

Flash Eurobarometer 321
January 2011

European Contract Law in Consumer Transactions

Basic questionnaire

The GALLUP Organization

FLASH EUROBAROMETER 321

Business attitudes towards cross-border business-to-consumer transactions and the usefulness of a European contract law

SCREENER

D01. Does your company sell directly to final consumers?

- Yes 1
- No 2 [THANK AND TERMINATE]
- [DK/NA] 9 [THANK AND TERMINATE]

D02. In which type of business-to-consumer transactions are you mainly involved?

- Sales of goods (...including products from manufacturing, leisure goods and Hotel/Restaurants etc)..... 1
- Sales of digital products (for instance CDs, DVDs, software, downloadable music and films) 2
- Sales of financial services 3
- Sales of other services 4 [THANK AND TERMINATE]
- [DK/NA] 9 [THANK AND TERMINATE]

D03. Which of the following statements correspond to your situation?

- We currently sell cross-border to consumers in other EU countries 1
- We would be interested in selling cross-border to consumers in other EU countries in the future 2
- We are NOT interested at all in selling to consumers in other EU countries 3 [THANK AND TERMINATE]
- [DK/NA] 9 [THANK AND TERMINATE]

DEMOGRAPHICS

D1. How many employees do you have in your company?

- Employees
- DK/NA..... 99999999

D2. What was your company's turnover in 2009?

-€
- DK/NA..... 99999999

D3. Which of the following product categories is the largest in your sales?

[ONLY ONE ANSWER IS POSSIBLE]

- Cars, motor vehicles and parts 1
- Clothing, footwear and accessories (including jewellery and cosmetics) 2
- Financial and insurance services 3
- Food and drinks 4
- Furniture, furnishings and decoration (including do-it-yourself goods and maintenance products) 5
- Household appliances, electronic goods and information technology goods..... 6
- Leisure goods (ex. books, audiovisual material, toys...) 7
- Products from the engineering sector, e.g. machinery 8
- Digital products 9
- Other goods..... 10
- [DK/NA] 99

D4. Which of the following sales channels do you use?

[MULTIPLE ANSWER IS POSSIBLE]

- In-premises sales 1
- Internet..... 2
- Phone, post and other means of distance communication..... 3
- Doorstep selling and other out of premises channels..... 4
- [DK/NA] 9

D5. Besides [COUNTRY], in how many other EU countries do you currently make cross-border transactions?

[ONE ANSWER ONLY]

- [][]Countries (0 – 26)
- [DK/NA] 99

MAIN QUESTIONNAIRE

[ASK ALL]

Q1. How well-informed are you about the consumer protection provisions in the contract laws of the EU countries where you sell or wish to sell to final consumers?

[ONLY ONE ANSWER IS POSSIBLE]

- Fully informed 4
- Well informed 3
- Not well informed 2
- Not informed at all 1
- [DK/NA] 9

[ASK ALL]

Q2. What impact do the following potential obstacles have on your decision to sell across border to consumers from other EU countries?

[READ OUT – ROTATE - ONE ANSWER PER LINE]

- Large impact 4
- Some impact 3
- Minimal impact 2
- No impact 1
- [DK/NA] 9

- A - Language (communication problems, translating documents, etc.) 1 2 3 4 9
- B - The need to adapt and comply with different consumer protection rules in the foreign contract laws 1 2 3 4 9
- C - Difficulty in finding out about the provisions of a foreign contract law 1 2 3 4 9
- D - Cultural differences 1 2 3 4 9
- E - Tax regulations 1 2 3 4 9
- F - Formal requirements e.g. licensing, registration procedures 1 2 3 4 9
- G - Problems in resolving cross-border conflicts, including costs of litigation abroad
 1 2 3 4 9
- H - Obtaining legal advice on foreign contract law 1 2 3 4 9
- I - Problems with cross-border delivery 1 2 3 4 9
- J - After-sales maintenance abroad 1 2 3 4 9
- K - Other 1 2 3 4 9

[ASK Q3 ONLY IF answers include large, some or minimal impacts for at least one of the following:

Q2 B - the need to adapt and comply with different consumer protection rules in the foreign contract laws = 4 OR 3 OR 2

Q2 C difficulty in finding out about the provisions of a foreign contract law=4 OR 3 OR 2

OR

Q2 G - problems in resolving conflicts cross-border, including costs of litigation abroad=4 OR 3 OR 2

OR

Q2 H- obtaining legal advice on foreign contract law= 4 OR 3 OR 2]

Q3. You said that some issues relating to contract law have an impact on your cross-border business-to-consumer transactions. How often did these obstacles deter you from conducting cross-border transactions?

