

European Commission lays the ground work for future action in EU consumer Law

The results show that while European consumers already benefit from strong consumer rights, there is room for improvement for instance when it comes to enforcing these rights or making them fit for the digital age. An update of the rules should also ensure more legal clarity for businesses operating cross-border.

Věra **Jourová**, EU Commissioner for Justice and Consumers said: *“European consumers are amongst the best protected in the world. They benefit from strong consumer rights whether they buy in their own country or cross-border. We need to make sure that these rights can also be properly enforced and are brought up-to-speed with the digital age. With the upcoming proposals we will make sure these rights become a reality online and offline. ”*

EU consumer rules have contributed to improving consumer confidence: in 2016, nearly 6 in 10 consumers (58%) felt they are well protected when buying something online from another Member State, compared to only one in ten (10%) in 2003. 7 in 10 people reported that they have benefitted from the right to a free-of-charge minimum two year guarantee for goods.

Issues identified

The Commission analysis identifies the following issues that should be addressed:

- **Limited redress possibilities:** Few countries offer consumers an efficient civil law remedy in case they were victims of unfair commercial practices. In some countries, business and consumer organisations cannot bring injunctions to signal a wrongdoing. Member States continue to have diverse approaches on collective redress.
- **Diverging enforcement across Member States:** The level of sanctions for the infringement of EU consumer law by a company varies significantly between Member States, resulting in different levels of consumer protection and a lack of level playing field for businesses.
- **Rights not fully adapted to the digital world:** When signing up to non-paying online services (e.g. cloud services, social media), consumers don't benefit from the same pre-contractual information rights or the right of withdrawal from the contract, as they would when paying for such services. Consumers also experience a lack of transparency of online intermediaries, which makes it difficult for consumers to claim their rights.
- **Low awareness of consumer rights:** Only four in ten people (41%) knew they have the right to a free repair or replacement if their goods are defective and only one third (33%) knew that they do not need to pay for or return products they did not ask for.

How will the Commission take this forward?

The Commission will examine how to follow up in the following areas of EU Consumer rules:

- **granting victims of unfair commercial practices the right to contractual and/or extra-contractual remedies** (such as right to terminate the contract and to receive a refund of the price paid);
- **extending protection under the Consumer Rights Directive** (e.g. pre-contractual information and right of withdrawal) to online services for which the consumers pay with their data;
- making sure that consumers **using online platforms** (marketplaces) are informed whether they are buying from a professional trader or another consumer and whether they benefit from consumer protection rules;
- strengthening and better harmonising the **level of sanctions** for breaches to consumer law;
- **improving the injunctions procedure** for the protection of consumers;
- Analysing the results of the ongoing assessment of **collective redress** across the EU.

Next steps

To examine the opportunity for possible changes in legislation, the Commission will in 2017:

- publish an “Inception Impact Assessment” outlining the scope and options for future legislative action;
- hold an online public consultation;
- prepare an impact assessment, and, based on its findings, present a legislative proposal.

Ongoing Commission action

The Commission is already working on updating some of the Consumer rules:

The Commission updated its [guidance on the Unfair Commercial Practices Directive](#), which is the legal basis for many coordinated consumer rights enforcement actions at EU level.

The Commission proposed modern digital contract rules ([IP/15/6264](#)), which, once adopted, will provide clear rules to better protect consumer when they buy digital content. It will also align the common rules regarding remedies.

Regarding better enforcement, the Commission made a proposal to strengthen the cooperation between national consumer protection bodies (CPC) and the Commission ([IP/16/1887](#)).

Background

As part of the Commission’s [Regulatory Fitness and Performance \(REFIT\)](#) programme, the Commission regularly reviews EU laws to identify excessive regulatory burdens, overlaps, gaps, inconsistencies and/or obsolete measures which may have appeared over time.

In this framework, the Commission assessed six horizontal consumer and marketing directives: the [Unfair Commercial Practices Directive](#) (UCPD), the [Sales and Guarantees Directive](#), the [Unfair Contract Terms Directive](#), the [Price Indication Directive](#), the [Misleading and Comparative Advertising Directive](#), the [Injunctions Directive](#). The analysis consisted of a survey of more than 23 000 consumers from across the EU, mystery shopping exercises, interviews with national consumer bodies (organisations, business associations, authorities, ministries) and behavioural experiments

In parallel and linked to the Fitness Check, the Commission carried out an evaluation of the [Consumer Rights Directive](#) as required by its Article 30.

For more information

[Factsheet](#): EU consumer law

Executive summary of the [Fitness Check report](#)

Executive summary of the [evaluation of the Consumer Rights Directive](#)

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[EU consumer rights and law](#)