

Act on injunction and litigation to protect overall consumers interests

No 141 2001

Entered into force 31 December 2001. EEA Agreement: XIX. Annex to Directive 98/27/EC. Amended by ([1. 33/2005](#)) Act 33/2005 (entered onto force 1 June 2005; EEA Agreement IX and XIX Annex of Directive 2002/65/EC),([1. 82/2009](#)) Act 82/2009 (entered into force 8 August 2009; EEA Agreement IX. And XIX Annex of Directive 2005/29/EC), ([1. 98/2009](#)) Act.98/2009 (entered into force 1 October 2009, except Article 69 and Article 70 which took effect on 1 January 2010) and ([1. 162/2010](#)) Act 162/2010 (entered into force 1 January 2011).

Article 1. Under this Act, the authorities or organizations, according to Article 2 and Article 3, can seek an injunction or initiate litigation under Article 4 to protect consumer interests, although neither they themselves nor members of the organizations have suffered disruption of rights, given that a request for action is to halt or otherwise prevent an act that has consequences in this state or in another state within the European Economic Area and is considered contrary to the following directives that there apply, as they have been passed into Icelandic law:

1. [The European Parliament and Council Directive 2005/29/EC of 11 May 2005 concerning unfair business conduct on the internal market.] 1)
2. Council Directive 85/577/EC of 20 December 1985 to protect consumers in contracts concluded away from business premises.
3. Council Directive 87/102/EC of 22 December 1986 on the approximation of laws, regulations and administrative provisions of Member States concerning consumer credit (OJ L 42, 12 February 1987, p.. 48) as last amended by Directive 98/7/EC.
4. Council Directive 89/552/EC of 3 October 1989 on the approximation of certain provisions of laws, regulations and administrative provisions of Member States on television operation: Article 10 to 21, as amended by Directive 97/36/EC.
5. Council Directive 90/314/EC of 3 June 1990 on travel-packages, holiday-packages and package-tours.
6. Council Directive 92/28/EC of 31 March 1992 on the advertising of medicinal products for humans.
7. Council Directive 93/13/EC of 5 April 1993 on unfair terms in consumer contracts.
8. The European Parliament and Council Directive of 94/47/EC of 26 October 1994 on the protection of purchasers in respect of certain aspects of contracts for the purchase of the right to use immovable properties on a timeshare basis.
9. The European Parliament and Council Directive 97/7/EC of 20 May 1997 on consumer protection with respect to distance contracts.
10. The European Parliament and Council of 99/44/EC 25 May 1999 on certain aspects of the sale of consumer goods and associated guarantees.
11. The European Parliament and Council Directive 2000/31/EC of 8 June 2000 on certain legal aspects of services, in particular electronic commerce, in connection with the

information society on the Internal Market ('Directive on electronic commerce ")).

[12. The European Parliament and Council Directive 2002/65/EC of 23 September 2002 concerning the distance sales of consumer financial services and on amending the Council Directive 90/619/EEC and Directives 97/7/EC and 98/27/EC] 2).

¹⁾[L. 82/2009, 2. gr.](#) (Act 82/2009 Article 2) ²⁾[L. 33/2005, 24. gr.](#) (Act 33/2005, Article 24).

Article 2. Foreign governments, as listed in the registry of the EFTA Surveillance Authority under the provisions of Directive 98/27/EC, may in accord with the provisions of Article 1 seek an injunction or initiate litigation in this country under Article 4. The same applies to organizations that are concurrently so registered and protect the interests of consumers in a particular sector if the infringement is against those interests.

Article 3. [The Home Office]¹⁾ may seek at the authorities or courts in this country or in another state within the European Economic Area an injunction or initiate litigation under Article 4 to protect the overall interests of Icelandic consumers, provided that consequences of the act have been observed in this country.

The Minister may also appoint other authorities and Icelandic organizations, who protect the interests of consumers in a particular field, to exercise the authority to take action as indicated in paragraph 1²⁾. A regulation may be established for further conditions of this authorization and use. The Minister shall notify the EFTA Surveillance Authority of the name and purpose of the organization, which he cites under this and further conditions that may be placed to their powers of regulation, to get them listed in the record, cf. Article 2.

¹⁾[L. 162/2010, 170. gr.](#) (Act 162/2010) ²⁾ *Augl. 456/2006* (Notification 456/2006)

Article 4. For the purpose, as described in Article 1, the Authorities or organizations, that exercise the rights as stipulated in Articles 2 and 3, can seek an injunction in this country to an act that might relate to Article 1. For the injunction request, its treatment, the injunction itself, its effects and litigation for confirmation, general rules shall apply, except that the plaintiff can after a granted injunction require the District commissioner to advertise in public to prevent further continuance of the conduct that the injunction was made against. If the District commissioner agrees to the necessity of such advertising he shall comply with the request for such publication, but then the cost is paid by the Treasury.

For the same purpose as mentioned in the first paragraph, the authorities or organizations, identified therein, may file a civil suit in this country to ban a certain act.

Article 5. This Act is passed with regard to the Decision by the EEA Joint Committee No 121/99 24 September 1999, to incorporate into the EEA Agreement and pass into national legislation the provisions of the European Parliament and Council Directive 98/27/EC on injunction for the protection of consumers interests.

Article 6. This Act shall enter into force immediately.