

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

1996/0025(COD) - 23/12/1996 - Modified legislative proposal

The modified proposal for a Directive on injunctions for protection of consumers' interests accepts in full or in part 17 of the 20 amendments adopted by Parliament at first reading. In the light of the EP amendments, the main changes made are as follows: - since the law applying to the substance of a dispute comprises provisions transposing one of the Directives listed in the Annex, it should be applied in full; - setting of a time limit of three weeks after which, should the national qualified entity having territorial jurisdiction fail to respond, the applicant should be entitled to bring an action before the competent authority without further notice; - the purpose of the Directive is to approximate the rules designed to protect the collective interests of consumers and persons exercising a commercial, industrial or craft activity, and the interests of the public at large, against infringements harmful to consumers' interests; - with regard to actions for an injunction, the nature of the payment and the beneficiary will be determined by the national law applicable; - the distinction between the concept of being qualified to act and having an interest in doing so is clarified. The Directive introduces mutual recognition of the qualification for action ('qualified entities') but the interest in bringing an action is governed by national law and must be assessed separately in each case by the judge before whom the action is brought; - the Member States will apply the criteria laid down by their national law to any organization existing in their territories, irrespective of the national, transnational or European nature of such organizations/federations; - the rules governing prior notification must enable the action to be brought as quickly as possible, since it is done under summary procedure.