

**UNICE VOTING PROPOSALS IN VIEW OF THE 20 APRIL VOTE BY THE EUROPEAN
PARLIAMENT PLENARY ON**
Proposal for a directive on unfair commercial practices

Introduction

In view of your vote on the above-mentioned proposal this week, UNICE would like to express its overall support for the amendments tabled by the Legal Affairs Committee and the efforts to address most concerns voiced by interested stakeholders.

UNICE especially commends members of the Parliament for having assessed the proposal in question from the angle set out in its legal basis namely improvement of the internal market through further harmonisation of marketing rules. UNICE firmly believes that this will encourage consumers and businesses to have recourse to cross-border trade more often.

For attainment of those objectives, UNICE considers it fundamental that amendments to the directive secure the following elements:

1. Art 95 should be the sole legal basis. It also calls for a high level of consumer protection to be ensured
2. Scope should be limited to B2C, although further study on the need for review of the analogous B2B laws may be advisable;
3. Maximum harmonisation approach: capacity of Member States to depart from the directive provisions should be minimised;
4. Art 4: the internal market clause must be respected. An adequate level of harmonisation should allow use of the mutual recognition and country of origin principles;
5. the black list at annex should be the same in all national transposition laws and only modifiable via revision of the directive;

We hope that you can take into account our proposals below prepared in view of the vote in plenary.

For further clarification on the proposals attached or a copy of the UNICE position paper on the regulation, please visit our website www.unice.org or contact the UNICE staff (Carlos Almaraz, tel. 0032 (0) 2 237 65 57, email: c.almaraz@unice.be).

UNICE CALLS FOR ADOPTION OF THE FOLLOWING AMENDMENTS:

Amendment 1, 4, 5, 6, 7, 8, 12, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 28 (provided wording in the art 95 EC Treaty is used, no special mention to minors), 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 52, 53, 54, 55, 56, 57, 59, 60, 61 (only if understood that consumer organisations may be invited to participate in the drafting of codes. It cannot be imposed), 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 89, 90, 91, 92, 93, 94, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 107 and 111.

UNICE CALLS FOR REJECTION OF THE FOLLOWING AMENDMENTS:

Amendment 2, 3, 9, 11 (on art 1 against max harmonisation), 14 (seller 's liability in definition), 26 (on applicable law if this undermines art 4 of the directive), 27, 51, 58 (includes B2B and Commission's text is better), 88 (we prefer amd 96), 106, 108 (we prefer amd 21), 109, 110 and 112.

Special call for rejection: amendment 95 that annuls the internal market clause and would lead to a great legal uncertainty and less cross-border.