the statute may not be sold without the required approvals and labeling or warnings.

2. Parties involved
a. Entitled is/are generally

- anyone (natural and legal persons)
 consumers
 consumer associations
 other specific persons (groups of persons)/authorities:

b. Conditions of entitlement



persons have to

- be affected by the information themselves
- have the following interest in the information: public health and safety ; open, accountable government
- other conditions:

c. Opponents/those with a duty to inform are

- authorities
- producers/service providers** (*please choose the appropriate option*)
- functional intermediaries
- other:

3. Legal prerequisites

a. Is there a term of maturity for information?

- No
- Yes, information older than **month must not** be released any longer (*please choose the appropriate options*).

b. Exceptions

Exempt from the right to information are

- industrial secrets, in particular: manufacturing processes
- business secrets, in particular: trade secrets
- information connected to property rights, in particular:
- information available to the following authorities:
- information for the protection of the following public interests:
- other information due to the following reasons:

c. The existence of specialized provisions is

- claimed by the company:
- checked by the following authority:
- checked also by the following independent institution upon request:
- is claimed/checked as follows:
- is determined regularly/in exceptional cases (please strike out if not appropriate) in hearings:

d. A request is required yes no

4. Scope of application

Is the claim limited to specific products/services (e.g. food and (animal) fodder according to Regulation (EC) 178/2002)? Please indicate to which products/services the claim is limited.

NLEA regulated food labels.

The FDA also regulates drugs, medical devices, and cosmetics



5. Purpose of the provision

a. Criteria for the scope of the claim mentioned in 1.a. and 1.b. (multiple answers are permitted)

(the specific scope was selected due to)

- degree of exposure of the consumer
- protected matter that is threatened (life, health, property, self-determined lifestyle)
- subject matter of the law/product category
- provisions in European secondary legislation

b. In case of dependence on a protected matter: What is the provision intended to protect?

- life and body and/or physical integrity of the consumer
- financial interests of the consumer
- third parties/self-determined life and/or reasonable factor allocation through mature consumer decisions
 - with regard to the protection of limb and life and physical integrity of those involved in the production process
 - in support of effective environmental and animal protection
 - for other social/societal considerations (fair trade/philosophy of life)

c. In case of dependence of a certain degree of exposure of the consumer:

Which degree of certainty is required?

- suspicion that there is a danger/an infringement is sufficient
- reasonable suspicion of a danger/an infringement
- certainty about a danger/an infringement
- a different degree:

6. Nature of the claim

The claim is a

- contractual claim subject to private law
- tort claim subject to private law
- public-law claim
- public-law obligation to release information enforced by penalty.

7. Legal consequences in case of incorrect information

If the information provided by an authority/a company turns out to be incomplete or wrong,

- consumers are entitled to claim for damages against those in duty to inform
- claim depends on fault
- an entrepreneur can be prosecuted for administrative offence/criminal offence under the following conditions
- the business (company) also can be prosecuted

a. Amount of damages

- the damage cannot be determined, so the claim is ineffectual
 - is calculated as follows
 - in case of infringement, moral damage to the amount of ≈ to ≈. €
is assumed
 - in case of infringement, punitive damages are estimated at ≈ to ≈. €
- Conditions:



b. The mistake is made public as follows

mandatory recalls , consumer alerts

c. Other Sanctions

The mistake/incompleteness of the information is sanctioned as follows:

<http://www.fda.gov/ICECI/default.htm>

8. Costs

Costs are caused by the following activities,
providing existing information
referring the consumer to another body
consultation of the business
publishing the information
-provision of easily accessible information
-provision of any information
-other
such as
and

		of which the consumer pays
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>

9. Other relevant information

In case there is anything else that in your opinion could be relevant in general although it has not specifically been asked for, please mention it below (e.g. claim dependent on fraud or similar).

An image of a typical required label can be found at <http://www.fda.gov/ICECI/Inspections/InspectionGuides/ucm114110.htm>

The statute prohibits the following acts of withholding information or misinforming consumers:

"The following acts and the causing thereof are hereby prohibited:

1

(a) The introduction or delivery for introduction into interstate commerce of any food, drug, device, or cosmetic that is adulterated or misbranded.

(b) The adulteration or misbranding of any food, drug, device, or cosmetic in interstate commerce.

(c) The receipt in interstate commerce of any food, drug, device, or cosmetic that is adulterated or misbranded, and the delivery or proffered delivery thereof for pay or otherwise. . . .

(e) The refusal to permit access to or copying of any record as required . . . ; or the failure to establish or maintain any record, or make any report, required . . . or the refusal to permit access to or verification or copying of any such required record.

(f) The refusal to permit entry or inspection as authorized by section 704.



(g) The manufacture, within any Territory of any food, drug, device, or cosmetic that is adulterated or misbranded. ...

(i) (1) Forging, counterfeiting, simulating, or falsely representing, or without proper authority using any mark, stamp, tag, label, or other identification device authorized or required by regulations

(2) Making, selling, disposing of, or keeping in possession, control, or custody, or concealing any punch, die, plate, stone, or other thing designed to print, imprint, or reproduce the trademark, trade name, or other identifying mark, imprint, or device of another or any likeness of any of the foregoing upon any drug or container or labeling thereof so as to render such drug a counterfeit drug.

(3) The doing of any act which causes a drug to be a counterfeit drug, or the sale or dispensing, or the holding for sale or dispensing, of a counterfeit drug.

(j) The using by any person to his own advantage or revealing, other than to the Secretary or officers or employees of the Department, or to the courts when relevant in any judicial proceeding under this Act, any information acquired under authority . . . concerning any method or process which as a trade secret is entitled to protection;

(k) The alteration, mutilation, destruction, obliteration, or removal of the whole or any part of the labeling of, or the doing of any other act with respect to, a food, drug, device, or cosmetic, if such act is done while such article is held for sale (whether or not the first sale) after shipment in interstate commerce and results in such article being adulterated or misbranded. . . .

(o) In the case of a prescription drug distributed or offered for sale in interstate commerce, the failure of the manufacturer, packer, or distributor thereof to maintain for transmittal, or to transmit, to any practitioner licensed by applicable State law to administer such drug who makes written request for information as to such drug, true and correct copies of all printed matter which is required to be included in any package in which that drug is distributed or sold, or such other printed matter as is approved by the Secretary. Nothing in this paragraph shall be construed to exempt any person from any labeling requirement imposed by or under other provisions of this Act .

(p) The failure to register in accordance with section 510, the failure to provide any information required by section 510(j) or 510(k), 21 USC § 360(j) or (k)] or the failure to provide a notice required by section 510(j)(2).

(q)(1) The failure or refusal to (A) comply with any requirement prescribed under section 518 or 520(g), (B) furnish any notification or other material or information required by or under section 519 or 520(g), or (C) comply with a requirement under section 522.

(2) With respect to any device, the submission of any report that is required by or under this Act that is false or misleading in any material respect.

(r) The movement of a device in violation of an order under section 304(g) or the removal or alteration of any mark or label required by the order to identify the device as detained.

(s) The failure to provide the notice required by section 412(c) or 412(e), the failure to make the reports required by section 412(f)(1)(B), the failure to retain the records required by section 412(b)(4), or the failure to meet the requirements prescribed under section 412(f)(3).



(t) The importation of a drug in violation of section 801(d)(1) , the sale, purchase, or trade of a drug or drug sample or the offer to sell, purchase, or trade a drug or drug sample in violation of section 503(c), the sale, purchase, or trade of a coupon, the offer to sell, purchase, or trade such a coupon, or the counterfeiting of such a coupon in violation of section 503(c)(2), the distribution of a drug sample in violation of section 503(d) or the failure to otherwise comply with the requirements of section 503(d), or the distribution of drugs in violation of section 503(e) or the failure to otherwise comply with the requirements of section 503(e).

(u) The failure to comply with any requirements of the provisions of, or any regulations or orders of the Secretary, under section 512(a)(4)(A), 512(a)(4)(D), or 512(a)(5).

(v) The introduction or delivery for introduction into interstate commerce of a dietary supplement that is unsafe under section 413.

(w) The making of a knowingly false statement in any statement, certificate of analysis, record, or report required or requested under section 801(d)(3); the failure to submit a certificate of analysis as required under such section; the failure to maintain records or to submit records or reports as required by such section; the release into interstate commerce of any article or portion thereof imported into the United States under such section or any finished product made from such article or portion, except for export in accordance with section 801(e) or 802, or with section 351(h) of the Public Health Service Act [42 USC § 262(h)]; or the failure to so export or to destroy such an article or portions thereof, or such a finished product.

(x) The falsification of a declaration of conformity submitted under section 514(c) or the failure or refusal to provide data or information requested by the Secretary under paragraph (3) of such section.

(y) In the case of a drug, device, or food –

(1) the submission of a report or recommendation by a person accredited under section 523 that is false or misleading in any material respect;

(2) the disclosure by a person accredited under section 523 of confidential commercial information or any trade secret without the express written consent of the person who submitted such information or secret to such person; or

(3) the receipt by a person accredited under section 523 of a bribe in any form or the doing of any corrupt act by such person associated with a responsibility delegated to such person under this Act. . . .

((aa) The importation of a prescription drug in violation of section 804, the falsification of any record required to be maintained or provided to the Secretary under section, or any other violation of regulations under such section.

(bb) The transfer of an article of food in violation of an order under section 304(h), or the removal or alteration of any mark or label required by the order to identify the article as detained.

(cc) The importing or offering for import into the United States of an article of food by, with the assistance of, or at the direction of, a person debarred under section 306(b)(3).

(dd) The failure to register in accordance with section 415.



(ee) The importing or offering for import into the United States of an article of food in violation of the requirements under section 801(m).

(ff) The importing or offering for import into the United States of a drug or device with respect to which there is a failure to comply with a request of the Secretary to submit to the Secretary a statement under section 801(o).

(gg) The knowing failure to comply with paragraph (7)(E) of section 704(g); the knowing inclusion by a person accredited under paragraph (2) of such section of false information in an inspection report under paragraph (7)(A) of such section; or the knowing failure of such a person to include material facts in such a report.

(hh) The failure by a shipper, carrier by motor vehicle or rail vehicle, receiver, or any other person engaged in the transportation of food to comply with the sanitary transportation practices prescribed by the Secretary under section 416.

(ii) The falsification of a report of a serious adverse event submitted to a responsible person (as defined under section 760 or 761) or the falsification of a serious adverse event report (as defined under section 760 or 761) submitted to the Secretary.

(jj) (1) The failure to submit the certification required by section 402(j)(5)(B) of the Public Health Service Act [42 USC § 282(j)(5)(B)], or knowingly submitting a false certification under such section.

(2) The failure to submit clinical trial information required under subsection (j) of section 402 of the Public Health Service Act [42 USC § 282].

(3) The submission of clinical trial information ... that is false or misleading in any particular under paragraph (5)(D) of such subsection (j).

(kk) . . . The dissemination of a television advertisement without complying with section 503B [21 USC § 353b].

(ll) The introduction or delivery for introduction into interstate commerce of any food to which has been added a drug approved under section 505 [21 USC § 355], a biological product licensed under section 351 of the Public Health Service Act [42 USC § 262], or a drug or a biological product for which substantial clinical investigations have been instituted and for which the existence of such investigations has been made public, unless--

(1) such drug or such biological product was marketed in food before any approval of the drug under section 505 [21 USC § 355], before licensure of the biological product under such section 351 [42 USC § 262], and before any substantial clinical investigations involving the drug or the biological product have been instituted;

(2) the Secretary, in the Secretary's discretion, has issued a regulation, after notice and comment, approving the use of such drug or such biological product in the food;

(3) the use of the drug or the biological product in the food is to enhance the safety of the food to which the drug or the biological product is added or applied and not to have independent biological or therapeutic effects on humans, and the use is in conformity with--

(A) a regulation issued under section 409 [21 USC § 348] prescribing conditions of safe use in food;



(B) a regulation listing or affirming conditions under which the use of the drug or the biological product in food is generally recognized as safe;

(C) the conditions of use identified in a notification to the Secretary of a claim of exemption from the premarket approval requirements for food additives based on the notifier's determination that the use of the drug or the biological product in food is generally recognized as safe, provided that the Secretary has not questioned the general recognition of safety determination in a letter to the notifier;

(D) a food contact substance notification that is effective under section 409(h) [21 USC § 348(h)]; or

(E) such drug or biological product had been marketed for smoking cessation prior to the date of the enactment of the Food and Drug Administration Amendments Act of 2007 [enacted Sept. 27, 2007]; or

(4) the drug is a new animal drug whose use is not unsafe under section 512 [21 USC § 360b].

(mm) The failure to submit a report or provide a notification required under section 417(d) [21 USC § 350f(d)].

(nn) The falsification of a report or notification required under section 417(d) [21 USC § 350f(d)].



Basis of claim and name of the legal act (original name and translation):
Federal Hazardous Substances Labeling Act
15 U.S.C 1261 et seq.

1. Objective of the claim/legal consequence

a. The claim is directed at

- release of existing/available information
- release of existing information or forwarding of the request/the claimant to the competent body
- examination of the facts upon request and release of information
- product warning (authority)/product recall (business).
- publishing (e.g. on the internet) – location:
- none of the above, but aimed at:

b. Extent of the claim

What kind of information may be released according to the provision (e.g. risks to health with or without limit value(s), production process, products, other)?

Quoted from: Consumer Product Safety Commission website
<http://www.cpsc.gov/BUSINFO/fhsa.html>

"The Federal Hazardous Substances Act [FHSA] ...requires that certain hazardous household products ... bear cautionary labeling to alert consumers to the potential hazards that those products present and to inform them of the measures they need to protect themselves from those hazards. Any product that is toxic, corrosive, flammable or combustible, an irritant, a strong sensitizer, or that generates pressure through decomposition, heat, or other means requires labeling, if the product may cause substantial personal injury or substantial illness during or as a proximate result of any customary or reasonable foreseeable handling or use, including reasonable foreseeable ingestion by children.

The FHSA gives the [Consumer Product Safety] Commission authority to ban by regulation a hazardous substance if it determines that the product is so hazardous that the cautionary labeling required by the act is inadequate to protect the public. Any toy or other article that is intended for use by children and that contains a hazardous substance is also banned under the FHSA if a child can gain access to the substance. In addition, the act gives the Commission authority to ban by regulation any toy, or other article intended for use by children which presents a mechanical, electrical or thermal hazard. The Commission has issued regulations under this provision relating to specific products such as electrically operated toys, cribs, rattles, pacifiers, bicycles, and children's bunk beds."

c. Duration of proceedings

Is there a deadline for releasing the information required/for handling the inquiry? If so, what is the time limit?



