
SYSTEM OF PROTECTION OF FINANCIAL CONSUMER RIGHTS

France



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- In the banking and insurance sectors, customers often have much less knowledge than the professional: this is called “asymmetry of information”. The customer is not always able to properly assess the benefits, drawbacks and risks of a product. This can lead to commercial malpractices to the customer’s detriment.
 - **This is the purpose of consumer protection and the duty of each professional to reduce this asymmetry of information** so that any customer may be proposed products adapted to its needs and expectations, and may take an informed decision regarding a purchase or subscription. This is crucial to guarantee the public confidence in the financing sector.
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LIST OF PRINCIPLES THAT ARE STATED ON THE WEBSITE OF AUTORITÉ DE CONTRÔLE PRUDEN TIEL ET DE RÈSOLUTION

- Number one : Ensuring the customer is properly informed and the explanations given are loyal, including about fees and risks. This includes paying attention to the commercial staff training, both on products and customer protection regulation.
- Number two : Managing the compliance risk of the professional but not only: more generally, he/she shall ensure the customer's interests are taken into account in any circumstances and that he/she has not transferred excessive risks to it. This includes adapted business governance and management of conflicts of interest.
- Number three : If the main mission of the ACPR is to ensure the compliance with regulation, the overall objective shall be kept in mind: to efficiently apply customer protection regulations as part of business activities, its objectives must always be reminded and shared in the institution.

The main body in the customer protection system is the Ministry for the Economy, Finances and Recovery

This body is responsible for developing and implementing customer policy. This person does this through the Directorate-General for Competition, Consumer Affairs and Fraud Prevention (DGSSRF). Also this person is responsible for the protection and promotion of employment. He also has responsibilities relating to small and medium-sized enterprises, trade, crafts and the professions, and tourism. He is responsible for the industrial strategy and is involved in shaping and implementing policy in the field of the agrofood and forest industries



THE DGCCRF WORKS, AS APPROPRIATE, WITH OTHER ADMINISTRATIONS WHOSE TASKS CAN HAVE A MAJOR IMPACT ON CONSUMER PROTECTION, MAINLY:

- Ministry of Justice
 - Ministry of Agriculture and Food
 - Ministry of Solidarity and Health
 - Ministry of Ecological Transition
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THE COMPETITION AUTHORITY

- It is an independent administrative authority specialising in the control of anti-competitive practices, expertise in the functioning of markets and merger control. Its objective is to ensure free competition and to help markets to operate competitively at European and international level, for the benefit of consumers.
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THE UNFAIR TERMS COMMISSION

It is an administrative authority attached to the Minister responsible for consumer affairs, whose task is:

- to give an advisory opinion on draft decrees with a view to prohibiting or regulating certain terms deemed to be unfair;
 - to search in the model contracts normally offered to consumers for terms that may be unfair and make recommendations for their removal or amendment;
 - to give an opinion after referral by a court where the unfairness of a contractual term is raised in the course of proceedings;
 - to propose desirable legislative or regulatory changes in its annual report.
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THE CONSUMER MEDIATION ASSESSEMENT AND MONITORING COMMITTEE

- It is an independent body set up in December 2015 to assess and, where appropriate, include on the European Commission's list mediators wishing to mediate consumer matters. It is also responsible for monitoring the consumer mediation arrangements which it has recommended.
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THE FINANCIAL MARKETS AUTHORITY

It is responsible for ensuring:

- the protection of savings invested in financial instruments and any other publicly traded investment;
 - information to investors;
 - the smooth functioning of the financial instruments markets. It contributes to the regulation of these markets at European and international level
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THE PRUDENTIAL SUPERVISORY AND RESOLUTION AUTHORITY

It is responsible for supervision of the banking and insurance sectors. It ensures that the stability of the financial system is preserved and that the customers, insured persons, members and beneficiaries of persons subject to its supervision, banking and insurance bodies are protected

THE ESSENTIAL TASK OF THE FRENCH NATIONAL COMMISSION FOR INFORMATION TECHNOLOGY AND CIVIL LIBERTIES

It is to protect privacy and individual and public civil liberties. With the digitalisation of the economy and the growth of ecommerce, this task is of increasing interest in consumer protection.

