



IRISH ASSOCIATION OF FUNERAL DIRECTORS SUBMISSION ON THE CONSUMER RIGHTS DIRECTIVE

JUNE 30th 2013

On behalf of the Association, thank you for the invitation in make a submission as part of the consultation on this directive.

We (the IAFD) first propose to deal with the individual questions posed in the consultation document, followed by other points we feel relevant to our sector as part of the implementation of the directive.

Question 1

We see no issue with the exemption proposed. The €50 limit would be a standard amount in relation to floral tributes, which many of our members would occasionally be asked to arrange by means of a phone call or through contact at a removal or funeral. Payment would be obtained by credit/debit card in the case of phone orders or cash/cheque if at the removal or funeral. We feel there is no need to over complicate these transactions.

Question 2

The last sentence of our observation on Question 1, the need not to over complicate day to day transactions should be the rationale for this approach (in the case of the funeral industry, we would determine these to be small contracts- flowers, placing radio and press announcement s, not funerals).

Question 3

We have no issue with and nothing to add to paragraph 29.

Question 4 does not relate to our sector.

Question 5

In the modern era of email, written consent of the consumer to an “offer” seems prudent, although our members would not be permitted by our Code of Practice to initiate a call to a prospective consumer.

Questions 6, 7 and 8 do not relate to our sector.

Question 9

The subject of ancillary contracts as they are dealt with in the directive appear to deal with credit facilities and other services easily cancelled. It could be argued that funeral directors enter into ancillary contracts with service providers which are not easily cancelled and may result in a financial penalty to the funeral director if cancelled. This would be particularly true in the case of arranging bespoke fresh flower tributes, grave digging and

Irish Association of Funeral Directors is a Limited Company. Registered in Ireland No. 449855.

DUBLIN: Mespil Business Centre, Mespil House, Sussex Road, Dublin 4. Phone 0818 935 000

BELFAST: The Mount Business Centre, 2 Woodstock Link, Belfast, BT6 8DD Phone 0800 912 1500

EMAIL: admin@iafdfuneraldirectors.ie

WEB: www.iafd.ie

DIRECTORS: Joanne Cooney (President), Michael Crowley (Secretary), John Foley (Treasurer), Seamus Griffin, Henry Black, James Brown, Gerard Clarke, Colman Finlay, Graham Gleasure, John O'Donoghue.



musicians, where the latter category may have turned down other work in the interim. In this case, it would be just for the consumer to reimburse reasonable expenses to the funeral director as part of payment for part performed services, encompassing merchandise supplied (and not reusable i.e a coffin or shroud), time expended and expenses incurred in carrying out the initial instructions of the consumer.

Questions 10 and 11 do not relate to our sector.

Question 12

We agree with the content of Article 21 in relation to telephone rates to consumer information lines.

Question 13

We would have no problem with the NCA being so empowered.

Question 14

The preference in our sector would be that initially conciliation, followed by independent arbitration and if necessary as a last resort, civil proceedings should be able to deal with any breaches of the directives provisions. The redress scheme operated by the IAFD is based upon this step by step approach.

Question 15

The answer to Question 14 should provide the framework for dealing with breaches by either party. The IAFD currently operates a redress scheme of this nature as part of its Code of Practice.

The general tone of the directive, while it is to be interpreted for all sectors, seems to focus on telephone and online based contracts of a type unknown in our sector. This specificity and complexity appears unsuited to our sector in this country, with the ramifications for failure disproportionate and impractical. We note reference to circumstances and requirements in individual member states, which has relevance for us with the scenario in Ireland of the completion of all elements of the funeral, often within three days. As professionals, we believe our members would have no issue with the information requirements and provision of confirmation on details agreed at the earliest opportunity.

As a representative association, we have encouraged our members to move to a written contract basis for the conduct of their business so as to afford protection to both the consumer and our member. Given the nature of local knowledge and trust which has developed between client families (consumer) and their funeral director over generations, this has posed difficulties, with families intimidated by the use of contracts in what had been a friendly scenario. We, as professionals, recognise the variance of funeral options and services available, resulting in additional costs for additional services, and have sought to educate our members to advise prudence and budgeting to families. While families are vulnerable at this sensitive time, the advice to be prudent can only be afforded to the point where it might offend, hence the necessity of written confirmation, which in itself, is no guarantee of clarity in the charged atmosphere surrounding a bereavement. We do regard the need for the

Irish Association of Funeral Directors is a Limited Company. Registered in Ireland No. 449855.

DUBLIN: Mespil Business Centre, Mespil House, Sussex Road, Dublin 4. Phone 0818 935 000

BELFAST: The Mount Business Centre, 2 Woodstock Link, Belfast, BT6 8DD Phone 0800 912 1500

EMAIL: admin@iafdfuneraldirectors.ie

WEB: www.iafd.ie

DIRECTORS: Joanne Cooney (President), Michael Crowley (Secretary), John Foley (Treasurer), Seamus Griffin, Henry Black, James Brown, Gerard Clarke, Colman Finlay, Graham Gleasure, John O'Donoghue.



consumer to agree their obligation to pay on agreement of charges and details as essential to maintain viability within our members' businesses.

The Association is satisfied that its members will act with honesty and decency in all matters and where discrepancies arise, the aforementioned redress scheme will result in a just and fair resolution.

Irish Association of Funeral Directors is a Limited Company. Registered in Ireland No. 449855.

DUBLIN: *Mespil Business Centre, Mespil House, Sussex Road, Dublin 4. Phone 0818 935 000*

BELFAST: *The Mount Business Centre, 2 Woodstock Link, Belfast, BT6 8DD Phone 0800 912 1500*

EMAIL: admin@iafdfuneraldirectors.ie

WEB: www.iafd.ie

DIRECTORS: Joanne Cooney (President), Michael Crowley (Secretary), John Foley (Treasurer), Seamus Griffin, Henry Black, James Brown, Gerard Clarke, Colman Finlay, Graham Gleasure, John O'Donoghue.