

Businesses Questionnaire

Risk & Policy Analysts Ltd (RPA), together with CSES and EPRD, has been contracted by the European Commission (DG Justice) to support the evaluation of the Consumer Rights Directive (Directive 2011/83/EU).

The Directive on Consumer Rights (2011/83/EU) was adopted in 2011, had to be transposed into national legislation by the Member States by December 2013 and be applicable as of June 2014. The Directive aims at supporting a real business-to-consumer (B2C) internal market, striking the right balance between a high level of consumer protection and the competitiveness of enterprises.

Generally, the Directive has a full harmonization character, however, in specific cases, the Directive gives Member States the possibility to apply stricter rules. The Directive introduces uniform pre-contractual information requirements and a uniform 14 day period for the right of withdrawal for distance and off-premises contracts. There are also clear rules for the delivery of goods and passing of risk, and specific rules on price transparency (including a ban of pre-ticked boxes), rules regarding fees for the use of means of payment and fees for communication by telephone once a contract is concluded.

Responses from consumers and businesses will be handled in the strictest confidence and will only be used for the purposes of this study. In preparing our reports for the Commission (which, subsequently, may be published), care will be taken to ensure that specific responses cannot be linked to specific individuals or businesses. If you have specific concerns about how your views will be treated, you can contact us and we will be happy to discuss your concerns.

IF you do not sell goods or provide services directly to consumers, please do not complete this survey

Information about your activities

**Q 1: First of all, could you please indicate the country of the organisation you are representing?
(Please select one country)**

[MANDATORY QUESTION]

- | | | |
|---|--|--|
| <input type="checkbox"/> Belgique/België (BE) | <input type="checkbox"/> Hrvatska (HR) | <input type="checkbox"/> Polska (PL) |
| <input type="checkbox"/> България (BG) | <input type="checkbox"/> Italia (IT) | <input type="checkbox"/> Portugal (PT) |
| <input type="checkbox"/> Česká republika (CZ) | <input type="checkbox"/> Κύπρος (CY) | <input type="checkbox"/> România (RO) |
| <input type="checkbox"/> Danmark (DK) | <input type="checkbox"/> Latvija (LV) | <input type="checkbox"/> Slovenija (SI) |
| <input type="checkbox"/> Deutschland (DE) | <input type="checkbox"/> Lietuva (LT) | <input type="checkbox"/> Slovensko (SK) |
| <input type="checkbox"/> Eesti (EE) | <input type="checkbox"/> Luxembourg (LU) | <input type="checkbox"/> Suomi/Finland (FI) |
| <input type="checkbox"/> Éire/Ireland (IE) | <input type="checkbox"/> Magyarország (HU) | <input type="checkbox"/> Sverige (SE) |
| <input type="checkbox"/> Ελλάδα (EL) | <input type="checkbox"/> Malta (MT) | <input type="checkbox"/> United Kingdom (UK) |
| <input type="checkbox"/> España (ES) | <input type="checkbox"/> Nederland (NL) | |
| <input type="checkbox"/> France (FR) | <input type="checkbox"/> Österreich (AT) | |

Q 2: How many people does your company (group) currently employ?

[MANDATORY QUESTION]

- No employees (self-employed)
- 1 to 9 employees
- 10 to 49 employees
- 50 to 249 employees
- 250 to 4999 employees
- 5000 employees or more
- Don't know

Q 3: Which of the following does your company (group) currently sell (or provide) directly to consumers?

[MANDATORY QUESTION]

- Goods (e.g. clothes, gadgets such as smart phones, laptops, equipment)
- Services (e.g. energy supply, telecom services, subscription to TV channels)
- Digital content (downloading or streaming of movies, music, computer games, applications etc.)
- 'Free on-line services' (e.g. social media or free cloud services to store pictures, videos, etc.)

Other (please specify):

Information about your activities

Q 4: Does your company (group) sell products to consumers in more than one EU country, for example through subsidiaries, branches and retail outlets, or distance sales channels (e.g. e-commerce)?

- Yes **(GO TO QUESTION 8)**
- No, we only sell domestically, i.e. in one EU country (this may include sales to consumers from another EU country who come to your physical shop(s)) **(GO TO QUESTION 5)**

Further information on your national activities

Q 5: What are your company's reasons for not selling to consumers in other EU countries? Please select up to three main reasons.

