

FRANCE

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1. Consumer policy bodies

1.1. MINISTRY RESPONSIBLE FOR CONSUMER POLICY

The Minister for the Economy, Finance and the Recovery is responsible for developing and implementing consumer policy. He does this through the **Directorate-General for Competition, Consumer Affairs and Fraud Prevention (DGCCRF)**

In addition to his traditional economic and financial responsibilities, the Minister for the Economy is responsible for the protection and promotion of employment. He also has responsibilities relating to small and medium-sized enterprises, trade, crafts and the professions, and tourism. He is responsible for industrial strategy and is involved in shaping and implementing policy in the field of the agro-food and forest industries.

Bruno Le Maire is the current Minister for the Economy.

Alain Griset is the Minister Delegate attached to the Minister for the Economy, Finance and the Recovery, responsible for Small and Medium-sized Enterprises. His portfolio also includes consumer affairs and fraud prevention.

Ministère de l'Economie, des Finances et de la Relance (Ministry of the Economy, Finance and the Recovery)

Address: 139 rue de Bercy, F-75712 Paris Cedex 12

Website: <https://www.economie.gouv.fr>

Direction générale de la concurrence, de la consommation et de la répression des fraudes – DGCCRF (Directorate-General for Competition, Consumer Affairs and Fraud Prevention)

Address: 59 boulevard Vincent Auriol, 75709 Paris CEDEX 13

Website: <https://www.economie.gouv.fr/dgccrf>

The DGCCRF is organised around a central administration based in Paris, departments with national competence and regional services.

The regional services are spread across the regions, *départements* and Overseas Countries and Territories, and monitor compliance with regulations.

Among the departments with national competence, the DGCCRF has a National Investigation Service (Service National des Enquêtes – SNE) for large-scale investigations and a Joint Laboratory Service, which it shares with Customs, to analyse sampled products.

The SNE includes a Centre for the Monitoring of e-Commerce (Centre de Surveillance du Commerce Electronique – CSCE, Morlaix), which is based on a network of investigators throughout France. Its activity is twofold:

The DGCCRF works, as appropriate, with other administrations whose tasks can have a major impact on consumer protection, mainly:

- Ministry of Justice www.justice.gouv.fr
- Ministry of Agriculture and Food www.agriculture.gouv.fr
- Ministry of Solidarity and Health <https://solidarites-sante.gouv.fr>

- Ministry of the Ecological Transition <https://www.ecologie.gouv.fr>

1.2. OTHER PUBLIC BODIES

In addition to the DGCCRF at the Ministry of the Economy, the tasks of other bodies, independent administrative authorities or independent commissions have a direct impact on consumer policy:

- The **Competition Authority** (Autorité de la concurrence) is an independent administrative authority specialising in the control of anti-competitive practices, expertise in the functioning of markets and merger control. Its objective is to ensure free competition and to help markets to operate competitively at European and international level, for the benefit of consumers.
Website: www.autoritedelaconcurrence.fr

- **The Unfair Terms Commission**

The Unfair Terms Commission (Commission des clauses abusives – CCA) is an administrative authority attached to the Minister responsible for consumer affairs, whose task is:

- to give an advisory opinion on draft decrees with a view to prohibiting or regulating certain terms deemed to be unfair;
- to search in the model contracts normally offered to consumers for terms that may be unfair and make recommendations for their removal or amendment;
- to give an opinion after referral by a court where the unfairness of a contractual term is raised in the course of proceedings;
- to propose desirable legislative or regulatory changes in its annual report.

It is composed of thirteen full members (including the President) appointed by order of the Minister responsible for consumer affairs (Article 822-18 of the Consumer Code): three judges, two persons qualified in contract law (professors of law, lawyers), four consumer representatives, four trader representatives.

Matters may be referred to the CCA by the Minister responsible for consumer affairs, the accredited consumer organisations and the traders concerned. It may also act of its own motion.

The role of the CCA goes beyond merely reporting terms that create imbalances in contracts. Its role is also to change behaviour to ensure greater fairness in relations between consumers and traders.

