NEW DEAL FOR CONSUMERS

* **The European Commission has prepared a package of amendments to enhance the protection of consumer rights.**
* **They include issues such as online shopping, digital services, problem of dual quality of products in different countries.**
* **On 18 October, a civic consumer dialogue on this topic took place in Warsaw.**

**[Warsaw, 19 October 2018]** Great amendments are planned in the EU, and therefore, also in the Polish consumer law. The European Commission proposes a “New deal for consumers”.

“Market is subject to rapid changes.New deal for consumers is the answer to new challenges.We store data in the cloud, we use social networking sites, we purchase more and more online.The changes are intended to strengthen the rights of consumers and provide them with additional tools to pursue claims”, says Dorota Karczewska, vice president of the Office of Competition and Consumer Protection.

**Representative actions**

The first element of the “New deal for consumers” package regards the so-called [representative actions](https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=COM%3A2018%3A184%3AFIN). It will make it easier for consumers to pursue claims collectively, e.g. to obtain compensations. It will encompass all important industries, including financial services, transport, energy, telecommunications. The representative actions could be taken by independent qualified entities, such as consumer organisations. As a result, a court or an administrative body will issue an injunction to stop harmful practices and will order to provide consumers with compensations. Eligible entities will also be able to negotiate an agreement with a company - it will be approved by a court or an administrative body. An undertaking will have to inform the affected consumers about the final decision or the settlement concluded, and about the compensations.

**Draft Omnibus directive**

The second element of the “New Deal for Consumers” is the [draft Omnibus directive](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52018PC0185). It provides for changes in four directives on: unfair terms in consumer contracts, price indication, unfair commercial practices, and consumer rights. The most important proposals are:

* **more transparency in online market places.** When buying from an online market place, consumers will be informed about whether they are buying from a trader or from a private person. In the latter case, the consumer protection law is not applicable, and the portal will have to inform about this. It will also have to inform about the main parameters determining the ranking of the results, e.g. that the undertaking paid for a higher position in the search results.
* **facilitation of individual claims pursuing.** If a consumer is harmed by unfair commercial practices, e.g. aggressive marketing, they will be able to cancel the contract and claim compensation.
* **protection on “free” digital services.** In exchange for using such services, consumers provide their personal data. After changes, they will obtain the same rights as when concluding a payable contract online, e.g. they will have 14 days to cancel their contract.
* **selling at demonstrations and consumer’s home.** In many countries, including Poland, aggressive marketing and unfair commercial practices are used at this occasion. New EU rules will give national authorities an option to introduce restrictions. In Poland, works on the [UOKiK’s proposals](https://uokik.gov.pl/news.php?news_id=14146&news_page=7) are already underway.
* **fight against** [**dual quality of products**](https://uokik.gov.pl/news.php?news_id=14845). Marketing of a product as being identical to the same product marketed in several other Member States, where those products differ significantly, e.g. in terms of composition, will be considered a misleading commercial practice.

**Civic consumer dialogue**

At present, both drafts are discussed in working groups, both in the Council and the European Parliament. At this stage, Member States submit their comments to the European Commission's proposal.

On 18 October, the amendments were discussed by representatives of the EC, the Office of Competition and Consumer Protection, and consumer organisations as well as experts and consumers at the Copernicus Science Centre in Warsaw. The aim of the civic dialogue was to explain the Commission's proposals and hear opinions on them.

**Additional information for the media:**

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