



## EUROPEAN COMMISSION

*Brussels, 22.8.2018  
C(2018) 5650 final*

*Ms Regina BASTOS  
Chair of the European Affairs  
Committee  
Assembleia da República  
Palácio de S. Bento  
P - 1249-068 LISBOA*

*Cc Mr Eduardo FERRO RODRIGUES  
President of the  
Assembleia da República  
Palácio de S. Bento  
P - 1249-068 LISBOA*

*Dear Chair,*

*The Commission would like to thank the Assembleia da República for its Opinion on 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}.*

*This proposal was adopted as part of a broader package together with the Communication to the European Parliament, the Council and the European Economic and Social Committee ‘A New Deal for Consumers’ {COM(2018) 183 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 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 EU consumer protection rules {COM(2018) 185 final}.*

*In line with the objectives of the “New Deal for Consumers” announced by President Juncker in his State of the Union address 2017<sup>1</sup> and included in the Commission Work Programme 2018<sup>2</sup>, the above-mentioned proposals aim at improving compliance with European Union consumer protection legislation, modernising the Union’s consumer legislation in light of market developments and alleviating burdens on businesses where appropriate.*

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<sup>1</sup> [https://ec.europa.eu/commission/priorities/state-union-speeches/state-union-2017\\_en](https://ec.europa.eu/commission/priorities/state-union-speeches/state-union-2017_en)

<sup>2</sup> [https://ec.europa.eu/info/sites/info/files/cwp\\_2018\\_en.pdf](https://ec.europa.eu/info/sites/info/files/cwp_2018_en.pdf)

*Specifically as regards improving compliance, the proposal introduces 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 proposals also further harmonise rules on penalties for breaches of consumer law and provide for the rights to individual remedies for victims of unfair commercial practices. The Commission's evaluations, on which these proposals are based, show that many consumers are still confronted with and suffer detriment due to insufficient compliance by traders. This is the background for the Commission's proposals for more effective individual and collective consumer redress and more deterrent public enforcement powers.*

*The Commission welcomes the Assembleia da República's assessment that the proposal complies with the principles of subsidiarity and proportionality. Building on the features of the existing Injunctions Directive<sup>3</sup>, the proposal respects the legal traditions of the Member States and regulates only those key aspects that are necessary for the establishment of a framework, which must be complemented by specific procedural rules at national level.*

*Discussions between the Commission and the co-legislators, the European Parliament and the Council, concerning the proposal are underway and the Commission remains hopeful that an agreement will be reached before the European Parliament elections in May 2019.*

*The Commission looks forward to continuing the political dialogue with the Assembleia da República in the future.*

*Yours faithfully,*

*Pierre MOSCOVICI  
Member of the Commission*

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<sup>3</sup> Directive 2009/22/EC of the European Parliament and of the Council of 23 April 2009 on injunctions for the protection of consumers' interests; OJ L 110, 1.5.2009, p. 30–36.