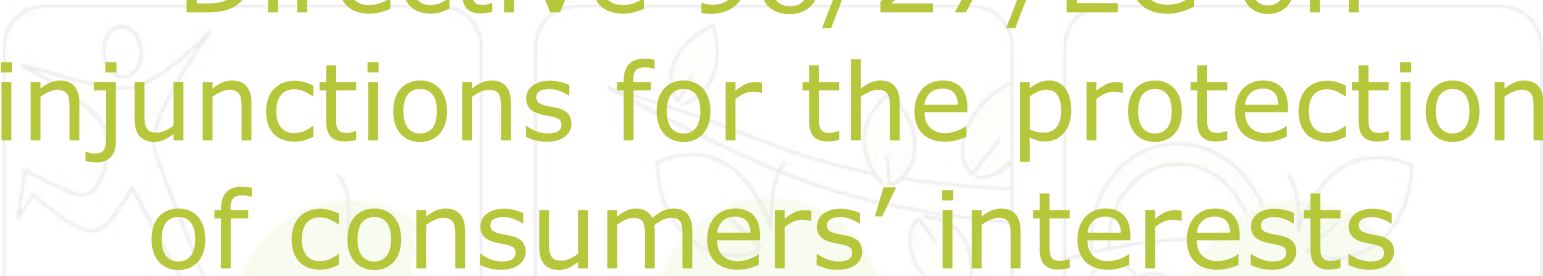


Directive 98/27/EC on injunctions for the protection of consumers' interests



Isabelle.Rouveure@ec.europa.eu

Background (1)

- Consumer rights in the EU directives
- Consumers need to be able to enforce their rights

Background (2)

■ Two aspects to enforce consumer rights

■ Protection of the individual interest of consumer

■ Protection of the collective interests of consumers

Objectives of the Directive

- Directive establishes a procedure to **stop** unlawful practice that harm the collective interest of consumer
- The Directive is not intended as a means of seeking redress for individual consumers.

Main elements (1)

- Member States must designate **the courts or administrative authorities** competent to rule on injunctive order
- **Scope:** any practice contrary to the national provisions implementing 12 EU consumer Directives and which harm the collective interests of consumers

Main elements (2)

- **Qualified entities:** body or organisation which have a legitimate interest to protect the collective interest of consumers
- Qualified entities on **the list published by the European Commission** in the OJCE can seek an injunction in a Member State other than the one where the affected consumers are located.

Main elements (3)

- **Summary procedure** must be available

- **Publication of the decision** or publication of corrective statement must be available

- **Non compliance order:** if possible under national legislation

- **Prior consultation:** an option

Exclusions

- The directive is without prejudice to the rules on applicable law
- Member States can adopt measures that goes beyond the scope of the directive