



"Omnibus" proposal

**S&D conference on the "New Deal for
Consumers"
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Proposal on better enforcement and modernisation of EU consumer protection rules

Better enforcement

- Stronger penalties
- UCPD individual remedies

Modernisation

- Online marketplaces
- 'Free' digital services

Burden reduction

- Right of Withdrawal
- Overlapping information requirements
- Means of communication

Other

- 'Dual quality' of products
- Doorstep sales & commercial excursions
- Hidden advertising in search results

Better enforcement

Further harmonization of the rules on penalties

- Extending the existing rule in UCPD, CRD, PID; adding penalties to UCTD
- Common non-exhaustive criteria
- Harmonised maximum fine for “widespread infringements” subject to a coordinated enforcement action (CPC Regulation 2017/2394) – not less than 4% of trader’s annual turnover

Right to remedies in the UCPD

- Requirement to make contractual and non-contractual remedies available, including:
 - Contract termination
 - Compensation for damages

Modernisation

Transparency on online marketplaces

- Main parameters for ranking of offers
- Status (trader or non-trader) of third party suppliers
- Information whether EU consumer rights apply to the contract
- Information about who is responsible for the performance of the contract and compliance with consumer rights

Extension of the CRD to «free» digital services

- Pre-contractual information
- 14-day right of withdrawal
- Consistency with the GDPR and future “Digital Content” Directive

Burden reduction for businesses

Right of Withdrawal

- Exemption from the Right of Withdrawal for “used goods”
- Traders no longer obliged to reimburse the consumer before receiving back the returned goods

Simplification of information requirements

- “Complaint handling policy” removed from the information requirements of the UCPD
- Model withdrawal form can be provided by other means when contracts concluded by e.g. telephone or SMS

Means of Communication

- Reference to “fax” removed
- Other online means of communication as alternative to “e-mail”

Other amendments

Off-premises selling

- Member States can adopt national rules on unsolicited doorstep selling and commercial excursions
- If justified on grounds of public policy or protection of private life
- Subject to transparency procedure

Misleading marketing of 'dual quality' products

- Marketing a product as being identical to the same product in other countries
- When there are significant differences in composition or characteristics
- Can be a misleading practice subject to case-by-case assessment

Hidden advertising in search results

- Clarification of No. 11 of the UCPD blacklist on hidden advertising in editorial content – it applies also to search results, which should clearly indicate cases of "paid placement" and "paid inclusion"



Questions?

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