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Fairness and transparency in commercial practices, including consumer rights and guarantees related to selling goods and services

Heruntergeladen am 05.07.2025

<https://fimportal.de/xzufi-services/102837986/B100019>

Modul	Sachverhalt
Leistungsschlüssel	99154052000000
Leistungsbezeichnung I	Fairness and transparency in commercial practices, including consumer rights and guarantees related to selling goods and services
Leistungsbezeichnung II	Commercial practices, including consumer rights and guarantees when selling goods and services
Typisierung	11 - SDG: Allgemeine Rechte und Pflichten
Quellredaktion	Bund
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	

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Leistungstyp	Leistungsobjekt
Leistungsgruppierung	SDG allgemeine Rechte und Pflichten (154)
Verrichtungskennung	
SDG-Informationsbereich	Fairness und Transparenz von Geschäftspraktiken, einschließlich Verbraucherrechte und Garantien im Zusammenhang mit dem Verkauf von Waren und Dienstleistungen
Lagen Portalverbund	Anlagenbetrieb und -prüfung (2120100), Verbraucherschutz (2140100), Messen, Straßenfeste und Sonderveranstaltungen (2150100), Sonderöffnungszeiten und -genehmigungen (2150200)
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	12.12.2022
Fachlich freigegeben durch	Federal Ministry for Economic Affairs and Climate Action
Handlungsgrundlage	<ul style="list-style-type: none"> • Fair Consumer Contracts Act (Gesetz für faire Verbraucherverträge) • Laws governing the right of withdrawal (Gesetze zu Widerrufsrecht) • Act on the placing on the market, return and environmentally sound disposal of electrical and electronic equipment (Gesetze über das Inverkehrbringen, die Rücknahme und die umweltverträgliche Entsorgung von Elektro- und Elektronikgeräten), also referred to as the Electrical and Electronic Equipment Act (Elektro- und Elektronikgerätegesetz) • Act on the placing on the market, return and environmentally sound disposal of batteries and accumulators (Gesetz über das Inverkehrbringen, die Rücknahme und die umweltverträgliche Entsorgung von Batterien und Akkumulatoren), also referred to as the Batteries Act https://www.gesetze-im-internet.de/bgb/_312g.html https://bgbli.de/xaver/bgbli/start.xav#_bgbli_/*%5B@attr_id='bgbli121s3433.pdf'%5D_1665762987434 https://www.gesetze-im-internet.de/bgb/_312g.html

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	<p>https://www.gesetze-im-internet.de/battg/BJNR158210009.html</p> <p>https://www.gesetze-im-internet.de/battg/BJNR158210009.html</p> <p>https://www.gesetze-im-internet.de/elektrog_2015/</p> <p>https://www.gesetze-im-internet.de/elektrog_2015/</p> <p>https://bgbli.de/xaver/bgbli/start.xav#_bgbli_//%5B@attr_id='bgbli121s3433.pdf'%5D_1665762987434</p>
Teaser	<p>If you want to set up a business in Germany, you must comply with certain rules and requirements. This section provides information on the obligations concerning fairness and transparency.</p>
Volltext	<p>Fairness and transparency in commercial practices</p> <p>When you set up a business, you should ensure fairness and transparency. Unfair commercial practices must be avoided, such as:</p> <p>Aggressive commercial practices</p> <ul style="list-style-type: none"> • Creating the impression that consumers cannot leave the shop or sales area until a contract of sale is signed. • Conducting personal visits to a consumers home and ignoring the consumers request to leave or not to return. <p>Misleading practices</p> <ul style="list-style-type: none"> • Incorrectly claiming to be a signatory to a code of conduct. • Describing a product as free, free of charge, without charge or similar if the consumer has to pay some costs, other than costs that are unavoidable. <p>Consumer rights of withdrawal</p> <p>Consumer rights of withdrawal are primarily governed by the German Civil Code (BGB). In certain cases, consumers may withdraw from a contract they have concluded with a business (consumer contract) within a 14-day period without needing to give a reason.</p> <p>Modern methods of selling goods and services involve</p>

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the risk that consumers will be caught off guard when the contract is concluded. They may not be sufficiently informed of the content and meaning of the contract. Therefore, in the case of special forms of sale, i.e. consumer contracts concluded off-premises, also known as doorstep sales, and with distance contracts, consumers are generally entitled to a right of withdrawal pursuant to Section 312g BGB. The right of withdrawal applies to consumer contracts concerning performance in exchange for payment by the trader pursuant to Section 312(1) BGB. The right of withdrawal does not apply to the contracts referred to in Section 312(2) BGB, such as notarial contracts, contracts relating to land, construction contracts, passenger transport, medical treatment contracts, and minor agreements fulfilled immediately with a value not exceeding EUR 40.00.

