

Brussels, 25 September 2023

RE: Review of digital fairness in EU consumer law and the application of the Modernisation Directive – QUESTION 22

Seldia was founded in 1968 as the voice of the European Direct Selling sector. We represent 25 national associations, 14 companies, 16 service providers, as well as the voices of the independent entrepreneurs engaged in a direct selling activity. Direct selling is a method of retail and marketing of goods and services, directly to consumers, in their homes or at any other location, away from permanent retail premises.

Seldia – The European Direct Selling Association wanted to submit some additional comments related to **question 22**.

The wording of the question around doorstep selling misrepresents the text of the modernisation directive: it presents doorstep as the sellers' visits to the consumers' home when the directive only considers **unsolicited** visits to the consumers home. This would extend the scope of future legislative change to a selling method that has been for long appreciated by consumers e.g. where the consumer has consented to and accepted the visit of the seller to his home. It also questions on legitimate practices that the directive in 2019 did not put in question.

In a few countries, limited abusive practices of door to door sales continue to be reported for specific sectors/operators like utilities. These companies are not our members. **These practices were already banned by UCPD both in its general principles not allowing misleading practices to take place and explicitly in the blacklist point 25**. It is too early to say if the stricter measures already adopted by some MS helped address the issue by extending the withdrawal period. Additional national restriction will not prevent rogue traders to pursue their illegal practices unless enforcement is consistent and swift.

Strong evidence and thorough impact assessments are needed to quantify the issue and target the response. Suggesting even more divergence from the full harmonization that was achieved by UCPD would only increase the fragmentation of the Internal Market.

Organised events (selling in places like private homes, hotels, restaurants to which consumers are invited) are a decades old legitimate selling technique. [Research that Seldia and DSE have conducted with IPSOS in spring 2023](#) show that organised events continue to be the preferred method of sales by independent direct sellers, indicating the positive response of consumers. Consumers receive an invitation and freely decide to participate or not.

There was no evidence that organised events were harming consumers when this practice was added to the review clause of the modernisation directive in 2018. There is still no evidence to that effect.

The existing EU and national consumer rules provide the appropriate framework. Stronger enforcement is missing in some Member States.