THE ENERGY REGULATORY COMMISSION

contributes, for the benefit of the final consumer, to the proper functioning of the electricity and natural gas markets. In particular, it ensures that the conditions of access to the electricity and natural gas networks do not hinder the development of competition.

THE NATIONAL HEALTH AUTHORITY

- scientifically assessing the therapeutic value of medicinal products, medical devices and professional services and whether these should be reimbursed by the health insurance scheme;
 - promoting good practices and proper use of care among healthcare professionals and users;
 - improving the quality of care in healthcare institutions and outpatient care;
 - informing healthcare professionals and the general public and improving the quality of medical information;
 - developing consultation and collaboration with stakeholders in the health system in France and abroad.
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**IN ADDITION,
SPECIALISED
AGENCIES ARE
INVOLVED IN
THE FIELD OF
CONSUMER
HEALTH
PROTECTION.**

National Agency for Food, Environmental and Occupational Health & Safety - ANSES is a public administrative institution under the supervision of the ministries responsible for health, agriculture, the environment, labour and consumer affairs. In 5 particular, the Agency assesses all the risks (chemical, biological, physical, etc.) to which an individual may be exposed, voluntarily or not, at all ages and times of life, whether at work, during transport or leisure, or through food.

French National Agency for the Safety of Medicines and Health Products the ANSM has two central tasks:

- Providing fair and equal access to innovation for all patients;
- Ensuring the safety of health products throughout their life cycle, from initial testing to postauthorisation monitoring.

Its remit comprises medicines, biological products, medical devices and cosmetic and tattoo products.

CONSUMER ASSOCIATIONS

There are 15 accredited national consumer associations able to represent and defend consumers. These differ depending on the issue; for example, problems with transport, accommodation or food.

- Institut National de la consommation has a [list of consumer associations](#) (in French)
 - The [Consumer Safety Commission, CSC](#) (*Commission de la Sécurité des Consommateurs*) provides practical information on risks, as well as recommendations for consumers (partly in English)
 - The [European Consumer Centre France](#) (ECC France) provides free information on consumer rights in the EU, and assists in cross-border disputes
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RESTAURANTS AND CAFÉS

The [DGCCRF](#) provides detailed information in English on the rights of a customer in:

- [Restaurants](#)
- [Cafés](#)



BANKCARD PAYMENTS

Payment by bankcard cannot be refused, although a minimum amount might be set.



