



**MINISTRY OF ECONOMIC AND BUSINESS AFFAIRS  
DENMARK**

Commissioner Viviane Reding  
European-Commission  
Directorate General Justice, Freedom and Security  
1049 Bruxelles  
Belgium

**MINISTER FOR ECONOMIC  
AND BUSINESS AFFAIRS**

4 MAJ 2010

Dear Ms. Reding,

I am writing to you regarding the comprehensive report from the Commission on the application of the Unfair Commercial Practices Directive.

It follows from the directive that by the 12<sup>th</sup> of June 2011, the Commission shall submit to the European Parliament and the Council a comprehensive report on the application of the directive, on the scope for further harmonisation and simplification of Community law relating to consumer protection, and on any measures that need to be taken at Community level to ensure that appropriate levels of consumer protection are maintained. The report shall be accompanied, if necessary, by a proposal to revise the directive.

The Danish Marketing Practices Act contains a ban on sales promotions in the form of trading stamps/collectable vouchers, and draws and prize competitions. In the recent decisions from the European Court of Justice on the Unfair Commercial Practices Directive (Case no. C-261/07, C-299/07 and C-304/08) the court has interpreted that sales promotions are within the scope of the directive.

The Danish ban on vouchers and prize competitions is supported by a broad political majority in the Danish Parliament. The consideration behind the ban on vouchers is that this form of discount is based on coincidences, meaning that only some consumers will obtain vouchers, and thereby gain advantage of the discount. Furthermore, vouchers lead to a lack of transparency, they are inconvenient to use for the consumers, and at the same time they cause administrative burdens for the retailers. The consideration behind the ban on prize competitions is based on ensuring that the attention of the consumers is not displaced from the actual price and quality of the offered services or goods, to the possibility of winning a prize.

Denmark encourages the Commission to take the regulation of sales promotions into consideration in the upcoming report and revision of the directive, including the specific use of certain forms of sales promotion for instance vouchers. Denmark finds that the existing regulation in the Un-

**MINISTRY OF ECONOMIC  
AND BUSINESS AFFAIRS**

Slotsholmsgade 10-12  
DK-1216 Copenhagen K

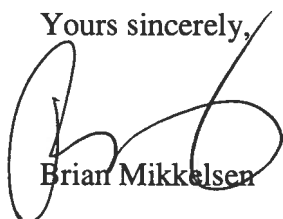
Tel. +45 33 92 33 50  
Fax +45 33 12 37 78  
CVR no. 10 09 24 85  
oem@oem.dk  
www.oem.dk

fair Commercial Practices Directive needs to be modified, especially in order to be able to keep a legal framework on sales promotions.

In this regard, Denmark would also like to point out that prize competitions and vouchers were the subject of a proposal for a regulation concerning sales promotions in the Internal Market, which, however, was withdrawn in 2006.

Denmark looks forward to continue the existing dialogue with the Commission regarding the Danish regulation on sales promotions.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Brian Mikkelsen', written over the typed name.

Brian Mikkelsen