

## Consultation on whether to remove the distance selling rules from the UK Code of Broadcast Advertising

### Question:

Do you agree with BCAP's proposal to remove its distance selling rules which relate to pre-contractual information? If you do not, please indicate why not.

	Respondent making points in <u>favour</u> of the proposal:	Summary of significant points:	BCAP's evaluation:
1.1	<b>Gregs Regulatory Services</b>	<p>The majority of BCAP users are unfamiliar with distance selling</p> <p>Dealing with distance selling is resource-heavy for BCAP</p> <p>Whatever the outcome, It would seem appropriate to ensure that other SROs in Europe are in line with BCAP on this issue.</p>	BCAP notes these comments and will share the outcome of its consultation with SROs.
1.2	<b>Trading Standards Institute</b>	TSI agrees with the proposals to remove its distance selling rules which relate to pre- contractual information and post contractual matters; however, it stresses the importance of BCAP taking account of guidance produced by the EC, BIS and TSI when offering any guidance or taking any decisions with regard to compliance with the Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013.	BCAP notes these comments but does not intend to take any decisions or offer guidance on this legislation.
1.3	<b>National Trading Standards Board / Association of Chief Trading</b>	NTSB and ACTSO are supportive of the amendments as proposed, and consider they are necessary to reflect the change in legislation (namely the requirements of the Consumer Protection (Distance Selling) Regulations 2000 have been replaced by the Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013) and move from a minimum harmonization to a maximum harmonisation measure.	BCAP notes the support for the proposal. The current rules go beyond the maximum harmonisation standards set by the Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013 (2013 Regulations). If the distance selling rules were to be retained, they would have to be amended to reflect the provisions of these Regulations.

**Standards  
Officers**

<b>1.4 British Retail Consortium</b>	<p>The BRC welcomes the BCAP's proposal to remove distance selling rules relating to pre-contractual information on the basis that the rules may breach the maximum harmonisation requirement of the Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013.</p> <p>The BRC recognises that the primary responsibility for enforcing those regulations (and also the Consumer Protection from Unfair Trading Regulations 2008) lies with the Trading Standards Service so it has no concerns that the removal of these rules from the BCAP Code will have any detrimental impact on consumer protection.</p>	<p>BCAP notes the support for the proposal. The current rules go beyond the maximum harmonisation standards set by the Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013 (2013 Regulations). If the distance selling rules were to be retained, they would have to be amended to reflect the provisions of these Regulations.</p>
<b>1.5 Direct Marketing Association</b>	<p>The DMA agrees with the proposal and with BCAP's rationale.</p>	<p>BCAP agrees.</p>

**Question:**

Do you agree with BCAP's proposal to remove its distance selling rules which relate to post-contractual matters? If you do not, please indicate why not.

	Respondent making points <u>in favour</u> of the proposal:	Summary of significant points:	BCAP's evaluation:
1.1	<b>Gregs Regulatory Services</b>	<p>The majority of BCAP users are unfamiliar with distance selling</p> <p>Dealing with distance selling is resource-heavy for BCAP</p> <p>Whatever the outcome, It would seem appropriate to ensure that other SROs in Europe are in line with BCAP on this issue.</p>	BCAP notes these comments.
1.2	<b>Trading Standards Institute</b>	<p>TSI agrees with the proposals to remove its distance selling rules which relate to pre- contractual information and post contractual matters; however, it stresses the importance of BCAP taking account of guidance produced by the EC, BIS and TSI when offering any guidance or taking any decisions with regard to compliance with the Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013.</p>	BCAP notes these comments but does not intend to take any decisions or offer guidance on this legislation.
1.3	<b>National Trading Standards Board / Association of Chief Trading Standards Officers</b>	<p>NTSB and ACTSO are supportive of the amendments as proposed, and consider they are necessary to reflect the change in legislation (namely the requirements of the Consumer Protection (Distance Selling) Regulations 2000 have been replaced by the Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013) and move from a minimum harmonization to a maximum harmonisation measure.</p>	BCAP notes the support for the proposal. The current rules go beyond the maximum harmonisation standards set by the Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013 (2013 Regulations). If the distance selling rules were to be retained, they would have to be amended to reflect the provisions of these Regulations.
1.4	<b>British Retail Consortium</b>	<p>The BRC recognises that the primary responsibility for enforcing those regulations (and also the Consumer Protection from Unfair Trading Regulations 2008) lies with the Trading Standards Service so it has no concerns that the removal of these rules from the BCAP Code will have any detrimental impact on consumer protection.</p>	BCAP agrees that primary responsibility for enforcing the distance selling legislation lies with Trading Standards.

1.5	<b>Direct Marketing Association</b>	The DMA agrees with the proposal and with BCAP's rationale.	BCAP agrees.
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