

Amendment 114

Róza Gräfin von Thun und Hohenstein, Olga Sehnalová, Dita Charanzová, Kateřina Konečná, Biljana Borzan, Julia Reda, Julia Pitera, Tadeusz Zwiefka, Janusz Lewandowski, Dariusz Rosati, Jan Olbrycht, Elżbieta Katarzyna Łukacijewska, Danuta Maria Hübner, Bogusław Sonik, Danuta Jazłowiecka, Jarosław Kalinowski, Michał Boni, Antanas Guoga, Petras Auštrevičius, Agnieszka Kozłowska-Rajewicz, Adam Szejnfeld, Marek Plura, Barbara Kudrycka, Dubravka Šuica, Ivana Maletić, Željana Zovko, Marijana Petir, Krzysztof Hetman, Jerzy Buzek, Emil Radev, Lidia Joanna Geringer de Oedenberg, Janusz Zemke, Krystyna Łybacka, Adam Gierek, Bogdan Andrzej Zdrojewski, Eduard Kukan, Laima Liucija Andrikienė, Michaela Šojdrová, Tomáš Zdechovský, Renate Weber, Robert Rochefort, Momchil Nekov, Sergei Stanishev, Georgi Pirinski, Emilian Pavel, Peter Kouroumbashev, Maria Grapini, Ioan Mircea Pașcu, Daciana Octavia Sârbu, Wajid Khan, Luigi Morgano, Maria Noichl, Davor Škrlec, Ruža Tomašić, Jozo Radoš, Tonino Picula, Ivo Vajgl, Tanja Fajon, Miriam Dalli, Pavel Poc, Jan Keller, Monika Beňová, Boris Zala, Miltiadis Kyrkos, Martina Dlabajová, Miroslav Poche, Igor Šoltes, Petr Ježek, Filiz Hyusmenova, Monika Smolková, Vladimír Maňka, Jiří Maštálka, Jaromír Kohlíček, Stefan Eck, Luke Ming Flanagan, Gabriele Zimmer, Marie-Pierre Vieu, Miguel Viegas, João Pimenta Lopes, João Ferreira, Anja Hazekamp, Martin Schirdewan, Paloma López Bermejo, Cornelia Ernst, Takis Hadjigeorgiou, Helmut Scholz, Marina Albiol Guzmán, Mihai Țurcanu, Jiří Pospíšil, Stanislav Polčák, Indrek Tarand, Bronis Ropé, Miroslavs Mitrofanovs, Jean Lambert, Jakop Dalunde, Bodil Valero, Reinhard Bütikofer, Margrete Auken, Philippe Lamberts, Bart Staes, Maria Heubuch, Pavel Svoboda, Tilly Metz

Report

A8-0029/2019

Daniel Dalton

Better enforcement and modernisation of EU consumer protection rules
(COM(2018)0185 – C8-0143/2018 – 2018/0090(COD))

Proposal for a directive**Recital 43**

Text proposed by the Commission

Amendment

(43) *However, the enforcement experience has shown that it may be unclear to consumers, traders and national competent authorities which commercial practices could be contrary to the Directive 2005/29/EC in the absence of an explicit provision. Therefore, Directive 2005/29/EC should be amended to ensure legal certainty both for traders and enforcement authorities by addressing explicitly the marketing of a*

(43) The marketing of a *good with identical or seemingly identical presentation to good, which is marketed under the same brand but presents differences* in composition or characteristics *is a misleading practice. Such practice should be considered unfair and therefore added to the list of misleading commercial practices which are in all circumstances considered unfair under the Annex I* of Directive

product as being identical to the same product marketed in several other Member States, where those products have significantly different composition or characteristics. Competent authorities should assess and address on a case by case basis such practices according to the provisions of the Directive. In undertaking its assessment the competent authority should take into account whether such differentiation is easily identifiable by consumers, a trader's right to adapt products of the same brand for different geographical markets due to legitimate factors, such as availability or seasonality of raw materials, defined consumer preferences or voluntary strategies aimed at improving access to healthy and nutritious food as well as the traders' right to offer products of the same brand in packages of different weight or volume in different geographical markets.

