

GERMANY

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1. Institutions of Consumer Policy

1.1. Federal Ministry responsible for consumer policy

The **Federal Ministry of Justice and Consumer Protection (BMJV)** is responsible for consumer policy as far as economic and legal affairs are concerned.

The BMJV has co-responsibility for scrutinising all laws of the Federal Government and also reviews consumer policy issues in this context. This responsibility for consumer policy was transferred to the Ministry in 2013 based on an organisational decree of the Federal Chancellor.

It is specifically responsible for:

- The protection of consumers' economic interests, including fundamental issues regarding consumer information
- Rules of civil law (e.g. contract law) and of mercantile and commercial law (e.g. the Act against Unfair Competition, the Copyright Act, insurance contract law, roaming, passenger rights)
- Enforcement of consumer rights
- Digital society issues, e.g. hate speech
- International consumer affairs; cooperation in cross-border consumer protection

Issues of economic consumer protection often concern more than one area of ministerial responsibility. Other consumer rights and rules are laid down in laws for which different Federal Ministries have technical responsibility.

For example, consumer policy measures or consumer rights are based on:

- Rules and measures in the field of competition and price policy, telecommunications, digitalisation and artificial intelligence or energy policy governed by the **Federal Ministry for Economic Affairs and Energy**
- Rules and measures in the field of data protection governed by the **Federal Ministry of the Interior, Building and Community**
- Product safety governed by the **Federal Ministry of Labour and Social Affairs**
- Rules of financial and capital market law governed by the **Federal Ministry of Finance**
- Improving healthcare governed the **Federal Ministry of Health**
- Sustainable consumption governed by the **Federal Ministry for the Environment, Nature Conservation and Nuclear Safety**

As far as consumer health protection is concerned, the **Federal Ministry of Food and Agriculture (BMEL)** is responsible for:

- Consumer health protection as well as protection from deception with regard to food, feed cosmetics, commodities and the composition and labelling of tobacco products
- Food and nutrition policies, measures to increase nutritional awareness

Contact details:

Bundesministerium der Justiz und für Verbraucherschutz – Federal Ministry of Justice and Consumer Protection

Minister: Christine Lambrecht

Address: Mohrenstrasse 37, DE-10117 Berlin

Tel: +49 (0)30 18 580 0

Fax: +49 (0)30 18 580 9525

E-mail: poststelle@bmjv.bund.de

Website: www.bmjv.bund.de

Bundesministerium für Ernährung und Landwirtschaft – Federal Ministry of Food and Agriculture

Minister: Julia Klöckner

Address: PO Box 14 02 70, DE-53107 Bonn

Tel: +49 (0)228 99 529 0

Fax: +49 (0)228 99 529 4262

E-mail: poststelle@bmel.bund.de

Website: www.bmel.de

Bundesministerium für Wirtschaft und Energie – Federal Ministry for Economic Affairs and Energy

Minister: Peter Altmeier

Address: Scharnhorststrasse 34-37, DE-10115 Berlin

Postal address: 11019 Berlin

Tel: +49 (0)30 18 615 0

Fax: +49 (0)30 18 615 7010

E-mail: info@bmwi.bund.de

Website: www.bmwi.bund.de

Bundesministerium des Innern, für Bau und Heimat – Federal Ministry of the Interior, Building and Community

Minister: Horst Seehofer

Address: Alt-Moabit 140, DE-10557 Berlin

Tel: +49 (0)30 18 681 0

Fax: +49 (0)30 18 681-12926

E-mail: poststelle@bmi.bund.de

Website: www.bmi.bund.de

Bundesministerium für Arbeit und Soziales – Federal Ministry of Labour and Social Affairs

Minister: Hubertus Heil

Address: Wilhelmstrasse 49, DE-10117 Berlin

Postal address: 11017 Berlin

Tel: +49 (0)30 18 527 0

Fax: +49 (0)30 18 527 1830

E-mail: info@bmas.bund.de

Website: www.bmas.de

Bundesministerium der Finanzen – Federal Ministry of Finance

Minister: Olaf Scholz

Address: Wilhelmstrasse 97, DE-10117 Berlin

Tel: +49 (0)30 18682 0

Fax: +49 (0)30 18682 3260

E-mail: poststelle@bmf.bund.de

Website: www.bundesfinanzministerium.de

Bundesministerium der Gesundheit – Federal Ministry of Health

Minister: Jens Spahn

Address: Friedrichstraße 108, DE-10117 Berlin

Tel: +49 (0)30 18441-0

Fax: +49 (0)30 18441-4900

E-mail: poststelle@bmg.bund.de

Website: www.bmg.bund.de

Bundesministerium für Umwelt, Naturschutz und nukleare Sicherheit – Federal Ministry for the Environment, Nature Conservation and Nuclear Safety

Minister: Svenja Schulze

Address: Stresemannstraße 128-130, DE-10117 Berlin

Post Address: 11055 Berlin

Tel: +49 (0)30 18 305-0

Fax: +49 (0)228 99 305-3225

E-mail: poststelle@bmu.bund.de

Website: www.bmu.de

1.2. Government bodies

Given that Germany is a federal country, the Federal Government generally enacts legislation governing consumer protection within the scope of its constitutional competencies. In principle, the **16 federal states**, the **Länder**, are responsible for the enforcement of laws in their own territory. However, private organisations (some of which receive government funding) operate in the field of consumer protection alongside government bodies.

