



Council of the
European Union

Brussels, 23 May 2017
(OR. en)

9660/17
ADD 1

CONSOM 233
JUSTCIV 126

COVER NOTE

From: Secretary-General of the European Commission,
signed by Mr Jordi AYET PUIGARNAU, Director

date of receipt: 23 May 2017

To: Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of
the European Union

No. Cion doc.: SWD(2017) 170 final

Subject: COMMISSION STAFF WORKING DOCUMENT EXECUTIVE SUMMARY
OF THE EVALUATION Accompanying the document Report from the
Commission to the European Parliament and the Council on the application
of Directive 2011/83/EU of the European Parliament and of the Council of
25 October 2011 on consumer rights, amending Council Directive
93/13/EEC and Directive 1999/44/EC of the European Parliament and of
the Council and repealing Council Directive 85/577/EEC and Directive
97/7/EC of the European Parliament and of the Council

Delegations will find attached document SWD(2017) 170 final.

Encl.: SWD(2017) 170 final



Brussels, 23.5.2017
SWD(2017) 170 final

COMMISSION STAFF WORKING DOCUMENT

EXECUTIVE SUMMARY OF THE EVALUATION

Accompanying the document

Report from the Commission to the European Parliament and the Council

on the application of Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights, amending Council Directive 93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council

{ COM(2017) 259 final }

{ SWD(2017) 169 final }

The evaluation of Directive 2011/83/EU of 25 October 2011 on consumer rights (CRD) was undertaken to support the Commission's obligation under its Article 30, and has been carried out in parallel with a broader REFIT Fitness Check of EU consumer and marketing law and the results of the evaluation feed into the Final Fitness Check report. The evaluation examined the performance of the Directive against five criteria: effectiveness, efficiency, relevance, coherence and EU added value.

The evaluation of **effectiveness** showed that overall the transposition and first application of the CRD rules appear to be in line with the Directive's main objectives of enhancing consumer protection and reducing regulatory fragmentation, with some differences depending on the type of contract involved. A number of factors were found to be likely to hinder effective implementation. Nevertheless, these conclusions must be viewed against the background that this evaluation has been carried out at an early stage of the application of the Directive.

The evaluation of **efficiency** examined the costs and benefits associated with the application of the Directive. The limited amount of available data did not allow for definitive conclusions to be drawn about the level of costs faced by businesses in ensuring compliance with the new Directive.

The evaluation of **coherence** showed that the Directive is generally deemed coherent with other EU legislation and no major problems have been identified. However, there is room to streamline and clarify certain issues concerning the interplay with several other EU legislation and new EU legislative proposals.

The evaluation of **relevance** examined the extent to which the objectives and content of the Directive are consistent with the current needs and trends in consumer behaviour and in the market. The evaluation showed that the consumer protection and internal market facilitation objectives of the Directive continue to remain highly relevant. In order to ensure that the Directive is able to meet current challenges, the scope could be expanded to cover also digital services provided without the payment of a price.

The evaluation of **EU added value** examined the extent to which the Directive contributes to better consumer protection and the integration of the internal market and whether action at EU level continues to be justified. The evaluation showed that an EU-level approach remains the most appropriate and is more likely to contribute to achieving the Directives' objectives than national approaches.

In conclusion, the evaluation showed that the Directive has **positively contributed to the functioning of the business-to-consumer internal market and ensured a high common level of consumer protection**. Nevertheless, follow-up actions to be undertaken could include further **awareness-raising activities and additional guidance**. In addition, there is a need for **focused enforcement actions** in the framework of the CPC Regulation¹ in the areas with the lowest level of compliance. Furthermore, **targeted legislative interventions could help streamline and clarify the application of the Directive**. In particular, it should be

¹ Regulation (EC) No 2006/2004 on consumer protection cooperation. On 25.5.2016, the European Commission adopted a proposal, COM(2016) 283 final, for the reform of this regulation.

considered to extend the scope of the Directive to digital service contracts provided without the payment of a price and to provide further clarification concerning the rules applicable to digital content contracts, as well as introducing transparency requirements for online intermediaries.