2. Parties involved

a. Entitled is/are generally

- anyone (natural and legal persons)
 consumers
 consumer associations
 other specific persons (groups of persons)/authorities:

b. Conditions of entitlement

persons have to

- be affected by the information themselves
 have the following interest in the information: be a member of the general public
 other conditions:

c. Opponents/those with a duty to inform are

- authorities
 producers/service providers (*please choose the appropriate option*)
 functional intermediaries
 other:

3. Legal prerequisites

a. Is there a term of maturity for information?

- No
 Yes, information older than **month must not** be released any longer (*please choose the appropriate options*).

b. Exceptions

Exempt from the right to information are

- industrial secrets, in particular:
 business secrets, in particular:
 information connected to property rights, in particular:
 information available to the following authorities:
 information for the protection of the following public interests:
 other information due to the following reasons:

c. The existence of specialized provisions is

- claimed by the company:
 checked by the following authority:
 checked also by the following independent institution upon request:
 is claimed/checked as follows:
 is determined regularly/in exceptional cases (please strike out if not appropriate) in hearings:

- d. A request is required** yes no



4. Scope of application

Is the claim limited to specific products/services (e.g. food and (animal) fodder according to Regulation (EC) 178/2002)? Please indicate to which products/services the claim is limited.

- 1201
Safety standard for architectural glazing materials

- 1202
Safety standard for matchbooks

- 1203
Safety standard for bicycle helmets

- 1204
Safety standard for omnidirectional citizens band base station antennas

- 1205
Safety standard for walk-behind power lawn mowers

- 1207
Safety standard for swimming pool slides

- 1209
Interim safety standard for cellulose insulation

- 1210
Safety standard for cigarette lighters

- 1211
Safety standard for automatic residential garage door operators

- 1212
Safety standard for multi-purpose lighters

- 1213
Safety standard for entrapment hazards in bunk beds

- 1301
Ban of unstable refuse bins

- 1302
Ban of extremely flammable contact adhesives

- 1303
Ban of lead-containing paint and certain consumer products bearing lead-containing paint



1304

Ban of consumer patching compounds containing respirable free-form asbestos

1305

Ban of artificial emberizing materials (ash and embers) containing respirable free-form asbestos

1306

Ban of hazardous lawn darts

1401

Self pressurized consumer products containing chlorofluorocarbons: Requirements to provide the Commission with performance and technical data; requirements to notify consumers at point of purchase of performance and technical data

1402

CB base station antennas, TV antennas, and supporting structures

1404

Cellulose insulation

1406

Coal and wood burning appliances--notification of performance and technical data

1500

Hazardous substances and articles; administration and enforcement regulations

1501

Method for identifying toys and other articles intended for use by children under 3 years of age which present choking, aspiration, or ingestion hazards because of small parts

1502

Procedures for formal evidentiary public hearing

1505

Requirements for electrically operated toys or other electrically operated articles intended for use by children

1507

Fireworks devices

1508

Requirements for full-size baby cribs

1509

Requirements for non-full-size baby cribs

1510

Requirements for rattles



1511

Requirements for pacifiers

1512

Requirements for bicycles

1513

Requirements for bunk beds

1602

Statements of policy or interpretation

1605

Investigations, inspections and inquiries pursuant to the Flammable Fabrics Act

1608

General rules and regulations under the Flammable Fabrics Act

1609

Text of the Flammable Fabrics Act of 1953, as amended in 1954, prior to 1967 amendment and revision

1610

Standard for the flammability of clothing textiles

1611

Standard for the flammability of vinyl plastic film

1615

Standard for the flammability of children's sleepwear: Sizes 0 through 6X (FF 3-71)

1616

Standard for the flammability of children's sleepwear: Sizes 7 through 14 (FF 5-74)

1630

Standard for the surface flammability of carpets and rugs (FF 1-70)

1631

Standard for the surface flammability of small carpets and rugs (FF 2-70)

1632

Standard for the flammability of mattresses and mattress pads (FF 4-72, amended)

1700

Poison prevention packaging

1701

Statements of policy and interpretation



1702

Petitions for exemptions from Poison Prevention Packaging Act requirements; petition procedures and requirements

1750

Standard for devices to permit the opening of household refrigerator doors from the inside

5. Purpose of the provision

a. Criteria for the scope of the claim mentioned in 1.a. and 1.b. (multiple answers are permitted)

(the specific scope was selected due to)

- degree of exposure of the consumer
- protected matter that is threatened (life, health, property, self-determined lifestyle)
- subject matter of the law/product category
- provisions in European secondary legislation

b. In case of dependence on a protected matter: What is the provision intended to protect?

- life and body and/or physical integrity of the consumer
- financial interests of the consumer
- third parties/self-determined life and/or reasonable factor allocation through mature consumer decisions
 - with regard to the protection of limb and life and physical integrity of those involved in the production process
 - in support of effective environmental and animal protection
 - for other social/societal considerations (fair trade/philosophy of life)

c. In case of dependence of a certain degree of exposure of the consumer:

Which degree of certainty is required?

- suspicion that there is a danger/an infringement is sufficient
- reasonable suspicion of a danger/an infringement
- certainty about a danger/an infringement
- a different degree:

6. Nature of the claim

The claim is a

- contractual claim subject to private law
- tort claim subject to private law
- public-law claim
- public-law obligation to release information enforced by penalty.

7. Legal consequences in case of incorrect information

If the information provided by an authority/a company turns out to be incomplete or wrong,

- consumers are entitled to claim for damages against those in duty to inform
- claim depends on fault
- an entrepreneur can be prosecuted for administrative offence/criminal offence under the following conditions
- the business (company) also can be prosecuted



a. Amount of damages

- the damage cannot be determined, so the claim is ineffectual
- is calculated as follows
- in case of infringement, moral damage to the amount of ≈ to ≈. €
is assumed
- in case of infringement, punitive damages are estimated at ≈ to ≈. €
Conditions:

b. The mistake is made public as follows

recalls, alerts, compliance actions

c. Other Sanctions

The mistake/incompleteness of the information is sanctioned as follows:

8. Costs

Costs are caused by the following activities,		of which the consumer pays
providing existing information	<input checked="" type="checkbox"/>	<input type="checkbox"/>
referring the consumer to another body	<input type="checkbox"/>	<input type="checkbox"/>
consultation of the business	<input checked="" type="checkbox"/>	<input type="checkbox"/>
publishing the information	<input checked="" type="checkbox"/>	<input type="checkbox"/>
-provision of easily accessible information	<input type="checkbox"/>	<input type="checkbox"/>
-provision of any information	<input type="checkbox"/>	<input type="checkbox"/>
-other	<input type="checkbox"/>	<input type="checkbox"/>
such as		
and		

9. Other relevant information

In case there is anything else that in your opinion could be relevant in general although it has not specifically been asked for, please mention it below (e.g. claim dependent on fraud or similar).

The statute requires labeling or packing inserts of hazardous substances manufactured outside the US and sent via mail into the US.

The statute preempts weaker state statutes.



Basis of claim and name of the legal act (original name and translation):
Public Health Security and Bioterrorism Preparedness Act of 2002, Public Law 107-188, June 12, 2002.

The Act has five Titles (sections):

- **Title I -- National Preparedness for Bioterrorism and Other Public Health Emergencies**
- **Title II -- Enhancing Controls on Dangerous Biological Agents and Toxins**
- **Title III -- Protecting Safety and Security of Food and Drug Supply**
- **Title IV -- Drinking Water Security and Safety**
- **Title V -- Additional Provisions**

1. Objective of the claim/legal consequence

a. The claim is directed at

- release of existing/available information
- release of existing information or forwarding of the request/the claimant to the competent body
- examination of the facts upon request and release of information
- product warning (authority)/product recall (business).
- publishing (e.g. on the internet) – location: public health information dissemination via various means
- none of the above, but aimed at:

b. Extent of the claim

What kind of information may be released according to the provision (e.g. risks to health with or without limit value(s), production process, products, other)?

<http://www.fda.gov/RegulatoryInformation/Legislation/ucm155769.htm>

Title I : Section 104 requires that the Secretary develop a plan for effectively communicating information regarding bioterrorism and other public health emergencies, and to develop means by which to communicate such information.

Title III:

This title relates to protection against adulterated food being released into the US food supply.

This title mandates that certain food industry entities release information to federal authorities on request.

This title does not give consumers a direct right to obtain information from the food industry.

"If the Secretary has a reasonable belief that an article of food is adulterated and presents a threat of serious adverse health consequences or death to humans or animals, each person



(excluding farms and restaurants) who manufactures, processes, packs, distributes, receives, holds, or imports such article shall, at the request of an officer or employee duly designated by the Secretary, permit such officer or employee, upon presentation of appropriate credentials and a written notice to such person, at reasonable times and within reasonable limits and in a reasonable manner, to have access to and copy all records relating to such article that are needed to assist the Secretary in determining whether the food is adulterated and presents a threat of serious adverse health consequences or death to humans or animals. <<NOTE: Applicability.>> The requirement under the preceding sentence applies to all records relating to the manufacture, processing, packing, distribution, receipt, holding, or importation of such article maintained by or on behalf of such person in any format (including paper and electronic formats) and at any location".

c. Duration of proceedings

Is there a deadline for releasing the information required/for handling the inquiry? If so, what is the time limit?

n/a

2. Parties involved

a. Entitled is/are generally

- anyone (natural and legal persons)
 consumers
 consumer associations
 other specific persons (groups of persons)/authorities: federal agency/its employees

b. Conditions of entitlement

persons have to

- be affected by the information themselves
 have the following interest in the information: competent federal authority with reasonable belief
 other conditions:

c. Opponents/those with a duty to inform are

- authorities
 producers/service providers (please choose the appropriate option)
 functional intermediaries
 other:

3. Legal prerequisites

a. Is there a term of maturity for information?

- No
 Yes, information older than **month must not** be released any longer (please choose the appropriate options).



b. Exceptions

Exempt from the right to information are

- industrial secrets, in particular:
- business secrets, in particular:
- information connected to property rights, in particular:
- information available to the following authorities:
- information for the protection of the following public interests:
- other information due to the following reasons:

c. The existence of specialized provisions is

- claimed by the company:
- checked by the following authority:
- checked also by the following independent institution upon request:
- is claimed/checked as follows:
- is determined regularly/in exceptional cases (please strike out if not appropriate) in hearings:

d. A request is required yes no

4. Scope of application

Is the claim limited to specific products/services (e.g. food and (animal) fodder according to Regulation (EC) 178/2002)? Please indicate to which products/services the claim is limited.

n/a

5. Purpose of the provision

a. Criteria for the scope of the claim mentioned in 1.a. and 1.b. (multiple answers are permitted)

(the specific scope was selected due to)

- degree of exposure of the consumer
- protected matter that is threatened (life, health, property, self-determined lifestyle)
- subject matter of the law/product category
- provisions in European secondary legislation

b. In case of dependence on a protected matter: What is the provision intended to protect?

- life and body and/or physical integrity of the consumer
- financial interests of the consumer
- third parties/self-determined life and/or reasonable factor allocation through mature consumer decisions
 - with regard to the protection of limb and life and physical integrity of those involved in the production process
 - in support of effective environmental and animal protection
 - for other social/societal considerations (fair trade/philosophy of life)



c. In case of dependence of a certain degree of exposure of the consumer:

Which degree of certainty is required?

- suspicion that there is a danger/an infringement is sufficient
- reasonable suspicion of a danger/an infringement
- certainty about a danger/an infringement
- a different degree:

6. Nature of the claim

The claim is a

- contractual claim subject to private law
- tort claim subject to private law
- public-law claim
- public-law obligation to release information enforced by penalty.

7. Legal consequences in case of incorrect information

If the information provided by an authority/a company turns out to be incomplete or wrong,

- consumers are entitled to claim for damages against those in duty to inform
- claim depends on fault
- an entrepreneur can be prosecuted for administrative offence/criminal offence under the following conditions
- the business (company) also can be prosecuted

a. Amount of damages

- the damage cannot be determined, so the claim is ineffectual
- is calculated as follows
- in case of infringement, moral damage to the amount of ≈ to ≈. €
is assumed
- in case of infringement, punitive damages are estimated at ≈ to ≈. €

Conditions:

b. The mistake is made public as follows

c. Other Sanctions

The mistake/incompleteness of the information is sanctioned as follows:

8. Costs

Costs are caused by the following activities,

- providing existing information
- referring the consumer to another body
- consultation of the business
- publishing the information
 - provision of easily accessible information
 - provision of any information
 - other
- such as
- and

of which the consumer pays		
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>



9. Other relevant information

In case there is anything else that in your opinion could be relevant in general although it has not specifically been asked for, please mention it below (e.g. claim dependent on fraud or similar).



**Basis of claim and name of the legal act (original name and translation):
Dietary Supplement Health and Education Act of 1994 (DSHEA)**

1. Objective of the claim/legal consequence

a. The claim is directed at

- release of existing/available information
 release of existing information or forwarding of the request/the claimant to the competent body
 examination of the facts upon request and release of information
 product warning (authority)/product recall (business).
 publishing (e.g. on the internet) – location:
 none of the above, but aimed at:

b. Extent of the claim

What kind of information may be released according to the provision (e.g. risks to health with or without limit value(s), production process, products, other)?

From the FDA Website: "FDA regulations require that certain information appear on dietary supplement labels. Information that must be on a dietary supplement label includes: a descriptive name of the product stating that it is a "supplement;" the name and place of business of the manufacturer, packer, or distributor; a complete list of ingredients; and the net contents of the product.

In addition, each dietary supplement (except for some small volume products or those produced by eligible small businesses) must have nutrition labeling in the form of a "Supplement Facts" panel. This label must identify each dietary ingredient contained in the product.

Must all ingredients be declared on the label of a dietary supplement?

Yes, ingredients not listed on the "Supplement Facts" panel must be listed in the "other ingredient" statement beneath the panel. The types of ingredients listed there could include the source of dietary ingredients, if not identified in the "Supplement Facts" panel (e.g., rose hips as the source of vitamin C), other food ingredients (e.g., water and sugar), and technical additives or processing aids (e.g., gelatin, starch, colors, stabilizers, preservatives, and flavors). For more details, see: Federal Register Final Rule - 62 FR 49826 September 23, 1997.

Are dietary supplement serving sizes standardized or are there restrictions on the amount of a nutrient that can be in one serving?

