



**EUROPEAN COMMISSION**  
DIRECTORATE-GENERAL JUSTICE and CONSUMERS

Directorate E: Consumers  
**Unit E.2 : Consumer and Marketing Law**

Brussels,  
JUST/E2/PB/Ares(2018) 294049

Mr Peter Teffer  
EUobserver  
Rue Montoyer 18B  
1000 Brussels  
Belgium

**Subject: Your access to documents request on penalties notifications - GESTDEM  
2018/0185**

Dear Mr Teffer,

I refer to the access to documents request of 8 January 2018 in which you ask for Member States' notifications on the implementation of the provisions on penalties referred to in Article 13 of the Unfair Commercial Practices Directive 2005/29/EC.

Actually, Directive 2005/29/EC does not provide for a specific notification on penalties, but only the general obligation of Member States to inform the Commission about their national transposition measures according to Article 19. Those notifications concern the overall transposition of Directive 2005/29/EC which was due in 2007 so that most notifications date back to that year. Those Member States that subsequently amended their transposition laws should have notified also their new transposition measures. However, this is not specifically related to penalties either.

The national transposition measures concerning Directive 2005/29/EC are available in the UCPD database which is available under the following link:

<https://webgate.ec.europa.eu/ucp/public/index.cfm?event=public.home.show>

However, the UCPD database has not been updated since 2012 as its content is currently being merged into the Consumer Law Database which will go online within the coming weeks as part of the e-justice portal.

There has not been any specific communication from the European Commission to Member States about the provisions on penalties referred to in Article 13 of the Unfair Commercial Practices Directive 2005/29/EC.

In its Communication of 14 March 2013 to the European Parliament and the Council on the application of the Unfair Commercial Practices Directive, COM(2013)138, the Commission pointed out the following in chapter 2.3.: "*Member States and stakeholders appear to consider national enforcement of the Directive, in general terms, adequate and effective but signal that the lack of resources, the complexity or length of internal procedures and the lack of deterrent sanctions threaten to undermine its proper application.*" You can access the Communication under the following link:

[http://ec.europa.eu/justice/consumer-marketing/files/ucpd\\_communication\\_en.pdf](http://ec.europa.eu/justice/consumer-marketing/files/ucpd_communication_en.pdf)

The issue of penalties is also addressed in the Commission's first report of 14 March 2013 on the application of the Unfair Commercial Practices Directive, COM(2013)139, under chapter 4 (Enforcement), see [http://ec.europa.eu/justice/consumer-marketing/files/ucpd\\_report\\_en.pdf](http://ec.europa.eu/justice/consumer-marketing/files/ucpd_report_en.pdf)

I seize the opportunity to draw your attention to the European Commission's Inception Impact Assessment (IIA) of 30 June 2017 and the subsequent online public consultation concerning a targeted revision of EU consumer law directives, among others the Unfair Commercial Practices Directive. IIA and consultation documents are available under the following links:

[http://ec.europa.eu/info/law/better-regulation/initiatives/ares-2017-3287178\\_en](http://ec.europa.eu/info/law/better-regulation/initiatives/ares-2017-3287178_en)  
[https://ec.europa.eu/info/consultations/public-consultation-targeted-revision-eu-consumer-law-directives\\_en](https://ec.europa.eu/info/consultations/public-consultation-targeted-revision-eu-consumer-law-directives_en).

Both IIA and the consultation documents raise the question whether Member States should have available more proportionate, effective and deterrent financial penalties to tackle breaches of consumer laws. The European Commission is currently assessing the appropriateness of strengthening the financial penalties in EU consumer law directives as one of the aspects possibly being addressed in the New Deal for Consumers package listed in Annex II, point 8 of the Commission Work Programme 2018.

I hope that you find the above information useful.

Yours sincerely,



Veronica Manfredi  
Head of Unit