In the field of economic consumer protection, consumers are in general individually responsible for asserting private claims under civil law, e.g. if purchased products show material defects. The consumers concerned must take court action themselves if necessary, unless, in certain circumstances, consumer protection organisations are authorised under German law to take action by way of representative actions. With the exception of some specific areas, e.g. the Federal Financial Supervisory Authority (BaFin), which is responsible for collective consumer protection in the area of financial services, there is no public enforcement authority that takes care of consumer interests. In contrast, enforcement of safety and health protection, e.g. with regard to foodstuffs, is the responsibility of public authorities.

What this means in practice is that the shop and factory inspections for monitoring the enforcement of product safety provisions, for example, are the responsibility of the respective *Länder* governments and not the Federal Government. These activities are coordinated by the various competent bodies and in certain areas via an internet-based technical information and communication system: "Information and communication system for the pan-European market surveillance of technical products" (ICSMS: www.icsms.org). The same also applies to the food and feed sector.

There are, however, some basic issues that cannot be effectively regulated at *Länder* level.

To name a few, the following federal agencies, in particular, are engaged in the **protection of the economic interests of consumers**:

- The **Federal Cartel Office (BKartA)** monitors compliance with anti-trust law and competition law. It is an independent higher federal authority within the purview of the Federal Ministry for Economic Affairs and Energy.
- The **Federal Financial Supervisory Authority (BaFin)**, as a federal public supervisory authority, amongst others supervises savings banks, credit institutions, financial services institutes, insurance companies and securities trading facilities authorised in Germany. As mentioned above, collective consumer protection is one of its main tasks. It also provides consumers with some information on financial issues and on possibilities of arbitration. It is an independent institution governed by public law and subject to the legal and technical supervision of the Federal Ministry of Finance.
- The **Federal Network Agency for Electricity, Gas, Telecommunications, Post and Railway (BNetzA)** monitors, for example, the compliance with consumer protection rules laid down in the Telecommunications Act or Postal Services Ordinance, for instance, and enacts measures as appropriate. Furthermore, the Federal Network Agency provides various information for consumers. The energy consumer service, for example, informs electricity and gas consumers about the applicable law, their rights as household customers and the arbitration procedure. The Federal Network Agency is an independent higher federal authority within the purview of the Federal Ministry for Economic Affairs and Energy.
- On the basis of Regulation (EU) 2017/2394 of 12 December 2017 on cooperation between national authorities responsible for the enforcement of consumer protection laws and repealing Regulation (EC) No 2006/2004, new legislation provides for the **Federal Office of Justice (BfJ)** to follow up the Federal Ministry of Justice and Consumer Protection as part of a network of European authorities to combat cross-border violations of consumer rights. The Federal Office of Justice is an independent higher federal authority within the purview of the Federal Ministry of Justice and for Consumer Protection.
- The **Federal Aviation Office (LBA)** is the National Enforcement Body for Air Passenger Rights in case of denied boarding, cancellation and long delay according Regulation (EC) No 261/2004 and the rights of disabled persons and persons with reduced mobility according Regulation (EC) No 1107/2006. As a supervisory authority, the LBA monitors general compliance with the requirements of the above mentioned regulations.
- The **Federal Railway Authority (EBA)** is the National Enforcement Body for passenger rights in carriage by rail, bus and ship in accordance with Regulations (EC) No. 1371/2007, (EU) No. 181/2011 and (EU) No. 1177/2010. The EBA monitors compliance of the carriers with the requirements set out in the above-mentioned regulations.

Please see Germany's country profile:

https://ec.europa.eu/food/audits-analysis/country_profiles/details.cfm?co_id=DE for more information on **consumer health protection** as well as protection from deception. The following federal agencies, in particular, operate in this field:

- The **Federal Institute for Risk Assessment (BfR)** is the scientific institution that compiles expert reports and statements on issues of food safety and consumer protection on the basis of internationally recognised scientific assessment criteria. It assesses the risk to health from chemicals, from plant protection and pest control products, and from selected products (i.e. consumer goods, such as food packaging, and tobacco products) and the safe

use of these products; The Federal Institute for Risk Assessment is an independent body governed by public law within the purview of the Federal Ministry of Food and Agriculture.

