



The Consumer Voice in Europe

S&D conference

“New deal for consumers”

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BEUC: the consumer voice

- BEUC is the European Consumer Organisation
- Representing consumer interests towards the EU institutions **since 1962**
- **43 members** from 32 countries



New deal for consumers

EU Consumer Law is fit for purpose but...

... Not good enough regarding digitalisation and enforcement



Proposal for a Directive on Better Enforcement and Modernisation of EU Consumer Protection Rules – so called ‘Omnibus’ proposal



Proposal for a Directive on Representative Actions

Penalties

Current situation:

- Fragmented landscape with different levels of sanctions (often not sufficiently dissuasive) leads to poor enforcement

Omnibus proposal:

- BEUC supports new rules on maximum penalties
- BEUC supports allocating the revenues from fines to the general interests of consumers

Areas for improvement:

- Alignment with the GDPR: €10,000,000 or 4 % of the trader's total worldwide annual turnover, whichever is higher
- BEUC does not support adding a condition related to the conclusion of a coordinated action launched by the CPC network

Individual remedies

Current situation:

- Only a few Member States provide effective remedies specifically for breaches of the law on unfair commercial practices

Omnibus proposal:

- BEUC supports adding minimum individual remedies to the UCPD (right to damages and contract termination)

Areas for improvement:

- Additional remedy of price reduction should be added
- A standard remedy should be added also to the CRD (right not to be bound by the contract and right to damages)

Right of withdrawal

Right of withdrawal (RoW)

- RoW is one of the most known consumer rights
- Basis for the functioning of e-commerce and consumer trust in it

Omnibus proposal:

- BEUC rejects the proposed changes to the RoW
- No evidence to substantiate such an important deterioration of consumer rights

Improve RoW instead:

- BEUC members report about consumer problems with exercising their RoW
- BEUC supports amendments tabled that consider a practice of restricting or preventing consumer RoW as unfair in all circumstances (inclusion in the annex I UCPD)

Transparency of online platforms

Current situation:

- Consumer confusion
- Lack of transparency

Omnibus proposal:

- BEUC supports the prohibition of non-disclosure of third party payments regarding online search queries => but this provision should also cover the non-monetary remuneration
- BEUC supports the new information requirements for platforms => but their scope should be expanded to all online platforms.

Consumers should be also informed about:

- Relative importance of the ranking
- Use of algorithms or automated decision making, including personalized pricing techniques

Transparency of online platforms

What is missing?

- **Platform liability rules**

BEUC supports amendments tabled in this area

- **Consumers reviews**

BEUC supports amendments tabled in this area

Dual Quality

- There are no second class consumers
- BEUC members tests showed differences between products
- UCPD clarification needed for better enforcement

Improvements needed:

- Focusing on “identical or seemingly identical” marketing
- Deleting the criteria of “significantly” different composition and “several” other member states
- Deleting the reference to legitimate factors as a justification to the misleading practice

UCPD annex – what else should be added ?

The following practices should be considered as unfair in all circumstances:

- Resale of event tickets:
 - Use of bots to buy tickets in bulk and resale them for higher price
 - Resale tickets to which restrictions apply

- Promotional sales:
 - Informing about price reduction without indicating the reference price and without being able to prove its correctness in the last 30 days

- Online advertising of unhealthy food for children



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Thank you for your attention

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