



EUROPEAN COMMISSION

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*Mr Liviu DRAGNEA
President of the Camera
Deputaților
Palace of the Parliament
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Dear President,

The Commission would like to thank Camera Deputaților for its Opinion on the Communication to the European Parliament, the Council and the European Economic and Social Committee ‘A New Deal for Consumers’ {COM(2018) 183 final}.

The Commission shares the objective of strengthening the Single Market through a holistic approach leading to fairer competition, combatting unlawful practices harming consumers and ensuring better consumer protection in all areas.

In line with the objectives of the ‘New Deal for Consumers’ announced by President Juncker in his State of the Union address 2017¹ and included in the Commission Work Programme 2018², the above-mentioned Communication is accompanied by two proposals for directives that aim at improving compliance with European Union consumer protection legislation, modernising European Union consumer legislation in light of market developments and alleviating burdens on businesses where appropriate: the proposal for a Directive of the European Parliament and of the Council on representative actions for the protection of the collective interests of consumers, and repealing Directive 2009/22/EC {COM(2018) 184 final} and the proposal for a Directive of the European Parliament and of the Council amending Council Directive 93/13/EEC, Directive 98/6/EC of the European Parliament and of the Council, Directive 2005/29/EC

¹ https://ec.europa.eu/commission/priorities/state-union-speeches/state-union-2017_en

² https://ec.europa.eu/info/sites/info/files/cwp_2018_en.pdf

of the European Parliament and of the Council and Directive 2011/83/EU of the European Parliament and of the Council as regards better enforcement and modernisation of European Union consumer protection rules {COM(2018) 185 final}.

The Commission's evaluations, which underpin these proposals, show that many consumers are still confronted with and suffer detriment due to insufficient compliance by traders. Therefore, the Commission proposed to complete the other measures already implemented or underway in this area, including regarding Alternative Dispute Resolution and Online Dispute Resolution mechanisms, with rules providing more effective individual and collective consumer redress and more deterrent public enforcement powers.

The Commission welcomes the Camera Deputaţilor's support for European Union rules on effective and deterrent penalties to ensure a high level of consumer protection and fairer competition for traders. The proposals further harmonise rules on penalties for breaches of consumer law and provide for the rights to individual remedies for victims of unfair commercial practices. In accordance with Article 114 of the Treaty on the Functioning of the European Union and the objectives set out in Article 169 of the Treaty on the Functioning of the European Union to promote the interests of consumers and to ensure a high level of consumer protection in the context of the completion of the internal market, the proposals include (minimum) harmonisation of the national rules that establish maximum fines for widespread cross-border infringements. The Commission considers that such harmonisation of the levels of maximum fines, which currently vary significantly between Member States, is necessary for effectively enabling coordinated enforcement action by the Member States' authorities in the context of the Consumer Protection Co-operation network in accordance with Regulation (EU) 2017/2394³ while at the same time ensuring the deterrent effect of those fines.

These proposals also introduce collective redress possibilities for duly designated qualified entities to protect the collective interests of consumers and modernise the already existing injunctions procedure enabling such entities to stop consumer law infringements.

The Commission shares the concern expressed by the Camera Deputaţilor as regards consumer protection in a digital economy. In this area, the 'New Deal for Consumers' proposals aim at modernising European Union consumer law with enhanced transparency rules for online marketplaces and the extension of the consumer protection to 'free' digital services that are provided against the use of the consumer's personal data. These changes will fill the current gaps in consumer law and boost consumer trust. The Commission will continue to explore the need for further action in areas such as the Internet of Things and artificial intelligence, to ensure adequate balance between consumer protection and innovation.

³ Regulation (EU) 2017/2394 of the European Parliament and of the Council of 12 December 2017 on cooperation between national authorities responsible for the enforcement of consumer protection laws and repealing Regulation (EC) No 2006/2004

The legislative proposals are accompanied by efforts to ensure better awareness and knowledge of European Union consumer law among consumers, traders and legal practitioners as well as to listen to what citizens and businesses expect European Union Consumer policy to deliver. The Commission intends to pursue these efforts involving all stakeholders in the outreach campaign at national level. The Commission also welcomes the support by the Camera Deputaților for cooperation agreements to step up coordination with partners outside the European Union.

The Opinion of the Camera Deputaților has been made available to the Commission's representatives in the ongoing negotiation with the co-legislators and will inform these discussions. The Commission remains hopeful that an agreement will be reached before the European Parliament elections in May 2019.

The Commission hopes that these comments address the concerns raised by the Camera Deputaților and looks forward to continuing the political dialogue in the future.

Yours faithfully,

Pierre Moscovici

Member of the Commission