Internal market: sales promotions and consumer protection, transparency

2001/0227(COD) - 04/09/2002 - Text adopted by Parliament, 1st reading/single reading

The European Parliament approved by 342 votes in favour 158 against with 55 abstentions a legislative resolution by Mr Eduard BEYSEN (ELDR, B) on new rules on sales promotions such as free gifts, discounts or the chance to take part in contests or games. Firstly, it should be stated that the Parliament amended the proposal so as to allow the Member States to decide whether to ban discounts on fixed price products. The text highlights that steps have to be taken to ensure a high level of consumer protection as well as SME protection. It also makes clear that this Regulation should cover sales promotions which are all 'temporary' in nature as against for example, long-term price cuts. Its scope should include loyalty programmes and air-miles schemes. It states clearly that it should not cover or affect national rules that set conditions for seasonal, clearance or closing-down sales except in so far as such rules restrict the offer of discounts. A new recital has been included which states that the requirement preventing Member States from imposing prohibitions on the use or commercial communication of a sales promotion may apply only to those prohibitions that relate to sales-promoting activities generally. It may not, in particular, apply to such prohibitions or limitations on advertising as are laid down in national law, such as the prohibition of aggressive advertising practices or the exertion of psychological buying pressure. In addition, it is made clear that this regulation should not apply to restrictions by member States in relation to the use and commercial communication of sales promotions by members of regulated professions, or of sales promotions for the marketing of pharmaceuticals, whether to not subject to a prescription. Loyalty programmes and air-miles schemes should be included in its scope. An amendments which could have outlawed the use of 'happy hour' was defeated in the Legal Affairs Committee. The defeated amendments would have banned the use of sales promotion in respect of tobacco, alcoholic beverages and pharmaceuticals products. Other amendments go further than the Commission in safeguarding children's health and protecting minors from the sale or promotion of alcohol. In particular in defining a 'child' as a person under the age of 14, unless other age-limits apply to the sale of specific products. Finally, other changes tighten up and clarify the text and put back the entry into force of the regulation by one year to 1 January 2005.