- We are not interested in selling cross-border
- Language / cultural differences
- Cost of market entry
- The need to adapt and comply with different consumer protection rules
- The need to adapt and comply with different tax systems (corporate tax, VAT)
- Formal requirements e.g. licensing, registration procedures
- Logistical challenges e.g. delivery costs, identification of appropriate distribution channels
- Problems in resolving cross-border conflicts, including costs of litigation abroad
- Problems with cross-border delivery
- After-sales maintenance abroad
- Don't know

Other (please specify):

Q 6: Which of the following channels does your company (group) use to sell directly to consumers? Please, estimate the percentage of your company's (group's) annual turnover comes from sales to consumers via the different channels

	Yes and less than 10% of annual turnover	Yes and 11% to 25% of annual turnover	Yes and 26% to 50% of annual turnover	Yes and more than 50% of annual turnover	Yes but do not know %	Do not use this channel
Bricks & mortar stores, i.e. physical shops						
Doorstep-selling (including promotional/sales events at private homes, work places or during excursions)						
E-commerce, including mobile-commerce						
Telephone sales						
Mail order/catalogue sales via post						

Q 7: For your company, has there been a change in the level of national sales in the last two years due to consumer legislation?

- Yes, a significant increase
- Yes, a slight increase
- No change
- Yes, a slight decrease
- Yes, a significant decrease
- Don't know
- Prefer not to answer

Please provide further detail:

Selling channels

Q 8: Which of the following channels does your company (group) use to sell directly to consumers? Please, estimate the percentage of your company's (group's) annual turnover comes from sales to consumers via the different channels

INSTRUCTION: please choose one of the following options for each of the channels for both your country and other EU countries

- **Yes and less than 10% of annual turnover**
- **Yes and 11% to 25% of annual turnover**
- **Yes and 26% to 50% of annual turnover**
- **Yes and more than 50% of annual turnover**
- **Yes but do not know %**
- **Do not use this channel**

Channel	In your country	In other EU country
Bricks & mortar stores, i.e. physical shops		
Doorstep-selling (including promotional/sales events at private homes, work places or during excursions)		
E- commerce, including mobile-commerce		
Telephone sales		
Mail order/ catalogue sales via post		
Other (please specify):		

Q 9: For your company, has there been a change in sales in the last two years due to consumer legislation?

	Yes, a significant increase	Yes, a slight increase	No change	Yes, a slight decrease	Yes, a significant decrease	Don't know	Prefer not to answer
National sales							
Cross-border sales							
Please provide further detail:							

Information about your activities in other EU countries

Q 10: In which EU countries do you sell to consumers via face-to-face channels (including through bricks-and mortar shops or doorstep-selling)?

- | | | |
|---|--|--|
| <input type="checkbox"/> Belgique/België (BE) | <input type="checkbox"/> Hrvatska (HR) | <input type="checkbox"/> Polska (PL) |
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| <input type="checkbox"/> España (ES) | <input type="checkbox"/> Nederland (NL) | |
| <input type="checkbox"/> France (FR) | <input type="checkbox"/> Österreich (AT) | |

Q 11: In which EU countries do you sell to consumers via distance sales channels (including by way of e-commerce or mail order)?

- | | | |
|---|--|--|
| <input type="checkbox"/> Belgique/België (BE) | <input type="checkbox"/> Hrvatska (HR) | <input type="checkbox"/> Polska (PL) |
| <input type="checkbox"/> България (BG) | <input type="checkbox"/> Italia (IT) | <input type="checkbox"/> Portugal (PT) |
| <input type="checkbox"/> Česká republika (CZ) | <input type="checkbox"/> Κύπρος (CY) | <input type="checkbox"/> România (RO) |
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| <input type="checkbox"/> España (ES) | <input type="checkbox"/> Nederland (NL) | |
| <input type="checkbox"/> France (FR) | <input type="checkbox"/> Österreich (AT) | |

Q 12: Are there any difficulties faced by your company when selling to consumers in other EU countries?

