



“The voice of crafts and SMEs in Europe”

Consumer rights: safeguards for small companies must be kept, warn SMEs

UEAPME urges Council not to scrap exemptions to withdrawal rights ahead of “trialogue” meeting tomorrow

Brussels, 9 May 2011 – The current deadlock in the negotiations between the European Parliament and the European Council on the Consumer Rights Directive risks having negative consequences for small companies, according to UEAPME, the European craft and SME employers’ organisation. The text stipulates that all contracts negotiated outside the trader’s shop should be subject to a 14 days withdrawal period and to onerous information requirements, even when the business contact was established by the client, which could lead to more burdens for SMEs and less choice, higher prices and longer delivery times for consumers. In March, the Parliament adopted a number of exceptions to withdrawal rights on specific services, emergency repairs and special requested visits for repairs or maintenance. However, according to a declaration released last week by the Parliament’s rapporteur Andreas Schwab, the Council does not support these safeguards. Ahead of a meeting between Parliament and Council tomorrow, UEAPME therefore urged Member States to support these clauses as a minimum and to insert a distinction between solicited and unsolicited contracts in the text as the optimum solution.

Enterprise Policy Director **Luc Hendrickx** offered the following comments:

“Under the Consumer Rights Directive as it stands, small entrepreneurs and craftsmen who must visit consumers’ homes to assess what needs to be done and make an offer are subject to heavy information requirements on aspects that are impossible to predict at such an early stage, for instance the exact cost breakdown and a detailed description of how the work will be performed. Moreover, consumers have two weeks to withdraw their orders, even if they solicited the visit. The Parliament did not change these principles, but at least it introduced some limits to withdrawal rights on specific services, emergency repairs and visits requested for repairs or maintenance. This shows that MEPs are fully aware of the fact that the proposed regime for off-premises contracts is absolutely inadequate for SMEs. Apparently the Council is not of the same advice, since it wants to delete even these few exceptions according to the Parliament’s rapporteur.”

“Although the solution proposed by the Parliament is incomplete and much less than ideal, at least it avoids the most damaging consequences for smaller enterprises. That is why Member States should support these exceptions tomorrow. Of course, inserting a clear distinction between solicited and unsolicited contracts remains the optimal solution. Applying the same rules to solicited and unsolicited visits defies reason. Unfortunately, our warning has fallen on deaf ears so far.”

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EDITORS’ NOTES: UEAPME is the employers’ organisation representing exclusively crafts, trades and SMEs from the EU and accession countries at European level. UEAPME has 80 member organisations covering over 12 million enterprises with 55 million employees. UEAPME is a European Social Partner. For further information: <http://www.ueapme.com/>

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