

COMMISSION OF THE EUROPEAN COMMUNITIES

**Consumer protection
and
information policy**

First report

1977

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F O R E W O R D

The preliminary programme of the European Economic Community for a consumer protection and information policy adopted by the Council on 14 April 1975 marked the first phase of Community action to help consumers.

The measures carried out under this programme (which are recapitulated in this report) have proved valuable and effective; they have made a positive contribution to improving the lot of consumers by furthering their economic interests and improving the information on which they can base their economic decisions.

The Commission intends to continue along these lines, but we feel - for various reasons - that the time has come to think of promoting consumers' interests rather than simply protecting them.

As Mr Jenkins stated in his programme address to the European Parliament on 8 February 1977: "We must make the Community a practical reality in terms of everyday life".

One of the most immediate ways of forging closer links between the lives of our peoples and that of the Community is to develop a Community policy promoting the everyday interests of its citizens. Promotion of consumers' interests is an integral part of this.

A policy to promote the interests of consumers assumes greater significance in a period of economic troubles like the present. Increased pressure on real incomes forces consumers into an awareness of how they use their incomes, in order to make them go as far as possible.

Community action relating to the quality of goods and services, to the terms on which they are offered, and to information on prices will take on even greater importance.

The present economic structures of our society make it necessary to bring the economic power of purchasers and consumers of goods and services into balance with that of producers. We must also ensure that the Community's citizens are able to use their financial and material resources so as to secure the greatest

well-being and satisfaction possible within ever-tightening economic, social and environmental constraints.

In the light of the foregoing it is evident that the Commission - in the interests of its citizens and in keeping with the need for coherent and mutually reconcilable policies within the Community - must take the initiative with policies to promote the interests of consumers. Only in this way can the Commission have a role of its own in shaping and directing the movement towards better organization of society in the service of the citizen.

Richard Burke
Member of the Commission

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SECTION I

Introduction

1. The "Preliminary programme of the European Economic Community for a consumer protection and information policy" was approved by the Council of Ministers by its resolution of 14 April 1975¹. This programme commits the Commission to publish an annual report on the steps taken by the Community and the Member States in the consumer interest by legislation and its implementation; information; consultation; and coordination (para 39). As the present report is the first of such reports submitted by the Commission, it first briefly reviews the general background to the Community's interest in consumer affairs and then deals with the period following the establishment of the Environment and Consumer Protection Service up to 31 December 1976.

2. One of the principal aims of the Treaty of Rome is the creation of an internal market for agricultural and industrial products. The means provided by the Treaty to achieve this aim are, among others, the abolition of customs provisions as between Member States, the elimination of barriers to trade and the assurance of a free exchange of goods and services. Very little mention is made of consumers and none at all to the direct protection of their interests.

3. However, the preamble to the Treaty does proclaim one of the basic aims of the Community to be "the constant improvement of the living and working conditions" of its peoples. Article 2 of the Treaty goes somewhat further in requiring the promotion of "harmonious development of economic activities, a continuous and balanced expansion, an increase in stability, an accelerated raising of the standards of living".

4. The specific references to consumers occur in the contexts of agricultural policy and competition. Article 39 of the Treaty includes among the objectives of the common agricultural policy the

¹ OJ No. C92 of 25.4.75, p.1 - reproduced as annexe I of this report.

guaranteed availability of supplies and the stabilization of markets. Then follows the aim "to ensure that supplies reach consumers at reasonable prices"¹.

5. In that part of the Treaty dealing with rules of competition, Article 85(3) provides for the authorization of certain agreements between undertakings to be subject to the consumer receiving a "fair share" of the resulting benefit. Article 86 cites as an example of unfair practices "limiting production, markets or technical development to the prejudice of consumers".

6. The direct references in the Treaty to consumers having been confined to the areas of agriculture and competition, it is not surprising that initiatives on behalf of consumers also came from these spheres of influence within the Commission. The common agricultural policy being the community activity where integration was most advanced, it was the initiative of Mr. Mansholt, the responsible commissioner for agriculture, which in 1962 led to the creation of a contact committee for consumer questions.

7. This committee was made up from the following organizations at Community level: the European Office of Consumer Organizations (BEUC), the Committee of Family Organizations in the Community (COFACE), the Confederation of European Trade Unions (CES), the European Organizations of the World Federation of Workers (OE-CMT) and the European Organization of Cooperative Organizations (Eurocoop). The Contact Committee was consulted by the Commission on different problems in the field of agricultural policy such as the fixing of agricultural prices and the drafting of directives on specific foodstuffs. The Committee also published opinions and suggestions from time to time on various other aspects of EEC development, such as competition policy, strengthening of the Community, and the position of the consumer in the Common Market.

8. The next initiative from the Commission was to set up an internal unit to act in liaison with the Contact Committee. So, in 1968 a special administrative unit was created with the express purpose of dealing with questions of interest to consumers. This specialized service dealt not only with the Contact Committee but also represented the consumer point of view during the discussions leading to directives in the agricultural and industrial field, in the harmonization of legislation and in other policies such as transport and competition.

¹ Article 39(e) of the Treaty.

9. The link with competition was such that the service was placed within the directorate dealing with competition matters. Thus, the first substantial recording of consumer interest appeared in the first Report on Competition Policy¹.

10. Meanwhile the Contact Committee had been declining in strength and influence. Its internal stresses were such that it was finding it increasingly difficult to survive. There were problems of finance, the lack of a common secretariat, and differences between the constituent organizations. The net result was that an increasing number of requests for information from the services of the Commission were left unanswered and in 1972 the Contact Committee ceased to exist.

11. At this juncture the European Parliament called for more activity on the part of the Commission in the field of Consumer Protection. The response of the Commission was to look again at the representation of consumer organizations, and by a resolution of 28 June 1972 decided to give formal recognition to the five organizations which had formed the defunct Contact Committee (listed in para 7 above) with the addition of the Liaison Committee of CGT/CGIL, the association of French/Italian communist trade unions. At the same time, the Commission agreed to provide financial aid to these consumer organizations in order to enable them to make studies on specific community activities of consumer interest.

12. Before these decisions could be given practical effect, however, two important events occurred. In October 1972 the Paris meeting of heads of state and governments included in their declaration a statement calling upon the institutions of the Communities to strengthen and co-ordinate measures for consumer protection and to submit a programme by January 1974. The second event was the enlargement of the Community, bringing in the United Kingdom, Denmark and Ireland.

13. The cumulative effect of all these developments was the establishment within the Commission of the Environment and Consumer Protection Service in the spring of 1973. The special service was taken out of the Competition Sector and enlarged into a Division to form the Consumer Protection and Information Division of the Service which was placed directly under the Commission as a responsibility of a commissioner. At the same time provisions were made for an enlargement of the staff.

¹ First Report on Competition Policy (annexed to the Fifth General Report on the Activities of the Community) April 1972.

Whilst dealing with the protection of the consumer, the Service has not neglected the environmental aspects of its work.

In March 1977 the Service - in direct response to the First Action Programme for the Environment - published the first report "State of the Environment". This report gives an overall view of the implementation of the Action Programme in detail, covering especially the three main areas, namely: pollution control, actions to improve the environment, and international actions.

SECTION II

Outline of Activities by the Institutions of the European Communities in the Consumer Interest Field to 31 December 1976

Note: This part has been written in chronological order and not under the five headings adopted by the programme for two reasons: (i) to give a continuity on the time scale and (ii) to accentuate the change of approach following the adoption of the programme.

14. This section of the report will give a general outline of the trends and developments of consumer interests within the Community for the period following the establishment of the Environment and Consumer Protection Service chronologically year by year up to 31 December 1976. The section then following will deal in greater detail with various aspects of consumer protection and information classified under the headings of the Consumer Protection and Information Programme.

15. The primary tasks facing the new service, insofar as consumer affairs were concerned, were to create a structure to replace the former Contact Committee, to call together a working group of national experts in the field of consumer protection, and to put together a programme. These objectives were achieved during the year 1973.

16. The Consumers' Consultative Committee was set up by a Commission Decision dated 25 September 1973¹. Fuller details of its establishment and work will be found in Section IV of this report (p. 52). Following the first meeting of the Committee under its chairman Mrs Groes (Denmark) and a meeting of the national experts in October 1973, the services of the Commission were able to take into account the views of both groups and complete the drafting of the programme. There was agreement all round on the main lines and on the priorities for action. Perhaps one of the most difficult

¹ Decision 73/306/EEC OJ No. L 283 of 10.10.1973, p. 18.

problems was to find a formula defining the consumer, it being agreed that it was not enough to deal solely with the market place. The definition which appears in para 3 of the programme should be borne in mind throughout this report. For case of reference, it is expressed thus: "The consumer is no longer seen merely as a purchaser and user of goods and services for personal, family or group purposes but also as a person concerned with the various facets of society which may affect him either directly or indirectly as a consumer".

17. Consumer interests were summed up in a statement of five basic rights:

- (a) the right to protection of health and safety;
- (b) the right to protection of economic interests;
- (c) the right of redress;
- (d) the right to information and education;
- (e) the right of representation (the right to be heard).

18. The drafting of the consumer protection and information programme developed against the background of the other specific Community policies, so that all those services of the Commission whose work involved consumer interests were able to make an input and themselves became more aware of the extent to which their own programmes could be used to support and enhance the needs of consumers. Apart from the common agricultural and competition policies, whose impact on the consumer interest has already been noted, other policies such as the economic, social, environment, transport and energy policies as well as the approximation of laws and removal of technical trade barriers all made their contribution. It will be seen later that the evolution of these programmes carries on increasing awareness of consumer interest and specific measures arising therefrom are an essential part of the consumer programme itself.

19. The programme was adopted by the Commission on 5 December 1973 and forwarded to the Council of Ministers¹. The Council took note of the programme and undertook a study of the text. Meanwhile, in pursuance of its resolution of June 1972 (see para 11 above) the Commission had agreed with the consumer organizations recognized by that resolution to provide subventions for ten separate studies to be delivered in the following year.

These, and subsequent studies, are listed in Appendix 5.

¹ Doc. COM (73) 2108.

20. As may be seen from Appendix 2 of the Consumer Programme, a number of Council Directives of some interest to consumers had been adopted prior to the preparation of the Programme and more were approved during the period of its consideration by the Commission and the Council.

21. As part of its work on the elimination of technical obstacles to trade, the Commission laid before the Council a number of proposed directives of importance for the consumer. Among them were proposals concerning the preparation for sale in volume of certain pre-packaged liquids, the introduction of safety windows of laminated glass for motor vehicles and requirements for the packaging and sale of cosmetic products. In the field of consumer information, increasing use was made of the weekly publication "Industry and Society" to give news of matters of interest to consumers and meetings of journalists and TV producers; those dealing with consumer programmes were given special attention.

22. In March 1974, the consumer programme received a favourable report from the Economic and Social Committee¹ and in May, it received the support of the European Parliament², having been examined by the Economic and Monetary Committee as well as by the Committee for Public Health and the Environment. The programme was amended by the Commission in the light of these opinions and returned to the Council on 21 May 1974 in accordance with the procedure under Article 149 of the EEC Treaty³. Examination of the document by a working group of the Committee of Permanent Representatives continued throughout the year.

23. In March 1974, the Consumer Consultative Committee suffered a great loss in the death of its first chairman Mrs Lies Groes, whose place was taken by Mr. Anthony Dumont (United Kingdom). A full report of the activities of the Committee during this year will be found in Section IV.

In furtherance of its agreed policy to become better informed on consumer attitudes and needs the Commission granted subsidies to the European consumer organizations recognized at community level for a further ten studies, which are listed in Appendix 5.

1 Document CES/246/74 of 25.3.1974.

2 Document 67/74 of 8.5.1974.

3 Document SEC(74) 1939 of 21.5.1974.

24. The Commission launched two projects, a draft directive on consumer credit and another on the labelling of foodstuffs, both priority items under the programme and having consumer protection as a major motivation. Also in 1974, the permanent establishment of the Scientific Committee of Foodstuffs as a high level, independent advisory body for investigating suspect substances in food was further proof of the Commission's regard for the health and safety of consumers. Increasing attention was paid during the year to the need for supplementing information on Community activities of interest to consumers. Special articles were published in "Industry and Society" the circulation of which had steadily mounted, and meetings with editors and journalists of economic magazines, newspapers and TV and radio programmes were increased. Visits of consumer groups to Brussels and the attendance by Commission officials at meetings of consumer organizations in the Member States were further evidence of the developing interchange of views on consumer problems.

25. At Council level, more directives were adopted in the field of harmonization of legislation and the removal of trade barriers which were also in the interest of consumer health and safety. These related to honey, emulsifiers, stabilizers, thickeners and gelling agents for use in foodstuffs; an amendment to the directive on authorized presentations; an amendment to the directive on health problems affecting trade in fresh poultry meat; and some adaptations to technical progress of the directive on braking devices for certain categories of motor vehicles. Progress was made at the Council working party level on proposals relating to lead and cadmium in table-ware, liquid and solid pre-packaged goods, and cosmetics.