In the event of a dispute, the CCA's recommendations serve as a reference for action to remove unfair terms before the courts. Experience shows that judges often rely on these recommendations.

Compliance with the CCA's recommendations thus enhances legal certainty for traders, reduces the risk of litigation and ensures a climate of trust.

- The **Consumer Mediation Assessment and Monitoring Committee** (Commission d'évaluation et de contrôle de la médiation de la consommation - CECMC) is an independent body set up in December 2015 to assess and, where appropriate, include on the European Commission's list mediators wishing to mediate consumer matters. It is also responsible for monitoring the consumer mediation arrangements which it has recommended.
Website: <https://www.economie.gouv.fr/mediation-conso/commission>

- The **Financial Markets Authority** (Autorité des marchés financiers – AMF) is responsible for ensuring:
 - the protection of savings invested in financial instruments and any other publicly traded investment;
 - information to investors;
 - the smooth functioning of the financial instruments markets.
 It contributes to the regulation of these markets at European and international level. *Website:* www.amf-france.org
- The **Electronic Communications and Postal Regulatory Authority** (Autorité de Régulation des Communications Electroniques et des Postes – ARCEP). *Website:* www.arcep.fr/
- The **Prudential Supervisory and Resolution Authority** (L’autorité de contrôle prudentiel et de résolution – ACPR) is responsible for supervision of the banking and insurance sectors. It ensures that the stability of the financial system is preserved and that the customers, insured persons, members and beneficiaries of persons subject to its supervision, banking and insurance bodies are protected.
Website: <https://acpr.banque-france.fr>
- The essential task of the **French National Commission for Information Technology and Civil Liberties** (Commission Nationale Informatique et Libertés – CNIL) is to protect privacy and individual and public civil liberties. With the digitalisation of the economy and the growth of e-commerce, this task is of increasing interest in consumer protection.
Website: <https://www.cnil.fr>
- The **Energy Regulatory Commission** (Commission de Régulation de l’Énergie – CRE) contributes, for the benefit of the final consumer, to the proper functioning of the electricity and natural gas markets. In particular, it ensures that the conditions of access to the electricity and natural gas networks do not hinder the development of competition. *Website:* www.cre.fr
- The **National Health Authority** (Haute Autorité de la Santé – HAS) is responsible for:
 - scientifically assessing the therapeutic value of medicinal products, medical devices and professional services and whether these should be reimbursed by the health insurance scheme;
 - promoting good practices and proper use of care among healthcare professionals and users;
 - improving the quality of care in healthcare institutions and outpatient care;
 - informing healthcare professionals and the general public and improving the quality of medical information;
 - developing consultation and collaboration with stakeholders in the health system in France and abroad.*Website:* www.has-sante.fr/

In addition, **specialised agencies** are involved in the field of consumer health protection.

- **National Agency for Food, Environmental and Occupational Health & Safety (Agence nationale de sécurité sanitaire de l’alimentation, de l’environnement et du travail – ANSES)**
Established in 2010, ANSES is a public administrative institution under the supervision of the ministries responsible for health, agriculture, the environment, labour and consumer affairs. In

particular, the Agency assesses all the risks (chemical, biological, physical, etc.) to which an individual may be exposed, voluntarily or not, at all ages and times of life, whether at work, during transport or leisure, or through food.

Website: <https://www.anses.fr/fr>

French National Agency for the Safety of Medicines and Health Products (Agence nationale de sécurité du médicament et des produits de santé – ANSM)

Established in 2011, the ANSM has two central tasks:

- Providing fair and equal access to innovation for all patients;
- Ensuring the safety of health products throughout their life cycle, from initial testing to post-authorisation monitoring.

Its remit comprises medicines, biological products, medical devices and cosmetic and tattoo products.

