



Wider choice, better value and easier access to services across the EU

– the Services Directive 2006/123/EC

Have you ever tried to buy something online and been refused, or asked to pay more because of where you live or where you are from?

Consumers should no longer be confronted with a refusal to supply or higher prices on the grounds of their nationality or place of residence when attempting to access services at a cross-border level. Such practices are prohibited by the Directive 2006/123/EC on services in the internal market, the so-called Services Directive.

Having booked a car rental service online, an Irish consumer arrived at his rental location in the UK. Here he was levied with an additional £500 deposit, because he was a holder of a non-UK driving licence.

The Services Directive has been a milestone in the removal of regulatory barriers to trade in services, and obstacles for consumers wanting to buy services supplied by traders established in other Member States. By establishing **the principle of non-discrimination based on nationality or place of residence**, Article 20.2 of the Services Directive ultimately bans business practices that unjustifiably hamper access to their services. Traders cannot offer less favourable conditions, or refuse to offer a service simply because you come from or live in another EU country, unless this differentiation is justified. Accordingly, traders will be able to retain price or service differentiation where these are justified, e.g. additional costs incurred because of the distance involved or the absence of sufficient intellectual property rights in a particular territory.

Consumers resident in the Netherlands and Finland wanted to buy e-books from a UK-based trader's website. The trader rejected their attempted purchases and informed the consumers that he was bound by the legal demands and restrictions of publishers due to intellectual property rights and as such could not offer the possibility of purchasing such items to consumers outside the UK.

Aimed at increasing consumers' confidence when availing of services offered by businesses from anywhere within the EU, the Services Directive ensures that **consumers have access to a minimum level of information** and access to a complaint procedure.

Article 21 of the Services Directive provides service recipients with the right to obtain, in their home Member State, general information on consumer legislation and consumer rights when buying services across the EU, as well as contact details of any organisations that may be able to offer assistance in the case of a dispute. In twenty two countries the body assigned to provide this information and assistance is ECC-Net. The list of all Article 21 Contact Points can be obtained at the following link: http://ec.europa.eu/internal_market/services/docs/services-dir/guides/bodies_designated_en.pdf

In order to allow consumers to make informed decisions when considering whether to engage the services of professionals established in other Member States, the Services Directive ensures that they have access to a minimum amount of information prior to entering into a contract. Accordingly, some of the information traders must make available to consumers include: (1) the name, legal status and form, and address of the business; (2) general terms and conditions; (3) the existence of any contractual terms concerning the competent courts or the law applicable to the contract; (4) the existence of any after-sales guarantee not imposed by law; (5) the price of the service, where pre-determined; (6) the main features of the service, if not clear from the context; (7) the contact details where customers can make a complaint. Under the Services Directive **traders are required to respond to complaints as quickly as possible** and make their best efforts to find a satisfactory solution.



How we can help

If you have a complaint under the Services Directive, you should first seek to address the matter with the service provider concerned. However, if you have exhausted your efforts to resolve a problem directly with the trader without success, we encourage you to contact ECC-Net, in case further assistance can be offered. Contact details for the European Consumer Centre in your country can be found at the link below: http://ec.europa.eu/consumers/ecc/index_en.htm

Two families resident in Italy booked a stay in an Italian hotel via an Austrian tour operator as it was cheaper than booking the accommodation directly in Italy. Upon arrival at the hotel, the families were asked to pay an additional fee of €400. When queried, the hotel and tour operator informed the consumers that Italians are obliged to pay an additional fee for a club card ("Tessera card") enabling them to use amenities services. After an intervention by ECC Austria the tour operator refunded the additional fee of €400.

