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THE INJUNCTION PROCEDURE FROM A CONSUMER PERSPECTIVE

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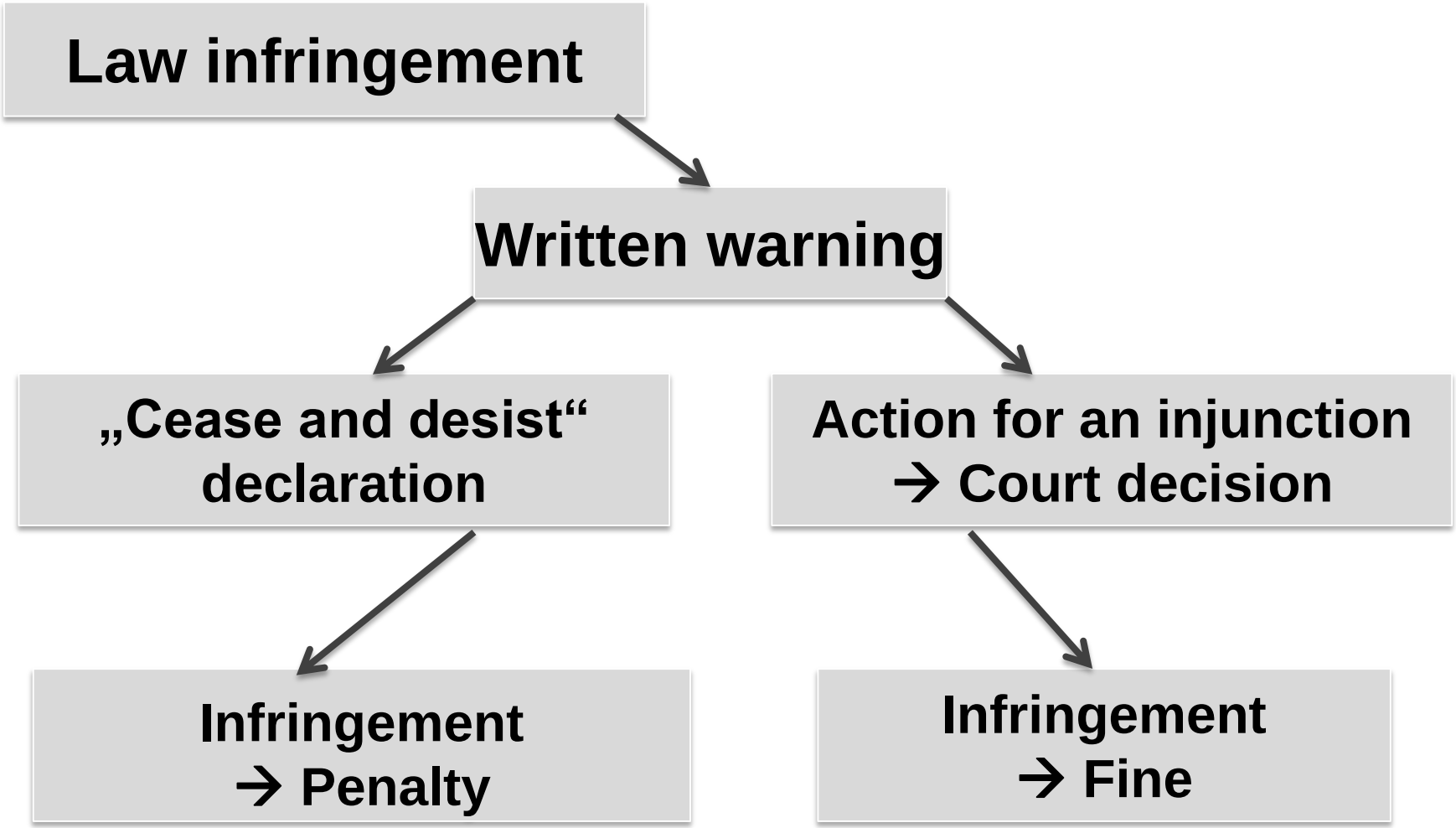
HOW DO WE WORK?
THE INJUNCTION PROCEDURE



IMPORTANT CASES

- **Life insurances**: it is unlawful for insurance companies to demand high fees from consumers when they terminate an insurance contract.
- **Teekanne**: It is illegal to advertise a tea with „raspberry“ if it does not contain raspberries.
- **Flight bookings:** Consumers have to be informed about the final price to be paid.
- **Flight bookings:** One commonly used payment method must be available to consumers without additional costs.
- … and many issues coming up in the digital world (**Facebook, Whatsapp, Google**)

HOW MANY INJUNCTIONS?

ANNUAL AVERAGE (VZBV AND MEMBERS COMBINED)

- approx. 1.000 warnings
- approx. 50 % are settled out of court
- approx. 25 % are taken to court
- approx. 25 % are put off or stopped (insolvency, no contact person available, etc.)

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SUPPORTIVE FRAMEWORK CONDITIONS

- moderate financial budget for injunctions
- adequate judicial fees
- accelerated procedure as a rule
- injunctions applicable to a broad range of consumer law infringements:
  - unfair commercial practices
  - unfair contract clauses
  - sectoral legislation
  - data protection legislation

LIMITATIONS -
- AND POSSIBLE IMPROVEMENTS

- **Limited legal effect:**
  Only the business addressed by the injunction
  … what about compliance of other actors?

  → **potential for improvement:**
  - public case registry
  - legal effects for all market actors concerned

LIMITATIONS -
- AND POSSIBLE IMPROVEMENTS

- **Limited benefit for individual consumers**
  “Cease and desist” limited to the future
  … what about compensation?

  → **potential for improvement:**
  - claims must not be lost during the injunction period
  - right to compensation where appropriate

Thank you

Legal Information

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