

Cross-border Consumer Complaints

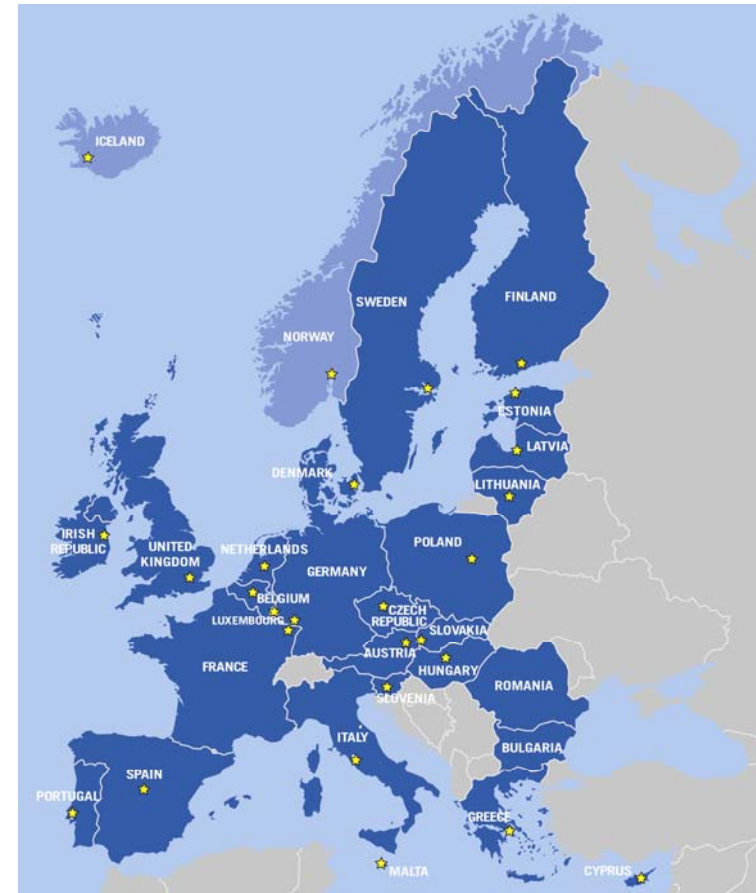


Review of the Acquis
Stakeholders' Conference
14 November 2007



ECC-Net: instrument of EC and MS to provide information and redress

- ◆ Today: 27 Centres:
one ECC in each MS
+ Iceland + Norway
(Bulgaria and Romania in
2008)
- ◆ Provision of information
on European consumer
legislation
- ◆ Assistance in resolution
of cross-border consumer
complaints