Other than the manufacturer's responsibility to ensure safety, there are no rules that limit a serving size or the amount of a nutrient in any form of dietary supplements. This decision is made by the manufacturer and does not require FDA review or approval."

c. Duration of proceedings

Is there a deadline for releasing the information required/for handling the inquiry? If so, what is the time limit?



2. Parties involved

a. Entitled is/are generally

- anyone (natural and legal persons)
- consumers
- consumer associations
- other specific persons (groups of persons)/authorities:

b. Conditions of entitlement

persons have to

- be affected by the information themselves
- have the following interest in the information:
- other conditions:

c. Opponents/those with a duty to inform are

- authorities
- producers/service providers** (*please choose the appropriate option*)
- functional intermediaries
- other:

3. Legal prerequisites

a. Is there a term of maturity for information?

- No
- Yes, information older than **month must not** be released any longer (*please choose the appropriate options*).

b. Exceptions

Exempt from the right to information are

- industrial secrets, in particular:
- business secrets, in particular:
- information connected to property rights, in particular:
- information available to the following authorities:
- information for the protection of the following public interests:
- other information due to the following reasons:

c. The existence of specialized provisions is

- claimed by the company:
- checked by the following authority:
- checked also by the following independent institution upon request:
- is claimed/checked as follows:
- is determined regularly/in exceptional cases (please strike out if not appropriate) in hearings:

- d. A request is required** yes no



4. Scope of application

Is the claim limited to specific products/services (e.g. food and (animal) fodder according to Regulation (EC) 178/2002)? Please indicate to which products/services the claim is limited.

Limited to a dietary supplement or new dietary ingredient in a product

Quoting from From FDA website: "Congress defined the term "dietary supplement" in the Dietary Supplement Health and Education Act (DSHEA) of 1994. A dietary supplement is a product taken by mouth that contains a "dietary ingredient" intended to supplement the diet. The "dietary ingredients" in these products may include: vitamins, minerals, herbs or other botanicals, amino acids, and substances such as enzymes, organ tissues, glandulars, and metabolites. Dietary supplements can also be extracts or concentrates, and may be found in many forms such as tablets, capsules, softgels, gelpcaps, liquids, or powders. They can also be in other forms, such as a bar, but if they are, information on their label must not represent the product as a conventional food or a sole item of a meal or diet. Whatever their form may be, DSHEA places dietary supplements in a special category under the general umbrella of "foods," not drugs, and requires that every supplement be labeled a dietary supplement.

What is a "new dietary ingredient" in a dietary supplement?

The Dietary Supplement Health and Education Act (DSHEA) of 1994 defined both of the terms "dietary ingredient" and "new dietary ingredient" as components of dietary supplements. In order for an ingredient of a dietary supplement to be a "dietary ingredient," it must be one or any combination of the following substances:

- a vitamin,
- a mineral,
- an herb or other botanical,
- an amino acid,
- a dietary substance for use by man to supplement the diet by increasing the total dietary intake (e.g., enzymes or tissues from organs or glands), or
- a concentrate, metabolite, constituent or extract.

A "new dietary ingredient" is one that meets the above definition for a "dietary ingredient" and was not sold in the U.S. in a dietary supplement before October 15, 1994"

5. Purpose of the provision

a. Criteria for the scope of the claim mentioned in 1.a. and 1.b. (multiple answers are permitted)

(the specific scope was selected due to)

- degree of exposure of the consumer
- protected matter that is threatened (life, health, property, self-determined lifestyle)
- subject matter of the law/product category
- provisions in European secondary legislation



b. In case of dependence on a protected matter: What is the provision intended to protect?

- life and body and/or physical integrity of the consumer
- financial interests of the consumer
- third parties/self-determined life and/or reasonable factor allocation through mature consumer decisions
- with regard to the protection of limb and life and physical integrity of those involved in the production process
- in support of effective environmental and animal protection
- for other social/societal considerations (fair trade/philosophy of life)

c. In case of dependence of a certain degree of exposure of the consumer:

Which degree of certainty is required?

- suspicion that there is a danger/an infringement is sufficient
- reasonable suspicion of a danger/an infringement
- certainty about a danger/an infringement
- a different degree:

6. Nature of the claim

The claim is a

- contractual claim subject to private law
- tort claim subject to private law
- public-law claim
- public-law obligation to release information enforced by penalty.

7. Legal consequences in case of incorrect information

If the information provided by an authority/a company turns out to be incomplete or wrong,

- consumers are entitled to claim for damages against those in duty to inform
- claim depends on fault
- an entrepreneur can be prosecuted for administrative offence/criminal offence under the following conditions
- the business (company) also can be prosecuted

a. Amount of damages

- the damage cannot be determined, so the claim is ineffectual
- is calculated as follows
- in case of infringement, moral damage to the amount of ≈ to ≈. €
is assumed
- in case of infringement, punitive damages are estimated at ≈ to ≈. €
- Conditions:

b. The mistake is made public as follows

alerts, recalls, compliance actions



c. Other Sanctions

The mistake/incompleteness of the information is sanctioned as follows:

Sample press release concerning an enforcement action against the maker of a dietary supplement:

FDA NEWS RELEASE

For Immediate Release: July 10, 2009

Media Inquiries: Siobhan DeLancey, 301-796-4668, siobhan.delancey@fda.hhs.gov

Consumer Inquiries: 888-INFO-FDA

FDA Takes Enforcement Action Against Three New Jersey Dietary Supplement and Protein Powder Manufacturers

Companies failed to declare allergens in products and correct filthy conditions

The U.S. Department of Justice, on behalf of the U.S. Food and Drug Administration, has filed a complaint for permanent injunction against Quality Formulation Laboratories, Inc., American Sports Nutrition Inc., Sports Nutrition International LLC and Mohamed S. Desoky, who oversees operations at all three companies.

The companies, located in Paterson, N.J., manufacture dietary supplements and protein powders and distribute them throughout the United States. The companies also export powder mixes and dietary supplements for sale by private label customers.

The government's complaint, filed July 1, 2009 in the U.S. District Court of New Jersey, alleges that the companies have failed to follow current Good Manufacturing Practice (GMP) by manufacturing and storing food under filthy conditions and in conditions that may cause major food allergens to enter into products not intended to contain them.

The complaint also alleges that the companies failed to disclose major food allergens on the product labels and have other labeling problems.

During a recent inspection, FDA investigators found that several of the companies' products contained milk ingredients that were not declared on the product labels. In addition, the company failed to clean processing equipment between batches and control allergens in the facility.

FDA investigators also discovered live and dead rodents and rodent urine, feces and gnaw holes on bags of product.

In three inspections, FDA investigators noted deviations from GMP standards. The companies promised to make corrections, but they failed to do so. The complaint requests a court order to stop the companies and its officer from manufacturing and distributing the products until needed corrections are made.

"This company has consistently failed to correct filthy conditions in their plants and to make sure that allergens are appropriately declared on the labels, despite frequent warnings to do so," said Michael Chappell, the FDA's acting associate commissioner for regulatory affairs. "The FDA will not tolerate companies that fail to provide adequate safeguards."

Consumers with allergies to milk ingredients who have used these products and are experiencing any symptoms should contact their health care professional.

Consumers can report problems with FDA-regulated products to their district office consumer complaint coordinator.



8. Costs

Costs are caused by the following activities,		of which the consumer pays
providing existing information	<input type="checkbox"/>	<input type="checkbox"/>
referring the consumer to another body	<input checked="" type="checkbox"/>	<input type="checkbox"/>
consultation of the business	<input type="checkbox"/>	<input type="checkbox"/>
publishing the information	<input checked="" type="checkbox"/>	<input type="checkbox"/>
-provision of easily accessible information	<input checked="" type="checkbox"/>	<input type="checkbox"/>
-provision of any information	<input checked="" type="checkbox"/>	<input type="checkbox"/>
-other	<input type="checkbox"/>	<input type="checkbox"/>
such as		
and		

9. Other relevant information

In case there is anything else that in your opinion could be relevant in general although it has not specifically been asked for, please mention it below (e.g. claim dependent on fraud or similar).

Quoting the FDA website:

By law (DSHEA), the manufacturer is responsible for ensuring that its dietary supplement products are safe before they are marketed. Unlike drug products that must be proven safe and effective for their intended use before marketing, there are no provisions in the law for FDA to "approve" dietary supplements for safety or effectiveness before they reach the consumer. Under DSHEA, once the product is marketed, FDA has the responsibility for showing that a dietary supplement is "unsafe," before it can take action to restrict the product's use or removal from the marketplace. However, manufacturers and distributors of dietary supplements must record, investigate and forward to FDA any reports they receive of serious adverse events associated with the use of their products that are reported to them directly. FDA is able to evaluate these reports and any other adverse event information reported directly to us by healthcare providers or consumers to identify early signals that a product may present safety risks to consumers. You can find more information on reporting adverse events associated with the use of dietary supplements at Dietary Supplements - Adverse Event Reporting.

...[E]xcept for rules described above that govern "new dietary ingredients," there is no provision under any law or regulation that FDA enforces that requires a firm to disclose to FDA or consumers the information they have about the safety or purported benefits of their dietary supplement products. Likewise, there is no prohibition against them making this information available either to FDA or to their customers. It is up to each firm to set its own policy on disclosure of such information. For more information, see claims that can be made for dietary supplements

... Does FDA routinely analyze the content of dietary supplements?
 In that FDA has limited resources to analyze the composition of food products, including dietary supplements, it focuses these resources first on public health emergencies and products that may have caused injury or illness. Enforcement priorities then go to products thought to be unsafe or fraudulent or in violation of the law. The remaining funds are used for routine monitoring of products pulled from store shelves or collected during inspections of manufacturing firms. The agency does not analyze dietary supplements before they are sold to consumers. The manufacturer is responsible for ensuring that the "Supplement Facts" label and ingredient list are accurate, that the dietary ingredients are safe, and that the content matches the amount declared



on the label. FDA does not have resources to analyze dietary supplements sent to the agency by consumers who want to know their content. Instead, consumers may contact the manufacturer or a commercial laboratory for an analysis of the content.

Is it legal to market a dietary supplement product as a treatment or cure for a specific disease or condition?

No, a product sold as a dietary supplement and promoted on its label or in labeling* as a treatment, prevention or cure for a specific disease or condition would be considered an unapproved--and thus illegal--drug. To maintain the product's status as a dietary supplement, the label and labeling must be consistent with the provisions in the Dietary Supplement Health and Education Act (DSHEA) of 1994.

*Labeling refers to the label as well as accompanying material that is used by a manufacturer to promote and market a specific product.

Who validates claims and what kinds of claims can be made on dietary supplement labels?

FDA receives many consumer inquiries about the validity of claims for dietary supplements, including product labels, advertisements, media, and printed materials. The responsibility for ensuring the validity of these claims rests with the manufacturer, FDA, and, in the case of advertising, with the Federal Trade Commission.

By law, manufacturers may make three types of claims for their dietary supplement products: health claims, structure/function claims, and nutrient content claims. Some of these claims describe: the link between a food substance and disease or a health-related condition; the intended benefits of using the product; or the amount of a nutrient or dietary substance in a product. Different requirements generally apply to each type of claim, and are described in more detail.

Why do some supplements have wording (a disclaimer) that says: "This statement has not been evaluated by the FDA. This product is not intended to diagnose, treat, cure, or prevent any disease"?

This statement or "disclaimer" is required by law (DSHEA) when a manufacturer makes a structure/function claim on a dietary supplement label. In general, these claims describe the role of a nutrient or dietary ingredient intended to affect the structure or function of the body. The manufacturer is responsible for ensuring the accuracy and truthfulness of these claims; they are not approved by FDA. For this reason, the law says that if a dietary supplement label includes such a claim, it must state in a "disclaimer" that FDA has not evaluated this claim. The disclaimer must also state that this product is not intended to "diagnose, treat, cure or prevent any disease," because only a drug can legally make such a claim.

How are advertisements for dietary supplements regulated?

The Federal Trade Commission (FTC) regulates advertising, including infomercials, for dietary supplements and most other products sold to consumers. FDA works closely with FTC in this area, but FTC's work is directed by different laws. For more information on FTC, go to the FTC web site. Advertising and promotional material received in the mail are also regulated under different laws and are subject to regulation by the U.S. Postal Inspection Service.

How do I, my health care provider, or any informed individual report a problem or illness caused by a dietary supplement to FDA?

If you think you have suffered a serious harmful effect or illness from a product FDA regulates, including dietary supplements, the first thing you should do is contact or see your healthcare



provider immediately. Then, you and your health care provider are encouraged to report this problem to FDA.

Your health care provider can call FDA's MedWatch hotline at 1-800-FDA-1088, submit a report by fax to 1-800-FDA-0178 or on-line. The MedWatch program provides a way for health care providers to report problems believed to be caused by FDA-regulated products such as drugs, medical devices, medical foods and dietary supplements.

You, or anyone, may report a serious adverse event or illness directly to FDA if you believe it is related to the use of any of the above-mentioned products, by calling FDA at 1-800-FDA-1088, by fax at 1-800-FDA-0178 or reporting on-line. FDA would like to know when you think a product caused you a serious problem, even if you are not sure that the product was the cause, or even if you do not visit a doctor or clinic. In addition to communicating with FDA on-line or by phone, you may use the postage-paid MedWatch form available from the FDA Web site.

NOTE: The identity of the reporter and/or patient is kept confidential.

For a general, not serious, complaint or concern about food products, including dietary supplements, you may contact the consumer complaint coordinator at the local FDA District Office nearest you. See the following Web address for the telephone number: Consumer Complaint Coordinators



Basis of claim and name of the legal act (original name and translation):

**The Freedom of Information Act
5 U.S.C. § 552, As Amended By
Public Law No. 104-231, 110 Stat. 3048**

The FOIA (5 U.S.C. § 552) is intended to make all existing Federal government records available to the public unless they are protected from disclosure by any of the nine FOIA exemptions or release of the information would cause a specific harm.

Under FOIA each federal agency handles requests for its own records in accord with its own rules.

**See, for example the Small Business Administration's FOIA policies:
http://www.sba.gov/idc/groups/public/documents/sba_program_office/foia_gen_info.pdf**

FOIA provides two levels of administrative review, initial and appellate.

Upon the exhaustion of administrative remedies, a requester may seek judicial review in federal court.