[ONLY ONE ANSWER IS POSSIBLE]

- Always 4
- Often..... 3
- Not very often 2
- Never 1
- [DK/NA] 9

[ASK ALL]

Q4. How often have you refused to sell to foreign consumers because of differences in consumer protection rules in the contract laws of other EU countries?

- Always 4
- Often..... 3
- Not very often 2
- Never 1
- [DK/NA] 9

[ASK ALL]

Q5. If you were able to choose, for ALL your cross-border sales to consumers from other EU countries one single European contract law, how likely would it be that you would use it?

[ONLY ONE ANSWER IS POSSIBLE]

- Very likely 4
- Likely..... 3
- Unlikely..... 2
- Very unlikely 1
- [DK/NA] 9

[ASK ALL]

Q6. If you were able to choose one single European contract law in ALL your transactions with consumers from other EU countries, would your cross-border operations...

[ONLY ONE ANSWER IS POSSIBLE]

- Increase a lot 4
- Increase a little 3
- Not change or 2
- Decrease? 1
- [DK/NA] 9

[ASK IF Q6="increase a lot" or "increase a little"]

Q7. If you were able to choose one single European contract law, in how many additional EU countries do you estimate you would sell to final consumers?

[ONLY ONE ANSWER IS POSSIBLE]

- in 6 or more EU countries..... 4
- in 3-5 EU countries 3
- in 1-2 EU countries 2
- [no increase in number of countries] 1
- [DK/NA] 9

[ASK ALL]

Q8. If a European contract law was developed, what would you prefer for your business-to-consumer transactions?

[ONLY ONE ANSWER IS POSSIBLE]

- A common EU contract law replacing 27 national contract laws 1
- A European contract law that you could choose as an alternative to the national laws for your cross-border transactions only
☐ 2
- A European contract law that you could choose as an alternative to the national laws for both your cross-border and domestic transactions
☐ 3
- [DK/NA] 9

Flash EB Series #321

European contract law in consumer transactions

Conducted by
The Gallup Organization, Hungary
upon the request of the DG JLS-A-2: Civil law
and contract law



Coordinated by Directorate-General
Communication

This document does not represent the point of
view of the European Commission.
The interpretations and opinions contained in it
are solely those of the authors.

THE GALLUP ORGANIZATION

Survey details

This Flash Eurobarometer: “Business attitudes towards cross-border business-to-consumer transactions and the usefulness of a European contract law” (No. 321) telephone survey was conducted on behalf of the DG JUSTICE of the European Commission, Unit A2 Civil and contract law. The objective of the survey is to collect information about the enterprises’ knowledge about European Contract law in business-to-consumer transactions.

The interviews in most countries were conducted between the 17 and 25 January 2011¹, by partner institutes of The Gallup Organization Hungary:

Belgium	BE	Gallup Europe	(Interviews : 17/01/2011 – 25/01/2011)
Czech Republic	CZ	Focus Agency	(Interviews : 17/01/2011 – 25/01/2011)
Denmark	DK	Norstat Denmark	(Interviews : 17/01/2011 – 25/01/2011)
Germany	DE	IFAK	(Interviews : 17/01/2011 – 25/01/2011)
Estonia	EE	Saar Poll	(Interviews : 17/01/2011 – 25/01/2011)
Greece	EL	Metroanalysis	(Interviews : 17/01/2011 – 25/01/2011)
Spain	ES	Gallup Spain	(Interviews : 17/01/2011 – 25/01/2011)
France	FR	Efficienc3	(Interviews : 17/01/2011 – 25/01/2011)
Ireland	IE	Gallup UK	(Interviews : 17/01/2011 – 25/01/2011)
Italy	IT	Demoskopoa	(Interviews : 17/01/2011 – 25/01/2011)
Cyprus	CY	CYMAR	(Interviews : 17/01/2011 – 28/01/2011)
Latvia	LV	Latvian Facts	(Interviews : 17/01/2011 – 25/01/2011)
Lithuania	LT	Baltic Survey	(Interviews : 17/01/2011 – 25/01/2011)
Luxembourg	LU	Gallup Europe	(Interviews : 17/01/2011 – 25/01/2011)
Hungary	HU	Gallup Hungary	(Interviews : 17/01/2011 – 25/01/2011)
Malta	MT	MISCO	(Interviews : 17/01/2011 – 28/01/2011)
Netherlands	NL	MSR	(Interviews : 17/01/2011 – 25/01/2011)
Austria	AT	Spectra	(Interviews : 17/01/2011 – 25/01/2011)
Poland	PL	Gallup Poland	(Interviews : 17/01/2011 – 25/01/2011)
Portugal	PT	Consulmark	(Interviews : 17/01/2011 – 25/01/2011)
Slovenia	SI	Cati d.o.o.	(Interviews : 17/01/2011 – 25/01/2011)
Slovakia	SK	Focus Agency	(Interviews : 17/01/2011 – 25/01/2011)
Finland	FI	Norstat Finland Oy	(Interviews : 17/01/2011 – 25/01/2011)
Sweden	SE	Norstat Sweden	(Interviews : 17/01/2011 – 25/01/2011)
United Kingdom	UK	Gallup UK	(Interviews : 17/01/2011 – 25/01/2011)
Bulgaria	BG	Vitosh Research	(Interviews : 17/01/2011 – 28/01/2011)
Romania	RO	Gallup Romania	(Interviews : 17/01/2011 – 25/01/2011)

