

歐洲聯盟：產品價格標示之 消費者保護指令

歐盟 98/6 號指令
398L0006

歐體議會及理事會就有關提供予消費者產品價格標示之消費者保護指令 98/6/EC(於 1998 年 2 月 16 日公布)
歐洲公報 L080，一九九八年三月十八日頁二十七至三十一

本文：

歐體議會及理事會就有關提供予消費者產品價格標示之消費者保護指令 98/6/EC(於 1998 年 2 月 16 日公布)

歐體議會及理事會

基於歐洲共同體條約，尤其係第 129 條 a 項第二款

基於執委會所提出之提案¹

基於經濟及社會委員會之意見²

踐行歐洲共同體條約第 189 條 b 項所規定之程序，並考慮

COUNCIL DIRECTIVE

398L0006

Directive 98/6/EC of the European Parliament and of the Council of 16 February 1998 on consumer protection in the indication of the prices of products offered to consumers
Official Journal L 080 , 18/03/1998 p. 0027 – 0031

Text:

DIRECTIVE 98/6/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 16 February 1998 on consumer protection in the indication of the prices of products offered to consumers

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 129a(2) thereof,

Having regard to the proposal from the Commission¹,

Having regard to the opinion of the Economic and Social Committee²,

Acting in accordance with the procedure laid down in Arti-

1997 年 12 月 9 日召開之協調委員會所通過之聯合聲明，有鑑於下列理由，而通過本準則：

- (1) 有鑑於市場之透明運作，以及正確之資訊有利於消費者保護，以及企業與產品間之健全競爭；
- (2) 有鑑於必須確保消費者的高度保護；此外，有鑑於歐洲共同體應該藉由特定行為以支持及補充各會員國所採用有關提供消費者產品價格標示之精確、透明且不模糊的資訊之消費者保護政策；
- (3) 有鑑於理事會於 1975 年 4 月 14 日所作成有關歐洲經濟共同體就消費者保護及資訊政策之初步綱領之決議，以及理事會於 1981 年 5 月 19 日所作成有關歐洲經濟共同體就消費者保護及資訊政策之第二次綱領之決議，均係為建立有關價格標示之一般性原則而訂定；
- (4) 有鑑於這些原則已經於有關某些食品價格標示之準則 79/581/EEC，以及有關非食品產品價格標示之準則 88/314/EEC 中建立；
- (5) 有鑑於產品單位價格標示，與事先設定之數量或容量在包裝前、相當於進入共同體時相同產品之價值兩者之間的關聯，被證明係過於複雜而難以適用；有必要放棄這種關聯性，而採用一新興而簡易之機制，並對於消費者

cle 189b of the Treaty³, in the light of the joint text approved by the Conciliation Committee on 9 December 1997,

- (1) Whereas transparent operation of the market and correct information is of benefit to consumer protection and healthy competition between enterprises and products;
- (2) Whereas consumers must be guaranteed a high level of protection; whereas the Community should contribute thereto by specific action which supports and supplements the policy pursued by the Member States regarding precise, transparent and unambiguous information for consumers on the prices of products offered to them;
- (3) Whereas the Council Resolution of 14 April 1975 on a preliminary programme of the European Economic Community for a consumer protection and information policy⁴ and the Council Resolution of 19 May 1981 on a second programme of the European Economic Community for a consumer protection and information policy⁵ provide for the establishment of common principles for indicating prices;
- (4) Whereas these principles have been established by Directive 79/581/EEC concerning the indication of prices of certain foodstuffs⁶ and Directive 88/314/EEC concerning the indication of prices of non-food products⁷;
- (5) Whereas the link between indication of the unit price of products and their pre-packaging in pre-established quantities or capacities corresponding to the values of the ranges adopted at Community level has proved

有利，但無損於規範有關包裝標準之規定。

- (6) 有鑑於銷售價格以及單位價格之標示義務，極有助於提高消費者資訊，因為其係使消費者能夠以最佳之方法衡量以及比較產品價格之最簡單之方式，並得因此經說明而基於簡單之比較作成決定；
- (7) 因此，有鑑於除散裝銷售之產品外，應有就所有產品標示銷售價格以及單位價格之一般性義務，因為其銷售價格係取決於消費者表明其所需要之產品之數量；
- (8) 有鑑於有必要考慮一些產品在習慣上並非以一公里、一公升、一公尺、一平方公尺或一立方公尺來銷售；基於考慮產品之本質以及在有關會員國中習慣所使用之數量，宜容許各會員國有權限依照不同的數量單位決定單位價格；
- (9) 有鑑於在一些情形下，標示單位價格可能對於一些小型零售商造成過度的負擔；因此，應於一適當之過渡時期內，容許各會員國免除適用此義務；

