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From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
Subject:	Draft DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Directives 2005/29/EC and 2011/83/EU as regards empowering consumers for the green transition through better protection against unfair practices and through better information (first reading) - Adoption of the legislative act - Statements

Protokollerklärung Österreichs

Österreich kann dem vorliegenden Kompromiss zustimmen.

Es wird festgehalten, dass durch die Änderung der Richtlinie über unlautere Geschäftspraktiken 2005/29/EG künftig Praktiken in Verbindung mit irreführenden Umweltaussagen sowie nicht zertifizierten oder nicht von staatlicher Stelle festgesetzten Nachhaltigkeitssiegeln untersagt werden.

Im Zusammenhang mit der Beschlussfassung der hier gegenständlichen Richtlinie weist Österreich darauf hin, dass es bei dem parallel in Verhandlung stehenden RL-Vorschlag über Umweltaussagen¹ wesentliche Überschneidungen gibt. Es bedarf dabei noch einer Vereinfachung und deutlichen Verschlankung. Außerdem bedauert Österreich, dass es noch nicht zur mehrmals ersuchten Vorlage einer neuen Folgenabschätzung durch die Europäische Kommission gekommen ist, da sich die Ausgangslage nun geändert hat und den Grundsätzen von „*Better Regulation*“ Rechnung getragen werden soll.

Statement of the Slovak Republic

The Slovak Republic supports the objectives of the proposal, which are to strengthen consumer protection and to empower consumers for the digital and green transition. However, the final agreement introduces numerous new obligations on traders without adequate benefits for consumer protection.

Slovakia welcomes and supports all initiatives that aim at providing clearer and more comprehensive information for consumers so they can make a well-informed purchasing decision. The final agreement introduces a new information requirement under the Consumer Rights Directive, by which traders, using a harmonised graphic format, are obliged to inform consumers about the existence and the details of a commercial guarantee, if relevant, and of the applicable legal guarantee. Slovakia finds this obligation disproportionate and is of the opinion that such information could be provided to the consumers in a less burdensome way.

¹ COM(2023) 166 final

Slovakia believes that the amendments introduced in the Annex to the Directive on Unfair Commercial Practices are contrary to the philosophy of the Directive, which is supposed to establish a general framework for determining unfair practices of traders. The final agreement introduces several specific provisions, which erode the general nature of the Directive, thus weakening its application as a general legal framework. Moreover, the amendments in the Annex to the Directive cover practices, for which the responsibility lies with the producers and are, in general, beyond the control of the traders. The final agreement lacks the so-called “*subjective element*” that limits traders’ responsibilities to cases where they could be reasonably expected to act in bad faith. The “*subjective element*”, which was introduced in the Council’s mandate, has been deleted during the negotiations with the European Parliament.

Furthermore, the final agreement contains several other provisions that are unclear, will not contribute to a proper implementation of the directives and could potentially lead to further fragmentation of the Internal market.

For the outlined reasons, the Slovak Republic will abstain from voting on the proposal for a Directive as regards empowering consumers for the green transition through better protection against unfair practices and better information.