

# Public consultation on the Evaluation of the Commercial Agents Directive

Fields marked with \* are mandatory.

## Introduction

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Commercial agents are self-employed intermediaries authorised on a permanent basis to negotiate the sale or purchase of goods in the name and on behalf of another person (the principal). The objective of the Commercial Agents Directive was to move towards a single market for commercial representation and improve the conditions of competition by facilitating the conclusion and operation of commercial representation contracts across borders through harmonised rules.

For this purpose, the Directive defines the commercial agents falling under its scope and harmonises the rights and obligations of commercial agents and their principals, and defines rules for the remuneration of the commercial agent, the conclusion and the termination of the contract and the restraint of trade after the termination of the contract.

The purpose of the consultation is to get more in-depth information on the functioning of the directive, including from stakeholders representing commercial agents, principals or consumers. The responses to the consultation will support the evaluation of the Directive.

The consultation questionnaire contains questions about (i) the impact of the Directive since its entering into force, in particular regarding its significance for SMEs and cross-border activities, (ii) the relevant market of commercial agents and principals and (iii) stakeholder views on the future of the Directive.

More information:

- [on this consultation](#)
- [on the protection of personal data regime for this consultation](#)  [de](#) [en](#) [fr](#)

## 1. Information about the respondent

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Are you replying as:\*

- ☐ a commercial agent or an organisation representing commercial agents
- ☐ a company (principal) using the services of commercial agents or an organisation representing principals
- ☐ a private individual
- ☒ other

Please specify:\*

Organisation representing both principals and agents

Is your organisation included in the Transparency Register? (If your organisation is not registered, [we invite you to register here](#), although it is not compulsory to be registered to reply to the consultation)\*

Citizens have a right to expect that European institutions' interaction with citizens' associations, NGOs, businesses, trade and professional organisations, trade unions, think tanks, etc. is transparent and takes place in compliance with the law as well as in due respect of ethical principles, avoiding undue pressure, illegitimate or privileged access to information or to decision makers. The Transparency Register exists to provide citizens with direct and single access to information about who is engaged in activities aiming at influencing the EU decision-making process, which interests are being pursued and what level of resources are invested in these activities. Please help us enhancing transparency by registering!



Yes



No

If so, please indicate your Register ID number:\*

33885548180-35

Please indicate your full name (name of the organisation/authority/company as applicable)\*

CECRA - European Council for Motor Trades and Repairers

Please indicate your contact details\*

CECRA - Boulevard de la Woluwe 46, 9 - 1200 Brussels - Belgium

Please indicate your email address\*

mail@cecra.eu

Please specify your country of residence or establishment. If responding on behalf of an organisation/association, please indicate the countries represented by your membership.\*

- ☒ All Member States of the European Union
- ☐ Austria
- ☐ Belgium
- ☐ Bulgaria
- ☐ Croatia
- ☐ Cyprus
- ☐ Czech Republic
- ☐ Denmark
- ☐ Estonia
- ☐ Finland
- ☐ France
- ☐ Germany
- ☐ Greece
- ☐ Hungary
- ☐ Ireland
- ☐ Italy
- ☐ Latvia
- ☐ Lithuania
- ☐ Luxembourg
- ☐ Malta
- ☐ Poland
- ☐ Portugal
- ☐ Romania
- ☐ Slovakia
- ☐ Slovenia
- ☐ Spain
- ☐ Sweden
- ☐ The Netherlands
- ☐ United Kingdom

## 2. Questionnaire

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### 2.1 General Questions on the Commercial Agents Directive

Does the legislation help to facilitate cross-border activities of commercial representation?

- ☐ No effect
- ☐ Very limited effect
- ☐ Partial effect
- ☒ Significant effect
- ☐ Don't know

Please explain:

### Unified legal situation

What are the main costs and benefits of the Directive for (i) commercial agents and (ii) principals?

The main benefits of the Directive are that: it helps unify legal situations, gives protection to agents, facilitates entry of new products and penetration in new markets, allows agents to avoid major investment and have clear remuneration, and provides legal certainty and easy withdrawal in case of failure.

