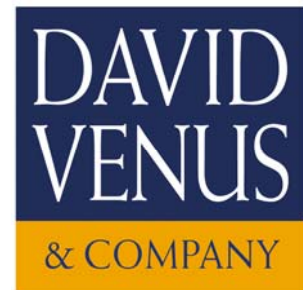


David Venus & Company

Practice Note

The EU Services Directive Keeping Your Customers Informed

The EU Services Directive was brought into UK law by the **Provision of Services Regulations 2009** (the "Regulations"), which came into effect on 28 December 2009 and is intended to simplify bureaucracy in EU Member States and inspire consumer confidence in businesses throughout Europe.



Who do the Regulations apply to?

The Regulations apply to both individuals and businesses that provide a wide range of services in the UK including:

- Business Services: such as management consultancy and professional services including lawyers, accountants and actuaries.
- Services provided to both business and consumers: such as estate agents and financial advisers.
- Consumer Services: such as tourism and leisure services.

Details of excluded activities can be found on the Dept. of Business, Innovation & Skills ("BIS") website, www.bis.gov.uk.

What do we need to do to comply with the Regulations?

Ensure that clients always have access to the information specified in the Regulations by:

- providing them with details of the Company's dispute resolution procedures and where they can send requests for additional information; and
- ensuring there are no provisions in the general conditions of service that will result in differential treatment for clients of different nationalities or places of residence (except where justifiable).

What information must always be available about the service provider?

Some of the information will already be included on a company's website, but any of the required details not already stated there should be added to the website or included in other company literature. Information required includes:

- name, address, contact details, legal status and VAT number;
- details of any trade registrations or authorisation schemes to which the service provider is subject;
- general terms and conditions used by the business;
- price, and main features, of the service where pre-determined; and
- details of professional liability insurance(s) and the existence of any voluntary after-sales guarantees.

Where must the information be made available?

The information must be available to clients either:

- at the place where the service is provided;
- on a freely available website; or
- in any information documents which set out a detailed description of the services provided, which may include marketing literature, brochures or email shots.

What are the consequences of non-compliance?

The Office of Fair Trading and other consumer bodies can take action against businesses who do not comply with the Regulations if the breach harms the collective interests of consumers. Businesses and individual consumers can only initiate proceedings for a breach of the Regulations through the courts.

Further information on the Regulations can be found on the BIS website at www.bis.gov.uk/servicesdirective. Queries in relation to the Regulations can be emailed to servicesdirective@bis.gsi.gov.uk.

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