

**Question for written answer E-000924/2011  
to the Commission  
Rule 117  
Gerald Häfner (Verts/ALE)**

Subject: Amendment of Directive 2006/114/EC and transposition into domestic law of Directive 2005/29/EC

The Committee on Petitions has dealt with a series of petitions raising the problem of misleading advertising by spurious directory companies. This form of fraud, which involves small and medium-sized firms being duped into signing contracts, is particularly prevalent in Germany and causes considerable damage in that country and elsewhere. On 16 December 2008 the European Parliament adopted a resolution calling on the Commission, among other things:

-to ensure that all Member States fully and effectively transpose Directive 2005/29/EC so that protection is guaranteed in all Member States, and to influence the shape of the legal and procedural tools available; and

-to report by December 2009 on the feasibility and possible consequences of amending Directive 2006/114/EC in such a way as to include a list of practices that are to be regarded as misleading.

There has been no reduction in the number of complaints about fraudulent directory companies since then in Germany, however, and there is no single body to which those affected can turn. This being so,

1. Does the Commission consider that Directive 2005/29/EC has been adequately transposed in Germany, by means of the law on unfair competition, as regards action to combat fraud by directory companies?
2. Given that two years have now elapsed, what measures has the Commission taken to ensure that the Member States have transposed Directive 2005/29/EC correctly with a view to combating fraud by directory companies? If no such measures have been taken, or if the measures in question did not have the effect of ensuring such fraud was effectively combated, what measures does the Commission intend to take to achieve that objective?
3. What measures has the Commission taken in the intervening period, setting aside the Stockholm Programme, to amend Directive 2006/114/EC in such a way as to include misleading advertising by spurious directory companies in a list of misleading commercial practices?