- overly complex to apply; whereas it is thus necessary to abandon this link in favour of a new simplified mechanism and in the interest of the consumer, without prejudice to the rules governing packaging standardisation;
- (6) Whereas the obligation to indicate the selling price and the unit price contributes substantially to improving consumer information, as this is the easiest way to enable consumers to evaluate and compare the price of products in an optimum manner and hence to make informed choices on the basis of simple comparisons;
 - (7) Whereas, therefore, there should be a general obligation to indicate both the selling price and the unit price for all products except for products sold in bulk, where the selling price cannot be determined until the consumer indicates how much of the product is required;
 - (8) Whereas it is necessary to take into account the fact that certain products are customarily sold in quantities different from one kilogramme, one litre, one metre, one square metre or one cubic metre; whereas it is thus appropriate to allow Member States to authorise that the unit price refer to a different single unit of quantity, taking into account the nature of the product and the quantities in which it is customarily sold in the Member State concerned;
 - (9) Whereas the obligation to indicate the unit price may entail an excessive burden for certain small retail businesses under certain circumstances; whereas Member

- (10)有鑑於在該單位價格可能並非有用，或者可能會造成混淆之情形，即當數量之標示與價格比較無涉，或者當不同的產品以同一包裝行銷時，各會員國也應有權免除標示單位價格之義務；
- (11)有鑑於在非食物之產品，為促進實行機制的適用，各會員國有權擬定一適用單位價格標示義務之產品或產品類別之清單；
- (12)有鑑於歐體所公布之法規可確保在內部市場中有利於全部消費者之相似、以及透明化資訊；而這種新且簡化的方式是為達到上述目的所必要且足夠的；
- (13)有鑑於各會員國必須確保其系統係有效的；有鑑於當歐元被引入時，應維持該系統之透明化；為達上述目的，應限制價格標示之貨幣種類最大數目；
- (14)有鑑於應特別注意小型零售業所面臨的問題；就上述目的，執委會應在第 11 條第一項所規定之日期後不超過三

- States should therefore be allowed to refrain from applying this obligation during an appropriate transitional period;
- (10)Whereas Member States should also remain free to waive the obligation to indicate the unit price in the case of products for which such price indication would not be useful or would be liable to cause confusion for instance when indication of the quantity is not relevant for price comparison purposes, or when different products are marketed in the same packaging;
- (11)Whereas in the case of non-food products, Member States, with a view to facilitating application of the mechanism implemented, are free to draw up a list of products or categories of products for which the obligation to indicate the unit price remains applicable;
- (12)Whereas Community-level rules can ensure homogeneous and transparent information that will benefit all consumers in the context of the internal market; whereas the new, simplified approach is both necessary and sufficient to achieve this objective;
- (13)Whereas Member States must make sure that the system is effective; whereas the transparency of the system should also be maintained when the euro is introduced; whereas, to that end, the maximum number of prices to be indicated should be limited;
- (14)Whereas particular attention should be paid to small retail businesses; whereas, to this end, the Commission

年之內，在其所公布之有關本準則適用之報告中，特別考慮由小型零售商就適用本準則所累積之經驗，尤其係有關科技發展以及單一貨幣之引入；有關第 6 條規定之過渡時期的報告，應伴隨著一份提案。

正式通過本指令

第一條

本準則之目的在於改進商人提供與消費者之銷售價格以及度量衡之單位價格，以增進消費者資訊以及助於價格之比較。

第二條

本準則之目的為：

- (a) 銷售價格應係指就一單位產品或產品之特定數量的最終價格，包括加值稅以及其他所有的賦稅；
- (b) 單位價格應係指產品的一公斤、一公升、一公尺、一平方公尺或一立方公尺之最終價格，或者特定產品於相關之會員國境內之市場上，廣泛地且習慣上使用之不同數量單位的最終價格，且均包括加值稅以及其他所有的賦稅；

should, in its report on the application of this Directive to be presented no later than three years after the date referred to in Article 11⁸, take particular account of the experience gleaned in the application of the Directive by small retail businesses, inter alia, regarding technological developments and the introduction of the single currency; whereas this report, having regard to the transitional period referred to in Article 6, should be accompanied by a proposal,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

The purpose of this Directive is to stipulate indication of the selling price and the price per unit of measurement of products offered by traders to consumers in order to improve consumer information and to facilitate comparison of prices.