1. Objective of the claim/legal consequence

a. The claim is directed at

- release of existing/available information
- release of existing information or forwarding of the request/the claimant to the competent body
- examination of the facts upon request and release of information
- product warning (authority)/product recall (business).
- publishing (e.g. on the internet) – location: mainly calls for providing persons (individuals or public interest groups, media or businesses) with a copy of requested records upon request; and for publishing routinely generated information in the Federal Register. Some agencies set up "reading rooms" for record inspection and copying
- none of the above, but aimed at:

b. Extent of the claim

What kind of information may be released according to the provision (e.g. risks to health with or without limit value(s), production process, products, other)?

The FOIA applies to "records" (PAPER, ELECTRONIC, VIDEO, AUDIO) in the possession of agencies including:
- Cabinet agencies;



- Military branches;
- Government corporations;
- Government controlled corporations;
- Independent regulatory agencies;
- Other executive branch offices; and
- Commissions.

The FOIA does not apply to records in the possession of the following entities:

- Executive Office of the President;
- Any elected official of the U.S. Government (i.e., Congress);
- Officers of the Federal Judiciary Branch (i.e., Judges);
- Private Citizens;
- Private companies or associations;
- Government contractors;
- Government grant holders; and
- State or local governments

This is the precise language of the statute:

§ 552. Public information; agency rules, opinions, orders, records, and proceedings

(a) Each agency shall make available to the public information as follows:

(1) Each agency shall separately state and currently publish in the Federal Register for the guidance of the public--

(A) descriptions of its central and field organization and the established places at which, the employees (and in the case of a uniformed service, the members) from whom, and the methods whereby, the public may obtain information, make submittals or requests, or obtain decisions;

(B) statements of the general course and method by which its functions are channeled and determined, including the nature and requirements of all formal and informal procedures available;

(C) rules of procedure, descriptions of forms available or the places at which forms may be obtained, and instructions as to the scope and contents of all papers, reports, or examinations;

(D) substantive rules of general applicability adopted as authorized by law, and statements of general policy or interpretations of general applicability formulated and adopted by the agency; and

(E) each amendment, revision, or repeal of the foregoing.

...

(2) Each agency, in accordance with published rules, shall make available for public inspection and copying--

(A) final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;

(B) those statements of policy and interpretations which have been adopted by the agency and are not published in the Federal Register; and

(C) administrative staff manuals and instructions to staff that affect a member of the public;

(D) copies of all records, regardless of form or format, which have been released to any person under paragraph (3) and which, because of the nature of their subject matter, the agency determines have become or are likely to become the subject of subsequent requests for substantially the same records; and

(E) a general index of the records referred to under subparagraph (D);



unless the materials are promptly published and copies offered for sale. Any information held in a government record system

c. Duration of proceedings

Is there a deadline for releasing the information required/for handling the inquiry? If so, what is the time limit?

Twenty days is the normal deadline; but the time limit maybe extended in unusual cases. Expedited releases, as Explained by the Small Business Administration:

"The FOIA allows that under certain conditions a requester may be entitled to have their request processed on an expedited basis (within 10 calendar days) from the date on which the request was received. The requester must demonstrate one of the following compelling needs:

- failure to obtain requested records on an expedited basis could pose a threat to the life or physical safety of an individual; or
- the requester is primarily engaged in disseminating the information and has an urgency to inform the public on an actual or alleged Federal Government activity."

h and review and \$.10 a page for duplication.

FEE WAIVERS

A requester may seek a fee waiver if disclosure of the requested records is in the public interest because it is likely to contribute significantly to public understanding of the operations and activities of the government and is not primarily in the commercial interest of the requester. Non-profit, media or indigent statuses do not automatically qualify a requester for a fee waiver. The requester must demonstrate expertise in the subject area and the ability to disseminate the information to the public.

LaLanguage form the statute itself:

" (6)(A) Each agency, upon any request for records made under paragraph (1), (2), or (3) of this subsection, shall--

(i) determine within twenty days (excepting Saturdays, Sundays, and legal public holidays) after the receipt of any such request whether to comply with such request and shall immediately notify the person making such request of such determination and the reasons therefor, and of the right of such person to appeal to the head of the agency any adverse determination; and

(ii) make a determination with respect to any appeal within twenty days (excepting Saturdays, Sundays, and legal public holidays) after the receipt of such appeal. If on appeal the denial of the request for records is in whole or in part upheld, the agency shall notify the person making such request of the provisions for judicial review of that determination under paragraph (4) of this subsection....

(B)(i) In unusual circumstances as specified in this subparagraph, the time limits prescribed in either clause (i) or clause (ii) of subparagraph (A) may be extended by written notice to the person making such request setting forth the unusual circumstances for such extension and the date on which a determination is expected to be dispatched. ..."



2. Parties involved

a. Entitled is/are generally

- anyone (natural and legal persons)
- consumers
- consumer associations
- other specific persons (groups of persons)/authorities: According to the Small Business Administration: "The FOIA classifies requesters into four categories:
- Commercial requesters are those who seek information for a use or purpose that furthers their commercial, trade, or profit interests. Commercial requesters pay all fees for search, review and duplication.
 - Educational institutions include preschools through institutions of higher learning. Records must be for educational or scholarly research. Educational requesters pay only duplication fees after receiving the first 100 pages at no cost.
 - Non-commercial scientific requesters are institutions that operate solely for conducting scientific research and the records must be sought in furtherance of scientific research. These requesters pay only duplication fees after receiving the first 100 pages at no cost.
 - News media requesters are those who are actively gathering news for an entity organized and operated to publish or broadcast news to the public. Freelance reporters may qualify as media requesters. These requesters pay only duplication fees after receiving the first 100 pages at no cost.
 - "Other" requesters are those that do not qualify for another category and the request is for their personal use.

b. Conditions of entitlement

persons have to

- be affected by the information themselves
- have the following interest in the information: The reasons for seeking the information need not be spelled out in detail by the requesting person. The default is disclosure. However there are nine categories of information that need not be disclosed.

RECORDS PROTECTED BY THE NINE FOIA EXEMPTIONS

In response to a FOIA request, existing records will be disclosed unless the information is protected by one or more of the nine FOIA exemptions cited in the Act as 5 U.S.C. § 552(b) (1) through (b)(9):

Exemption (b)(1) records that are currently and properly classified in the interest of national security;

Exemption (b)(2) records that relate solely to the internal personnel rules and practices of an agency;

Exemption (b)(3) records protected by another law that specifically exempts the information from public disclosure. (The specific statute must be cited.);

Exemption (b)(4) trade secrets and commercial or financial information obtained from a person which would cause substantial competitive harm to the submitter if disclosed;

Exemption (b)(5) inter-agency or intra-agency records that are deliberative in nature and are part of the decision making process that contain opinions and recommendations;

Exemption (b)(6) personnel and medical files and similar files the disclosure of which would constitute an unwarranted invasion of individual privacy;



Exemption (b)(7) investigatory records or information compiled for law enforcement purposes;

Exemption (b)(8) records for the use of any agency responsible for the regulation or supervision of financial institutions; and

Exemption (b)(9) records that contain geological and geophysical information (including maps) concerning wells.

other conditions:

c. Opponents/those with a duty to inform are

authorities

producers/service providers (*please choose the appropriate option*)

functional intermediaries

other:

3. Legal prerequisites

a. Is there a term of maturity for information?

No

Yes, information older than **month must not** be released any longer (*please choose the appropriate options*).

b. Exceptions

Exempt from the right to information are

industrial secrets, in particular: see below, exemption 4

business secrets, in particular: see below exemption 4

information connected to property rights, in particular:

information available to the following authorities: By case law, the courts have held that the White House--Office of the President is not an agency required to make disclosures pursuant to FOIA.

information for the protection of the following public interests: national security, law enforcement, See Exemptions 1 and 7. For a detailed analysis of judicial treatment of Exemption 1 cases, see <http://www.justice.gov/oip/exemption1.htm>

other information due to the following reasons: (b) This section [of the Freedom of Information Act requiring disclosure] does not apply to matters that are--

(1)(A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified pursuant to such Executive order;

(2) related solely to the internal personnel rules and practices of an agency;

(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;

(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;



- (6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of a confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of a record or information compiled by a criminal law enforcement authority in the course of a criminal investigation or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual;
- (8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or
- (9) geological and geophysical information and data, including maps, concerning wells.

c. The existence of specialized provisions is

- claimed by the company:
- checked by the following authority:
- checked also by the following independent institution upon request:
- is claimed/checked as follows:
- is determined regularly/in exceptional cases (please strike out if not appropriate) in hearings:

d. A request is required yes no

4. Scope of application

Is the claim limited to specific products/services (e.g. food and (animal) fodder according to Regulation (EC) 178/2002)? Please indicate to which products/services the claim is limited.

no. The limitations are the nine specific categories of exemption.

Some courts have stressed in interpreting FOIA, the underlying goals of the act, which are government accountability.

FOIA disclosures should relate to information that reveals something about the effectiveness, efficiency, and fairness of the government activities.

Wine Hobby USA Inc v. United States Internal Revenue Service, 502 F2d 133 (1974) is often cited to support the claim that personal information (names and addresses) held by government should not be released to businesses for purely commercial purposes unrelated to FOIA's government accountability ideals. ("We must now balance the seriousness of this invasion of privacy against the public interest purpose asserted by the plaintiff. As noted, the sole purpose for which Wine Hobby has stipulated that it seeks the information is for private commercial exploitation. Wine Hobby advanced no direct or indirect public interest purpose in disclosure of these lists and



indeed, we can conceive of none. The disclosure of names of potential customers for commercial business is wholly unrelated to the purposes behind the Freedom of Information Act and was never contemplated by Congress in enacting the Act. In light of this failure by Wine Hobby to assert a public interest purpose for disclosure, we conclude that the invasion of privacy caused by disclosure would be 'clearly unwarranted,' even though the invasion of privacy in this case is not as serious as that considered by the court in other cases, see, e.g., *Rose v. Dept. of the Air Force*, 495 F.2d 261 (2d Cir. 1974). On balance, therefore, we believe that the list of names and addresses of the Form 1541 registrants is exempted from disclosure under 552(b)(6) in the circumstances of this case." (footnotes omitted)

In *Kissinger v. Reporters Committee for Freedom of the Press*, 445 U.S. 136 (1980), the Supreme Court held that the FOIA definition of "agency" does not include the Office of the President (the White House Office).

5. Purpose of the provision

a. Criteria for the scope of the claim mentioned in 1.a. and 1.b. (multiple answers are permitted)

(the specific scope was selected due to)

- degree of exposure of the consumer
- protected matter that is threatened (life, health, property, self-determined lifestyle)
- subject matter of the law/product category
- provisions in European secondary legislation

b. In case of dependence on a protected matter: What is the provision intended to protect?

- life and body and/or physical integrity of the consumer
- financial interests of the consumer
- third parties/self-determined life and/or reasonable factor allocation through mature consumer decisions
 - with regard to the protection of limb and life and physical integrity of those involved in the production process
 - in support of effective environmental and animal protection
 - for other social/societal considerations (fair trade/philosophy of life)

c. In case of dependence of a certain degree of exposure of the consumer:

Which degree of certainty is required?

- suspicion that there is a danger/an infringement is sufficient
- reasonable suspicion of a danger/an infringement
- certainty about a danger/an infringement
- a different degree:

6. Nature of the claim

The claim is a

- contractual claim subject to private law
- tort claim subject to private law
- public-law claim
- public-law obligation to release information enforced by penalty.



7. Legal consequences in case of incorrect information

If the information provided by an authority/a company turns out to be incomplete or wrong,

- consumers are entitled to claim for damages against those in duty to inform
- claim depends on fault
- an entrepreneur can be prosecuted for administrative offence/criminal offence under the following conditions
- the business (company) also can be prosecuted

a. Amount of damages

- the damage cannot be determined, so the claim is ineffectual
- is calculated as follows actual damages
- in case of infringement, moral damage to the amount of ≈ to ≈. €
is assumed
- in case of infringement, punitive damages are estimated at ≈ to ≈. €
- Conditions:

b. The mistake is made public as follows

Through agency appeal and/or litigation brought by the entity whose information is improperly disclosed or by a party improperly denied information to which he/she/it is entitled under the statute. Sometimes such litigation receives a great deal of publicity in the media.

Improper refusal to release information:

Parties appeal to the agency itself following denial and can then sue in federal court seeking release. The remedy is release of the records. There are often good reasons to deny requests:

REASONS FOR NONDISCLOSURE cited by the Small Business Administration:

- A reasonable search failed to locate responsive records.
- Request is referred to the Federal agency that possesses the responsive records.
- Request is withdrawn by the requester.
- Information requested is not a record within the meaning of the FOIA.
- Access to the record is denied in whole or in part pursuant to the FOIA exemptions.

Improper disclosures:

To prevent them: Parties can seek equitable or declaratory relief under the Administrative Procedures Act (APA) in conjunction with some other law that mandates withholding, seeking to prevent disclosure. In a "reverse-FOIA" case, a party that has submitted information to the government seeks to prohibit disclosure to a third party. The best know case is Chrysler Corp. v. Brown, 441 U.S. 281 (1979)(request to withhold denied). For a recent case see General Elec. Co. v. Department of Air Force, 648 F.Supp.2d 95, D.D.C., August 28, 2009 (NO. CIV.A. 01-1549CCB) .

To redress them after they have occurred: Improper disclosures that violate the FOIA exemptions the Privacy Act or the criminal Federal Trade Secrets Act are abuses of discretion by the offending agency. If improper disclosures are made, injured firms can seek monetary relief against the government. See. e.g., Xerxe Group, Inc. v. U.S., 278 F.3d 1357 (Fed.Cir. Feb 04, 2002) (NO. 01-5055) (seeking \$72 million).. But in practice, monetary recovery for improper



disclosure is uncommon and the burden of designating documents submitted to government as confidential and proprietary seems to fall on businesses, as in the Xerxe case.

A Federal Trade Secret Act is a criminal statute that punishes improper disclosures of trade secrets. This is not a proper basis of a claim in a private lawsuit however.

c. Other Sanctions

The mistake/incompleteness of the information is sanctioned as follows:

Amplifying the above:

In cases where the agency wrongly withholds information that ought to have been released, the statute provides that:

"On complaint, the district court of the United States in the district in which the complainant resides, or has his principal place of business, or in which the agency records are situated, or in the District of Columbia, has jurisdiction to enjoin the agency from withholding agency records and to order the production of any agency records improperly withheld from the complainant. In such a case the court shall determine the matter de novo, and may examine the contents of such agency records in camera to determine whether such records or any part thereof shall be withheld under any of the exemptions set forth in subsection (b) of this section, and the burden is on the agency to sustain its action. In addition to any other matters to which a court accords substantial weight, a court shall accord substantial weight to an affidavit of an agency concerning the agency's determination as to technical feasibility under paragraph (2)(C) and subsection (b) and reproducibility under paragraph (3)(B)."

