

Αρχική σελίδα>Νομοθεσία και νομολογία>Βάση δεδομένων της νομοθεσίας για τους καταναλωτές>Οδηγία για τις αγωγές παραλείψεως (2009/22)

Injunctions Directive (2009/22)

What is the aim of the directive?

It seeks to introduce European Union (EU) rules to ensure that injunctions are effective enough to terminate infringements which are harmful to the collective interests of consumers.

Key points

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 EU's internal market to function more smoothly.

The **infringements** at issue include those relating to **consumer credit**, **package travel**, **unfair terms in contracts** concluded with consumers, **distance contracts** and **unfair commercial practices**. A full list of the directives concerned may be found in Annex I of Directive 2009/22/EC.

Recourse to **injunctions** may result in:

enjoining the cessation or prohibition of an infringement, where appropriate by way of summary procedure;

eliminating the continuing effects of an infringement, particularly through the publication of the decision;

sentencing defendants to comply with a decision by constraining them to pay a fine.

Without prejudice to the rules of private international law, the applicable law is normally either that of the EU country where the infringement was committed, or the country in which it produces its effects.

Entities qualified to bring an action have a legitimate interest in ensuring that the collective interests of consumers and the smooth running of the internal market are complied with. This is the case for independent public bodies, specifically responsible for protecting the collective interests of consumers, or consumer protection organisations. A **list** of these entities was published on 2016 by the **European Commission**.

A list of the qualified authorities that may bring action in the event of **intra-EU infringements** is established by the Commission and published in the Official Journal of the European Union. In this case, the qualified entities included in the list should have the capacity to bring an action before the legal or administrative authorities of the EU country where the infringement took place.

The EU country in which an action is to be brought may decide whether there should be **prior consultation** between the parties, in the presence or not of a qualified entity from that country. If the infringement continues for more than 2 weeks after the request for consultation has been received, the action for an injunction may be brought immediately.

A **study** on the application of Directive 2009/22/EC was undertaken in 2011 and was used in the preparation of a Commission **report** published in 2012.

From when does the directive apply?

It has applied since 29 December 2009. The directive is a **codification** of **Directive 98/27/EC** which had to be incorporated into national law by 1 January 2001.

Background

For more information, see:

'Injunctions' on the European Commission's website.

Main document

Directive **2009/22/EC** of the European Parliament and of the Council of 23 April 2009 on injunctions for the protection of consumers' interests (Codified version) (OJ L 110, 1.5.2009, pp. 30-36)

Successive amendments to Directive 2009/22/EC have been incorporated in the original text. This **consolidated version** is of documentary value only.

Related documents

Report from the Commission to the European Parliament and the Council Concerning the application of Directive 2009/22/EC of the European Parliament and of the Council on injunctions for the protection of consumers' interest (**COM(2012) 635 final**, 6.11.2012)

Commission **Recommendation 2013/396/EU** of 11 June 2013 on common principles for injunctive and compensatory collective redress mechanisms in the Member States concerning violations of rights granted under Union Law (OJ L 201, 26.7.2013, pp. 60-65)

Notification from the Commission concerning Article 4(3) of Directive 2009/22/EC of the European Parliament and of the Council on injunctions for the protection of consumers' interests, which codifies Directive 98/27/EC, concerning the entities qualified to bring an action under Article 2 of this Directive (OJ C 361, 30.9.2016, pp. 1-55)

Corrigendum to Notification from the Commission concerning Article 4(3) of Directive 2009/22/EC of the European Parliament and of the Council on injunctions for the protection of consumers' interests, which codifies Directive 98/27/EC, concerning the entities qualified to bring an action under Article 2 of this Directive (OJ C 367, 6.10.2016, p. 6).

Last update: 24/11/2021

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