

To:
Vice-President Andrus Ansip
Vice-President Frans Timmermans
Commissioner Bieńkowska
Commissioner Věra Jourová
Commissioner Oettinger

European Commission
Rue de la Loi / Wetstraat 200
1049 Brussels
Belgium

Prot. No. 459/LH
Brussels, 4th December 2015

Dear Vice-Presidents,
Dear Commissioners,

Re: Contracts on the online sale of tangible goods

E-commerce is becoming more and more important for both consumers and traders. The opportunities the internet and online shops offer are growing. Therefore there is a need for a working legal framework within the European single market.

UEAPME shares the Commission's assessment that there are still no sufficient rules concerning online sale of digital products. At national level, as well as at European level, there are no appropriate rules to cover digital content such as online-streams or downloads. In order to avoid that more and more Member States start to regulate this issue on their own, it is reasonable to introduce legal security concerning those goods by a well-balanced harmonized EU-instrument.

In contrast to that, there are already comprehensive existing EU-provisions concerning tangible goods. We would like to stress that for those goods especially the issue of remedies in case of lack of conformity is harmonised by the existing Sales of Goods Directive. We do not share the Commission's approach to present a new legislative proposal with regard to tangible goods, without a previous profound evaluation of existing rules.

The current European legislation regarding consumer protection is extremely complicated and not easy to understand, both for consumers and especially SME. For example the information obligations are complex and burdensome and not always relevant. The Consumer Rights Directive (CRD) has already fully harmonised the most essential provisions regarding e-commerce.

UEAPME would like to recall the commitments of the Commission in the Communication "Better regulation for better results - An EU agenda": the Commission stressed there, that when considering policy solutions, it would consider both regulatory and well-designed non-regulatory means as well as improvements in the implementation and enforcement of existing legislation.

It explained that the natural tendency of politicians would be to focus on new initiatives, but emphasized that the EU was judged not just on new political initiatives, but on the benefits and the burden of existing EU legislation and that therefore actively managing existing EU legislation is just as important politically as preparing new initiatives.

Against the background of these promises of the Commission in the context of better regulation, UEAPME underlines that before creating new provisions for tangible goods, the existing rules should be evaluated, especially the impact of the CRD on e-commerce should be examined and the shortcomings of the Directive should be eliminated. This would also ensure that the decision makers can focus on the elaboration of a really workable instrument for digital content contracts.

Yours sincerely,



Peter Faross
Secretary General