2005/29/EC.

Or. en

Justification

Marketing of different quality goods in identical or seemingly identical package is an unfair commercial practice and should be treated as such.

Amendment 115

Róza Gräfin von Thun und Hohenstein, Olga Sehnalová, Dita Charanzová, Biljana Borzan, Kateřina Konečná, Julia Reda, Tadeusz Zwiefka, Janusz Lewandowski, Dariusz Rosati, Jan Olbrycht, Elżbieta Katarzyna Łukacijewska, Danuta Maria Hübner, Bogusław Sonik, Danuta Jazłowiecka, Jarosław Kalinowski, Michał Boni, Antanas Guoga, Petras Auštrevičius, Agnieszka Kozłowska-Rajewicz, Adam Szejnfeld, Marek Plura, Barbara Kudrycka, Dubravka Šuica, Ivana Maletić, Željana Zovko, Marijana Petir, Krzysztof Hetman, Jerzy Buzek, Emil Radev, Lidia Joanna Geringer de Oedenberg, Janusz Zemke, Krystyna Łybacka, Adam Gierek, Bogdan Andrzej Zdrojewski, Eduard Kukan, Laima Liucija Andrikienė, Michaela Šojdrová, Tomáš Zdechovský, Renate Weber, Robert Rochefort, Momchil Nekov, Sergei Stanishev, Georgi Pirinski, Emilian Pavel, Peter Kouroumbashev, Maria Grapini, Ioan Mircea Pașcu, Daciana Octavia Sârbu, Wajid Khan, Luigi Morgano, Maria Noichl, Davor Škrlec, Ruža Tomašić, Jozo Radoš, Tonino Picula, Ivo Vajgl, Tanja Fajon, Miriam Dalli, Pavel Poc, Jan Keller, Monika Beňová, Boris Zala, Miltiadis Kyrkos, Martina Dlabajová, Miroslav Poche, Igor Šoltes, Petr Ježek, Filiz Hyusmenova, Monika Smolková, Vladimír Maňka, Jiří Maštálka, Jaromír Kohlíček, Stefan Eck, Luke Ming Flanagan, Gabriele Zimmer, Marie-Pierre Vieu, Miguel Viegas, João Pimenta Lopes, João Ferreira, Anja Hazekamp, Martin Schirdewan, Paloma López Bermejo, Cornelia Ernst, Takis Hadjigeorgiou, Helmut Scholz, Marina Albiol Guzmán, Mihai Țurcanu, Jiří Pospíšil, Stanislav Polčák, Indrek Tarand, Bronis Ropé, Miroslavs Mitrofanovs, Jean Lambert, Jakop Dalunde, Bodil Valero, Reinhard Bütikofer, Margrete Auken, Philippe Lamberts, Bart Staes, Maria Heubuch, Pavel Svoboda, Tilly Metz, Julia Pitera

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Better enforcement and modernisation of EU consumer protection rules
(COM(2018)0185 – C8-0143/2018 – 2018/0090(COD))

Proposal for a directive**Article 1 – paragraph 1 – point 2**

Directive 2005/29/EC

Annex I – paragraph 13 a (new)

*Text proposed by the Commission**Amendment*

(2) The following *point (c)* is inserted in *paragraph 2 of Article 6*:

(c) Any marketing of a product as being identical to the same product marketed in several other Member States, while those products have significantly different composition or characteristics;

(6a) The following *paragraph* is inserted in *Annex I*:

“13a. Stating or otherwise creating the impression by its appearance, description or pictorial representation that a good is identical or seemingly identical to another good marketed in another Member State when it is not;”;

Justification

Marketing of different quality goods in identical or seemingly identical package is an unfair commercial practice and should be treated as such. Consequently, this amendment introduces the relevant point in Annex 1 of Directive 2005/29/EC and deletes the text "(c) Any marketing of a product as being identical to the same product marketed in several other Member States, while those products have significantly different composition or characteristics;" from Article 6 (2) of that Directive.