Directive 2009/22/EC of 23 April 2009 on injunctions for the protection of consumers’ interests

Agenda for the EU–Serbia Explanatory Screening Meeting, Brussels, 4 December 2014

Unit JUST.E.4
European Commission
Injunctions Directive – general overview

An ‘injunction’ is an order granted by a court or an administrative body whereby someone is required to perform or to refrain from performing a specific action.

The Injunctions Directive 98/27/EC was adopted to ensure the defence of the collective interests of consumers in the internal market by providing means to bring actions for the cessation of infringements of consumer rights.

Directive 98/27/EC was modified several times. In the interest of clarity and rationality, this Directive has been codified by Directive 2009/22/EC.
Injunctions Directive – general overview

Injunctions aim at terminating or prohibiting infringements which are contrary to the collective interests of consumers.

The approximation of legislation performed by this Directive allows the effectiveness of these injunctions to be increased and the internal market to function more smoothly.
Injunctions Directive – general overview

Injunctions enable illicit practices to be stopped in the collective interest of consumers, regardless of any harm actually caused.

Member States designate the bodies competent to rule on actions for injunctions. Most Member States opted for a civil or commercial judicial procedure, others opted for a mainly administrative approach.
Injunctions Directive – general overview

An action for injunction may be introduced in a case of violations of national provisions transposing one of the European pieces of legislation listed in the Annex to this Directive, as

- Unfair contract terms
- Unfair commercial practices
- Misleading advertising
Injunctions Directive – general overview

Two categories of qualified entities may bring actions for injunctions:

Consumers’ associations.

Public organisations in charge of consumer protection.
Injunctions Directive – general overview

In the event of an offence affecting the collective interests of consumers in a Member State, any qualified entity in that Member State may institute an action for injunction in the Member State where the offence originated.

Member States notify the Commission of the entities qualified to bring actions for an injunction in another Member State.
Injunctions Directive – general overview

The Commission updates the list of entities qualified to bring action in another Member State every six months, and then publishes it in the Official Journal of the European Union.

This list must be accepted as a proof of legal standing by the courts and administrative authorities of other Member States.
Useful links

Directive on injunctions

Report from the Commission concerning the application of Directive 2009/22/EC
Injunctions Directive – general overview

Thank you for your attention!