- Yes, there are significant difficulties **(GO TO QUESTION 13)**
- Yes, there are some minor difficulties **(GO TO QUESTION 13)**
- No, there are no difficulties **(GO TO QUESTION 14)**
- Don't know **(GO TO QUESTION 14)**
- No opinion **(GO TO QUESTION 14)**

Q 13: Could you please highlight which are the main difficulties when selling to consumers in other EU countries? (please tick all that apply)

- Language / cultural differences
- Cost of market entry
- The need to adapt and comply with different consumer protection rules
- The need to adapt and comply with different tax systems (corporate tax, VAT)
- Formal requirements e.g. licensing, registration procedures
- Logistical challenges e.g. delivery costs, identification of appropriate distribution channels
- Problems in resolving cross-border conflicts, including costs of litigation abroad
- Problems with cross-border delivery
- After-sales maintenance abroad
- Don't know

Other (please specify):

Q 14: The new rules of the Consumer Rights Directive started to apply two years ago. Do you think that the number of legal requirements your business needs to comply with as a result of these rules in your country has changed in the last two years?

- Yes, it has changed significantly **(GO TO QUESTION 15)**
- Yes, it has changed moderately **(GO TO QUESTION 15)**
- Yes, but the changes are relatively minor **(GO TO QUESTION 15)**
- No, no significant changes identified **(GO TO QUESTION 19)**
- Don't know **(GO TO QUESTION 19)**
- Prefer not to answer **(GO TO QUESTION 19)**

Please add any further comments in the space below:

Requirements on traders as a result of CRD implementation

Q 15: What have been the main changes in national legislation? (please tick all that you recognise)

- Changes to pre-contractual information requirements for on-premises contracts
- Changes to pre-contractual information requirements for distance and off-premises contracts
- Changes to language policy in the provision of contractual information
- The specific provisions on digital content (e.g. information on product compatibility and functionality)
- The formal requirements for distance and off-premises contracts; (e.g. written confirmation for contract concluded on the phone)
- The fully harmonised period for the right of withdrawal for distance and off-premises contracts (14 days)
- The exceptions from the right of withdrawal
- The rules on delivery and passing of risk
- Reimbursement policies (e.g. period for providing reimbursement, obligation to reimburse all payment including the cost for delivery, possibility of accounting for diminished value in the case of refunds, possibility that the consumer pays the cost of returning the goods if informed in advance etc.)
- The "basic rate" requirement for consumer telephone lines in relation to contracts already concluded
- The requirement to eliminate unjustified surcharges for the use of means of payments (e.g. credit cards)
- The provision banning pre-ticked boxes
- The provision on inertia selling (i.e. consumer not obliged to pay for any unsolicited goods, digital content or services)

Other (please specify):

Impacts of consumer related legislation on your business

Q 16: Please rate the extent to which the requirements of consumer legislation have had on costs for your business?

	Greatly increased costs	Increased costs	No impact	Reduced costs	Greatly reduced costs	No opinion	Don't know
Changes to pre-contractual information requirements for on-premises contracts							
Changes to pre-contractual information requirements for distance and off-premises contracts							
Changes to language policy in the provision of contractual information							
The specific provisions on digital content (e.g. information on product compatibility and functionality)							
The formal requirements for distance and off-premises contracts; (e.g. written confirmation for contract concluded on the phone)							
The fully harmonised period for the right of withdrawal for distance and off-premises contracts (14 days)							
The exceptions from the right of withdrawal							
The rules on delivery and passing of risk							
Reimbursement policies (e.g. period for providing reimbursement, obligation to reimburse all payment including the							

cost for delivery, possibility of accounting for diminished value in the case of refunds, possibility that the consumer pays the cost of returning the goods if informed in advance etc.)							
The "basic rate" requirement for consumer telephone lines in relation to contracts already concluded							
The requirement to eliminate unjustified surcharges for the use of means of payments (e.g. credit cards)							
The provision banning pre-ticked boxes							
The provision on inertia selling (i.e. consumer not obliged to pay for any unsolicited goods, digital content or services)							
Further comments:							

Q 17: Do you think that differences in national legislation in certain Member States using the regulatory options available under the Consumer rights Directive have impacts on your cross-border trade?