26. 1975 saw the attainment of a major objective of the consumers in the Community when on 14 April the Council adopted the programme under its full title "Preliminary programme of the European Economic Community for a consumer protection and information policy". This acceptance by the Member States of a consumer policy in its own right marked a landmark in the history of the consumer movement in Europe. It also provided a firmer base for setting on foot a number of studies and projects aimed at improving the position of consumers under the five main headings under which the programme was to be developed (see para 17 above).

27. The impetus given by attention to the Programme and the momentum of the developing policies of the Community following the adherence of the three new Member States were reflected in the increasing number of projects having a clear consumer interest being set on foot or brought to finition by the adoption of directives.

The work and influence of the Consumers' Consultative Committee was also beginning to have effect, notably with regard to the Common Agricultural Policy concerning which the Committee produced a memorandum on consumers' views and discussed with the Commissioner responsible for Agriculture both long-term policy and short-term food prices (see also Section IV).

Further subsidies were granted by the Commission for studies to be carried out by the recognized European consumer organizations (listed in Appendix 5).

28. Within the Commission's administrative structure, the Environment and Consumer Protection was re-organized to provide for a special service to give added impetus to, and focus upon, the requirements of specialized consumer information and education. Increased activity in the field of the protection of health and safety of consumers was particularly evidenced by the work of the Scientific Committee on Foodstuffs which gave opinions, among other matters, on mercury in fish, the erucic acid level in oils and fats, with particular reference to colza, and recommendations for amending the positive list of authorized colouring matters, first established in the 1964 directive. Another useful innovation in the Commission structure made in 1975 was the establishment of a Consultative Committee on Foodstuffs on which are represented agricultural producers, manufacturers, distributors, trade unions and consumers. This Committee quickly proved its usefulness by giving its advice on the draft food labelling directive and the draft directive on oils and fats put in hand by the Commission after the report from the Scientific Committee on Foodstuffs had been received.

29. As part of the continuing policy of the approximation of laws relating to specific foods, also having a beneficial effect on the health and safety of consumers, a draft directive on fruits, jams, jellies and marmelades and chestnut purées was sent to the Council by the Commission. Working groups were active on malt extracts; fine bakers' wares, rusks and biscuits; and a new draft directive on mustard. In non-food sectors, the Commission sent to the Council a proposal for a directive on paints and varnishes aimed at protecting health and giving consumers better information, and in the motor vehicle field a proposal regarding the drivers' field of vision and another on the permitted noise levels of motorcycles. Also of interest to consumers were two proposals sent to the Council in the field of measuring instruments - one on taximeters and the other on check weighing and grading machines which should result in a more satisfactory control of pre-packaging.

30. There was progress too within the Commission in connection with the protection of the economic interests of consumers. Meetings of national experts were held on a draft directive on contracts concluded away from business premises (doorstep sales) and on ranges of nominal quantities permitted for certain pre-packaged products. The Commission sent to the Council a proposal for a directive on precious metals which could have a useful role in consumer protection. At the request of the European Parliament the Commission prepared a draft directive on correspondance courses.

31. An important contribution was made to the studies which the Commission had undertaken to carry out under the third heading of the Programme - Advice, help and redress - by a colloquium held at Montpellier in December 1975 under the joint auspices of the Commission and the Faculty of Law and Economic Sciences of Montpellier. The papers and discussions covered a wide area of legal and extra-legal means of consumer protection, in particular information as to legal rights; access to the courts; legal procedures; small claims; arbitrations; costs of litigation; and methods of resolving disputes on consumer claims.

32. In the field of consumer information, the year 1975 started with the provision by the Commission of an exhibition on environment and consumer protection at the "Green Week" held in Berlin in January. The event was also notable for the fact that for the first time the Commission offered a special prize for the best film on consumer affairs in a community setting, as part of the biennial consumer film festival held in connection with the Green Week. The prize was won by Mr. Wim Bosboom of VARA Televisie Netherland.

The regular briefing meetings for editors, journalists and producers of TV and radio programmes on consumer matters continued throughout the year and the coverage and content of "Industry and Society" proved to be useful and informative for its growing readership.

33. The Commission took steps to implement its undertaking to the Council to assess the degree to which consumer organizations were representative of consumers by commissioning a study on the subject from the universities of Louvain and Montpellier.

34. At the level of the Council, 1975 saw the adoption of more directives of interest to consumers, namely on fruit juices; partly or wholly dehydrated preserved milk; an amendment to the directive on authorized antioxydants in foodstuffs; two veterinary directives - amendments relating to health problems - one affecting trade in

fresh meat and the other affecting poultry meat; three directives amending the law on additives in feedingstuffs; three relating to pharmaceutical products; a directive laying down standards of manufacture, packaging and declared contents of aerosols; one on fertilizers; and three adaptations to technical progress in the motor vehicle field, namely those relating to reverse and speedometer equipment; statutory plates and inscriptions; and safety belt anchorages.

35. The period up to 31 December 1976 covers the concluding timespan of this report. The period is notable for the further progress of activities of importance to consumers and the setting on foot of future work. In this respect the Commission was greatly helped by the national experts who met twice to review the progress being made in consumer protection and information in the Member States, future plans and immediate consumer priorities for the Commission services, in particular work on unfair terms in consumer contracts and the evolution of a methodology for the compilation of home accident statistics in the Member States to enable a more accurate evaluation to be made of product safety requirements.

36. During this same period, the Scientific Committee on Foodstuffs delivered a number of opinions having a direct bearing on the health and safety of consumers, in particular: the release of vinyl chloride monomer from PVC entering into contact with foodstuffs; the toxicological evaluation of new substances or matters for the manufacture of materials and objects intended for contact with foodstuffs; certain starches changed by chemical treatment; the use of thiabendazole in the protection of citrus fruits against fungicides; the research required into long chain acids and fatty matters; and the use of amaranth, the continued use of which was recommended up to 31 December 1978 pending the results of continuing studies. The Consultative Committee on Foodstuffs also gave its opinion on some of the above matters investigated by the Scientific Committee, as well as on the draft directives mentioned in para 29 above.

37. The Commission sent to the Council the draft directive on the labelling, presentation and advertising of foodstuffs intended for the final consumer, which has a dual significance, covering both consumer health and information. The Commission continued its work on biscuits, fine bakers' wares, tomato concentrates, pesticide residues on and in cereals intended for human foodstuffs and in foodstuffs of animal origin, and on proposals dealing with heavy metals, glass and ceramics, and plastic material likely to come into contact with foodstuffs. All these directives have a direct impact on food for humans. New projects started by the Commission under the harmonization of laws programme but affecting consumer safety were draft directives on toys and pleasure boats.

38. Progress was made in the protection of the economic interests of consumers in several directions. The Commission sent to the Council its proposals for a directive on the ranges of nominal quantities permitted for certain pre-packaged products and a working group started work on a draft directive on unit pricing of foodstuffs. The draft directive on product liability was adopted by the Commission and sent to the Council. The final drafting of the directive on door-to-door contracts was completed¹. The working group on misleading advertising also met to consider a draft directive which seeks to deal with the problem by combining effective solutions by both consumer protection law and the law of unfair competition. A further draft of the directive on consumer credit was studied by the responsible working group and the services of the Commission prepared a memorandum and draft articles for a directive on unfair terms in consumer contracts.

39. Within the field of consumer information, the first consumer survey was published in July 1976, the fieldwork having been carried out in the preceding autumn. Drawing on the opinions of nearly 9,500 informants, the survey revealed an interesting cross-section of consumer views. A specially edited version will be the subject of one of the first four informative brochures of a new series of consumer publications to be issued by the Commission. The publication "Industry and Society" changed its title at the beginning of 1976 to "Euroforum - Europe day by day" and continued to provide information of interest to consumers, in particular giving news of activities in each of the Member States.

40. The creation of the special service at the end of 1975 enabled special attention to be given to consumer education. Visits were paid to the Member States to get a first-hand view of what was being done in each of them and a great deal of material was collected to provide an early assessment of the differing needs within the Community. This work was assisted by the studies which had been undertaken by certain of the European consumer organizations with Commission financial help. By the end of July 1976 material was being got ready for a progress report covering consumer education at all levels in schools, institutes of further education, and the steps which were being taken to educate the instructors in this field.

¹ The draft was adopted in the beginning of 1977.

41. The Consumers' Consultative Committee continued to play its part, having set up appropriate working parties to prepare opinions on the various draft directives of interest to them. Nominations were made to fill the places allocated to consumers on the customs consultative committee. Details of this work are set out in Section IV.

42. The end of July 1976 saw the adoption by the Council of the "package" of eighteen Directives under the approximation of laws programme, an event of some importance to consumers who had been long awaiting the Directive on cosmetics, one of those in the package. Others of interest were the series of Directives concerning all aspects of lighting and lamps for motor vehicles; restrictions on the marketing of certain dangerous substances and preparations, particularly PCB and monomer vinyl chloride which may not be used as aerosol propellant for any use whatsoever; and provisions regarding pressure vessels and methods for inspecting them, with particular reference to reduction of safety hazards.

43. Earlier in the year, the Council had adopted the directive on the maximum level of erucic acid in oils and fats which had been drafted by the Commission following the advice given by the Scientific Committee on Foodstuffs (see para 28). Another directive resulting from a similar procedure was the fifth amendment to the 1962 Directive on authorized colouring matters in foodstuffs. This amendment provided for the phasing out of nine colourants whose safeness could not be wholly substantiated. Another amending directive adopted by the Council related to authorized preservatives. Two Directives were adopted concerning additives in animal feedingstuffs and another concerning undesirable substances in animal feedingstuffs.

44. In the light of the foregoing results, it can be confidently claimed that the Consumer Protection and Information Programme has been well and truly launched and is proceeding at varying speeds along each of the paths set by the five consumer rights. The Economic and Social Committee considered that it would be useful to carry out an appraisal of consumer protection and information requirements and to review the position in the light of the Community's Programme. A working group met regularly during 1976 up until July and its report was expected later in the year. The next section of this report will outline the progress that has been made over the same period in the Member States.

SECTION III

Development of Consumer Protection and Information from 1 January 1973 to 31 December 1976

Note: This part traces developments in the nine Member States under the five headings of the programme.

45. The differences between the Member States in history, geography, culture, economic development, political, legal and administrative systems and other factors make it inevitable that the concept of consumer protection and information has been seen in varying lights and developed at varying speeds from one country to another. All Member States have for many years had legislative and enforcement structures in the fields of health, foodstuffs, fraud and what may be broadly described as public protection, but the refinements called for by the special requirements of citizens as consumers and the need to provide a fairer balance of interests in the market place are comparatively recent developments and have evoked differing responses in the respective Member States. It is for these reasons that the picture which follows will be somewhat uneven, but it is interesting and encouraging to note the similarity between many of the solutions found to common problems which gives ground for optimism that the Community proposals now being elaborated over a wide field will prove satisfactory to the governments of the Member States and to their peoples. Certainly, the implementation of Directives through national legislation is beginning to take effect. As a general reflection on the approach to consumer protection law as a whole, it is interesting to note that the Consumer Affairs Commission set up by the Danish Ministry of Commerce in 1969 delivered an opinion in 1975 to the effect that consumer protection could be better obtained through amendments to existing laws than by a new general consumer protection act.

The administrative set-up in the member countries for the defence of consumers' interests is quite different in each country. However, two groups can be identified: those countries where the various relevant questions are centralized in one body and those where they fall under the jurisdiction of several ministries.

The United Kingdom and France are examples of the first group. The "Department of Prices and Consumer Protection" deals with all aspects of Consumers' Protection in the United Kingdom, while a role of animation and co-ordination is played in France since January 1976 by the "Secretariat d'Etat à la consommation auprès du Ministère de l'Economie et des Finances".

In Belgium, Italy, Luxembourg, Holland and Germany, such questions are distributed among several ministries (usually: Ministry of Economic Affairs, Public Health, Agriculture, etc...).

"In Denmark no single Ministry or Department is responsible for co-ordinating all the legal provisions and other consumer questions. The Ministry of Trade is, however, responsible with regard to laws about i.a. competition and prices, and for subsidizing consumer organizations. Only Denmark has a Consumers' "Ombudsman" with the task of supervision of commercial practices."

46. This section will now be treated under the five headings which appear in the "Preliminary Programme of the EEC for a consumer protection and information policy".

A. PROTECTION OF CONSUMER HEALTH AND SAFETY

47. It will be seen from the paragraphs which follow that the Member States have shown growing concern for the need to introduce or bring up to date measures to improve the health and safety protection of their consumers. Equally clear is the bringing into effect of Community Directives having the dual effect of harmonization of laws and consumer protection.

