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Ecommerce Europe

The European voice representing companies selling products and / or services online and cross-channel

“to advance the interests and influence of e-commerce in Europe through advocacy, communication and networking”

- 10 national E-commerce associations
- representing over 4,000 companies
- www.ecommerce-europe.eu



Facts & Figures

- E-commerce turnover 2012: > €300 billion
- Amazing growth of e-commerce in Europe: > +20%
- Europe's e-commerce market is already the largest one globally
- Increasing (mobile) Internet usage and almost 50% consumers across Europe already bought online



Growth in the industry

- ... generates sustainable activity
- ... provides better choice and price to consumers
- ... creates jobs
- ... helps to protect environment

EU Digital Agenda's objectives are that by 2015

- 33% of SMEs will be conducting online purchases/sales
- 20% of consumers will buy services online from cross-border providers

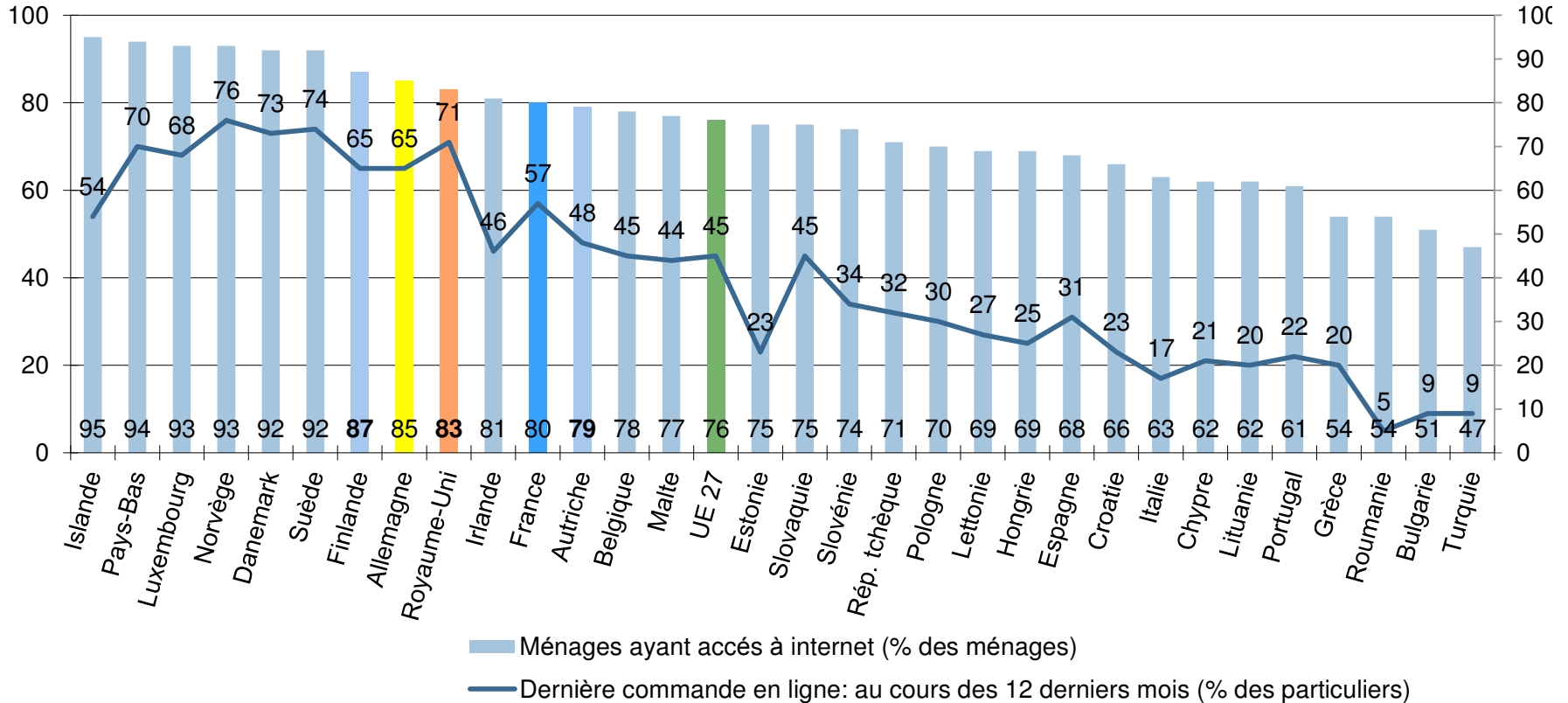


How to help stores selling abroad?

