Public consultation for the Fitness Check of EU consumer and marketing law

Fields marked with * are mandatory.

Introduction

In the context of the 'Fitness Check' of EU consumer and marketing law directives the Commission seeks views on whether these rules are still up to date and fit for purpose. The following six directives are subject to this Fitness Check:

- Unfair Contract Terms Directive 93/13/EEC;
- Consumer Sales and Guarantees Directive 1999/44/EC;
- Unfair Commercial Practices Directive 2005/29/EC;
- Price Indication Directive 98/6/EC;
- Misleading and Comparative Advertising Directive 2006/114/EC;
- Injunctions Directive 2009/22/EC.

In addition, this consultation covers also the Consumer Rights Directive 2011/83/EU, which is subject to a separate evaluation.

When the consultation questionnaire refers to **EU consumer and marketing law or rules**, this term covers the six EU directives that are subject to the Fitness Check as well as the Consumer Rights Directive.

Link to a short description of the Directives.

The results of this public consultation will also feed into the currently ongoing legislative process on the Commission Proposal for a Directive on certain aspects concerning contracts for the online and other distance sales of goods.

This consultation is open until **12 September 2016**.

You can reply in any EU official language.

The consultation consists of **short questionnaires** for (1) consumers (citizens) and (2) businesses. Other respondents (associations, authorities etc.) will be asked to fill in the **full version**. The full version is optional for consumers (citizens) and businesses.

When answering a question, you will be asked to tick one of the provided multiple choice replies. You can choose "do not know/no opinion" as a reply. You will also be able to add comments.

You can pause and save your work and continue later. You can download the questionnaire in PDF format before starting to help you with the preparations or discussions within your organisation. You will be able to download an electronic copy of your replies.

The European Commission will assess and summarise the responses. The summary will be published on the webpage of the Fitness Check.

Link to the Privacy statement.

The Commission service responsible for the consultation:
Directorate-General for Justice and Consumers
Unit E2 "Consumer & Marketing Law"
e-mail: JUST-NOTIFICATIONS-E2@ec.europa.eu

About the respondent

* **1.** Are you replying as / on behalf of:

- a citizen/consumer
- a national consumer association
- a European-level consumer association
- a company (or group of companies)
- a national business association
- a European-level business association
- a national consumer enforcement authority
- a national public enforcement authority in a specific area (energy, telecom etc.)
- a government authority in charge of consumer policy
- another public body /institution
- a professional consultancy/ law firm
- a think tank/ university/ research institute
- other

Please specify

100 character(s) maximum

* **2.** Please provide **your full name** or the **name of the entity** on whose behalf you are replying.

100 character(s) maximum

* **3.** Is the **entity** on whose behalf you are replying registered in the EU **Transparency Register**?

- yes
- no

* **4.** Please indicate the **registration number** in the Transparency Register.

30 character(s) maximum

If you are **not registered** please register your entity here. If you do not register your entity, your replies will be **published separately** from the replies of the registered entities.

5. Please give your **e-mail address** in case we have questions about your reply and need to ask for clarifications.

* **6.** Please indicate the **country** where you live or, if you reply on behalf of an entity, the country where it has its headquarters/ place of establishment.

- Austria
- Belgium
- Bulgaria
- Croatia
- Cyprus
- Czech Republic
- Denmark
- Estonia
- Finland
- France
- Germany
- Greece
- Hungary
- Ireland
- Italy
- Latvia
- Lithuania
- Luxembourg
- Malta
- Netherlands
- Poland
- Portugal
- Romania
- Slovak Republic
- Slovenia
- Spain
- Sweden
- United Kingdom
- Other

Please specify

30 character(s) maximum

* **7**. Please indicate whether you agree to the **publication** of your response.