Unfair contract terms

Under EU law, standard contract terms used by traders must be fair. If certain terms in a contract are unfair, they are not binding on the consumer and the trader cannot rely on them. More detailed information on unfair contract terms can be found [here](#).

Rules on the safety and protection of products sold to consumers

Any products may be made available to others by economic operators, such as manufacturers, authorised representatives, importers or traders. In order to do so, they must be safe and comply with the relevant legal requirements when used for their intended purpose. EU law requires that certain products, such as machines, toys and electrical appliances, be labelled with the CE mark; this is also referred to as CE marking.

With this CE mark, manufacturers and their authorised representatives declare that the product has been manufactured in accordance with the applicable EU health and safety requirements. The CE mark must be:

- clearly visible

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- legible
- permanently attached to the product

Market surveillance is an important task with regard to product safety. The purpose of this task is to ensure that the relevant requirements, such as those relating to the safe use of the product, are met by individual economic operators. The market surveillance authorities also carry out spot-checks of products and, in the event of deficiencies, approach the economic operators concerned.

- Product liability: if, despite all the safety precautions and checks, a product has been incorrectly placed on the market, you will be held responsible.
- Product responsibility: this is another important aspect. It means that you, as a manufacturer, are responsible for the entire life of a product, i.e. from the initial design to environmentally sound disposal. In Germany, the relevant EU Directives have been transposed into national law, such as through the Electrical Materials, Packaging, End-of-Life Vehicle and Waste Oil Ordinances (Elektrostoffverordnung, Verpackungsverordnung, Altfahrzeugverordnung and Altölverordnung), the Electrical and Electronic Equipment Act (Elektro- und Elektronikgesetz) and the Batteries Act (Batteriegesetz).

Fair consumer contracts

On 1 March 2022, rules aiming to ensure fairer consumer contracts (Fair Consumer Contracts Act - Gesetz für faire Verbraucherverträge) were introduced. These rules ensure that:

- consumers can terminate automatic contract renewals significantly faster in the case of contracts for regular supplies of goods and services, such as streaming services and magazine subscriptions;
- a mandatory cancellation button was introduced to simplify cancellation processes. This button is complemented by the fact that the provider is required to confirm receipt of the cancellation request. The aim of such a confirmation is to communicate clearly to consumers that their cancellation request has been

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received.

Energy supply contracts discussed on the telephone must also be confirmed in writing, for example by letter, email or text message.

<https://www.gesetze-im-internet.de/battg/BJNR158210009.html>

https://bmj.de/SharedDocs/Downloads/DE/Gesetzgebung/BGBl/Bgbl_Faire_Verbrauchervertraege.pdf?__blob=publicationFile&v=3

https://bmj.de/SharedDocs/Downloads/DE/Gesetzgebung/BGBl/Bgbl_Faire_Verbrauchervertraege.pdf?__blob=publicationFile&v=3

https://www.gesetze-im-internet.de/englisch_bgb/index.html

https://www.gesetze-im-internet.de/elektrog_2015/

https://www.gesetze-im-internet.de/elektrog_2015/

<https://www.gesetze-im-internet.de/battg/BJNR158210009.html>

https://europa.eu/youreurope/citizens/consumers/unfair-treatment/unfair-contract-terms/index_en.htm

<https://www.gesetze-im-internet.de/bgb/>

Erforderliche Unterlagen
Voraussetzungen
Kosten
Verfahrensablauf
Bearbeitungsdauer
Frist
weiterführende Informationen

Information about unfair contract terms on the Your Europe Portal

https://europa.eu/youreurope/citizens/consumers/unfair-treatment/unfair-contract-terms/index_de.htm

https://europa.eu/youreurope/citizens/consumers/unfair-treatment/unfair-contract-terms/index_en.htm

Hinweise
Rechtsbehelf
Kurztext

Modul	Sachverhalt
Ansprechpunkt	
Zuständige Stelle	
Formulare	
Ursprungsportal	Fairness and transparency in commercial practices, including consumer rights and guarantees related to selling goods and services, Fairness und Transparenz von Geschäftspraktiken, einschließlich Verbraucherrechte und Garantien im Zusammenhang mit dem Verkauf von Waren und Dienstleistungen