



Compliance Notice

Section 75 of the Consumer Protection Act 2007

To:
Nerijuse Stanaitis,
9 The Meadows,
Oldtown Mill,
Celbridge,
Co. Kildare,
W23HY86.

Competition and Consumer Protection Commission
Bloom House
Railway Street
Dublin 1

I [REDACTED], an Authorised Officer of the Competition and Consumer Protection Commission, duly appointed under section 35 of the Competition and Consumer Protection Act 2014, hereby give you, Nerijuse Stanaitis, notice, pursuant to section 75(2) of the Consumer Protection Act 2007, as amended (the “2007 Act”), that I am of the opinion that you engaged in a prohibited act or practice as further described herein and hereby direct Nerijuse Stanaitis to remedy that contravention in the manner set out below

A. Statement of alleged contraventions

That you, Nerijuse Stanaitis, a trader within the meaning of the Consumer Protection Act 2007, on or about 11 November 2018, engaged in a misleading commercial practice by omitting or concealing material information, that the average consumer would need, in the context, to make an informed transactional decision and such practice would be likely to cause the average consumer to make a transactional decision that the average consumer would not otherwise make, as described by section 46 of the 2007 Act.

As set out in section 46(3) of the 2007 Act, where the commercial practice includes an invitation to purchase, information about the main characteristics of the product constitutes material information.

A misleading commercial practice, as described in section 46 of the 2007 Act is defined as a prohibited act or practice under section 67 of the 2007 Act.

B. My opinion

I am of the opinion that you Nerijuse Stanaitis have committed or engaged in a misleading commercial practice, namely that you omitted or concealed the main characteristics of a motor vehicle, which the average consumer would need, in the context, to make an informed transactional decision, such a practice being a misleading commercial practice for the purposes of the 2007 Act.



C. Reasons for my opinion

The reasons for my opinion are based on the following:

1. You, Nerijuse Stanaitis, in acting as a salesperson on behalf of Sure Drive Auto Sales Limited on 11 November 2018 at 1A Kirkfield Cottages, Clonsilla Road, Dublin 15, can be described as a trader for the purposes of the 2007 Act.
2. You, Nerijuse Stanaitis obtained a motor vehicle Hyundai i30 registration number 132D19424 in the course of your trade. The motor vehicle had been involved in an incident in the UK and was assessed on 20 January 2018 as a Category C write off. On 3 November 2018, you advertised the motor vehicle for sale on www.donedeal.ie. There was no reference in the advertisement to the fact that the motor vehicle had been previously damaged and written off.
3. That on 11 November 2018 at 1A Kirkfield Cottages, Clonsilla Road, Dublin 15, you did on behalf of Sure Drive Auto Sales Limited sell the vehicle, a Hyundai i30 with the registration number 132D19424 for the sum of €11,000 (eleven thousand euros) to an individual who was a consumer within the meaning of the 2007 Act. In the course of that transaction you omitted or concealed material information that the consumer would need, in the context, to make an informed transactional decision, the material information in this instance being the main characteristics of the product to an extent appropriate to the medium and to the product i.e. you omitted or concealed information from the consumer that the vehicle had been previously crashed and written- off during the course of the transaction.
4. The consumer would not have purchased the motor vehicle if you had informed the consumer that the motor vehicle had been previously crashed and was a Category C insurance write off.
5. Therefore, I am of the opinion that you, Nerijuse Stanaitis a trader within the meaning of the 2007 Act, omitted or concealed material information that the average consumer would need, in the context, to make an informed transactional decision and such practice would be likely to cause the average consumer to make a transactional decision that the average consumer would not otherwise have made.

D. Compliance direction and requirements

1. You, Nerijuse Stanaitis are hereby required to provide true and accurate information in all your communications, including advertisements, with or to consumers with respect to the usage and prior history of every motor vehicle advertised or offered for sale by you.
2. You, Nerijuse Stanaitis, are hereby required to ensure that appropriate due diligence is carried out on the prior history and usage of every motor vehicle offered for sale by you. If you are selling vehicles that have been imported from the UK, you are required to complete a full UK History check on every vehicle.
3. You, Nerijuse Stanaitis are hereby required to ensure that a record of the due diligence carried out on the prior history and usage referred to in paragraph 3) above is maintained for a period of three (3) years from the date of advertisement or the date of sale,



whichever is later, of every used vehicle advertised or offered for sale by you. This record must be made available to the CCPC for inspection on request.

