

Protection of consumers: injunctions for the protection of consumers' interests

1996/0025(COD) - 24/01/1996 - Legislative proposal

OBJECTIVE: to facilitate consumers' access to justice via their representatives by coordinating national provisions on actions for injunction of practices which are contrary to Community consumer law.

SUBSTANCE: the proposed action is based on the existence, at national level, of entities qualified to protect the interests of consumers which have occasion to bring injunction proceedings before the national courts of the Member States on account of practices which violate Community law. The proposal for a Directive lays down minimum conditions for mutual recognition of these qualified entities to enable them to act in cross-border situations. Where an unlawful practice has effects in Member State A but originates in Member State B, the qualified entity in country A will be able either to authorize the qualified entity in country B to institute proceedings before the court or competent authority of that country, or else itself to take action before that court or authority. The scope of the Directive is limited to practices coming within the remit of national laws that have been harmonized under other Community directives, namely those concerning misleading advertising, consumer credit, unfair terms in contracts, door-to-door selling, package travel and timeshares. Granting the power of action to the qualified entities of the Member States, establishing criteria for the entities' representativeness and laying down procedural details will in every case be matters for the national authorities.