The following is a useful website of the Citizen media Law Project summarizing how a person can make use of FOIA to address denials of information (within six years) using the resources of the denying agency, a federal ombudperson or the courts: <http://www.citmedialaw.org/legal-guide/costs-and-fees>

8. Costs

Costs are caused by the following activities,

providing existing information

referring the consumer to another body

consultation of the business

publishing the information

-provision of easily accessible information

-provision of any information

-other

of which the consumer pays

such as Agencies may charge persons reasonable fees to produce copies of records in the requested medium. For example, the Small Business Administration charges \$30 an hour for filling FOIA requests.

and



9. Other relevant information

In case there is anything else that in your opinion could be relevant in general although it has not specifically been asked for, please mention it below (e.g. claim dependent on fraud or similar).

How to make a FOIA request. Formal requirements. [Amended Jan 28, 2010)

General:

All federal agencies require that Freedom of Information requests pursuant to the federal FOIA statute be formal written requests. Telephone and in person requests are not accepted. FOIA requests must be in writing, and they are typically submitted in the form of a business letter from an individual or organization. Exact procedures vary by agency, but the Consumer Product Safety Commission accepts requests by fax and by formal email.

FOIA requests will not be honored (or will be delayed in processing) if they do not clearly identify the information being requested, and if they are not sent to the appropriate agency (the agency which holds the information in a record in its system of records).

It is not necessary to name a specific document. Instead it is only necessary for the person requesting information to identify the category of information, such as "all correspondence, reports or other records pertaining to meetings between department X officials and department Y officials" or "all records pertaining to the safety of consumer product X, dated between March 2006 and March 2007" or "all records held by the Justice department concerning FBI surveillance of Jane Doe" .

In the spirit of open government, some agencies have on line "reading rooms" into the public come during regular business hours to examine agency publications, reports, incident reports, and complaints against industry. The reading room for the Consumer Products Safety Commission is found at

<http://www.cpsc.gov/LIBRARY/FOIA/foia.html>

Example: Federal Communications Commission. See <http://www.fcc.gov/foia/>

"What types of materials are available [from the FCC] without filing a FOIA request?

You do not have to file a FOIA request to obtain information which is routinely available for public inspection, including records from docketed cases, broadcast applications and related files, petitions for rulemakings, various legal and technical publications, legislative history compilations, etc. See 47 C.F.R. §§ 0.453 and 0.455. Much of this information is available on our website.

How do I obtain publicly available documents and other materials from the FCC?

Many of these documents and other FCC publications already appear on the FCC's Internet Homepage. Documents may also be viewed in the FCC Reference Information Center at the FCC Headquarters at 445 12th Street, S.W., Washington, D.C. 20554. The Reference Information Center is open to the public Monday through Thursday from 8:00 AM to 4:30 PM and from 8:00 AM to 11:30 AM on Friday. A person who wants to inspect publicly available FCC records need only appear at the Commission's headquarters and ask to see the records. Alternatively, you may write or telephone in advance to schedule a date and time to make the records available for inspection. Advance notice to the FCC is suggested in some circumstances, i.e., if the request is for a large number of documents or for older documents which may have to be recalled from storage. Get more information about the Reference Information Center.



Copies of any available materials can be made in the FCC Reference Information Center or obtained through the FCC's copy contractor, Best Copy Printing, Inc. (BCPI) at (202) 488-5300, (202) 488-5563 or www.bcpweb.com.

How do I file a FOIA request?

To make a FOIA request pursuant to 47 C.F.R. § 0.461, you have several options:

- (1) You may fill out the Electronic FOIA Request Form and submit it to us; or
- (2) You may write to us via surface mail. If you choose to send your request via surface mail you MUST: (a) write the words "Freedom of Information Act Request" at the top of your letter and on the outside of the mailing envelope, (b) date your request, (c) give us your daytime telephone number and/or daytime e-mail contact address so that our staff can get in touch with you during normal business hours if they have questions, and (d) provide as much information as possible regarding each document you are seeking. You should also specify the maximum search fee that you are prepared to pay for this request. Send your letter to the address below.
- (3) You may also fax or e-mail your request to the contact information below.

What types of materials are available through a FOIA request?

Under the FOIA and the FCC's implementing rules, you are allowed to obtain copies of FCC records unless the records contain information that is exempt under the FOIA from mandatory disclosure. To learn about these exemptions, please scroll down to the next section.

What types of materials are not available under FOIA?

Although most FCC documents, records, and publications are accessible through FOIA, some types of FCC records are not available. Section 552(b) of the FOIA contains nine types of records which are routinely exempt from disclosure under the FOIA:

1. Records classified national defense or foreign policy materials, 5 U.S.C. § 552(b)(1);
2. Internal personnel rules and agency practices, 5 U.S.C. § 552(b)(2);
3. Information specifically exempted from disclosure by another statute, 5 U.S.C. § 552(b)(3);
4. Trade secrets and commercial or financial information obtained from a person and privileged or confidential, 5 U.S.C. § 552(b)(4);
5. Inter- or intra-agency memoranda or letters which would not be available to a party in litigation with the agency, 5 U.S.C. § 552(b)(5);
6. Personnel, medical and similar files, disclosure of which would constitute a clearly unwarranted invasion of personal privacy, 5 U.S.C. § 552(b)(6);
7. Records compiled for law enforcement purposes, 5 U.S.C. § 552(b)(7);
8. Records relating to the examination, operations, or condition of financial institutions, 5 U.S.C. § 552(b)(8); and
9. Oil well data, 5 U.S.C. § 552 (b)(9).

Even if a record falls within one of these FOIA exemptions, the FCC may, in some circumstances, release the records, depending upon the exemption at issue and the circumstances of the FOIA request.

Are there any privacy considerations which the FCC must consider in granting your FOIA request?

Under the FOIA Exemption 6 and the Privacy Act, the FCC may be prohibited from disclosing information about an individual from a system of records without the written consent of the individual to whom the record pertains.



Can the FCC deny my FOIA request?

Yes. If the Bureau or Office that is the custodian of the records determines that there are no records responsive to your request, or that one or more of the FOIA exemptions described above applies to the documents you request, your request will be denied in writing.

How long will it take to get the information that I request?

Under the FOIA, the FCC must determine within 20 business days of receipt of your FOIA request by the FOIA Requester Service Center whether it is appropriate to grant or deny a FOIA request. The FCC makes every effort to act on a request within this time frame. If we determine that your request will take longer than 20 days to process, we will notify you in writing explaining the circumstances requiring the extension and establishing a date for response of not more than 10 working days beyond the initial 20-day limit.

However, if the FCC determines that the request cannot be processed within this 10 day extension, we will provide you with an opportunity to modify your request so that it may be processed within the extended time limit, or provide an opportunity for you to arrange with the FCC for an alternative timeframe for processing the original or modified request. We will also advise you of any additional charges involved. For this reason, it is important for you to include a telephone number where we can call you to discuss any issues involving your FOIA request. Even if we call, you will receive a letter from the FCC confirming your consent to any additional time and/or costs that may be necessary to comply with your FOIA request.

You may seek expedited processing of your FOIA request if you have a compelling need for the documents.

If my FOIA request is denied, what can I do?

If your FOIA request is denied in whole or in part, the Bureau or Office that made the decision will notify you of the denial of your request and of your right to file an administrative application for review. The application for review and the envelope containing it should have the words "Review of Freedom of Information Action" clearly written on them and must be filed within 30 calendar days of the date of the Bureau or Office's written decision. A FOIA application for review should be sent to the Office of General Counsel, Federal Communications Commission, 445 - 12th Street, S.W., Washington, D.C. 20554. A copy of the application for review should also be sent to the person (if any) who originally submitted the records you are seeking. If the FCC denies your application for review in whole or in part, you may seek judicial review of that decision in a United States District Court.

Are there any costs to making a FOIA request?

Yes. Under the FOIA, we are allowed to charge for our research and reproduction services under certain conditions. Your FOIA request should specify the amount of FOIA fees you are willing to pay. Please note, under 47 CFR § 0.467(e), if the Commission estimates that your search charges are likely to exceed \$25 or an amount which you have indicated you are willing to pay, we will notify you of the estimated fee charge prior to doing the search and give you the opportunity to revise or clarify your FOIA request.

Commercial use requesters will be assessed charges that recover the full direct costs associated with the search, review, and duplication of records.

Educational institutions, representatives of the news media, and non-commercial scientific institution requesters must pay for duplication only, and will not be charged for the first 100 pages. News media requesters, however, are entitled to a reduced assessment only when the request is for the purpose of disseminating information.



The Commission will charge all other requesters who do not fit into any of the categories above fees which cover the full, reasonable direct cost of searching for and reproducing records that are responsive to the request, except that the first 100 pages of the reproduction and the first two hours of search time shall be free of charge.

If you believe you are entitled to a restricted fee assessment, or a fee waiver, you must provide us with a statement explaining with specificity the reasons demonstrating why you qualify for a restricted fee or a fee waiver, including a statement certifying that the information will not be used to further your commercial interests. Please consult the rules, 47 C.F.R. § 0.470(c) - (e), when seeking a restricted fee or fee waiver.

The search fee is based on the salary level of the employee(s) who conducts the search. The fee charge is computed at the Step 5 of the specified grade level plus 20 percent to cover personnel benefits."

FOIA Search Fee Schedule

"The current FOIA Fee Schedule is as follows. Please note that these fees will be modified periodically to correspond with modifications in the rate of pay approved by Congress. [The fee charged depends upon the number of hours required to comply and the salary grade of the persons who must comply with the request.]

	Grade	Hourly Fee
GS-1	14.41	
	GS-2	15.68
	GS-3	17.68
	GS-4	19.85
	GS-5	22.20
	GS-6	24.76
	GS-7	27.50
	GS-8	30.46
	GS-9	33.65
	GS-10	37.06
	GS-11	40.70
	GS-12	48.79
	GS-13	58.02
	GS-14	68.56
	GS-15	80.65

The Fee Schedule contained herein is effective upon release of this Public Notice in accordance with 47 C.F.R. § 0.467(a)(1) note.

Note that the copy charge is \$0.10 per page, and the cost for a computer disk is \$5.00. See 47 C.F.R. § 0.465(b)(2)."

* * *

As an example of the breath of disclosure obligations, this is the information what one important federal agency, the Office of Management and Budget (OMB) reports it makes available to the public:



(http://www.whitehouse.gov/omb/foia_default/#reading)

- o The President's Budget
- o E-Government or IT (most of these records would be created by the Office of Electronic Government and Information Technology or the Office of Information and Regulatory Affairs)
- o Financial Management Issues for the Federal Government (most of these records would be created by the Office of Federal Financial Management)
- o FOIA Documents (including OMB's FOIA Improvement Plan (103k) under Executive Order 13,392 of December 14, 2005, OMB's Reading Room Certification (68k), OMB's Annual FOIA Reports, OMB's FOIA Regulations and OMB's Public FOIA Handbook in HTML or PDF (includes FOIA statute and regulations as appendices) (181k))
- o Guidance to Agencies (these include OMB Circulars, Memoranda, and Bulletins)
- o Grants, Grants Management and additional information including Hurricane Katrina related information (most of these records would be created by the Office of Federal Financial Management)
- o Information Collections (most of these records would be created by the Office of Information and Regulatory Affairs)
- o Legislation and what the Administration thinks about legislation (also called "Statements of Administration Policy" or "Press Releases")
- o Management activities like the PART.
- o OMB Press Releases
- o Other Frequently Requested Documents
 - i. Federal Register Submissions
 - ii. Government Information Locator Service (GILS)
 - iii. IMPAC Card Information
 - iv. OMB Locator Service
 - v. Paperwork Reduction Act Approval of IRS Individual Income Tax Return (OMB Control Number: 1545-0074) (20mb)
 - vi. Transfer of former GAO Authorities
- o Paperwork Reduction Act Compliance (most would be created by the Office of Information and Regulatory Affairs)
- o Privacy Act Guidance (most records related to the Privacy Act would be created by the Office of Information and Regulatory Affairs)
- o Procurement issues (most of these records would be created by the Office of Federal Procurement Policy)



- Regulations (most of these records would be created by the Office of Information and Regulatory Affairs)
- Reports to Congress
- Statistical Issues (most of these records would be created by the Office of Information and Regulatory Affairs)
- Testimony of OMB Officials



Basis of claim and name of the legal act (original name and translation):
Financial Modernization Act, Title V (Gramm-Leach-Bliley Act)

1. Objective of the claim/legal consequence

a. The claim is directed at

- release of existing/available information
- release of existing information or forwarding of the request/the claimant to the competent body
- examination of the facts upon request and release of information
- product warning (authority)/product recall (business).
- publishing (e.g. on the internet) – location:
- none of the above, but aimed at: providing consumers and customers with privacy notices and other information pertinent to the disclosure or non disclosure of personal financial information

b. Extent of the claim

What kind of information may be released according to the provision (e.g. risks to health with or without limit value(s), production process, products, other)?

From the website of the FTC:

The Financial Modernization Act of 1999, also known as the "Gramm-Leach-Bliley Act" or GLB Act, includes provisions to protect consumers' personal financial information held by financial institutions. There are three principal parts to the privacy requirements: the Financial Privacy Rule, Safeguards Rule and pretexting provisions.

The GLB Act gives authority to eight federal agencies and the states to administer and enforce the Financial Privacy Rule and the Safeguards Rule.

These two regulations apply to "financial institutions," which include not only banks, securities firms, and insurance companies, but also companies providing many other types of financial products and services to consumers. Among these services are lending, brokering or servicing any type of consumer loan, transferring or safeguarding money, preparing individual tax returns, providing financial advice or credit counseling, providing residential real estate settlement services, collecting consumer debts and an array of other activities. Such non-traditional "financial institutions" are regulated by the FTC. ...

The Financial Privacy Rule governs the collection and disclosure of customers' personal financial information by financial institutions. It also applies to companies, whether or not they are financial institutions, who receive such information.

The Safeguards Rule requires all financial institutions to design, implement and maintain safeguards to protect customer information. The Safeguards Rule applies not only to financial institutions that collect information from their own customers, but also to financial institutions "such as credit reporting agencies" that receive customer information from other financial institutions.



The Pretexting provisions of the GLB Act protect consumers from individuals and companies that obtain their personal financial information under false pretenses, a practice known as "pretexting."

c. Duration of proceedings

Is there a deadline for releasing the information required/for handling the inquiry? If so, what is the time limit?

