

Health & Consumer Protection Directorate General

Croatia and Turkey Explanatory Screening

THE UNFAIR COMMERCIAL PRACTICES DIRECTIVE

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*Unit B2 – Unfair commercial practices and other
consumer protection legislation*

CONSUMER PROTECTION ACQUIS

So far many directives deal with:

- specific products
- specific sales methods
- specific practices

OBJECTIVES OF UCP

- **Full harmonisation**
- **Make consumers' rights clearer**
- **Make cross-border trade simpler**

UCP SCOPE

- **B2C**
- **Protection of consumer's economic interest**
- **Non-economic interests, like health and safety and taste and decency are not covered**

UCP MAXIMUM HARMONISATION

- **Novelty in the field of consumer protection**
- **MS cannot go further in introducing/maintaining consumer protection rules**
- **One set of rules in all MS**

UCP STRUCTURE

- **General Clause – future proof**
- **Misleading and aggressive practices**
- **«Black list»**

UCP GENERAL CLAUSE

- **Distortion of consumer's economic behaviour**
- **Contrary to «professional diligence»**
- **«Average consumer» test**

UCP "BLACK LIST"

Catalogue of practices banned upfront

- Falsely stating that a product will be available for a limited time
- Falsely claiming that the trader is about to cease trading or move premises
- Pyramid promotional schemes
- Claiming that products are able to facilitate winning in games of chance
- Direct exhortation to children to buy or persuade others to buy

TRANSPOSITION CHALLENGES 1

Common concepts are to be codified into national law ("average consumer")

- *Not to retain divergent national concepts*

TRANSPOSITION CHALLENGES 2

Transposition of the “Black List”

- *One, single list: not to add or specify*

TRANSPOSITION CHALLENGES 3

**Transitional period of 6 years for
legislation based on minimum
clauses in EU legislation**

- *Necessary and proportionate*
- *Notifications to the Commission without delay*

TRANSPOSITION CHALLENGES 4

Screening of national legislation

E.g. rules on advertising

- *E.g. rules on advertising and information requirements*
- *Which interest is protected? Consumer's economic interest or other (health, human dignity etc)?*