



Mrs Viviane Reding
Vice-President
Commissioner for Justice, Fundamental
Rights and Citizenship
European Commission
200 rue de la Loi
B-1049 Brussels

12 April 2010

Dear Vice-President,

RE: PROPOSAL FOR A DIRECTIVE ON CONSUMER RIGHTS

First we would like to congratulate you on your appointment as the Commissioner for Justice, Fundamental Rights and Citizenship. Your portfolio includes dossiers of great importance for citizens and businesses on which we hope to have a regular and constructive dialogue.

Following your recent interventions on the proposed Directive on Consumer Rights, particularly your speech at the Internal Market and Consumer Protection Committee of the European Parliament on 16 March, the undersigned organisations would like to strongly reaffirm their full support for the proposal's objective of improving the functioning of the Single Market by establishing a more harmonised legal framework for consumer contracts while ensuring a high common level of consumer protection.

As you rightly mentioned, "minimum harmonisation in the existing consumer protection directives does not come close to establishing a real Single Market for businesses and consumers". Indeed, the legal fragmentation resulting from the minimum harmonisation approach has created barriers and extra compliance costs undermining business activities across Europe. This situation is preventing consumers and businesses from benefiting fully from the advantages of the Single Market.

Removing those legal obstacles and creating a level playing field through targeted full harmonisation of the most essential consumer rights is in our view the way forward.

We consider that the proposed directive and its full harmonisation character are the right approach to reduce regulatory divergences and create a more harmonised and clearer legal environment that will facilitate business to consumer transactions and increase the level of confidence in the internal market for both parties.

We are also aware that full harmonisation, even targeted, will be difficult to achieve in a certain number of areas and that changes to the Commission's initial proposal will be needed.

We remain open to discuss changes that are needed to clarify the text, reshape the scope or set the right balance between the interests of companies and consumers. However, we would firmly oppose revisions providing a mix between full and minimum harmonisation provisions. This will not solve the problem of lack of legal certainty, nor will it remove legal fragmentation.

If full harmonisation is not possible on certain aspects, we would prefer to keep the current legal framework for those aspects for the time being and reflect later on how best to address those aspects.

We would also like to take this opportunity to raise our concerns with regard to the possibility of creating a specific regime for online sales contracts different from the one for face-to-face contracts. Such a regime not only would lead to distortions of competition, it would also contradict the essence of an internal market which is defined as a space without internal frontiers and puts at risk any innovative concepts of distribution. Consumers and businesses should be encouraged to trade within the internal market as if they were trading on their national territory, and this is what we have been advocating since the adoption of the proposed Directive.

Finally, we would like to underscore the importance of assessing the impact of future amendments to the proposal so that they provide legal certainty and do not create unnecessary burden on companies.

We trust that you will take our comments on this important proposal into account and look forward to continuing discussions with you on it.

Yours sincerely,

(original signed by)

Andrea Benassi
Secretary General
UEAPME

Philippe de Buck
Director General
BUSINESSEUROPE

Xavier R. Durieu
Secretary General
Eurocommerce