

E-10280/10EN

Answer given by Ms Reding  
on behalf of the Commission  
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E-commerce has a potential to become an important alternative for consumers when they look for products or services. This is why one of the most significant action areas of the Digital Agenda for Europe<sup>1</sup> – the first flagship initiative under the Europe 2020 strategy – is focused on making online and cross border transactions straightforward.

A series of actions announced in this strategy initiative are aimed at improving consumer's rights online, e.g. a code of EU online rights, an EU-wide online dispute resolution system for eCommerce transactions, a platform for EU online trustmarks or review of the EU data protection regulatory framework.

Moreover, there is EU legislation which protects consumers when they are making on-line purchases. The Unfair Commercial Practices Directive<sup>2</sup> prevents traders from engaging in misleading and aggressive commercial practices. Its provisions require that traders operate in accordance with the requirements of professional diligence and that they display in a clear, intelligible and timely manner material information that consumers need to make informed choices.

The Unfair Terms Directive 93/13/EEC<sup>3</sup> may also be relevant to the issues raised by the Honourable Member. This directive provides that a contract term causing a significant imbalance between the parties to the detriment of the consumer shall be regarded as unfair and as such shall not be binding. The Commission has taken other initiatives to ensure that consumer rights are being protected. Each year, joint enforcement and investigation actions "Sweeps" are organised in cooperation with the member states to check the compliance of consumer law in a particular online market. The 2010 Sweep targeted websites selling tickets to cultural and sporting events. 247 out of the 414 websites checked were flagged for further investigation. Enforcement authorities are now taking follow-up actions at national level.

The proposal for a Directive on Consumer Rights (COM(2008)614 final, Chapter III) includes a number of improvements for consumers, for instance the introduction of a single set of rules on pre-contractual information requirements for consumer distance contracts, including online contracts. The proposal is currently being discussed in the European Parliament and the Council.

In addition, the E-commerce Directive<sup>4</sup> contains provisions that are relevant for the issues raised by the Honourable Member. Article 5 (1)b provides that Member States shall ensure that service providers provide the geographic address at which the service provider is established. Moreover, Article 5 (2) stipulates that Member States shall ensure that, where information society services refer to prices, these are to be indicated clearly and unambiguously and, in particular, must indicate whether they are inclusive of tax and delivery costs. The enforcement of these and other provisions of the E-commerce Directive will be raised in a Communication on e-commerce that should be adopted in 2011. The Communication will, on the one hand, evaluate the application of the Directive and, on the other hand, analyse the limited development of e-commerce in the Internal Market.

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<sup>1</sup> COM(2010) 245

<sup>2</sup> Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC and 2002/65 of the European Parliament and of the Council and Regulation (EC) No 2006/2004 of the European Parliament and of the Council (Unfair Commercial Practices Directive).

<sup>3</sup> Council Directive 93/13/EEC of 5 April 1993 on unfair terms in consumer contracts, OJ L 095, 21.4.1993

<sup>4</sup> Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market.