

Speaking points

Introduction

Ladies and Gentlemen, Dear Chairman, dear Malcolm,

- I would like to thank you for this opportunity to exchange views with you on what Europe can and should be doing in the field of consumer protection, in particular to step up consumers' trust in the single market. This calls for a coherent vision right across the Commission, and of course in cooperation with the European Parliament.
- I am committed to delivering a Justice for Consumers policy which responds to the expectations of European consumers. In close collaboration with my colleague, Mr Dalli, I will develop a coherent approach to consumer policy. .
- I want to guarantee appropriate protection of consumers during the entire life-cycle of the consumption process. Consumers should be adequately informed before buying. Their choice should be truly free when making the decision and, if something goes wrong, adequate means should be available for them to enforce their rights.
- I would like to use this occasion to outline the main initiatives that I plan to present for creating an area of justice providing an added value for consumers.

Digital products / Consumer Rights Directive

- Let me first say some words on a file which is currently at a crucial stage of negotiations – the Consumer Rights Directive.
- We have been discussing this file for more than two years and we all know too well the difficulties attached to this process. I do not want to talk at length about this proposal, but there is one point which I find particularly relevant for our debate today: the level of protection granted to consumers of digital products. I know that IMCO is committed to ensuring that consumers are adequately protected when buying digital content online. As former Commissioner for Information Society and Media, you do not have to convince me of that.
- I have therefore agreed to assist Council and Parliament in making sure that the rules on information and the right of withdrawal are adapted to the specificities of such content, whether accessed by downloading or otherwise.
- However, given the importance of providing consumers with up-to-date protection in the on-line environment, I believe that there will be a need to return with complementary future initiatives to protect consumers purchasing digital products and content.
- The Commission's study on the problems experienced by consumers with regard to digital products and content will be available in July and will feed into this process. Let me be very clear here: I am not talking about intellectual property rights but about consumers rights attached to digital goods.

European Contract Law

- Let me now turn to the European Contract Law initiative. I believe such an initiative could play an important part in improving the position of European consumers.
- A European Contract Law could create a user-friendly, comprehensive and uniform set of rules for cross-border contracts which could be used by the parties wherever they are located in the EU.
- Such an instrument could lead to fewer transaction costs and more legal certainty for businesses as well as increased choice at lower prices and confidence for consumers.
- On 3 May, the Commission published the results of a Feasibility Study of the Expert Group on European Contract Law and we are now inviting all stakeholders to comment.
- Nothing is decided yet. We will now analyse the result of the public consultation and prepare a detailed impact assessment to see what should be the next step.

Unfair Commercial Practices Directive

- The Commission is also preparing a Report on the application of the Unfair Commercial Practices Directive.
- The report will identify possibilities for any future revision of the Directive and report on its application in the fields of financial services and immovable property.

- Amongst other topics, the Report might examine the rules on sales promotions, misleading environmental claims, price information and price comparisons web-sites.
- We need to support the Member States in achieving a coherent application of the Directive. In June 2011, the Commission will therefore launch a public database to allow comparing national decisions and case-law.

Package Travel Directive

- Consumers are in particular need of protection when travelling, which is one reason why the Package Travel Directive was adopted in 1990. The travel market has however changed significantly since then. This is why the existing Directive needs to be updated to meet today's challenges.
- With this exercise, the Commission clearly intends to address new market developments, close legal gaps and clarify the various obligation and liabilities of the professional parties to the contract. My objective is also to ensure a high level of protection and develop a level playing field for businesses selling travel packages in the digital world we now inhabit.
- I am determined to launch a proposal as soon as we have completed the necessary analysis. This should be in the first half of 2012.

Revision of the Data Protection Directive

- My commitment to protecting consumers when they venture into the digital world extends in particular to the collection of personal data on the internet.
- The explosive growth of the internet economy has brought tremendous social and economic benefits. At the same time, these technologies have fundamentally changed how, where, and by whom data is collected, transmitted and used. This sets up new challenges on how to implement fundamental concepts underpinning EU data protection law.
- Later this year, I will present draft legislation to change the current EU rules on data protection.
- We are going to reduce the current fragmentation of the EU legal framework, reinforce the internal market dimension and strengthen rights of individuals.

Collective Redress

- As Justice Commissioner, I know the importance of ensuring access to justice. Consumers should have access to adequate means of obtaining redress in case consumer legislation is not respected.
- As regards in particular collective redress, we have now reached a crucial moment. The public consultation ended on 30 April, and we are currently examining the contributions.
- The interest of stakeholders in the subject is huge. We have received around 300 contributions from "institutional" stakeholders and almost 20.000 contributions from citizens, calling for introduction of collective redress at European level.
- I mentioned earlier the need for a coherent approach. This explains our thinking in seeking to identify common legal principles that any possible EU initiatives on collective redress would have to respect – be it horizontal or in a specific sector only. We need to examine how such common principles could possibly fit into the EU legal system and into the legal orders of the all Member States.
- By the end of this year, I plan to issue a Communication on a coherent approach to collective redress. I am cooperating closely on this file with my colleagues, Vice-President Almunia and Commissioner Dalli.

Small Claims Procedure

- Before concluding, I would like to inform you that the Commission is working to promote the Small Claims Procedure, a very tangible means of facilitating access to justice for consumers. First through the European Judicial Network in civil and commercial matters, but also by drafting a Practical Guide to assist consumers and legal practitioners to apply the procedure correctly, and thirdly by working to improve the on-line standard forms.
- As you know, the European Small Claims Procedure has been established to facilitate cross-border recovery of debts not exceeding 2000 Euros. In case of a dispute with a seller or a service provider, consumers now have effective and efficient judicial mechanism at their disposal, which is the most user-friendly procedure in cross-border situations.
- In the medium term, I will launch a report reviewing the operation of the European Small Claims Procedure as foreseen by the Regulation. In particular, we will assess the need to increase the 2.000 Euro threshold, thus the need to extending the Small Claims Procedure to claims of higher value and covering larger parts of possible consumer disputes.

Conclusions

- My objective is to bring tangible results and real benefits to consumers in terms of better protection and improved access to justice. As you have heard from the list of actions, I think we have to work incrementally to build up our consumer policy, tackling in a coherent way the specific problems with concrete solutions.
- As Justice Commissioner also with responsibility for citizenship, I never forget that consumers are at the end of the day not simply actors in the market place, they are citizens. I want Europe's citizens to feel as protected when shopping in the Single Market as they would do when shopping at home.
- I am now ready and eager to listen to your views as to how we can achieve this. As you know, I attach particular importance to a constant and fruitful discussion with all of you. Thank you.