

European Parliament resolution of 4 February 2014 on the EU Roadmap against homophobia and discrimination on grounds of sexual orientation and gender identity (2013/2183(INI))

P7_TA-PROV(2014)0062

A7-0009/2014

The European Parliament,

- having regard to Article 2 of the Treaty on European Union,
- having regard to Articles 8 and 10 of the Treaty on the Functioning of the European Union,
- having regard to the Charter of Fundamental Rights of the European Union and in particular Article 21 thereof,
- having regard to the Convention for the Protection of Human Rights and Fundamental Freedoms,
- having regard to Recommendation CM/Rec(2010)5 of the Committee of Ministers of the Council of Europe to member states on measures to combat discrimination on grounds of sexual orientation or gender identity, adopted on 31 March 2010,
- having regard to the Communication from the Commission entitled ‘Strategy for the effective implementation of the Charter of Fundamental Rights by the European Union’ (COM(2010)0573),
- having regard to the 2012 Commission Report on the Application of the EU Charter of Fundamental Rights (COM(2013)0271), and to the accompanying staff working documents,
- having regard to the proposal for a Council directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation (COM(2008)0426) and to its position of 2 April 2009 on that proposal⁽¹⁾,
- having regard to the guidelines to promote and protect the enjoyment of all human rights by lesbian, gay, bisexual, transgender and intersex (LGBTI) persons adopted by the Council of the European Union at its meeting of 24 June 2013,
- having regard to the European Union Agency for Fundamental Rights report of November 2010 on homophobia, transphobia and discrimination on grounds of sexual orientation and gender identity,
- having regard to the results of the European Union lesbian, gay, bisexual and transgender survey carried out by the European Union Agency for Fundamental Rights (FRA) and published on 17 May 2013,
- having regard to the FRA opinion of 1 October 2013 on the situation of equality in the European Union 10 years on from initial implementation of the equality directives,
- having regard to its resolution of 24 May 2012 on the fight against homophobia in Europe⁽²⁾,
- having regard to its resolution of 12 December 2012 on the situation of fundamental rights in the European Union (2010-2011)⁽³⁾,
- having regard to its resolution of 14 March 2013 on strengthening the fight against racism, xenophobia and hate crime⁽⁴⁾,
- having regard to Rule 48 of its Rules of Procedure,

– having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs and the opinion of the Committee on Women’s Rights and Gender Equality (A7-0009/2014),

A. whereas the European Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities;

B. whereas in defining and implementing its policies and activities, the European Union aims to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation;

C. whereas in June 2013 the Council of the European Union adopted strong guidelines to promote and protect the enjoyment of all human rights by LGBTI persons outside the European Union, and should ensure that they are protected effectively inside the EU;

D. whereas the European Union already coordinates its action through comprehensive policies in the field of equality and non-discrimination through the ‘Framework strategy for non-discrimination and equal opportunities for all’, in the field of gender equality through the ‘Strategy for equality between women and men 2010-2015’, in the field of disability through the ‘European Disability Strategy 2010-2020’, and in the field of equality for Roma persons through the ‘EU Framework for National Roma Integration Strategies up to 2020’;

E. whereas in its ‘Strategy for the effective implementation of the Charter of Fundamental Rights by the European Union’, the Commission has acknowledged the necessity of developing individual policies concerning certain specific fundamental rights on the basis of the Treaties;

F. whereas in the 2013 EU LGBT survey, the European Union Agency for Fundamental Rights (FRA) found that across the EU in the year preceding the survey one in two LGBT respondents felt discriminated against or harassed on grounds of sexual orientation, one in three were discriminated against when accessing goods or services, one in four were physically attacked, and one in five were discriminated against in employment or occupation;

G. whereas the FRA recommended that the EU and Member States develop action plans promoting respect for LGBT persons and protection of their fundamental rights;

H. whereas in May 2013 11 equality ministers⁽⁵⁾ called on the Commission to issue a comprehensive EU policy for LGBT equality, and 10 Member States⁽⁶⁾ have already adopted or are discussing similar policies at national and regional levels;

I. whereas the European Parliament has asked 10 times for a comprehensive European Union policy instrument for equality on grounds of sexual orientation and gender identity;

