

Injunctions Directive (2009/22)

What is the aim of the directive? (Art. 1)

It aims to approximate the laws, regulations and administrative provisions of the Member States relating to actions for an injunction aimed at the protection of the collective interests of consumers included in the Directives listed in Annex I, with a view to ensuring the smooth functioning of the internal market.

Key points

1. Actions for an injunction (Art. 2)

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.

2. Applicable Law (Art. 2)

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 effect.

3. Entities qualified to bring an action (Art. 3)

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.

4. Intra-Community infringements (Art. 4)

Member States are obliged to take the measures necessary to ensure that, in the event of an infringement originating in that Member State, any qualified entity from another Member State where the interests protected by that qualified entity are affected by the infringement, may apply to the court or administrative authority referred to in Article 2, on presentation of the list provided for in paragraph 3 of this Article.

The courts or administrative authorities shall accept this list as proof of the legal capacity of the qualified entity without prejudice to their right to examine whether the purpose of the qualified entity justifies its taking action in a specific case.

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.

Directive 2009/22/EC will be repealed and replaced by Directive (EU) 2020/1828 as of 25 June 2023. The latter was adopted following the Commission's 'new deal for consumers' initiative.

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).

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