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From:	Ms Vera Jourova, Member of the European Commission for Justice, Consumers and Gender Equality
date of receipt:	3 August 2017
To:	Mr Urmas Reinsalu, President of the Council Justice and Home Affairs
No. prev. doc.:	15252/15
Subject:	Proposal for a Directive on certain aspects concerning contracts for the online and other distance sales of goods Commission's position on the extension of scope

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Delegations will find attached a letter of Ms Vera Jourova, Member of the European Commission for Justice, Consumers and Gender Equality.

VĚRA JOUROVÁ  
Member of the European Commission

IM 08310 2017  
03.08.2017

Brussels, 31/07/2017  
SC/ps/DX(17) 3832535

Dear President of the Justice and Home Affairs Council,

At the last Informal JHA Council of 8 July in Tallinn, I orally informed Ministers of the Commission's position on the extension of the scope of the Proposal for a Directive on certain aspects concerning contracts for the online and other distance sales of goods (the proposal)<sup>1</sup> to face-to-face sales as discussed in the European Parliament. I am pleased to confirm to you the positive orientation expressed in that occasion, in order to support the legislative process and respond to the calls of several Member States.

In fact, already in its Communication accompanying this proposal and the proposal relating to the supply of digital content<sup>2</sup> the Commission committed to provide co-legislators with data concerning face-to-face sales, stating that "*...these conclusions could feed into the progress made by the co-legislators on the proposal for online sales of goods, for instance by expanding its scope.*" In a spirit of transparency the Commission informed the co-legislators in August and September 2016 of all relevant data from studies underpinning the Fitness Check of EU Consumer law as the latter became available.

Last May, the Commission provided additional data complementing its impact assessment of December 2015 by publishing its comprehensive Fitness Check of EU Consumer law (REFIT). Last June, the European Parliament presented an impact assessment on its proposed amendment to extend the scope of the proposal to face-to-face sales. In so doing, the Commission and the European Parliament have acted in accordance with the Inter-Institutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making,<sup>3</sup> in particular paragraphs 15 and 16 thereof.

Concerning the procedural way to proceed, it became clear at the Informal Council in Tallinn that there are two ways to extend the scope of the existing proposal to face-to-face sales: either the Commission adopts a modified proposal or the Council and European Parliament present amendments introducing such an extension, which the Commission could accept.

Mr Urmas REINSALU  
President of the Justice and Home Affairs Council  
Rue de la Loi 175  
B-1048 Bruxelles

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<sup>1</sup> COM(2015) 635 final

<sup>2</sup> COM (2015) 633 final

<sup>3</sup> OJ L 123, 12.5.2016, p. 1–14.

As expressed during the last informal JHA Council, the Commission does not see an added value in the adoption of a modified proposal. The analytical work that has been done so far is solid and there is no reason to believe that any further analysis into this issue would produce any different results from those already available. Having the Commission adopt a modified proposal would not be time-efficient and would prevent the Commission and the co-legislators from fulfilling the call of the European Council last March to "*complete and implement the various Single Market strategies by 2018*".

Therefore, instead of a modified proposal, the Commission would welcome that the European Parliament and the Council present amendments towards such an extension, taking into account that both the REFIT and the Parliament's impact assessment demonstrate clearly that such an extension would have an overall positive impact on both consumers and businesses. The Commission is ready to cooperate with the Parliament and the Council on the precise wording of the amendments extending the scope to allow reaching agreement on the final text..

My services and I remain at your disposal for any further assistance on these important issues, with the hope of achieving concrete results that will boost European e-commerce to the benefit of our consumers and businesses and reap the growth potential of a Digital Single Market.

Yours faithfully,



Věra JOUROVÁ