2. Parties involved

a. Entitled is/are generally

- anyone (natural and legal persons)
- consumers
- consumer associations
- other specific persons (groups of persons)/authorities: customers

b. Conditions of entitlement

persons have to

- be affected by the information themselves
- have the following interest in the information: the information is about the customer or consumer
- other conditions:

c. Opponents/those with a duty to inform are

- authorities
- producers/service providers** (please choose the appropriate option)
- functional intermediaries
- other:

3. Legal prerequisites

a. Is there a term of maturity for information?

- No
- Yes, information older than **month must not** be released any longer (please choose the appropriate options).

b. Exceptions

Exempt from the right to information are

- industrial secrets, in particular:
- business secrets, in particular:
- information connected to property rights, in particular:
- information available to the following authorities:
- information for the protection of the following public interests:
- other information due to the following reasons: non personal information

c. The existence of specialized provisions is

- claimed by the company:
- checked by the following authority:
- checked also by the following independent institution upon request:
- is claimed/checked as follows:
- is determined regularly/in exceptional cases (please strike out if not appropriate) in hearings:



d. A request is required yes no

4. Scope of application

Is the claim limited to specific products/services (e.g. food and (animal) fodder according to Regulation (EC) 178/2002)? Please indicate to which products/services the claim is limited.

Limited to financial information, as defined by the rules and statute.

5. Purpose of the provision

a. Criteria for the scope of the claim mentioned in 1.a. and 1.b. (multiple answers are permitted)

(the specific scope was selected due to)

- degree of exposure of the consumer
- protected matter that is threatened (life, health, property, self-determined lifestyle)
- subject matter of the law/product category
- provisions in European secondary legislation

b. In case of dependence on a protected matter: What is the provision intended to protect?

- life and body and/or physical integrity of the consumer
- financial interests of the consumer
- third parties/self-determined life and/or reasonable factor allocation through mature consumer decisions
 - with regard to the protection of limb and life and physical integrity of those involved in the production process
 - in support of effective environmental and animal protection
 - for other social/societal considerations (fair trade/philosophy of life)

c. In case of dependence of a certain degree of exposure of the consumer:

Which degree of certainty is required?

- suspicion that there is a danger/an infringement is sufficient
- reasonable suspicion of a danger/an infringement
- certainty about a danger/an infringement
- a different degree:

6. Nature of the claim

The claim is a

- contractual claim subject to private law
- tort claim subject to private law
- public-law claim
- public-law obligation to release information enforced by penalty.



7. Legal consequences in case of incorrect information

If the information provided by an authority/a company turns out to be incomplete or wrong,

- consumers are entitled to claim for damages against those in duty to inform
- claim depends on fault
- an entrepreneur can be prosecuted for administrative offence/criminal offence under the following conditions
- the business (company) also can be prosecuted

a. Amount of damages

- the damage cannot be determined, so the claim is ineffectual
- is calculated as follows
- in case of infringement, moral damage to the amount of ≈ to ≈. €
is assumed
- in case of infringement, punitive damages are estimated at ≈ to ≈. €
Conditions:

b. The mistake is made public as follows

c. Other Sanctions

The mistake/incompleteness of the information is sanctioned as follows:

Quoted in full below is an official agency press release concerning a significant FTC enforcement action:

For Release: November 16, 2004
 FTC Enforces Gramm-Leach-Bliley Act's Safeguards Rule Against Mortgage Companies
 Agency Alleges Companies Failed to Protect Customers' Personal Information

As part of a nationwide compliance sweep, the Federal Trade Commission has charged two mortgage companies with violating the agency's Gramm-Leach-Bliley (GLB) Safeguards Rule by not having reasonable protections for customers' sensitive personal and financial information. In an administrative action filed against Nationwide Mortgage Group, Inc. (Nationwide) and its president John D. Eubank, the FTC alleged that the Fairfax, Virginia-based mortgage broker failed to implement safeguards to protect its customers' names, social security numbers, credit histories, bank account numbers, income tax returns, and other sensitive financial information. Sunbelt Lending Services, Inc. (Sunbelt), a subsidiary of Cendant Mortgage Corporation with headquarters in Clearwater, Florida, has agreed to settle similar FTC charges. The settlement with Sunbelt will bar future violations of the Safeguards Rule and require biannual audits of Sunbelt's information security program by a qualified, independent professional for 10 years. These are the FTC's first cases enforcing the Safeguards Rule.

The Safeguards Rule, which implements the security requirements of the GLB Act, requires financial institutions to have reasonable policies and procedures to ensure the security and confidentiality of customer information. The "financial institutions" covered by the Rule include not only lenders and other traditional financial institutions, but also companies providing many other types of financial products and services to consumers. These institutions include, for example,



payday lenders, check-cashing businesses, professional tax preparers, auto dealers engaged in financing or leasing, electronic funds transfer networks, mortgage brokers, credit counselors, real estate settlement companies, and retailers that issue credit cards to consumers.

The Rule is intended to be flexible to accommodate the wide range of entities covered by GLB, as well as the wide range of circumstances companies face in securing customer information. Accordingly, the Rule requires financial institutions to implement a written information security program that is appropriate to the company's size and complexity, the nature and scope of its activities, and the sensitivity of the customer information it handles. As part of its program, each financial institution must also: (1) assign one or more employees to oversee the program; (2) conduct a risk assessment; (3) put safeguards in place to control the risks identified in the assessment and regularly test and monitor them; (4) require service providers, by written contract, to protect customers' personal information; and (5) periodically update its security program.

The FTC targeted Nationwide and Sunbelt as part of a nationwide sweep of automobile dealers and mortgage companies to assess compliance with the Rule. Although the sweep showed compliance by many of the companies targeted, it also showed significant failures to comply by Nationwide and Sunbelt. According to the FTC's complaints, both companies failed to comply with the Rule's basic requirements, including that they assess the risks to sensitive customer information and implement safeguards to control these risks. In addition, Nationwide failed to train its employees on information security issues; oversee its loan officers' handling of customer information; and monitor its computer network for vulnerabilities. Sunbelt also failed to oversee the security practices of its service providers and of its loan officers working from remote locations throughout the state of Florida.

Finally, the complaint alleges that both companies violated the GLB Privacy Rule, which requires financial institutions to provide consumers with privacy notices describing how they use and disclose consumers' personal information. According to the complaints, Nationwide did not provide the privacy notices to its customers, and Sunbelt did not provide the notices to its online customers.

The proposed consent order with Sunbelt bars the company from future violations of the Safeguards Rule and the Privacy Rule. In addition, the company must have its security program certified as meeting or exceeding the standards in the consent order by an independent professional within six months and every other year thereafter for 10 years. The order also contains standard recordkeeping provisions to allow the FTC to monitor Sunbelt's compliance.

The Commission votes to issue the administrative complaint against Nationwide and to accept the consent agreement with Sunbelt were 5-0.

The FTC will publish an announcement regarding the agreement with Sunbelt in the Federal Register shortly. The agreement will be subject to public comment for 30 days, beginning today and continuing through December 15, after which the Commission will decide whether to make it final. Comments should be addressed to the FTC, Office of the Secretary, Room H-159, 600 Pennsylvania Avenue, N.W., Washington, DC 20580. The FTC is requesting that any comment filed in paper form near the end of the public comment period be sent by courier or overnight service, if possible, because U.S. postal mail in the Washington area and at the Commission is subject to delay due to heightened security precautions.

NOTE: The Commission issues a complaint when it has "reason to believe" that the law has been or is being violated, and it appears to the Commission that a proceeding is in the public interest. The complaint is not a finding or ruling that the respondents have actually violated the law. Such action marks the beginning of a proceeding in which the allegations will be ruled upon after a formal hearing.



NOTE: The consent agreement for Sunbelt is for settlement purposes only and does not constitute

an admission by the defendant of a law violation.

Copies of the Commission's complaints and proposed consent order are available from the FTC's Web site at http://www.ftc.gov and also from the FTC's Consumer Response Center, Room 130, 600 Pennsylvania Avenue, N.W., Washington, D.C. 20580. The FTC works for the consumer to prevent fraudulent, deceptive, and unfair business practices in the marketplace and to provide information to help consumers spot, stop, and avoid them. To file a complaint in English or Spanish (bilingual counselors are available to take complaints), or to get free information on any of 150 consumer topics, call toll-free, 1-877-FTC-HELP (1-877-382-4357), or use the complaint form at http://www.ftc.gov. The FTC enters Internet, telemarketing, identity theft, and other fraud-related complaints into Consumer Sentinel, a secure, online database available to hundreds of civil and criminal law enforcement agencies in the U.S. and abroad.

8. Costs

Costs are caused by the following activities,

of which the consumer pays

providing existing information

referring the consumer to another body

consultation of the business

publishing the information

-provision of easily accessible information

-provision of any information

-other

such as

and

9. Other relevant information

In case there is anything else that in your opinion could be relevant in general although it has not specifically been asked for, please mention it below (e.g. claim dependent on fraud or similar).

The GLB Act places limits on how anyone that receives nonpublic personal information from a financial institution can use or re-disclose the information. The required privacy notice also must explain that consumers have a right under the Fair Credit Reporting Act to refuse to share certain financial information.


Basis of claim and name of the legal act (original name and translation):
Magnuson-Moss Warranty Federal Trade Commission Improvement Act
15 USCA § (45)m 57a, 57b
[http://www.ftc.gov/bcp/edu/pubs/business/adv/bus01.shtm#Magnuson-Moss:](http://www.ftc.gov/bcp/edu/pubs/business/adv/bus01.shtm#Magnuson-Moss)
1. Objective of the claim/legal consequence
a. The claim is directed at

- release of existing/available information
- release of existing information or forwarding of the request/the claimant to the competent body
- examination of the facts upon request and release of information
- product warning (authority)/product recall (business).
- publishing (e.g. on the internet) – location:
- none of the above, but aimed at:

b. Extent of the claim

What kind of information may be released according to the provision (e.g. risks to health with or without limit value(s), production process, products, other)?

According to FTC:

"The Magnuson-Moss Warranty Act is the federal law that governs consumer product warranties. Passed by Congress in 1975, the Act requires manufacturers and sellers of consumer products to provide consumers with detailed information about warranty coverage.

In addition, it affects both the rights of consumers and the obligations of warrantors under written warranties.

To understand the Act, it is useful to be aware of Congress' intentions in passing it.

First, Congress wanted to ensure that consumers could get complete information about warranty terms and conditions. By providing consumers with a way of learning what warranty coverage is offered on a product before they buy, the Act gives consumers a way to know what to expect if something goes wrong, and thus helps to increase customer satisfaction.

Second, Congress wanted to ensure that consumers could compare warranty coverage before buying. By comparing, consumers can choose a product with the best combination of price, features, and warranty coverage to meet their individual needs.

Third, Congress intended to promote competition on the basis of warranty coverage. By assuring that consumers can get warranty information, the Act encourages sales promotion on the basis of warranty coverage and competition among companies to meet consumer preferences through various levels of warranty coverage.



Finally, Congress wanted to strengthen existing incentives for companies to perform their warranty obligations in a timely and thorough manner and to resolve any disputes with a minimum of delay and expense to consumers. Thus, the Act makes it easier for consumers to pursue a remedy for breach of warranty in the courts, but it also creates a framework for companies to set up procedures for resolving disputes inexpensively and informally, without litigation."

Note: the statute preserves the right to consumers to pursue common law breach of warranty claims in private lawsuits.

The Act does not require any business to provide a written warranty; however, if a business offers consumers written warranties on consumer products, then it must comply with the Act. For purposes of this statute "consumer products" refers to tangible property normally used for personal, family, or household purposes.

c. Duration of proceedings

Is there a deadline for releasing the information required/for handling the inquiry? If so, what is the time limit?

2. Parties involved

a. Entitled is/are generally

- anyone (natural and legal persons)
 consumers
 consumer associations
 other specific persons (groups of persons)/authorities:

b. Conditions of entitlement

persons have to

- be affected by the information themselves
 have the following interest in the information:
 other conditions:

c. Opponents/those with a duty to inform are

- authorities
 producers/service providers (please choose the appropriate option)
 functional intermediaries
 other:

3. Legal prerequisites

a. Is there a term of maturity for information?

- No
 Yes, information older than _____ month must not be released any longer (please choose the appropriate options).



b. Exceptions

Exempt from the right to information are

- industrial secrets, in particular:
- business secrets, in particular:
- information connected to property rights, in particular:
- information available to the following authorities:
- information for the protection of the following public interests:
- other information due to the following reasons:

c. The existence of specialized provisions is

- claimed by the company:
- checked by the following authority:
- checked also by the following independent institution upon request:
- is claimed/checked as follows:
- is determined regularly/in exceptional cases (please strike out if not appropriate) in hearings:

d. A request is required yes no

4. Scope of application

Is the claim limited to specific products/services (e.g. food and (animal) fodder according to Regulation (EC) 178/2002)? Please indicate to which products/services the claim is limited.

Claims are limited to voluntary product warranties

5. Purpose of the provision

a. Criteria for the scope of the claim mentioned in 1.a. and 1.b. (multiple answers are permitted)

(the specific scope was selected due to)

- degree of exposure of the consumer
- protected matter that is threatened (life, health, property, self-determined lifestyle)
- subject matter of the law/product category
- provisions in European secondary legislation

b. In case of dependence on a protected matter: What is the provision intended to protect?

- life and body and/or physical integrity of the consumer
- financial interests of the consumer
- third parties/self-determined life and/or reasonable factor allocation through mature consumer decisions
 - with regard to the protection of limb and life and physical integrity of those involved in the production process
 - in support of effective environmental and animal protection
 - for other social/societal considerations (fair trade/philosophy of life)

c. In case of dependence of a certain degree of exposure of the consumer:

Which degree of certainty is required?

- suspicion that there is a danger/an infringement is sufficient
- reasonable suspicion of a danger/an infringement
- certainty about a danger/an infringement
- a different degree:



8. Costs

Costs are caused by the following activities,		of which the consumer pays
providing existing information	<input checked="" type="checkbox"/>	<input type="checkbox"/>
referring the consumer to another body	<input type="checkbox"/>	<input type="checkbox"/>
consultation of the business	<input type="checkbox"/>	<input type="checkbox"/>
publishing the information	<input checked="" type="checkbox"/>	<input type="checkbox"/>
-provision of easily accessible information	<input type="checkbox"/>	<input type="checkbox"/>
-provision of any information	<input type="checkbox"/>	<input type="checkbox"/>
-other	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
such as dispute resolution		
and		

9. Other relevant information

In case there is anything else that in your opinion could be relevant in general although it has not specifically been asked for, please mention it below (e.g. claim dependent on fraud or similar).