4. You must comply with this compliance direction and requirements by 13 July 2023.

E Appeal Procedure

- a) You may appeal this Compliance Notice to the District Court in the district court district in which the notice is served within 14 days after its service.
- b) The form and manner of such an appeal is that to be found in the District Court Rules, Form 40D.01 Schedule C, a copy of which is attached to this Compliance Notice. If you wish to appeal, this form should be completed and lodged with the District Court Clerk at your local District Court office.
- c) In the event that you decide to appeal the Compliance Notice, you must, at the same time, notify the Competition and Consumer Protection Commission at the above address. You must also notify the Competition and Consumer Protection Commission of the grounds for the appeal.
- d) If an appeal is not made in accordance with section 75 of the Consumer Protection Act 2007, amended by the Consumers Rights Act 2022, and within 14 days after service of the Compliance Notice, this notice will be treated as not disputed, you will be deemed to have accepted the notice and to have agreed to comply with the compliance direction and requirements.
- e) Any failure or refusal to so comply is an offence and, on summary conviction, you will be liable to the fine and penalties set out in Chapter 4 of the Consumer Protection Act 2007, namely:
- a. "...on a first summary conviction for any such offence, to a Class B fine or imprisonment for a term not exceeding 6 months or both; and
- b. on any subsequent summary conviction for the same offence or any other offence under this Act...to a fine not exceeding €5,000 or imprisonment for a term not exceeding 12 months or both."

Signature: [REDACTED]

[REDACTED]

Authorised Officer
Competition and Consumer Protection Commission

29 June 2023



This information is intended for information purposes only and does not constitute part of the Compliance Notice.

Compliance Notice Notes

Consumer Protection Act 2007 (2007 Act)

1.	Section 75(6) of the 2007 Act requires a person, when lodging an appeal, to, at the same time, notify the Competition and Consumer Protection Commission of the appeal and the grounds for the appeal. The Commission is entitled to appear, be heard and adduce evidence on the hearing of the appeal.
2.	If on appeal the compliance notice is not cancelled, the notice takes effect on the later of the following: a) the day after the day on which the notice is confirmed or varied on appeal, b) if the appeal is withdrawn by the appellant the day after the day it is withdrawn, c) the day specified in the notice.
3.	If there is no appeal under section 75(5) of the 2007 Act, the compliance notice takes effect on the later of the following: a) 14 days after the notice is served. b) the day specified in the notice.
4.	An Authorised Officer may: a) withdraw a compliance notice at any time, or b) if no appeal is made or pending under section 75(5) of the 2007 Act, extend the date by which the recipient is to comply with the compliance direction and requirements.
5.	Withdrawal of a compliance notice does not prevent the service of another compliance direction or requirement specified in a compliance notice, whether it relates to the same matter or a different matter.



6.	In accordance with section 75(13) of the 2007 Act, if a compliance notice takes effect, the Commission is required to publish the compliance notice, or cause it to be published in any form or manner it considers appropriate.
7.	Section 86 of the 2007 Act requires the Commission to maintain a “Consumer Protection List” of names and addresses of persons together with a description of their trade, business or profession and the particulars of the matter occasioning any enforcement actions taken by the Commission. This includes persons against whom compliance notices have taken effect.
8.	Any person who, without a reasonable excuse, fails to comply with a direction or requirement specified in a compliance notice commits an offence and, on summary conviction, is liable to the fines and penalties set out in section 79 of the 2007 Act.
9.	<p>Section 79(1) of the 2007 Act provides that a person guilty of an offence under the Consumer Protection Act 2007 is liable on summary conviction to the following fines and penalties:</p> <ul style="list-style-type: none">a) a Class B fine or up to 6 months imprisonment or both,b) on any subsequent summary conviction, a fine not exceeding €5000, or imprisonment for a term not exceeding 12 months or both. <p>If, after being convicted for an offence, a person continues to contravene the requirement or prohibition to which the offence relates, the person is guilty of a further offence on each day the contravention continues and for each such offence is liable on summary conviction to a fine not exceeding €500.</p>
10.	According to section 75(14) of the 2007 Act the issuing of this notice does not prevent the commencement of proceedings for an offence.



Coimisiún um
Iomaíocht agus
Cosaint Tomhaltóirí

**Competition and
Consumer Protection
Commission**