

Mrs Věra Jourová
Commissioner
European Commission

The Consumer Voice in Europe

B – 1049 Brussels

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Full harmonisation at minimal level: DG Justice initiative risks abolishing essential national consumer rights

Dear Commissioner,

Let me firstly underline that your presence at the ECCG meeting this week was very welcome and the consumer representatives in the room strongly appreciated your commitment to promote a Single Market that delivers to its consumers and duly protects the fundamental privacy rights of its citizens.

I am writing today because we are exceptionally worried about the recent developments regarding consumer on-line purchases legislation and I really would like to call on you to take action to avoid that the European Commission will officially propose to abolish essential national consumer rights.

On 6th October, BEUC and other stakeholders have received an outline document about your Directorate General's plans regarding the legislative initiative on on-line purchases of tangible goods. I understand that this text was also circulated to the Member States.

As already said at the ECCG meeting this week, I would like to draw your attention to the fact that if this text was to become the future legislative proposal, it would abolish essential consumer rights in nearly half of the Member States.

As your services know in detail, the reduction of rights is (would be) related to legal guarantee periods, choice of remedies and rules on the burden of proof in case of a defective product. Countries concerned are France, UK, Ireland, Portugal, Slovenia, the Netherlands, Finland, Greece, Poland and others. I would be happy to provide you with more technical information about the negative impact of such an initiative if you would wish so.

It is shocking that the European Commission seriously considers such a drastic u-turn in the direction of its consumer policy, which has been a success story for the entire EU since 40 years. This move would also be counter-productive with regard to the announcements made by President Juncker, that this Commission must bring the EU closer to its citizens. I sincerely hope that you will use your powers and responsibility to ensure that this initiative is brought back to track.

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Moreover, we are surprised that according to the circulated text, the European Commission does not intend at all to modernise or improve the current EU sales law provisions, but merely turns the existing directive into a full harmonisation tool with the sole aim of increasing legal certainty for business in cross-border transactions but on the back of consumers.

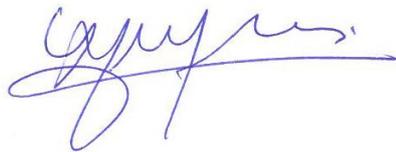
Finally let me underline that, as mentioned already in earlier correspondence, we are very sceptical about the intention to create a separate tool for on-line purchases for tangible goods. The consequential split of consumer rights into an off-line and on-line system would be confusing for consumers, disruptive for competition and create additional costs for business.

BEUC has communicated in writing and orally in numerous occasions and in detail to your services on existing consumer problems in relation to legal guarantees and that any future initiative should provide for improvement of access to justice for individual consumers and the enforcement of consumer rights which are urgently needed. The circulated text would lead to exactly the contrary.

My Deputy Director General has written to your Head of Cabinet to ask for a meeting as soon as possible to discuss these issues. Our member organisations are very worried and I would appreciate a swift response from your side.

Many thanks in advance

Best regards,



Monique Goyens
Director General