- **Under the name indicated** – I agree to the publication of all information in my response
- **Anonymously** – I agree to the publication of all information in my response, except the replies to Question 2 (name), Question 4 (registration number) and question 5 (e-mail address)
- **No, I do not agree to the publication of my response** - I understand that my anonymised response may be included in any published statistical data, for example, to show general trends in the responses to the consultation

1A. Consumer questionnaire

EU consumer and marketing rules have been implemented through the national laws of Member States, whose authorities and courts deal with their practical application. These rules provide for a comprehensive protection of the economic interests of consumers. Examples of the main EU consumer rights are:

1/ right to have defective goods repaired or replaced for free;

2/ right to truthful advertising;

3/ right to contracts without unfair clauses;

4/ right to return goods purchased online, over the telephone, by mail order or outside regular shops within 14 days;

5/ right to get true and complete information about the goods and services as well as about the digital content before concluding the contract.

In the past **12 months**, have you done any of the following?

	Yes, often	Yes, a few times	Yes, once	No	No Opinion / don't know
*Purchased goods or services over the **internet** from a trader in **my country**					
*Purchased goods or services over the **internet** from a trader from **another EU country**					
*Purchased goods or services from a trader who came to **my doorstep or organised a promotional excursion**					
*Purchased goods in a **shop** in **another EU country** whilst travelling					
*Concluded a contract with a trader in **my country** for downloading (or streaming) **digital content** over the internet, such as computer programs, applications, music, videos					
*Concluded a contract with a trader from **another EU country** for downloading (or streaming) **digital content** over the internet, such as computer programs, applications, music, videos					
*Purchased goods or services over **the telephone** from a **trader in my country**					
*Purchased goods or services over **the telephone** from a trader from **another EU country**					

How important is it for you to be protected by consumer and marketing law when buying goods or services:

	Very important	Rather important	Rather not important	Not important at all	No opinion / don't know
*In your own country	○	○	○	○	○
*From another EU country	○	○	○	○	○
*From a non-EU country	○	○	○	○	○

* In the **past 12 months**, have you experienced **any problems** in dealing with the sellers and service providers?

- ○ yes
- ○ no

Did you experience any of the following problems regarding **contracts concluded online**, including via online platforms?

	Yes, often	Yes, a few times	Yes, once	No	No opinion / don't know
You were misled by the **trader's marketing statements** and concluded a transaction that you regretted afterwards					
The trader did not provide you with the **key information** (such as the main characteristics of the goods or service, the total price, delivery conditions) before you concluded your contract					
The trader did not respect your **14 day right to cancel** the contract					
The seller **failed to deliver the goods** you purchased within 30 days or the otherwise agreed time					
You had a dispute with the trader and discovered that you had signed up to **general terms of contract** that you regarded as unfair					
The seller refused to honour his obligation to **repair or replace for free a defective good** during the legal guarantee period (in most EU countries 2 years from delivery; longer in some EU countries)					
Other					

Please specify

100 character(s) maximum

Did you experience any of the following problems regarding **contracts concluded over the telephone**?

	Yes, often	Yes, a few times	Yes, once	No	No opinion / don't know
You were misled by the **trader's marketing statements** and concluded a transaction that you regretted afterwards					
The trader did not provide you with the **key information** (such as the main characteristics of the goods or service, the total price, delivery conditions) before you concluded your contract					
The trader did not respect your **14 day right to cancel** the contract					
The seller **failed to deliver the goods** you purchased within 30 days or the otherwise agreed time					
You had a dispute with the trader and discovered that you had signed up to **general terms of contract** that you regarded as unfair					
The seller refused to honour his obligation to **repair or replace for free a defective good** during the legal guarantee period (in most EU countries 2 years from delivery; longer in some EU countries)					
Other					

Please specify

100 character(s) maximum

Did you experience any of the following problems regarding **contracts concluded on the trader's premises (i.e. in shops)**?

	Yes, often	**Yes, a few times**	**Yes, once**	**No**	**No opinion / don't know**
You were misled by the **trader's marketing statements** and concluded a transaction that you regretted afterwards	○	○	○	○	○
The trader did not provide you with the **key information** (such as the main characteristics of the goods or service, the total price, delivery conditions) before you concluded your contract	○	○	○	○	○
The seller **failed to deliver** the goods you purchased within 30 days or the otherwise agreed time	○	○	○	○	○
You had a dispute with the trader and discovered that you had signed up to **general terms of contract** that you regarded as unfair	○	○	○	○	○
The seller refused to honour his obligation to **repair or replace for free a defective good** during the legal guarantee period (in most EU countries 2 years from delivery; longer in some EU countries)	○	○	○	○	○
Other	○	○	○	○	○

Please specify

100 character(s) maximum

Did you experience any of the following problems regarding contracts concluded during **door-to-door sales or promotional excursions**?

