

**Meglana Kuneva**

European Commissioner for Consumer Protection

## **Consumer Rights Directive**

**Check Against Delivery**  
**Seul le texte prononcé fait foi**  
**Es gilt das gesprochene Wort**

European Parliament IMCO Committee (Committee for the Internal Market and Consumer Protection)

**Brussels, 2 March 2009**

Mrs Chairman,

Honourable Members,

I am glad to have the opportunity to address you once again on the very important issue of consumer rights.

I congratulate Mrs McCarthy, the Coordinators and IMCO Secretariat for organising this very important hearing, at the right time.

In the discussions so far I have understood that we need time. This is a complex text. The Directive will shape European consumer rights for future generations.

My aim with the proposal is to have better prices and more choice for consumers and households with a modern set of consumer rights, based on a truly high level of protection. In times of economic difficulties we need healthy markets with sound consumer rules.

Over the last five months there has been a considerable amount of debate about the Consumer Rights Directive. And I have been listening very carefully.

This is not a trade off between high level of consumer protection and a consumer market. We want to insure a high level of consumer rights across the 27 Member States, but at the same time we should not underestimate the significance of the benefits that a real consumer internal market can bring to every household.

- For those who think that prices do not matter for consumers: THINK AGAIN;
- For those who think that more choice is optional for consumers: THINK AGAIN;
- For those who think that the internal market is a luxury in these times of crisis: THINK AGAIN.
- This Directive does not prevent Member States from extending the scope of the Directive to B2B transactions or transactions with non-profit organisations. Member States remain free to regulate those aspects which are outside the scope of the Directive;
- This Directive does not prevent Member States from enforcing bans on unsolicited telephone calls. Member States will still be able to enforce them by all effective means, such as fines or the nullity of contract;
- This Directive does not force Member States to give up their general contract law remedies in the case of faulty goods, for example the right to reject faulty goods in the UK or the latent defect guarantee in France or in Belgium;
- This Directive does not oblige Member States to give up their legal guarantees on services, such as construction services or digital services.

I regret that recent discussions on this proposal seem to have neglected that there are new substantial consumer rights and existing ones are reinforced for European consumers. Consumers will have a substantial improvement of their rights:

- more rights on **delivery**. The consumer will be protected against the risk of loss or damage until he acquires the material possession of the goods;
- end of **hidden charges**. If the consumer is not informed upfront about the existence of additional charges for delivery he will not have to pay them;
- a longer **14 days cooling off period** for both distance and off-premises contracts;
- for the first time a **EU ban on pre-ticked boxes**;

- extension of the **protection to all off-premises contracts**, no matter what the value of the transaction is;

- consumers will be able to withdraw from a distance contract by **using a simple e-mail or a manuscript letter**, which can be drafted in the consumer's own words.

- a **duty in on-line contracts**: for example if you conclude a contract on e-bay you should disclose that you are a trader and not a consumer.

In addition to this, thanks to the new set of uniform European rights, we will be able to launch pan-European campaigns on "**knowing your rights at the point of sale**" similar to the ones that already exist for the air passengers rights. This is a particular important issue for me, and I count on your contribution here.

Some concerns have been raised about the scope of this proposal, for example to address the digital content.

You know my commitment to enhance the protection of digital consumers. I am working hard on this, but it is clear that the identification of problems and answers in this field needed more time. I promise to come back to you on this in the coming months.

As directly elected representatives of the European Parliament you have the best idea of the real needs of consumers no matter where they live and shop.

After meetings with many of you, with consumers' organisations, with groups of experts, with national authorities, I recognise that in some Member States there are understandable and legitimate concerns about crucial issues.

I identify the next as amongst the most serious ones:

- Is the two years guarantees period long enough?
- Is the six months burden of proof period on the retailers within the guarantee fair for consumers?
- Is the order of the remedies in the proposed directive the right one?
- Should there not be more contract terms on the black list in the Annex?

I am ready to work further on these questions. It may be that certain consumer rights need to be reinforced. The directive is now in your hands and I am sure that on these crucial points you will find the right balances with the best protection for consumers and workable rules for business.

But I am not ready to compromise on the principle of having a single set of rules which will apply to all businesses and all European consumers, from the shop across the street to the screen. I will not compromise on having a citizens' market.

Now more than ever, we need markets which will function efficiently; markets that will give the business sector the stability that it needs; markets which will allow consumers to buy the goods they need, where and when they need them, at the right price.

All of us, in this period of economic crisis, we have the duty to rebuild public confidence and contribute to recovery.

A healthy market needs strong regulation, an effective redress and a rigorous enforcement. More harmonised and better coordinated rules will facilitate enforcement and redress.

Those of us who are fortunate enough still to have jobs are cutting back on our spending. Those who have lost their jobs are forced to cut back further. If ever there was a time when consumers needed the reassurance of knowing that what they are buying is fit for its purpose, value for money and will arrive on time: **it is now**. And now is the time for the European legislator to deliver that assurance.

History teaches us that if we all shut up shop, close our doors and stay at home, if we buy nothing from anybody and sell nothing to anybody, the recession will be longer and deeper rather than shorter and less severe. Europe must be open for business or it will be out of business.

Potentially, households will save as a result of a single set of Consumer Rights throughout the EU billions of euro which, in return, can lead to the creation of thousands of new jobs.

I hope that you know me by now. I will listen very carefully to your concerns and I will take good note of the criticisms. I hope that you, all of you, will look at this proposal with an open mind and with a European eye. I can assure you that the Commission will be open too for constructive comments if they are based on sound evidence.

It is my strong believe that a single set of rules and the best level of consumer protection can only go hand in hand. I am confident that in the negotiations Parliament and Council will strike the right balance, to serve our European consumers and citizens of the XXI century.

I have cleared up my agenda to stay here with you until the end of the hearing. I will carefully listen to your concerns.

I wish you a good and constructive work.

Thank you