

European Consumer Consultative Group

Update on Consumer Policy

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Consumer policy developments since last ECCG meeting *(13-14/03/2016)*

- 1. Review of the CPC Regulation*
- 2. REFIT fitness check*
- 3. New approach to business insolvency*
- 4. Energy Union Package*
- 5. Digital Single Market*
- 6. Studies: evidence-based policy making*
- 7. New actions*
- 8. New working methods*
- 9. VW Case*

Review of the CPC Regulation

Completed

- 10 working parties in Council
- Public hearing in the European Parliament, 9 Nov

Next

- **Council:** 2 working parties in December, COREPER Mandate end December
- AOB the **COMPET Council**, 28 November
- **European Parliament:** IMCO draft report 5 December, adoption March 2017 (Rapporteur MEP Sehnalová)

End

- **Adoption 2017**

CPC review: main issues

- **New powers:** power to suspend/close down websites, power to order traders to compensate consumers and power to consult consumer organisations
- Addressing **widespread infringements of Union dimension:**
 - Thresholds for Union dimension infringements
 - Launch of the common action by Commission
- **Resources/costs** to implement new powers and procedures

REFIT Fitness Check of EU Consumer & Marketing Law

- **Online public consultation, May to September 2016**
- **Consumer Summit and ECCG meeting, 17-18 October 2016**
- **Stakeholder expert group**

New approach to business insolvency

- **Proposal for the Directive on preventive restructuring and second chance was adopted on 22/11/2016 (<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52016PC0723&from=EN>)**
- **The scope of the Directive does not cover consumer insolvency**
- **However, according to Article 1. 3, Member States may extend the application of the procedures of discharge of entrepreneurs to over indebted natural persons who are not entrepreneurs**

Energy Union Package

Proposals adopted on 30 November.

The main gains for Energy Consumers:

- **Clearer energy bills**
- **Certified price comparison tools**
- **Easier switching**
- **Increased protection for energy-poor households**
- **Prosumers and self-generation**
- **Green energy claims**
- **More efficient and durable products (ecodesign/energy labelling)**

Digital Single Market - Implementation

Better online access for consumers and businesses

- 09/12/2015: Adoption of the Digital Contracts Proposal
- 09/12/2015: Draft Regulation on cross-border portability of digital content
- January 2016: Launch of the ODR Platform
- 25/05/2016: "DSM e-commerce package" composed of an initiative on cross-border parcel delivery, the review of the Consumer Protection Cooperation Regulation, a draft Regulation on geo-blocking and the UCPD Guidance
- 14/09/2016: 2nd package on copyright

Creating the right conditions and a level playing field for advanced digital networks and innovative services

- Adoption of the Data Protection Reform
- 25/05/2016: "DSM Content package" including a Communication on the assessment of the role of platforms and a proposal to review of the Audio-visual Media Services Directive
- 14/09/2016: Review of the Telecoms Framework

Digital Single Market

Better online access for consumers and businesses

Digital Contracts Proposal

- Digital content
- Distance sales of tangible goods
- Proposed in December 2015

Geo-blocking Proposal

- Ban on the blocking of access to websites and the use of automatic rerouting
- Definition of specific situations when geo-blocking cannot be justified
- Proposed in May 2016

Review of the Consumer Protection Cooperation Regulation

- New powers for enforcement authorities
- New EU level procedure launched and coordinated by the Commission
- Clearer alert procedure and consumer organisations allowed to signal issues
- Proposed in May 2016

Studies: evidence-based policy making

- Online terms & conditions (behavioural study)
- New study on residential prosumers in the European Energy Union
- New consumer study on pre-contractual information and billing in the energy market – improved clarity and comparability
- New behavioural study on consumers' engagement in the circular economy
- New consumer market study on the functioning of the real estate for consumers in the European Union

New Actions

- **Action Plan of the Retail Financial Services Green Paper initiative**
- **Mid-term evaluation of Consumer Programme 2017**
- **Evaluation of Commission recommendation on collective redress**

Action Plan of the Retail Financial Services Green Paper initiative

- The Commission is currently drafting an Action Plan for this initiative, which will set out follow-up actions to the consultation.
- The Commission is hoping to be able to publish the Action Plan in Q1 2017.
- DG JUST is working closely with DG FISMA in providing input, in particular on the consumer dimension of the initiative.

Areas the Action Plan will likely address

The Action Plan will likely address the following 3 areas:

1. Increase consumer trust and further empower consumers
2. Reduce legal and regulatory obstacles affecting firms
3. Support the creation of an innovative digital world

Consumer dimension of the initiative

Possible actions could be to address the following:

- Debt advice for over-indebted consumers across the EU;
- Consumer protection issues in the digital sphere of retail financial services; and
- Creditworthiness assessments.

Your input/views on possible actions

- Do you think that the Action Plan on Financial Services should provide for possibilities to offer debt advice for consumers?
- Do you know of particular issues regarding the digital sphere and retail financial services, e.g. particular financial products that are sold online, or areas that the legislation may not be covering?
- Which are the areas in retail financial services that you think the Action Plan should tackle?

New Working Methods

- **CPN and Consumer Markets Expert Group (CMEG)**
 - **Joint meetings once per year (1.5 days)**
 - **CPN meetings once per year (1 day)**
- **CPN and CPC Network**
 - **Back-to-back meetings with shared agenda points**
- **Merger of enforcement and redress teams**