

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

2003/0134(COD) - 02/02/2005

The committee adopted the report by Mercedes BRESSO(PES, IT) modifying the Council's common position under the 2nd reading of the codecision procedure. One amendment specified that the 'blacklist' of misleading commercial practices attached to the directive is a single list which shall apply in all Member States and can only be changed by revising the directive.

MEPs added a number of definitions to the blacklist:

- promoting a product similar to that made by a particular manufacturer in a way that implies that the product was made by the same manufacturer;
- falsely claiming or creating the impression that the trader is not acting for purposes relating to his trade, business, craft or profession, or falsely representing oneself as a consumer;
- creating the false impression that after-sales service in relation to a product is available in a Member State other than the one in which the product is sold;
- systematic failure, on the part of insurers, to respond to "pertinent correspondence".

The committee also adopted an amendment aimed at ensuring that advertisements should not include a direct exhortation to children to buy a product.

Lastly, an amendment was adopted to ensure that "misleading omissions" would also include cases where a lack of clear information on the part of a trader "causes or is likely to cause the average consumer to take a transactional decision that he would not have taken otherwise".