Belgium

48. While there was little movement in 1973, the following year saw no fewer than sixteen Royal Decrees and ten Ministerial Decrees relating to a wide variety of foods and drink, as regard content, marking, labelling, packing, marketing (of cattle), inspection and sampling methods. The number of decrees is explained by the need for each Consumer Protection matter to be clearly defined and specifically regulated. Not only was there a great diversity of subjects, but the work had to proceed in stages because of constantly changing methods of distribution and a growing awareness on the part of consumers.

49. Besides food products, cosmetics were affected by a Royal Decree amending the earlier decree of 24 May 1973. In 1975 there were nine Royal Decrees and four Ministerial Decrees affecting foodstuffs, an Act amending Article 5 of the Act of

20 June 1964 on the control of food products or substances and other products and an Act affecting agricultural produce. A number of these decrees were introduced to implement EEC directives. In the non-food sector, an Act was passed relating to protection against the hazards of cigarette smoking.

Denmark

50. An important Act controlling food products was passed in June 1973, laying down rules for the protection of public health and empowering the Minister of the Environment to make regulations regarding content, additives and, where necessary, the prohibition of sale of certain hazardous products. The principle of positive lists is followed regarding all food additives and these are kept up to date by annual revision. The Minister was also empowered to make regulations as to the labelling of prepared foods. To assist him in his task the Minister appointed a consultative board having equal representation of the trade, consumers, researchers and other appropriate authorities.

51. There was nothing of note to report under this heading in 1974 but in 1975 guidelines drawn up by the National Food Institute for Denmark, which is a Government agency, were issued in respect of pre-packaged foodstuffs and for the nutrition value of foodstuffs. A revised edition of the list of approved additives for foodstuffs governing all foodstuffs produced in or imported into Denmark was also issued. A Government notice was published in June on the biodegradability of detergents, following the EEC Directive in this matter.

52. Denmark participates in the work of the Nordic Committee on Consumer questions. This Committee is undertaking a study on accidents in homes and the durability, and quality of goods, which also reflects, in some part, on their safety.

France

53. Concern for consumer health and safety as regards foodstuffs led, in 1973, to decrees dealing with equipment and articles in contact with foodstuffs, products and beverages intended for human and animal consumption; standards of hygiene in plants preparing or processing seafoods and fresh water foods and in premises retailing these; pesticide residue levels in or on fruits and vegetables; conditions for the sale and use of anti-oxidising agents intended for use in foodstuffs and a strengthening of the controls on fats and oils. In the non-food sector changes were made in the listing of dangerous substances, their preparation, labelling and packaging requirements; and changes were also made in the Table of Poisonous substances in the Public Health Code.

54. 1974 was mainly notable for administrative changes aimed at improving control and enforcement of health protection measures. In order to provide stricter control over the advertising of products potentially affecting the health of human beings, the boards responsible for issuing advertising permits were completely restructured, the advertising of medicines board being strengthened by the creation of special groups to take care of (a) medicines sold to the public over the counter without prescription, (b) non-medical products making health claims, (c) cosmetics, (d) mineral waters. Three boards were also set up for the control of pesticides for agricultural use - a research board on poisons in pesticides for agricultural use and related products, a pesticides board, and a committee for the certification of pesticides. A comprehensive bill in the veterinary field was designed to encourage the development of quantitatively satisfactory livestock at a fair price combined with a guarantee of quality and safety for consumers. The Veterinary department was also responsible for an order laying down health conditions concerning the preparation, preservation, distribution and sale of pre-cooked foods.

Another decree was aimed at improving the bacteriological quality of pasteurised milk in cartons. An order concerning the identification of pre-packers specified the form in which information is to be given to the enforcement services.

55. In 1975 an important act was passed relating to the manufacture, packaging and marketing of cosmetic and personal hygiene products, using definitions later to be incorporated in the Community Directive on cosmetics¹. A decree relating to dietetic products recast earlier regulations of 1966 and 1972, defined dietetic products as distinct from conventional medicines and food products and listed the labelling requirements. Another decree amended the regulations relating to veterinary pharmacy by putting the sale and administration of medical substances in this field under the supervision of qualified veterinarians. Other orders in the field of general safety covered equipment for public analysts' laboratories and a number of motor vehicle requirements, including interior and exterior equipment, in accordance with Community directives, and special equipment for carrying children in private cars.

¹ Directive No 76/768/EEC of 27.7.1976. OJ No L 262 of 27.9.1976, p. 169.

56. It may be more relevant at this point to refer to the setting up in November 1975 of the Service for Quality of Industrial Products (Le Service de la Qualité des Produits Industriels) for although the aims of informative labelling, certificates of quality and the co-ordination of quality control activities may be part of consumer information, and checking the accuracy of product information, the protection of their economic interests, the promotion of quality standards and testing could well be regarded as a factor of consumer health and safety.

Germany

57. A number of Acts and ordinances affecting foodstuffs were passed in 1973, covering, inter alia, marketing requirements, milk and poultry hygiene, the use of pesticides, meat inspection, dairy products, wine, cocoa and animal feedingstuffs.

58. The major piece of legislation in this field in 1974 was the law to amend and readjust legislation concerning the supply of foodstuffs, tobacco products, cosmetics and other household goods such as detergents. The measure is in general terms, providing for specific ordinances to follow later, giving detailed requirements in the particular sectors. The aim is for better protection regarding additives in foodstuffs and residues of pesticides and in minerals. Cosmetics may not, after 1 January 1978, contain any substances subject to prescription under pharmaceutical legislation, unless specifically authorized. Advertising of food, tobacco products and cosmetics is more stringently controlled and supervision of imported products is to be intensified.

59. Other measures were passed during 1974 amending the law relating to pharmaceuticals for animals, requiring, inter alia, an indication to be given of the period during which residues of noxious substances in the foodstuffs to be produced might be expected; restricting the maximum amounts of mercury in fish, crustaceans and molluscs; fixing minimum hygiene requirements for meat; the marking and health regulation of eggs; and amending various existing ordinances regarding animal feedingstuffs, dairy products, margarine, processed milk and plant protection.

60. 1975 saw a fourth amendment to the ordinance on dietetic food, requiring an indication of calorie and nutritional value; special rules for the composition and labelling of sugar for infants; and the fixing of maximum amounts of plant-protective chemicals present in foodstuffs of vegetable origin intended for babies and infants.

An ordinance on drinking and process water in food handling establishments laid down standards in this field and a new law on animal feedingstuffs was aimed at guaranteeing that products of animal origin should meet all qualitative requirements with particular reference to additives.

At the end of 1976 the German Parliament approved a Bill on pharmaceutical products, charging producers with full responsibility with respect to defective products.

Ireland

61. Three sets of regulations were made in 1973 to give effect to Community Directives relating to preservatives, antioxidants and colouring agents in food. The same year saw the beginning of a food standards bill aimed at enabling proper enforcement of food standards, including those set at international and Community level. This became law in 1974. In the fields of consumer safety, orders were made requiring standard specifications for the rating and dimensions of electrical socket-outlets for domestic and similar use; and for the proper ventilation of caravans and mobile homes.

62. In 1975, regulations were made to give effect to Directives on sugar, cocoa and chocolate products and low voltage electrical equipment. Special attention was given during the year to the enforcement of mandatory safety standards. Particular stress was laid on toy safety in a press campaign carried out in the weeks before Christmas. Licensing schemes to control the manufacture and sale of medical preparations and proprietary medicines were introduced.

In 1975 a voluntary agreement was reached with the plastics industry, whereby notices would be printed on certain sizes of plastic bags warning consumers of the danger of suffocation to young children.

Two sets of regulations were made giving effect to an EEC directive on the control of certain medical preparations.

In July 1976, regulations were made providing for the safety of young children wearing outer garments the hoods of which are secured by means of a cord drawn through the material. Subsequently Departmental inspections were carried out to check on conformity with these regulations. Inspections were carried out also to ensure compliance with mandatory standards of safety of low voltage electrical equipment and of toys.

Italy

63. With nothing specific to report for 1973, a special effort was made during 1974 to ensure that food producers were fully

informed about quality standards and the regulations governing the packaging and presentation of foodstuffs.

In 1975 orders were made bringing up to date the regulations governing the use of colourants in foodstuffs, in paper packaging and containers of such products.

Luxembourg

64. In 1973 regulations were made to give effect to the EEC Directives on antioxidants, work on the labelling of foodstuffs and beverages and pesticide residues having been held up to keep in line with Community harmonization proposals in these fields. Other regulations were made prescribing standard methods of analysis for puddings, starches and mixtures and for spices and spice-based products; the marketing of eggs; and the labelling and packaging of foodstuffs. In 1975 regulations were promulgated giving effect to EEC directives on edible oils and sugars as well as regulations relating to other specific foods.

Netherlands

65. In 1973 an order was made laying down safety requirements to eliminate the risk of explosion in bottles containing soft drinks and in the same year the Informative Labelling Foundation (closed recently) devised a standard system for indicating tar and nicotine content in cigarettes by means of dots. This last action was voluntary, having no legal force. The draft of an order was also published towards increased safety of toys. In 1974 a decree was made for the compulsory wearing of helmets by riders of all motor-propelled cycles and a Bill was published imposing health requirements for bakers' wares such as pastry, croquettes and egg-rolls.

66. The obligation for front seat passengers in cars built after 1 January 1971 to wear safety belts became law in 1975, when children were banned from sitting in the front seats of cars. In that year the Safety Institute finished an investigation on the product safety situation in the country. A form of safety certification and the promotion of safety standards were two of the recommendations. A report on home accidents, although on a modest scale, was indicative of the need for more work to be done in this field.

United Kingdom

67. In 1973 regulations for the safety of heating appliances laid down strict requirements for guards on electric and gas fires and oil heaters, particularly as a protection for young children. During 1974 regulations were made superseding and extending earlier rules for the safety of toys, with particular reference to

flammability, mechanisms and sharp edges, electrical operating voltage and toxic paints. Other regulations prescribed limits of extractable lead and other toxic substances in pencils, pens and paint brushes and in chalks, crayons and the like. Here again, the primary concern has been for the safety and health of children.

In 1975 the pursuit for greater safety continued with three sets of regulations, one relating to glazed ceramic ware, prescribing permissible limits for the release of lead and cadmium from the food-contacting surfaces of glazed ceramic table-ware and cookery ware, another prescribing similar limits for enamel-ware and the third laying down comprehensive safety requirements for domestic electric equipment. Work was also completed on regulations providing safety measures for securing the hoods of children's outer garments, brought into force in 1976. Regulations were made in 1975 increasing the protection to those who use agricultural pesticides. The thrust for safety has continued with the publication in February 1976 of a consultative document seeking views on possible deficiencies in existing powers to deal with dangerous goods and looking forward to new legislation. During 1976 a national accident surveillance system was set up to provide information on product and associated accidents which will help towards determining the action to be taken to improve the safety of unsatisfactory products.

B. PROTECTION OF THE ECONOMIC INTERESTS OF CONSUMERS

68. The period under review has seen considerable activity by the Member States on various aspects of the protection of the economic interests of consumers. It is of interest to note that two of the priorities laid down in the EEC consumer programme, namely consumer credit and misleading advertising, have been engaging the attention of most of the Member States. In some cases legislation has been brought into force, in others preparatory work is well advanced. The need for obtaining a better equilibrium in the market place between consumers, manufacturers and retailers is now generally recognized and appropriate steps are being taken.

Belgium

69. Preparatory work on the fundamental revision of the 1957 Act governing instalment sales and their financing carried on in detail during the whole of the three-year period under review, account being taken of the draft consumer credit directive being elaborated by the Commission. In 1974 decrees were made amending and completing the regulations relating to the use of the word "crystal" in commerce; for regulating the measurement and grading of timber; and providing certain exceptions to the general prohibition on itinerant selling. During 1975 five decrees were made affecting business practices, mainly in connection with the indication of

prices and quantities. Details have also been published and discussed by the Consumer Commission on a wide-ranging reform of the 1971 law on trade practices. Among other subjects the law will cover misleading advertising, unfair terms of contract and doorstep sales.

Denmark

70. The Marketing Practices Act which was passed in June 1974, together with the Consumer Complaints Board Act marked a great step forward in Consumer Protection law in Denmark. The main provision of the former Act is a general clause ensuring the maintenance of fair marketing practice and the banning of unfair practices, such as unfair contract terms, misleading advertising and the supply of unreasonably incomplete information regarding goods and services. The Act provided for the setting up of a Consumer Ombudsman, which falls more properly under another heading (see para 83) but is nevertheless relevant as affecting the economic interests of the consumer.

