

Public consultation on the Evaluation of the Commercial Agents Directive

Fields marked with * are mandatory.

Introduction

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

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:*

Agent321 International Bureau of Commercial Agents, Brokers & Distributors (Transparency Register n. 192181014769-64) is a nonprofit Organization that takes care of connecting Commercial Agents to Companies that are Looking for Commercial Agents all over the World. Thanks to International Agreements signed with the main Organizations dealing in the Search of Commercial Agents and with many Institutional Partners, Agent321 embodies the greatest Network of websites suited for Principals looking for Commercial Agents all over the World. Agent321 also organize Exhibitions for the Search of Commercial Agents.

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

Agent321 International Bureau of Commercial Agents, Brokers & Distributors (Transparency Register n. 192181014769-64)

Please indicate your contact details*

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Please indicate your email address*

davide.ricci@agent321.com

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

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:

The directive helps to give a legal certainty and helps booth of the stakeholders (Commercial Agents & Principals). Common rules are necessary to play together: the directive represents this common rules.

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

Our opinion is: no costs, only benefits.

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?

Do you know about any existing studies in this context?

We have made a research: "Classification of European Commercial Agents according to Market Sectors".

-- RESEARCH METHODS AND DATA PROCESSING

This research was conducted processing 393,411 (Three Hundred Ninety-Three Thousand Four Hundred and Eleven) Forms. These Forms were filled out by the same number of Commercial Agents across all Europe.

The processed Forms were filled out by Commercial Agents for several reasons: Registration for Commercial Agents Search' Service, Job Opportunities, Opinion Polls, Census, Participation in Exhibitions and Trade Fairs, Registration for Software, etc. (initiatives and services entirely dedicated to Commercial Agents).

Commercial Agents could select between 88 (Eight hundred and eight) Sub Detailed Sectors. In order to make data easier to understand, the 88 Sub Sectors are gathered in 17 (Seventeen) Macro Market Sectors.

-- SUMMARY OF THE RESEARCH

Number of Commercial Agents who filled out the Form: 393,411

Amount of Forms Statistically Processed: 393,411 (all of them)

Sub Market Sectors that it was possible to select: 88

Macro Market Sectors: 17

Total of Sectors selected by each Commercial Agent: 1, 000,342

Average of Macro Sectors selected by each Commercial Agent: 2.54

Date of Data Processing: 2014 January 02

Owner of the Research: Agent321.COM

Data processing shows that each single Commercial Agent works in 2.54 (Two point Fifty-Four) Macro Market Sectors on average.

This means that, for instance, a single Commercial Agent can work in the Clothing Sector, in the Furniture and Furnishings sector and in Gifts and Accessories sector at the same time. To give another example, a Commercial Agent can sell Medical Devices to Public Authorities, therefore belonging to two Macro Market Sectors (Medical sector and Public Authorities sector).

Data processing was realized on data updated to 2014 January 02.

-- RESEARCH DETAIL

Number of Agents that have selected the Sectors

% of the Sector on the total (100%)

Market Sector Description

138,260	- 13.83 %	- Industry
124,201	- 12.42 %	- Food
114,581	- 11.46 %	- Services
074,254	- 07.43 %	- Building and Construction
070,408	- 07.04 %	- Furniture and Furnishing
069,203	- 06.92 %	- Electronics
066,570	- 06.66 %	- Gifts and Accessories
056,078	- 05.60 %	- Textile Clothing
055,121	- 05.51 %	- Aesthetics
048,327	- 04.83 %	- Medical
044,629	- 04.46 %	- Office Furniture
039,169	- 03.92 %	- Hardware and Gardening
036,625	- 03.66 %	- Security Products
034,344	- 03.43 %	- Cars and Motorcycles
016,326	- 01.63 %	- Agriculture and Livestock
008,501	- 00.85 %	- Public Authorities
003,745	- 00.37 %	- Real Estate

1, 000,342 - 100.00 % - Total of Number of Agents Operating

If you prefer, we can send you a PDF file (more readable). Let us know...

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:

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:

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

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

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?

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?

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)?

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

3. Before submitting your contribution

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

Contact

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