



NEWSLETTER

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Law on Consumer Protection

("Official Gazette of RS", No. 88/2021)

On September 9th, 2021, at the Eleventh Extraordinary Session of the National Assembly of the Republic of Serbia, the Law on Consumer Protection ("Official Gazette of the Republic of Serbia", No. 88/2021, hereinafter: the "**Law**") was adopted. The Law entered into force on September 19th, 2021 and shall be applied three months from the date of its entry into force, i.e. **as of December 20th 2021**, except for the provisions of Articles 149 to 169 (out-of-court method of resolving consumer disputes), which shall apply six months from the date of entry into force, i.e. **as of March 20th, 2022**.

Although it is a new Law, only a few significant innovations have been introduced, while other changes relate to more detailed regulations on certain issues, as well as the harmonization with the EU consumer regulations. In the context of existing solutions, the most significant improvements have been made in the field of consumer protection, by introducing more efficient and faster procedures for exercising consumer rights.

Hence, the Law provides the out-of-court settlement of consumer disputes. Contrary to the previous legal solution, sellers shall be obliged to participate in the out-of-court dispute resolution procedure if

it is initiated by consumers. They shall also be obliged to inform consumers at the points of sale about this obligation in a clear and transparent manner. In order to initiate the aforementioned procedure, consumers are required to initially file a complaint or objection to the seller in accordance with the Law. Out-of-court settlement of disputes shall be conducted before the body for out-of-court settlement of consumer disputes, which shall be entered in the public register maintained by the Ministry of Trade, Tourism and Telecommunications, whereas the procedure itself cannot take more than 90 days.

Furthermore, the Law introduces the obligation of courts to keep special records of consumer disputes, and to notify the Ministry of Justice about them once a year. In addition, **consumers shall be exempt from paying court fees in case the amount in dispute does not exceed 500,000.00 dinars.**

As a particular novelty, the Law establishes a public register kept by RATEL that shall (through electronic communications operators) record telephone numbers of consumers who are not willing to receive calls and messages from sellers regarding advertising or selling products and services. Sellers shall be obliged to check the aforementioned register before contacting consumers, and in case of reaching out to consumers whose numbers are entered in the register, they may be found liable for the misdemeanor.

The Law envisages a new obligation for sellers when providing services exceeding the amount of 5,000 dinars. In that case, the seller shall be obliged to make a price calculation on a durable medium, together with the specification of the agreed services. The seller shall be obliged **to obtain the explicit consent of the consumer** to the submitted calculation before providing the agreed services.

The new Law improves the consumer protection in the field of tourism, and introduces additional obligations for all providers of tourist services, thus harmonizing with the EU Directive on package travel and linked travel arrangements No. 2015/2302.

Another novelty established by the Law is that the market inspector for certain misdemeanors can execute a misdemeanor order (**a fine prescribed in a fixed amount of 50,000.00 dinars**). With regards to the misdemeanor liability of sellers for violating the provisions of the Law, the statute of limitations for initiating misdemeanor proceedings has been extended to 2 (two) years.

For any additional consultations or legal assistance, you can contact the Tasić & Partners team by email at office@tasiclaw.com or by phone at +381116302233.