

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

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The committee adopted the report by Fiorella GHILARDOTTI (PES, I) amending the proposal under the 1st reading of the codecision procedure. MEPs firstly wanted to amend the title of the directive, so as to include the term "cross-border". It would thus become the directive on unfair cross-border business-to-consumer commercial practices. Whereas the Commission proposal called for the directive to "approximate" the laws of the Member States in this field, the committee called for full harmonisation. The Commission text defines a commercial practice as unfair if, among other things, it "is likely to materially distort the economic behaviour with regard to the product of the average member of a particular group of consumers". MEPs adopted an amendment defining the term "particular group of consumers" as referring to a group of consumers with distinct non-economic characteristics such as those who are "vulnerable as a result of age, disability, physical or mental conditions or level of literacy". The term should also cover "consumers addressed by traders who have specific knowledge in the sector enabling them to understand a specialist commercial communication". Turning to misleading commercial practices, the committee voted that "advertorials" (articles or features which are published in exchange for payment) should comply with the directive "if the marketers rather than the publishers control their content". It added that traders and publishers should make it clear that such features are in fact advertisements, for example by heading them "advertisement feature".