	Yes, often	Yes, a few times	Yes, once	No	No opinion / don't know
You were misled by the **trader's marketing statements** and concluded a transaction that you regretted afterwards					
The trader did not provide you with the **key information** (such as the main characteristics of the goods or service, the total price, delivery conditions) before you concluded your contract					
The trader did not respect your **14 day right to cancel** the contract					
The seller **failed to deliver the goods** you purchased within 30 days or the otherwise agreed time					
You had a dispute with the trader and discovered that you had signed up to **general terms of contract** that you regarded as unfair					
The seller refused to honour his obligation to **repair or replace for free a defective good** during the legal guarantee period (in most EU countries 2 years from delivery; longer in some EU countries)					
Other					

Please specify

100 character(s) maximum

What was the **most serious problem** that you encountered in the last 12 month and that you remember well:

- You were misled by the **trader's marketing statements** and concluded a transaction that you regretted afterwards
- The trader did not provide you with the **key information** (such as the main characteristics of the goods or service, the total price, delivery conditions) before you concluded your contract
- The trader did not respect your **14 day right to cancel** the contract
- The seller failed to **deliver the goods** you purchased **within 30 days** or the otherwise agreed time
- You had a dispute with the trader and discovered that you had signed up to **general terms of contract that you regarded as unfair**
- The seller refused to honour his obligation **to repair or replace for free a defective good** during the legal guarantee period (in most EU countries 2 years from delivery; longer in some EU countries)
- Other

Please specify

100 character(s) maximum

This problem involved:

- a trader in your own country
- a trader in another EU country
- a trader in a non-EU country

This problem concerned a contract concluded:

- online (over the internet)
- over the telephone
- in a shop
- during door-to-door sales or promotional excursion

What was the **value** of the goods, services or digital content concerned by this problem?

EUR

Did you manage **to solve the problem**?

- yes, fully
- yes, to a large extent
- yes, to some extent
- not at all
- no opinion / don't know

If you **did not fully succeed** to solve your problem, what was the reason?

- [ ] Trader did not want to comply with consumer rights
- [ ] You complained to the national administrative authority(ies), but it(they) lacked legal powers to enforce my rights
- [ ] You complained to the national administrative authority(ies) dealing with consumer rights, but it(they) did not intervene in my case
- [ ] Administrative enforcement proceedings were too complex/ long/ costly
- [ ] Court proceedings were too complex/ long/ costly
- [ ] The trader concerned was from another EU country which made enforcing my rights more complicated
- [ ] Other

Please specify

100 character(s) maximum

* In your view, how well do the **competent national authorities** implement consumer and marketing law to protect EU consumers?

- very well
- rather well
- rather not well
- not well at all
- no opinion / don't know

* In your view, how well do the **national courts** implement consumer and marketing law to protect EU consumers?

- very well
- rather well
- rather not well
- not well at all
- no opinion / don't know

Please provide any other comments you may wish to make, including your views as to what, if anything, needs to be improved in the EU consumer and marketing rules.

2500 character(s) maximum

* Thank you for answering these questions. We would also like to invite you to continue by answering additional, more detailed questions. Answering them requires some further knowledge of EU consumer and marketing law and will take a bit more time. Would you like to continue:

- yes
- no

1B. Business questionnaire

EU consumer and marketing rules have been implemented through the national laws of Member States, whose authorities and courts deal with their practical application. These rules provide for a comprehensive protection of the economic interests of consumers. They also aim at enabling businesses to trade across the EU more easily. Examples of the main EU consumer rights are:

1/ right to have defective goods repaired or replaced for free;

2/ right to truthful advertising;

3/ right to contracts without unfair clauses;

4/ right to return goods purchased online, over the telephone, by mail order or outside regular shops within 14 days;

5/ right to get true and complete information about the goods and services as well as about the digital content before concluding the contract.

