

# focus

News and views

from the European Information Association

## Finding out about... consumer policy

February should see the advent of the Union's latest consumer initiative, when the European Parliament adopts the Programme of Community action in the field of Health and Consumer protection 2007-2013.

With a new Commissioner for Consumer Protection just appointed and a major review of consumer legislation also underway, 2007 looks like being an interesting year for consumer affairs in Europe.



*Meglana Kuneva, new Commissioner for Consumer Protection*

### Background

Consumer policy was covered in *Focus*' predecessor, *European Information*, in January 2001. This feature updates that article, looking in particular at the forthcoming Programme.

On 6 April 2005 the Commission adopted the Communication Healthier, safer, more confident citizens: a Health and Consumer Protection Strategy, together with a Proposal for a Decision ... establishing a Programme of Community action in the field of Health and Consumer protection 2007-2013. The proposed Programme will replace the current Consumer Policy Strategy. The Competitiveness Council of 25 September 2006 reached political agreement on a modified draft, issued by the Commission to reflect both the views expressed by Parliament in its first reading and a smaller than expected budget following agreement on the Financial Perspective 2007-2013.

A Common Position was adopted on 13 November. The text requires the approval of the European Parliament at its second reading.

With Parliament's Rapporteur having recommended adoption, the Programme is set to be approved in early February, with a budget of € 156.8 million.

Once it is adopted, the Programme will define the following common objectives for health and consumer policy:

- ▶ protecting citizens from risks and threats which are beyond their control and which cannot be tackled effectively by individual Member States
- ▶ increasing the ability of citizens to take better decisions about their health and consumer interests
- ▶ 'mainstreaming' health and consumer policy objectives across all Community policies

The Commission is expected to provide a more detailed strategy for consumer policy, but the initial objectives specifically aimed at protecting consumers will be to:

- ▶ ensure a high level of protection from risks and threats to their safety and economic

interests for all consumers throughout the Union, wherever they live, travel to or buy from in the Member States

- ▶ increase consumers' capacity to promote their own interests (i.e. help consumers to help themselves)

### Consumer action plans

This is the latest in a long line of initiatives, stretching back to 1975, when the first of a series of Action Programmes on consumer protection was published. The initial three year action plan of 1975 was followed by initiatives spanning the periods 1981-1986, 1990-1992, 1993-1995, 1996-1998, 1999-2001, 2002-2006. Each has worked towards achieving five fundamental rights for consumers:

- ▶ the right to protection of health and safety
- ▶ the right to protection of financial interests
- ▶ the right to damages
- ▶ the right to information and education
- ▶ the right to representation

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According to the European Parliament Fact Sheets, “Translating these rights from paper into practice has principally focused on two areas: information and purchasing.

‘Information’ concerns the ability of consumers to protect themselves, with policy focusing on issues such as “the transparency of product information, the development of consumer information services and increased comparative testing of products.”

Policies concerned with ‘purchasing’ have been “based on the principle that the purchaser should be able to: assess the basic features (nature, quality, quantity, price) of the goods and services on offer so as to make a rational choice between competing products and services; use these goods and services safely and satisfactorily; claim redress for any injury or damage resulting from the product supplied or the service received.”

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- ▶ a high common level of consumer protection
- ▶ effective enforcement of consumer protection rules
- ▶ involvement of consumer organisations in EU policies

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On 12 December, the European Parliament confirmed the appointment of Bulgaria’s Commissioner-designate, Mrs Meglena Kuneva, as the first Commissioner responsible solely for consumer protection. She is appointed until the term of the current Commission expires on 31 October 2009. Commissioner Kyprianou will retain responsibility for issues concerning nutrition, food safety, food labelling and public health.

**“Every citizen is a consumer and the European Union takes great care to protect their health, safety and economic well-being. It promotes their rights to information and education, takes steps to help them safeguard their interests, and encourages them to set up and run self-help consumer associations.”**

**Introduction to ‘Activities of the European Union - Consumers’ ([europa.eu/pol/cons/index\\_en.htm](http://europa.eu/pol/cons/index_en.htm))**

### Sources of information

Consumer protection falls within the remit of the DG for Health and Consumer Protection (known also as DG SANCO, after its French title ‘Santé et protection des consommateurs’). The DG is divided into the three areas of ‘Food’, ‘Health’ and ‘Consumers’. Its website is at [ec.europa.eu/dgs/health\\_consumer/index\\_en.htm](http://ec.europa.eu/dgs/health_consumer/index_en.htm).

