

Text for public statement implementation PID

Price Indication Directive: unclear legal text and guidelines lead to problematic and diverging transposition and interpretation across Europe

The recent amendments to the [Price Indication Directive](#)¹ (PID) have led to great confusion among retailers offering products to consumers. We support the aim of the legislator i.e. ensuring consumers are not misled by price reduction promotions that are in practice not a real price reduction. However, the legal text is not clear on many issues and also captures common legal promotion practices that consumers fully understand and from which both consumers and traders benefit from. Especially during the current period with all the challenges companies have to face interpreting the rules in a way that would limit their ability to offer promotions could be proven counterproductive. In this context we are urging the Commission to take that into account in the future as the accompanying [European Commission guidance on the implementation of the PID](#) did not clarify remaining issues and Member States do not always follow these guidelines.

Promotions ensure competition between market players and provide lower prices and increase consumer choice.

The core problem is that marketing practices across Europe are very diverse and are also following local consumer preferences. The PID amendment does not recognise this variety, and this is creating legal uncertainty among retailers. It also makes common marketing practices of which many consumers benefit illegal. This is very concerning, considering the minimum maximum fine is set at 4% of a traders turnover.

EuroCommerce is monitoring the situation and has already received a lot of problematic transposition examples, where also local interpretation diverts from the Commission guidance and even the PID. For more information also have a look at the [EuroCommerce Recommendations](#).

At this stage, we understand that the rules cannot be changes before the review report foreseen in the PID by May 2024. However, **we call upon national decision makers and competent authorities to be cautious when enforcing the new rules and with imposing penalties until there is more clarity.**

We urge the Commission and Member States to come to a more harmonised approach across Europe and to use the coming year to gather input on the transposition and application of the PID. This should serve as input to resolve legal uncertainty for businesses and consumers, and make sure consumers continue to benefit of real price reductions across Europe.

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Transparency Register ID: 84973761187-60

¹ Article 2 of [Directive \(EU\) 2019/2161 of the European Parliament and of the Council of 27 November 2019 amending Council Directive 93/13/EEC and Directives 98/6/EC, 2005/29/EC and 2011/83/EU of the European Parliament and of the Council as regards the better enforcement and modernisation of Union consumer protection rules](#)