



## FEDMA answer to the New Consumer Agenda

FEDMA answered the questionnaire of the EU consultation on the New Consumer Agenda. However, the questionnaire only enables extremely short written contributions. Therefore, we kindly ask the European Commission to equally take into account our additional comments in the boxes hereunder.

### I. A New Consumer Agenda

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#### Medium-long term priorities for future EU consumer policy strategy

5 The New Consumer Agenda aims to put forward a common vision of consumer policy priorities for the Union and the Member States. Which should in your view be the main priorities in the coming years?

- Co-operation with non-EU countries
- Better alignment between EU consumer policy and Member States' priorities
- Other

Recognize the benefits of advertising self-regulation as an effective and consumer friendly tool in ensuring responsible advertising.

\*7 In the digital environment traders can easily reach many consumers at once and with personalised offers. However, consumers are increasingly exposed to many challenges, such as unsafe products or unfair commercial practices online. How could one best ensure that consumers have the same protection online and offline?

- Improved information on consumer rights in European SMEs and industry
- Other

- Many of the options above are covered by EU legislation, many of which has been adopted in the past years and we are still evaluating their impact.
- Advertising contributes to the EU economy and drives sales.
- Some of the answers suggested (E.g. information on how offers, prices and advertisements are personalised or giving consumers better control over the use of their data) do not sufficiently take into account the rights provided to the data subject

by the GDPR and to the consumer under the New Consumer Deal (consumer must be informed of use of personalised offers).

- Data protection and consumer laws should not be confused. Indeed, consumer law has a check list approach. Data protection law is more principle based and offers more flexibility to the controller in line with a risk-based approach. For example, in some cases, the controller has a choice among several legal basis (consent or legitimate interest). The simple fact that data is processed should not be used as a means to expand the scope of consumer law.
- In the context of telemarketing, 3 successive consents may already be required depending on the member states; one for processing of personal data, one for opt-in to receive telemarketing calls, and one for the contract concluded on the phone. There are always consumers who want to ask questions phone-to-phone, or some who hesitate to provide Credit card informations via internet or simply (elderly) consumers aren't too familiar with the internet. Telephone is their preferred communication channel and we should avoid complicating this communication. Another channel which would be particularly hard hit would be direct mail. The system of Robinson lists would become irrelevant.
- Pricing has always been part of the commercial offer; it allows better competition.
- Recognize and utilize the benefits of advertising self-regulatory system, which ensures responsible commercial communications, both online and offline.

\*8 Vulnerable consumers are particularly at risk to suffer from unfair practices. Which sources of vulnerability do you consider as particularly relevant?

Other

Vulnerable consumers are already defined and protected under art. 5(3) of the unfair Commercial Practices Directive.

\*9 If you are sufficiently aware of public enforcement procedures in your country /sector, which are, in your opinion, the main barriers to an effective enforcement of consumer rights (including product safety rules)?

Other

The revised Consumer Protection Cooperation Regulation (adopted in 2017) has been in full application since beginning of 2020 and has provided a direct increase of powers and

of means of cooperation between national consumer authorities in the Member States. The benefits of such new rules are still to be analysed before considering a newer revision.

\*10 How can the Commission help consumer organisations and other stakeholders be better involved in policy-making and implementation at the EU level?

- Capacity-building through better access to participatory e-tools (e.g. sharing information, good practices, etc.)
- Equip them with tools to engage more proactively with the other stakeholders

FEDMA considers that the expert groups created by the Commission (e.g. for the consumer acquis fitness check) enable good discussions. Dialogue with consumers and industry organisations should be continued and further developed, by providing industry with a formal consultative role at EU level. E.g. having a platform for consumer and industry representatives. For example, the existing European Consumer Consultative Group should be developed to have representatives from business organisations.

The Commission and the Economic and Social Affairs Committee have recently ceased to organise cross-sector meetings to discuss self-regulation principles, challenges and best practices. FEDMA has already called for the Commission to renew its support to a platform of stakeholders to exchange on self and co-regulation.

## II. Empowering consumers in the green transition

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6 Which of the following would be in your view most effective in improving the enforcement of EU consumer laws in the interest of enhanced participation of consumers in the green transition?

FEDMA supports self regulation e.g. via European Advertising Standards Alliance.

## III Consumer Credit Directive

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1. Should the scope of the Consumer Credit Directive be extended?



The scope of the Consumer Credit Directive should not be extended to credits below 200 EUR because this would too heavily impact retailers and online commerce.