



Update on consumer law with links to digital tourism

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Most relevant EU consumer law with an impact on digital tourism

- *Package Travel Directive*
- *Timeshare Directive*
- *Unfair Commercial Practices Directive*
- *Misleading and Comparative Advertising Directive*
- *Unfair Contract Terms Directive*
- *Consumer Rights Directive*





Package Travel Directive (PTD)

Overall state of play:

- *General Approach adopted by COMPET Council on 4 December 2014*
- *LV Presidency aims for political agreement at COMPET Council of 28/29 May*
- *First trilogue on 4 February: identified political issues*
- *These are:*
 - *Scope: definition of package / assisted travel arrangement*
 - *Insolvency protection*
 - *Inclusion of business travel*





Package Travel Directive (PTD)

State of play (cont):

- *Second trilogue on 5 March*
- *EP proposed compromises in relation to the scope – coverage of "click-throughs" as packages*
- *Some points were resolved and other referred to technical work*
- *Third trilogue scheduled for 22 April*





REFIT Fitness Check: UCPD, UCTD

- Specific action in the Commission Work Programme 2015: the REFIT Fitness Check of part of the consumer legislative framework, including the Unfair Contract Terms Directive, the Unfair Commercial Practices Directive (and the Consumer Sales and Guarantees Directive – which only applies to tangible goods).
- Aim of the Fitness Check: to assess effectiveness, efficiency coherence and relevance of these instruments, in particular their fitness for Digital Single Market (DSM)
- The preparatory work for REFIT will start in 2015. Results could be available by end 2016, subject to the Commission's new proposals under the Digital Single Market strategy (to be outlined this May).





UCPD: Guidance document

- UCPD Guidance Document: first adopted 2009
- Revising the UCPD Guidance;
 - Priority for action in the Consumer Agenda of May 2012, in particular to add emerging commercial practices such as the use of online price comparison or customer review tools.
 - Confirmed by the Communication on the application of the UCPD, adopted on 14 March 2013, which identified the revision of the UCPD Guidance as one of the key priorities for action to make sure that enforcement of the UCPD is strengthened, both at a national and in a cross-border context.
- The revised Guidance is planned for adoption by summer 2015.





Timeshare Directive: Evaluation

- Evaluation: a critical, evidence-based judgment of whether an intervention has met the needs it aimed to satisfy and actually achieved its expected effects
- Evaluation of the Timeshare Directive: included in the Commission Work Programme 2015.
- Report on the functioning of the Directive to be published before summer 2015.





Misleading and Comparative Advertising Directive (MCAD)

- Addressing the problem of B2B misleading marketing practices
- The Commission is working on a possible legislative proposal to address the problem of B2B misleading marketing practices by revising the MCAD.
- SMEs often fall victim to misleading marketing practices, very often in the online environment when they engage in cross-border transactions. MCAD applies to these practices but lacks clarity, effectiveness and tools for cross-border cooperation.



The Consumer Rights Directive (CRD)

Entered into application: 13 June 2014 (+ DG JUST Guidance)

CRD **does not** apply to:

- contracts within the scope of the Package Travel Directive or the Timeshare Directive
- Contracts for passenger transport services except for:
 - Art. 8(2): formal requirements for distance contracts
 - Art. 19: prohibition to charge consumers payment fees that exceed the cost borne by the trader for the use of such means of payment
 - Art. 22: prohibition of the use of pre-ticked boxes to trigger additional payments (or consumer is entitled to reimbursement of the additional payment)





Awareness Raising Campaign 2014-2015

- **Consumer Rights only effectively exist IF:**
 - consumers know their rights
 - consumers know how to enforce their rights
 - traders know and respect consumers' rights
- **A "stakeholder campaign" focusing on CRD, UCPD, UCTD, CSGD**
- **Kick-off 17 March 2014 in Athens – extension announced 16 March 2015: in 8 + 6 EU Countries**
 - Well received in 2014 target countries - EL, ES, CY, PT, BG, LV, IT, PL
 - 2015 target countries: CZ, EE, HU, LT, SK, SL
- **Based on a thorough ex-ante evaluation**





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Thank you for your attention