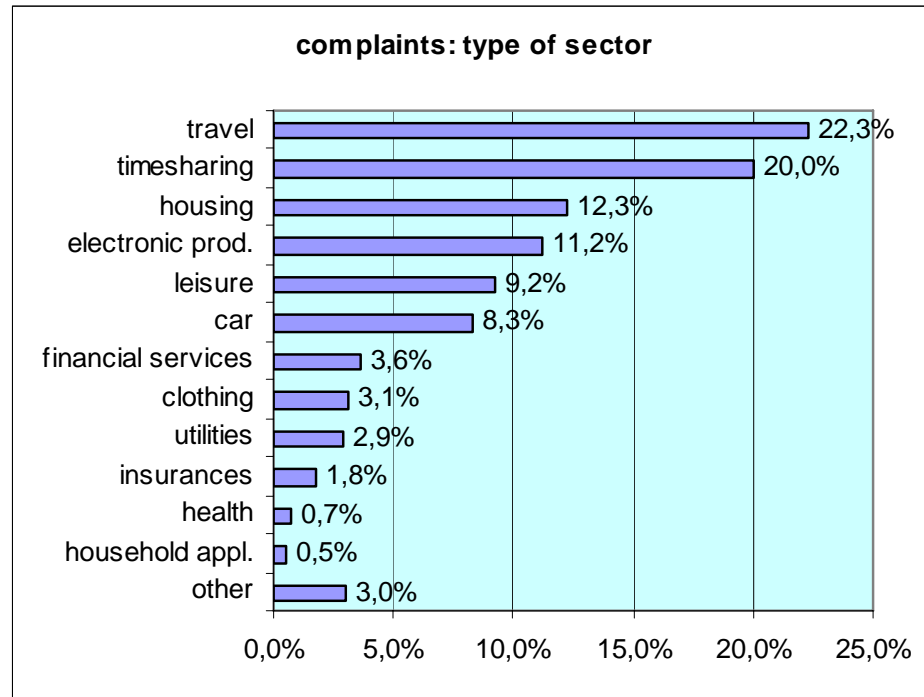


Consumer complaints received by ECCbe



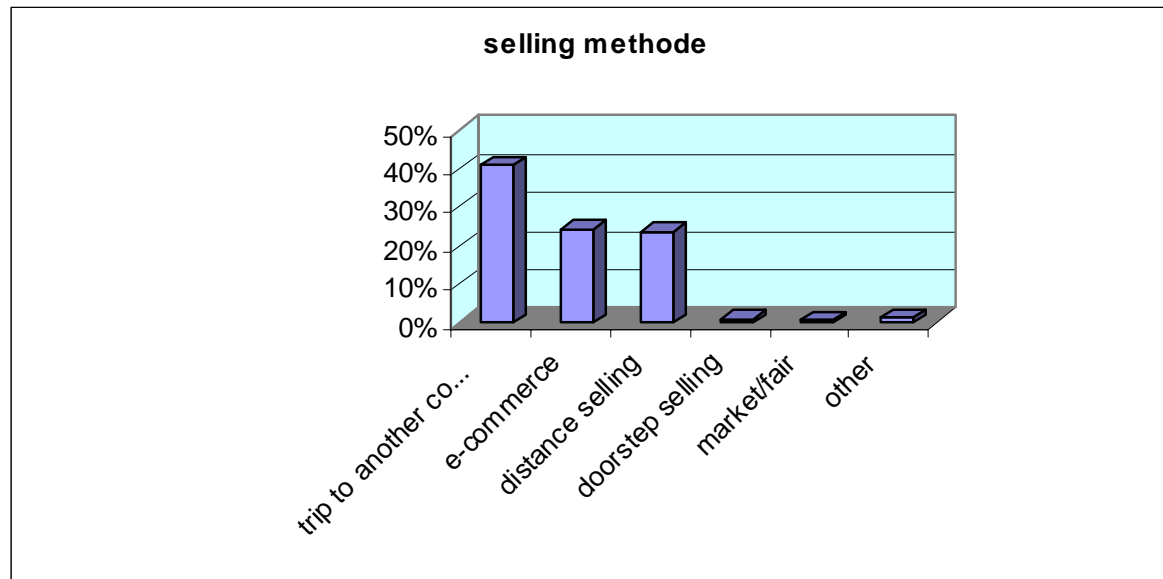
- ◆ From the 4480 contacts received in 2006, 2997 were information requests (=67%)
- ◆ For 1166 complaints, the ECC gave judicial advise to the consumer (=26%) (79% of complaints)
- ◆ For 317 complaints, the ECC had to intervene directly with the professional to find an amicable solution (=7%) (21% of complaints)

Complaints: type of sector



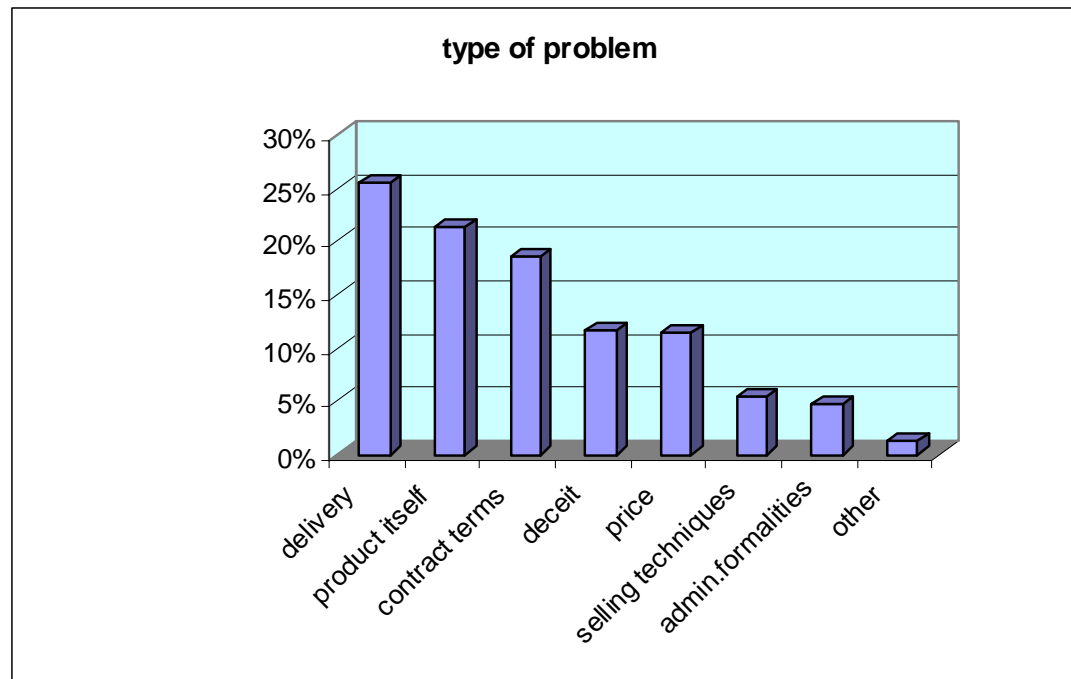
Most important: travel, timeshare, housing, electronics

