Internal market: sales promotions and consumer protection, transparency

2001/0227(COD) - 25/10/2002 - Modified legislative proposal

Of the 57 amendments adopted by the European Parliament at First reading, the Commission can accept 40 in full and 7 in part, making a total of 47. In general, the Commission has accepted those amendments which: - strengthen, or at least are in line with, the Internal Market objective of the proposal; - contribute to a constructive compromise on the treatment of sales below costs; - contribute to a constructive compromise on promotional games; and - are of a technical nature that improve the text. As regards the amendments rejected by the Commission have been grouped into broad categories: - amendments that undermine the Internal Market objective of the proposal : amendments that would allow Member States to impose general bans on sales promotions on the basis of very general and therefore easy to meet criteria. These undermine the legal security offered by the current proposal. Another would allow Member States to restrict incoming sales promotions for the liberal professions for unjustified reasons. Others would exclude all sales promotions for pharmaceuticals from the scope of the regulation should be accepted because the Commission's policy has always been not to treat pharmaceuticals as ordinary consumer products; - amendments that alter existing definitions in the acquis : these exclude illegal gaming activities from commercial communications although they are de facto already excluded from this term; - amendments that re-impose value limits or bans on sales promotions that have been shown to be disproportionate given the proposed information requirements that would replace them : amendments that would allow for existing general value limits on premiums to be maintained. Another re-imposes general bans on discounts prior to seasonal sales periods; - amendments that delete information or other redress provisions that are necessary to replace the outdated value restrictions that the proposal lifts and that would reduce the level of consumer protection proposed by the text. The rejected amendments concern the deletion of the the use of free help lines for complaints when these are offered by the promoter; exempting small companies from the redress requirements that are not burdensome; deleting the information requirements in the commercial communications of discounts; deleting the requirement to indicate the previous price that was in force prior to the offer of the discount; deleting the requirement to indicate in the commercial communication of a sales promotion the value of the free gift or premium.