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(19) *The practice of going into liquidation or changing ownership with the express purpose of avoiding liabilities and previous agreements (Phoenix companies).*

(20) *Competitions and prize promotions in schemes where there has not been and there is no intention of providing the prizes described.*

Aggressive commercial practices

(1) Creating the impression that the consumer cannot leave the premises until the contract is signed or the payment made.

(2) Conducting prolonged and/or repeated personal visits to the consumer's home ignoring the consumer's request to leave **and not to return**.

(3) Making persistent and unwanted solicitations by telephone, fax, e-mail or other remote media **once the consumer has made clear that these solicitations are no longer desired**.

**'Solicitation' does not extend to legitimate activity to enforce a contract obligation which may or may not lead to a new contract.**

(4) Targeting consumers who have recently suffered a bereavement or serious illness in their family in order to sell a product which bears a direct relationship with the misfortune. **This provision shall not apply to funeral directors or associated trades.**

(5) Requiring **an insured person** to produce documents which could not reasonably be considered relevant as to whether **his insurance** claim was valid **with a view to dissuading** the consumer from exercising his contractual rights.

(6) Advertising to children in a way which implies that their acceptance by their peers is dependent on **them buying or being bought** a particular product. This provision is without prejudice to Article 16 of Directive 89/552/EEC on television broadcasting <sup>(1)</sup>.

(7) Demanding payment for **or the return of** products supplied by the trader, but which were not solicited by the consumer (inertia selling).

**Except in the case of substitute goods as established in Article 7(3) of Directive 97/7/EC.**

(8) **Imposing onerous or unreasonable obstacles, whether procedural or substantive, on consumers who wish to exercise their right to terminate a contract or switch to another supplier.**

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<sup>(1)</sup> Council Directive 89/552/EEC of 3 October 1989 on the co-ordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities (OJ L 298, 17.10.1989, p. 23). Directive as amended by Directive 97/36/EC of the European Parliament and of the Council (OJ L 202, 30.7.1997, p. 60).

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## ANNEX 2

### COMMUNITY LAW PROVISIONS SETTING OUT RULES FOR ADVERTISING AND COMMERCIAL COMMUNICATION

Articles 4 and 5 of Directive 97/7/EC on the protection of consumers in respect of distance contracts <sup>(1)</sup>

Article 3 of Directive 90/314/EEC on package travel, package holidays and package tours <sup>(2)</sup>

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<sup>(1)</sup> OJ L 144, 4.6.1997, p. 19.

<sup>(2)</sup> OJ L 158, 23.6.1990, p. 59.

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Article 3(3) of Directive 94/47/EC on the protection of purchasers in respect of certain aspects of contracts relating to the purchase of a right to use immovable property on a timeshare basis<sup>(1)</sup>.

Article 3(4) of Directive 98/6/EC on consumer protection in the indication of the prices of products offered to consumers<sup>(2)</sup>.

Articles 86 to 100 of Directive 2001/83/EC on the Community code relating to medicinal products for human use<sup>(3)</sup>.

Article 6 of Directive 2000/31/EC on certain aspects of electronic commerce in the Internal Market (Directive on electronic commerce)<sup>(4)</sup>.

Article 4 of and the Annex to [the proposal for a Regulation concerning sales promotions in the internal market].

Article 4 of Directive 2004/.../EC [consumer credit proposal<sup>(5)</sup> (replacing Article 3 of Directive 87/102/EEC concerning consumer credit agreements<sup>(6)</sup>, as amended by Directive 90/88/EEC<sup>(7)</sup> and Directive 98/7/EC<sup>(8)</sup>)].

Articles 3 and 4 of Directive 2002/65/EC concerning the distance marketing of consumer financial services and amending Council Directive 90/619/EEC and Directives 97/7/EC and 98/27/EC<sup>(9)</sup>.

Article 1(9) of Directive 2001/107/EC amending Council Directive 85/611/EEC on the co-ordination of laws, regulations and administrative provisions relating to undertakings for collective investment in transferable securities (UCITS) with a view to regulating management companies and simplified prospectuses<sup>(10)</sup>.

Articles 12 and 13 of Directive 2002/92/EC on insurance mediation<sup>(11)</sup>.

Article 36 of Directive 2002/83/EC concerning life assurance<sup>(12)</sup>.

Article 19 of Directive 2004/39/EC of the European Parliament and of the Council on markets in financial instruments amending Council Directives 85/611/EEC and 93/6/EEC and Directive 2000/12/EC of the European Parliament and of the Council and repealing Council Directive 93/22/EEC<sup>(13)</sup>.

Article 31 and 43 of Directive 92/49/EEC on the co-ordination of laws, regulations and administrative provisions relating to direct insurance other than life assurance and amending Directives 73/239/EEC and 88/357/EEC (third non-life insurance Directive)<sup>(14)</sup>.

Articles 5, 7 and 8 of Directive 2003/71/EC on the prospectus to be published when securities are offered to the public or admitted to trading and amending Directive 2001/34/EC<sup>(15)</sup>.

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<sup>(1)</sup> OJ L 280, 29.10.1994, p. 83.

<sup>(2)</sup> OJ L 80, 18.3.1998, p. 27.

<sup>(3)</sup> OJ L 311, 28.11.2001, p. 67.

<sup>(4)</sup> OJ L 178, 17.7.2000, p. 1.

<sup>(5)</sup> COM(2002) 443 final.

<sup>(6)</sup> OJ L 42, 12.2.1987, p. 48.

<sup>(7)</sup> OJ L 61, 10.3.1990, p. 14.

<sup>(8)</sup> OJ L 101, 1.4.1998, p. 17.

<sup>(9)</sup> OJ L 271, 9.1.2002, p. 16.

<sup>(10)</sup> OJ L 41, 13.2.2002, p. 20.

<sup>(11)</sup> OJ L 9, 15.1.2003, p. 3.

<sup>(12)</sup> OJ L 345, 19.12.2002, p. 1.

<sup>(13)</sup> OJ L 145, 30.4.2004, p. 1.

<sup>(14)</sup> OJ L 228, 11.8.1992, p. 1.

<sup>(15)</sup> OJ L 345, 31.12.2003, p. 64.