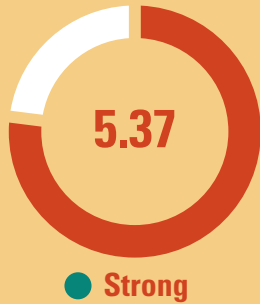




# ARAB BUSINESS LEGISLATIVE FRAMEWORKS



## CONSUMER PROTECTION

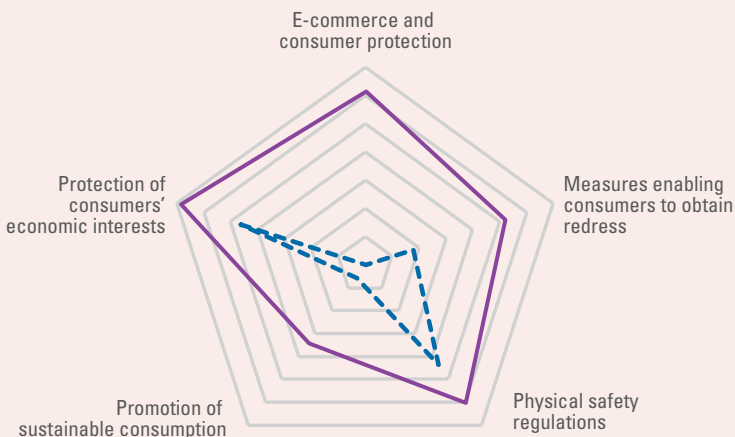


● Very weak ● Weak ● Basic ● Moderate ● Developed ● Strong ● Very strong

COMPONENTS	2020	2023
E-commerce and consumer protection	—	● 6.22
Measures enabling consumers to obtain redress	● 1.75	● 5.25 ▲
Physical safety regulations	● 4.38	● 6.13 ▲
Promotion of sustainable consumption	● 0.58	● 3.50 ▲
Protection of consumers' economic interests	● 4.67	● 7.00 ▲

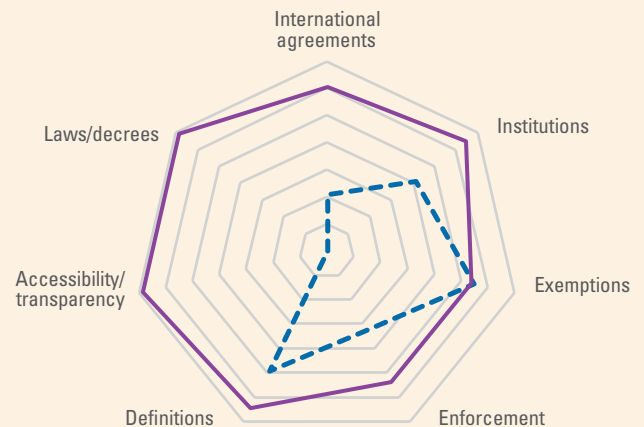
### COMPONENTS

■ 2020 ■ 2023



### ELEMENTS

■ 2020 ■ 2023



Tunisia adopted its Consumer Protection Law No. [92-117](#) in 1992. Also, Tunisia adopted Law No. [25 of 2019](#), related to the health safety of food products and animal feed.



## Physical safety regulations

Article 3 of the consumer protection law stipulates that goods and products should be secure and should not harm the health and material interests of consumers. Furthermore, article 4 requires that all products must respect the legal metrology established by the administration.

According to Article 15 of the consumer protection law, a local council for consumer protection is established and charged with presenting opinions and suggestions regarding product safety, consumer awareness and quality improvement. The council also may look into agreements between service providers and consumers. In 2022, the National Agency for the Safety of Industrial Products and Market Surveillance was established by virtue of [Decree 17/2022](#).

According to article 3 of the National Agency for the Safety of Industrial Products and Market Surveillance, the agency has the following roles, among others: contributing to the implementation of the State's policy in the field of consumer protection and industrial product safety, contributing to the development of market control strategies and programmes, proposing draft legislative and regulatory texts in the field of industrial product safety and market monitoring, and informing the public about industrial products that pose serious risks to health and safety.

There are no exemptions in the provisions of the law. Pursuant to article 10, suppliers are fully responsible for the health and security of consumers unless proven otherwise.



## Protection of consumers' economic interests

First, pursuant to title 1 of the law, consumers have the right to receive certified products without harm to their interests and accurate information on prices and specifications, etc.

Article 16 requires suppliers to inform consumers of properties of products, methods of use, expected period of use, and the expiry date for use.

Articles 21 and 25 charge judicial officers and economic control inspectors with investigating infringements and drafting reports to be submitted to the public prosecutor. Also, in case some products constitute a danger, the Minister of Economy may suspend the importation/exportation of products (article 8).



## Measures enabling consumers to obtain redress

Articles 17 and 18 guarantee the right of consumers to obtain refunds and substitute their products. The supplier has to provide consumers with a warranty. Any contractual clause that denies consumers this right is deemed null and void. Also, if products do not conform to regulations, suppliers have to substitute, refund or repair the product.

Also, chapter 2 of title 4 of the law covers the sanction regime, which is categorized according to infringements (fines and imprisonment).

Last, it is worth noting that consumer protection associations can operate legally in Tunisia, provided they comply with Decree No. 88 of 24 September 2011, relating to the organization of associations.



## Promotion of sustainable consumption

Pursuant to article 47 of the Tunisian Constitution of 2022 as well as the Environmental Law No. 41/1996, it is stated that the State guarantees the right to a healthy and balanced environment and contributes to the protection of the environment. Also, it is mentioned that the responsibility of the State is to provide the means necessary for the elimination of environmental pollution. Policymakers in Tunisia enacted several legislations, such as Law No. 12/2015, targeting the promotion of renewable energy. Finally, incentives are accorded for the use of renewable energy sources.

The consumer protection law, however, does not tackle sustainable consumption. Rather, Tunisia adopted a Sustainable Consumption and Production National Action Plan that addresses two priority sectors: tourism and agri-food.<sup>1</sup>

Finally, Tunisia ratified several international agreements such as Rotterdam and Stockholm, the Paris Agreement on Climate, and the Montreal Protocol.



## E-commerce and consumer protection

Tunisia has promulgated Law No. 83 of 2000 relating to exchanges and electronic commerce. According to article 25 of the mentioned law, the seller should provide the consumer in a clear and understandable manner and before concluding the contract, with the following correct information: the identity and address of the seller or service provider, the nature, characteristics and price of the product, conditions of commercial guarantees and post-sale services, the possibility of cancelling the purchase and its

term, and methods of exchanging the product or returning and refunding the amount.

Article 30 allows the consumer to cancel the purchase within 10 working days under specific conditions. Finally, Law No. 63/2004 on the Protection of Personal Data protects the data privacy of consumers, and the provisions covering the redress process in consumer protection law are applicable to e-commerce transactions.

## RECOMMENDATIONS

- To strengthen coordination mechanisms between the national consumer protection authority and other administrative authorities such as the competition, public health, customs, trade, and environmental authorities.
- To develop more policies and legal provisions that tackle sustainable consumption, including consumer activities, duties on manufacturers, and a specific sanction regime.
- To further develop e-commerce practices and the protection of consumers in the digital market through a separate chapter in the law.
- To strengthen coordination and the establishment of agreements with regional and global consumer protection authorities to deter cross-border unfair practices that may be harmful to consumers.

<sup>1</sup> Sustainable Consumption and Production National Action Plan in Tunisia.

