



"The voice of crafts and SMEs in Europe"

Consumer rights: Council vote a step forward but worries remain, say SMEs

UEAPME pleased with deletion of two chapters from the directive, concerned about rules on "off-premises contracts"

Brussels, 24 January 2011 – The Consumer Rights Directive as adopted by the European Council today (Monday) is a step forward on the way to full harmonisation but the current wording on "off-premises contracts" risks harming small entrepreneurs who tend to work often outside their business location, according to UEAPME, the European craft and SME employers' organisation. On the positive side, UEAPME welcomed the Council's decision to scrap two chapters of the directive for which a full Europe-wide harmonisation of national rules would have been impossible. On the negative side, UEAPME criticised the clauses on contracts negotiated outside the trader's shop, which could lead to excessive burdens for SMEs and craftsmen, it warned, calling on the European Parliament to insert a distinction between solicited and unsolicited contracts in the text of the directive.

Enterprise Policy Director **Luc Hendrickx** offered the following comments:

"We welcome the deletion of the chapters on some consumer rights in relation to sales contracts and on contract terms. The Council acknowledged that a full harmonisation of national legislation is not possible in these areas, and rightly decided to concentrate only on issues where Europe can provide an added value. Keeping these chapters in place would have left the regulatory situation mostly unchanged for businesses and consumers, while increasing the burden on the authorities that will have to transpose the directive. Scrapping these chapters altogether is therefore a very smart move that we appreciate and fully support. We hope that the Parliament will follow in the Council's footsteps in this respect."

"However, the Council ignored our warnings on 'off-premises contracts' today, adopting an imbalanced text that punishes small entrepreneurs and craftsmen who must visit consumers' homes to assess what needs to be done and make an offer. They will be subject to heavy information requirements, and consumers will be given two weeks to withdraw from the contract, even if they solicited the visit. As a consequence, SMEs will shun visits at consumers' homes, charge more for their services to cover risks and only start working after the withdrawal period has expired. In a nutshell, today's decision will end up harming rather than protecting consumers, who will be faced with less choice, higher prices and longer delivery times. That is why the Parliament should reject this one-sided approach, which is in blatant contradiction with the 'Think Small First' principle, when voting on the directive next week."

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EDITORS' NOTES: UEAPME is the employers' organisation representing exclusively crafts, trades and SMEs from the EU and accession countries at European level. UEAPME has 80 member organisations covering over 12 million enterprises with 55 million employees. UEAPME is a European Social Partner. For further information: <http://www.ueapme.com/>

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