Website: <https://www.ansm.sante.fr/>

1.3. NATIONAL CONSUMER ORGANISATIONS

- **Union Fédérale des Consommateurs (UFC – Que Choisir) (Federal Union of Consumers)**

Address: 233 boulevard Voltaire, F-75011 Paris

Tel.: +33 1 43 48 55 48

Fax: +33 1 43 48 44 35

E-mail: quechoisir@quechoisir.org

Website: www.quechoisir.org

- **Confédération de la Consommation, du Logement et du Cadre de Vie – CLCV (Confederation for Consumer Affairs, Housing and Quality of Life)**

Address: 59 boulevard Exelmans, F-75016 Paris

Tel.: +33 1 56 54 32 10

Fax: +33 1 43 20 72 02

E-mail: clcv@clcv.org

Website: www.clcv.org

- **Association de défense, d'éducation et d'information du consommateur – Adéic (Association for Defence, Education and Consumer Information)**

Address: 27 rue des Tanneries, F-75013 Paris

Tel.: +33 1 44 53 73 93

Fax: +33 1 44 53 73 94

Website: adeic.fr

- **Association Force Ouvrière Consommateurs – AFOC (Workers' Force Consumer Association)**

Address: 141 avenue du Maine, F-75014 Paris

Tel.: +33 1 40 52 85 85

Fax: +33 1 40 52 85 86

E-mail: afoc@afoc.net

Website: www.afoc.net

- **Association Léo Lagrange pour la Défense des Consommateurs – ALLDC (Léo Lagrange Association for Consumer Protection)**
Address: 150 rue des Poissonniers, F-75883 Paris CEDEX 18
Tel.: +33 1 53 09 00 29
Fax: +33 1 56 55 51 82
E-mail: consom@leolagrange.org
Website: <https://www.leolagrange-conso.org>
- **Confédération Générale du Logement – CGL (General Confederation of Housing)**
Address: 29 rue des Cascades, F-75020
Tel.: +33 1 40 54 60 80
Fax: + 33 1 47 66 18 17
Website: <https://www.lacgl.fr/>
- **Confédération Générale du Logement – CNL (National Confederation of Housing)**
Address: 8 rue Mériel, BP 119, F-93104 Montreuil CEDEX
Tel.: +33 1 48 57 04 64
Fax: +33 1 48 57 28 16
Website: <http://www.lacnl.com/>
- **Confédération Nationale des Associations Familiales Catholiques – CNAFC (National Confederation of Catholic Family Associations)**
Address: 28 place St Georges, F-75009 Paris
Tel.: +33 1 48 78 81 61
Fax: +33 1 48 78 81 61
E-mail: cnafc-conso@afc-france.org
Website: www.afc-france.org
- **Confédération Syndicale des Familles – CSF (Trade Union Confederation of Families)**
Address: 53 rue Riquet, F-75019 Paris
Tel.: +33 1 44 89 86 80
Fax: +33 1 40 35 29 52
E-mail: contact@la-csf.org
Website: <https://www.la-csf.org>
- **Conseil National des Associations Familiales Laïques – CNAFAL (National Council of Secular Family Associations)**
Address: 19 rue Robert Schumann, F-94270 Le Kremlin Bicêtre
Tel.: +33 9 71 16 59 05
Fax: +33 1 45 82 28 06
E-mail: cnafal@cnafal.net
Website: www.cnafal.org
- **Familles de France – FF (Families of France)**
Address: 28 place St Georges, F-75009 Paris
Tel.: +33 1 44 53 45 90

Fax: +33 1 45 96 07 88
E-mail: contact@familles-de-france.org
Website: www.familles-de-france.org

- **Familles Rurales – FR (Rural families)**
Address: 7 cité d'Antin, F-75009 Paris
Tel.: +33 1 44 91 88 88
Fax: +33 1 44 91 88 89
E-mail: secretariat.fnat@famillesrurales.org
Website: www.famillesrurales.org
- **Association pour l'Information et la Défense des Consommateurs Salariés – INDECOSACGT (Association for the Information and Defence of Employee Consumers)**
Address: 263 rue de Paris "case 2-2", F-93516 Montreuil Cedex
Tel.: +33 1 55 82 84 05
E-mail: indecosa@cgt.fr
Website: www.indecosa.cgt.fr
- **Union Nationale des Associations Familiales – UNAF (National Union of Family Associations)**
Address: 28 place St Georges, F-75009 Paris
Tel.: +33 1 49 95 36 00
Fax: +33 1 40 16 12 76 / 49 95 36 44
E-mail: contact@unaf.fr
Website: www.unaf.fr
- **Fédération Nationale des Associations d'Usagers des Transports – FNAUT (National Federation of Transport Users' Associations)**
Address: 32 rue Raymond Losserand, F-75014 Paris
Tel.: +33 1 43 35 02 83
Fax: +33 1 43 35 14 06
Website: www.fnaut.fr

