

Legal Literature

Legal Literature Details

Member State: Spain

Title: The reformation of the Spanish Law in the matter of unfair competition, consumer protection and retail commerce by Law 29/2009

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Directive Articles

Unfair Commercial Practices Directive, [Chapter 1, Article 2, \(e\)](#) Unfair Commercial Practices Directive, [Chapter 1, Article 2, \(f\)](#) Unfair Commercial Practices Directive, [Chapter 1, Article 2, \(j\)](#) Unfair Commercial Practices Directive, [Chapter 4, Article 14](#) Unfair Commercial Practices Directive, [Chapter 1, Article 2](#) Unfair Commercial Practices Directive, [Chapter 1, Article 3](#) Unfair Commercial Practices Directive, [Chapter 2, Section 1, Article 6](#) Unfair Commercial Practices Directive, [Chapter 2, Section 1, Article 7](#) Unfair Commercial Practices Directive, [Chapter 2, Section 2, Article 8](#) Unfair Commercial Practices Directive, [Chapter 4, Article 11](#) Unfair Commercial Practices Directive, [Annex I](#)

Headnote

This article is a comprehensive study on the implementation of the UCP Directive by Spanish Law 29/2009. The authors describe the amendments introduced by this Law as a significant modification of the legal regime regulating unfair competition practices in Spain. The article indicates that, while the UCP Directive aims to harmonise unfair commercial practices of companies interacting with customers, Spanish regulations on unfair commercial practices still follow the German system, and are not constrained to such relationships, but also provide protection to competitors and to the own market.

It is the authors' opinion that the implementation of the UCP Directive entails that Member States cannot include into their internal legislative systems any regulations that contain provisions that are stricter than the provisions contained in the Directive. From a substantive point of view, they highlight:

(1) that the Spanish Advertising Act has been amended so that the deceiving, confusing, etc. comparative advertising is no longer regulated in this law, but instead as an unfair competition practice in the Unfair Competition Act;

(2) a new chapter devoted to the commercial practices involving consumers has been included into the Unfair Competition Act, which has been criticized by the legal doctrine;

(3) that Law 29/2009 diverges from the UCP Directive in what relates to the concept of misleading omissions and the unfairness judgment on the omitted information, which in Law 29/2009 has an automatic character and in the UCP Directive will require that the omitted information is suitable to have an impact on the economic behaviour of the consumer;

(4) the acknowledgement of the legitimacy of self-regulation by the inclusion of a number of articles relating to code of conducts;

(5) the regulation of the aggressive unfair practices.

General Note

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