

WRITTEN QUESTION P-0565/09
by Gyula Hegyi (PSE)
to the Commission

Subject: Abuses in connection with distance contracts

Growing numbers of consumers (natural persons and small businesses) are receiving 'printed matter' in English or German sent from other EU Member States which at first sight appears to be free or whose content is so framed as to mislead, in which the sender invites them either to supply their particulars or to check and confirm the particulars quoted, proposing then to enter them in international databases (there is already a special website dealing with such fraud: www.stopecg.org). The fact that a charge will be made for the service only emerges from a less conspicuous part of the publicity, where it is printed either in tiny characters or - on the contrary - entirely in capitals in such a way as to make it difficult to perceive; this generally involves concluding an expensive contract for several years with the foreign publisher (as much as € 900 or 1000 being charged per entry). In most cases, the offer also does not mention the right of withdrawal as provided for by Directive 1997/7/EC¹ of the European Parliament and of the Council. The 'order forms', which are generally addressed to relatively small businesses, are signed and/or completed by them in good faith - often in error - in the hope of becoming known internationally and without having received the requisite information. In most cases they soon realise the deceit, but despite their refusal (and in some cases their withdrawal), the publishing firms continue to invoice them, so that businesses which have placed 'orders' in good faith are soon even confronted with threats of debt collection measures. The Communication from the Commission on the implementation of Directive 1997/7/EC of the European Parliament and of the Council of 20 May 1997 on the Protection of Consumers in respect of Distance Contracts (COM(2006)0514) acknowledges that it has given rise to some issues of interpretation and brought about divergences on the internal market. It is to be hoped that a review of the EU's consumer protection legislation will soon result in amendments to the existing provisions, but before that happens, several thousand citizens of the Union may fall victim to fraudulent letters. What measures is the Commission planning in order to prevent such abuses and mitigate their consequences?

¹ OJ L 144, 4.6.1997, p. 19.