[CZ] Implementation of the EC Directive on Unfair Commercial Practices

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The *Rada pro rozhlasové a televizní vysílání* (Council for Radio and Television Broadcasting), the Czech Republic's broadcasting regulator, is also responsible for regulating radio and television advertising. This responsibility is laid down both in the Broadcasting Act and the Advertising Regulation Act, which prohibits misleading advertising. In the past, the Council has imposed fines on several occasions for misleading advertising.

The Czech parliament is currently debating an amendment to the Consumer Protection Act. The purpose of this amendment, which also involves an amendment to the Advertising Regulation Act, is to implement Directive 2005/29/EC on Unfair Commercial Practices (see IRIS 2005-6: 3), the aim being to introduce rules governing the ban on unfair commercial practices that distort the economic behaviour of consumers and directly influence their decisions. The proposed law defines two types of unfair commercial practice: misleading and aggressive. Part of the proposal is the addition of a schedule to the Consumer Protection Act containing a list of such practices. The ban on misleading advertising is to be replaced by a ban on advertising that constitutes an unfair commercial act. The Consumer Protection Act contains a definition of unfair practices. The existing rules are to be amended in such a way that they will, in the future, also cover advertising that constitutes an unfair commercial practice.

Directive 2005/29/EC covers both unfair and misleading commercial practices (Articles 6 and 7), which include misleading advertising. Rules on misleading advertising as a component of unfair competition are contained in the Commercial Code.

Tisk 305 - Vládní návrh na vydání zákona, kterým se mění zákon č. 634/1992 Sb., o ochraně spotřebitele, ve znění pozdějších předpisů, zákon č. 40/1995 Sb., o regulaci reklamy

http://www.psp.cz/sqw/text/tiskt.sqw?O=5&CT=305&CT1=0

Proposal for an Act amending Act No. 634/1992 Coll. (Consumer Protection Act) and Act No. 40/1995 Coll. (Advertising Regulation Act)

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