- The **Federal Office of Consumer Protection and Food Safety (BVL)** discharges sovereign functions, notably in the field of risk management and authorisation tasks for substances and products that may harbour health hazards and that are directly or indirectly related to food safety. The BVL is thus, for instance, the national contact point for the European Rapid Alert System for Food and Feed (RASFF). It undertakes coordinating tasks for uniform food monitoring nationwide and discharges sovereign duties in the authorisation of plant protection products, veterinary medicinal products and genetically modified organisms. The BVL is an independent higher federal authority within the purview of the Federal Ministry of Food and Agriculture.
- In view of its responsibility for product safety, the **Federal Institute for Occupational Safety and Health (BAuA)** also plays a key role in consumer protection. The BAuA acts as the German coordinating body for the Community system for rapid exchange of information on consumer products that may pose a serious risk for consumer health and safety. The BAuA is a body governed by public law without legal capacity and falls under the purview of the Federal Ministry of Labour and Social Affairs.
- The **Federal Institute for Drugs and Medical Devices (BfArM)** is responsible for the approval of medicinal products, the registration of homeopathic medicinal products, risk assessment of drugs and medical devices (such as cardiac pacemakers, computer tomographs, implants) and for the monitoring of the legal trade in narcotics and basic substances. The BfArM, being an independent higher federal authority, acts under the authority of the Federal Ministry of Health.
- The **Federal Centre for Nutrition (BZfE)** is Germany's competence and communication centre for issues surrounding food and nutrition. This contact point for food and nutrition issues was established by the Federal Ministry of Food and Agriculture (BMEL). The food-related activities of the former public information service aid infodienst were merged with the food and nutrition divisions of the **Federal Office for Agriculture and Food (BLE)** to form a new department within the BLE. It provides independent information for multipliers in the nutrition sector, for example by sharing the findings and expertise of the project management agency IN FORM or the units of the nation-wide network for school meals (Vernetzungsstellen für Schulverpflegung), as well as the initiative to avoid food waste "Too Good for the Bin" ("Zu gut für die Tonne").
- The **Federal Institute for Vaccines and Biomedicines, the Paul-Ehrlich-Institute (PEI)** acts under authority of the Federal Ministry of Health. It is responsible for the research, assessment, and marketing authorisation of biomedicines for human use and immunological veterinary medicinal products. Its remit also includes the authorisation of clinical trials and pharmacovigilance. Other duties include official batch control, scientific advice and inspections as well as in-house experimental research in the field of biomedicines and life science. Apart from this, the Paul-Ehrlich-Institute has advisory functions nationally (federal states), and internationally (World Health Organisation, European Medicines Agency, European Commission, Council of Europe etc.)

Contact details:

Bundeskartellamt – Federal Cartel Office

Address: Kaiser-Friedrich-Strasse 16, DE-53113 Bonn

Tel: +49 (0)228 9499 0

Fax: +49 (0)228 9499 400

E-mail: info@bundeskartellamt.bund.de

Website: www.bundeskartellamt.de

Bundesanstalt für Finanzdienstleistungsaufsicht (BaFin) – Federal Financial Supervisory Authority

Postal address: PO Box 1253, DE-53002 Bonn

Tel: +49 (0)228 4108 0

Fax: +49 (0)228 4108 1550 (Bonn) - +49 (0)228 4108 123 (Frankfurt)

E-mail: poststelle@bafin.de

Website: www.bafin.de

Bundesnetzagentur für Elektrizität, Gas, Telekommunikation, Post und Eisenbahnen – Federal Network Agency for Electricity, Gas, Telecommunications, Post and Railway

Postal address: PO Box 80 01, DE-53105 Bonn

Tel: +49 (0)228 14 0 *Fax:* +49 (0)228 14 8872

E-mail: info@BNetzA.de

Website: www.bundesnetzagentur.de

Bundesamt für Justiz – Federal Office of Justice

Address: Adenauerallee 99 - 103, DE-53113 Bonn

Tel: +49 (0)228 99 410-40

Fax: +49 (0)228 99 410-5050

E-mail: poststelle@bfj.bund.de

Website: www.bundesjustizamt.de

Luftfahrt-Bundesamt (LBA) – Federal Aviation Office

Address: Hermann-Blenk-Straße 26, DE-38108 Braunschweig

Tel: +49 (0)531 23550

Fax: +49 (0)531 2355 9099

E-mail: fluggastrechte@lba.de

Website: www.lba.de

Eisenbahn-Bundesamt (EBA) – Federal Railway Authority

Address: Postfach 200 565, DE-53135 Bonn

Tel.: +49 228 30795-400

Fax: +49 228 9826–9199

E-mail: fahrgastrechte@eba.bund.de

Website: <https://www.eba.bund.de/DE/Themen/Fahrgastrechte/>

Bundesinstitut für Risikobewertung (BfR) – Federal Institute for Risk Assessment

Address: Max-Dohrn-Straße 8-10, DE-10589 Berlin

Tel: +49 (0)30 8412 0

Fax: +49 (0)30 8412 4741

E-mail: bfr@bfr.bund.de

Website: www.bfr.bund.de

Bundesamt für Verbraucherschutz und Lebensmittelsicherheit (BVL) – Federal Office of Consumer Protection and Food Safety

