

Response to the European Commission Public Consultation “Review of the Consumer Protection Cooperation Regulation”



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About EACA

EACA represents the advertising, media and sales promotions agencies across Europe to enable sharing of international experience, as well as a platform for dealing with issues affecting agencies on a pan-European level. We provide an important link between agencies, advertisers and the advertising media in Europe and around the world. **Our main goal is to promote honest, effective advertising and high professional standards which benefit consumers and businesses alike.** As a result, the association is the leading representative for the European commercial communications agencies. EACA membership is organised into 5 councils:

1. The International Agencies' Council - the 13 largest international agencies in Europe;
2. The National Associations' Council - the national agency associations in 30 European markets, including all EU markets;
3. The Integrated Marketing Communications Council - 10 national associations of leading sales promotion agencies in Europe;
4. The Media Agencies' Council - 7 international media networks;
5. The Health Communications Council - the key players in European Health Communications.

About FEDMA

Federation of European Direct and Interactive Marketing (FEDMA) represents the interests of direct marketing sector at European level. Its national members are the Direct Marketing Associations (DMAs) representing over 10 000 users, service providers and media /carriers of direct marketing. FEDMA also has approximately 100 company members in direct membership.

About EPC

The European Publishers Council (EPC) is a high level group of Chairmen and CEOs of Europe's leading media groups representing companies with newspapers, magazines, online publishing, journals, databases, books and broadcasting. We have been communicating with Europe's legislators since 1991 on issues that affect freedom of expression, media diversity, democracy and the health and viability of media in the European Union.

The future of Europe's independent media relies on informed, light-touch law-making underpinned by sound self-regulation to ensure that we deliver these five freedoms:

1. The freedom to inform our readers;
2. The freedom for journalists to report and comment;
3. The freedom to earn essential funding from advertising and make our content available in innovative ways through online and mobile platforms as well as in print;
4. The freedom to adapt our businesses in the ever-changing global media environment;
5. The freedom to regulate ourselves by appropriate means which are already tried and tested to ensure accountability and effectiveness.

General considerations

Our Associations are members of the European Advertising Standards Alliance (EASA), an umbrella organisation which brings together national advertising self-regulatory organisations (SROs) and organisations representing the advertising industry in Europe and beyond. The role of EASA is to ensure that all advertising, wherever it appears, meets the high standards laid down in national advertising codes.

Over the years, EASA has been successful in promoting self-regulation as an effective way of ensuring consumer protection in the field of commercial communications, both by dealing with complaints at national level and by developing a [cross-border complaints system](#). We would therefore like to stress the importance of the European advertising self-regulatory system in ensuring consumer protection and defending consumers and businesses against misleading advertising practices.

At the same time, we would like to express its support for EASA's contribution to the European Commission Consultation on the "Review of the Consumer Protection Cooperation Regulation".

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2. Key challenges and possibilities for improvement in the enforcement of consumer rights

2.1 Could you indicate up to three areas where you consider better enforcement of consumer rights is needed as a matter of priority to bring more benefits to European consumers and to businesses selling to consumers in the Single Market? Where possible, please point to concrete examples of actual practices or to relevant legislation.

EACA, EPC and FEDMA would like to welcome the European Commission Consultation on the "Review of the Consumer Protection Cooperation Regulation" and would like to highlight its suggestions in the **field of commercial communications**.

We would like to stress the need for better enforcement of consumer rights in the area of misleading advertising campaigns launched by **rogue traders**, such as 'business opportunity', 'work from home', 'get-rich-quick' schemes or payment forms disguised as an invoice for services that the consumer has already ordered where in fact he has not.

We believe that fraudulent advertisements are particularly represented by such misleading advertising campaigns which purposefully extort money from consumers and businesses. We would therefore like to highlight the importance of focusing cross-border and international cooperation efforts on these particularly fraudulent advertisements which severely harm consumers, businesses and legitimate industries alike and which adversely affect consumer trust in advertising.

2.2 Could you provide up to three examples of challenges or barriers to a good enforcement of consumer rights in Europe today and in the future?

Whereas they represent the most concerning misleading advertising practice that can affect consumers across Europe, at present rogue traders are very difficult to trace and prosecute, as they often change their location and name, operate from outside the European Union and

send invoices from one country to another while their bank account is in yet another country (which makes financial transactions involved in such campaigns difficult to track).

We therefore consider that, for a better enforcement of consumer rights, it is not only necessary to ensure an efficient cross-border enforcement mechanism in Europe, **but international cooperation should be strengthened.**

2.3 Do you have a suggestion to make on how to ensure that there is an equal level of enforcement throughout the Single Market? Could you provide examples of specific cases where the effectiveness of enforcement varies between EU countries

Firstly, our Associations support the self-regulatory network of EASA, which has a crucial role promoting consumer confidence in advertising. We believe that a wide **recognition of the importance of self-regulatory organisations** across Europe, as well as a **continuous dialogue** with the European Commission and consumer organisations can contribute to the timely identification of emerging fraudulent practices.

Secondly, we agree that, when necessary, SROs should be able to **refer fraudulent cases by rogue traders to empowered national authorities** or equivalent bodies and we underline EASA's call for a properly working network of public enforcement authorities across Europe in order to **ensure a legal backstop for SROs.**

At the same time, we call for enhanced **international cooperation** in order to track down rogue traders. Being able to identify the location of such misleading companies and to track down payments are crucial in identifying and prosecuting rogue-traders.

Finally, we support the European Parliament's call through its Report on misleading advertisement practices (2013/2122(INI)) for "**national enforcement authorities to work more closely together with providers whose services have been used** by perpetrators of misleading marketing practices, such as banks, telephone companies, postal services and collection agencies", in order to enhance information exchanges and help prevent rogue companies from operating.

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