



"The voice of crafts and SMEs in Europe"

"New Deal for Consumers": missed chance for SME-friendly law

No simplification of consumer acquis, too much emphasis on enforcement

Brussels, 11th April 2018 – Today, the European Commission published its package on the "New Deal for Consumers" – a targeted revision of the European consumer law. The revision follows the Fitness Check of consumer and marketing laws and the parallel evaluation of the Consumer Rights Directive which had the aim to identify excessive regulatory burdens, overlaps and inconsistencies that may have appeared over time. UEAPME states that the result is a missed chance to simplify the consumer acquis and that too much emphasis is put on enforcement.

"Although no one questions the necessity to protect consumers' rights, the proposal deals nearly exclusively with enforcement and penalties. Given the complexity of consumer law, the risk of SMEs with no legal department committing unintentional infringements is particularly high. Hence, it is quite disappointing that the Commission did not take into account our request to reduce formalities and simplify the acquis, without even reducing the level of consumer protection." said **UEAPME Secretary General Véronique Willems**.

The Commission itself justified the proposals by referring to recent large-scale cross-border infringements of EU consumer law, such as the "Dieselgate" scandal and massive flight cancellations. *"Once again SMEs will pay for the misbehaviour of some big players as it occurred with the geo-blocking legislation and the GDPR."* added Ms Willems. As different reports indicate, non-compliance is most of the time an issue for some specific sectors. In addition, while the objective of the Commission is to tackle widespread infringements harming consumers in several Member States, the proposed texts leave a lot of room for interpretation and can disproportionately affect SMEs.

UEAPME also opposes the proposed possibility for Member States to restrict door-to-door sales. They should not be categorised as "unfair" or "misleading" all together. After having achieved a fully harmonised legal framework in the field of so-called unfair practices, the Commission now wants to turn the clock backwards and this clearly goes against the principle of the Internal Market and the principle of proportionality.

Moreover, the proposal on injunctions / collective redress raises a lot of questions. While UEAPME is not against the principle of collective actions, the proposal is unbalanced in favour of consumers and the necessary safeguards are missing.

On a positive note, UEAPME welcomes the fact that the Commission has taken into account UEAPME's request to remove two specific obligations on traders regarding the 14-days right of withdrawal, which have proven to constitute disproportionate burden. Traders would no longer be obliged to accept the right of withdrawal when the consumer has made actual use of an ordered good instead of only trying it out. Additionally, traders will also not be obliged to reimburse consumers before receiving the returned goods. However, much more could have been done to simplify the acquis.

"As the complexity of the rules is the main reason for the unintentional non-compliance, the only solution is to invest in prevention and to better inform the traders, as for example through the Consumer Law Ready project." concluded Véronique Willems.

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EDITORS' NOTES: UEAPME is the employers' organisation representing Crafts and SMEs from the EU and accession countries at European level. UEAPME has 64 member organisations covering about 12 million enterprises with 55 million employees. UEAPME is a European Social Partner. For further information please visit <http://www.ueapme.com/> or follow [@UEAPME](https://twitter.com/UEAPME) on Twitter.

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