



## Cross-border Access to Justice

### LEAD OFFICER

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Consumer rights have been continually strengthened by the EU. It is important that the current levels of consumer protection and thereby confidence in cross-border markets is maintained. However, consumer rights are of very little help if methods to enforce them are not available. It is essential that consumers have access to cross-border consumer advice and assistance.

Whilst in the short term, EU consumer law has been transposed into UK law, providing a respite during the transition period, it is difficult to foresee the impact of withdrawal without visibility on our future relationship with the EU. It is vital that consumers in the EU and the UK can continue to buy from each other's retailers and manufacturers with minimal uncertainty concerning routes to redress. The UK needs to retain clear processes for resolving any disputes that arise and if it is not possible to maintain legal cooperation on civil matters with the EU through the judicial cooperation framework, at least we need new or similar partnership to be put in place.

## Threats

Where consumer rights have no means to be upheld they are rendered worthless. The UK ECC forms part of a wider framework – ECC-Net – that provide EU wide advice and complaint handling on behalf of UK consumers and represents their interests during consultations on changes in EU consumer-related policy. This is a vital network for consumers that provides cross-border access to justice.

**£364**



**THE AVERAGE AMOUNT PER CONSUMER RECOVERED BY THE UK ECC**

Other concerns for the post-EU Exit world include: how to ensure a judgement obtained in one country will be recognised and enforced in another; what the rules are to determine which country's courts will hear a cross-border case; and which country's laws will apply. Whilst well-known procedures to enforce the law are at risk because of EU Exit, there might be alternative conventions available which can deliver similar cross-border processes. However, it is not clear yet if the UK will be part of them. There is also a threat that EU consumers may start to 'price in' uncertainty, favouring EU suppliers with a price premium over UK counterparts for peace of mind.

## Opportunities

It is vital that when the transition period is over, the government makes good on the promise of ensuring 'no less protection' for consumers. It is also essential to our cross-border trade that consumer confidence is maintained when buying across EU borders, which means there needs to be a continuous monitoring of divergence between UK EU consumer law and any changes clearly communicated to consumers.

There is a significant opportunity here for the UK ECC to leverage its experience and become a key intermediary between relevant consumer bodies in the UK and their counterparts in the EU.



For more information about how EU Exit could affect trading standards, and to take the EU Exit training course, visit [www.tradingstandards.uk/euexit](http://www.tradingstandards.uk/euexit)



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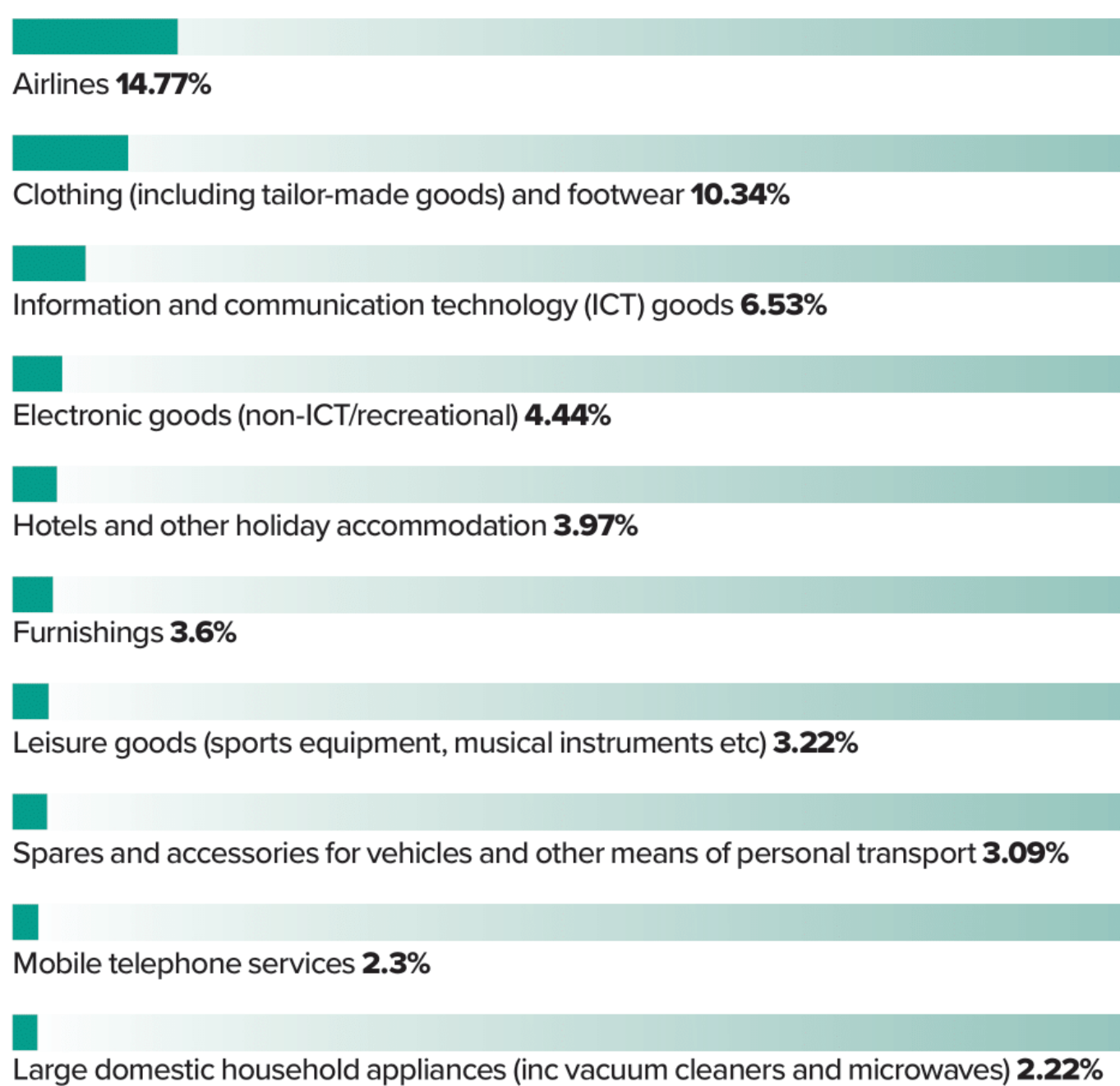