Complaints: method of selling



42% of the contracts are concluded in the country of the seller and 48% are distance selling (24% e-commerce & 24% other means of distance selling)

complaints: type of problem



The problems do not differ from “national” consumer contracts: contract problems, non conformity, ...

General legislative approach

Consumers contacting the ECC don't know their rights (nor do sellers do) (cfr. 67% info requests and 26 % advice, only 7 % intervention)

(e.g.– first question: what can I do?

- guarantee: commercial versus legal, 2 years / 6 months)

→ a framework instrument addressing horizontal issues are easier to communicate to consumers and professionals and to be understood by them

General legislative approach

→ Revision of existing **sectoral** directives is necessary

E.g. Timeshare Directive has to be enlarged to all long term holiday products (in 2006 only 6 % of complaints on « timeshare » fell within the scope of the actual directive)

Scope of horizontal instrument

→ to achieve a real consumer internal market, the horizontal instrument should apply to all consumer contracts (domestic and cross-border)

E.g. when buying on the Internet, consumers don't always know if they are buying from a national seller or not (.com: no nationality)

Degree of harmonisation

E.g. Timeshare cases account for 20% of all the cases ECC Belgium received in 2006.

From these, not one concerned a Belgian timeshare company.

- Thanks to the possibilities given by the **minimum harmonisation** of the Timeshare Directive, all rogue traders are kept out of the Belgian territory (registration, 1 year contracts or less if taciturn continuation, 14 working days).
Inspires other legislation.

Degree of harmonisation

- ◆ Consumers don't complain about a different transposition of European legislation (they don't know their rights, don't know the Belgian laws)
- ◆ Different transposition could play a role for ECCs when solving complaints, but in fact rarely do (French consumer asks Belgian firm to come and signs contract – no right of withdrawal according to Belgian law/ Belgian consumer buying on French fair: no right of withdrawal acc. to French law. Both consumers didn't know their rights. Consumers also believe to have right of withdrawal when buying on the premises)

Major problems for cross-border consumers



◆ Redress

Thanks to the ECC-Network, ECC Belgium can solve +/- 60% of the complaints it receives. If no amicable solution is found, we look for an ADR system, but they are scarce. If the professional doesn't want to apply the law, we are powerless. Importance of group actions and small claims

◆ Enforcement

ECC Belgium has an official protocol of collaboration with the Belgian DG Control & Mediation (member of CPC-net). But not for contractual problems.

Aim of the review

- ◆ Achieve a real **consumer internal market**, striking the balance between **high level of consumer protection & competitiveness of enterprises**, within respect for subsidiarity principle.
 - ➔ **Wherever you buy in the EU, your essential rights are the same**
- ◆ Ensure the right balance between a **high level** of consumer protection, effectively **implemented** and properly **enforced**, and the **standard set for businesses**, in a more **predictable** regulatory environment.
 - ➔ **Empowered consumers lead to more efficient, effective and innovative markets (e.g. Ikea)**

More information



ECC-Net

http://ec.europa.eu/consumers/redress/ecc_network/index_en.htm

European Consumer Centre Belgium

www.eccbelgium.be