General considerations

1. Strongly condemns any discrimination on the basis of sexual orientation and gender identity, and strongly regrets that the fundamental rights of lesbian, gay, bisexual, transgender and intersex (LGBTI) people are not yet always fully upheld in the European Union;

2. Believes that the European Union currently lacks a comprehensive policy to protect the fundamental rights of LGBTI people;

3. Acknowledges that the responsibility to protect fundamental rights lies jointly with the Commission and Member States; calls on the Commission to use its competences to the fullest extent, including facilitating the exchange of good practices among Member States; calls on Member States to fulfil their obligations under EU law and under the Council of Europe Recommendation on measures to combat discrimination on grounds of sexual orientation or gender identity;

Roadmap contents

4. Calls on the Commission, Member States and relevant agencies to work jointly on a comprehensive multiannual policy to protect the fundamental rights of LGBTI people, i.e. a roadmap, a strategy or an action plan featuring the themes and objectives hereunder;

A. Horizontal actions to implement the Roadmap

- (i) The Commission should work to secure existing rights throughout its work and across all domains in which it is competent by mainstreaming issues linked to the fundamental rights of LGBTI people in all relevant work – for instance when drafting future policies and proposals or monitoring the implementation of EU law;
- (ii) The Commission should facilitate, coordinate and monitor the exchange of good practice among Member States via the open method of coordination;
- (iii) Relevant European Union agencies, including the European Union Agency for Fundamental Rights (FRA), the European Institute for Gender Equality (EIGE), the European Foundation for the Improvement of Living and Working Conditions (Eurofound), the European Police College (CEPOL), the European Union's Judicial Cooperation Unit (Eurojust), the European Judicial Network (EJN) and the European Asylum Support Office (EASO), should mainstream issues related to sexual orientation and gender identity in their work, and continue to provide the Commission and Member States with evidence-based advice on the fundamental rights of LGBTI people;
- (iv) The Commission and Member States should be encouraged to regularly collect relevant and comparable data on the situation of LGBTI persons in the EU together with relevant agencies and Eurostat, while fully respecting EU data protection rules;
- (v) Together with relevant agencies, the Commission and Member States should encourage training and capacity-building for national equality bodies, national human rights institutions and other organisations tasked with the promotion and protection of the fundamental rights of LGBTI persons;
- (vi) Together with relevant agencies, the Commission and Member States should seek to make citizens aware of the rights of LGBTI persons;

B. General provisions in the field of non-discrimination

- (i) Member States should consolidate the existing EU legal framework by working to adopt the proposed directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation, including by clarifying the scope and associated costs of its provisions;
- (ii) The Commission, Member States and relevant agencies should pay particular attention to lesbian women's experience of multiple discrimination and violence (both on grounds of sex and sexual orientation), and design and implement non-discrimination policies accordingly;

C. Non-discrimination in employment

- (i) The Commission should include a specific focus on sexual orientation when monitoring the implementation of Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation⁽⁷⁾, and on gender identity when monitoring the implementation of Directive 2006/54/EC on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation⁽⁸⁾;

- (ii) Together with the relevant agencies, the Commission should issue guidelines specifying that transgender and intersex persons are covered under 'sex' in Directive 2006/54/EC on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation;
- (iii) Equality bodies should be encouraged to inform LGBTI persons, as well as trade unions and employer organisations, about their rights;

D. Non-discrimination in education

- (i) The Commission should promote equality and non-discrimination on grounds of sexual orientation and gender identity throughout its youth and education programmes;
- (ii) The Commission should facilitate the sharing of good practice in formal education, including teaching materials, anti-bullying and anti-discrimination policies, among Member States through the non-binding open method of coordination;
- (iii) The Commission should facilitate the sharing of good practice throughout Member States' youth and education sectors, including youth welfare services and social work, among Member States through the non-binding open method of coordination;

E. Non-discrimination in health

- (i) The Commission should place LGBTI health concerns within relevant wider strategic health policies, including access to health care, equality in health, and the EU's global voice in health-related matters;
- (ii) The Commission should continue working within the World Health Organisation to withdraw gender identity disorders from the list of mental and behavioural disorders and to ensure a non-pathologising reclassification in the negotiations on the 11th version of the International Classification of Diseases (ICD-11);
- (iii) The Commission should support Member States in the training of health professionals;
- (iv) The Commission and Member States should undertake research on health issues specific to LGBTI persons;
- (v) Member States should take account of LGBTI people within national health plans and policies, ensuring that training curricula, health policies and health surveys take specific LGBTI health issues into account;
- (vi) Member States should introduce or review legal gender recognition procedures so they fully respect transgender people's right to dignity and bodily integrity;

