

# Unfair Commercial Practices Directive

☎ +44 (0) 1628 427 500

## What?

In the UK the Unfair Commercial Practices Directive was adopted on May 11 2005. The Directive will be implemented through the Consumer Protection from Unfair Trading Regulations.

There is some overlap between the Directive and existing UK legislation, such as the Consumer Protection Act 1987 and the Trade Descriptions Act 1968. As a result some UK legislation may need to be amended or repealed.

## When?

The Consumer Protection from Unfair Trading Regulations will come into force on the May 26 2008.

## Why?

The Directive will harmonise unfair trading laws across the European Union and places a prohibition on businesses not to treat consumers unfairly. The prohibition is intended to act as safety-net consumer protection legislation.

## How?

The Directive requires EU member states to have measures in place that prohibit “unfair commercial practices” in B2C sectors.

The general provisions of the Directive come into effect when a member state does not have measures in place or when it does have measures in place but these fall short of the standards required by the Directive.

Unfair commercial practices are deemed to be practices which harm “consumers’ economic interests.” The Directive explicitly includes sales and marketing in “commercial practices”.

The Directive defines the consumer as the “average consumer”. When a specific group is targeted the characteristics of the average member of that group is assessed when deciding if commercial practice is unfair.

In addition the Directive specifies two categories of unfair practices, “misleading” commercial practices and “aggressive” commercial practices. These two categories are backed up by a list of unfair practices which are prohibited in all EU member states.



**Websites**

[Consumer Protection from Unfair Trading Regulations 2007 – A basic guide for business](#)

[Consumer Protection from Unfair Trading Regulations 2008 – Draft SI](#)

[Business Protection from Misleading Marketing Regulations 2008 – Draft SI](#)

[Draft Guidance on the UK implementation of the Unfair Commercial Practices Directive – May 2007](#)

[The Consumer Protection from Unfair Trading Regulations: a basic guide for business - Department for Business, Enterprise and Regulatory Reform \(BERR\).](#)

[An analysis of the application and scope of the unfair commercial practices directive – May 2005](#)

[Unfair Commercial Practices Directive \(2005/29/EC\)](#)

[Consumer Protection Act 1987](#)

[Trade Descriptions Act 1968](#)



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