Lost in harmonisation – the downside for consumers

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Consumer Day
Madrid
15 March 2010
X2010_017
Lost in harmonisation?

✓ Proposal for a consumer rights directive = unique opportunity to enhance consumer rights within the EU

✓ The debate around pCRD concentrates on level of harmonisation

✓ It is high time to refocus the debate towards consumer rights
High Time to be ambitious

- The single market is not a goal in itself, but an instrument to promote European citizens/consumers welfare

- Market integration is not enough to promote consumer welfare, as experience has shown!

- Consumer policy should not be seen as a means to only achieve the single market, but as a policy in its own right

- Need to look beyond the question of what level of protection is « adequately high » in the pCRD

- What does it mean to « build the European policy agenda clearly around the needs of Europeans »

- What do consumers need and expect from the EU?

- How can consumer confidence really be increased?
Consumer challenges for the future regulatory framework (1/3)

- An efficient system of protection if goods are defective / do not comply with legitimate expectations:
  - Free and initial choice between four remedies by the consumer
  - Longer period of reversal of the burden of proof
  - Extension of guarantee period
  - Producer liability

- An all inclusive framework offering high and efficient protection in all consumer contracts:
  - Products/services
  - Offline/online
  - Physical/digital products
Comprehensive protection against unfair contract terms
- EU-wide ban of certain unfair contract terms
- EULAs should be clearly covered by the UCT legislation
- Long term duration contracts should be banned, in order to provide the consumer with the adequate mobility to sanction low-quality services and to benefit from more competitive offers

Appropriate protection of consumer payments
- Choice of means of payments: consumers should not be forced to pay added fees, if they reject a certain payment method
- Security: credit cards are not really adapted to online transactions – specific means of payment are necessary
Additional tools for consumer redress

- Charge back - a joint liability between the payment service provider and the merchant would particularly help to increase confidence in e-commerce

Don’t forget the global picture: no true consumer rights where means of enforcement are lacking:

- More means for enforcement authorities
- Collective consumer redress mechanisms.
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