

G-Regs™

Netherlands – Product Pricing Decree



Title	Dutch Product Pricing Decree (<i>Besluit Prijsaanduidingen Producten</i>)
Article 1	<p>For the purposes of this Decree:</p> <ol style="list-style-type: none"> a. Selling Price: the final price for a unit of a product or a given quantity of a product, including sales tax (VAT) and all other taxes b. Unit Price (price per unit of measurement): the price for the unit of measurement used in the sale of a product, including sales tax (VAT) and all other taxes.
Article 2	<ol style="list-style-type: none"> 1. The unit price is expressed in one of the following units of measurement or the decimal multiples or fractions thereof: <ol style="list-style-type: none"> a. in case the quantity of a product is indicated in volume: 1 cubic metre or 1 litre, with the proviso that the measuring unit 0.1 litre can also be represented as 1 decilitre, 10 centilitres or 100 millilitres; b. in case the quantity of a product is indicated by weight: 1 ton, 1 kilogram or 100 grams; c. in case the quantity of a product is indicated in length: 1 metre; d. in case the quantity of a product is indicated in surface area: 1 square metre. 2. If, on a pre-packaged product consisting of a solid component and a liquid medium, the drained weight is stated pursuant to Annex IX, point 5¹ of Regulation (EU) No 1169/2011² of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers, the indication of unit price refers to the solid component of the product.
Article 3	<ol style="list-style-type: none"> 1. A seller offers a product, or a sample through which a product is offered, as far as the sample or product is available on the spot³, only for sale if it is accompanied by the designation of the selling price and the price per unit. 2. The selling price and the unit price need not be indicated for a product listed in Annex I (<i>see end of document</i>). 3. By way of derogation from para. 1, the unit price need not be stated if: <ol style="list-style-type: none"> a. there is no obligation for the product to display quantity indications on the basis of Community or national regulations; b. the unit price is identical to the selling price, or c. a product is sold in a manner as described in Annex II (<i>see end of document</i>).

¹ Annex IX: Net Quantity Declaration.

Point 5: Where a solid food is presented in a liquid medium, the drained net weight of the food shall also be indicated. Where the food has been glazed, the declared net weight of the food shall be exclusive of the glaze.

For the purposes of this point, 'liquid medium' shall mean the following products, possibly in mixtures and also where frozen or quick-frozen, provided that the liquid is merely an adjunct to the essential elements of that preparation and is thus not a decisive factor for the purchase: water, aqueous solutions of salts, brine, aqueous solutions of food acids, vinegar, aqueous solutions of sugars, aqueous solutions of other sweetening substances, fruit or vegetable juices in the case of fruit or vegetables

² Reg. No 1169/2011: <http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A32011R1169>

³ i.e. merely deals with offering products available at the point of sale

URL of source: <http://wetten.overheid.nl/BWBR0015104>

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4. By way of derogation from para. 1, the selling price need not be included on products sold loose.
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Article 4

1. The indication of the selling price and the unit price takes place on, in or near the product or the sample, or on the packaging or on the object upon which it is located. With regard to each selling price and unit price which is close to a product or a sample, it clearly shows which product this designation relates to.
 2. The indication of the selling price and unit price:
 - a. is comprehensible and unambiguous;
 - b. is expressed in euros;
 - c. contains, in so far as this is necessary for a good understanding of the selling price and unit price, an indication of the sales unit and
 - d. is, if necessary after a superficial examination (cursory glance), legible at close distance, unless a product or a sample has been displayed in the manner referred to in the third paragraph.
 3. If a product or sample is displayed in a shop window, the indication of the sales price is clearly legible from outside that shop window.
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Article 5

1. If a seller, who offers products to the consumer for sale in an advertisement, mentions/ indicates the selling price or the unit price, articles 2, 3 and 4 (para. 2) of this decree shall apply.
 2. If a seller offers products to a consumer for sale in the context of a "consumer purchase" as referred to in article 5⁴ of Book 7 of the Dutch Civil Code which is also a "distance contract" as referred to in article 230g(1e)⁵, Book 6 of the Dutch Civil Code, this decree only applies to the indication of the unit price.
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Annex I

- A. Antiques.
 - B. Products that have been designed as an individual piece of work by an artist or have been produced to a significant degree as an individual piece of work by an artist.
 - C. Products that are offered for sale at auction.
 - D. Products supplied in the course of the provision of a service.
 - E. Products that are offered for sale on the market to the audience present, with the help of eloquence, where the selling price or unit price of a product is generally not predetermined.
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Annex II

- A. Products offered for sale in fantasy packaging or in fantasy form for special occasions.
 - B. Pre-prepared and ready-made meals that are offered for sale in one package.
 - C. Various products that are offered for sale together in one package.
 - D. Products offered for sale by means of a vending machine.
 - E. Products that are usually offered for sale at a price per piece or pre-packaged per number of pieces.
 - F. Products normally offered for sale in packs not exceeding 15 grams or 15 millilitres.
 - G. Products that are displayed in a shop window.
 - H. Products packaged in fixed quantities and offered for sale:
 - in a shop (in which the customer is helped by a salesperson from start to finish), or a part of a self-service shop, in which the sale of products is largely over the counter;
 - in a self-service shop, where the number of persons employed, calculated on the basis of full-time work, does not exceed five;
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⁴ Art. 5(1): In this title, the term consumer purchase means: the purchase with regard to a movable property that is entered into by a seller acting in the course of his trade, business, craft or profession and a buyer, natural person, acting for purposes outside his business or profession. Book 7: <http://wetten.overheid.nl/BWBR0005290>

⁵ Art. 230g(1e): 'distance contract' means any contract concluded between the trader and the consumer under an organised distance sales or service-provision scheme without the simultaneous physical presence of the trader and the consumer, with the exclusive use of one or more means of distance communication up to and including the time at which the contract is concluded.

URL of source: <http://wetten.overheid.nl/BWBR0015104>

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- on public roads outside the sales area of a shop (in which the customer is helped by a salesperson from start to finish);
 - at the homes of regular customers;
 - in a confined space that is part of a means of transport;
 - in the course of market and street trade and trade in water
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