1.4. NATIONAL COUNCILS/ASSEMBLIES OF CONSUMER ORGANISATIONS AND OTHER STAKEHOLDER ORGANISATIONS

Set up in 1983 and chaired by the Minister responsible for consumer affairs, the purpose of the **National Consumer Council** (Conseil national de la consommation – CNC) is to facilitate dialogue and consultation between representatives of the collective interests of consumers and users and representatives of traders, public services and public authorities in all matters relating to consumer problems (Article D. 821-1 *et seq.* of the Consumer Code).

Website: <https://www.economie.gouv.fr/cnc>

1.5. CONSUMER INFORMATION

In 1966 France set up a centre for research, information and studies on consumer problems: the **National Consumer Institute** (Institut national de la consommation – INC), a public industrial and commercial institution which comes under the supervision of the Minister for the Economy.

In addition to providing technical support to consumer protection associations and committees, the INC:

- Gathers, produces, analyses and disseminates information, studies, surveys and trials;
- Implements information, communication, prevention, training and education campaigns on consumer affairs aimed at the general public.

Institut national de la consommation (National Institute of Consumer Affairs)

Address: 18 rue Tiphaine, 75015 Paris

Website: <https://www.inc-conso.fr/>

The INC publishes a monthly magazine for consumers:

- **60 MILLIONS DE CONSOMMATEURS** ('60 MILLION CONSUMERS')
monthly magazine published by the INC
<https://www.60millions-mag.com/>

In addition, the most important consumer association in France also publishes a monthly magazine:

- **QUE CHOISIR (WHICH?)**
monthly magazine published by the consumer association UFC QUE CHOISIR
<https://www.quechoisir.org/>

Finally, the DGCCRF has made available to consumers **RappelConso**, a one-stop product recall information website on which, since April 2021, businesses have been required to publish their product recall notices concerning hazardous food or non-food products:

<https://rappel.conso.gouv.fr/>

1.6. AMICABLE AND JUDICIARY SETTLEMENT BODIES FOR THE RESOLUTION OF CONSUMER DISPUTES

- **Consumer mediators**
Only mediators recommended by the CECMC for inclusion on the European Commission's list of mediators may carry out consumer mediation.
The list is regularly updated and can be consulted on the European Commission's website at: <https://ec.europa.eu/consumers/odr/main/?event=main.adr.show2&lng=EN>
and on the CECMC website at: <https://www.economie.gouv.fr/mediation-conso/liste-des-mediateurs-references>
- **Judiciary bodies**, some of which provide consumers with simple, fast, flexible and inexpensive procedures: the combined courts (tribunaux judiciaires) and court conciliators, which can be consulted at: www.justice.gouv.fr/index.php?rubrique=10031&ssrubrique=10033 .

1.7. EUROPEAN CONSUMER CENTRE (CENTRE EUROPEEN DES CONSOMMATEURS)

Centre européen des consommateurs (European Consumer Centre)

Address: Bahnhofplatz 3, D-77694 Kehl

Tel.: +49 78 51 991 48 0

Fax: +49 78 51 991 48 11

E-mail: info@euroinfo-kehl.eu

Website: www.europe-consommateurs.eu

The European Consumer Centre France is the direct contact point for French consumers for any request for information on consumer law or claims against a foreign trader. It is also the contact point for consumers in other countries when they have a dispute with a trader established in France.

1.8. SELF-REGULATION OR CO-REGULATION

The advertising sector has for many years put in place self-regulatory and co-regulatory mechanisms, which are regulated by the **Professional Advertising Regulatory Authority** (Autorité de régulation professionnelle de la publicité): www.arpp.org

Chaired by an ‘independent high-profile figure’, the ARPP brings together those active in the advertising and communication value chain in general.