REQUIREMENTS OF THE ACT:

The Act and the Rules establish three basic requirements that may apply to a warrantor or a seller.

1. A warrantor must designate, or title, its written warranty as either "full" or "limited."
2. A warrantor must state certain specified information about the coverage of its warranty in a single, clear, and easy-to-read document.
3. A warrantor or a seller, must ensure that warranties are available where the warranted consumer products are sold so that consumers can read them before buying.

TYPES OF WARRANTIES:

The Federal Trade Commission plays a role in educating the public about warranty rights and duties. As it explains at <http://www.ftc.gov/bcp/edu/pubs/business/adv/bus01.shtm>, :

"The law recognizes two basic kinds of warranties—implied warranties and express warranties.

Implied Warranties

Implied warranties are unspoken, unwritten promises, created by state law, that go from you, as a seller or merchant, to your customers. Implied warranties are based upon the common law principle of "fair value for money spent," There are two types of implied warranties that occur in consumer product transactions. They are the implied warranty of merchantability and the implied warranty of fitness for a particular purpose.

The implied warranty of merchantability is a merchant's basic promise that the goods sold will do what they are supposed to do and that there is nothing significantly wrong with them. In other words, it is an implied promise that the goods are fit to be sold. The law says that merchants make this promise automatically every time they sell a product they are in business to sell. For example, if you, as an appliance retailer, sell an oven, you are promising that the oven is in proper condition for sale because it will do what ovens are supposed to do—bake food at controlled temperatures selected by the buyer. If the oven does not heat, or if it heats without



proper temperature control, then the oven is not fit for sale as an oven, and your implied warranty of merchantability would be breached. In such a case, the law requires you to provide a remedy so that the buyer gets a working oven.

The implied warranty of fitness for a particular purpose is a promise that the law says you, as a seller, make when your customer relies on your advice that a product can be used for some specific purpose. For example, suppose you are an appliance retailer and a customer asks for a clothes washer that can handle 15 pounds of laundry at a time. If you recommend a particular model, and the customer buys that model on the strength of your recommendation, the law says that you have made a warranty of fitness for a particular purpose. If the model you recommended proves unable to handle 15-pound loads, even though it may effectively wash 10-pound loads, your warranty of fitness for a particular purpose is breached.

Implied warranties are promises about the condition of products at the time they are sold, but they do not assure that a product will last for any specific length of time. (The normal durability of a product is, of course, one aspect of a product's merchantability or its fitness for a particular purpose.) Nor does the law say that everything that can possibly go wrong with a product falls within the scope of implied warranties. For example, implied warranties do not cover problems such as those caused by abuse, misuse, ordinary wear, failure to follow directions, or improper maintenance.

Generally, there is no specified duration for implied warranties under state laws. However, the state statutes of limitations for breach of either an express or an implied warranty are generally four years from date of purchase. This means that buyers have four years in which to discover and seek a remedy for problems that were present in the product at the time it was sold. It does not mean that the product must last for four years. It means only that the product must be of normal durability, considering its nature and price.

A special note is in order regarding implied warranties on used merchandise. An implied warranty of merchantability on a used product is a promise that it can be used as expected, given its type and price range. As with new merchandise, implied warranties on used merchandise apply only when the seller is a merchant who deals in such goods, not when a sale is made by a private individual.

If you do not offer a written warranty, the law in most states allows you to disclaim implied warranties. However, selling without implied warranties may well indicate to potential customers that the product is risky—low quality, damaged, or discontinued—and therefore, should be available at a lower price.

In order to disclaim implied warranties, you must inform consumers in a conspicuous manner, and generally in writing, that you will not be responsible if the product malfunctions or is defective. It must be clear to consumers that the entire product risk falls on them. You must specifically indicate that you do not warrant "merchantability," or you must use a phrase such as "with all faults," or "as is." A few states have special laws on how you must phrase an "as is" disclosure. (For specific information on how your state treats "as is" disclosures, consult your attorney.)

Some states do not allow you to sell consumer products "as is." At this time, these states are Alabama, Connecticut, Kansas, Maine, Maryland, Massachusetts, Minnesota, Mississippi, New Hampshire, Vermont, Washington, West Virginia, and the District of Columbia. In those states, sellers have implied warranty obligations that cannot be avoided.

Federal law prohibits you from disclaiming implied warranties on any consumer product if you offer a written warranty for that product (see What the Magnuson-Moss Act Requires) or sell a service contract on it (see Offering Service Contracts).

You should be aware that even if you sell a product "as is" and it proves to be defective or dangerous and causes personal injury to someone, you still may be liable under the principles of product liability. Selling the product "as is" does not eliminate this liability.



Express Warranties

Express warranties, unlike implied warranties, are not "read into" your sales contracts by state law; rather, you explicitly offer these warranties to your customers in the course of a sales transaction. They are promises and statements that you voluntarily make about your product or about your commitment to remedy the defects and malfunctions that some customers may experience.

Express warranties can take a variety of forms, ranging from advertising claims to formal certificates. An express warranty can be made either orally or in writing. While oral warranties are important, only written warranties on consumer products are covered by the Magnuson-Moss Warranty Act."



Basis of claim and name of the legal act (original name and translation):
Uniform Commercial Code (state law)

1. Objective of the claim/legal consequence

a. The claim is directed at

- release of existing/available information
- release of existing information or forwarding of the request/the claimant to the competent body
- examination of the facts upon request and release of information
- product warning (authority)/product recall (business).
- publishing (e.g. on the internet) – location:
- none of the above, but aimed at:

b. Extent of the claim

What kind of information may be released according to the provision (e.g. risks to health with or without limit value(s), production process, products, other)?

The Uniform Commercial Code is a set of principles of contract law and warranty law reflected with some variation in the state law of the 50 states. The Code itself is the work product of The American Law Institute and the National Conference of Commissioners on Uniform State Laws.

The Uniform Commercial Code lays out the extent to which consumers who purchase goods or seek to do so are entitled to product information about the quality and safety of products.

The violation of UCC principles normally gives rise only to liability in a contract action or tort liability in the case of defective products that result in personal injury. The federal statute known as the Magnuson-Moss Warranty–Federal Trade Commission Improvement Act (15 U.S.C.A. § 2301 et seq.) federalized aspects of warranty law otherwise governed by state-adopted UCC principle. As explained in its own Questionnaire, the Act mandates that a written warranty on a consumer product costing in excess \$5 disclose the terms and conditions of the warranties concerning product performance, safety, and quality and manufacturer responsibility for replacing or repairing the product if it proves to be defective.

c. Duration of proceedings

Is there a deadline for releasing the information required/for handling the inquiry? If so, what is the time limit?



2. Parties involved

a. Entitled is/are generally

- anyone (natural and legal persons)
- consumers
- consumer associations
- other specific persons (groups of persons)/authorities:

b. Conditions of entitlement

persons have to

- be affected by the information themselves
- have the following interest in the information:
- other conditions:

c. Opponents/those with a duty to inform are

- authorities
- producers/service providers** (*please choose the appropriate option*)
- functional intermediaries
- other:

3. Legal prerequisites

a. Is there a term of maturity for information?

- No
- Yes, information older than **month must not** be released any longer (*please choose the appropriate options*).

b. Exceptions

Exempt from the right to information are

- industrial secrets, in particular:
- business secrets, in particular:
- information connected to property rights, in particular:
- information available to the following authorities:
- information for the protection of the following public interests:
- other information due to the following reasons:

c. The existence of specialized provisions is

- claimed by the company:
- checked by the following authority:
- checked also by the following independent institution upon request:
- is claimed/checked as follows:
- is determined regularly/in exceptional cases (please strike out if not appropriate) in hearings:

d. A request is required yes no

4. Scope of application

Is the claim limited to specific products/services (e.g. food and (animal) fodder according to Regulation (EC) 178/2002)? Please indicate to which products/services the claim is limited.



5. Purpose of the provision

a. Criteria for the scope of the claim mentioned in 1.a. and 1.b. (multiple answers are permitted)

(the specific scope was selected due to)

- degree of exposure of the consumer
- protected matter that is threatened (life, health, property, self-determined lifestyle)
- subject matter of the law/product category
- provisions in European secondary legislation

b. In case of dependence on a protected matter: What is the provision intended to protect?

- life and body and/or physical integrity of the consumer
- financial interests of the consumer
- third parties/self-determined life and/or reasonable factor allocation through mature consumer decisions
 - with regard to the protection of limb and life and physical integrity of those involved in the production process
 - in support of effective environmental and animal protection
 - for other social/societal considerations (fair trade/philosophy of life)

c. In case of dependence of a certain degree of exposure of the consumer:

Which degree of certainty is required?

- suspicion that there is a danger/an infringement is sufficient
- reasonable suspicion of a danger/an infringement
- certainty about a danger/an infringement
- a different degree:

6. Nature of the claim

The claim is a

- contractual claim subject to private law
- tort claim subject to private law
- public-law claim
- public-law obligation to release information enforced by penalty.

7. Legal consequences in case of incorrect information

If the information provided by an authority/a company turns out to be incomplete or wrong,

- consumers are entitled to claim for damages against those in duty to inform
- claim depends on fault
- an entrepreneur can be prosecuted for administrative offence/criminal offence under the following conditions
- the business (company) also can be prosecuted

a. Amount of damages

- the damage cannot be determined, so the claim is ineffectual
- is calculated as follows
- in case of infringement, moral damage to the amount of ≈ to ≈ €
is assumed



in case of infringement, punitive damages are estimated at ≈ to ≈. €
Conditions:

b. The mistake is made public as follows

c. Other Sanctions

The mistake/incompleteness of the information is sanctioned as follows:

8. Costs

Costs are caused by the following activities,		of which the consumer pays
providing existing information	<input type="checkbox"/>	<input type="checkbox"/>
referring the consumer to another body	<input type="checkbox"/>	<input type="checkbox"/>
consultation of the business	<input type="checkbox"/>	<input type="checkbox"/>
publishing the information	<input type="checkbox"/>	<input type="checkbox"/>
-provision of easily accessible information	<input type="checkbox"/>	<input type="checkbox"/>
-provision of any information	<input type="checkbox"/>	<input type="checkbox"/>
-other	<input type="checkbox"/>	<input type="checkbox"/>
such as		
and		

9. Other relevant information

In case there is anything else that in your opinion could be relevant in general although it has not specifically been asked for, please mention it below (e.g. claim dependent on fraud or similar).



**Basis of claim and name of the legal act (original name and translation):
Securities Act of 1933 and the Securities Exchange Act of 1934, which created the SEC**

1. Objective of the claim/legal consequence

a. The claim is directed at

- release of existing/available information
 release of existing information or forwarding of the request/the claimant to the competent body
 examination of the facts upon request and release of information
 product warning (authority)/product recall (business).
 publishing (e.g. on the internet) – location:
 none of the above, but aimed at:

b. Extent of the claim

What kind of information may be released according to the provision (e.g. risks to health with or without limit value(s), production process, products, other)?

Securities Act of 1933

The "truth in securities" law, the Securities Act of 1933 requires that investors receive financial and other significant information concerning securities being offered for public sale; and prohibits deceit, misrepresentations, and other fraud in the sale of securities.

c. Duration of proceedings

Is there a deadline for releasing the information required/for handling the inquiry? If so, what is the time limit?

2. Parties involved

a. Entitled is/are generally

- anyone (natural and legal persons)
 consumers
 consumer associations
 other specific persons (groups of persons)/authorities: investors, shareholders

b. Conditions of entitlement

persons have to

- be affected by the information themselves
 have the following interest in the information:
 other conditions:

c. Opponents/those with a duty to inform are

- authorities
 producers/service providers (please choose the appropriate option)
 functional intermediaries



other:

3. Legal prerequisites

a. Is there a term of maturity for information?

- No
- Yes, information older than **month must not** be released any longer (*please choose the appropriate options*).

b. Exceptions

Exempt from the right to information are

- industrial secrets, in particular:
- business secrets, in particular:
- information connected to property rights, in particular:
- information available to the following authorities:
- information for the protection of the following public interests:
- other information due to the following reasons:

c. The existence of specialized provisions is

- claimed by the company:
- checked by the following authority:
- checked also by the following independent institution upon request:
- is claimed/checked as follows:
- is determined regularly/in exceptional cases (please strike out if not appropriate) in hearings:

d. A request is required yes no

4. Scope of application

Is the claim limited to specific products/services (e.g. food and (animal) fodder according to Regulation (EC) 178/2002)? Please indicate to which products/services the claim is limited.

5. Purpose of the provision

a. Criteria for the scope of the claim mentioned in 1.a. and 1.b. (multiple answers are permitted)

(the specific scope was selected due to)

- degree of exposure of the consumer
- protected matter that is threatened (life, health, property, self-determined lifestyle)
- subject matter of the law/product category
- provisions in European secondary legislation

b. In case of dependence on a protected matter: What is the provision intended to protect?

- life and body and/or physical integrity of the consumer
- financial interests of the consumer
- third parties/self-determined life and/or reasonable factor allocation through mature consumer decisions
- with regard to the protection of limb and life and physical integrity of those involved in the production process



8. Costs

Costs are caused by the following activities,		of which the consumer pays
providing existing information	<input checked="" type="checkbox"/>	<input type="checkbox"/>
referring the consumer to another body	<input type="checkbox"/>	<input type="checkbox"/>
consultation of the business	<input type="checkbox"/>	<input type="checkbox"/>
publishing the information	<input type="checkbox"/>	<input type="checkbox"/>
-provision of easily accessible information	<input type="checkbox"/>	<input type="checkbox"/>
-provision of any information	<input type="checkbox"/>	<input type="checkbox"/>
-other	<input type="checkbox"/>	<input type="checkbox"/>
such as		
and		

9. Other relevant information

In case there is anything else that in your opinion could be relevant in general although it has not specifically been asked for, please mention it below (e.g. claim dependent on fraud or similar).

See generally, <http://www.sec.gov/about/laws.shtml>, from which the following is directly quoted:

In general, securities sold in the U.S. must be registered. The registration forms companies file provide essential facts while minimizing the burden and expense of complying with the law. In general, registration forms call for:

- a description of the company's properties and business;
- a description of the security to be offered for sale;
- information about the management of the company; and
- financial statements certified by independent accountants.

Registration statements and prospectuses become public shortly after filing with the SEC. If filed by U.S. domestic companies, the statements are available on the EDGAR database accessible at www.sec.gov. Registration statements are subject to examination for compliance with disclosure requirements.

