



Consumer rights: "full harmonisation no longer an option"

Full harmonisation of all consumer rights in the EU would in practice mean a levelling down of some such rights, believe MEPs. "This is no longer an option", agreed Commissioner Viviane Reding when speaking to the EP Internal Market and Consumer Protection Committee on Tuesday. Under pressure from MEPs and several Member States, the Commission is prepared to abandon this idea.

According to the Commission, full harmonisation of all consumer rights in the EU would end the fragmentation of the single market, improve legal clarity, guarantee the same protection to all consumers and stimulate crossborder trade. But many MEPs, while supporting these goals, think full harmonisation would in practice lead to an unacceptable levelling down of certain consumer rights.

Work on a directive that would for the first time bring together all consumer rights in a single law began two years ago in the European Parliament. But the proposal to apply the method of full harmonisation under this legislation has led to political deadlock.

A new proposal needed

Seeking to find a way forward, the new Commissioner responsible for this area, Viviane Reding, has decided not to take the same line as her predecessor. "It's up to the legislator to decide. The Commission will adapt", she told members of the Internal Market Committee. "Are you prepared to withdraw the initial proposal and bring forward a new one?" asked Evelyn Gebhardt (S&D, DE). The Commission would be willing to do this after first reading if Parliament and the Council were in agreement. It would then drop the draft directive's Article 4, which provides for full harmonisation and states that Member States may not keep or introduce into national law any provisions - whether stricter or more flexible - which are not laid down by the directive.

Targeted harmonisation according to consumers' interests

The Commission also accepts the principle of "targeted" harmonisation advocated by several MEPs. This means the degree of harmonisation would depend in each case on the benefit to consumers. Maximum harmonisation would thus no longer be used "automatically and blindly", in the words of Emilie Turunen (Greens/EFA, DK). The Commission is proposing to distinguish between direct transactions and those done at a distance. In the first category, where there are big differences between national laws, the "pragmatic", targeted solution would be used. In the second category, especially for internet shopping, where security for consumers and legal clarity for operators are crucial, there should be maximum harmonisation of the rules.

A directive for consumers or for business?

The directive needs to benefit both consumers and companies from the outset. Consumer confidence would mean increased business. Clearer rules would make life easier for both. But several MEPs feel this balance is not apparent in the draft proposal. "The goal of improving consumer protection must be at least as visible as the goal of boosting the single market", stressed Robert Rochefort (ALDE, FR). Sylvana Rapti (S&D, GR) even called on

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the Commissioner to make clear her priorities by choosing between consumers and business. Viviane Reding argued that these goals did not conflict but were mutually compatible. However, it was clear that "a directive on consumer rights cannot reduce such rights".

Next steps

Andreas Schwab, the committee rapporteur, will in April present a proposal for an amended version of the first chapter of the directive, which includes the controversial provisions on harmonisation. Before the summer, his full draft report should be submitted to the Internal Market Committee, which is expected to hold its vote in September. The matter could come before the full Parliament in November. The rapporteur also announced he would ask the Commission for a series of studies analysing the optimum degree of harmonisation "chapter by chapter".

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