The statutory mission of the ARPP is to take actions to promote fair, truthful and non-harmful advertising in the interests of consumers, the public and advertising professionals. It draws up and enforces rules on advertising ethical standards.

Some major operators of services of general interest, in particular in transport (SNCF trains, Paris metro – RATP) and energy (EDF and GDF in particular) and other highly-structured economic sectors (in particular banks and insurance) regularly consult consumer associations, hold working groups on consultation with civil society and involve consumer representatives in improving the quality of their businesses.

In general, all administrations, as part of their responsibilities, are involved in developing self-regulation by economic actors and promoting co-regulation with citizens/consumers and the associations representing them (see their websites).

Some of the above-mentioned independent administrative authorities (see point 1.2) are also involved in the co-regulation process with market participants and consumer representatives.

2. Consumer policies

2.1. CONSUMER PROTECTION LEGISLATION

The main legislation applicable is the Consumer Code, supplemented by numerous sectoral legislative provisions. The Consumer Code consists of 8 books: consumer information and commercial practices, contract formation and performance, credit, conformity and safety of products and services, investigative powers and follow-up to checks, dispute settlement, dealing with situations of over-indebtedness, consumer associations and consumer institutions.

The Consumer Code is available on the Légifrance website (https://www.legifrance.gouv.fr/codes/texte_lc/LEGITEXT000006069565/2020-09-24/)

2.2 CONSUMER ORGANISATIONS

The Consumer Code sets out the conditions under which a consumer organisation may be recognised as such at national level (Article L. 811-1 *et seq.* of the Consumer Code). Accreditation enables the organisation to act in defence of the general interests of consumers. Accreditation, granted by joint decree of the Ministry responsible for consumer affairs and the Ministry of Justice, is the act of recognition of the consumer organisation at national level.

In order to be eligible for national accreditation, the organisation must comply with certain conditions concerning its activities (it must have carried out, for at least one year, effective and public action to protect consumers' interests) and the minimum number of members (at least 10 000). In addition, the organisation must be independent of any form of professional activity.

Consumer organisations receive public funding, the amount of which is determined by the DGCCRF, under the authority of the Ministry of the Economy.

15 accredited national consumer associations (mentioned above) are entitled to bring legal proceedings before the courts (see court proceedings at 2.3.3).

2.3 LAW ENFORCEMENT / APPEALS

2.3.1 Law enforcement by the supervisory authority

The DGCCRF, as the supervisory authority, has the powers conferred on it by law: it identifies infringements or breaches of the provisions of the Consumer Code. Action taken by it is followed up by law enforcement or educational and corrective measures.

Reports on criminal offences are sent to the Public Prosecutor, who decides whether or not to prosecute.

The DGCCRF may impose administrative penalties. Court cases brought may be concluded by means of a settlement procedure.

It can also carry out administrative enforcement measures (*'pouvoir d'injonction'*, power of injunction).

Finally, the DGCCRF may also ask the civil or administrative court to:

- remove an unlawful, prohibited or unfair term and ask it to declare that the term is deemed to be unwritten;
- order any measure likely to bring an end to the breach;
- order any person to take appropriate measures to bring an end to damage.

In order to facilitate the resolution of certain disputes, in February 2020 the DGCCRF launched the **SignalConso online platform**, which allows consumers, in a few clicks, to report to the DGCCRF anomalies relating to consumer law, and the trader concerned to propose solutions to resolve problems amicably or to provide information to the administration about its practices:

<https://signal.conso.gouv.fr/>

2.3.2 Mediation

In addition to using the bodies listed in point 1.6, it should be noted that the CECMC is responsible for issuing opinions and proposing measures of all kinds to assess, improve and disseminate non-judicial mediation practices in consumer matters.

