

# REVIEW OF THE ACQUIS *STAKEHOLDERS' CONFERENCE*

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*What should be included in a fully harmonised  
framework directive on consumer contracts?*



# EMOTA's Mission

- Represent the interests of the **E-commerce** and **Mail Order Trade** sector at European level
- Advocate **removal of trade barriers** within the Single European Market
- Increase **consumer confidence** in buying on-line, by (e-)mail, phone, fax order...
- Serve as a **platform for exchange of information**

# Acquis review: on the principle

- Review process should focus on **areas where** it turned out from experience with the existing acquis that **changes are needed**
- Before deciding in favour of new legislation, EC should check **how existing rules have been implemented**
- Within the legal environment in place for the benefit of consumers, there is **room for self-regulation**

# Acquis review: on the timing

- Horizontal instrument should not be developed before the sectoral reviews are completed
- This would help to better single out the proper elements for full harmonisation

# Acquis review: on the scope

- Horizontal instrument should apply **to all consumer contracts** whether they concern domestic or cross-border transactions
- It should focus mainly **on definitions** (consumer, professional, right of withdrawal, form of withdrawal, contract...)
- Topics **particular to distance selling** should fall under the **vertical approach**

# Example for confusion in cross-border business:

The length of the cooling off period, EU25

- A, B, E, IRL, LT, L, NL, SK, GB, F 7 working days (DSD)
- H 8 working days
- GR, I 10 working days
- PL 10 days
- CY, CZ, DK, EST, FIN, P, S 14 days
- D 2 weeks
- LV 14 days minimum
- M, SLO 15 days

# Example for different situations to be considered:

## Distance selling:

- No pressure
- Consumer does not see the product

## Doorstep selling:

- Possible feeling of pressure
- Consumer sees the product

# Distance selling in the EU context

- If the Single Market is to become a reality, the Community legal framework must be such as to **encourage and favour the development of distance selling operations**, recognizing the strong cross-border potential of this type of business.
- This applies particularly to the **internet** which has the potential to be the **key driver** for shopping without boundaries.
- We need a **well-balanced protection level**, considering the interests and needs of both distance sellers and consumers.



representing distance selling in Europe

**Thank you for your attention!**

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