- Harmonising regulation without over-regulating
- Encouraging the development of e-commerce multi-country solutions (payments, logistics, customer care services, m-commerce...) affordable to local players
- Educating companies on how to use the internet to sell abroad
- Building trust and confidence for cross-border buyers/sellers (trustmarks, ODR, ADR)



Still huge discrepancies on connection and usage





What is the problem in crossborder e-commerce?

- Disharmonised national regulations due to minimum directives on the field of:
 - Sales of goods and guarantees (guarantee period)
 - Unfair contract terms (different lists of unfair terms)
 - Distance selling (different: withdrawal period, sent and pay back period, costs for returning, information duties)
 - Unclearness of Rome I & II and the position of national Consumer Authorities
- Different VAT and Tax systems
- Different payment, distribution en logistic systems
- Absence of cross-border Trust Marks and ODR & ADR



How to help stores selling abroad?

- Harmonising the rules on distance selling of goods and services creating one single market with uniform rules!
 - No need for choice of applicable law/Rome I
 - Rules at home are the same as abroad
 - Rules are the same for cross border and national sales
- The directive on Consumer Rights is from mid 2014 creating a (almost) maximum harmonised European market on distance selling so there is only a limited need for harmonised rules on cross border selling of goods
 - guarantee period
 - Non conformity and remedies



How to help stores selling abroad?

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Is the Common European Sales Law the right solution?

- Restricted scope: sale of goods and the sale of digital content, related services
 - Cross border Ecommerce is for a huge part on the sale of services
- Easy to understand?
 - Very complex
 - Creating a voluntary uniform and autonomous law system within a law system: interpretation CESL may and will differ from main consumer acquis (see article 6 on mixed contracts)
 - Unclear relation between applicable law and CESL / Rome I and II
 - There is still a need for a choice for applicable law for the part of the legal relation not covered by the CESL
 - Contractual relation will partly be governed by applicable national law and CESL
- Flexible and dynamic?
 - Will the CESL be adapted to new developments in the consumer acquis?



Is CESL the right solution?

- Easy to apply?
 - Extra information duties on CESL, standard message
 - Explicit and apart consent for applying CESL (double consent)
 - Confirmation of consent on durable medium
 - What if consumer doesn't agree on CESL:
 - Merchant doesn't want to lose his potential buyer
 - Need for two different systems for consumers that do agree and those who don't
- How to convince the consumer that he does right in choosing CESL?
 - Rome I gives him a better protection than CESL
 - Applicable law always meets minimum standards of European consumer acquis



Is CESL the right solution?

- Is it bringing a solution for the main problems on cross border E-commerce?
 - Consumer rights directive harmonises most of the differences in national law on the field of distance selling of goods and services. In this area is no need for CESL as the national rules are almost fully harmonised and identical
 - The main national rules concerning the sales of goods contracts aren't very different and basically they give the same remedies for non-conformity
 - There is mainly need for a uniform set of rules on legal and commercial
 - CESL is not solving the main problem of different VAT and Tax systems
- How to convince the consumer that he does right in choosing CESL?
 - Rome I gives him a better protection than CESL
 - Applicable law always meets minimum standards of European consumer acquis
 - What level of protection does CESL provide for?



So why not take the easy, cheapest and most transparent way?

Fully harmonise the few existing rules on conformity, remedies and legal and commercial guarantees!

Thanks for your attention



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