(English version)

Question for written answer E-000359/26
to the Commission
Biljana Borzan (S&D)
(28 January 2026)

Subject: Different prices for the same product

Aggressive online advertising during sales is very widespread. However, many consumers complain that when they click on a product, only the smallest or largest size is available at the advertised price, while more commonly purchased sizes are more expensive. I believe this constitutes misleading advertising.

Does the Commission agree with my view and what is it doing to better control online discounts?

Submitted: 28.1.2026

Answer given by Mr McGrath on behalf of the European Commission
(9 April 2026)

The Unfair Commercial Practices Directive (UCPD) ([1]) prohibits misleading advertising that gives false information or in any way, including overall presentation, deceives the average consumer causing them to take a transactional decision that the average consumer would not have taken otherwise.

In particular, the directive prohibits misleading claims as regards the existence of a specific price advantage ([2]). It has to be assessed on a case-by-case basis, taking into account all the circumstances, whether online advertising of price promotions is unfair when only the smallest or largest size of the respective product is available at the advertised price.

Member States' competent bodies are responsible for the enforcement of the UCPD. The compliance of price marketing with consumer law is regularly addressed by the Consumer Protection Cooperation (CPC) Network, ([3]) e.g. in its ongoing coordinated actions regarding Temu ([4]) and Shein ([5]).

It has also been addressed in the CPC Network's periodic website screenings ('sweeps'), i.e. a set of checks carried out on websites simultaneously to identify breaches of EU consumer law in a particular sector ([6]).

([1]) Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and Regulation (EC) No 2006/2004 of the European Parliament and of the Council ('Unfair Commercial Practices Directive'), OJ L 149, 11.6.2005, pp. 22-39.
([2]) Article 6(1)(d) of the directive.
([3]) In order to protect consumers when shopping across national borders, Consumer Protection Cooperation Regulation (EC) No 2006/2004 established a network of competent public enforcers to tackle these issues in a coordinated manner: https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX:32004R2006.
([4]) https://ec.europa.eu/commission/presscorner/detail/en/ip_24_5707.
([5]) https://ec.europa.eu/commission/presscorner/detail/en/ip_25_1331.
([6]) https://commission.europa.eu/live-work-travel-eu/consumer-rights-and-complaints/enforcement-consumer-protection/sweeps_en, including, for example, a specific focus on online discounts in 2022.