A bill on door-to-door sales etc., will be introduced in Parliament. The existing ban on door-to-door sales of most goods will be extended to a number of services, and contracts made in these cases will become invalid. A cooling-off-period of one week will be in force in connection with sales made outside ordinary business places and with regard to mail-order sales. Close study is also being made of improving the rules on consumer credit, especially in the light of the Community's proposals on this subject.

France

71. 1973 was an important year in two respects for improving protection of the economic interests of consumers. A new door-to-door sales Act came into force requiring salesmen to provide the consumer with a contract which lays down the conditions of performance and the consumers' right to withdraw. A subsequent decree of 1973 set out the particulars to be contained in the detachable part of the contract to be retained by the consumers. The important "Loi Royer" of December 1973 considerably strengthened existing measures against misleading advertising by increasing the scope of the ban on false or misleading advertising and presentations, extending the scope of responsibility and giving the Court power to stop immediately offending advertisements and, as its discretion, to order corrective advertising. During the same year, two orders were made regarding standardization of packages, one dealing with the net volume of pre-packaged edible oils and the other with net volumes for a range of dessert wines, aperitifs and liqueurs. In 1974, action was limited to the preparation of a draft Bill on credit, stock exchange and real estate transactions. The Bill was presented by the government in May 1976 and is very far-reaching in its aim.

72. During 1975 a number of orders were made presenting the net weights at which certain pre-packaged foodstuffs, particularly frozen foods, should be sold. A decree was also prepared to put into effect the EEC Directive on detergents and washing products. Other orders made during the year dealt with improvements to the accuracy requirements of weighing apparatus used in the preparation of pre-packaged foodstuffs, improved electronic devices connected with measuring instruments such as price scales and petrol pumps, and regulations relating to the advertising of cars to consumers. A particular decree was passed in order to regulate commercial measuring devices such as those used for fabric lengths.

Germany

73. In 1973 an Act protecting purchasers of owner-occupier houses and flats came into force as well as an order implementing the Act governing guarantees to consumers against loss incurred by mishandling of their funds by estate agents and building promoters. A second Act amending the Hire Purchase Act came into force in 1974, requiring a 7-day cooling-off period and the inclusion in the consumers' written agreement of a statement of the effective annual rate of interest. It also deals with periodical deliver of goods; namely newspapers and books. In 1975, legislations to prohibit deceptive packaging were extended to include all packages and the obligation to indicate unit prices was also extended to include all packages of 10 grammes/millilitres by weight or volume or more. However, this does not apply to normalized packages. Especially to be noted, during the same year, a draft law on general contract conditions, intended to eliminate unfair terms of business which was introduced into Parliament and approved in 1976. Another draft was that governing contracts between tour operators and their customers to ensure a fair deal for the latter. Although parliamentary elections intervened, the new government is reviving the Bill. On 1 January 1976 a Business Register was established where traders' irregularities would be filed to facilitate proceedings against the unscrupulous. The Ministry of Justice set up a committee during 1976 to examine problems arising from the unfair competition in case of penal law' application. Also to be underlined, an Act on correspondance schools appeared in 1976, fixing in particular the conditions for door-to-door visits.

Ireland

74. In 1973 the National Consumer Advisory Council, to which more particular reference will be made later in para 135, was set up and the following year recommended to the government that legislation should be enacted to control misdescriptions, unfair practices in the supply of goods and services, product liability and

consumer credit. Work on these subjects proceeded throughout 1975 and the Consumer Information Bill having a far-reaching effect on trade descriptions and misleading advertising was presented to Parliament in 1976. Bills on sales contracts and consumer credit will follow in due course.

Italy

75. 1974 saw the introduction into Parliament of a Bill to ban competitions and free-gift offers and in the field of advertising the self-disciplinary code of practice was overhauled and brought into action during 1975.

Luxembourg

76. Studies on consumer credit were commenced in 1973 as part of the Benelux Union approximation of laws and against the background of the EEC harmonization proposals. In 1974 an amendment to the regulation on unfair competition became law, to deal more effectively with fraudulent or misleading sales techniques and advertising. In the packaging field, the relevant action was taken to give effect to EEC Directive requirements.

Netherlands

77. An act to control door-to-door sales was passed in 1973, requiring an eight-day cooling-off period and licences for certain classes of canvassers. Another Act was for the regulation of malpractices arising out of the sales of houses and apartments on hire-purchase terms. Particular safeguards relate to the protection of the purchaser pending transfer of ownership and the power of the Court to alter unduly onerous terms of a contract in favour of the purchaser.

A working party of the Social and Economic Council's Committee for Consumer Affairs began work on consumer sales, product liability and standard conditions of contract, reporting on the last-mentioned in 1974. In addition, an interdepartmental committee on consumer credit was set up. In 1974 a draft Bill was prepared for the regulation of misleading advertising which will include the right of association, including consumers, to take legal action without damage having been suffered by them. This Bill was introduced into Parliament the following year as was another for the regulation of free gifts. An interdepartmental working group reported on measures to be taken to give more consumer information about life assurance and investment institutions and to provide better protection for consumers against malpractices by door-to-door salesmen in these fields.

United Kingdom

78. An important landmark in consumer protection was reached in 1973 by the adoption by Parliament of the Fair Trading Act, to

which further reference will be made in para 91. The Act provided machinery for speedy action against unfair consumer trade practices and the means to proceed against traders who persistently flout their legal obligations. The Act also contained a provision to control "pyramid selling" schemes, which were virtually outlawed by the regulations which came out at the same time as the statute.

An Act giving consumers inalienable rights to goods which correspond to description and are of merchantable quality and fit for purpose, was also passed in 1973.

Another piece of legislative protection of consumers' economic interests was the Hallmarking Act 1973 which brought up to date controls and requirements in this field.

79. On 1 January 1974, the Act regulating the proper building, conversion or enlargement of buildings came into force, thus making builders responsible for a period of six years from the completion of the work and providing civil remedies for breach of this contractual duty. Later in the year the very important Consumer Credit Act came onto the statute book, which will repeal in stages all previous legislation dealing with moneylenders, pawnbrokers and hire purchase and providing full protection for consumer across the whole range of credit and hiring transactions. A licensing scheme, to be administered by the Director General of Fair Trading, was built into the Act and its many provisions are to be brought into force gradually by regulations, a number of which are already operative.

Under Part II of the Fair Trading Act 1973, the Secretary of State has power to create new criminal offences, by the making of an Order, to protect consumers against harmful trading practices. Action can only be taken on the basis of proposals by the Director General of Fair Trading, which he must first refer to the Consumer Protection Advisory Committee for approval. The main task of the Committee is to investigate and report on such references. The Committee has considered three references:

- (a) practices which purported to exclude consumers' rights or failed to explain their existence;
- (b) prepayment in mail-order transactions and in shops; and
- (c) disguised business sales.

The Secretary of State has made Orders pursuant to the first two reports.

80. In 1975 the programme for licensing under the Consumer Credit Act, referred to in the preceding paragraph, was promulgated. This has been referred to by the Department of Prices and Consumer Protection as "probably the largest ever peace-time licensing

operation" covering some 100,000 firms, organizations and individuals dealing in credit. It is being brought in by stages. At the end of 1976 25,000 applications had been received and 12,559 licences issued. The Director General of Fair Trading is responsible for this operation as well as a number of other initiatives which were taken during the year and through to mid-1976, including the negotiation of voluntary codes of practices with trade associations. These now cover package holidays, the sales and service of domestic electrical appliances and cars, footwear sales and repairs, laundering and dry cleaning.

The Director General made proposals to require prices where they are displayed to include VAT; and to prevent the practice of seeking to sell goods without revealing that they are being sold in the course of business. The Director General also published a committee report reviewing the Trade Descriptions Act, with recommendations for strengthening legislation.

New amendments to existing law provided tighter control over claims for payment for spurious trade directory entries.

In the weights and measures field orders have been made since 1973 permitting pasta, salt, sugar, flour, flaky breakfast cereals, oat products, dried vegetables, edible fats, dried fruit and tea to be pre-packed in prescribed metric quantities in addition to prescribed imperial quantities. Alternative metric prescribed quantities have also been introduced for bread and will be legal from 1 January 1978. Orders have been made introducing prescribed metric and imperial quantities for the sale of wine by the carafe from 1 January 1977 and for the sale of pre-packed biscuits from 1 January 1978.

C. ADVICE, HELP AND REDRESS

81. This is a somewhat difficult section to categorize uniformly because of the various and differing institutional and administrative patterns within the Member States. There may also be some overlap with the developments described subsequently in the section dealing with representation and consultation, but it is hoped that the review will be sufficiently accurate and homogeneous to trace the steady progress which has been made during the period under review, even if at varying paces.

Belgium

82. In 1973, the Minister for Economic Affairs announced the decision to set up within his department an "ombudservice" to provide consumer information on all matters within the department's competence and to receive complaints or claims and, where appropriate, forward them to the competent service for action.

Denmark

83. The second report of the special Committee on Consumer Problems was published in 1973 recommending action which in the following year resulted in the necessary legislation establishing a consumer Ombudsman and a consumer Complaints Board, both of which started operating in 1975. The Ombudsman may set on his own initiative or on complaint or application by third parties to negotiate with trade or business people to comply with the provisions of the Marketing Practices Act, referred to in para 70 above. If unsuccessful, he can apply to the Copenhagen Maritime and Commercial Court for an injunction prohibiting the unfair market practice concerned. The consumer Ombudsman also negotiates with trade organizations to agree practices which are considered to be fair.

84. The Consumer Complaints Board was set up to deal speedily and inexpensively with consumer complaints relating to goods, work or services. The Board shall consist of a chairman and representatives of the interests of consumers and of trade and industry appointed by the Minister of Commerce. The chairmen shall possess the qualifications and fulfil the general conditions necessary for appointment as a judge.

The quorum required for the hearing of a complaint shall include at least one chairman of the Board, who shall be assisted by two members appointed by the chairmen from among the representatives of the interests of consumers and of trade and industry in a manner providing for equal representation.

Eight of the voluntary arbitration boards previously existing in the private sector have been approved by the Board which deals with those complaints not already handled by the sectorial bodies. It does not handle complaints valued at 10,000 Danish crowns or more, nor real estate, motor cars, foodstuffs and certain occupations. During 1976 the Board received 2,276 written complaints and about 4,800 by telephone. Most of the complaints concerned books (particularly those bought on credit in door-to-door sales), textiles, furniture, cameras, watches and "door-to-door services".

The Board has decided 537 cases. Of these 337 were in favour of the person who complained, in 92 cases partially, and in 102 cases the decision went against the person complaining. The Board may dismiss complaints or obtain a compromise; thus 1508 cases were closed.

France

85. The "Loi Royer" of 27 December 1973, already referred to, introduced a most important consumer right, namely that of allowing all duly registered consumer associations to seek redress by civil action against practices which directly or indirectly damage the collective interests of consumers. Special criteria were laid down in subsequent regulations to which consumer associations need to conform in order to be registered at national and local levels. Two Consumer Law Days were held during 1974 under the auspices of the Institut National de la Consommation at which magistrates, lawyers, academics, representation of consumer organizations and experts from various countries were brought together to discuss different aspects of consumer legislation with reference, inter alia, to civil legal action by consumer associations and the rights of consumers as users of public services. A second such two-day meeting was held in 1976 with equal success. The problem of dealing with small consumer claims and the cost of legal processes led to study throughout 1975 and the proposal in 1976 to set up a number of departmental commissions to handle such civil claims by way of conciliation outside the courts. Use of this method would be voluntary and recourse to law left open if conciliation failed. Three experimental areas were chosen - Aquitaine, Brittany and Languedoc-Roussillon - the results of the experiments were excellent. In November the "secrétaire d'Etat à la consommation" has created in six departments the "Post office Box 5.000" for all consumers' difficulties concerning purchases and services.

Germany

86. 1973 saw an interesting amendment to the Code of Civil Procedure, fixing the competent courts. This means that consumers now have the right to have cases heard in their own districts whenever action is brought against them. Another development, extended during several years, has been the setting up of arbitration bureaux by way of informal proceedings outside the Courts. Some have been instituted by the Chambre of Commerce and Industry with consumer organization participation and others have been set up by the consumer organizations themselves. This type of extra-judicial settlement of disputes has proved quite successful and is becoming more and more widespread, particularly in the car repair and dry-cleaning fields, the best model board being that having an independent chairman and an equal number of representatives from the trade concerned and from consumer organizations.

Ireland

87. As far as complaints generally are concerned, an effective consumer complaints service has been operated for some years by the Institute for Industrial Research and Standards, a semi-state body.

This service has the advantage of being able to examine professionally and test faulty goods. In 1975 a Post Office Users' Council was set up which, in addition to advisory functions, is also empowered to take up complaints made on behalf of users of the postal, telephone and telecommunications services. Similar bodies are also being established for electricity and transport.

