

Proposal for a directive on consumer rights: BUSINESSEUROPE's perspective

ERA Annual Conference on European Consumer Law

BUSINESSEUROPE: 40 members in 34 countries



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Belgium



Bulgaria



Croatia



Cyprus

Czech
Republic

Denmark



Confederation of Danish Industry

Denmark



Estonia



Finland



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Germany



Germany



Greece



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Iceland



Iceland



Ireland



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Norway



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Portugal



Portugal

Rep.
San Marino

Romania



Slovakia



Slovenia



Spain



Sweden



Switzerland



Switzerland

The
Netherlands

Turkey



Turkey

United
Kingdom

Fragmentation in the Internal Market :

Minimum harmonisation directives have led to:

- a fragmented regulatory environment
- higher compliance costs
- reluctance to engage in cross-border sales
- legal uncertainty
- lack of Single Market for B2C transactions



BUSINESSEUROPE's goal

- A more common regulatory framework for B2C contracts
- Ensure a high level of consumer protection
- Strike a fair balance of interests
- Avoid unnecessary burden on traders



Targeted full harmonisation: the way forward

- Why full?
 - helps to reduce the regulatory divergences
 - avoids national gold-plating
 - facilitates enforcement and more even interpretation
- Why targeted?
 - focuses on well selected aspects with cross-border relevance
 - tackles divergences constituting barriers to the single market
 - respects the principles of subsidiarity, proportionality and necessity



Benefits of the proposal (1)

- For the Single Market and the economy:
 - removing barriers caused by the disparity of national rules
 - enhancing competition in domestic and cross-border trade
 - facilitating cross-border enforcement
 - increasing legal certainty and easier communication



Benefits of the proposal (2)

- For businesses:
 - lower compliance costs
 - more legal certainty
 - more cross-border opportunities

- For consumers:
 - increased confidence benefiting from more common rights and level of protection across EU
 - easier access to products and services
 - wider choice and more competitive prices

BUSINESSEUROPE's position

- Support for a targeted full harmonisation approach
- Where full harmonisation is not possible, status quo should be kept
- Avoid creating additional layers of legal fragmentation
- Clarification of scope and interaction with other Community legislation

Let's all think European!

Avoid “nationalisation” of the proposal, a European solution to be found that:

- improves the Single Market for consumers and businesses
- provides legal certainty
- results in genuine full harmonisation of the relevant national laws
- ensures a balanced common level of consumer protection avoiding unnecessary burdens on traders
- is pragmatic and workable and responds to the needs and the reality of the market



*THANK YOU
FOR YOUR ATTENTION!*

More information about the proposal can be
found at www.businessseurope.eu

