

Summary of the Presentation by Gösta Petri

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Topic:

Review of the Consumer Acquis – The Green Paper of the European Commission

Petri first explained the background for the review of the existing consumer acquis, notably eight directives: consumer sales, unfair contract terms, distance selling, doorstep selling, package travel, time share, price indication, injunctions.

According to Petri, the review of the consumer acquis had become necessary because of new market developments, in particular Internet trade, electronic auctions etc., the fragmentation of rules on account of minimum harmonisation and inconsistency between sector-specific directives, reluctance of consumers and business when it comes to cross-border transactions due to a lack of confidence which affects the functioning of the internal market, and finally the context of the European Commission's Better Regulation initiative.

The activities of the Commission were based on a compendium of national consumer protection legislation in the 27 Member States, on experiences of the Member States working group, CFR workshops, transposition checks of the directives, the Eurobarometer surveys, and various consultations on sector-specific directives.

A recent Eurobarometer survey had shown that citizens had less confidence in cross-border transactions whereas companies had a strong interest in cross-border trade. Because of different consumer protection standards in the Member States this was currently creating extra costs.

Petri then presented some questions raised in the Green Paper.

The Commission was aiming at a horizontal approach in some areas, such as the definition of the consumer, a general good-faith clause, the harmonisation of cooling-off periods, and the modalities and costs of exercising the right of withdrawal.

Many definitions in the sector-specific directives were similar, but not identical; add to that the interpretations in ECJ case law.



The European Commission was considering to retain the existing eight directives as they were and to create, in addition, a horizontal instrument that would provide for a uniform definition of some notions and terms, and to add a clause on the mutual recognition of consumer protection standards, as appropriate.

Following the Commission's timetable, the consultation period will end on 15 May 2007, following which the results will be evaluated by the Commission. After an impact assessment and deliberations in the expert group of the Member States, a legislative proposal could be submitted.