Italy

88. It appears that no action has been undertaken in this sphere.

Luxembourg

89. During the period under review, the most significant development in the field of advice and redress was the setting up by the most representative consumer organization of a complaints office open to its members and in some cases providing material aid in civil actions arising from complaints. A more important institution is the Price Commission, a joint organization on which private and official bodies co-operate and which is empowered to deal with serious problems concerning prices.

Netherlands

90. A successful system of dealing with complaints was developing in 1973, namely the establishment by particular trades of commissions to deal with consumer complaints. The commissions consist of representatives from the trade concerned and consumer organizations and the first to operate dealt with dry-cleaning, laundry, travel and recreation. The value of such a system was seen by the government which prepared a regulation in 1975 providing for official recognition and a subsidy for bodies of this kind so long as they fulfilled certain criteria as to composition, procedures and so on. The regulation came into force in 1975, recognizing the existing commissions as mentioned above and opening the way for other traders to follow. Meanwhile, the Committee for Consumer Affairs in the Social and Economic Council (CCA) has been considering procedures for dealing with consumer complaints and studying ways and means for simplifying district court procedures. The Committee's report was expected before the end of 1976.

United Kingdom

91. The period under review has seen a number of important developments in improving the consumers' right to advice, help and redress. The setting up of the Office of Fair Trading, to which reference has already been made, made several innovations in the field of consumer protection, providing a focal point not only for the collection of statistics of complaints from the many sources able to provide such figures but also for analysis and study with a view to taking appropriate action to remove the cause of

complaint. This activity began to be built up steadily throughout the first year of the Office's existence. In 1973, too, a number of procedural reforms were made in the County Courts to make it easier for consumers to obtain civil redress. A particular reform was the introduction of an arbitration procedure for claims under £100, while others brought restrictions on the payment of legal costs, the revision of forms, and the provision of a "pre-trial review". Two important statutes came into force during the year, one enabling consumers to receive compensation in cases involving criminal offences in England and Wales (particularly useful when used in connection with the Trade Descriptions Act 1968); and the other extending the scope of legal aid. Prior to April 1973 such aid was available only in litigation and in the form of a contribution to costs dependent upon the persons' income, but after that date advice and assistance can be given at an early stage of legal difficulty for non-litigious matters. Finally, in 1973 the government announced a substantial extension (£2 million at 1974 prices over 5 years) to the grant given to the Citizens' Advice Bureau system in order to improve existing services and extend into new areas. Some 17% of the problems handled by these bureaux are consumer requests for advice and help in complaints.

92. 1974 saw the development of codes of practice under the aegis of the Director General of Fair Trading (see also para 80 above). The two fields in which codes were introduced for the first time were domestic electrical appliances and tour operations. Both included conciliation and arbitration schemes the functioning of which are reported on and monitored as to efficacy. A third code was of a wider nature and an interesting local experiment introduced by the Croydon Chamber of Commerce, to cover local advertising and sales and embodying a conciliation panel with consumer and trade representations under an independent chairman, and a requirement to implement the panel's recommendations within 14 days. During the year steps were taken by the advertising business to overhaul, extend and improve the self-disciplinary advertising control system.

93. The encouragement to local government authorities linked to a central government grant of £1.4 million to set up consumer advice centres resulted in a steady build-up of such centres throughout 1975 so that by the end of 1976 some 110 were in operation with an estimated total of 124 more by March 1977. 45 of these centres will have been established under the grant. The centres have been regarded by the British government as an important agency in the attack on inflation and in November 1976 the government announced a grant of £3 million towards running costs in 1977/78. The number of Citizens' Advice Bureaux rose to 701. Many bureaux have established legal advice schemes and some 150 hold sessions where local lawyers give free advice. In 1976 a Royal Commission was

set up to enquire into the legal profession. This will be of the greatest interest to consumers as it will look at legal aid and advice as well as the whole field of lawyers' fees.

D. CONSUMER INFORMATION AND EDUCATION

94. As can be seen from this heading, the following section will necessarily be diverse and far-ranging. It is nevertheless of great interest to see how the Member States have tackled the basic problems and hopefully the report will provide a useful source of cross-pollination. For ease of reading the subject has been subdivided into four parts, information, education, prices, and energy, the last two subjects being given prominence as they have been constant problems in the Member States in the period under review. Although primarily information and education initiatives are covered, legislative action in the fields of prices and energy are included at this point for reasons of homogeneity.

Belgium

95. (a) Information and (b) Education. The most significant action under these combined headings has been the establishment in 1975 of a public service body entitled "Centre de Recherche et d'Information des Organisations de Consommateurs" (CRIOC) to provide consumer organizations with effective technical assistance. It is intended to provide documentation, information and education and to undertake research into legal, economic and sociological questions of interest to consumers.

96. (c) Prices. At the end of 1974 a special campaign was launched to bring home the problem of inflation to consumers. Under the code-name "Mercator" the campaign was organized jointly by the Ministry of Economic Affairs and the Belgian Institute for Information and Documentation and was an all-media effort. In 1975 a number of legislative measures were taken in respect of prices, a decree of 5 May imposing a general price freeze was extended in July and September and a December decree reintroduced advance notification of price increases. A number of other decrees fixed maximum prices for a number of product sectors, particularly various foodstuffs, electrical appliances, and taxi fares. Curbs were also placed on unreasonable increases in residential rents, which were subsequently frozen for a period by a decree of 1976.

97. (d) Energy. A large scale public information campaign was launched by the Belgian government in 1975 to encourage savings in the private consumption of energy.

Denmark

98. (a) Information. In 1973 a report was issued on informative labelling and on the improvement and use of information, backed up by the creation of some new voluntary advisory services. In 1975 regulations were introduced requiring all textiles to be labelled with an indication of the fibre content in accordance with the published list of accepted fibres. As at 1975, the Government subsidised locally-based home-economic consultants numbered 75 and there were 12 local information offices working on a voluntary basis. An increase was noted in the number of programmes dealing with consumer affairs on radio and television.

99. (b) Education. Considerable study has been progressing during the period under review on consumer education in schools and at the time of preparation of this report prototypes of material were being completed.

100. (c) Prices. A Prices and Profits Act was passed in 1974 to supervise both these economic aspects and a Cost Curbing Grants Act enabled the Danish Treasury to make a grant to each employer registered under the Labour Market Supplementary Pensions scheme. The following year further legislation was passed to freeze profits and to provide for price-curbing agreements. Enforcement of all the prices and profits legislation is the responsibility of the monopolies control authority, thus ensuring a properly coordinated control of price and competition policies.

101. (d) Energy. Following the energy crisis, a special committee on fuel economy was set up in 1973. This was made up of 10 members, 3 of whom were consumer representatives. Information and advertising campaigns were set on foot to encourage voluntary energy conservation by consumers as well as trade and industry. The campaign, allied to the mild winter of 1973/74 and the high price of fuel resulted in a decrease in the use of energy by 12% as between 1974 and 1973. The saving in 1975 was about 1% higher than that in 1974. The committee is therefore continuing its work. A survey into energy saving showed that the young, older and poorer people had less regard to the need for saving than other groups which gave an indication as to media and the advertising thrust of the 1975/76 campaign.

France

102. (a) Information. Great attention has been paid in France to the importance of labelling as an element in consumer information. Apart from the compulsory labelling regulations to show prices and to indicate the quality and quantity of goods, rules were laid down in a 1973 Order requiring proper information to be given on food additives. The same Order requires clear, non-coded information as to the perishability date for all packaged perishable foodstuffs.

Labelling of textiles requirements were brought up to date in 1973 by a decree giving effect to the EEC Directive. Still in the field of labelling, the work of the Association Française pour l'Étiquetage d'Information should be noted. Supported by the national council of French employers and the National Consumer Institute, the Association designs informative labels for a wide range of products. In 1973, 10 labels were adopted and checks were made on many products already carrying labels, all of which were found to be in conformity with the information given. During the year 38 complaints were received from consumers concerning after-sales service. By the end of 1975 the Association had produced 52 labels. During 1974 and 1975 a number of orders were made concerning the labelling of various pre-packaged foodstuffs for retail sale and also listing those which are not subject to compulsory marking of net weight or net volume.

103. Apart from labelling, other information sources developed during the period under review. The National Consumer Institute's publications have increased their circulation, "50 Millions de Consommateurs" reaching a monthly figure of 360,000 by 1976 and the fortnightly review "Consommateurs Actualité" about 3,500. Both deal with comparative tests, economic and legal studies. In 1974 the NCI began publication of a series of paperback books on consumer issues, the first being on housing, cars, and saving and investment. The INC is also responsible for putting out regular television programmes on consumer matters and by the end of 1975 each of the two channels devoted six minutes a week to such programmes. In addition, the Unions Régionales d'Organisations de Consommateurs (UROC) have built up their own regular television information spots of $1\frac{1}{2}$ minutes per week in nearly 20 regions. Information is also supplied through the monthly magazine "Que Choisir?" (circulation 300,000) published by the Union Fédérale des Consommateurs and through "Labo-Coop" a monthly technical review published by the Laboratoire Coopératif d'Analyses et de Recherches with a circulation of well over 100,000. An interesting development in 1975 was the creation of the National Association for Information on Housing aimed at defining and implementing ways and means of informing the public about housing and hiring conditions.

104. (b) Education. In 1973 there were two main bodies responsible for consumer education in France. The first was the Association d'Aide à la Formation d'Animateurs des Organisations de Consommateurs (ASSFORM), aimed at training leaders and staff for consumer organizations which it was doing by providing about 24,000 trainer hours by the end of 1975. The second was the educational research department of the National Consumer Institute which arranges special programmes for pupils in technical schools and colleges providing general education. In 1975 leaders were provided for 17 training sessions organized by consumer

organizations. An interesting development in 1975 was the setting up of a board for consumer education and protection by audiovisual means.

105. (c) Prices. Labelling has already been mentioned as a part of consumer information (para 102 above) and the Order of 20 September 1973 requiring unit prices for a number of pre-packaged products also comes into the advertising of prices. Towards the end of 1973 the French government organized an extensive public information campaign to explain the measures being taken to control inflation, particularly regarding prices. More than 250,000 copies of an illustrated brochure were distributed and a survey made after the campaign showed that its impact had reached 87% of the population, 83% of all those who knew about the campaign having watched one or more of the television programmes. Further anti-inflationary measures were taken in 1974 and the "price-curb" appeal to the retail trade to restrict price rises voluntarily was backed by a campaign directed towards consumers.

106. One particular exercise bearing primarily on prices is the operation "Vacances sans surprises" which does not seem to have been attempted in any other country. Starting in 1974, when 967 information points were set up in 89 different localities throughout France, in 1975 there were 1966 points in 120 localities and in 1976, 2500 points in 225 localities. The main objective was to inform and protect that large sector of consumers, the holiday-makers by taking swift action on complaints of overcharging for food, services and accommodation. Not only has this exercise been widely publicised in each of its three years of operation but it has been successful both in warning the public and obtaining results. Thousands of brochures entitled "Holidays without overcharging, holidays without surprises" have been distributed over the three years and the information points, manned by UROC members, have provided sound advice based on well prepared material. The machinery for the friendly settlement of minor disputes by arbitration panels consisting of consumers and the relevant trade sectors has been largely employed.

107. (d) Energy. The energy crisis was met in France by a number of measures. In October 1974 Parliament passed an Act authorising the government to introduce a number of rationing measures and in December an Order instituted a system of checks on movements of products among distribution of domestic fuel-oil and on the quantities sold to final consumers. Other measures included restrictions on use of lighting and the temperature of heating buildings and a ban on advertising designed to encourage energy consumption. On the other hand, advertising campaigns were used on television and radio to encourage consumers to save energy and publicity given to thermal insulation. Work was also started among

the appropriate bodies for the development of an "energy label" to draw the consumers' attention to the amount of energy used by particular pieces of domestic electrical equipment.

Germany

108. (a) Information. As part of the reconstruction of the Federal Ministry of Food, Agriculture and Forestry in 1973, the new Food Policy Department was divided into three areas, one of them dealing with consumer affairs, the aim being to create the conditions in which informed and critical consumers can buy good-quality foodstuffs at reasonable prices. In the same year, the Federal Government adopted a number of decisions on consumer policy with a view to reinforcing consumer information and education, to be coordinated through the Interministerial Committee on Consumer Affairs. An appeal was made to business to use the system of informative labelling so as to improve the information available to the consumer, the Code Committee having equal representation of consumers, business and the State. This initiative has held a slow development and by 1976 was still not fully developed. In the field of informative labelling several codes of practice prepared in harmony with industry, trade and consumers, were adopted in 1976. The Consumers' Working Group (to which more detailed reference is made in para 134) commissioned the development of an information system for its advisory offices to ensure that they were supplied with all the necessary up-to-date information. This was put into operation in 1974 when several new offices were opened. The main consumer magazine "Test", concentrating mainly on the comparative tests carried out by the "Stiftung Warentest" steadily built up its circulation during the period from 275,000 copies per month at the beginning of 1973 to over 500,000 at the end of 1975. The regular articles on consumer affairs in the press and programmes on radio and television were given a new twist in 1973 when a new television series combined food questions with a computer advice service. Another useful consumer information scheme is the telephone service, first set up in 1972 by the consumer centre in Hamburg and followed in 1973 by Bremen and Kiel.

