



Joint Statement on the Commission Proposed Rules on Doorstep Selling

17 September 2018

On 11 April 2018, the Commission published a legislative proposal under the “New Deal for Consumers” that would, among others, allow Member States to place additional restrictions on aggressive or misleading commercial practices in the context of unsolicited doorstep selling and commercial excursions.

We fully support the overall objective of the Commission’s legislative proposals to ensure a high level of consumer protection. Any new rules need to focus on identified gaps in consumer protection, ensuring effectiveness and proportionality. Therefore, we do not think that the draft provision on doorstep selling is the right way forward.

We deeply regret that the draft rules in this regard propose to **remove the full harmonization principle** from the **Unfair Commercial Practices Directive** by allowing for differentiation of national rules for unsolicited visits. This would increase legal fragmentation across Member States and would hinder the well-functioning of the single market, one of the cornerstones of the European Union. It would also undermine the achievements of the Directive, which according to the results of the Consumer REFIT Reports, is considered by a majority of stakeholders and consumer organizations as a very effective consumer protection policy tool.

The European Commission has proposed this provision without providing any data supporting the need for legislative intervention. Neither the results of the 2016 public consultation on the Consumer REFIT, nor the Consumer REFIT Reports of May 2017 have raised any serious concerns that call for policy intervention on this issue. Moreover, it is worrying that **no impact assessment** was carried out on such an overly restrictive provision that targets specific sales channels in such a discriminatory manner.

When it comes to consumer protection, there are already EU rules in place protecting consumers from rogue traders. The **Unfair Commercial Practices Directive explicitly bans aggressive doorstep selling** by including it in the **Blacklist** of commercial practices (see Annex I point 25: “conducting personal visits to the consumer’s home ignoring the consumer’s request to leave or not to return”) and does not allow any misleading commercial practices to take place.

In addition, the **Consumer Rights Directive** lays down a number of important safeguards for consumers when they conclude off-premises contracts, including their **right to withdraw** from the contract within 14 days.

Allowing national laws regulating off-premises sales to diverge again, after having succeeded to fully harmonise them more than a decade ago, is a radical step backwards and a regrettable precedent. The proposed provisions do not provide any new added value to consumers. Furthermore, they stigmatise legal and legitimate selling channels.

A solid and effective EU legislative framework is already in place to protect against rogue traders but needs to be better enforced. We therefore call for a stronger focus on better enforcement of the established rules for unsolicited visits included in the Unfair Commercial Practices Directive, by ensuring that all Member States will have in place effective mechanisms to stop those rogue traders from engaging in unlawful practices.