Address: PO Box 1564, DE-38005 Braunschweig

Tel: +49 (0)531 21497 0

Fax: +49 (0)531 21497 299

E-mail: poststelle@bvl.bund.de

Website: www.bvl.bund.de

Bundesanstalt für Arbeitsschutz und Arbeitsmedizin (BAuA) – Federal Institute for Occupational Safety and Health

Address: PO Box 17 02 02, DE-44061 Dortmund

Tel: +49 (0)231 9071 0

Fax: +49 (0)231 9071 2454

E-mail: poststelle@baua.de

Website: www.baua.de

Bundesinstitut für Arzneimittel und Medizinprodukte (BfArM) – Federal Institute for Drugs and Medical Devices

Address: Kurt-Georg-Kiesinger-Allee 3, DE-53175 Bonn

Tel: +49 (0)228 99-307-0

Fax: +49 (0)228 99-307-5207

E-mail: poststelle@bfarm.de

Website: <http://www.bfarm.de>

Bundeszentrum für Ernährung (BZfE) – Federal Centre for Nutrition

in der Bundesanstalt für Landwirtschaft und Ernährung – in the Federal Office for Agriculture and Food

Address: Deichmanns Aue 29, DE-53179 Bonn

Tel: +49 (0)228 6845-0

E-mail: poststelle@ble.de

Website: www.bzfe.de

Paul-Ehrlich-Institute (PEI) – Federal Institute for Vaccines and Biomedicines

Address: Paul-Ehrlich-Straße 51-59, DE- 63225 Langen

Tel.: +49 (0)6103 77-0

Fax: +49 (0)6103 77-1234

E-mail: pei@pei.de

Website: <http://www.pei.de>

1.3. National Consumer Organisations

No official list exists of all consumer organisations operating at national and federal state level. Consumer organisations do not require any approval by the state in order to take up work in Germany. De facto, alongside the two large consumer organisations "**Federation of German Consumer Organisations – Verbraucherzentrale Bundesverband (vzbv)**" and "**Stiftung Warentest**" (Germany's premier consumer testing organisation), which operate throughout Germany and receive funding from the federal budget, the 42 members of the umbrella organisation (vzbv) can equally be considered as consumer organisations or consumer policy-oriented associations. In addition, there are

other consumer organisations such as the **German Consumer Initiative** (Verbraucherinitiative e.V.) and many more that are self-financed through memberships.

The vzbv, which covers more than 90% of its budget with annual institutional grants provided by the federal government, is a non-governmental body acting as an umbrella organisation for the 16 consumer advice centres in the federal states and for 26 other consumer policy-oriented associations. It represents the interests of consumers in public and vis-à-vis policy-makers, public authorities, businesses, economic operators and civil society at national, European and international level. Its tasks also, for example, include collective redress through class-action lawsuits, the development of standards for consumer advice, and providing professional training for the staff of member organisations.

The vzbv, together with the 16 consumer centres in the federal states, has been carrying out monitoring activities in the areas of finance, digital world and energy from the consumer perspective since 2015 (called "Marktwächter"). The bundling of observations and evaluation of findings on a nationwide basis made it possible to detect undesirable developments in the markets at an early stage and to take effective countermeasures for the protection of consumers based on the principle of "recognising, informing, acting". Starting in 2020, the market observation, which was initially designed as a temporary project, has been integrated into vzbv's institutional activities. Thus, the financial and personnel prerequisites for this important consumer policy instrument are now permanently secured.

The 16 consumer advice centres in the federal states and the Federation of German Consumer Organisations together form an integrated system of advice, information, law enforcement and representation of political interests. Consumers receive advice from a network of about 190 advice centres dealing with millions of individual contacts with consumers. All advice centres have recourse to a database of "advisory stances" (i.e. model answers for typical problems). The formulation of advisory stances is coordinated by the federal association and is subject to a uniform quality management. The individual advisory activities are stored in a central computer database, in parallel. This constitutes the basis for being able to systematically take action against recurring violations, on the one hand, and for obtaining a precise empirical picture of existing consumer problems, on the other hand. The political lobbyists of the Federation of German Consumer Organisations can follow up on this.

Individual consumer advice is generally organised on a regional basis and is provided predominantly by the 16 consumer advice centres in the federal states that receive funding from the respective federal state budgets. In Germany, there are separate institutional bodies that act as consumer policy lobbies or provide consumers with personal (legal) advice to address individual problems, on the one hand, and carry out product and service testing, on the other hand. The "Stiftung Warentest", a foundation established in 1964 under private law, is charged with the task of informing the public about the quality and environmental friendliness of goods and services on the basis of tests. Furthermore, the foundation is to provide general information about optimal private housekeeping and health- and eco-conscious behaviour. Most of the annual earnings of the "Stiftung Warentest" with an annual budget of more than 50 million euro come from the sale of its publications, e.g. the magazines "test" and "FinanzTest" and its online services "test.de". In addition, the foundation receives an annual grant from the federal budget mainly as compensation for the fact that it waives income from advertisements in its publications in order to maintain its independence from suppliers.

