

# **Screening Croatia and Turkey**

## **« Timeshare »**

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# Overview

- Background
- Commission's actions to date
- Review of the consumer policy acquis
- Directive 94/47/EEC: state of play
- Problems drawn to the Commission's attention
- Next steps

# Background

- 1994: Council adopted Directive 94/47/EEC on Timeshare.
- 1999: Commission adopted a Report on the Implementation of the Directive
- 2000: Council adopted conclusions on the report
- 2002: EP adopted Resolution on application of the Directive.

# Commission's actions to date

- 1999: Commission adopted a Report on the Implementation of the Directive :
  - Analysis of the transposition measures taken by MS
  - Identification of problems occurred since adoption
  - Launched a discussion on better implementation
- 2002: Adoption of Communication on the Consumer Policy Strategy 2002-2006. A review of all the consumer policy acquis was foreseen.
- 2004: Regulation of 27 October 2004 on Consumer Protection Cooperation,
- 2005: Directive 2005/29/EC on Unfair Commercial Practices (UCP).
- 2006 : Commission launches Consultation Paper on the review of the Directive.

# Review of the consumer policy acquis

- The minimum harmonisation approach has led to differences in the degree of protection afforded to consumers.
- The sectoral approach has also led to inconsistencies between the different Directives.
- The Commission fears these differences may create internal market problems.

# **Directive 94/47/EEC on Timeshare. State of play**

- Checking the implementation of new MS, completed
- Launching infringement proceedings, if necessary,
- Review of the Directive (meetings with stakeholders)

# PROBLEMS DRAWN TO COMMISSION'S ATTENTION

- LACK OF ENFORCEMENT
- ISSUES REQUIRING AMENDMENTS TO THE DIRECTIVE
- ISSUES TO BE COVERED BY THE UCP DIRECTIVE
- ISSUES THAT MAY REQUIRE BOTH

# LACK OF ENFORCEMENT

- Inappropriate enforcement of national rules,
- Insufficient provisions at national level

*Entry into force of the Regulation on  
Consumer Protection Cooperation (end  
2006)*



# ISSUES REQUIRING AMENDMENTS TO THE DIRECTIVE

- New definition of timeshare contract (the question of Holiday Clubs and Travel Discount Clubs),
- Harmonisation of cooling-off period,
- Timeshare rights held by virtue of ownership of share in a company,
- Contractual obligations of the vendor,

# ISSUES TO BE COVERED BY THE UCP DIRECTIVE

(December 2007)

- Misleading statements about inducements to buy,
- Aggressive selling techniques

# ISSUES THAT MAY REQUIRE BOTH AMENDMENT TO THE DIRECTIVE AND UCP

- Timeshare resales,
- Timeshare exchanges,
- Holiday/Vacation clubs.

# Next steps

- **Consultation procedure**

- Consultation paper (Deadline : 1st August 2006)
- Workshop (19 July 2006) : Member States, Stakeholders

## **If reactions in favour of amending Directive :**

- Commission will present a new proposal, (before end 2006),
- Submission to Council and Parliament.