¹ the fieldwork was conducted in Malta, Cyprus and Bulgaria between 17 and 28 January, 2011

Representativeness of the results

The target group for this Flash Eurobarometer was defined as all companies of the European Union that sell directly to final consumers across the EU's internal borders.

The sample was randomly selected in each country within certain activity sectors (NACE Rev 2.0):

- C: Manufacturing
- G: Wholesale and retail trade: repair of motor vehicles, motorcycles and personal and household goods
- I: Accommodation and food service activities
- J: Information and communication
- K: Financial and insurance activities.

The lists of companies qualified to be interviewed were developed by Dun and Bradstreet. Where the D&B database had a poor coverage (especially in the New Member States) the sample lists were developed by national institutes using local statistical data sources. The survey sample was selected randomly in each country.

The sampling proportions of the enterprises belonging to the various size categories were:

- 65% - micro enterprises (<10 persons employed)
- 25% - small enterprises (10-49 persons employed)
- 10% - medium & large enterprises (50+ persons employed).

The person interviewed in each company was the person who normally dealt with legal issues. The interviewers checked the identity of this person as well as the accuracy of the enterprise sampling characteristics, as delivered by sample list, namely: the number of employees and the activity of the company.

Weighting

As mentioned, the survey only interviewed enterprises that were involved in cross-border business-to-consumer transactions. As reference statistics for enterprises that are involved in cross-border trade were not available, a direct weighting of the achieved sample was not possible. Instead, sampling weights with regard to all issued sample were calculated in each country (to correct for the deliberate over- and under-sampling in the various size segments) and transferred to the respondent units that satisfied the above mentioned screening criteria.

In order to calculate EU27 averages, the county-level results were combined proportional to the size of the estimated number of enterprises in the specific sectors involved in cross-border transactions (the rate of which was defined by the result obtained from the sample).

Due to the low sample sizes at a national level, readers should be aware that the Member State level results are subject to a sampling error ranging from about $\pm 8.2\%$ (in countries with a sample size of 150) to $\pm 6.2\%$ (where the national sample size is 250). The sub-setting of the samples in various "filtered" questions further increases this range. Sampling errors for the EU level data are, however, much smaller; i.e. less than 2% for the total EU sample (depending on the question).

Sizes of the samples

The targeted number of main interviews was 250 in most countries, but in Luxembourg, Malta and Cyprus the target was 150 interviews.

	Total interviews conducted		Total interviews conducted
Belgium	250	Malta	151
Czech Republic	250	Netherlands	250
Denmark	250	Austria	250
Germany	251	Poland	250
Estonia	253	Portugal	250
Greece	250	Slovenia	250
Spain	250	Slovakia	250
France	252	Finland	250
Ireland	250	Sweden	250
Italy	254	UK	250
Cyprus	150	Bulgaria	253
Latvia	250	Romania	251
Lithuania	250		
Luxembourg	150		
Hungary	250	TOTAL	6465

Questionnaire

The questionnaire prepared for this survey contained two parts: the company information and the question regarding the main questionnaire.

The institutes listed above translated the questionnaire to their respective national language(s) using a centralized process of back-translation procedure, involving two initial local translations, independent back-translation and central verification of the localised questionnaires.

© European Communities
The Eurobarometer questionnaires are reproduced
by permission of its publishers,
the Office for Official Publications of the European Communities,
2 rue Mercier, L-2985 Luxembourg