

# Cross-border access to justice



Consumer rights in civil law were previously defined in a complex web of both EU and UK national law. Thanks to the EU Single Market, UK consumers were able to shop across EU borders with the same rights as when they shop within their own country. That is no longer the case.

## THE SITUATION IN 2021

The free movement of goods has ended, and the legal infrastructure to allow this free movement and the enforcement of consumers' rights has been removed.

## What has changed?

- » The Consumer Centre UK (formerly the UK ECC) is no longer part of the European Consumer Centre network, although it can still handle UK/EU disputes concerning purchase of goods and services.
- » European Small Claims Procedure (ESCP) judgments are no longer recognised or enforceable in the UK.
- » The EC's online dispute resolution (ODR) platform is no longer available to UK consumers.
- » UK-departing passengers will no longer be covered by EU consumer protection legislation. However, it has been transposed into UK legislation so UK passengers will not notice any immediate difference, although there is a risk of divergence in the longer term.
- » The UK's choice to leave the EU and be a third country outside of the Single Market effectively means that it also leaves the EU's judicial cooperation in civil matters.

## Issues to be resolved

- » We are waiting to hear about the UK's participation in international conventions, which might allow, amongst other things, the enforcement of judicial decisions cross-border.
- » We currently do not know if the government will replace the EC's ODR platform with a new instrument. The ODR platform is still active for all other citizens from the EU member states.
- » The UK has no obligations to implement EU directives, although it may choose to do so voluntarily in certain instances.



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