

## Overview MCA-D 2006/114/EC

### **I. General**

- Regulates only the relationship between traders (B2B)
- Basically minimum harmonization, Art. 8 (1) (1) MCA-D  
(In the case of comparative advertising: full harmonization, Art. 8 (2) (2) MCA-D)

### **II. Scope of application**

- Takes a back seat to more specific EU unfair competition law, Art. 8 (2) MCA-D
- Regulatory reservations for Member States in the case of comparative advertising pursuant to Art. 8 (3), (4) MCA-D

### **III. Content**

#### 1. Misleading advertising

##### a) Concept of advertising, Art. 2 (a) MCA-D

Any making of a representation in any form in connection with a trade, business, craft or profession in order to promote the supply of goods or services, including immovable property, rights and obligations.

b) Concept of misleading advertising, Art. 2 (b) MCA-D

Any advertising which in any way - including its presentation - deceives or is likely to deceive the persons to whom it is addressed or whom it reaches and which, by reason of its deceptive nature, is likely to affect their economic behavior or which, for those reasons, injures or is likely to injure a competitor.

c) Determining criteria, Art. 3 MCA-D

2. Comparative Advertising

a) Definition, Art. 2 (c) MCA-D

Any advertising which explicitly or by implication identifies a competitor or goods or services offered by a competitor.

b) Requirements, Art. 4 MCA-D