LIDC

LIGUE INTERNATIONALE DU DROIT DE LA CONCURRENCE
INTERNATIONAL LEAGUE OF COMPETITION LAW
INTERNATIONALE LIGA FÜR WETTBEWERBSRECHT

DOES NON-COMPLIANCE WITH CSR (CORPORATE SOCIAL RESPONSIBILITY) COMMITMENTS CONSTITUTE UNFAIR COMMERCIAL PRACTICES?[1]

RESOLUTIONS[2]

Nexus

Where an undertaking commits a breach of a CSR provision that is promoted or advertised directly or indirectly in connection with the sale of its goods or services, such shall be actionable as an unfair commercial practice if the CSR provision would materially or is likely to materially influence the average consumer's decision to buy those goods or services of the undertaking.

Locus standi

In principle, any person who is materially and adversely affected by a breach of a CSR provision, without exclusion to other persons including trade or consumer associations, shall be entitled to bring an action for unfair competition.

Disclosure of information

Where an arguable case is made out that an undertaking has breached a publicised CSR policy, a court shall have the power to order that the undertaking provide information which is relevant to the allegation which is in its possession and which can be located by the undertaking conducting a reasonable search.

Competition law

In considering the application of competition laws to CSR policies, the beneficial effect on the environment and social working conditions shall be taken into account.

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[1] During the preparatory work, LIDC examined the following question: "*On what legal grounds could or should commercial practices, i.e. manufacturing, marketing, distribution or advertisements, of items produced or services rendered in violation of standards, statements, commitments or CSR voluntarily issued or adopted by an undertaking, be sanctioned or prevented*?"

[2] The resolutions were adopted at the LIDC General Assembly, held in Kiev on 21 September 2013. International Rapporteur was Mr. Guy Tritton (United Kingdom)