Some provisions of these EU consumer and marketing rules also protect businesses against misleading marketing and unfair comparative advertising by other businesses, i.e. in B2B marketing relations.

* Are you replying on behalf of:

- a group of companies
- an individual company

* What is the core/main **activity** of your company / group of companies? (multiple replies possible)

- [ ] Sale of goods
- [ ] Provision of services
- [ ] Provision of digital content
- [ ] Online platform
- [ ] Manufacturer
- [ ] Other

Please specify

100 character(s) maximum

* Your company / group of companies carries out its activities:

- ○ only on-line (over the internet)
- ○ only off-line
- ○ both online and offline
- ○ no opinion / don't know

* Your company / group of companies carries out its activities:

- ○ only domestically
- ○ only cross-border
- ○ both domestically and cross-border
- ○ no opinion / don't know

What is your most accurate estimate of the **share of your company's** / **group of companies' cross-border sales**? (% of annual turnover)

%

* How big is your company?

- ○ self-employed
- ○ 1-9 employees
- ○ 10-49 employees
- ○ 50-249 employees
- ○ 250+ employees
- ○ no opinion / don't know

What is your opinion regarding the following statements?

	Strongly agree	Tend to agree	Tend to disagree	Strongly disagree	No opinion / don't know
*Businesses can **trade across the EU** easily thanks to the harmonised EU consumer and marketing rules	○	○	○	○	○
*Businesses are well **protected against misleading marketing practices** of other businesses	○	○	○	○	○
*Businesses are well protected against **unfair comparative advertising** of other businesses	○	○	○	○	○

* In the **past 12 months**, have you been confronted with **misleading B2B marketing**?

- ○ no
- ○ yes, once
- ○ yes, a few times
- ○ yes, often
- ○ no opinion / don't know

Did you manage to **solve your last problem** regarding the misleading B2B marketing in a satisfactory way?

- ○ yes, fully
- ○ yes, to a large extent
- ○ yes, to some extent
- ○ not at all
- ○ no opinion / don't know

If you **did not fully succeed to solve** your problem, what was the reason?

- ☐ The trader concerned refused to comply with the legal obligations on B2B marketing
- ☐ The trader concerned refused to comply with the legal obligations on B2B comparative advertising
- ☐ Once I signed the contract as a result of a misleading marketing practice, I could not get it annulled
- ☐ There are significant differences between the applicable rules across EU countries
- ☐ There is no administrative authority competent in these matters
- ☐ Court proceedings are too complex/ long/ costly
- ☐ no opinion / don't know
- ☐ Other

Please specify

100 character(s) maximum

* In your view, how well do the **competent national authori**ties implement consumer and marketing rules to **protect EU businesses against misleading marketing**?

- ○ very well
- ○ rather well
- ○ rather not well
- ○ not well at all
- ○ no opinion / don't know

* In your view, how well do the **national courts** implement consumer and marketing rules to **protect EU businesses against misleading marketing**?

- very well
- rather well
- rather not well
- not well at all
- no opinion / don't know

* In your view, how well do **businesses respect** EU consumer rights?

- very well
- rather well
- rather not well
- not well at all
- no opinion / don't know

In your view, what are the **benefits for businesses** from complying with EU consumer and marketing law?

- [ ] Consumers whose rights are respected come back
- [ ] Consumers whose rights are respected bring/attract other consumers (by word of mouth, online endorsements)
- [ ] On the contrary, consumers whose rights are not respected discourage other consumers (damage to reputation)
- [ ] Compliant and hence trusted businesses can sell at higher prices
- [ ] There are no benefits
- [ ] No opinion / don't know
- [ ] Other

Please specify

100 character(s) maximum

What is your most **accurate estimate of the direct costs** of compliance with consumer and marketing rules for your company / group of companies, e.g. costs of providing legal guarantee for goods, complying with consumer information requirements? (% of annual turnover)

%

* In your view, how well do the **competent national authorities** implement consumer and marketing rules to protect EU consumers?

- very well
- rather well
- rather not well
- not well at all
- no opinion / don't know

* In your view, how well do the **national courts** implement consumer and marketing rules to protect EU consumers?

