European Commission

EU consumer and marketing law: still fit for purpose? Achievements and challenges

17 October 2016

EUROPEAN CONSUMER SUMMIT

BRUSSELS

Justice and Consumers

Workshop 1
Simplifying consumer information requirements

Topic 1 - What information is relevant for consumers and when?

What works well?

- The CRD covers all information needed and is adequate, particularly appreciated e.g. new Article 8(2) CRD – "button provision" – and info about geographical address.
- Most groups stated that the full harmonization approach to information requirements should be maintained.

Topic 1 - What information is relevant for consumers and when?

What should be improved? (1)

- Duplication of information should be avoided/currently some of the same info is required under the UCPD and the CRD.
- CRD info requirements are relevant and necessary (simplification of individual info requirements – e.g. on price – would be welcome).
- UCPD info requirements could be simplified.

Topic 1 - What information is relevant for consumers and when?

What should be improved? (2)

- Enforcement of existing rules needs to be significantly stepped up.
- Presentation of information should be improved: Language should be simplified, printed text should be clearer (size and font), etc.
- There should be information requirements on transparency for platforms (e.g. criteria for ranking search results on platforms are already covered by UCPD, but enforcement needs to be tested).
- Specific info requirements on transparency would clarify the situation.

Topic 2 - How to present consumer information?

What works well?

- App icons are good tools.
- Reference to websites for detailed information is useful.
- Information about and requirements for the order confirmation button.
- Energy label is a good example.
- Use compliance as a marketing tool.

Topic 2 - How to present consumer information?

What should be improved? (1)

- Standard form is useful, mixed views on whether it should be binding
- Standard form might need to be adapted to sectors.
- Icons appropriate but need to be tested/interactive icons.
- Online-offline different format but should have same info.
- Need for less technical information/plain language/translate info.

Topic 2 - How to present consumer information?

What should be improved? (2)

- Highlight relevant pre-contractual info (i.e. bullet points).
- Link to "know more" is useful.
- Intuitive tools/technology/use video.
- Targeted enforcement on info presentation.

Topic 3 – Price indication

What works well?

- Requirement to indicate the total price (price is often clear to consumers).
- Requirement to indicate the unit price (good for comparisons).
- For goods at national level price indication requirements work well.
- Exemption for small businesses (divergent views).

Topic 3 – Price indication

What should be improved? (1)

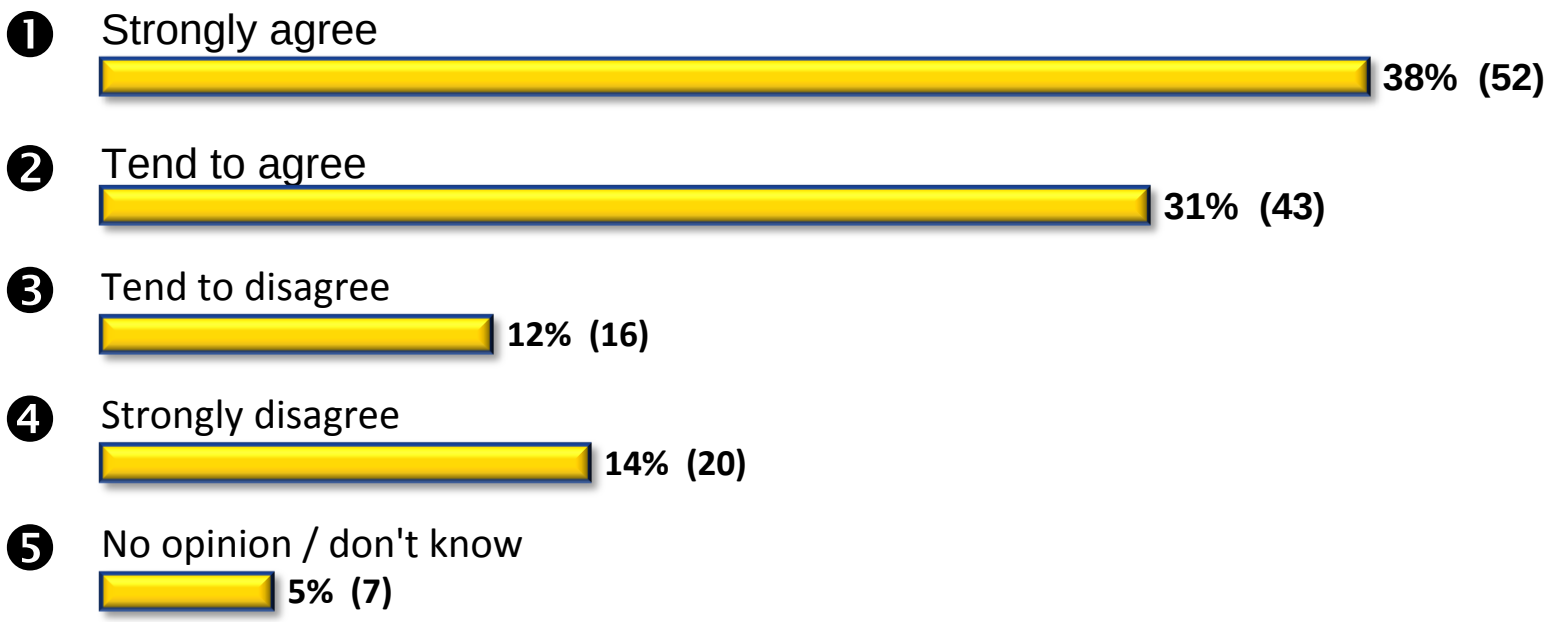
- All price indication requirements should be merged in one instrument (one group saying this – see also additional question 4).
- PID should be merged with UCPD (one group saying this).
- Exemption for small businesses should be deleted (divergent views).

Topic 3 – Price indication

What should be improved? (2)

- Price indication should be sector-specific, based on consistent performance criteria, calculated the same way EU-wide.
- Many groups say: Requirements should ensure more transparent price information.
- There is a need to ensure clarity due to divergent interpretations in different MS.
- Services also need rules that ensure more transparent price indication (current PID rules only apply to goods).

Should EU consumer and marketing law rules be simplified and streamlined by bringing them into a single horizontal EU instrument / an EU "code"?



Topic 1. What information is relevant for consumers and when?

	Agree in % (total no. of votes)
❶ Should the current consumer pre-contractual information requirements under the CRD (Article 5(1) and 6(1)) be simplified (reduced)?	72% (110)
❷ Considering that the consumer receives more detailed information at the pre-contractual stage as required under the CRD, should the consumer information requirements applying at the advertising stage under Article 7(4) of the UCPD be reduced?	49% (129)
❸ Should there be specific information requirements for intermediaries (in particular online platforms) to disclose the default ranking criteria for the information they present?	69% (126)

Topic 2. How to present consumer information?

❶ Should there be a model form for the presentation of the pre-contractual information under the CRD? **74% (129)**

❷ Should such a model form include graphical elements e.g. icons? **69% (129)**

❸ Should such a model form be binding? **49% (135)**

Topic 3. How should the price indication be modernised?

❶	Is the unit price requirement still relevant in advertising?	77% (137)
❷	Is the unit price requirement still relevant as part of the pre-contractual information?	87% (128)
❸	Should the current derogations from the unit price indication requirement, which are allowed under the Price Indication Directive "for small retail businesses", be kept?	42% (126)
❹	Should price indication be summarised in only one Directive?	84% (140)