Article 2

For the purposes of this Directive:

- (a) selling price shall mean the final price for a unit of the product, or a given quantity of the product, including VAT and all other taxes;
- (b) unit price shall mean the final price, including VAT and all other taxes, for one kilogramme, one litre, one metre, one square metre or one cubic metre of the product or a different single unit of quantity which is widely and customarily used in the Mem-

- (c) 散裝銷售之產品應係指非預先包裝且於消費者在場時測定數量之產品
- (d) 商人應係指任何於其商業或專業活動範圍內，銷售或提供產品之自然人或法人；
- (e) 消費者應係指任何基於非在其商業或專業範圍內之目的，購買產品之自然人。

第三條

1. 銷售價格以及單位價格應於第一條所稱之所有產品為標示，而單位價格之標示應依照第五條之規定。當銷售價格以及單位價格相同時，不需要標示單位價格。
2. 如該產品係於服務提供時所供應者，或藉由拍賣銷售，或藝術品及古董銷售者，各會員國得決定不適用第一項。
3. 就散裝銷售之產品，僅需標示單位價格。任何表示第一條所規定產品之銷售價格的廣告，亦應依照第五條之規定標示單位價格。

- ber State concerned in the marketing of specific products;
- (c) products sold in bulk shall mean products which are not pre-packaged and are measured in the presence of the consumer;
- (d) trader shall mean any natural or legal person who sells or offers for sale products which fall within his commercial or professional activity;
- (e) consumer shall mean any natural person who buys a product for purposes that do not fall within the sphere of his commercial or professional activity.

Article 3

1. The selling price and the unit price shall be indicated for all products referred to in Article 1, the indication of the unit price being subject to the provisions of Article 5. The unit price need not be indicated if it is identical to the sales price.
2. Member States may decide not to apply paragraph 1 to:
 - products supplied in the course of the provision of a service,
 - sales by auction and sales of works of art and antiques.
3. For products sold in bulk, only the unit price must be indicated.
4. Any advertisement which mentions the selling price of products referred to in Article 1 shall also indicate the unit price subject to Article 5.

第四條

1. 銷售價格以及單位價格必須不模糊、易於識別的以及清楚可見的。各會員國得限制價格標示之貨幣種類最大數目。
2. 單位價格應依照各會員國國內法以及歐洲共同體法規所公告之數量定之。
3. 當國家或歐體規定要求一些預先包裝產品之淨重或淨空重量時，標示淨空重量之單位價格即已足夠。

第五條

1. 如依照產品之本質或目的，產品之標示可能並無助益，或者產品之標示可能造成混淆之虞者，各會員國得免除產品單位價格之標示義務。
2. 為了踐行第一項的規定，就非食品之產品，各會員國得建立應適用單位價格標示義務之產品或產品類別之清單。

第六條

如標示單位價格之義務會造成一些小型零售商之過度負擔，例如因為產品銷售之數量、銷售範圍、銷售所在地之屬性、

Article 4

1. The selling price and the unit price must be unambiguous, easily identifiable and clearly legible. Member States may provide that the maximum number of prices to be indicated be limited.
2. The unit price shall refer to a quantity declared in accordance with national and Community provisions.
3. Where national or Community provisions require the indication of the net weight and the net drained weight for certain pre-packed products, it shall be sufficient to indicate the unit price of the net drained weight.

Article 5

1. Member States may waive the obligation to indicate the unit price of products for which such indication would not be useful because of the products' nature or purpose or would be liable to create confusion.
2. With a view to implementing paragraph 1, Member States may, in the case of non-food products, establish a list of the products or product categories to which the obligation to indicate the unit price shall remain applicable.

Article 6

If the obligation to indicate the unit price were to constitute an excessive burden for certain small retail businesses be-

產品無法直接接觸到消費者之特殊銷售情況，或者某種營業型態，如某種流動式交易之類型，則該會員國得於依第十一條第一項規定日期所計算之過渡時期內，依照第十二條之規定表示非散裝產品之單位價格標示義務不應適用於前述之小型零售商。

第七條

各會員國應提出適當之措施，以通知所有相關之人其將本準則轉換為國內法。

第八條

各會員國應訂定違反因適用本準則所通過之國內法的罰則，且應採取所有必要之措施以確保其執行。這些罰則必須係有效、合乎比例，以及具嚇阻性。

第九條

1. 歐洲議會以及理事會於 1955 年 11 月 29 日所通過之準則 95/58/EC 第一條所規定之九年過渡時期，即修正有關食品價格標示之消費者保護之準則 79/581/EEC，及修正有關非食品產品價格標示之消費者保護之準則

cause of the number of products on sale, the sales area, the nature of the place of sale, specific conditions of sale where the product is not directly accessible for the consumer or certain forms of business, such as certain types of itinerant trade, Member States may, for a transitional period following the date referred to in Article 11 (1), provide that the obligation to indicate the unit price of products other than those sold in bulk, which are sold in the said businesses, shall not apply, subject to Article 12.