- very well
- rather well
- rather not well
- not well at all
- no opinion / don't know

Please provide any other comments you may wish to make, including your views as to what, if anything, needs to be improved in the EU consumer and marketing rules. Where available please provide evidence substantiating your views.

2500 character(s) maximum

* Thank you for answering these questions. We would also like to invite you to continue by answering additional, more detailed questions. Answering them requires some further knowledge of EU consumer and marketing law and will take a bit more time. Would you like to continue:

- yes
- no

Full questionnaire

In your view, to what extent are the following EU consumer and marketing rules **beneficial to consumers**?

	Very beneficial for consumers	**Rather beneficial for consumers**	**Rather not beneficial for consumers**	**Not beneficial at all for consumers**	**No opinion / don't know**
Right to be protected against **misleading or aggressive commercial practices**	○	○	○	○	○
Right to get **adequate information** about the goods and services offered, i.e. the main characteristics, the total price, the delivery time, etc.	○	○	○	○	○

Right to get information also about the **unit price** of goods (i.e. for one kilogramme, one litre etc.)					
Right to **cancel a contract** concluded at a distance within 14 days from the delivery goods or conclusion of a service contract (the 'right of withdrawal')					
Right to get information about the **functionality and interoperability of digital content**					

Right to **cancel the** contract concluded at a distance for the downloading (or streaming) of **digital content** before its performance begins (the 'right of withdrawal')					
Right to be protected against unfair clauses in the "small print" (the 'right to **fair standard contract terms'**)					

Right to have a **defective good repaired or replaced** for free or to obtain a price reduction or refund during the legal guarantee period (in most EU countries 2 years from delivery; longer in some EU countries)					
Right of consumer organisations and public bodies **to take legal actions** which can stop infringements of consumers' rights (the right to seek injunctions)					

Other (please specify in the box below)	○	○	○	○	○

Please explain your reply, including any other consumer right that wish to highlight (optional)

1500 character(s) maximum

How effective are the legal actions ("**injunctions**") taken by consumer organisations and public bodies to stop infringements of consumers' rights in the following **economic sectors**?

	Very effective	**Rather effective**	**Rather not effective**	**Not effective at all**	**No opinion / don't know**
Online provision of goods, services and digital content					
Communications and internet access services					
Financial services					
Passenger transport					

Tourism and package travel					
Energy					
Other (please specify in the box below)					

Please explain your reply (optional)

1500 character(s) maximum

How important are the following **problems** for protecting the rights of consumers?

	Very important	**Rather important**	**Rather unimportant**	**Unimportant at all**	**No opinion / don't know**
Consumers don't know/ don't understand their rights					
Traders don't know/ don't understand consumer protection rules					
Traders don't comply with consumer protection rules					
Consumer law is too complex					
There are significant differences between national consumer protection rules across EU countries					
National administrative authorities lack legal powers to enforce consumer rights					
National authorities responsible for enforcing consumer rights are not active enough					

Court proceedings are complex / long / costly					
Administrative enforcement proceedings are complex / long / costly					
Injunctions proceedings are complex / long					
Injunctions proceedings are costly					
There are significant differences between national rules on injunctions proceedings across EU countries					
Other (please specify in the box below)					

Please explain your reply, including any other problem that wish to highlight (optional)

1500 character(s) maximum

How effective for protecting the rights of consumer are **self- and co-regulation initiatives by businesses at national or EU level**, under which businesses establish standards as to how they deal with consumers (eg. industry trust marks)?

- very effective
- rather effective
- rather not effective
- not at all effective
- no opinion / don't know

Please provide information on any successful self- and co-regulation initiative and describe what makes it successful (optional)

1500 character(s) maximum

What is your opinion regarding the following statements?

	Strongly agree	**Tend to agree**	**Tend to disagree**	**Strongly disagree**	**No opinion / don't know**
Businesses can **trade across the EU** easily thanks to the harmonised EU consumer and marketing rules					
Businesses are well **protected against misleading marketing practices** of other businesses					
Businesses are well protected against **unfair comparative advertising** of other businesses					

In your view, what are the **benefits for businesses** from complying with EU consumer and marketing law?

