



CONSUMER PROTECTION

Know Your Rights

NEW CONSUMER PROTECTION LAW

JPM

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The National Assembly of the Republic of Serbia adopted a new Law on Consumer Protection (“Law”) on 09 September 2021. The main reason for adopting the amendments to the current law lies in providing a higher level of consumer protection and trying to apply it more actively, in relation to the Law from 2014 and its subsequent amendments from 2016 and 2018.

The most prominent novelty concerns direct marketing by telephone, ie the introduction of the “do not call” register. The “do not call” register is a list of landline and mobile telephone numbers of consumers who do not want to receive calls and / or messages as part of the promotion, marketing and / or sale by telephone.

Consumers who do not wish to receive such calls and messages may submit a request to the electronic communications operator in the prescribed form free of charge. It would be the seller’s responsibility to check the register before calling. Such a register already exists in several countries such as France, the USA and the UK, and among the countries in the region, such a register has been established by Croatia.

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In order to strengthen consumer organizations, provisions have been prescribed which will primarily keep records of consumer disputes, as there is still no data on how many consumer disputes are conducted before the courts. In addition to the indication that this is a civil case, the courts will also indicate that this is a consumer dispute.

In addition to these procedural rules, the obligatory participation of the trader in the procedure of out-of-court settlement is introduced. However, the question remains, to what extent will such provisions bring results, due to the lack of instruments that will force traders to actually participate in out-of-court procedures. Although this way of resolving disputes has existed until now, traders rejected complaints about goods and services and sent dissatisfied consumers to the court.

The provisions concerning the rights of customers during the complaint have been expanded, which has drawn attention to the unfair business practices of traders and expanded the range of obligations they have to fulfil towards customers.



The new Law should prevent unfair business practices, and compared to the countries in the region, which have already developed some provisions of the law, it is expected that Serbia will achieve a similar result.

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In addition to the existing inspection powers within the Ministry of Trade, Tourism and Telecommunications, the possibility of imposing fines through misdemeanour orders to economic entities has been introduced, in order to more effectively influence their actions in accordance with the obligations under the Law.

Bearing in mind that in recent years there have been more and more contentious situations, this Law has resolved the issue of issuing invoices by manual workers for work performed, as well as the issue of hidden and unplanned costs of agencies to passengers during travel.

From now on, for the provision of services whose value is greater than RSD 5.000, the manual worker is obliged to make an estimation with the specification of services and costs, but also to obtain the consent of consumers before starting to provide services.

The amendments concerning travels and the obligations of agencies have partially harmonized with the Directive on travel in package deals and related travel arrangements no. 2015/2302. In terms of the mentioned Directive, the Law stipulates that passengers will receive before concluding the agreement with agencies all information and all costs that may be incurred, and even the costs of unplanned returns from the travel.

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