

NOTE: On the Unfair Commercial Practices Directive and the Misleading and Comparative Advertising

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Directive 2005/29/EC on unfair commercial practices prohibits commercial practices that can deceive consumers, if such practices are likely to cause consumers to take transactional decisions they would not have taken otherwise.

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2005:149:0022:0039:en:PDF>

This directive complements sector specific Community legislation and works like a 'safety net' by 'filling the gaps' in such legislation.

Directive 2006/114/EC applies in the business-to-business sector only, protecting traders from misleading advertising (by others); Lays down conditions for (fair) comparative advertising.

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:376:0021:0027:EN:PDF>

Usually the sector specific rules should take precedence over more general legislation (*lex specialis* rule). Where a particular advertisement is not covered by the sector specific rules, the general rules will apply