

NEON Comments on New Deal for Consumers –Review of Consumer Protection Directives

Brussels, 20 June 2018

NEON, the European network of independent, not-for-profit consumer dispute-resolution services and ombudsmen active in the energy sector, welcomes the opportunity to comment on the Commission proposal to amend the consumer protection directives under the New Deal for Consumers.

As entities in charge of treating consumer complaints, our members have observed a **large increase in issues related to unfair commercial practices**, especially in doorstep selling (aggressive commercial practices, misleading or missing information, etc.)¹. We therefore welcome the possibility for Member States to further regulate this issue, especially in view of protecting the most vulnerable consumers.

In this context, we also welcome that the proposal allows consumers to request redress whenever they have been harmed by unfair commercial practices by a trader, including the possibility of compensation for damages suffered by the consumer, as well as the strengthened provisions on penalties in case of infringements to all four directives (Unfair Commercial Practices Directive, the Consumer Rights Directive, the Price Indication Directive and the Unfair Commercial Practices Directive).

On the less positive side, we are worried that certain proposed amendments could **make it more difficult for consumers to complain** with the trader and thus **leave the consumer unprotected in case of problems**. We specifically refer to the **narrowed information requirements related to the complaint handling process of the trader and the contact information of the trader**:

- According to the proposed amendment to Art. 7.4 of the [Unfair Commercial Practices Directive](#), **traders will no longer be forced to provide information on their complaint handling policy** in the case of an invitation to purchase. As stated before, complaints data from our members (related to unfair commercial practices) shows that **consumers do already may need to complain even before a contract is signed**.
- In addition, in the case of distance and off-premises contracts, the traders will only need to provide their geographical address and their **telephone number, e-mail address or other means of online communication** (as it stands now, the same sentence in Art. 6 of the [Consumer Rights Directive](#) says “and”).

With its “New Deal for Consumers”, the European Commission intends to strengthen the rights of consumers. It is therefore essential that European Union legislators correct these provisions in order to avoid going against the initial intention of these proposals.

¹ Refer for example to: “Bilan 2017 du médiateur : des litiges en hausse de 19%” (press release from the French Energy Ombudsman), https://www.energie-mediateur.fr/wp-content/uploads/2018/05/20180529_cp_ra2017.pdf and “Rapport d’activités 2017 - Communiqué de presse” (press release from the Belgian Energy Ombudsman), <https://www.mediateurenergie.be/fr/actualites/rapport-dactivites-2017-communique-de-presse>.

NEON is the European network of independent, not-for-profit consumer dispute-resolution services and ombudsmen active in the energy sector. Our members have the public mandate to provide an easily-accessible and free-of-charge system to solve disputes between consumers and companies.

We work to guarantee the rights of all consumers, including the most vulnerable ones, through the promotion of public-interest, independent complaint-resolution bodies.

Our members:

- Ombudsman Services (UK), www.ombudsman-services.org
- Le Médiateur National de l'Énergie (FR), www.energie-mediateur.fr
- Service de Médiation de l'Énergie/Ombudsdienst voor Energie (BE), www.mediateurenergie.be
- El Síndic de Greuges (Catalonia, ES), <http://www.sindic.cat>
- Autorità di Regolazione per Energia Reti e Ambiente (IT), www.arera.it
- Commission Wallonne pour l'Énergie (BE), www.cwape.be
- Commission for Regulation of Utilities (IE), www.cru.ie
- Energy Ombudsman of Georgia (GEO), <http://pdci.ge/>