F. Non-discrimination in goods and services

- (i) The Commission should include a specific focus on access to goods and services by transgender persons when monitoring the implementation of Directive 2004/113/EC implementing the principle of equal treatment between men and women in the access to and supply of goods and services⁽⁹⁾ ;

G. Action specific to transgender and intersex persons

- (i) The Commission should ensure gender identity is included among prohibited grounds of discrimination in any future equality legislation, including any recasts;

- (ii) The Commission should mainstream issues specific to transgender and intersex people throughout the relevant EU policies, mirroring the approach adopted in the Gender Equality Strategy;
- (iii) Member States should ensure equality bodies are informed and trained about the rights of, and specific issues pertaining to, transgender and intersex people;
- (iv) The Commission, Member States and relevant agencies should address the current lack of knowledge, research and relevant legislation on the human rights of intersex people;

H. Citizenship, families and freedom of movement

- (i) The Commission should produce guidelines to ensure that Directive 2004/38/EC on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States⁽¹⁰⁾, and Directive 2003/86/EC on the right to family reunification⁽¹¹⁾, are implemented so as to ensure respect for all forms of families legally recognised under Member States' national laws;
- (ii) The Commission should make proposals for the mutual recognition of the effects of all civil status documents across the EU, in order to reduce discriminatory legal and administrative barriers for citizens and their families who exercise their right to free movement;
- (iii) The Commission and Member States should study whether restrictions in place for the change of civil status and identity documents for transgender people harm their ability to enjoy their right to free movement;
- (iv) Member States which have adopted legislation on cohabitation, registered partnerships or marriage for same-sex couples should recognise similar provisions adopted by other Member States;

I. Freedom of assembly and expression

- (i) Member States should ensure that rights to freedom of expression and assembly are guaranteed, particularly with regard to pride marches and similar events, by ensuring these events take place lawfully and by guaranteeing the effective protection of participants;
- (ii) Member States should refrain from adopting laws and reconsider existing laws which restrict freedom of expression in relation to sexual orientation and gender identity;
- (iii) The Commission and the Council of the European Union should consider that Member States adopting laws to restrict freedom of expression in relation to sexual orientation and gender identity breach the values on which the European Union is founded, and react accordingly;

J. Hate speech and hate crime

- (i) The Commission should monitor and provide assistance to the Member States with regard to issues specific to sexual orientation, gender identity and gender expression when implementing Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime⁽¹²⁾, in particular when crimes are committed with a bias or discriminatory motive which could be related to the personal characteristics of the victims;

- (ii) The Commission should propose a recast of the Council Framework Decision on combating certain forms and expressions of racism and xenophobia by means of criminal law including other forms of bias crime and incitement to hatred, including on grounds of sexual orientation and gender identity;
- (iii) Together with relevant agencies, the Commission should facilitate the exchange of good practice among Member States pertaining to the training and education of police forces, prosecution services, judges and victim support services;
- (iv) The Fundamental Rights Agency should assist Member States in improving their collection of comparable data about homophobic and transphobic hate crime;
- (v) Member States should register and investigate hate crimes against LGBTI people, and adopt criminal legislation prohibiting incitement to hatred on grounds of sexual orientation and gender identity;

K. Asylum

- (i) Together with the European Asylum Support Office (EASO) and relevant agencies, and within the remit of existing EU legislation and jurisprudence, the Commission should include specific issues linked to sexual orientation and gender identity in the implementation and monitoring of asylum legislation, including Directive 2013/32/EU on common procedures for granting and withdrawing international protection⁽¹³⁾, and Directive 2011/95/EU on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection⁽¹⁴⁾;
- (ii) Together with relevant agencies, the Commission and Member States should ensure that asylum professionals, including interviewers and interpreters, receive adequate training – including existing training – to handle issues relating specifically to LGBTI persons;
- (iii) Together with the EASO and in cooperation with the European External Action Service, the Commission and Member States should ensure that the legal and social situation of LGBTI persons in countries of origin is documented systematically and that such information is made available to asylum decision-makers as part of Country of Origin Information (COI);

