

# The New European Law of Unfair Commercial Practices and Competition Law

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EU rules on unfair commercial practices enable national enforcers to curb a broad range of unfair business practices. Examples of unfair business practices include untruthful information to consumers or aggressive marketing techniques to influence their choices. The mounting case-law of the Court of Justice of the European Union and national courts. how the UCPD applies to new and emerging business models, especially in the online sector. As announced in the New Consumer Agenda of November 2020, the Commission will update the guidance documents on the Unfair Commercial Practices Directive and the Consumer Rights Directive by 2022.

European competition law is the competition law in use within the European Union. It promotes the maintenance of competition within the European Single Market by regulating anti-competitive conduct by companies to ensure that they do not create cartels and monopolies that would damage the interests of society. European competition law today derives mostly from articles 101 to 109 of the Treaty on the Functioning of the European Union (TFEU), as well as a series of Regulations and Directives. Four main... Unfair commercial practices and private law seem to be two distinct areas, clearly separated by their different functions. Commercial practices law regulates the correct behaviour of companies in the market in order to ensure fair competition, whereas private law deals with contractual and non-contractual obligations. However, such a statement is only partly correct. Just before the beginning of the new millennium, the European Commission was ready to make a fresh start on convincing Member States that the internal market needed fully harmonised EU rules on unfair advertising. After six years of highly controversial debate, the European Community managed to adopt the Unfair Commercial Practices Directive (2005/29/EC) (the UCPD). EUR-Lex Access to European Union law. English EN (current language). Language. The laws of the Member States relating to unfair commercial practices show marked differences which can generate appreciable distortions of competition and obstacles to the smooth functioning of the internal market. In the field of advertising, Council Directive 84/450/EEC of 10 September 1984 concerning misleading and comparative advertising (3) establishes minimum criteria for harmonising legislation on misleading advertising, but does not prevent the Member States from retaining or adopting measures which provide more extensive protection for consumers. Both UK and EU competition law prohibit agreements, arrangements and concerted business practices which appreciably prevent, restrict or distort competition, or where this is the intended result, and which affect or may affect trade within the UK or the EU respectively. Consequences of breach. Infringements of Chapter I or Article 101 can have serious consequences for a business imposing unfair trading terms, such as exclusivity; excessive, predatory or discriminatory pricing; refusal to supply or provide access to essential facilities; and.