

Bundled Products: Dispute Resolution & Consumer Rights Enforcement

PEER Regulatory Roundtable

Wednesday, 06 November 2019

09.00 – 13.00

Venue: CEER Office, Cours Saint-Michel 30a (5th floor), 1040 Brussels

Draft Agenda (v4)

Objective

Across many sectors, companies seeking growth opportunities outside their core business are offering packages (or bundles or “cross-selling” packages) of goods and/or services together. Such “Bundled Products” can either be within a sector (e.g. broadband + fixed phone + pay TV) or indeed across sectors (e.g. electricity + gas + home insurance).

Issues with bundled products:

While “bundled products” can be potentially beneficial to consumers, their complexity and sometimes multi-sectoral nature may also raise uncertainty in terms of consumer rights enforcement and who to turn to when something goes wrong. The same problems are arising across sectors and countries:

- Mis-leading practices and unfair terms
- Lack of transparency
- Gaps in company liability
- Complaint handling confusion for consumers and complaint jurisdictional issues
- Legal and contractual issues
- Increased difficulty for consumers to compare offers when bundled
- Competition risks

Shared problems, shared solutions: This workshop of the Partnership for the Enforcement of European Rights (PEER) aims to enhance collaboration among a cross sector of authorities (including competition authorities, dispute-resolution bodies, regulators from different sectors and consumer authorities etc.) responsible for safeguarding and enforcing consumers’ rights. For more information on PEER see the [PEER flyer](#). By bringing different authorities around the table, this event seeks to explore best practices of how regulators, ADR entities and national competition authorities and consumer bodies can cooperate to solve and prevent disputes arising from bundled offers.

This PEER roundtable begins with a short overview of the good practice principles in the CEER Guide on Bundled Products¹. Session 1 addresses the challenges of clear liability and clear signalling of who will handle complaints should they arise. Session 2 focuses on consumer rights enforcement and customer complaints concerning bundled products.

¹ CEER (the European association of energy regulators) has developed a Guide on Bundled Products. The Bundled Product Guide aims to make life simpler for consumers who buy bundled products and to promote a consistent framework for the treatment of bundled products in Europe across various sectors. To better protect consumers who chose bundled products, the Guide sets out 10 principles for companies who offer bundles; and 5 principles for regulators who oversee companies.

Main questions to be addressed:

- Is there a clear definition of the type of goods/services that can be bundled together in your sector?
- Is the regulatory framework ready to handle consumer questions and disputes?
- Are national ADR landscapes being adapted to provide for an efficient resolution of disputes linked to bundled offers, ahead of the possible upcoming revision of the EU ADR Directive?
- Have you had competition law cases involving bundles?
- What cooperation mechanisms are/should be in place for regulators and ADR bodies?
- What are the role and responsibilities of different bodies (of national consumer protection authorities, ADR bodies, the European Commission, regulators) in fostering cooperation among public entities who are responsible for bundled products?
- What lessons can be learnt from sectors that have or are developing ways to monitor the evolution of bundled products in different sectors (indicators used by regulators for data collection, customer surveys of the benefits or value of bundled products)?
- Are there behavioural studies on bundled products (in any specific sector or for cross-sectoral bundles) in your country?

Invited Participants:

The aim is to have a closed (invitation only) workshop of about 40 experts from public authorities and consumer representative bodies responsible for dealing with consumer issues concerning bundled products:

- National Regulatory Authorities (NRAs) across different regulated sectors (e.g. financial, telecoms, water, rail, energy etc) and their representative European associations/EU Agencies (e.g. the European Securities and Markets Authority (ESMA), the Body of European Regulators for Electronic Communications (BEREC), the Council of European Energy Regulators (CEER) and the Agency for the Cooperation of Energy Regulators (ACER), the Association of European Water Regulators (WAREG), the European Insurance and Occupational Pensions Authority (EIOPA), the European Banking Authority (EBA) etc.)
- National Alternative Dispute Resolution (ADR) bodies across different regulated sectors (e.g. financial, telecoms, rail etc) and their European associations/networks (e.g. the National Energy Ombudsmen Network (NEON), the European Commission's financial services dispute resolution network ([FIN-NET](#)) and members of the informal telecommunications ADR network and residual ADR bodies (e.g. the German network of residual ADR bodies)
- National consumer bodies and their European association (BEUC)
- National consumer protection authorities and the European Commission's network of consumer protection authority cooperation (CPC Network)
- National Competition Authorities and the European Competition Network (ECN)
- European Commission (DG JUST, DG ENER, DG FISMA etc.)

To register for the event, please e-mail BundledProducts@ceer.eu.

For further information, visit the event page:

https://www.ceer.eu/bundled_products_dispute_resolution_and_consumer_rights_enforcement

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08:30 – 09:00	Registration and welcome coffee	
09:00 – 09:10	Welcome address on the Partnership for the Enforcement of European Rights (PEER)	Annegret Groebel CEER President
09:10 – 09:25	CEER Bundled Product Guide – good principles for companies and for regulators	Anne Vadasz Nilsson CEER Vice President
09:25 – 09:40	Cooperation among and between ADR bodies and enforcement authorities – a story to be written?	Janusz Gwiazdowski NEON President
Session 1 09:40 – 11:10	Bundled Products/Cross Selling– definition, liability and complaint handling <i>Roundtable discussion with participants, starting with short (7 min) initial interventions by panellists</i>	Moderator: Monique Goyens BEUC Director
	<i>What is a bundle in the telecoms/electronic communications sector? Which authority handles the cross-sectoral ones? What about bundles that have a non-regulated element?</i>	Jeremy Godfrey BEREC Chair & ComReg (Ireland)
	<i>Bundled product complaints and how to resolve liability issues in the case of single contract, multiple party bundles, and in the case of multiple contracts, multiple party bundles? – Lessons from the financial sector on cross-selling bundles</i>	XX Fin-net/European Banking Authority (EBA)
	<i>Case studies from a consumer body on how bundled product liability issues were resolved</i>	Carolina Gouveia BEUC member & DECO, Portugal

Contractual and liability issues with bundled products

Professor Peter Rott (tbc)
University of Kassel

Debate (60 min) with roundtable participants: Are the bundles you see mostly within or across sectors? Are there lessons from bundled cases? Are there open issues concerning bundles that you don't know how to resolve?

11:10 – 11:30 Coffee

Session 2
11:30 – 13:00

Bundled Product consumer rights and competition enforcement – national cooperation models (NRAs, ADR bodies, Consumer Protection Authorities, Competition Authorities etc)

Roundtable discussion with participants with short (7 min.) initial interventions by panellists

Moderator: Angelo Grieco (tbc)
Deputy Head of Unit, Enforcement and European consumer centre, DG JUST (DIR E)/Member of the CPC Network of Consumer Protection Authorities

What is a bundle in the rail/transport sector? As a sectoral regulator, do you monitor the evolution of bundles within and across sectors? How do you handle bundles that have a non-regulated part?

João Carvalho (tbc)
IRG-Rail Chair & AMT (Portugal)

Residual ADR entities - the missing link?

Stefan Weiser
Representative of a "residual" ADR bodies network (Germany)

Typical and a-typical bundled product complaints and issues of complaint classification – lessons learnt by the UK communications ombudsman

Jonathan Lenton
Ombudsman Services (UK)

What national cooperation models are in place to handle complaints/consumer rights enforcement issues concerning a cross-sectoral bundle?

Fernand Van Gansbeke (tbc)
Direction générale de l'Inspection économique (Belgium) and member of the CPC Network of Consumer Protection Authorities

Debate (60 min) with roundtable participants on how to monitor, regulate and handle bundled products enforcement issue within your sector and across sectors?

13:00 – 13:15 **Closing remarks and next steps**

BEREC/Financial/Water/ECN/CPC network or other PEER Partner?