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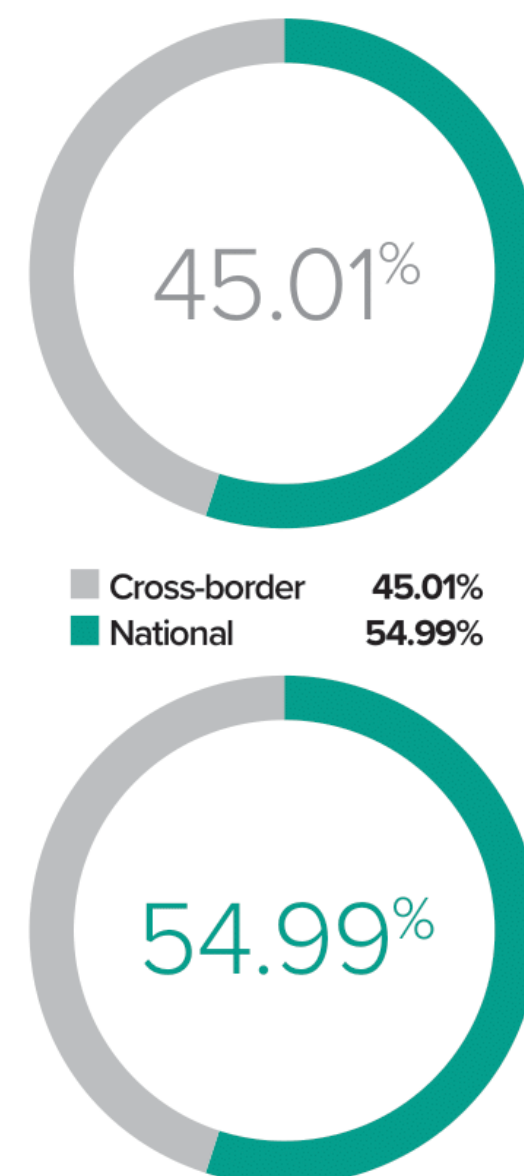
**10,000** THE NUMBER OF CONSUMERS HELPED BY THE UK ECC IN 2019

Additionally, there is the opportunity to build relationships and support mechanisms with countries outside the EU, such as south East Asia and America. This can also seek to mirror trade deals as these are established around the world.

Top 10 most complained-about sectors



Percentage of national and cross-border complaints




## Providing consistency

Consumers should be assured that, if they have a particular dispute or problem, they will find an established set of organisations which can deal with their complaint after EU Exit. The UK ECC is geared up to deal with cross-border disputes despite differences in national laws. To provide a level of consistency for consumers post EU Exit, it is important to preserve the UK ECC's knowledge and expertise.

When we see divergence in consumer rules occurring, the UK ECC will be in a strong position to keep up-to-date with these changes and work with the EU. Exiting the EU is making for considerable uncertainty over the future shape of formal relationships and mechanisms between UK consumer protection bodies and their counterpart EU Institutions. Some of these relationships will need to be negotiated afresh, representing a significant risk to cross-border consumer confidence and access to justice for all.