Article 7

Member States shall provide appropriate measures to inform all persons concerned of the national law transposing this Directive.

Article 8

Member States shall lay down penalties for infringements of national provisions adopted in application of this Directive, and shall take all necessary measures to ensure that these are enforced. These penalties must be effective, proportionate and dissuasive.

Article 9

1. The transition period of nine years referred to in Article 1 of Directive 95/58/EC of the European Parliament and of the Council of 29 November 1995 amending Directive 79/581/EEC on consumer protection in the indica-

88/314/EEC 的準則，應被延展至本準則第十一條所規定之日期。

2. 準則 79/581/EEC 以及準則 88/314/EEC 應於本準則第十一條所規定之日期起失效。

第十條

本準則不應妨礙各會員採取或維持其就有關消費者資訊以及價格比較，較本準則規定有利之法規，且並無害於歐洲共同體條約之義務。

第十一條

1. 各會員國應於 2000 年 3 月 18 日前頒布遵行本準則所必要之法律、規章或行政規定使之生效。其應立即通知執委會。所通過之規定應自通知執委會之日起適用之。

當各會員國公布這些法令時，其應於法令中說明係參照本指令，或應於當時官方出版品中附隨說明係參照本指令。說明參照指令之方法應由各會員國實行。

2. 各會員國應將其於本準則規範範圍內所制定之國內法傳

tion of the prices of foodstuffs and Directive 88/314/EEC on consumer protection in the indication of the prices of non-food products (8) shall be extended until the date referred to in Article 11(1) of this Directive.

2. Directives 79/581/EEC and 88/314/EEC shall be repealed with effect from the date referred to in Article 11 (1) of this Directive.

Article 10

This Directive shall not prevent Member States from adopting or maintaining provisions which are more favourable as regards consumer information and comparison of prices, without prejudice to their obligations under the Treaty.

Article 11

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive not later than 18 March 2000. They shall forthwith inform the Commission thereof. The provisions adopted shall be applicable as of that date. When Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such reference at the time of their official publication. The methods of making such reference shall be laid down by Member States.
2. Member States shall communicate to the Commission

送與執委會。

3. 各會員國應將其依第八條規定所制定之罰則之法規，以及任何其後之修正傳送與執委會。

第十二條

執委會最遲應於第十一條第一項所規定日期起三年內，提交一適用本準則之詳細報告給歐洲議會及理事會，尤其係有關第六條之適用，並伴隨者一份提案。

歐洲議會及理事會根據歐洲共同體條約之規定，應於第一項所規定之提案提交予執委會後三年內，重新檢驗第六條之規定。

第十三條

本準則應於歐洲共同體公報刊載日起生效。

第十四條

本準則對各會員國為發布。

1998年2月16日於布魯塞爾公布。

the text of the provisions of national law which they adopt in the field governed by this Directive.

3. Member States shall communicate the provisions governing the penalties provided for in Article 8, and any later amendments thereto.

Article 12

The Commission shall, not later than three years after the date referred to in Article 11(1), submit to the European Parliament and the Council a comprehensive report on the application of this Directive, in particular on the application of Article 6, accompanied by a proposal.

The European Parliament and the Council shall, on this basis, re-examine the provisions of Article 6 and shall act, in accordance with the Treaty, within three years of the presentation by the Commission of the proposal referred to in the first paragraph.

Article 13

This Directive shall enter into force on the day of its publication in the Official Journal of the European Communities.

Article 14

This Directive is addressed to the Member States.

Done at Brussels, 16 February 1998.

For the European Parliament

The President

執委會聲明 第二條 b 項

執委會認為第二條 b 款之陳述，即「(產品的)一公斤、一公升、一公尺、一平方公尺或一立方公尺，或者不同數量單位」，亦適用於個別或單獨銷售之產品。

執委會聲明 第十二條第一項

執委會認為本準則第十二條第一項不能被解釋為對其主動權而異議。

J. M. GIL-ROBLES
For the Council
The President
J. CUNNINGHAM

Commission Declaration Article 2(b):

The Commission takes the view that the expression 'for one kilogramme, one litre, one metre, one square metre or cubic metre of the product or a different single unit of quantity' in Article 2(b) also applies to products sold by individual item or singly.

Commission Declaration Article 12, first paragraph:

The Commission considers that Article 12, first paragraph, of the Directive cannot be construed as calling into question its right of initiative.