



World Consumer Protection Map

Contribution by
Germany

Page 2: Contact of respondent

Q1 Name of responding member State **Germany**

Q2 Name of responding authority/agency:

Federal Ministry of Justice and Consumer Protection

Page 3: Consumer protection legislation

Q7 Does your country's Constitution contain a provision on consumer protection? **No**

Q8 If you do, please provide de following details: **Respondent skipped this question**

Q9 Does your country have have specific law(s) on consumer protection ? **Yes**

Q10 If you do, when was the main specific law first enacted? **Respondent skipped this question**

Q11 If your main specific law on consumer protection has been revised, when was the date of its latest revision? Date **01/01/2018**

Consumer Protection Survey

Q12 Please provide the following details of the current specific law(s):

1- Name of law	The Civil Code
1- URL link	https://www.gesetze-im-internet.de/englisch_bgb/
2- Name of law	Competition Law (UWG)
2- URL link	https://www.gesetze-im-internet.de/englisch_uwg/
3- Name of law	Law on Protection of Retail Investors (Kleinanlegerschutzgesetz)
3- URL link	https://www.bgbl.de/xaver/bgbl/text.xav?SID=&tf=xaver.component.Text_0&toctf=&qmf=&hlf=xaver.component.Hitlist_0&bk=bgbl&start=%2F%2F%5B%40node_id%3D'266442'%5D&skin=pdf&tlevel=-2&nohist=1
4- Name of law	Consumer Information Act (VIG)
4- URL link	https://www.gesetze-im-internet.de/vig/
5- Name of law	Act on Injunctive Relief (UKlaG)
5- URL link	http://www.gesetze-im-internet.de/uklag/

Consumer Protection Survey

Q13 Please check all the fields that your consumer protections law(s) cover.

Consumer rights/legitimate needs, ,
Access by consumers to essential goods and services ,
Protection of vulnerable and disadvantaged consumers ,
Physical safety,
Product quality,
Terms and conditions ,
Promotional marketing and sales practices (including misleading advertisement) ,
Voluntary codes for businesses ,
Restrictive business practices (competition/antitrust) ,
Electronic commerce,
Promotion of sustainable consumption ,
Food distribution,
Water,
Pharmaceuticals,
Energy,
Public utilities,
Tourism,
Data protection and privacy ,
Financial services,
Dispute resolution,
Redress,
Consumer education,
Consumer information

Page 4: Consumer protection legislation

Q14 From your previous answer, your specific consumer protection law(s) do(es) not cover the following field(s). Please name the relevant law(s) covering this/these field(s):

Respondent skipped this question

Consumer Protection Survey

Q15 Please indicate the URL Link of the relevant law(s) to each field: **Respondent skipped this question**

Page 5: Consumer protection institutions

Q16 Name of Ministry responsible for consumer protection:

Federal Ministry of Justice and Consumer Protection (BMJV)

Q17 URL link of responsible Ministry for consumer protection:

http://www.bmjv.de/EN/Home/home_node.html

Q18 Year when consumer protection was assumed by the current responsible ministry:

2013

Page 6: Consumer protection institutions

Q19 Do you have a main consumer protection authority/agency? **No**

Q20 Name of main consumer protection authority/agency: **Respondent skipped this question**

Q21 URL of main consumer protection authority/agency: **Respondent skipped this question**

Q22 Year of creation: **Respondent skipped this question**

Q23 Annual budget: (in USD) **Respondent skipped this question**

Q24 Total number of staff: **Respondent skipped this question**

Q25 Total number of staff directly affected to consumer protection: **Respondent skipped this question**

Q26 Do you have a law/decreed that governs the main consumer protection authority/agency? **Respondent skipped this question**

Q27 If you do, please provide the following details: **Respondent skipped this question**

Consumer Protection Survey

Q28 Does your main consumer protection authority/agency have POLICY MAKING powers over any of the following fields?