An Independent **Patient Counselling Service (Unabhängige Patientenberatung Deutschland – UPD)** has been established by law as a non-profit organisation (section 65b of the Fifth Book of the Social Code). Its task is to provide – free of charge – quality-assured information to consumers and patients and to advise them on issues of health and health law. This institution, first of all, supports patients in navigating the healthcare system. At the same time, it

supports health policy-makers as it functions as an indicator for problems perceived by patients in the healthcare system. Active lobbying is not a task of the UPD.

Contact details:

Verbraucherzentrale Bundesverband vzbv – Federation of German Consumer Organisations

Address: Rudi-Dutschke-Straße 17, DE-10969 Berlin

Tel: +49 (0)30 258000

E-mail: info@vzbv.de

Website: www.vzbv.de/go/linksortga

Stiftung Warentest e.V.

Address: Lützowplatz 11-13, DE-10785 Berlin

Tel: +49 (0)30 26 31 0 *Fax:* +49 (0)30 26 31 27 27

E-mail: email@stiftung-warentest.de

Website: www.test.de

Die Verbraucherinitiative e.V. – Consumer Initiative

Address: Berliner Allee 105, DE-13088 Berlin

Tel: +49 (0)30 53 60 73 3 *Fax:* +49 (0)30 53 60 73 45

E-mail: mail@verbraucher.org

Website: www.verbraucher.org

Unabhängige Patientenberatung Deutschland UPD – Independent Patient Counseling Service

Address: Tempelhofer Weg 62, DE-12347 Berlin

Tel: +49 (0) 30 8 68-721 128

E-mail: info@patientenberatung.de

Website: www.patientenberatung.de

1.4. National Consumer Affairs Council

The **Consumer Affairs Council – Verbraucherrat (VR)** of the German Institute for Standardisation (DIN), which was set up in 1974 as an independent committee of the DIN executive committee and receives around 900,000 euro in annual funds mainly from the federal budget, represents the interests of "non-commercial end users" in standardisation at global, European and national levels in the DIN bodies. The Consumer Affairs Council is composed of five independent members working on a voluntary basis who have been recruited from consumer organisations or consumer-oriented testing and research agencies. The Council cooperates with the standardisation committees and is assisted by its office, currently composed of nine staff members, that in turn draws on the expertise of around 70 volunteer consumer representatives who are designated by the VR for specific projects.

Verbraucherrat (VR) des DIN – Consumer Affairs Council of DIN

Address: Burggrafenstrasse 6, DE-10787 Berlin

Tel: +49 (0)30 2601 0

Fax: +49 (0)30 2601 1231

Website: www.din.de/de/ueber-normen-und-standards/nutzen-fuer-den-verbraucher/verbraucherrat

1.5. Consumer Media

Reports in the regional and supra-regional newspapers and magazines; specific journals such as the magazines published by Stiftung Warentest, "test" and "Finanztest" and online via "test.de" as well as other publications such as "Öko-Test", "Guter Rat" various political and economic magazine programmes on ARD and ZDF (TV) and various other TV and radio broadcasting stations.

Additionally, information is available from a broad range of consumer organisations funded on federal or regional level, such as the 16 consumer advice centres (www.verbraucherzentralen.de).

1.6. Conciliation Bodies

There are several sectoral consumer conciliation bodies for businesses in the energy, aviation, finance and transport sector. They are recognised by the state under the Act on Alternative Dispute Resolution in Consumer Matters (Federal Law Gazette I p. 254, 1039, of 19 February 2016) or they are run by the state. The conciliation bodies provide consumers with access to simple, efficient, fast and free of charge alternatives for settling disputes with traders out of court. The out-of-court process is based on the principle of voluntary participation and does not restrict the right to initiate court proceedings.

In addition to the sectoral consumer conciliation bodies the **Federal General Conciliation Body** was established. It resolves disputes between consumers and businesses if other conciliation bodies are not responsible for dealing with the dispute. This guarantees that consumers can choose to resolve disputes by conciliation in any case.

- **Universalschlichtungsstelle des Bundes – Federal General Conciliation Body**

Address: Straßburger Str. 8, 77694 Kehl, Germany

Tel: +49 (0)7851 7957940

Fax: +49 (0)7851 7957941

E-mail: mail@verbraucher-schlichter.de

Website: www.verbraucher-schlichter.de

- Out-of-court dispute settlement bodies for **financial services:**

Complaints **against credit institutions** authorised in Germany may be addressed to the ombudsmen or conciliation bodies of the banking association to which the bank belongs. The Deutsche Bundesbank (central bank of the Federal Republic of Germany) is responsible for all banks that do not belong to any of the banking associations. The Federal Financial Supervisory Authority (BaFin) also offers an arbitration board in case the credit institution or financial service provider does not belong to a private, recognised dispute resolution entity. BaFin also provides information about the procedures and contact points:

https://www.bafin.de/EN/Verbraucher/BeschwerdenAnsprechpartner/Ansprechpartner/Schlichtungsstelle/schlichtungsstelle_artikel_en.html

Contact points include:

