





**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**

*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 Member 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.

**▼B**

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.

*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.

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 because 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.

**▼M1***Article 6a*

1. Any announcement of a price reduction shall indicate the prior price applied by the trader for a determined period of time prior to the application of the price reduction.
2. The prior price means the lowest price applied by the trader during a period of time not shorter than 30 days prior to the application of the price reduction.

**▼ M1**

3. Member States may provide for different rules for goods which are liable to deteriorate or expire rapidly.
4. Where the product has been on the market for less than 30 days, Member States may also provide for a shorter period of time than the period specified in paragraph 2.
5. Member States may provide that, when the price reduction is progressively increased, the prior price is the price without the price reduction before the first application of the price reduction.

**▼ B***Article 7*

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

**▼ M1***Article 8*

1. Member States shall lay down the rules on penalties applicable to infringements of national provisions adopted pursuant to this Directive and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive.
2. Member States shall ensure that the following non-exhaustive and indicative criteria are taken into account for the imposition of penalties, where appropriate:
  - (a) the nature, gravity, scale and duration of the infringement;
  - (b) any action taken by the trader to mitigate or remedy the damage suffered by consumers;
  - (c) any previous infringements by the trader;
  - (d) the financial benefits gained or losses avoided by the trader due to the infringement, if the relevant data are available;
  - (e) penalties imposed on the trader for the same infringement in other Member States in cross-border cases where information about such penalties is available through the mechanism established by Regulation (EU) 2017/2394 of the European Parliament and of the Council <sup>(1)</sup>;
  - (f) any other aggravating or mitigating factors applicable to the circumstances of the case.
3. Member States shall, by 28 November 2021, notify the Commission of the rules and measures referred to in paragraph 1 and shall notify it, without delay, of any subsequent amendment affecting them.

<sup>(1)</sup> Regulation (EU) 2017/2394 of the European Parliament and of the Council of 12 December 2017 on cooperation between national authorities responsible for the enforcement of consumer protection laws and repealing Regulation (EC) No 2006/2004 (OJ L 345, 27.12.2017, p. 1).

**▼B***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 indication of the prices of foodstuffs and Directive 88/314/EEC on consumer protection in the indication of the prices of non-food products<sup>(1)</sup> 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 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.

<sup>(1)</sup> OJ L 299, 12. 12. 1995, p. 11.

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*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.