

Harmonization



Full harmonization

- a) Sec. 3 (2), 4a, 5, 5a, 5b UWG

Unfair Commercial Practices Directive
2005/29/EC
(B2C only)

Problem: Recital 7 (cf. *Sosnitza*, WRP 2006, 1).

- b) Comparative advertising, Sec. 6 UWG

Directive on misleading and comparative
advertising 2006/114/EC (B2B only)

Likewise: Misleading comparative advertising,
despite problematic Art. 8 I, 4 lit. a MCA-D
2006/114/EG (see ECJ GRUR 03,
533 - Pippig Augenoptik/Hartlauer)

Minimum harmonization

Misleading advertising, Sec. 5 UWG

Directive on misleading and comparative
advertising 2006/114/EC
(B2B only)