L. Enlargement and external action

- (i) The Commission should continue its current monitoring of issues linked to sexual orientation and gender identity in accession countries;
- (ii) The Commission, the European External Action Service, the EU Special Representative for Human Rights and Member States should systematically use the Council Guidelines to promote and protect the enjoyment of all human rights by LGBTI persons, and maintain a unified position when responding to violations of these rights;
- (iii) The Commission and the European External Action Service should provide information obtained from EU delegations on the situation of LGBTI persons in third countries to the European Asylum Support Office and Member States;

5. Emphasises that this comprehensive policy must respect the competences of the European Union, of its agencies, and of Member States;

6. Recalls that the freedom to express and display one's beliefs and opinions in keeping with the principle of pluralism of ideas, and provided that it does not incite to hatred, violence or discrimination, should be respected;

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7. Instructs its President to forward this resolution to the Council, the Commission, the European External Action Service, the governments and parliaments of the Member States, all agencies cited herein, and the Council of Europe.

- (1) OJ C 241 E, 8.10.2009, p. 68.
- (2) Texts adopted, [P7_TA\(2012\)0222](#) .
- (3) Texts adopted, [P7_TA\(2012\)0500](#) .
- (4) Texts adopted, [P7_TA\(2013\)0090](#) .
- (5) Those of Austria, Belgium, Croatia, Denmark, Finland, France, Italy, Luxembourg, Malta, the Netherlands and Sweden.
- (6) Belgium, Croatia, France, Germany, Italy, Malta, the Netherlands, Portugal, Spain and the United Kingdom.
- (7) OJ L 303, 2.12.2000, p. 16.
- (8) OJ L 204, 26.7.2006, p. 23.
- (9) OJ L 373, 21.12.2004, p. 37.
- (10) OJ L 158, 30.4.2004, p. 77.
- (11) OJ L 251, 3.10.2003, p. 12.
- (12) OJ L 315, 14.11.2012, p. 57.
- (13) OJ L 180, 29.6.2013, p. 60.
- (14) OJ L 337, 20.12.2011, p. 9.

► Implementation of Unfair Commercial Practices Directive



European Parliament resolution of 4 February 2014 on the implementation of the Unfair Commercial Practices Directive 2005/29/EC ([2013/2116\(INI\)](#))

P7_TA-PROV(2014)0063

[A7-0474/2013](#)

The European Parliament,

– having regard to Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market (the Unfair Commercial Practices Directive)⁽⁴⁾ ,

– having regard to the Report from the Commission to the European Parliament, the Council and the European Economic and Social Committee entitled 'First Report on the application of the Unfair Commercial Practices Directive' ([COM\(2013\)0139](#)) ,

– having regard to the Communication from the Commission to the European Parliament, the Council and the European Economic and Social Committee on the application of the Unfair Commercial Practices Directive' ([COM\(2013\)0138](#)) ,