- [ ] Consumers whose rights are respected come back
- [ ] Consumers whose rights are respected bring/attract other consumers (by word of mouth, online endorsements)
- [ ] On the contrary, consumers whose rights are not respected discourage other consumers (damage to reputation)
- [ ] Compliant and hence trusted businesses can sell at higher prices
- [ ] There are no benefits
- [ ] No opinion / don't know
- [ ] Other

Please specify

100 character(s) maximum

What is your most **accurate estimate of the direct costs** of compliance with consumer and marketing rules for **the companies you represent**, e.g. costs of providing legal guarantee for goods, complying with consumer information requirements? (% of annual turnover)

%

What is your most accurate estimate of **the average cost (in EUR) of an enforcement action** to bring a trader or traders into compliance with the EU consumer and marketing rules for your authority?

EUR

How **positive** / **negative is the impact** of EU consumer and marketing law on the following aspects?

	Very positive impact	**Rather positive impact**	**Neutral**	**Rather negative impact**	**Very negative impact**	**No opinion/ don't know**
Amount & relevance of **information available to consumers** to compare and make informed purchasing choices	○	○	○	○	○	○
A **level playing field** amongst EU-based businesses	○	○	○	○	○	○

Protection of consumers against **unfair commercial practices**						
Protection of businesses against **misleading marketing and unfair comparative advertising**						
Availability and choice of products						
Lower **prices** of products						
Higher **quality** and **longer durability** of products						

More customers and revenues for EU-based businesses						
Increase of national e-commerce (i.e. within the trader's EU country)						
Increase of e-commerce across EU Member States						
Competitiveness of EU businesses vis-à-vis non-EU businesses						

Please explain your reply (optional)

1500 character(s) maximum

How **effective** are the following **consumer redress/enforcement mechanisms** in protecting consumer rights in case of breach of EU consumer and marketing rules?

	Very effective	**Rather effective**	**Neutral**	**Rather not effective**	**Not effective at all**	New Text
An individual consumer gets redress through **direct negotiations with the trader**						
An individual consumer gets redress through an **alternative dispute resolution mechanism**						

An individual consumer gets redress through a **court action**						
An individual consumer gets redress through an **administrative enforcement decision**						
An **administrative authority issues an injunction** which stops an infringement of consumer rights						
A **court issues an injunction** which stops an infringement of consumer rights						

Other (please specify in the box below)						

Please explain your reply (optional)

1500 character(s) maximum

How effective are the **injunction actions** sought against the following illegal practices?

	Very effective	**Rather effective**	**Neutral**	**Rather not effective**	**Not effective at all**	**No opinion / don't know**
Use by traders of **unfair standard contract terms**						
Use by traders of **misleading or aggressive commercial practices**						
Breach of the traders' obligations related to the **legal guarantee**						

Breach of the traders' obligations related to the **information** they are legally required to provide to consumers						
Breach of the traders' obligation related to the consumers' **right of withdrawal (cancellation)** for distance and off-premises contracts						
Other illegal practices (please specify in the box below)						

Please explain your reply (optional)

1500 character(s) maximum

How strongly do you agree or disagree with the following statements about the **interplay between the Injunctions Directive and the provisions on enforcement of consumer rights** included in other Directives covered by this questionnaire?

	Strongly agree	**Tend to agree**	**Tend to disagree**	**Strongly disagree**	**No opinion / don't know**
There is a need for **clarification of the interplay** between the Injunctions Directive and other provisions on enforcement of consumer rights	○	○	○	○	○
There is a need for **ensuring coherence** between the Injunctions Directive and other provisions on enforcement of consumer rights	○	○	○	○	○

Please explain your reply (optional)

1500 character(s) maximum

How strongly do you agree or disagree with the following statements about the **interplay** between EU consumer and marketing rules and the EU sector-specific consumer rights in the area of **consumer financial services**?