Respondent skipped this question

Page 7: Consumer protection institutions

Q29 From your previous answer, your main authority/agency does not have POLICY MAKING powers over the following fields. Please name the relevant authorities/agencies with powers over these fields:

Consumer rights/legitimate needs	Federal Ministry of Justice and Consumer Protection (BMJV)
Protection of vulnerable and disadvantaged consumers	Federal Ministry of Justice and Consumer Protection (BMJV)
Physical safety	Federal Ministry of Food and Agriculture (BMEL)
Product quality	Federal Ministry of Food and Agriculture (BMEL)
Terms and conditions	Federal Ministry of Justice and Consumer Protection (BMJV)
Restrictive business practices(competition/antitrust)	Federal Cartel Office (BKartA)
Electronic commerce	Federal Network Agency (BNetzA)
Financial services	Federal Financial Supervisory Authority (BaFin)
Promotion of sustainable consumption	Federal Ministry of Justice and Consumer Protection (BMJV)
Food distribution	Federal Office of Consumer Protection and Food Safety (BVL), Federal Office for Agriculture and Food (BLE)
Water	The German Federal Institute for Risk Assessment (BfR)
Pharmaceuticals	Federal Institute for Drugs and Medical Devices (BfArM)
Energy	Federal Cartel Office (BKartA)
Tourism	Federal Ministry for Economic Affairs and Energy (BMWi)
Data protection and privacy	Federal Ministry of Justice and Consumer Protection (BMJV)
Dispute resolution	Federal Ministry of Justice and Consumer Protection (BMJV), Federal Office of Justice (BfJ)
Redress	Federal Ministry of Justice and Consumer Protection (BMJV)
Consumer education	Federal Ministry of Justice and Consumer Protection (BMJV)
Consumer information	Federal Ministry of Justice and Consumer Protection (BMJV)

Consumer Protection Survey

Q30 URL Link of the relevant authority/agency to each field:

Consumer rights/legitimate needs	http://www.bmjbv.de/DE/Startseite/Startseite_node.html
Protection of vulnerable and disadvantaged consumers	http://www.bmjbv.de/DE/Startseite/Startseite_node.html
Physical safety	https://www.bmel.de/EN/Homepage/homepage_node.html
Product quality	https://www.bmel.de/EN/Homepage/homepage_node.html
Terms and conditions	http://www.bmjbv.de/DE/Startseite/Startseite_node.html
Restrictive business practices(competition/antitrust)	https://www.bundeskartellamt.de/EN/Home/home_node.html
Electronic commerce	https://www.bundesnetzagentur.de/EN/Home/home_node.html
Financial services	https://www.bafin.de/EN/Homepage/homepage_node.html
Promotion of sustainable consumption	http://www.bmjbv.de/DE/Startseite/Startseite_node.html
Food distribution	https://www.bvl.bund.de/EN/Home/homepage_node.html , https://www.ble.de/EN/Home/home_node.html
Pharmaceuticals	https://www.bfarm.de/EN/BfArM/_node.html
Energy	https://www.bundeskartellamt.de/EN/Home/home_node.html
Tourism	https://www.bmwi.de/Navigation/EN/Home/home.html
Data protection and privacy	http://www.bmjbv.de/DE/Startseite/Startseite_node.html
Dispute resolution	http://www.bmjbv.de/DE/Startseite/Startseite_node.html , https://www.bundesjustizamt.de/EN/Home/homepage_node.html
Redress	http://www.bmjbv.de/DE/Startseite/Startseite_node.html
Consumer education	http://www.bmjbv.de/DE/Startseite/Startseite_node.html
Consumer information	http://www.bmjbv.de/DE/Startseite/Startseite_node.html

Q31 Does your main consumer protection authority/agency have ENFORCEMENT powers over any of the following fields?

Respondent skipped this question

Consumer Protection Survey

Q32 From your previous answer, your main consumer protection authority/agency does not have ENFORCEMENT powers over the following fields. Please name the relevant authorities/agencies with powers over these fields:

Consumer rights/legitimate needs	Federal Ministry of Justice and Consumer Protection (BMJV)
Protection of vulnerable and disadvantaged consumers	Federal Ministry of Justice and Consumer Protection (BMJV)
Physical safety	Federal Ministry of Food and Agriculture (BMEL)
Product quality	Federal Ministry of Food and Agriculture (BMEL)
Terms and conditions	Federal Ministry of Justice and Consumer Protection (BMJV)
Restrictive business practices (competition/antitrust)	Federal Cartel Office (BKartA)
Electronic commerce	Federal Network Agency (BNetzA)
Financial services	Federal Financial Supervisory Authority (BaFin)
Promotion of sustainable consumption	Federal Ministry of Justice and Consumer Protection (BMJV)
Food distribution	Federal Office of Consumer Protection and Food Safety (BVL)
Water	The German Federal Institute for Risk Assessment (BfR)
Pharmaceuticals	Federal Institute for Drugs and Medical Devices (BfArM)
Energy	Federal Cartel Office (BKartA)
Tourism	Federal Ministry for Economic Affairs and Energy (BMWi)
Data protection and privacy	Federal Ministry of Justice and Consumer Protection (BMJV)
Dispute resolution	Federal Ministry of Justice and Consumer Protection (BMJV), Federal Office of Justice (BfJ)
Redress	Federal Ministry of Justice and Consumer Protection (BMJV)
Consumer education	Federal Ministry of Justice and Consumer Protection (BMJV)
Consumer information	Federal Ministry of Justice and Consumer Protection (BMJV)

Consumer Protection Survey

Q33 URL Link of the relevant authority/agency to each field:

Consumer rights/legitimate needs	http://www.bmjbv.de/EN/Home/home_node.html
Protection of vulnerable and disadvantaged consumers	http://www.bmjbv.de/EN/Home/home_node.html
Physical safety	https://www.bmel.de/EN/Homepage/homepage_node.html
Product quality	https://www.bmel.de/EN/Homepage/homepage_node.html
Terms and conditions	http://www.bmjbv.de/EN/Home/home_node.html
Restrictive business practices (competition/antitrust)	https://www.bundeskartellamt.de/EN/Home/home_node.html
Electronic commerce	https://www.bundesnetzagentur.de/EN/Home/home_node.html
Financial services	https://www.bafin.de/EN/Homepage/homepage_node.html
Promotion of sustainable consumption	http://www.bmjbv.de/EN/Home/home_node.html
Food distribution	https://www.bvl.bund.de/EN/Home/homepage_node.html
Pharmaceuticals	https://www.bfarm.de/EN/Home/home_node.html
Energy	https://www.bundeskartellamt.de/EN/Home/home_node.html
Tourism	https://www.bmwi.de/Navigation/EN/Home/home.html
Data protection and privacy	http://www.bmjbv.de/EN/Home/home_node.html
Dispute resolution	http://www.bmjbv.de/EN/Home/home_node.html , https://www.bundesjustizamt.de/EN/Home/homepage_node.html
Redress	http://www.bmjbv.de/EN/Home/home_node.html
Consumer education	http://www.bmjbv.de/EN/Home/home_node.html
Consumer information	http://www.bmjbv.de/EN/Home/home_node.html

Q34 Regarding enforcement, how many infringement cases does your authority/agency handle on average per year?

Statistics cannot be provided.

Q35 Has your authority/agency imposed sanctions and/or other measures for breaches of consumer protection law(s)?

Respondent skipped this question

Q36 Maximum amount for sanction/measure allowed by consumer protection law(s): (in USD)

Respondent skipped this question

Consumer Protection Survey

Q37 Record highest amount for any sanction/measure imposed: (in USD)

Respondent skipped this question

Q38 Please detail if necessary, what kind of sanctions and/or other measures are available in your jurisdiction

Agencies in Germany do have civil and administrative enforcement powers.

Page 9: Consumer protection institutions

Q39 Are there any non-governmental consumer organizations/associations in your country?

Yes

Q40 Do you have a law/decreed that governs consumer organizations/associations?

No

Q41 In case you have a law/decreed that governs consumer organizations, please provide the following details:

Respondent skipped this question

Q42 Do consumer organizations/associations fulfil any of the following functions?

Consultation in policy making,

Legal advice to consumers

Consumer education,

Consumer information,

Consumer publications,

Enforcement powers,

Legal representation of consumers' individual interests before courts

,

Legal representation for consumer collective actions

Q43 Do consumer groups/associations receive public funding?