2.3.3 Legal action

2.3.3.1 By the consumer

Several procedures suitable for consumer disputes concerning small amounts and governed by legislative or regulatory texts are made available to consumers by the judicial system:

- simplified referral by declaration to the registry of the combined court;
- an injunction to do so before that court (procedure entirely free of charge which can be initiated without a lawyer)
- criminal mediation may also be carried out at the initiative of the Public Prosecutor's Office.

2.3.3.2 By consumer bodies

There are five types of legal action open to accredited consumer associations:

(1) **Civil action** relating to acts constituting a criminal offence detrimental to the collective interest of consumers. It cannot be brought as the main action before the criminal or civil courts;

(2) **The right to join proceedings** before civil courts in proceedings involving a claim for compensation brought by a consumer who is the victim of acts which do not constitute a criminal offence;

(3) A **main action** before civil courts for the **cessation of unlawful practices or the removal of unfair terms**.

This action is open to all accredited consumer organisations and to bodies from other Member States which have proof that they are included on a list published in the Official Journal of the European Union;

(4) **Joint representation action**

Where several consumers have suffered individual harm caused by the same trader and having a common origin, any accredited association recognised as representative at national level may, if it

has been mandated by at least two of the consumers concerned, bring a joint claim for damages on behalf of those consumers. The action brought by the association can be brought only for the benefit of 'identified' consumers and must claim damages for 'individual harm'. A claim for joint damages may be brought before all ordinary law courts and administrative courts.

(5) Group action procedure

Introduced by Law No 2014-344 of 17 March 2014 on consumption in the Consumer Code (Article L. 623-1 *et seq.*), this procedure appears to be the most appropriate form of action for damages for handling mass disputes in the field of consumer affairs.

Group action is open only to consumer organisations accredited at national level.

Its sole purpose is to make good the material damage suffered individually by a group of consumers in connection with the sale of a product or the provision of a service the common origin of which is the non-performance or improper performance by the same trader of its legal or contractual obligations.

2.4 INFORMATION AND EDUCATION

- The DGCCRF website contains numerous practical consumer information and education factsheets on the different aspects of everyday life. You can google it at: DGCCRF fiches consommation.
- For young people (minor children of school age), the website of the National Consumer Institute provides information to young people aged 15-25 to enable them to acquire or improve responsible individual consumer habits: <https://www.inc-conso.fr/activite-pedagogique-numerique>
- Businesses are active in consumer education on the basis of a key idea: the value of a product is largely the result of consumer experience.
- Consumer education is defined in certain circulars of the Ministry of National Education for the purpose of introducing consumer education into school curricula.
- Other administrations, such as the Ministry of Youth and Sports, the Ministry of the Interior and Land Use Planning, the Ministry of the Environment and the Ministry of Agriculture (in particular agricultural education), are involved in consumer education and offer educational training for young consumers in their areas of action (see their websites).

There are as many frameworks for promoting consumer/citizen education as there are relevant administrations.

Some non-exhaustive examples:

As part of the fight against obesity and related diseases, and with a view to limiting alcohol consumption among young people, the Ministry of Health, the French Food Safety Agency (Agence française de sécurité sanitaire des aliments) and Road Safety (Sécurité routière) carry out information and prevention measures through information campaigns and on their websites.

The Ministry of Justice website has information on the rights of the general public. Factsheets on courts and procedures can be found at the link: [Www.vos-droits.justice.gouv.fr](http://www.vos-droits.justice.gouv.fr)

Information on out-of-court procedures can be found at: <http://vosdroits.service-public.fr/particuliers/N274.xhtml?&n=Justice&l=N14&n=Saisine%20de%20la%20justice&l=N271>

Specifically for consumer affairs, there is the website Service public.fr: <https://www.service-public.fr/particuliers/vosdroits/N19803>

See the Canopé network website (www.reseau-canope.fr) and the resources made available by the various French administrations for targeted audiences (usually in relation to their tasks and activities).

2.2. INFORMATION GATHERING/RESEARCH

The website of the National Consumer Institute develops interesting practical initiatives: www.inc-conso.net

CREDOC is a research centre for studying and observing living conditions. Website: www.credoc.fr

See also the websites of the consumer associations mentioned above, which initiate and carry out consumer education and information projects.