109. In October 1975, the Federal Government adopted the Second Report on Consumer Policy, the first having been published in 1971. Among numerous other topics, the report together with guidelines issued by the Inter-Departmental Committee on Consumer Questions, calls for the improvement of consumer education and information where these aspects have not been adequately dealt with, and to intensify efforts in those areas where information has been lacking. The objectives have been summarized as follows: to extend the factual scope of the information and the public addressed; to differentiate more clearly between the various types of information material; to develop the advisory centres into active information centres; to bring about a progressive rationalization of the

advisory services; to introduce more intensive training for advisory staff; to improve the layout of publications; and to improve the functional structure of the Consumer organizations and increase cooperation between them. With the exception of Land Bavaria, the advisory services of the working group on house-keeping were transferred to the Land Consumer Centres on 1 January 1976. There are now about 100 advisory offices being maintained by the 11 consumer centres. The telephone information service referred to in the preceding paragraph has also been extended to other centres because of its success.

110. (b) Education. As from 1973 teaching material for schools was prepared for lower classes in secondary schools for children between 11 and 14 years of age. This included a "short book on eating correctly". In 1974 the first brochure of a series of teaching material for consumer education was published under the title "Keep your eyes open when buying shoes". The thrust to increase consumer education in schools, primarily the responsibility of the Länder, was continued by further training of teachers and the promotion of publication of suitable teaching and learning material. A curriculum on food and health has been prepared by the Centre for information on health policy in Cologne.

111. (c) Prices. The ordinance on price marking of 1973 required the compulsory exhibition of prices for goods and services (including banks and insurance companies) at places of business and full particulars of interest and charges where credit is given. Surveys and visits to advisory offices throughout the period under review and the response to comparative price information given in "Test" (see para 108) have underlined increasing price consciousness among German consumers. The Arbeitsgemeinschaft der Verbraucher (AGV) intervention should also be noted, informing consumers on the shops offering the best conditions.

112. (d) Energy. A major campaign was carried out in 1974/75 in various media to urge consumers to save energy. Advice on conservation measures was given and the Stiftung Warentest has pointed out the relative energy consumption of electrical appliances when publishing its test results.

Ireland

113. (a) Information. As a means of giving information to consumers the first Order under the Merchandise Marks Act 1970 was made in 1973 requiring a wide range of pre-packaged foodstuffs and household articles to carry an indication of quantity or to be packed in specified quantities. The Order came into force in 1974. A special need for consumer information is in the conversion to the metric system in Ireland and the Department of Industry and Commerce

is sponsoring a continuing campaign in this regard. In the area of non-compulsory labelling, a voluntary agreement was reached with the plastics industry in 1975 whereby warning notices are printed on plastic bags of a certain size to prevent cases of suffocation by young children, who put them over their heads. During 1975 an additional centre was added to the regional information centres throughout the country which were set up primarily to deal with enquiries about prices. Radio programmes and press features on consumer affairs are another source of information. The Consumers' Association of Ireland has helped individuals and groups with advice and the Irish Housewives' Association continues to provide valuable information to consumers through their publication "Housewives' Choice" and by lectures.

114. (b) Education. Consumer education is included in the Home Economics courses which are part of the formal education curricula at all levels of post-primary education, with emphasis on the higher end of the 12-18 year age group. Visits to shops and supermarkets form part of the on-the-spot training in this field. Short intensive courses have been introduced for adults with emphasis on housewives and young married people. Radio and TV programmes have also increased the time given to consumer education programmes. The rise in prices during 1975 created a greater awareness of value for money, particularly among young people which gave added impetus to the education programme in the home economics field. A number of the courses for adults organized in 1975 through Vocational Education Committees of local authorities contained additional provision of extra attention to topical consumer problems. At formal schools and college levels, examination papers in Home Economics usually contain relevant questions on various aspects of consumer education in accordance with the approved syllabus. In 1976 a study was commenced on the best methods of advancing the education of the consumer.

115. (c) Prices. During 1974 new measures designed to give further information to consumers on prices and to enable them to lodge complaints of overcharging by telephone were introduced and a number of Regional Information Centres known as "Priceline" staffed by prices Inspectors were set up (see preceding paragraph). Control on price margins by the National Prices Commission has been increasingly focussed on fees for services and the consuming public has been kept aware of these activities not least by way of the monthly reports published by the Commission.

116. (d) Energy. Action taken by the government in 1973 and 1974 to control the level of deliveries of oil was supplemented by a conservation campaign directed at users of electricity in Autumn 1974. A further publicity campaign was launched in December of that year aimed at educating householders in good energy housekeeping

standards as well as insulation and thermal protection of their houses. Another publicity campaign in the early part of 1975 succeeded in creating a general awareness to conserve energy but a further campaign was deemed necessary to run from November 1975 to March 1976 using mainly television with newspaper back-up, encouraging the public to use specific energy-saving measures.

Italy

117. (a) (b) Information and Education. The major part of consumer information effort in Italy has been concentrated on the food sector. From 1973 onwards the Food Directorate in the Ministry of Agriculture has distributed thousands of leaflets and brochures and has organized lectures and discussions on the proper use of food, nutritional value and the need to save currency by concentrating more on home products. These campaigns have been backed by all the media and have continued through 1975. Six food fairs were organized during that year for consumer education purchases and a similar number of food education and study centres were set up. Several thousand copies of twenty booklets were distributed to public authorities, schools and universities and private citizens. A National Conference on Food Education was held in Rome in October 1975 as part of a three-year national programme for this topic.

118. (c) Prices. Throughout the period under review inflation has been of primary concern and the many measures taken to deal with the threat have been reflected in exhortation and advice to the public. Legislative action in 1973 reorganized price control mechanisms and laid down detailed rules. The public authorities have made considerable use of advertising to urge consumers who require price information or who wish to complain to telephone directly to the local administration. Particular emphasis was placed on the regulation of sugar and olive oil prices in 1975 as well as other food sectors.

Luxembourg

119. (a) Information. The labelling aspect has already been covered by reference to the various Orders made under the heading of consumer protection in terms of health and safety (para 65 above). Regular consumer features have appeared in the press and on radio and television and in 1975 a consumers' code was published.

120. (b) Education. The most significant action during the period under review has been the announcement in 1976 by the Ministry of National Education that consumer education courses were to be introduced at secondary education level.

121. (c) Prices. The attack on inflation began in 1973 with the reduction by half of certain VAT rates on a range of food

products and a freeze on building material prices to the end of the year. Other action resulted in a check on prices as from the middle of the year. Consumers were called upon to do their parts and given free information to keep them. The restraint on prices and margins which was continued through 1974 and 1975 was greatly assisted by intensified cooperation with consumer organizations.

122. (d) Energy. Various measures were taken by the government during 1974 to promote energy conservation and information campaigns directed at consumers were carried out during this and the following year.

Netherlands

123. (a) Information. A proposal from the Minister of Economic Affairs that he should be given the responsibility for coordinating consumer affairs was made in 1973 so that in the following year an Interdepartmental Committee for Consumer Affairs was set up, one of whose tasks is the drawing up of an annual report on consumer policy of the government, to be submitted to Parliament as an annexe to the yearly estimates of the Ministry. The first of these reports was made in September 1974. In 1973 the Consumers Association (Consumentenbond) launched a new quarterly publication dealing with tourism and recreation and Consumers' Contact (Konsumenten Kontakt) compiled a consumers' ABC giving general information on prices, quality of goods, fraudulent practices, legislation and a list of addresses of organizations of use to the consumer. As part of the rationalisation of consumer information policy, the Netherlands Institute for Applied Home Economics Research was discontinued in 1974 and the decision was taken to close the Informative Labelling Foundation. At the same time a study was started to see how this form of labelling could best be done in the future. In the field of labelling, however, a booklet was issued explaining the EEC textile labelling Directive. In order to augment the information given to consumers on radio and television, the Committee for Consumer Affairs referred to above was given the task of preparing a report on what action should be taken. This report was delivered in 1976.

124. (b) Education. In 1973 the Family Council submitted a report on the need for a concerted consumer education policy, a view that was endorsed by other consumer organizations. The question was remitted to the Commission for Consumer Questions of the Social and Economic Council. A special TV programme on education for young consumers was broadcast in 1975 and distributed as a film, together with instruction material, to schools. This exercise was repeated in 1976.

125. (c) Prices. Great attention has been paid throughout the period to the fight against inflation through price controls and consumer information. The Price Notification Order, to regulate

increases of prices, and the Price Increases (Goods and Services) order specifying permitted increases were both passed in 1973. In 1974 the Prices Act was amended to give the government more power in the field of compulsory price marking for both goods and services. Although there was objection by shopkeepers to the prices comparisons published in the press and on television over a 10-week period when the first campaign was launched in 1974, subsidies were again granted to consumer organizations in 1975 to repeat the process. In 1975 orders were made to replace and bring up to date these made in 1974.

126. (d) Energy. During 1975 information campaigns were launched to encourage domestic fuel saving. A regulation was brought in providing for subsidies for the insulation of housing.

United Kingdom

127. (a) Information. In 1973 the EEC Directives on crystal glass and fibre content labelling were implemented and a variety of consumer protection measures were brought to the notice of the public such as leaflets on consumers' rights in buying goods, small claims in the county courts and pyramid selling. A number of short films for television were used to demonstrate the safe use of products and the need to read labels carefully, and a booklet on fire hazards was given wide distribution. In order to assess the impact of EEC policies and legislation on UK consumers a contract was made to finance the Consumers' Association to carry out this task. During the year, increasing use was made of radio and television, and staff of the Office of Fair Trading were particularly active in projecting consumer information through these media. Eight radio tapes were supplied to the BBC and commercial radio stations covering a number of consumer topics, and several posters for exhibiting in public libraries, advice centres and other public places were widely distributed. These covered the need for keeping receipts, the use of County Courts, deceptive packaging and the speedy examination of goods when purchased. An informative booklet "Fair Deal" was also given a very wide distribution. Television was used to inform consumers on aspects of product safety, with particular reference to fireworks. The Office of Fair Trading extended its range of posters and leaflets which are now widely circulated through Consumer Advice Centres, Citizens Advice Bureaux and consumer organizations and increased the number of its radio tapes. The annual reports of the Director General of Fair Trading, two of which have already been published, provide a mine of information of consumer interest. In 1976 the Central Office of Information published a comprehensive pamphlet "Fair Trading and Consumer Education in Britain".

128. (b) Education. In 1974 the Inner London Education Authority in conjunction with the British Standards Institution and

Consumers' Association produced an education pack for 14-16 year olds as a first move towards wider scale consumer education in schools. In 1975, the Office of Fair Trading published "Thinking about shopping" - a pack for use with 8-13 year old children. It also commenced work on a series of educational aids for 14-16 year olds. In the same year Consumers' Association produced a course of project work, based on comic strips and fact sheets, geared to the needs of each school term and aimed at 13-16 year old secondary schoolchildren. The government financed a pilot training course for consumer advisers to validate work done on preparing syllabi.

129. (c) Prices. The creation of a separate government department called the Department of Prices and Consumer Protection under a Minister of Cabinet rank was a striking demonstration of the importance placed on both aspects of the subjects contained in the title. When statutory price controls were abolished in favour of voluntary restraint in 1974, statutory control of prices continued, was reviewed during the year and a new Price Code was evolved in December, having been preceded by a Prices Act in July which provided for the payment of subsidies on a range of food items. The selective Price Restraint scheme was a good example of cooperation between government, distributors and manufacturers, well supported by consumer organizations and the trade unions. Wide publicity was given to a list of goods and services on which traders undertook to hold price increases to a maximum of 5% over a period of 6 months.

In 1975 the Department sponsored local weekly price survey schemes to check and publicize the cost at different shops in each locality of a range of "shopping basket" goods for daily needs. Over 200 schemes were in operation by the end of the year aided by grants.

A report from the Price Commission covering the retail prices of items in the scheme in June 1976 showed that of 47 groups of products the prices of 15 had remained static within half of 1%, 16 had increased by less than 2% and 6 had gone up by more than 2% but less than 5%. The prices of 10 groups of products had fallen. Also in 1975, orders were made extending price marking to fresh fruit and vegetables for retail sale and requiring the price of drinks sold for consumption on licensed premises to be displayed.