- having regard to Regulation (EC) No 2006/2004 of the European Parliament and of the Council of 27 October 2004 on cooperation between national authorities responsible for the enforcement of consumer protection laws (the Regulation on consumer protection cooperation)⁽²⁾ ,
 - having regard to Directive 98/27/EC of the European Parliament and of the Council of 19 May 1998 on injunctions for the protection of consumers' interests⁽³⁾ ,
 - having regard to its resolution of 13 January 2009 on the transposition, implementation and enforcement of Directive 2005/29/EC concerning unfair business-to-consumer commercial practices in the internal market and Directive 2006/114/EC concerning misleading and comparative advertising⁽⁴⁾ ,
 - having regard to its resolution of 15 December 2010 on the impact of advertising on consumer behaviour⁽⁵⁾ , and the Commission's follow-up response adopted on 30 March 2011,
 - having regard to the study entitled 'Transposition and Enforcement of the Directive on unfair commercial practices (2005/29/EC) and the Directive concerning misleading and comparative advertising (2006/114/EC), requested by its Committee on the Internal Market and Consumer Protection⁽⁶⁾ ,
 - having regard to Rule 48 of its Rules of Procedure,
 - having regard to the report of the Committee on the Internal Market and Consumer Protection and the opinion of the Committee on Legal Affairs ([A7-0474/2013](#)) ,
- A. whereas consumption is one of the essential drivers for growth in the European Union, and consumers therefore play a vital role in the EU economy;
- B. whereas the protection of consumers and their rights is one of the Union's fundamental values;
- C. whereas Directive 2005/29/EC on unfair commercial practices is the European Union's main legislative tool regulating misleading advertising and other unfair practices in business-to-consumer transactions;
- D. whereas the Directive aims, through the 'internal market' clause, to ensure a high level of consumer protection throughout the European Union and to boost consumer confidence in the Single Market, whilst guaranteeing businesses significant legal certainty and a reduction in barriers to cross-border trade;
- E. whereas there have been major differences in the implementation of Directive 2005/29/EC from one Member State to another;
- F. whereas the temporary derogations allowing Member States to continue to apply national provisions that were more restrictive or prescriptive than the Directive and that implemented minimum harmonisation clauses in other EU legislative instruments expired on 12 June 2013;
- G. whereas Member States which so wish are free to extend application of the Directive to business-to-business relations, and whereas to date only four Member States have chosen to do so;
- H. whereas the Commission has announced that it will propose shortly a review focusing on business-to-business relations of Directive 2006/114/EC on misleading and comparative advertising;
- I. whereas the development of the digital economy and all its technological applications have revolutionised purchasing methods and the way in which businesses sell and advertise their goods and services;
- J. whereas some undertakings, particularly the smaller ones, as well as many consumers, are still insufficiently aware of consumers' rights in Europe;
- K. whereas it is necessary to strengthen the role of consumers' associations and enable them to enhance their capacities;

1. Lays stress on the effectiveness of the legislation established by the Directive and its importance in making consumers and traders more confident with regard to transactions within the internal market (particularly cross-border transactions), in guaranteeing businesses greater legal certainty, and in helping to enhance consumer protection in the Union; stresses that disparities in the application of the Directive risk impairing its effectiveness;
2. Regrets that despite provisions in Directive 2006/114/EC to combat misleading practices in business-to-business advertising, some of these practices, notably 'directory scams', still persist; notes the Commission's intention to propose shortly amendments to Directive 2006/114/EC focusing on business-to-business relations, in order to combat these practices more effectively; suggests that the Commission could, in this context, consider the merits of a targeted black list of commercial practices that are to be considered unfair in all circumstances in the field of business-to-business relations for Directive 2006/114/EC, similar to that which already exists for Directive 2005/29/EC; does not, however, consider it appropriate for the moment to extend the scope of Directive 2005/29/EC on business-to-consumer relations to include business-to-business unfair commercial practices;
3. Calls on the Commission to clarify the relationship between Directives 2005/29/EC and 2006/114/EC, in order to guarantee a high level of protection for all economic operators in the Union, particularly consumers and SMEs, from fraudulent and unfair practices, thus boosting confidence within the Single Market;
4. Takes the view that the derogations laid down for the property and financial services sectors are justified and that it is appropriate for them to be retained;
5. Considers that it would not be appropriate at this stage to expand the black list in Annex I; calls however on the Commission to draw up a list of practices which national authorities have identified as unfair within the meaning of the general principles of the Directive, in order to assess whether such an expansion would be advisable in the future;
6. Notes that with certain forms of consumer-to-business engagement, consumers may be victims of unfair commercial practices, for example when selling a product on to a trader; calls on the Commission to investigate problems of this kind and, if appropriate, explore targeted and practical remedies which might include inter alia more flexible interpretations of the provisions of Directive 2005/29/EC on unfair commercial practices, and could be explained in the Commission's guidance on the application of this Directive;
7. Recalls that, with effect from 12 June 2013, Member States may no longer maintain the provisions retained until that date as temporary derogations; calls as a consequence on Member States to comply with the Directive as swiftly as possible; at the same time, calls on the Commission to carry out research into how Member States have transposed the Directive, in particular regarding national prohibitions not included in Annex I, and to submit within 2 years to Parliament and to the Council a new comprehensive report on its application, containing, in particular, an analysis on the scope for further harmonisation and simplification of Community law relating to consumer protection and suggestions for any necessary measures to be taken at Community level to ensure that a high level of consumer protection is maintained;
8. Reasserts the importance and absolute necessity of the Directive being fully and uniformly applied and properly implemented by Member States in order to eliminate legal and operational uncertainties for businesses operating across borders; notes with disquiet that in 2011 and 2012 the Commission was obliged to employ the 'EU Pilot' consultation system because several Member States had failed to transpose the Directive correctly; calls on the Member States to support enforcement at national level with all available means, in particular with sufficient resources; stresses the essential role of stepping up cooperation between the national authorities responsible for implementing the Directive as well as the importance of building up a structured dialogue between public enforcers and other stakeholders, in particular consumer associations;
9. Notes that, since the expiry of the deadline for implementation of the Directive in 2007, there have been numerous cases of Member States not correctly implementing or applying key provisions, in particular the black list of banned, misleading and aggressive commercial practice; calls therefore on the Commission to continue monitoring closely application of the Directive and, if necessary, to bring proceedings against Member States which infringe the Directive or fail to implement it or to apply it correctly, in accordance with the Treaty on the Functioning of the European Union; calls in particular on the Commission to urgently resolve any outstanding issues with regard to the consultations launched in 2011, either by terminating the infringement procedures or by referring them to the Court of Justice;
10. Supports the Commission's wish to draw up a list of indicators to evaluate the effectiveness of the mechanism whereby the Member States implement the Directive;