	Strongly agree	**Tend to agree**	**Tend to disagree**	**Strongly disagree**	**No opinion / don't know**
EU consumer and marketing rules provide **adequate complementary protection** regarding issues, which are not expressly regulated by the sector-specific EU rules					
Consumers are aware about the complementary application of EU consumer and marketing rules in the specific sector					
Traders in the relevant sector are aware of the complementary application of these EU rules and comply with them					

The competent public enforcement authorities in the relevant sector are aware of the complementary application of these EU rules and enforce them where appropriate					
The co-operation between the various public enforcement authorities in charge of consumer protection should be strengthened					

Please explain your reply (optional)

1500 character(s) maximum

How strongly do you agree or disagree with the following statements about the **interplay** between EU consumer and marketing rules and the EU sector-specific consumer rights in the area of **passenger transport**?

	Strongly agree	**Tend to agree**	**Tend to disagree**	**Strongly disagree**	**No opinion / don't know**

EU consumer and marketing rules provide **adequate complementary protection** regarding issues, which are not expressly regulated by the sector-specific EU rules					
Consumers are aware about the complementary application of EU consumer and marketing rules in the specific sector					
Traders in the relevant sector are aware of the complementary application of these EU rules and comply with them					
The competent public enforcement authorities in the relevant sector are aware of the complementary application of these EU rules and enforce them where appropriate					

The co-operation between the various public enforcement authorities in charge of consumer protection should be strengthened					

Please explain your reply (optional)

1500 character(s) maximum

How strongly do you agree or disagree with the following statements about the **interplay** between EU consumer and marketing rules and the EU sector-specific consumer rights in the area of **energy supply (electricity and gas**)?

	Strongly agree	**Tend to agree**	**Tend to disagree**	**Strongly disagree**	**No opinion / don't know**
EU consumer and marketing rules provide **adequate complementary protection** regarding issues, which are not expressly regulated by the sector-specific EU rules					

Consumers are aware about the complementary application of EU consumer and marketing rules in the specific sector					
Traders in the relevant sector are aware of the complementary application of these EU rules and comply with them					
The competent public enforcement authorities in the relevant sector are aware of the complementary application of these EU rules and enforce them where appropriate					
The co-operation between the various public enforcement authorities in charge of consumer protection should be strengthened					

Please explain your reply (optional)

1500 character(s) maximum

How strongly do you agree or disagree with the following statements about the **interplay** between EU consumer and marketing rules and the EU sector-specific consumer rights in the area of **electronic communications services**?

	Strongly agree	**Tend to agree**	**Tend to disagree**	**Strongly disagree**	**No opinion / don't know**
EU consumer and marketing rules provide **adequate complementary protection** regarding issues, which are not expressly regulated by the sector-specific EU rules	○	○	○	○	○
Consumers are aware about the complementary application of EU consumer and marketing rules in the specific sector	○	○	○	○	○
Traders in the relevant sector are aware of the complementary application of these EU rules and comply with them	○	○	○	○	○

The competent public enforcement authorities in the relevant sector are aware of the complementary application of these EU rules and enforce them where appropriate					
The co-operation between the various public enforcement authorities in charge of consumer protection should be strengthened					

Please explain your reply (optional)

1500 character(s) maximum

How strongly do you agree or disagree with the following statements about the **interplay** between EU consumer and marketing rules and the EU sector-specific consumer rights in the area of **environmental protection - rules on Ecodesign, energy labelling, car labelling, emission limits for vehicles etc.**?

	Strongly agree	**Tend to agree**	**Tend to disagree**	**Strongly disagree**	**No opinion / don't know**

EU consumer and marketing rules provide **adequate complementary protection** regarding issues, which are not expressly regulated by the sector-specific EU rules					
Consumers are aware about the complementary application of EU consumer and marketing rules in the specific sector					
Traders in the relevant sector are aware of the complementary application of these EU rules and comply with them					
The competent public enforcement authorities in the relevant sector are aware of the complementary application of these EU rules and enforce them where appropriate					

The co-operation between the various public enforcement authorities in charge of consumer protection should be strengthened					

Please explain your reply (optional)

1500 character(s) maximum

How strongly do you agree or disagree with each of the following statements about the **potential areas to improve EU consumer and marketing rules** for the benefit of consumers?

