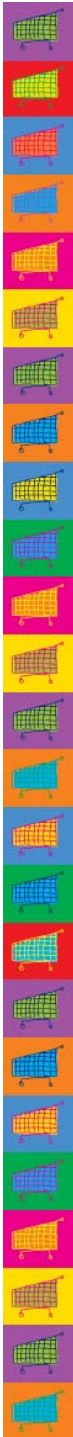


Lost in harmonisation – the downside for consumers

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BEUC Director General

A vertical decorative bar on the right side of the slide, composed of 20 small, colorful icons of shopping carts, each with a different background color (purple, red, blue, orange, pink, yellow, green, cyan, magenta, light blue, dark blue, light green, yellow, purple, orange, blue, green, pink, yellow, purple, orange).

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



Consumer challenges for the future regulatory framework (2/3)

✓ 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 on-line transactions – specific means of payment are necessary



Consumer challenges for the future regulatory framework (3/3)

- ✓ 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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