

Consumer protection: unfair business-to-consumer commercial practices. 'Unfair Commercial Practices Directive'

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The Council held a policy debate on a proposal for a Directive concerning unfair commercial practices in the Internal Market. On the basis of the indications given in the debate, work will continue on this proposal, pending the European Parliament first reading which is expected by April 2004. The following main key issues emerged from the Council's debate which was held on the basis of a questionnaire presented by the Presidency: - Delegations welcomed the principle of the Commission's proposal, provided that a higher level of consumer protection is ensured; - A number of delegations stressed the need to ensure consistency of the proposed Directive with existing parallel Community legislation, in particular with the Directive on misleading and comparative advertising; - Some delegations were in favour of extending the scope of this proposal to business-to-business practices while others considered that, at this stage, an extension to these practices which do not harm directly consumers would not be appropriate; - While some delegations considered the level of harmonisation was adequate, others expressed doubts about whether the provisions of the proposal are sufficient to protect the consumer. Several delegations also raised doubts about the wording of a number of definitions which, in their view, might create legal uncertainty and undermine the objective of full harmonisation that the Commission wants to achieve; - A majority of delegations recognised the interrelationship between this proposal and the proposed Regulation on sales promotions. However, several expressed a preference for continuing the work in parallel on both proposals, while stressing the importance of safeguarding the coherence of the two legislative proposals. The Commission stood by its proposal as presently formulated.