The Prices Act 1974 gives the Government power to make orders to require the price and, where appropriate, the unit price to be indicated for goods offered or exposed for retail sale. Orders have been made covering non-prepacked mince and offal, all prepacked meat, certain types of fish, fresh fruit and vegetables, small quantities of milk sold from vending machines and drinks sold

for consumption on licensed premises. A pilot scheme was held in 1975/76 to test proposals for extending unit pricing to all normal retail cuts of meat.

130. (d) Energy. During 1974 the Department of Energy prepared a major publicity campaign known as the "Save It" campaign, to promote energy savings. It was launched in January 1975 and was directed to all sections of the public. Advice has been given using press and television advertising as well as leaflets, posters, exhibitions, films, radio broadcasts and newspaper articles. The UK Government allocated £1.5m for the launch period of the "Save It" campaign from January to March 1975, and a further £3.6m was made available for the financial year 1975/76. This was one of the biggest public information campaigns ever undertaken by the Government. Savings in primary energy consumption attributable to the effects of the overall conservation campaign for the period 1975/76 are conservatively estimated at about 2%.

Fuel consumption testing of passenger cars has been approved and the scheme will operate from October 1977. Another measure which has been under consideration is the labelling of domestic appliances with information on the likely energy consumption.

E. CONSUMER CONSULTATION AND REPRESENTATION

Belgium

131. The main instrument of consultation is the Consumer Council (Conseil de la Consommation) upon which a wide range of interests including consumers, commerce, industry and the trade unions are represented. This body is regularly consulted by the government on proposed legislation and in April 1976 produced a very valuable opinion on the principles to be adopted for the revision of the law on commercial practices of 1971.

Denmark

132. The Danish Consumer Council is also consulted regularly by the government on proposed legislation and other matters of consumer interest. The Complaints Board, referred to in para 84 above has an equal number of consumers and commercial representatives and one of the criteria set by the Board for the recognition of private boards is consumer representation.

France

133. The need for improving consumer consultation and representation, particularly at local level, having been recognized, important innovations were made during 1973. A decree of September 1973 specified the membership and functions of the regional economic and social committees provided for in the Act of

5 July 1972 and in many regions consumer representatives were appointed and are thus consulted on local problems. The "Loi Royer" of December 1973 also provides for two consumer representatives to be appointed to each of the shopping precinct development boards at Department level to deal with application for building permits from promoters of supermarkets. The most important provision of the Loi is however the requirement for approval of consumer bodies who wish to represent consumers in courts of law (see para 85 above). The consumer committee was set up to prepare a programme of priority action for the Seventh Plan and consumers also participated in the work of the commissions for agriculture, industry, research, housing, commerce and energy, all of which contributed to the Plan. Following the appointment in January 1976 of a State Secretary for Consumer Affairs attached to the Minister for the Economy and Finance, proposals for a consumer policy were published in May, among which was a declaration of the need for adequate consultation and representation of consumer interests and a call for a more constructive dialogue among all the economic partners. The paper setting out these proposals pointed out the areas where consumers were already represented both on public bodies and private or semi-public bodies, listing a total of fourteen covering both groups.

Germany

134. In 1973, representatives of the Arbeitsgemeinschaft der Verbraucher (AGV) were invited for the first time to participate (with other representatives of industry, trade, workers, etc...) in discussion meetings held by the Federal Ministry of Economics to debate the current economic situation, clarify group interests and discuss the economic policy guidelines drawn up by the various ministries. Similar participation was inaugurated in the discussion group organized by the Federal Ministry for Food, Agriculture and Forestry. An important decision was taken by the Federal government in 1973 to require that all drafts submitted to the Cabinet relevant to consumers should thenceforth contain a clause showing how the proposed measure would affect consumers. It may be said that this is a practical example of the use by government of a "consumer impact statement". In 1974 a consumer council was established as part of the German Committee on Standardization (DNA) to safeguard the interests of consumers in this field.

Ireland

135. A National Consumer Advisory Council was set up in 1973 by the Minister for Industry and Commerce with terms of reference which included advising him on all matters relevant to assuring the consumers' interests and advising him particularly on the introduction of consumer legislation. It was asked also to review the activities of consumer organization with a view to avoiding duplication between these activities. In April 1976 this latter

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The first two substantial reports of the National Consumer Council, published in 1976 are thoroughly researched papers on (a) the effect of energy prices on the budgets of low income households and (b) consumer representation in the nationalised industries. These industries are electricity, gas, solid fuel, transport (including air transport) and the Post Office. Both reports contain positive recommendations.

SECTION IV

The Consumers' Consultative Committee

In its first three years of operation, the work of the Consumers' Consultative Committee has been carried out in accordance with the following three basic and interrelated principles:

1. representation of consumer views to the Commission;
2. cooperation between consumer organizations;
3. creation of a dialogue with other institutions and bodies representing the public and trade interests at Community level.

1. Representation of consumer views to the Commission

Article 2 of the Committee's terms of reference states that "it should be the task of the Committee to represent consumer interests to the Commission and to advise the Commission on the formulation and implementation of policies and actions regarding consumer protection and information, either when requested to do so by the Commission or on its own initiative".

As a result, the two essential features of the work carried out by the CCC are that:

(a) The Committee is consulted by the Commission as soon as work begins on the drafting of Community provisions; this means that it can make any observations at an early stage and forward to the Commission detailed opinions on the measures being prepared and on proposed decisions.

(b) The Commission approaches the Committee for any opinion it specifically requires, but the Committee may also give an opinion on matters which it has discussed on its own initiative; consequently, it can carry out fairly detailed investigations. In this way, it can pass resolutions on topical subjects such as

nuclear energy and safety, the potato market etc. These resolutions are forwarded to the Commissioner responsible and are usually the subject of a press release.

How opinions are channelled

All draft measures drawn up by Commission departments and of potential interest are communicated to the CCC. The secretariat forwards these documents to the Chairman who decides which questions are to be placed on the agenda of the Steering Committee. The secretariats of those organizations represented on the Committee are also able to consult these documents and may bring any particular matter before the Steering Committee.

A Commission Department may also call for an opinion on particular draft measures and, in this case, the deadline for the opinion is fixed by them.

In view of the technicality of certain matters and the need to submit qualified opinions, the Committee delivers at a plenary meeting its opinion on the reports submitted by the Working Parties.

After the matter has been discussed, the Committee adopts, where appropriate, the text of an opinion or recommendation which is forwarded to the Commission (the annex contains a summary table of the opinions delivered). In the course of these discussions, officials from the departments dealing with the subject under discussion are called upon to make a statement.

Participations of experts

The Committee may seek expert opinion. The following people in particular have been called upon to give their opinion:

Mr. Trojan and Mr. Wijnmaalen from Mr. Lardinois' Cabinet on the subject of the Common Agricultural Policy;

Mr. Corradini and Mr. Molitor, both Directors, on the Energy crisis;

Mr. Rabier, Adviser to Mr. Scarascia Mugnozza, on the European Consumer Survey.

Meetings with Mr. Lardinois

In some cases the Committee may wish, given the nature of particular subjects, to make its views known directly. Accordingly, on 4 December 1975 and on 29 October 1976 the Commissioner

responsible for the Common Agricultural Policy, Mr. Lardinois, received a delegation from the Committee which gave its views on the fixing of agricultural prices for the following marketing year and the general guidelines for the agricultural policy.

The Advisory Committees

Furthermore, the existence of numerous specialized Advisory Committees to the Commission and the presence of consumer representatives has prompted the CCC to concert action in respect of the nomination of consumer experts and of the preparation of the opinions of the organizations represented. These experts report to the Committee on their work with other Advisory Committees, namely:

Advisory Committee on Foodstuffs

Advisory Committee on Customs Matters

Advisory Committee on Veterinary Matters

Agricultural Advisory Committees for individual products (beef, cereals, "rice" section, live plants, fruits and vegetables, hops, milk and milk products, flax and hemp, "silkworms" section;

oils and fats: oilseeds - olive oils, eggs, fishing, pigmeat, seed, sugar, tobacco, wine, poultrymeat).

2. Cooperation between consumer organizations

The Consumers' Consultative Committee is a unique forum where European consumer organizations can meet to express their views.

The very diverse background of these organizations, their affiliation to organizations representing the family, to the trade union movement, to cooperatives or to associations more strictly devoted to protecting consumer interests and the multivarioussness of their preoccupations have made it necessary for there to be both consultation on opinions and coordination of action, all of which is quite naturally reflected in the work carried out jointly by the CCC and its subsidiary bodies. The example of the CCC's work on the common agricultural policy illustrates the point.

This collaboration helps confirm the reality of the progress achieved in protecting consumer interests and in recognizing the consumer's right to consultation and representation, as laid down in Section 46 of the Preliminary Programme adopted by the Council of Ministers.

3. Creation of a dialogue with other institutions and bodies representing the public and trade interests at Community level

There has never been any doubt that the CCC would, by representing consumer views to the Commission of the European Communities, promote exchanges of views between the many institutions and trade groups organized on a European basis.

At one of its plenary sessions, for example, the Committee welcomed the General Secretary of the European Committee for Standardization (CEN) who described how his Committee worked and how he thought consumer representatives could be associated with it.

The Committee has also begun a dialogue with the Community agricultural organizations (COPA-COGECA), which are likewise very concerned about how the common agricultural policy should develop. A liaison group has even been set up between the CCC and COPA-COGECA representatives. Lastly, several commercial and industrial organizations have wanted to make contact with the Committee.

SECTION V

European Parliament

As previously stated, the European Parliament welcomed the outline of a common policy for Consumer Protection and Information, in particular the actions undertaken by the Commission to approximate Member States' legislation on foodstuffs.

During the discussion at the plenary session, the Parliament insisted several times that the responsibility for "Consumer" actions should be given to only one member of the Commission and that the Commission should attach more importance to its activities in this field, and should therefore grant greater means to its services.

SECTION VI

Economic and Social Committee

The Economic and Social Committee has also given its support to the Commission, when the draft programme was presented to the Council. It has also welcomed the draft directives concerned with the protection of consumer health.

Moreover in 1976 the Committee undertook the drawing-up of a report and an independent opinion concerning the implementation of the Consumer Protection and Information policy. In this report, the Committee outlines all the fields in which it considers that the Commission should take action.

SECTION VII

Relations with international bodies

As stated in the final section of the Community's consumer programme, the Commission takes full account of studies and other work already carried out by international bodies and collaborates with them in varying degrees. In particular, co-operation with the Council of Europe and OECD has been especially fruitful.

Certain aspects of the work of the Council of Europe Committee on Legal Co-operation (CCJ) and its sub-committees have been of interest to consumers. Officials of the Commission have been able to participate in this work in a fruitful collaboration. The following subjects in particular have been followed: product liability, unfair terms of contract, economic and other obstacles to civil proceedings and aftersales services.

Participation in the work of the Committee on Consumer Policy of OECD has also been of the greatest interest and help to those officials of the Commission who have the task of preparing the appropriate consumer protection proposals to submit to the Council. The Commission has been regularly represented on the working parties dealing respectively with labelling, safety of consumer products, consumer credit and undesirable marketing practices. Full use is being made of the reports (all published) on consumer policy in the Member States (of OECD), compulsory labelling of pre-packed consumer goods, consumer protection against toxicity of cosmetics and household products, rules for toy safety and the standardization of packs, unit pricing and deceptive packaging.

The Commission was glad of the opportunity to participate in the Seminar on public authorities and consumer protection, held under the auspices of OECD at Alcala de Henares, Spain in 1975. A comprehensive review was made of the whole field, one day being devoted to each of the five subjects covered by the objectives of the Community's Consumer Protection and Information programme.

Officials of the Commission have also participated in the work of ISO, assisting in standards on fertilizers and a number of

studies of consumer interest. Particular interest has centred on the work of Working Party 73 which concentrates on consumer matters.

At European level the Commission has entrusted standardizing tasks to CEN and CENELEC and efforts have been made, with varying success, to obtain consumer participation in standard making at national and European level.

CONCLUSION

Since consumption is an essential part of daily life, its benefits and its deficiencies are crucial to the quality of life of everyone. For this reason the Commission of the European Communities, as this report demonstrates, regards it as highly desirable for it to join forces with the Member States, in order to improve the situation of the consumer.

At the level of the individual, it means giving the consumer the means of being better able to exercise a choice, being freer and more responsible in his purchases, with an understanding of his real needs, as well as improving the use of his income.

At the level of the economy in general, our objective is to give consumers more influence on economic life, for a more enlightened consumption is, in effect a factor sharpening competition between manufacturers and distributors as well as being a contribution towards a more economical use of our resources because it is better adapted to satisfying real needs.

In the years to come, the Commission will continue its efforts in liaison with work undertaken in the Member States, the European Parliament, the Economic and Social Committee, the Consumers' Consultative Committee and international institutions.