- Yes **(GO TO QUESTION 18)**
- No **(GO TO QUESTION 19)**
- Not applicable (we don't have cross border trade) **(GO TO QUESTION 19)**
- Don't know **(GO TO QUESTION 19)**
- Prefer not to answer **(GO TO QUESTION 19)**

Impacts on cross-border trade

18. Which particular aspects of national legislation in certain Member States using the regulatory options available under the Consumer rights Directive have impacts on your business?							
	Positive impact	Rather positive impact	Neither positive nor negative	Rather negative impact	Fully negative impact	No opinion	Don't know
Non-application of the Consumer Rights Directive to off-premises contracts for 50 euros or less							
National language requirements for contractual information							
Additional information requirements under e-Commerce and Services Directive							
Application of the light information regime for repair works of 200 euros or less							
Requirement of written confirmation of contracts concluded by telephone							
Ban to collect payment in off-premises contracts during a given period							

Views on harmonised requirements

Q 19: In your view, to what extent are the following fully harmonised EU consumer and marketing rules beneficial for your business?					
	Very beneficial	Rather beneficial	Rather not beneficial	Not beneficial at all	No opinion / don't know
Right to get adequate information about the goods and services, i.e. the main characteristics, the total price, the delivery time, etc.					
Right to cancel a contract concluded at a distance within 14 days from the delivery goods or conclusion of a service contract (the 'right of withdrawal')					
Right to get information about the functionality and interoperability of digital content					
Right to cancel the contract concluded at a distance for the downloading (or streaming) of digital content before its performance begins (the 'right of withdrawal')					
Please provide further comments:					

Q 20: In your opinion, to what extent would the following EU consumer protection rules if fully harmonised at EU level be beneficial for your business (increasing trust of consumers)?					
	Very beneficial	Rather beneficial	Rather not beneficial	Not beneficial at all	No opinion / don't know
Before subscribing for a free on-line service (such as social media e.g. Facebook, Twitter etc. or cloud storage of pictures, movies), the consumer should receive all the relevant information about such a free service contract					
When subscribing for a free on-line service (such as social media e.g. Facebook, Twitter etc. or cloud storage of pictures, movies), the consumer should have a right of withdrawal from such a free service contract within 14 days					

from conclusion					
Please explain:					

Q 21: Do you agree with the following statement: The presentation of pre-contractual information to consumers should be simplified by applying a uniform easy graphical model, e.g. using icons or pictograms

Agree, model should be binding
 Agree, model should be non-binding
 Neutral
 Disagree
 Don't know

Q 22: In your view, what are the benefits for businesses from complying with the rules laid down in the Consumer Rights Directive?

Consumers whose rights are respected come back
 Consumers whose rights are respected bring/attract other consumers (by word of mouth, online endorsements)
 On the contrary, consumers whose rights are not respected discourage other consumers (damage to reputation)
 Compliant and hence trusted businesses can sell at higher prices
 There are no benefits
 No opinion / don't know

Other (please specify):

Q 23: In your view, do the benefits to your company from consumer related legislation exceed the costs of its requirements?

Yes, the benefits outweigh the costs by a significant amount
 Yes, the benefits outweigh the costs but only moderately
 No, benefits and costs are similar in magnitude
 No, the costs are slightly larger than the benefits
 No, the costs far exceed the benefits
 No opinion
 Don't know

Please provide further details in the space below:

Final points

Q 24: Finally if you don't mind, would you please state your company's (group's) turnover in 2015?

- Less than 100,000 euros
- 100,000 to 500,000 euros
- 500,000 to 2 million euros
- 2 to 10 million euros
- 10 to 50 million euros
- 50 to 100 million euros
- 100 to 150 million euros
- 150 to 200 million euros
- 200 to 250 million euros
- Over 250 million euros
- Don't know
- Prefer not to say

Q 25: We would like to explore some of the issues in more detail by email/telephone. Are you willing to be contacted for a telephone interview about your experiences with EU consumer protection?

- Yes
- No

Q 26: If yes, please provide your name and an email address or phone number where we can reach you (obviously such personal data will not be shared with anyone outside of the study team)

Company	
Name of contact	
Position in the company	
Contact details	

Many thanks Rocio Salado, Project Manager