- **Schlichtungsstelle bei der Deutschen Bundesbank – Arbitration Board at the Deutsche Bundesbank**
Address: PO Box 11 12 32, DE-60047 Frankfurt am Main
Tel: +49 (0)69 2388 1907 *Fax:* +49 (0)69 2388 1919
Website: www.bundesbank.de/schlichtungsstelle

- **Schlichtungsstelle bei der Bundesanstalt für Finanzdienstleistungsaufsicht (BaFin) – Arbitration Board at the Federal Financial Supervisory Authority**
Referat ZR 3
Address: Graurheindorfer Straße 108, DE-53117 Bonn
Tel: +49 (0)228 4108-0; *Fax:* +49 (0)228 4108 -62299
Website: www.bafin.de/schlichtungsstelle

- **Bundesverband Öffentlicher Banken Deutschlands e.V. (VÖB), Schlichtungsstelle – Association of German Public Sector Banks, Customer Complaints Office**
Address: Lennéstraße 11, DE-10785 Berlin
Tel: +49 (0)30 81 92 295 *Fax:* +49 (0)30 81 92 2 99
Website: www.voeb.de

- **Ombudsmann der privaten Banken Bundesverband deutscher Banken e.V. – Association of German Banks, Customer complaints office**
Address: PO Box 04 03 07, DE-10062 Berlin
Tel: +49 (0)30 16 63 3166 *Fax:* +49(0)30 16 63 3169
Website: www.bankenombudsmann.de

- **Kundenbeschwerdestelle beim Bundesverband der Deutschen Volksbanken und Raiffeisenbanken e. V. (BVR) – National Association of German Cooperative Banks, Customer Complaints Office**
Address: Schellingstraße 4, DE-10785 Berlin
Tel: +49 (0)30 20 21 1639 *Fax:* +49 (0)30 20 21 1908
Website: <https://www.bvr.de/Service/Kundenbeschwerdestelle>

- **Verband der Privaten Bausparkassen e.V., Schlichtungsstelle Bausparen – Federation of the Private Building Societies, Customer Complaints Office**
Address: Klingelhöferstraße 4, DE-10785 Berlin
Tel: +49 (0)30 59 00 91 500 *Fax:* +49 (0)30 59 00 91 501
Website: www.schlichtungsstelle-bausparen.de

- **For savings banks** there are several regional conciliation bodies; central contact point:
 - **Deutscher Sparkassen- und Giroverband (DSGV), Schlichtungsstelle – German Savings Bank Association, Customer Complaints**
Address: Charlottenstrasse 47, DE-10117 Berlin
Tel: +49 (0)30 20 22 51 510 *Fax:* +49 (0)30 20 22 51 515
Website: www.dsgv.de/schlichtungsstelle

- **Consumers** can turn to the following bodies in the event of disputes with **insurance companies**:

- **Versicherungsombudsmann e.V. – Insurance Ombudsman Association**

Address: PO Box 08 06 32, DE-10006 Berlin *Headquarters:* Leipziger Strasse 121, DE-10117 Berlin

Tel: +49 (0)30 20 60 58 0

Fax: +49 (0)30 20 60 58 98

Website: www.versicherungsombudsmann.de

The insurance ombudsman is an independent conciliation body free of charge for consumers that is funded by the affiliated insurance companies and the German Insurance Association. The insurance ombudsman examines decisions taken by insurance companies and makes conciliatory proposals, as required, that are binding on the company up to an amount in dispute of 10,000 euro.

- **Ombudsmann Private Kranken- und Pflegeversicherung – Ombudsman for Private Health and Long-term Care Insurance**

Address: PO Box 06 02 22, DE-10052 Berlin

Tel: +49 (0)800 2 55 04 44 (free of charge from a German landline)

Fax: +49 (0)30 20 45 8931

Website: www.pkv-ombudsmann.de

- **Bundesamt für Soziale Sicherung (BAS) – Federal Agency for Social Security**

Address: Friedrich-Ebert-Allee 38 53113 Bonn

Tel: +49 (0)228 / 619-0

Fax: +49 (0)228 / 619-1870

Those insured with a federally regulated social security insurance provider, i. e. a social security insurance provider whose area of responsibility extends across more than three Länder (in most cases, a substitute fund or company health insurance fund) can contact the **Federal Agency for Social Security** if they disagree with a decision made by a long-term care insurance fund concerning, for example, the determination of the grade of care, assistance for household management, nursing aids, or grants for the improvement and conversion of homes. The Federal Agency for Social Security reviews decisions by the competent long-term care insurance funds.

- Providers of statutory health insurance schemes whose area of responsibility does not extend beyond the territory of a single Land are supervised by a Land supervisory authority. This is the case, for example, with the Local Health Insurance Funds (Allgemeine Ortskrankenkassen, AOK). Complaints must be addressed to the supervisory authority of the Land in which the health insurance fund is located. As a rule, at the Land level, supervisory authority is exercised either by the **Land Health Ministry or the Land Social Ministry**.
- The Post Officials' Health Insurance Fund is supervised by the **Federal Posts and Telecommunications Agency**.

