



REFIT Fitness Check of EU consumer and marketing law – what is the Commission doing?

EESC European Consumer Day 2016
Better regulation for consumers?

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Fitness Check of EU consumer and marketing law

Part of REFIT "Regulatory Fitness and Performance" Programme

WHAT IS A FITNESS CHECK?

It is a comprehensive, evidence-based policy evaluation **assessing** whether EU legislation is "**fit for purpose**".

It provides a basis for **future policy considerations**.

A **Fitness Check** is part of the regular EU policy cycle.





Fitness Check

6 directives

In parallel, evaluation of the Consumer Rights Directive

Unfair Commercial Practices Directive



2005

Misleading and Comparative Advertising Directive



2006

Unfair Contract Terms Directive



1993

Price Indication Directive



1998

Sales and Guarantee Directive



1999

Injunctions Directive



2009



Fitness Check

5 assessment criteria

3 perspectives:

- Consumers
- Businesses especially SMEs
- Enforcement authorities

Effectiveness



Have the objectives of the legislation been achieved?

Efficiency



What were the costs and the benefits involved?

Relevance



Does EU legislation address the main problems that consumers are facing today?

EU added value



Did EU action provide clear added value?

Coherence



Is the EU consumer legislation complementing or contradicting other policy and legislation?



Milestones

- January 2016 – process started with the publication of a "Roadmap".
- Spring 2016 – Launch of external expert studies and online public consultation.
- Spring 2016 – Stakeholder consultative group to be established.
- July-September 2016 – first results of the study on sales remedies – linking with the Digital Contracts proposals.
- October 2016 – Consumer summit dedicated to the "Fitness Check".
- Before summer 2017 – Commission report.



Some reflections for the review

- A case to simplify / streamline the consumer information requirements currently in 3 directives?
- Investigate the need to strengthen the protection from unfair commercial practices : individual remedies?
- Explore the need to strengthen the Unfair Contracts directive: a 'black list' ?
- Inject more transparency into the collaborative economy: clearer distinction between traders and consumers?
- Enhance the effectiveness of injunctions proceedings?
- Examine the application in B2B / modernise the Misleading and Comparative Advertising Directive?



**To contribute to the consultation
and follow the progress**

**[http://ec.europa.eu/consumers/consumer
rights/review](http://ec.europa.eu/consumers/consumer_rights/review)**

#EUConsumerLaw

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Thank you for your attention !

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