

Overview UCP-D 2005/29/EC

I. General

- Regulates only the relationship between traders and consumers (B2C), Art. 3 (1) UCP-D
- Basically full harmonization
Recital 7? Unclear (exception?)

II. Scope of application

- Steps back from contract law, Art. 3 (2) UCP-D
- Takes a back seat to health and safety product law, Art. 3 (3) UCP-D
- Takes a back seat to specific EU law on fair trading, Art. 3 (4) UCP-D
(e.g.: Art. 7 Regulation on Food Labelling 2011/1169)
=> Principle of “substantive priority” over UCA (UWG)

III. Content

1. General clause, Art. 5 (1), (2) UCP-D
2. Misleading commercial practices
 - a) Misleading actions, Art. 6 UCP-D
 - b) Misleading omissions, Art. 7 UCP-D

3. Aggressive commercial practices
 - a) Aggressiveness, Art. 8 UCP-D
 - b) Circumstances, Art. 9 UCP-D

 4. Annex I: Unfair in all circumstances ("Black List"), Art. 5 (5) UCP-D
 - a) Misleading Commercial Practices No. 1-23c
 - b) Aggressive commercial Practices No. 24-31
- Annex II: Information requirements under EU law as material information, Art. 7 (5) UCP-D