	Strongly agree	**Tend to agree**	**Tend to disagree**	**Strongly disagree**	**No opinion / don't know**
The **marketing /pre-contractual information requirements** currently included in the Unfair Commercial Practices Directive, Price Indication Directive and Consumer Rights Directive should be regrouped and streamlined					

The information given to consumers at the **advertising stage** should focus on the essentials whilst more detailed information should be required only at the moment before the contract is concluded					
Online platform providers should inform consumers about the criteria used for **ranking the information** presented to consumers					
The presentation of pre-contractual information to consumers should be **simplified by applying a uniform model**, e. g. using icons					
The obligation to display also the **price per unit** (eg, 1 Kg, 1 l) of the goods should apply to all businesses irrespective of their size					

Consumer protection against unfair commercial practices should be strengthened by introducing a right **to individual remedies**, e.g. compensation and /or invalidity of the contract when the consumer has been misled into signing a disadvantageous contract					
Consumer protection against unfair contract terms should be strengthened by introducing a **"black list" of terms** that are always prohibited					
The presentation of key standard Terms and Conditions to consumers should be improved by applying **a uniform model**, e.g. using icons					

Consumer protection against unfair contract terms should be strengthened by **incorporating key Court of Justice case law** on the ex officio duties of judges to assess the presence of unfair terms					
The **legal guarantee period for goods** should depend on their characteristics (If you agree with this statement please indicate the relevant characteristics in the box below, e.g. the category of the good (such as small/large household appliances, ICT products, cars etc.), price, expected/ advertised lifespan)					

The period during which the defect is presumed to have existed already at the time of delivery of the good (**reversal of the burden of proof**) should be extended. It is 6 months under current EU law but longer in a few EU countries					
The notion of " **vulnerable consumers**" should be reviewed/ updated. Under current EU law vulnerable consumers are those that are particularly vulnerable to unfair commercial practices because of their mental or physical infirmity, age or credulity					
There should be additional requirements for the protection of "vulnerable consumers" as regards **standard contract terms**					

The notion of " **average consumer** " should be reviewed/ updated. According to the case law of the EU Court of Justice, the average consumer is defined as reasonably well-informed and reasonably observant and circumspect, taking into account social, cultural and linguistic factors					
Further criteria should be defined to allow for a **clearer distinction** between consumers and traders in the **collaborative economy**					
EU **injunctions proceedings** should be made more effective, e.g. by allowing their use for more types of infringements and by reducing their costs and length					

EU consumer and marketing rules should be **further harmonised** to make it easier for traders to offer their products /services cross-border and for consumers to rely on the same level of protection across the EU					
EU consumer and marketing rules should be simplified by bringing them into a **single horizontal EU instrument**					
Consumer protection should be strengthened by making sure that non-compliant businesses face truly **dissuasive sanctions** amounting to a significant % of their yearly turnover					
Other (please specify in the box below)					

Please explain your reply, including suggestion(s) for other area(s) where the current EU consumer and marketing rules should be improved (optional)

2500 character(s) maximum

To what extent do you agree or disagree with each of the following statements about **potential areas to improve the protection of businesses**, especially SMEs and in particular micro enterprises?

	Strongly agree	**Tend to agree**	**Tend to disagree**	**Strongly disagree**	**No opinion / don't know**
Businesses protection against unfair commercial practices should be strengthened by introducing a "black list" of B2B practices that are always prohibited					
Business protection against unfair commercial practices should be extended to practices happening not just at the marketing stage but also **after the signature of the contract**					

Business protection against unfair commercial practices should be strengthened by introducing a **right to individual remedies**, e.g. compensation and /or invalidity of the contract when the business has been misled into signing a disadvantageous contract					
Business protection against unfair contract terms should be strengthened by **extending totally or partially the scope of application of the Unfair Contract Terms Directive** to B2B contracts					
Business protection against unfair commercial practices should be strengthened by introducing an **enforcement co-operation mechanism** for cross-border B2B infringements					

The scope of application of the **Injunctions Directive should be enlarged** to cover the protection of collective interests of businesses					
Other (please specify in the box below)					

Please explain your reply and any other suggestion(s) for area(s) where the current EU rules for the protection of businesses should be improved (optional)

2500 character(s) maximum

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