Yes

Q44 Name the three largest non-governmental consumer organizations/associations in your jurisdiction:

1- Name

Federation of German Consumer Organisations (vzbv)

1- Website

<http://en.vzbv.de/>

2- Name

Stiftung Warentest

2- Website

<https://www.test.de/abo/test/?mc=sea.test-abo.voll>

Consumer Protection Survey

Page 10: Consumer protection institutions

Q45 Can consumers obtain redress through judicial channels?

Yes

Q46 Is there a specialized judicial mechanism for consumer complaints?

No

Q47 If there is, please provide the following details

Respondent skipped this question

Q48 Do you have collective redress/class actions for consumer complaints?

Respondent skipped this question

Q49 Who can represent consumer interests in court?

**Consumers individually,
Lawyers,
Consumer protection enforcement authority/agency,
Consumer associations**

Q50 What is the highest damages award following a collective redress/class action?

Respondent skipped this question

Page 11: Consumer protection institutions

Q51 Regarding out-of-court/alternative consumer dispute resolution, are there any of the following?

**Mediation/ Conciliation,
Arbitration,**

Comments:

There are different possibilities for alternative consumer dispute resolution in Germany. Some of them are organized by the business sector (e.g. banking industry), others are organized in cooperation with consumer organisations (e.g. energy). And in general consumers can address the General Consumer Arbitration Board of the Center for Mediation e.V.

Q52 If there are any of the above, please provide the following details:

1- Name

General Consumer Arbitration Board of the Center for Mediation e.V.

1- URL Link

<https://www.verbraucher-schlichter.de/herzlich-willkommen-bei-der-allgemeinen-verbraucherschlichtungsstelle-%e2%80%93-ihrer-schlichtungsstelle-fuer-verbraucherstreitigkeiten>

Consumer Protection Survey

Q53 Are there any CROSS-BORDER out-of-court/alternative consumer dispute resolution initiatives? **Yes**

Q54 If there are, please provide the following details:

1- Name **European Consumer Centre Germany (EVZ)**
1- URL Link **<https://www.evz.de/en/home/>**

Page 12: Consumer protection institutions

Q55 Are there any self-regulation initiatives from businesses? **Yes**

Q56 Please provide (up to) 4 examples of the self-regulation initiatives from businesses:

1- Name of initiative **App-Stakeholderdialog**
1- Scope of application **Stakeholder dialogue on fair use of smartphone applications**
2- Name of initiative **one pager-Initiative**
2- Scope of application **Initiative providing a realistic scope of information for consumers in the field of telecommunication treaties**

Q57 Are there any co-regulation initiatives between businesses and public entities? **Respondent skipped this question**

Q58 Please provide (up to) 4 examples of the co-regulation initiatives between businesses and public entities: **Respondent skipped this question**

Q59 Do self-regulation and/or co-regulation initiatives cover any of the following issues? (Please relate to UNGCP Guideline 11)

Fair and equitable treatment ,
Responsible commercial behaviour ,
Disclosure of information and transparency ,
Protection of privacy

Page 13: Consumer protection institutions

Consumer Protection Survey

Q60 What kind and how many international cooperation agreement(s) on consumer protection does your authority/agency participate in?

	Bilateral	Multilateral/Regional
Formal (treaties)		4
Informal (memoranda of understanding)		

Q61 Please provide name and URL link of formal bilateral agreements (treaties):

Respondent skipped this question

Q62 Please provide name and URL link of informal bilateral agreements (memoranda of understanding):

Respondent skipped this question

Q63 Please provide name and URL link of formal multilateral/regionals agreements (treaties) that address consumer protection:

European Commission:

http://ec.europa.eu/internal_market/scoreboard/performance_by_governance_tool/consumer_protection_cooperation_network/index_en.htm

ICPEN: <https://www.icpen.org/protecting-consumers-worldwide>

Q64 Please provide name and URL link of informal multilateral/regionals agreements (memoranda of understanding) that address consumer protection:

Respondent skipped this question

Consumer Protection Survey

Q65 Do cooperation agreements on consumer protection (be those formal/informal/bilateral/regional) cover any of the following fields?

