

Legal Literature

Legal Literature Details

Member State: Germany

Title: "Haircut" of the Price Indication Ordinance on June 12, 2013

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Reference: Wettbewerb in Recht und Praxis (WRP), 2013, pages 723-727

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Directive Articles

Unfair Commercial Practices Directive, [Chapter 1, Article 3, 1](#). Unfair Commercial Practices Directive, [Chapter 2, Section 1, Article 7, 4](#). Unfair Commercial Practices Directive, [Chapter 2, Section 1, Article 7, 5](#).

Headnote

The author discusses the consequences of article 3, 5 of the UCP Directive which stipulates a grace period until June 12, 2013 until when member states were allowed to keep their own, higher standards of consumer protection. After that date, every member state had to "cut off" any higher national protection measures in order to achieve a full harmonisation with the UCP Directive.

In Germany, this led to the consequence that several national regulations may no longer be applied.

According to article 3, 5 of the UCP Directive this process of full harmonisation only applies to those national regulations which fall within the scope of the UCP Directive. The German Price Indication Ordinance (PAngV) contains several provisions which fall within the scope of the UCP Directive. The author explains that in order to prove the level of protection and to verify whether there might be a higher level of consumer rights protection under German national law, the rules of the PAngV have to be compared to article 7, 4 and 5 of the UCP Directive which stipulates the European scheme of price indications.

The author also examines all provisions of the PAngV according to their compliance with the UCP Directive and concludes that most of these provisions fall under article 3, 5 sentence 1 of the UCP Directive and may therefore no longer be applied by German courts after the 12 June 2013. He therefore suggests to adapt the PAngV to comply with the UCP Directive in order to prevent legal uncertainty among consumers and traders.

General Note

Related Cases

No results available