

Review of the European Consumer Acquis

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Horizontal Instrument

- Potential content depends on the degree of harmonisation
- No Horizontal Instrument if it is linked with Country of Origin Principle
- Maximum harmonisation depends on the level of consumer protection

Country of Origin Principle (COP)

COP means:

Consumers need to know **27 Law-Systems**

COP would

- make consumers unsure and
- hamper cross-border trade

➔ **Horizontal Instrument needs a rule of priority for “Rom I”**

Possible content of a Horizontal Instrument:

- Rules of withdrawal (periods and effects)
- Definitions (e.g. consumer and business)
- General rules of fairness and “good faith”
- Information duties (pre-contractual and contractual) and sanctions
- General remedies for all kinds of consumer contracts

General remedies can reduce legal uncertainty

- Consumer Sales Directive includes “goods” but not simply “rights”
- Distance Selling Directive provides exceptions for services

Example **Digital Products**:

To “purchase” software can mean to buy a good, a right or a service

→ legal situation is unclear

Thanks for your attention