

WRITTEN QUESTION E-2766/09

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to the Commission

Subject: Action on misleading directory companies

In December 2008 the European Parliament passed a non-legislative resolution on misleading directory companies (A6-0446/2008 - 16 December 2008).

In this resolution the European Parliament called upon the Commission *inter alia* to:

1. provide an adequate remedy to victims, such that the validity of contracts concluded on the basis of misleading advertising can be effectively contested, annulled or terminated, and such that victims may obtain reimbursement of the money paid by them;
2. consider replicating the Austrian experience which shows that the right of victims to have collective legal action taken against directory companies by trade associations or similar bodies could be an effective remedy which may be considered in the ambit of the initiatives currently being contemplated by the Commission's DG COMP in relation to actions for damages for breach of the EC competition rules and DG SANCO on European-level collective redress for consumers;
3. step up its monitoring of the implementation of Directive 2006/114/EC<sup>1</sup>, most notably in those Member States where misleading business-directory companies are known to be based;
4. report on the feasibility and possible consequences of amending Directive 2006/114/EC in such a way as to include a 'black' or 'grey' list of practices that are to be regarded as misleading;
5. ensure that Member States fully and effectively transpose Directive 2005/29/EC<sup>2</sup>;
6. report on the feasibility and possible consequences of extending the scope of Directive 2005/29/EC to cover business-to-business contracts;
7. facilitate more active cross-border cooperation among national authorities in order to enable them to provide a more effective remedy to victims of misleading directory companies.

What steps does the Commission envisage taking on each of these points?

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<sup>1</sup> OJ L 376, 27.12.2006, p. 21.

<sup>2</sup> OJ L 149, 11.6.2005, p. 22.