11. Welcomes the fact that since the Directive was transposed in Member States, cross-border purchases have increased; recalls however that reinforced cooperation and coordination between the Commission and national authorities is essential in order to promote converging practices in implementation, and to provide a rapid and efficient response; notes that particular attention should be paid to dealing with cross-border online purchasing, especially where price comparison websites do not clearly disclose the identity of the trader operating the site;
12. Reasserts the importance of enhanced cooperation between national authorities responsible for applying the Directive in order to achieve its full application and proper implementation by the Member States; encourages the Commission in this respect to examine thoroughly the scope, effectiveness and operational mechanisms of the Consumer Protection Cooperation Regulation (CPC Regulation), as it has committed itself to doing before the end of 2014; welcomes, with that in mind, the recent opening by the Commission of a public consultation on the revision of that regulation and the availability of the consultation in all EU languages; calls on involved stakeholders to take a part in this consultation;
13. Stresses the usefulness of the 'sweeps' carried out under the CPC Regulation and calls on the Commission to further develop and strengthen them and broaden their scope; urges the Commission to summarise the data collected and the list of actions taken by the Commission and Member States in the wake of these sweeps, and to publish its findings, while taking into account the need to ensure the confidentiality of certain sensitive information that is being used in the framework of a judicial procedure at national level; calls on the Commission to report to Parliament on its findings and to further propose additional measures if needed in order to improve the functioning of the internal market;
14. Agrees that further efforts should be made to strengthen the enforcement of the Unfair Commercial Practices Directive in relation to vulnerable consumers;
15. Expresses concern at the conflicts of interest involved and the misleading use to which some traders are putting customer review tools and price comparison websites; welcomes the Commission's decision to consider how the information provided on such platforms might be made clearer to consumers;
16. Calls on the Commission and the Member States to ensure proper application of the Unfair Commercial Practices Directive especially regarding misleading 'hidden' internet advertising in the form of comments posted on social networks, forums or blogs, apparently emanating from consumers themselves while they are in reality messages of a commercial or advertising nature directly or indirectly generated or financed by economic operators; insists on the damaging effect of such practices on consumer confidence and competition rules; calls on the Member States to take appropriate measures to further prevent the development of such practices, including by launching information campaigns aimed at warning consumers of these 'hidden' forms of advertising, or by encouraging the emergence of forum observers/moderators who are specifically trained and alert to the dangers of 'hidden' advertising;
17. Maintains that, given the rapid spread of online advertising, a suitable method for monitoring the protection of vulnerable groups of people, especially children, and their accessing by advertisers, needs to be developed;
18. Regrets that, despite current EU legislation on airline prices and the 2007 sweep under the CPC Regulation of websites selling plane tickets, consumers continue to fall victim to the very many misleading practices in this sector, such as not including unavoidable costs like credit and debit card surcharges when booking online; notes with concern the increasing number of complaints concerning online ticket purchasers who have fallen victim to what is commonly referred to as 'IP tracking', a practice which seeks to record the number of web visits by individual users through the same IP address and then artificially push up prices based on the level of interest revealed by other similar searches; calls on the Commission to investigate the frequency of this practice, which results in unfair competition and constitutes a misuse of users' personal data, and, if appropriate, to propose suitable legislation to protect user interests;
19. Considers that the penalties imposed for failure to comply with the Directive ought never to be lower in value than the profit made through a practice deemed to be unfair or misleading; reminds Member States that the Directive states that penalties must be effective, proportionate and dissuasive; asks the Commission to compile and analyse data on penalties applied by Member States as well as on the efficiency of enforcement regimes in particular with regard to the complexity and length of enforcement procedures; calls on the Commission to provide the Parliament with results of these analyses;
20. Welcomes the efforts of the Commission to assist Member States in transposing and applying the directive;
21. Welcomes the database on national legislation and case law concerning unfair commercial practices developed by the Commission and recognises it to be a useful means of adding to the information available to consumers; regrets that it is only

