

## Inputs and feedback

as required according to Operational conclusions, ECCG, 13-14 April 2016

Libor Dupal, the Czech Republic

### 3. DIGITAL SINGLE MARKET

#### b, Collaborative economy

- Are you aware of national decisions or court cases that have established thresholds for when a person qualifies as a professional in collaborative economy situations?

Resp.:

There are no such decisions in the Czech Republic

- Do you think that EU consumer and marketing law provides adequate legal certainty as to when a person qualifies as a professional in the collaborative economy?

Resp.:

It seems that not. In several countries there have been adopted quite new national laws to define it (UK), which is the sign that the EU law does not provide adequate legal certainty. In the Czech Republic, the authorities seem to have problem to cope with it.

#### c ODR Platform

- Do you have any feedback from your organisation / your members on the ODR platform following its opening to consumers and traders on 15 February?

Resp.:

The Czech Consumer Association have got up to know rather bad experience with this application, but the time to examine it properly is up to now too short yet.

### 5. ENERGY

- Members who have not yet sent inputs or given feedback and responses in the meeting on the question(s) on this point are asked to do so by 15 May.

- *In the context of the ongoing legislative review as part of the Energy Union strategy, how should we place more emphasis on strengthening the rights of energy consumers (e.g. billing, offers, comparison tools, switching)?*

Resp.:

We take the billing information as a topic which might be covered more effectively in the law.

The most visible present problem relates to switching, but it is closely joint with implementation of rules on unfair practices. It is very difficult to enforce the consumer rights in the CzR in this area.

- Members who have not joined or proposed an expert from their country for the ECCG subgroup on Energy yet are asked to do so (AT, BE, BG, CY, CZ, HR, FI, LU, RO)

Resp.:

Czech Consumer Association will again ask the other consumer associations to react and express their potential interest.

## 6. THE REFIT: STATE OF PLAY, 7. THE REPORT ON THE FUNCTIONING OF THE CONSUMER RIGHTS DIRECTIVE

- What are the most recurrent issues reported by consumers to your consumer organisation regarding the areas covered by the Consumer Rights Directive  
Resp.:

There one basic – quite general problem in the Czech legislation framework: CRD has been implemented into the Civic Code – which is strictly private law, and not into the law on consumer protection, which is the public law. Consequently, most of the European consumer rules may be achieved by the Czech Consumers only via Courts; while the rights under the law on consumer protection are supervised by public authorities (market surveillance, etc.).

Just one but very serious example of a particular problem of consumers in the CzR: Distance sales and out of premises sales (application of unfair practices).

## 9, ANNUAL REPORTING

- The Report developed and sent off on 6 July.



Libor Dupal  
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