The Consumer Affairs website ([ec.europa.eu/consumers/index\\_en.htm](http://ec.europa.eu/consumers/index_en.htm)) is the main source of information. This is where the *Communication Healthier, safer, more confident citizens: a Health and Consumer protection Strategy* will be found (published as COM [2005] 115 - choose ‘Overview of Consumer Policy’ - ‘Consumer Policy Strategy and Programmes’).

The Strategy required the Commission to review EU legislation on consumer protection. The review - which focuses on eight Directives - started in 2006 and initial proposals are expected early in 2007. It is, according to the Commissioner for Health and Consumer Protection, Markos Kyprianou, “a substantial exercise”.



There are also links to news items, including a 'Newsletter' link on the right of the page, which leads to details of the 'Health and Consumer Voice Newsletter' - available as a four-page pdf file for most months since June 2001. A free e-mail update, 'Health and Consumer e-News', is also available, either from the main DG SANCO site or via [ec.europa.eu/dgs/health\\_consumer/newsletters\\_en.htm](http://ec.europa.eu/dgs/health_consumer/newsletters_en.htm). Subscribers receive weekly updates on selected topics, including consumer affairs.

There is plenty more on the site too, with a menu bar at the top of the page giving access to nine main sections:

- ▶ Overview of Consumer Policy
- ▶ Consumer Safety: Products and Services
- ▶ Safeguarding Consumers' Interests
- ▶ Enforcing Consumer Protection Rules
- ▶ Redress: Asserting Consumer Rights
- ▶ Working together with Consumer Organisations
- ▶ International Consumer Issues
- ▶ Consumer Information and Education Activities
- ▶ Tenders and Grants

A 'Special Topics' menu on the left of the page provides links to additional material, including 'Consumer Protection in the EU: Ten Basic

Principles', the Rapid Alert System for Non-Food Products (RAPEX), 'Facts & Figures' and the European Consumer Centres Network (ECC-Net).

Formed from the merger of the European Consumer Centres (Euroguichets) and the European Extra-Judicial Network (EEJ-Net), ECC-Net is "an EU-wide network to promote consumer confidence by advising citizens on their rights as consumers and providing easy access to redress ..." Details of ECC-Net can be found at [ec.europa.eu/consumers/redress/out\\_of\\_court/links\\_en.htm](http://ec.europa.eu/consumers/redress/out_of_court/links_en.htm).

A good starting point for research is the web page 'Activities of the European Union - Consumers', accessed from the main menu of Europa ([europa.eu](http://europa.eu)). There are links to the relevant parts of the Commission, Parliament and Council, together with summaries of legislation (from what used to be known as SCADPlus, but which is now branded as 'Activities of the European Union - Summaries of legislation') and

the legal texts themselves - both adopted and proposed.

There are also links to the *Bulletin of the European Union* and to the *General Report on the Activities of the European Union* - both useful for keeping abreast of developments. The links are direct to the relevant section of the latest version of both publications.

*European Parliament Fact Sheets* includes background information about general consumer policy and consumer protection measures. Available on the EuroParl website ([www.europarl.europa.eu](http://www.europarl.europa.eu) - then 'Parliament' - Archives' - 'Fact sheets on the EU'; or go straight to [www.europarl.europa.eu/facts\\_2004/default\\_en.htm](http://www.europarl.europa.eu/facts_2004/default_en.htm) ; section 4.10 deals with 'Consumer protection and public health').

Also on the Parliament website is a page on consumer protection in the context of the Charter of Fundamental Rights of the European Union - see [www.europarl.europa.eu/comparl/libe/elsj/charter/art38/default\\_en.htm](http://www.europarl.europa.eu/comparl/libe/elsj/charter/art38/default_en.htm). ■

## Timeline

- 1975 - First Action Programme on consumer protection
- 1983 - First meeting of the Consumer Affairs Council
- 1987 - Single European Act requires consumers to be offered a "high level of protection"
- 1989 - European Commission creates a Consumer Policy Service
- 1992 - Treaty on European Union alters the legal basis for EU consumer policy
- 1995 - Commission's Consumer Policy Service becomes a Directorate General
- 1997 - Consumer policy and health protection become the responsibility of a single DG
- 2006 - First Commissioner appointed with responsibility solely for consumer protection

## The 10 consumer principles

- 1 Buy what you want, where you want
- 2 If it doesn't work, send it back
- 3 High safety standards for food and other consumer goods
- 4 Know what you are eating
- 5 Contracts should be fair to consumers
- 6 Sometimes consumers can change their mind
- 7 Making it easier to compare prices
- 8 Consumer should not be misled
- 9 Protection while you are on holiday
- 10 Effective redress for cross-border disputes

*From: Consumer Protection in the European Union: Ten Basic Principles*