

A Better Consumer Regulatory Framework

The Review of the consumer *Acquis*:

Background and state of play

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B2 – Unfair Commercial Practices and other consumer protection legislation

The review of the *acquis*: Background and state of play

- Scope
- The objectives of review
- State of play: the diagnostic phase
- Possible options for reform

Scope

- Doorstep selling
- Package travel
- Unfair contract terms
- Timeshare
- Distance selling
- Price indication
- Injunctions
- Sale of consumer goods and guarantees

The objectives of the review

- Rationalisation (coherent regulation of commonalities, e.g. right of withdrawal is differently regulated in timeshare and distance selling directive);
- Clarification (clearer definition of legal concepts in the acquis, e.g. effects on the contract of failure to provide pre-contractual information);
- Modernisation: updating to reflect market developments (e.g. timeshare like products; e-bay).

> need to take stock and assess how the consumer regulatory framework is working in practice

State of play: the diagnostic phase

Step 1: Ensuring compliance

- Transposition checks i.e. evaluation of how the various Directives have been transposed
- Presentation of a Communication on the review of the consumer acquis
– 4th quarter of 2006
- Possible infringement proceedings

State of play: the diagnostic phase

Step 2: Development of a knowledge base

- Comparative analysis of the application of the Directives in the Member States
– second semester 2006
- Development of a database of the *acquis*, containing national legislation and case law
– second semester 2006
- Reprioritisation of CFR workshops, and refocusing on consumer contracts

State of play: the diagnostic phase

Step 3: Consultation

- Formal launch with the publication of the Communication in 4th quarter 2006
- Standing committee of Member States experts
- kick off meeting December 2005
- Separate meetings on specific directives throughout 2006
- Informal stakeholder consultation throughout 2006

Possible options for reform

- “No action” option and non regulatory measures to be considered
- Vertical vs Mixed approach: Horizontal instrument underpinned by vertical legislation
- Supporting Impact Assessment(s)

Key messages

- Review/assessment: simplification, clarification and improvement of regulatory framework
- Diagnostic phase to last till end 2006
- Outcome not yet known