

19 June 2003

**UNICE WARNS ON DIVERGENT IMPLEMENTATION OF PROPOSED COMMON
RULES BANNING UNFAIR COMMERCIAL PRACTICES**

UNICE has taken note of the adoption by the Commission of a proposal for a directive on unfair commercial practices on 18 June.

UNICE has participated actively and provided input in this debate from its outset. It recognises that the existing regulatory framework covering business-to-consumer relations is not seamless or perfect and is supportive of proposals seeking to ensure an adequate level of consumer protection. They should consist of simpler and clearer rules, justified by robust and solid evidence for their need, coupled with an effective enforcement structure across Europe.

However, UNICE is seriously concerned about the ability of a framework directive based on a general clause and on generic categories to achieve its purpose of creating a common legal framework for prohibition of unfair practices. The articulation of such a directive with the existing rules and case law at both EU and national level remains unknown and troubles companies which must comply with those rules.

The proposed directive would only lead to increased confidence in cross-border trade and improvement of the functioning of the internal market for the benefit of all stakeholders alike if it brings about: simplification of existing rules, removal of identified barriers and enhanced legal certainty through effective and even enforcement and interpretation of the proposed new rules.

Despite the broad and lengthy stakeholder consultation, UNICE regrets the methodology employed by the Commission.

In particular, UNICE members are unhappy with the quality of the assessment of the replies submitted and the lack of involvement of key representative EU-wide organisations such as UNICE in the elaboration of the extended impact assessment accompanying the proposal. This goes against the most basic principles of the better regulation action plan.

UNICE will look at the adopted text in close detail and will follow forthcoming discussions on the proposal with closest attention. UNICE has released various papers on this matter that can be downloaded from UNICE's website.