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## Balances: rules to follow

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The sales period is a commercial transaction that is popular with both consumers and traders. If the balances allow them to sell their stock quickly, the professionals must nevertheless respect a **specific regulation**.

### Balances: what is it? ^

#### Sale: what is it?

The sales period is a business transaction in which traders **reduce their price** on all or part of their stock in order to accelerate the disposal thereof.

Balances must be accompanied or preceded by **publicity** (ex: poster on the shop window, targeted advertising on social networks, e-mailing campaign...). Such advertising must include the starting date of the sales and the nature of the products sold.

#### Please note

The sales regulations apply to "physical" stores as well as professional e-commerce sites.

### What's the difference with promotions?

Both sales and promotions consist of one **price reduction** on all or part of the stock. However, these commercial operations are subject to a **different regulation**.

Tableau - Differences between sales and promotions

	Balances	Promotions
<b>Schedule</b>	Regulated: 2 legal periods of 4 weeks (winter and summer) with start and end dates fixed by decree	Free: at any time during the year, as long as they remain occasional and short-lived
<b>Advertising</b>	Statement on products that they are "sales"	Prohibition of the use of the term "balances". Examples of permitted names: "private sales", "black friday"
<b>Customers</b>	Application to all customers	Application to all or part of the customer base (without being discriminatory) Examples: loyalty card holders, newsletter recipients, students, etc.
<b>Inventory management</b>	Prohibition of replenishment during this period	Possibility of replenishment throughout the promotion
<b>Resale at loss</b>	Authorized	Prohibited, with exceptions

### When do the sales take place? ^

The sales take place **2 times per year** in winter and summer. The duration of each period of sales shall be **4 weeks** :

- The **winter sales** start on **second wednesday of january** at 8 a.m. This date is brought forward to the first Wednesday of January when the second Wednesday occurs after the 12th of the month.

- The **summer sales** start on **last wednesday of june** at 8 a.m. This date is brought forward to the penultimate Wednesday of June when the last Wednesday occurs after the 28th of the month.

Dates apply **for all of France**, with the exception of certain departments and authorities for which the start dates differ:

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##### Balances: dates and regulations

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For e-commerce, sales are **aligned with national dates** traditional trade, regardless of where the company has its headquarters.

#### Warning

Outside the official sales periods, the use of the word " *balance(s)* or its derivatives is **forbidden**. Unlawful use of these terms is punishable by a fine of **€15,000** for individual entrepreneurs and **€75,000** for businesses.

## What products can be sold? ^

Merchant can only sell products **offered for sale for at least 1 month** before the beginning of the sales period. If an item is no longer available, the merchant cannot replenish to sell it at the sale price.

Balances are for new and used goods.

Moreover, the trader has the possibility of selling **all its stock or only part of it** of its products. He is also free not to participate in the sales.

#### Warning

Carrying out balances on goods held since then **less than 1 month** shall be punished by a fine of **€15,000** for individual entrepreneurs and **€75,000** for businesses.

## How do I view prices during sales? ^

During sales, the trader must comply with the standard rules on price display (<https://www.service-public.gouv.fr/particuliers/vosdroits/F34344?lang=en>) and **specific rules** that apply only during this business transaction.

For each finished product, the trader must show both:

- The **reduced price** product. It is also customary to mention the percentage of the discount granted on the finished product.
- The **reference price** of the product, i.e. the price charged for at least 30 days before the beginning of the sales. However, in the case of successive price reductions (e.g. in case of 2<sup>e</sup> in sales), the reference price is that applied before the application of the first price reduction.

Professionals are advised to keep a **proof of reference price** (note, voucher, receipt, etc.) in case of control of the DGCCRF or consumer protest.

#### Warning

Artificially inflating the benchmark price before sales can be a **deceptive marketing practice** punished by **2 years** imprisonment and **€300,000** fines (for individual contractors) or **€1,500 000** (for businesses).

The trader must distinguish clearly in the eyes of the customer **items on sale and items on sale** for example, by means of color labels in his shop or a special section on his website.

It can also indicate products that are not sold by displaying, for example, a sign " *new collection* ".

The trader may dispense with the labeling of all products sold if he decides to **single rate of reduction** by department, by product category or for the entire store, **clearly displayed**.

## Can the products sold be returned? ^

Whether the product is sold or not, the trader is not obliged to accept the exchange or refund of a product purchased in a "physical" store. However, it may grant an exchange or a refund **on a commercial basis**.

On the other hand, for any purchase concluded at a distance (e-commerce), the consumer benefits from a **14-day right of withdrawal** allowing him to cancel his order. In case of cancellation of the order, the trader is obliged to refund the customer.

#### Please note

You can consult the e-commerce rules (<https://entreprendre.service-public.gouv.fr/vosdroits/F23455?lang=en>) (e-commerce) on our dedicated page.

Closed products also benefit from **same guarantees** than other products. Thus, they must be repaired, exchanged, or refunded in the event of lack of conformity (<https://www.service-public.gouv.fr/particuliers/vosdroits/F11094?lang=en>) or non-apparent manufacturing defect (<https://www.service-public.gouv.fr/particuliers/vosdroits/F11007?lang=en>) (hidden defect).

### Statute and miscellaneous references

Commercial Code: Article L310-3 ([https://www.legifrance.gouv.fr/codes/article\\_lc/LEGIARTI000038586528?lang=en](https://www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000038586528?lang=en))

Regulation of balances

Commercial Code: Article L310-5 ([https://www.legifrance.gouv.fr/codes/article\\_lc/LEGIARTI000047053488?lang=en](https://www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000047053488?lang=en))

Sanctions

Commercial Code: Articles R310-16 to R310-17 (<https://www.legifrance.gouv.fr/codes/id/LEGISCTA000006146246/?lang=en>)

Advertising of balances

Consumer Code: Article L112-1-1 ([https://www.legifrance.gouv.fr/codes/article\\_lc/LEGIARTI000044549592?lang=en](https://www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000044549592?lang=en))

Displaying Price Discounts

Order of 27 May 2019 fixing the starting dates and times of the balances and their duration (<https://www.legifrance.gouv.fr/loda/id/LEGITEXT000038524717?lang=en>)

Dates, hours and duration of sales

Order of 3 December 1987 on informing the consumer of prices (<https://www.legifrance.gouv.fr/loda/id/LEGITEXT000006057893?lang=en>)

Prices and conditions of sale

### Online services and forms

Calculate a price after discount (<https://www.service-public.gouv.fr/particuliers/vosdroits/R52041?lang=en>)

Simulator

### Additional topics

Price display: rules to follow (<https://www.service-public.gouv.fr/particuliers/vosdroits/F34344?lang=en>)

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Sale in liquidation: rules to be respected (<https://entreprendre.service-public.gouv.fr/vosdroits/F37880?lang=en>)

Doing business online (e-commerce): rules to follow (<https://entreprendre.service-public.gouv.fr/vosdroits/F23455?lang=en>)

Sale by unpacking: rules to be respected (<https://entreprendre.service-public.gouv.fr/vosdroits/F22397?lang=en>)

Balances: dates and regulations (<https://www.economie.gouv.fr/particuliers/dates-soldes?lang=en>)

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