Bundesanstalt für Post und Telekommunikation – Federal Posts and Telecommunications Agency

Address: Heinrich-Konen-Straße 1, DE-53227 Bonn

Tel: +49 (0)228 9744-0

Telefax: +49 (0)228 9744-870

- The Medical Service of the German Health Insurance Funds (Medizinischer Dienst der Krankenkassen, MDK) provides advisory and assessment services. It operates at regional level. Complaints must be addressed directly to the MDK:

www.mdk.de

- **Out-of-court dispute settlement bodies for the transport sector:**

- **Schlichtungsstelle Öffentlicher Personenverkehr – Arbitration Board for Public Passenger Transport**

Address: Fasanenstr. 81, DE-10623 Berlin

Tel: +49 (0)30 644 99 33 0

Fax: +49 (0)30 644 99 33 10

E-mail: kontakt@soep-online.de

Website: www.soep-online.de

The arbitration board is funded by the affiliated companies and will mediate, for the time being, in disputes between passengers and railway transport service providers. In the long-term concept, it is planned to integrate all passenger transport services.

- **Out-of-court dispute settlement bodies for other sectors:**

- **German Contact Point for Arbitration/e-Commerce Contact Point Germany;**

The European Consumer Centre (see no. 1.7) is also engaged in arbitration:

- **e-Commerce-Verbindungsstelle – e-Commerce Contact Point**

Address: Bahnhofplatz 3, DE-77694 Kehl

Tel: +49 (0)7851 991 48 0

Fax: +49 (0)7851 991 48 11

E-mail: info@eCommerce-Verbindungsstelle.de

A complete list of all consumer conciliation bodies and further information can be found under:

<https://ec.europa.eu/consumers/odr/main/?event=main.adr.show>

1.7. European Consumer Centre (EVZ)

The **European Consumer Centre Germany** located in Kehl is part of the ECC-Net – European Consumer Centres Network established in 2005.

Consumers have since 2005 been able to turn to the European Consumer Centre Germany located in Kehl near Strasbourg in order to obtain information and advice concerning the European internal market and assistance in the out-of-court settlement of cross-border disputes.

Europäisches Verbraucherzentrum Deutschland – European Consumer Information Centre in Germany

c/o Zentrum für Europäischen Verbraucherschutz e.V.:

Address: Bahnhofplatz 3, DE-77694 Kehl

Tel: +49 (0)7851 991 48 0 Fax: +49 (0)7851 991 48 11

E-mail: info@cec-zev.eu

Website: www.evz.de

1.8. Institutions of Self-regulation

The **Association for the Prevention of Unfair Competition** is a private-sector self-regulatory control body operating throughout Germany and transnationally to enforce the law against unfair competition. The right of associations to take legal action pursuant to Section 8 paragraph 3 number 2 of the Act Against Unfair Competition (UWG) and Section 33 paragraph 2 of the Act against Restraints of Competition (GWB) form the basis of its activities. It is not a consumer protection agency, but indirectly also ensures compliance with consumer protection rules in the interest of economic operators.

Wettbewerbszentrale e.V. – Association for the Prevention of Unfair Competition

Address: Landgrafenstrasse 24 B, DE-61348 Bad Homburg v. d. H.

Tel: 06172-12150 Fax: 06172-84422

E-mail: mail@wettbewerbszentrale.de

Website: www.wettbewerbszentrale.de

2. Consumer policy

2.1. Consumer Organisations

In Germany, there is no official definition nor authorisation or approval for determining what a consumer organisation is. With regard to support for projects, however, the regular eligibility criterion is that a consumer organisation should be a non-governmental and non-profit organisation that, according to its rules and regulations, pursues consumer-policy goals.

The umbrella organisation of the consumer advice centres and consumer associations— the "Verbraucherzentrale Bundesverband e.V. (vzbv)" – receives institutional funding from the Federal Ministry of Justice and Consumer Protection (BMJV).

Projects run by different consumer organisations are funded on Federal and regional level (see above 1.3.)

At the *Länder* (federal state) level, the consumer advice centres receive institutional as well as project financing. "Qualified establishments" such as the consumer advice centres can take legal action against violations by filing for injunctive relief on the basis, inter alia, of the Injunctions Directive that has been transposed into national law.

2.2. Implementation/Law enforcement

In Germany, it is a long-standing tradition to enshrine consumer protection rights in civil law. The enforcement of consumers' economic interests is mostly achieved individually by filing an action before the civil courts.

Additionally, consumers are making increasing use of the services provided by LegalTech companies in order to enforce their claims (e.g. reimbursement claims in the case of delayed or cancelled flights and trains). The underlying business model consists in transferring compensation claims to a legal services provider acting as a collection agency. This means that LegalTech providers assert consumers' compensation collection claims in their own name. If the claim is successful, the LegalTech company receives a commission.

Enforcement of consumer rights can also be achieved by collective redress. Qualified entities, i. e. certain associations and chambers, can enforce the rights of consumers by issuing a warning to cease and desist, for example in the case of unfair terms and conditions, or by lodging an action for injunctive relief.