available in English; asks the Commission to increase progressively the number of languages in which the database is available and to enhance its visibility, particularly for economic operators; calls on the Commission to consider also additional instruments for raising the awareness of SMEs with regard to unfair commercial practices;

22. Emphasises the importance of the guidance document produced by the Commission to assist in application of the Directive; welcomes the Commission's intention to revise this document by 2014; encourages the Commission to work transparently, holding wide-ranging consultations with stakeholders throughout the process; calls on the Commission to continue updating and clarifying this document on a very regular basis in the future; calls on the Member States to take this guidance document into account as far as possible and to exchange best practices on its implementation; calls on the Commission to submit an evaluation of interpretation and implementation problems which national authorities and stakeholders have regularly encountered while implementing the provisions of the Directive, in order to assess which aspects of the guidance document need to be improved;

23. Underlines that the principle of maximal harmonisation set by the Directive implies that national legislation cannot provide for stricter provisions than those provided under this Directive; stresses that the Court of Justice has interpreted that principle as requiring that bundled sales and other commercial promotions, which are treated by the Court as unfair commercial practices and which do not feature on the black list in Annex I, can only be prohibited on a case-by-case basis; stresses that for reasons of legal certainty, and to guarantee a high level of consumer protection, the Commission should specify, as part of its review of the guidance document, in what precise cases bundled sales and other commercial promotions should be deemed illegal; calls also on the Commission to reflect on the necessity of a new legislative proposal dedicated to commercial promotions;

24. Stresses that the use of false environmental claims is an unfair practice which is on the rise; encourages the Commission to expand the section of the guidance document devoted to this practice in order to clarify the application of the Directive for economic operators; at the same time, calls on the Commission to explore the initiatives it could take to improve consumer protection against such practices;

25. Calls on the Commission and the Member States to raise business' awareness of consumer rights in order to promote greater respect for these rights by economic operators;

26. Points out that many consumers hesitate to ask for redress when it seems to them that the amount concerned is not very high; stresses that consumers need to be made more aware of the support available to them from both consumer associations and the network of European Consumer Centres; underlines the importance of consumer organisations in raising awareness of existing unfair commercial practices as a preventive measure, and on their role in assisting victims of unfair practices, thus enabling consumers to properly assert their rights; calls for coordinated actions between consumer organisations at national and European level, as well as with national authorities and the Commission;

27. Stresses the importance for consumers of having effective, swift and inexpensive legal remedies; asks in this regard for Member States to implement fully the Directive on alternative dispute resolution methods and out-of-court settlement of online disputes;

28. Points to the importance of collective redress mechanisms for consumers and welcomes the Commission's recently published recommendation C(2013)3539 and its communication COM(2013)401; agrees that a horizontal framework on collective redress would avoid the risk of uncoordinated sector-specific EU initiatives; calls on the Member States to follow the Commission Recommendations for the establishment of horizontal common principles, whose implementation in Member States would serve to assess whether further measures, including a legislative initiative, are needed, in particular for cross-border cases; recalls that none of the various approaches to collective redress must give any economic incentive to bring abusive collective actions and that all such approaches must include appropriate safeguards to avoid unmeritorious claims;

29. Instructs its President to forward this resolution to the Council and the Commission.

(1) OJ L 149 of 11.6.2005, p. 22.

(2) OJ L 364 of 9.12.2004, p. 1.

(3) OJ L 166 of 11.6.1998, p. 51.

(4) OJ C 46 E, 24.2.2010, p. 26.

(5) OJ C 169 E, 15.6.2012, p. 58.

⑥ IP/A/IMCO/NT/2008-16.