Not all offerings of securities must be registered with the Commission. Some exemptions from the registration requirement include:

- private offerings to a limited number of persons or institutions;
- offerings of limited size;
- intrastate offerings; and
- securities of municipal, state, and federal governments.

By exempting many small offerings from the registration process, the SEC seeks to foster capital formation by lowering the cost of offering securities to the public.

Corporate Reporting

Companies with more than \$10 million in assets whose securities are held by more than 500 owners must file annual and other periodic reports. These reports are available to the public through the SEC's EDGAR database.

Proxy Solicitations

The Securities Exchange Act also governs the disclosure in materials used to solicit shareholders' votes in annual or special meetings held for the election of directors and the approval of other corporate action. This information, contained in proxy materials, must be filed



with the Commission in advance of any solicitation to ensure compliance with the disclosure rules. Solicitations, whether by management or shareholder groups, must disclose all important facts concerning the issues on which holders are asked to vote.

Tender Offers

The Securities Exchange Act requires disclosure of important information by anyone seeking to acquire more than 5 percent of a company's securities by direct purchase or tender offer. Such an offer often is extended in an effort to gain control of the company. As with the proxy rules, this allows shareholders to make informed decisions on these critical corporate events.

Insider Trading

The securities laws broadly prohibit fraudulent activities of any kind in connection with the offer, purchase, or sale of securities. These provisions are the basis for many types of disciplinary actions, including actions against fraudulent insider trading. Insider trading is illegal when a person trades a security while in possession of material nonpublic information in violation of a duty to withhold the information or refrain from trading.

Registration of Exchanges, Associations, and Others

The Act requires a variety of market participants to register with the Commission, including exchanges, brokers and dealers, transfer agents, and clearing agencies. Registration for these organizations involves filing disclosure documents that are updated on a regular basis.


Basis of claim and name of the legal act (original name and translation):

Consumer Product Safety Improvement Act, amending the Consumer Product Safety Act
Section 105. Labeling Requirement for Advertising Toys and Games
Section 212. Establishment of a Public Consumer Product Safety Database

1. Objective of the claim/legal consequence
a. The claim is directed at

- release of existing/available information
 release of existing information or forwarding of the request/the claimant to the competent body
 examination of the facts upon request and release of information
 product warning (authority)/product recall (business).
 publishing (e.g. on the internet) – location: public data base available on and offline
 none of the above, but aimed at:

b. Extent of the claim

What kind of information may be released according to the provision (e.g. risks to health with or without limit value(s), production process, products, other)?

Labeling Component:

Under the law, "packaging for certain toys and games intended for use by children is required to contain a label, or cautionary statement, regarding choking hazards."

The law "requires that advertising for these products which provide a direct means of purchase or order of the product must contain an appropriate cautionary statement. When a product's packaging requires a cautionary statement, the advertising for the product, including Internet sites and catalogues, must bear the same cautionary statement. There are requirements as to the layout, type, language, color, and placement of the statement. The requirements are treated as a consumer product safety standard issued under section 9 of the CPSA.

Manufacturers, importers, distributors, or private labelers, of such products must inform retailers if a cautionary statement is required. Conversely, retailers have a duty to ask the manufacturer, importer, distributor, or private labeler if a cautionary label is required for a particular product. If the retailer asks and receives no information or false information, the retailer is not liable."

c. Duration of proceedings

Is there a deadline for releasing the information required/for handling the inquiry? If so, what is the time limit?

deadline for labeling is the point of releasing covered consumer goods into the marketplace;



2. Parties involved

a. Entitled is/are generally

- anyone (natural and legal persons)
 consumers
 consumer associations
 other specific persons (groups of persons)/authorities:

b. Conditions of entitlement

persons have to

- be affected by the information themselves
 have the following interest in the information: public health and safety
 other conditions:

c. Opponents/those with a duty to inform are

- authorities
 producers/service providers (please choose the appropriate option)
 functional intermediaries
 other:

3. Legal prerequisites

a. Is there a term of maturity for information?

- No
 Yes, information older than **month must not** be released any longer (please choose the appropriate options).

b. Exceptions

Exempt from the right to information are

- industrial secrets, in particular:
 business secrets, in particular:
 information connected to property rights, in particular:
 information available to the following authorities:
 information for the protection of the following public interests:
 other information due to the following reasons:

c. The existence of specialized provisions is

- claimed by the company:
 checked by the following authority:
 checked also by the following independent institution upon request:
 is claimed/checked as follows:
 is determined regularly/in exceptional cases (please strike out if not appropriate) in hearings:

d. A request is required yes no

4. Scope of application

Is the claim limited to specific products/services (e.g. food and (animal) fodder according to Regulation (EC) 178/2002)? Please indicate to which products/services the claim is limited.

the new regulations apply primarily to consumer products relating to toys and children



5. Purpose of the provision

a. Criteria for the scope of the claim mentioned in 1.a. and 1.b. (multiple answers are permitted)

(the specific scope was selected due to)

- degree of exposure of the consumer
- protected matter that is threatened (life, health, property, self-determined lifestyle)
- subject matter of the law/product category
- provisions in European secondary legislation

b. In case of dependence on a protected matter: What is the provision intended to protect?

- life and body and/or physical integrity of the consumer
- financial interests of the consumer
- third parties/self-determined life and/or reasonable factor allocation through mature consumer decisions
 - with regard to the protection of limb and life and physical integrity of those involved in the production process
 - in support of effective environmental and animal protection
 - for other social/societal considerations (fair trade/philosophy of life)

c. In case of dependence of a certain degree of exposure of the consumer:

Which degree of certainty is required?

- suspicion that there is a danger/an infringement is sufficient
- reasonable suspicion of a danger/an infringement
- certainty about a danger/an infringement
- a different degree:

6. Nature of the claim

The claim is a

- contractual claim subject to private law
- tort claim subject to private law
- public-law claim
- public-law obligation to release information enforced by penalty.

7. Legal consequences in case of incorrect information

If the information provided by an authority/a company turns out to be incomplete or wrong,

- consumers are entitled to claim for damages against those in duty to inform
- claim depends on fault
- an entrepreneur can be prosecuted for administrative offence/criminal offence under the following conditions
- the business (company) also can be prosecuted



a. Amount of damages

- the damage cannot be determined, so the claim is ineffectual
- is calculated as follows Under the amendments, the maximum penalty amounts increase from \$8,000 to \$100,000 for each knowing violation under the Consumer Product Safety Act Maximum penalty amounts for any related series of violations increase from \$1,825,000 to \$15,000,000.

in case of infringement, moral damage to the amount of ≈ to ≈. € is assumed

in case of infringement, punitive damages are estimated at ≈ to ≈. €
Conditions:

b. The mistake is made public as follows

c. Other Sanctions

The mistake/incompleteness of the information is sanctioned as follows:

Under the amendments, the maximum penalty amounts increase from \$8,000 to \$100,000 for each knowing violation under the Consumer Product Safety Act Maximum penalty amounts for any related series of violations increase from \$1,825,000 to \$15,000,000.

8. Costs

Costs are caused by the following activities,		of which the consumer pays
providing existing information	<input type="checkbox"/>	<input type="checkbox"/>
referring the consumer to another body	<input type="checkbox"/>	<input type="checkbox"/>
consultation of the business	<input type="checkbox"/>	<input type="checkbox"/>
publishing the information	<input type="checkbox"/>	<input type="checkbox"/>
-provision of easily accessible information	<input type="checkbox"/>	<input type="checkbox"/>
-provision of any information	<input type="checkbox"/>	<input type="checkbox"/>
-other	<input type="checkbox"/>	<input type="checkbox"/>
such as		
and		

9. Other relevant information

In case there is anything else that in your opinion could be relevant in general although it has not specifically been asked for, please mention it below (e.g. claim dependent on fraud or similar).

You may be especially interested in the design of the public database of consumer information created by this new statute, see <http://www.cpsc.gov/ABOUT/Cpsia/sect212.html#rfc> ; and by the adoption of a mandatory recall authority. Both are described below.

PUBLIC DATA BASE:

"The public database must contain: (i) Reports of harm, meaning



reports of injury, illness, or death, or reports of any risk of injury, illness or death as determined by the [Consumer Product Safety] Commission, relating to the use of consumer products or other products or substances regulated by the Commission; (ii) information derived by the Commission from voluntary and mandatory recall notices; and (iii) comments that a manufacturer or private labeler of a consumer product wants to include about a report of harm involving its product. ... In addition, section 6A(b)(3) of the CPSA requires the Commission to include in the database, ... any additional information it determines to be in the public interest.

Reports of Harm

Section 6A(b)(1)(A) of the CPSA requires the public database to include reports of harm received by the Commission from: (i) Consumers; (ii) local, State, or Federal government agencies; (iii) health care professionals; (iv) child service providers; and (v) public safety entities. Reports of harm submitted for inclusion in the public database must include, at a minimum: (i) A description of the consumer product (or other product or substance regulated by the Commission) concerned; (ii) identification of the manufacturer or private labeler of the consumer product (or other product or substance regulated by the Commission); (iii) a description of the harm relating to the use of the consumer product (or other product or substance regulated by the Commission); (iv) contact information for the person submitting the report; and (v) a verification by the person submitting the information that the information submitted is true and accurate to the best of the person's knowledge and that the person consents that such information be included in the database. Section 6A(b)(2)(B) of the CPSA.

Although contact information for the person submitting a report of harm is required in order for the report to be included in the database, section 6A(b)(6) of the CPSA provides that the Commission, under this section, may not disclose the name, address, or other contact information of any individual or entity that submits a report of harm. However, the Commission may provide such contact information to the manufacturer or private labeler of the product with the express written consent of the person who submitted the report of harm. Consumer information provided to a manufacturer or private labeler under this section may not be used or disseminated to any other party for any purpose other than verifying a report of harm.

Unless the Commission determines that a report of harm or manufacturer comment submitted for inclusion in the database contains materially inaccurate information, all such reports of harm and comments that meet the criteria set forth in the statute must be included in the public database not later than the tenth business day after the date on which the report of harm was transmitted to the manufacturer or private labeler. Section 6A(c)(3)(A) of the CPSA. Section 6(a) and (b) of the CPSA do not apply to the disclosure of reports of harm in the public database. Section 6A(f)(1) of the CPSA.



Manufacturer Notification and Response

To the extent practicable, the Commission must transmit a report of harm to the manufacturer or private labeler identified in the report not later than 5 business days after receiving a report that meets all of the minimum qualifications for inclusion in the public database set forth in section 6A(b)(2)(B). Section 6A(c)(1) of the CPSA. A manufacturer or private labeler may comment on the information contained in such report, and may request the comment to be included in the public database. Section 6A(c)(2)(A)-(B) of the CPSA. Unless the Commission determines the comment to be materially inaccurate, the Commission must include the comment in the public database at the same time as the report of harm or as soon as practicable thereafter. Section 6A(c)(3)(B) of the CPSA.

Moreover, a manufacturer or private labeler may review a report of harm for confidential information and request that portions of the report be designated confidential. If the Commission determines that the report does contain trade secret, commercial or confidential information as set forth in the statute, the Commission must redact such information in the report before it is placed in the database. Section 6A(c)(2)(C)(i)-(ii) of the CPSA. If, however, the Commission determines that the designated information is not

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confidential, the Commission must notify the manufacturer or private labeler and include the information in the public database. A manufacturer or private labeler must bring suit against the agency in an appropriate U.S. district court in order to seek removal of the information. Section 6A(c)(2)(C)(iii) of the CPSA.

Materially Inaccurate Information/Disclaimer

If the Commission determines that a report of harm or manufacturer comment contains materially inaccurate information before it is made available in the public database, the Commission, under section 6A(c)(4)(A) of the CPSA, must: (i) Decline to add the materially inaccurate information; (ii) correct the materially inaccurate information; or (iii) add information to correct the materially inaccurate information. For information already available in the public database, if, after investigation, the Commission determines that such information is materially inaccurate or duplicative, the Commission must, within seven business days of such determination: (i) Remove such information from the public database; (ii) correct such information; or (iii) add information to correct inaccurate information in the public database. Section 6A(c)(4)(B) of the CPSA.

Database users must be provided with clear and conspicuous notice that the Commission does not guarantee the accuracy, completeness, or



adequacy of the database contents. Section 6A(b)(5) of the CPSA.

Data Analysis and Reporting

Under section 6A(b)(4) of the CPSA, the CPSC must categorize information available in the public database in a manner consistent with the public interest and in a manner to facilitate easy use by consumers. To the extent practicable, the database must be sortable and accessible by: (i) The date on which the information is submitted for inclusion in the database; (ii) the name of the consumer product (or other product or substance regulated by the Commission); (iii) the model name; (iv) the manufacturer's or private labeler's name; and (v) such other elements as the Commission considers in the public interest."

I

MANDATORY RECALL AUTHORITY

In January of 2010, a regulation was enacted permitting mandatory product recalls of defective products

Official Press release:

"CPSC Approves Final Rule on Guidelines for Mandatory Recall Notices

WASHINGTON, D.C. - The U.S. Consumer Product Safety Commission (CPSC) unanimously approved a new rule setting guidelines and requirements for information in mandatory recall notices. A mandatory recall can be ordered by the Commission or a U.S. District Court.

Each section of the rule is either required by Section 214 of the Consumer Product Safety Improvement Act (CPSIA), or CPSC has determined it will likely increase recall effectiveness by helping consumers:

- (a) Identify the product subject to a recall
- (b) Understand the hazard identified with the product
- (c) Understand what remedy is offered regarding the product.

Information required by the rule includes: product description, action being taken, number of units, identification of the substantial product hazard and reason for the action, identification of manufacturers and significant retailers, dates when product was manufactured and sold, number and description of any injuries or deaths, the ages of anyone injured or killed, remedy available to consumers and other information the Commission deems appropriate. The Commission could determine some of the information is unnecessary or inappropriate for a particular recall.

The rule does not contain requirements for voluntary recall notices but will serve as a guide for those notices. If CPSC decides to extend these requirements to voluntary recall notices, it would proceed with separate rulemaking.

In 2009, 100 percent of the recalls announced to consumers were done voluntarily and cooperatively with impacted firms. As more products get recalled each year, the high rate of cooperative recall announcements negotiated by CPSC staff is a benefit to the safety of consumers.



The requirement to create a mandatory recall rule was proposed as an amendment to the CPSIA by President Barack Obama when he was a member of the Senate.
The final rule goes into effect 30 days after publication in the Federal Register".