Options for law enforcement have been supplemented by a new instrument called the "model declaratory action". In the event of mass damages, the new instrument makes it possible to predetermine essential aspects of fact and law in one set of proceedings with effect for all individuals who have suffered damage. The Federation of German Consumer Associations (Verbraucherzentrale Bundesverband, vzbv), the consumer organisations of the Länder and the Centre for Protection against Unfair Competition (Wettbewerbszentrale) are the main actors in the area of collective redress.

As has been explained in 1.2, there is no universal enforcement of consumer rights by public bodies. However, in the area of telecommunications / electricity and gas, in the financial services industry and in the case of passenger rights and cross-border infringements, public bodies are given specific powers to intervene. Product safety, including with regard to food, is another area in which the rights of consumers are protected under public law.

2.3. Information and education

Consumer policy is aimed at providing consumers with opportunities to obtain well-balanced information. The focus lies on structured opportunities improving the overview, enabling comparisons to be made and facilitating consumers' search for information.

Consumer information should take into consideration individual circumstances (such as levels of education and social background), the needs of specific groups of consumers (e.g. older people, young people) as well as the living environment (e.g. rural environment, urban neighbourhood).

To safeguard an independent representation of interests and information campaigns for consumers, the Federal Government uses federal budgetary funds to support institutions and establishments which operate nationwide in the field of general consumer education and guidance. In addition, the Federal Government supports nationwide awareness schemes on priority issues within the scope of project financing. Here, too, the consumer organisations remain independent from the state as regards the contents of their work.

The federal states and the municipalities ensure that independent individual and regional consumer information and counselling is provided within their areas of operation.

2.4. Information gathering and research

The **Expert Council for Consumer Affairs** at the Federal Ministry of Justice and Consumer Protection (SVRV) is an advisory body to the Federal Ministry of Justice and Consumer Protection (BMJV). It was set up in 2014 and consists of nine members from various disciplines. The SVRV is to advise the BMJV on the design of consumer policy based on scientific findings, and taking practical experience into account. The members of the SVRV are appointed by the BMJV for four years; they can be reappointed once. The SVRV works independently and is not subject to instructions.

The **Scientific Advisory Board on Agricultural Policy, Food and Consumer Health Protection** (WBAE) is an interdisciplinary body that advises the Federal Ministry of Food and Agriculture in the development of its policies in these areas. The WBAE works on a voluntary basis, is independent and draws up expertises and statements on subjects that it selects itself.

The **Consumer Research Network** brings together academics from a range of disciplines including law, economics and social science. The Network's activities focus on encouraging the research community to broaden the scope of fundamental research on the one hand, and to address specific consumer issues on the other. In order to provide the Network with support, a secretariat has been set up at the Federal Ministry of Justice and Consumer Protection (BMJV).

As part of the research activities of the Federal Ministry of Food and Agriculture, the **Max Rubner-Institut** investigates issues relating to nutrition and foodstuffs, with a focus on consumer health protection. The MRI provides the BMEL with essential advice on these topics. In addition to its headquarters in Karlsruhe, the MRI conducts research at centres in Kiel, Detmold and Kulmbach. Five of the MRI's nine institutes use a "cross-product" approach.

Contact Details:

Geschäftsstelle des Sachverständigenrats für Verbraucherfragen – Office of the Expert Council of Experts for Consumer Affairs at the Federal Ministry of Justice and Consumer Protection

Chair: Prof. Dr Peter Kenning (Heinrich-Heine Universität Düsseldorf)

Address: Bundesministerium der Justiz und für Verbraucherschutz, DE-11015 Berlin

Tel.: +49 30 18580-9554

E-Mail: info@svrv-verbraucherfragen.de

Website: www.srvv-verbraucherfragen.de

Wissenschaftlicher Beirat für Agrarpolitik, Ernährung und gesundheitlichen Verbraucherschutz – Scientific Advisory Board on Agricultural Policy, Food and Consumer Health Protection

Chair: Prof. Dr Harald Grethe (Humboldt-Universität zu Berlin, Albrecht Daniel Thaer-Institute of Agricultural and Horticultural Sciences)

Address: Unter den Linden 6, DE-10099 Berlin, WBAE administrative office: Division 721

E-mail: WBAE@bmel.bund.de

Netzwerk Verbraucherforschung – Consumer Research Network (Secretariat)

Address: Federal Ministry of Justice and Consumer Protection, Mohrenstrasse 37, DE-10117 Berlin

Tel: +49 (0)30-18 580 0

E-mail: netzwerk-verbraucherforschung@bmjv.de

Website: www.netzwerk-verbraucherforschung.de

Max Rubner-Institut Bundesforschungsinstitut für Ernährung und Lebensmittel – Federal Research Institute for Nutrition and Food

Address: Haid-und-Neu-Str. 9, DE-76131 Karlsruhe

Tel: +49 (0) 721 6625 0

E-mail: kontakt@mri.bund.de

Website: poststelle@mri-bund.de-mail.de