Policy making,
Enforcement,
Consumer rights/legitimate needs,
Access by consumers to essential goods and services,
Protection of vulnerable and disadvantaged consumers,
Terms and conditions,
Promotional marketing and sales practices (including misleading advertisement),
Voluntary codes for businesses,
Restrictive business practices(competition/antitrust),
Electronic commerce,
Financial services,
Promotion of sustainable consumption,
Data protection and privacy,
Dispute resolution,
Consumer education,
Consumer information

Q66 Does your consumer protection enforcement authority/agency have any of the following powers regarding cross-border fraudulent and deceptive commercial practices affecting consumers?

Investigate,
Pursue,
Share information and evidence,
Other (please specify):
As to BMJV: Only if it is the requested authority within the CPC network.

Q67 Do you have any experience in cross-border cooperation on enforcement?

Yes

Q68 If you do, please provide a short description

Germany participates as to consumer protection enforcement issues in the CPC and ICPEN networks.

Consumer Protection Survey

Q69 Do you engage in technical cooperation or capacity building activities on consumer protection?

	Bilaterally	Through an international organization/network
As a recipient	No	No
As a donor	Yes	Yes

Q70 If you have engaged in technical cooperation or capacity building activities on consumer protection as a recipient/as donor and/or through an international organization/network, please provide the following details for each initiative

1- Name of programme/project	trilaterales Kundendatenschutzprojekt
1- Name of cooperating partner(s)	SAIC China, Ministry of Justice Brazil, GIZ
1- Starting date of programme/project	01.01.2014
1- Finish date of programme/project	31.12.2016
1- Scope of programme/project (list areas of work)	data protection
2- Name of programme/project	Korea Germany Forum on consumer protection on smartphones (2018)
2- Name of cooperating partner(s)	Korea Consumer Agency (KCA), GIZ
2- Starting date of programme/project	01.07.2017
2- Finish date of programme/project	30.09.2018
2- Scope of programme/project (list areas of work)	data protection
3- Name of programme/project	Durchsetzung von Verbraucherschutzregelungen in ausgewählten Schwellenländern
3- Name of cooperating partner(s)	Ministries of Justice in China and Brazil, giz
3- Starting date of programme/project	01.01.2017
3- Finish date of programme/project	31.08.2019
3- Scope of programme/project (list areas of work)	law enforcement

Page 14: Consumer protection policies

Q71 Does your authority/agency carry out information and education initiatives? **Yes**

Consumer Protection Survey

Q72 Do information and education initiatives carried out by your authority/agency cover any of the following fields?

**Legislation, dispute resolution,
Weight and measures, prices and
quality**

Electronic commerce,

Financial services,

**Sustainable
consumption**

Other (please
specify):

Privacy and Data Protection

Q73 Does your authority/agency provide specific education and information initiatives for vulnerable and disadvantaged consumers?

Yes

Q74 If your authority/agency does, please provide the following details:

1- Name of initiative

better consumer information for refugees

2- Name of initiative

empowerment of elderly consumers

3- Name of initiative

consumer protection of children

Q75 Do consumer organizations/associations provide education and information initiatives?

Yes

Q76 If consumer organizations/associations do, please provide the following details:

1- Name of consumer organization/association

The Federal of German Consumer Organisations - vzbv

1- URL link of initiative

<http://en.vzbv.de/>

2- Name of consumer organization/association

Consumer advice centres in all 16 German Länder

2- URL link of initiative

<https://www.verbraucherzentrale.de/>

3- Name of consumer organization/association

Stiftung Warentest

3- URL link of initiative

<https://www.test.de>

Page 15: Consumer protection policies

Q77 Does your authority/agency conduct research and analysis on consumer protection issues?

Yes

Consumer Protection Survey

Q78 If your authority/agency does, please provide the following details:

- | | |
|----------------------|---|
| 1- Main area of work | especially: consumer protection in the digital world |
| 2- Main area of work | all areas of consumer issues |
-

Q79 Do other organizations/associations conduct research and analysis on consumer protection? **Yes**

Q80 If other organizations/associations do, please provide the following details:

- | | |
|---|--|
| 1- Main area of work | The Advisory Council for Consumer Affairs |
| 1- URL link to online library or publication(s) | http://www.svr-verbraucherfragen.de/en/ |
| 2- Main area of work | Network for Consumer Research |
| 2- URL link to online library or publication(s) | http://www.netzwerk-verbraucherforschung.de/NVF/DE/Home/home_node.html |
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