Council of the European Union / European Parliament: Joint Text on Directive on Comparative Advertising Approved

IRIS 1997-10:1/5

Marina Benassi
Attorney at law

After six years of animated debate at the European level on the issues concerned with the regulation of comparative advertising, a conciliation agreement has been approved. The approved text provides for an amendment of Directive 84/450/EEC on misleading advertising so as to include comparative advertising. Comparative advertising is a form of advertising in which a vendor points the supposedly superior merits of his own product or service and set them against the allegedly lesser quality of concurrent products. To this aim comparative tests are often used. Bringing comparative advertising under the scope of Directive 84/450/EEC on misleading advertising, the agreed text provides for a ban on comparative advertising of products representing mere imitations of goods and services which enjoy trade mark or trade name protection. In a compromise provision concerning tests, an agreement was found on the applicability of international conventions concerning copyright to situation in which comparative advertising refers to the results of comparative tests carried out by independent third parties. The agreement foresees in a new procedure for dealing with complaints. After pressure from the European Parliament, the agreed text does not contain any provision concerning the exclusion of forms of voluntary control by self-regulatory organs, on the contrary, the Directive provides in the possibility of a co-ordinated action between national self-regulatory bodies and associations or organizations at Community level, for example when dealing with transfrontier complaints.

Directive 97/55/EC of the European Parliament and the Council of 6 October 1997 amending Directive 84/450/EEC concerning misleading advertising so as to include comparative advertising. OJEC, 23 October 1997, No L 290: 18-23

http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31997L0055:EN:HTML

© European Audiovisual Observatory (Council of Europe) 2026

© European Audiovisual Observatory (Council of Europe) 2026