



Joint Statement on the Draft Proposal of the Presidency of the Council on Doorstep Selling

27 February 2019

On 11 April 2018, the Commission published a legislative proposal under the title “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 support the overall objective to ensure a high level of consumer protection. Any new rules need to focus on identified gaps in consumer protection, ensuring effectiveness and proportionality.

The Presidency of the Council has prepared a compromise proposal for agreement during the COREPER meeting of 1 March 2019.

We regret that the draft rules propose to **remove not only the full harmonization principle from the Unfair Commercial Practices Directive** (as proposed by the Commission) **but also from the Consumer Rights 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 Directives, which according to the results of the Consumer REFIT Reports, are considered by a majority of stakeholders and consumer organizations as very effective consumer protection policy tools.

The draft rules presented by the Presidency of the Council would allow the introduction of different consumer protection rules depending on the Member State, taking away from European consumers the benefit of enjoying the same rights and high level of consumer protection across the EU, as they do today.

We call on Member States to reject the Presidency of the Council’s proposal and support instead the balanced set of provisions voted by an overwhelming majority of the European Parliament’s Internal Market and Consumer Protection Committee on the 22nd of January 2019. These provisions allow Member States to legislate further as regards certain selling channels e.g. commercial excursions. At the same time, they ensure that only rogue traders will be targeted by any new provisions without stigmatizing the legal and legitimate business operators that improve competition and strive for consumers’ satisfaction.

Allowing national laws regulating off-premises sales to diverge without clear limits, after having succeeded to fully harmonise them more than a decade ago, is a radical step backwards and a regrettable precedent. We do hope that the Council agrees on a compromise which is beneficial to consumers, without harming and stigmatizing legal and legitimate selling channels.