



POSITION PAPER ON GEOBLOCKING

European Consumer Centres France and Germany

Proposal for a regulation of the European Parliament and of the Council on addressing geo-blocking and other forms of discrimination based on customers' nationality, place of residence or place of establishment within the internal market (COM(2016)0289 – C8-0192/2016 – 2016/0152(COD))

Recital 28 – Amendment proposed by the EP / Proposal for adjustment

Objective: European Consumer Centres (ECCs) should be designated as responsible bodies, as they are experts in informing consumers on their rights and assisting them in cross-border consumer complaints.

Reason why the European Consumer Centres should be mentioned in the regulation: The aim of the European Consumer Centres Network ("ECC-Net") is to provide consumers with information on their rights related to their cross-border purchases of goods and services, advise them in case of problems, assist them with the complaint handling so as to enable them to take full advantage of the internal market¹. ECCs are recognized as experts on EU-level to provide information and assistance in case of cross border cases: They are expressly mentioned in Article 21 of the Directive 2006/123/EC on services in the internal market, the ADR-directive and the ODR regulation. ECCs have already been designated as contact points under these texts to provide information and assistance to consumers in cross-border cases.

ECC-Net expertise:

- in 46.392 information requests reached the ECC-Network
- 44.875 complaints were treated
- in 51%, an amicable solution was found

Given the complexity of the issue and the situations in which geoblocking might be justified, or even for consumers to be in a position to make a complaint to a trader, information for consumers is crucial (not only assistance in case of a complaint). ECCs successfully inform consumers every day on their rights in the EU Internal market and how to complain in case of restrictions.

Geo-blocking is in its very nature a cross-border issue. ECCs have worked on this issue for many years². Whereas ODR contact points' main task is to help consumers to successfully use the ODR

¹ VADEMECUM. European Consumer Centres' Network (ECC-Net): Ref. Ares(2012)1286242 - 30/10/2012, http://ec.europa.eu/chafea/documents/consumers/ECC-NET/2013/ECC-Net_Vademecum.pdf.

² See for example [ECC- Net Services Directive report: 'Do Invisible Borders Still Restrict Consumer Access to Services in the EU?' Analysis of Article 20.2 of the Services Directive related consumer complaints reported to ECC-Net between 2013 and 2015.](#)

platform and access the service of an ADR-body or other means of redress, the range of services provided by the ECC-Net is much broader and allows to handle all aspects of geo-blocking.

The main objectives of the ECC-Net are the following:

- Providing consumers with information
- Assisting consumers with a complaint
- Assisting consumers with a dispute
- Cooperating with enforcement authorities
- Collaborating with traders (associations or professional bodies)
- Ensuring a uniformly high quality standardised service

That is why we suggest referring to ECCs in the regulation and would propose the following changes to the amendment proposal, inspired by the above mentioned texts referring to the ECC-Net:

Suggested adjustments:

Amendment 36

Proposal for a regulation

Recital 28

Text proposed by the Commission

(28) Consumers should be *in the position* to receive assistance from responsible *authorities* facilitating the resolution of conflicts with traders, arising from the application of this Regulation, *including by way of a uniform complaint form*.

*Amendment by European Parliament,
incl. proposed changes (**bold**)*

(28) Consumers should be *able* to receive **information and** assistance from responsible *bodies* facilitating the resolution of conflicts with traders arising from the application of this Regulation. *To that end, Member States should designate as bodies responsible for providing assistance, inter alia, **the European consumer centres, the consumer associations or any other body.***

Amendment 61

Proposal for a regulation Article 8 – paragraph 1

Text proposed by the Commission

I. Each Member State shall confer responsibility for providing practical assistance to consumers to a body or bodies in case of a dispute between a consumer and a trader arising from the application of this Regulation. Each Member State shall designate a body or bodies responsible for that task.

Amendment

Each Member State shall designate a body or bodies responsible for providing practical assistance to consumers in the event of a dispute between a consumer and a trader arising from the application of this Regulation.

Member States may confer responsibility for the task referred to in paragraph 1 on points of single contact or on any other body, such as the centres of the European Consumer Centres Network, the consumer associations or any other body.

Member States shall communicate to the Commission the names and contact details of the designated bodies. The Commission shall transmit them to all Member States.

Kehl, 11th May 2017

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