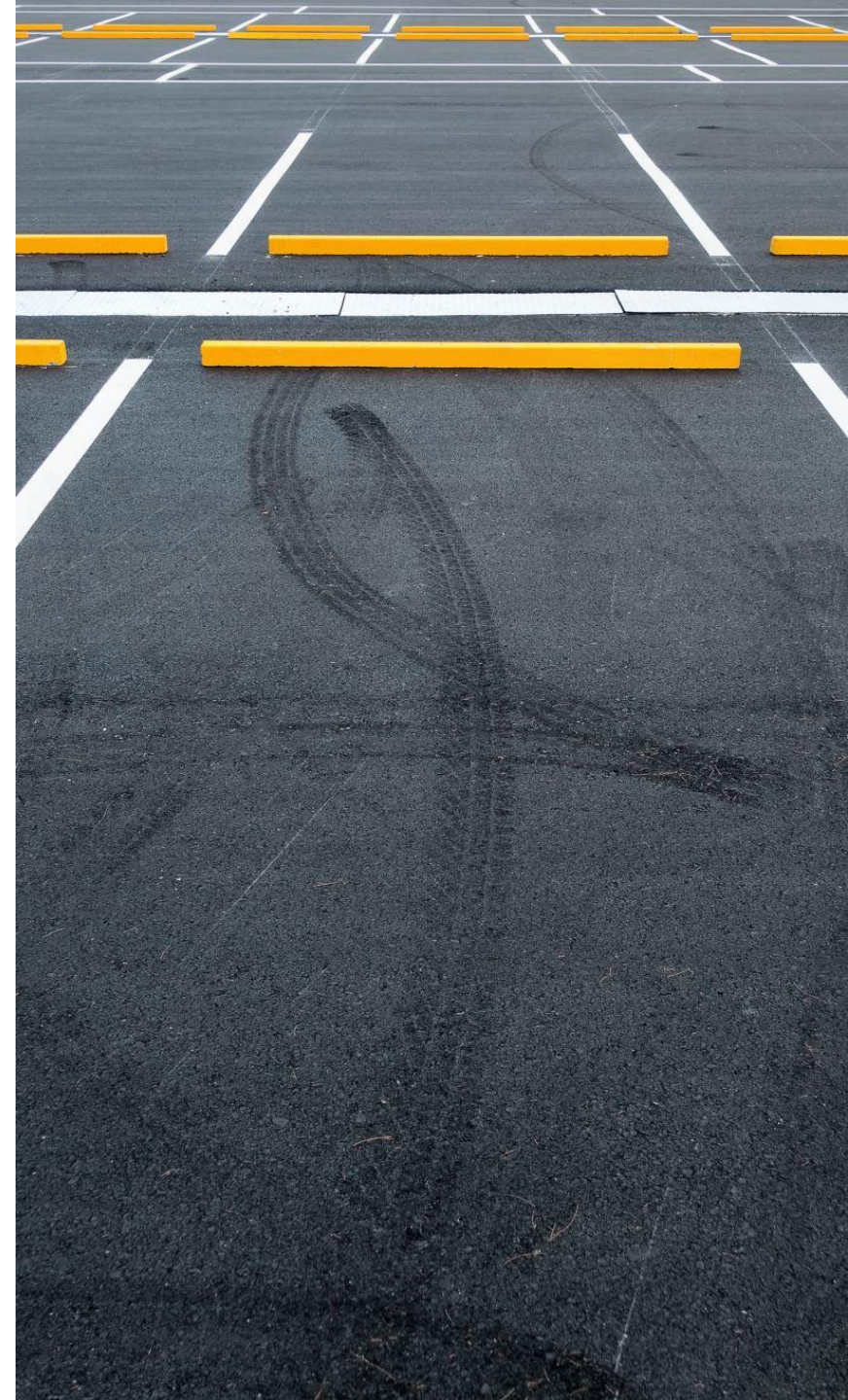


HOLIDAY PROPERTY RENTAL

Before agreeing to rent premises not yet seen, it is advisable to ask for a written contract with a detailed description of the accommodation. When arriving, make sure an inventory is taken, that meters are read, and a note made on the condition of the premises. Enquire about insurance; some insurances might have a holiday visitor inclusion, if not, take out specific cover.

CAR REPAIRS

Before having a vehicle repaired, insist on being given a **repair order** clearly stating the work to be undertaken, as well as an **estimate** of the price. This should be checked against the final bill.



DISPUTES

There are various options available to the consumer in the case of a dispute. This may include disputes over matters as diverse as a refusal to repair an appliance under guarantee; recompense for an item of clothing damaged at a cleaner; and poorly executed or incomplete building work on a home.

RETURNS POLICY

- Under French consumer law (*article 121-20-1, la Code de la Consommation, le droit de rétractation*), a consumer has the right to return a product within seven days, without explaining why and without penalty (apart from the actual cost of returning the product). Reimbursement must be made as soon as possible, and within 30 days.
 - [Service Public](#) has more information (in French)
 - Situations when this law doesn't apply:
 - If the consumer has waived their right to the seven day period
 - Purchase of food and other products which can go off
 - Audio, video or computer software that has been opened by the consumer
 - Purchase of magazines and newsletters
 - Services regarding transport, accommodation or leisure activities
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SPAM, FRAUD AND ADVERTISING

CNIL (*Commission Nationale de l'Informatique et des Libertés*) is an independent administrative authority which works to protect privacy and personal data. It provides consumer information on rights and obligations.

THANK YOU
FOR
ATTENTION