The main costs for principles include a provision for every business transaction, the fact that there is no other investment, and easy withdrawal in case of failure.

What effects does the Directive have on SMEs (i) as commercial agents and (ii) as principals?

- ☐ Negative effect
- ☐ Neutral
- ☒ Positive effect
- ☐ Don't know

Can you describe the effects, if any?

Same reasons as given before.

Do you know about any existing studies in this context?

A study on the Commercial Agents Directive was conducted by the EDL (European Distribution Lawyers) network.

At overall market level, does the benefits of the Directive outweigh its costs?

- ☐ Costs much higher
- ☐ Costs slightly higher
- ☐ Neutral
- ☐ Benefits slightly higher
- ☒ Benefits much higher
- ☐ Don't know

Please explain:

Cost for exploration of a new market is low in comparison with other systems (dealer or OEM outlets).

## 2.2 Views on the future of the Directive

Is the Directive still fit for purpose in meeting its objectives?

Please rate the Directive on a scale from 1 (not at all fit for purpose) to 10 (perfectly fit for purpose).

	1 (not at all fit for purpose)	2	3	4	5	6	7	8	9	10 (perfectly fit for purpose)
Please rate the Directive	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

Please explain:

This directive is not only important for agents but also for other stakeholders like dealers as agent laws can be applicable to dealers, depending on the countries.

What is the added value of EU legislation in this field?

It avoids market fragmentation and makes the Single Market possible.

What would be the effects if the Directive were to be withdrawn and Member States were free to adjust their national regulatory frameworks?

Fragmentation of the market and difficulties for SMEs, which would be contrary to the "Think Small First" principle outlined in the Commission's Small Business Act (SBA) for Europe. According to the SBA, "being SME-friendly should become mainstream policy, based on the conviction that rules must respect the majority of those who will use them". Therefore, the withdrawal of the Directive would be unacceptable as it would harm agents, the majority of whom are SMEs and create different legal systems in Europe with all the negative effects.

## 2.3 Information on the market of commercial representation (if available)

### *Individual commercial agents*

What is the size of your undertaking in terms of staff?

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Are you primarily active in business-to-business (B2B) or business-to-consumer (B2C) transactions?

How many of your activities take place across borders (approx. share of domestic / cross-border intra-EU / cross-border outside EU relationships)?

*Commercial agents or their representatives (associations / federations)*

How has the overall market of commercial agents affected by the Directive developed, in particular in terms of number of undertakings and overall turnover?

In your opinion to what extent has the Commercial Agent Directive affected these developments?

What is the typical size of the commercial agents' undertakings in your country (approx. share of stand-alone / SMEs / large enterprises in the total commercial agent population)?

Are commercial agents typically involved in B2B or B2C transactions (approx. share of overall turnover with businesses / consumers in the total turnover of commercial agents)?

To which degree does commercial representation take place across borders (approx. share of domestic / cross-border intra-EU / cross-border outside EU relationships in the total turnover of commercial agents)?

### *Individual principals*

What is the size of your undertaking in terms of staff?

In which economic sector are you active and using the services of commercial agents?

Are you using services of commercial agents across borders (approx. share of domestic / cross-border intra-EU / cross-border outside EU relationships)?

What are the main reasons for you to use the services of commercial agents?

### *Principals or their representatives (associations / federations)*

What is the typical size of the undertakings (principals) using the services of commercial agents in your country (approx. share of SMEs / large enterprises in the total population of principals using commercial representation)?

Which are the main economic sectors that rely on services of commercial agents?

Automotive sector, as far as we know. Furthermore, durable consumer goods, home appliances, industrial medicines, cosmetics, chemistry, insurance, etc.

To which degree are commercial representation services used across borders (approx. share of domestic / cross-border intra-EU / cross-border outside EU relationships in the total turnover of principals using commercial representation)?


Depends on the products, both cross-border intra EU and outside EU.

What are the main reasons for principals to use the services of commercial agents?

Low cost, easy control, direct access to the customers.

### 3. Before submitting your contribution

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Please note that contributions received are generally intended for publication on the Commission's website ( [see specific privacy statement](#)  [de](#) [en](#) [fr](#) ).