**Preliminary programme
of the European Economic Community
for a consumer protection and
information policy**

Official Journal of the European Communities
No C 92/1 of 25 April 1975

COUNCIL RESOLUTION

of 14 April 1975

on a preliminary programme of the European Economic Community for a consumer protection and information policy

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community;

Having regard to the communication from the Commission on the preliminary programme of the European Economic Community for consumer information and protection;

Having regard to the Opinion of the European Parliament ⁽¹⁾;

Having regard to the Opinion of the Economic and Social Committee ⁽²⁾;

Whereas, pursuant to Article 2 of the Treaty, the task of the European Economic Community is to promote throughout the Community a harmonious development of economic activities, a continuous and balanced expansion and an accelerated raising of the standard of living;

Whereas the improvement of the quality of life is one of the tasks of the Community and as such implies protecting the health, safety and economic interests of the consumer;

Whereas fulfilment of this task requires a consumer protection and information policy to be implemented at Community level;

Whereas the Heads of State or of Government meeting in Paris on 19 and 20 October 1972 confirmed this requirement by calling upon the institutions of the Communities to strengthen and coordinate measures for consumer protection and to submit a programme by January 1974;

APPROVES the principle of a consumer protection and information policy and the principles, objectives and general description of action to be taken at Community level as set out in the preliminary programme annexed hereto;

NOTES that the Commission will at a later date submit suitable proposals for the implementation of this programme, using the ways and means mentioned therein;

UNDERTAKES to act on the abovementioned proposals, if possible within nine months of the date on which they are forwarded by the Commission.

⁽¹⁾ OJ No C 62, 30. 5. 1974, p. 8.

⁽²⁾ OJ No C 97, 16. 8. 1974, p. 47.

ANNEX

PRELIMINARY PROGRAMME OF THE EUROPEAN ECONOMIC COMMUNITY FOR A CONSUMER PROTECTION AND INFORMATION POLICY

INTRODUCTION

1. The strengthening and coordination of action for consumer protection within the European Economic Community, aims which were emphasized by the Heads of State or of Government at the Paris summit conference in October 1972, constitute a manifest and widely felt need. The debate in the European Parliament on 20 September 1972, which stressed the need for a coherent and effective consumer protection policy, various subsequent statements made both in the Parliament and in the Economic and Social Committee, work already done in this field by the Community and the Member States and by several international organizations, particularly the Council of Europe and the OECD, bear witness to such a need.

The time has now come to implement a Community policy for consumer protection which, by marshalling, strengthening and supplementing the Community's work in this field, affirms its involvement in improving the quality of life of its peoples.

2. The wide range of experience in the countries of the enlarged Community favours the development of new ideas in the consumer field which, together with the many developments which have taken place in all Member States, point the way to a new deal for the consumer and ways to find a better balance in the protection of his interests.
3. The consumer is no longer seen merely as a purchaser and user of goods and services for personal, family or group purposes but also as a person concerned with the various facets of society which may affect him either directly or indirectly as a consumer. Consumer interests may be summed up by a statement of five basic rights:
 - (a) the right to protection of health and safety,
 - (b) the right to protection of economic interests,
 - (c) the right of redress,
 - (d) the right to information and education,
 - (e) the right of representation (the right to be heard).
4. All these rights should be given greater substance by action under specific Community policies such as the economic, common agricultural, social, environment, transport and energy policies as well as by the approximation of laws, all of which affect the consumer's position.

Such action falls within the context of a policy for improving the conditions of life in the Community.

5. This paper sets out the objectives and general principles of a consumer policy. It also sets out a number of priority measures to be taken during the coming years. In such a large and developing field it seemed preferable to limit the amount of work in the initial phase, on the understanding that new guidelines could be evolved on proposals from the Commission as the programme progressed.

I. GENERAL CONSIDERATIONS

A. THE CONSUMER AND THE ECONOMY

6. While consumer protection has long been an established fact in the Member States of the Community, the concept of a consumer policy is relatively recent. It has developed in response to the abuses and frustrations arising at times from the increased abundance and complexity of goods and services afforded the consumer by an ever-widening market. Although such a market offers certain advantages, the consumer, in availing himself of the market, is no longer able properly to fulfil the role of a balancing factor. As market conditions have changed, the balance between suppliers and customers has tended to become weighted in favour of the supplier. The discovery of new materials, the introduction of new methods of manufacture, the development of means of communication, the expansion of markets, new methods of retailing — all these factors have had the effect of increasing the production, supply and demand of an immense variety of goods and services. This means that the consumer, in the past usually an individual purchaser in a small local market, has become merely a unit in a mass market, the target of advertising campaigns and of pressure by strongly organized production and distribution groups. Producers and distributors often have a greater opportunity to determine market conditions than the consumer. Mergers, cartels and certain self-imposed restrictions on competition have also created imbalances to the detriment of consumers.
7. Trade practices, contractual terms, consumer credit and the very concept of competition itself have all developed.

Such changes have merely accentuated the abovementioned imbalances and made consumers and governments more aware of the need to keep the former better informed of their rights and protected against abuses which might arise from such practices.

Thus practices which were once regarded in many countries as unfair solely in terms of competition between producers (misleading advertising, for example), are now also considered from the point of view of relations between producers and consumers.

8. Attempts have been made to correct the imbalance of power between producers and consumers mentioned in paragraphs 6 and 7. Increasingly detailed information is therefore needed to enable consumers, as far as possible, to make better use of their resources, to have a freer choice between the various products or services offered and to influence prices and product and market trends. Thus studies, surveys and comparative tests have been carried out on the quality and usefulness of products and services on price policy, market conditions, consumer behaviour and the rationalization of work in the home, etc.
9. Well aware that as individuals they have very little power, consumers are understandably trying to form organizations to protect their interests, and calls for greater consumer participation in decision-making have likewise become more numerous.

B. THE EUROPEAN ECONOMIC COMMUNITY AND CONSUMERS

10. The preamble to the Treaty establishing the European Economic Community cites as one of the basic aims of the Community 'the constant improvement of the living and working conditions' of the peoples constituting the Community. This idea is elaborated in Article 2 of the Treaty which includes among the tasks of the Community the promotion of 'harmonious development of economic activities, a continuous and balanced expansion, an increase in stability, an accelerated raising of the standard of living'.

To achieve this aim, a number of steps have already been taken in accordance with the form and means provided by the Treaty.

11. Article 39 of the Treaty contains a direct reference to consumers. It states that the objectives of the common agricultural policy include the guaranteed availability of supplies and the stabilization of markets, and then mentions also the aim 'to ensure that supplies reach consumers at reasonable prices'.
12. In dealing with rules on competition, Article 85 (3) of the Treaty makes authorization for certain agreements between undertakings subject to the consumer receiving 'a fair share' of the resulting benefit, while Article 86 gives as an example of unfair practices 'limiting production, markets or technical development to the prejudice of consumers'.
13. Annex 1 contains a note of action of interest to consumers taken by the Community so far.

Annex 2 contains a selection of Council Directives of interest to consumers.

Although the general Community policy is the outcome of a compromise between the conflicting economic interest and diverse policies of the Member States, it is apparent that progress has been made in consumer protection and information; however, further progress must still be made.

II. OBJECTIVES OF COMMUNITY POLICY TOWARDS CONSUMERS

14. Given the tasks assigned to the Community, it follows that all action taken has repercussions on the consumer. One of the Community's prime objectives, in general terms, is therefore to take full account of consumer interests in the various sectors of Community activity, and to satisfy their collective and individual needs. Thus there would seem to be a need to formulate a specific Community consumer information and protection policy. In relation to the other common policies, such a policy would take the form of a general guideline aimed at improving the position of consumers whatever the production, distribution or service sector in question. The aims of such a policy are to secure:
 - A. effective protection against hazards to consumer health and safety,
 - B. effective protection against damage to consumers' economic interests,
 - C. adequate facilities for advice, help and redress,
 - D. consumer information and education,
 - E. consultation with and representation of consumers in the framing of decisions affecting their interests.

A. PROTECTION OF CONSUMER HEALTH AND SAFETY

15. Measures for achieving this objective should be based on the following principles:

(a) PRINCIPLES

- (i) Goods and services offered to consumers must be such that, under normal or foreseeable conditions of use, they present no risk to the health or safety of consumers. There should be quick and simple procedures for withdrawing them from the market in the event of their presenting such risks.

In general, consumers should be informed in an appropriate manner of any risk liable to result from a foreseeable use of goods and services, taking account of the nature of the goods and services and of the persons for whom they are intended.

- (ii) The consumer must be protected against the consequences of physical injury caused by defective products and services supplied by manufacturers of goods and providers of services.
- (iii) Substances or preparations which may form part of or be added to foodstuffs should be defined and their use regulated, for example by endeavouring to draw up in Community rules, clear and precise positive lists. Any processing which foodstuffs may undergo should also be defined and their use regulated where this is required to protect the consumer.

Foodstuffs should not be adulterated or contaminated by packaging or other materials with which they come into contact, by their environment, by the conditions in which they are transported or stored or by persons coming into contact with them, in such a way that they affect the health or safety of consumers or otherwise become unfit for consumption.

- (iv) Machines, appliances and electrical and electronic equipment and any other category of goods which may prejudicially affect the health and safety of consumers either in themselves or by their use, should be covered by special rules and be subject to a procedure recognized or approved by the public authorities (such as type approval or declaration of conformity with harmonized standards or rules) to ensure that they are safe for use.
- (v) Certain categories of new products which may prejudicially affect the health or safety of consumers should be made subject to special authorization procedures harmonized throughout the Community.

(b) PRIORITIES

16. In order to promote the free movement of goods, the Community is already actively pursuing a policy of approximation of laws in the agricultural, foodstuffs and industrial sectors. The Council has adopted several programmes⁽¹⁾ relating to specific fields, with a view to harmonizing the provisions laid down by law, regulation or administrative action in the Member States. These programmes establish priority objectives for the approximation of

(1) — General programme for the elimination of technical barriers to trade in industrial products and foodstuffs resulting from disparities between the provisions laid down by law, regulation or administrative provisions in the Member States, laid down by the Council resolution of 28 May 1969 (OJ No C 76, 17. 6. 1969, p. 1) and supplemented by the Council resolution of 21 May 1973 (OJ No C 38, 5. 6. 1973, p. 1).

— Action programme of 17 December 1973 on industrial and technological policy (Council resolution of 17 December 1973, OJ No C 117, 31. 12. 1973, p. 1).

legislation and a timetable for achieving them. The fields which are of special importance for the protection of the consumer's health and safety are the following:

- foodstuffs,
- cosmetics and detergents,
- utensils and consumer durables,
- cars,
- textiles,
- toys,
- dangerous substances,
- materials coming into contact with foodstuffs,
- medicines,
- fertilizers, pesticides and herbicides,
- veterinary products and animal feedingstuffs ⁽²⁾.

17. In this field the Community will:

- implement the programmes referred to in paragraph 16, particularly as regards consumer priorities;
- continue to study the results of current research into substances which may affect the health or safety of consumers, as mentioned particularly in paragraph 16 and, if necessary, take steps to coordinate and encourage such research;
- determine those products or categories of products which, because of the hazards they present to health or safety, should be subject to harmonized authorization procedures throughout the Community.

B. PROTECTION OF THE ECONOMIC INTERESTS OF THE CONSUMERS

18. This kind of protection should be ensured by laws and regulations which are either harmonized at Community level or adopted directly at that level and are based on the principles set out below ^(*).

(a) PRINCIPLES

19. (i) Purchasers of goods or services should be protected against the abuse of power by the seller, in particular against one-sided standard contracts ⁽²⁾, the unfair exclusion of essential rights in contracts, harsh conditions of credit, demands for payment for unsolicited goods and against high-pressure selling methods.
- (ii) The consumer should be protected against damage to his economic interests caused by defective products or unsatisfactory services.
- (iii) The presentation and promotion of goods and services, including financial services, should not be designed to mislead, either directly or indirectly, the person to whom they are offered or by whom they have been requested.

⁽²⁾ Council resolution of 22 July 1974 (OJ No C 92. 6. 8. 1974, p. 2).

^(*) See paragraph 48.

- (iv) No form of advertising — visual or aural — should mislead the potential buyer of the product or service. An advertiser in any medium should be able to justify, by appropriate means, the validity of any claims he makes.
- (v) All information provided on labels at the point of sale or in advertisements must be accurate.
- (vi) The consumer is entitled to reliable after-sales service for consumer durables including the provision of spare parts required to carry out repairs.
- (vii) The range of goods available to consumers should be such that as far as possible consumers are offered an adequate choice.

(b) *PRIORITIES*

20. (i) *To harmonize the general conditions of consumer credit, including those relating to hire-purchase*

Studies carried out following the recent development of credit facilities show that the consumer needs help in this field.

21. On the basis of studies already carried out by its own departments and by national authorities, the Commission will submit proposals on the general conditions of consumer credit.

22. (ii) *To protect the consumer by appropriate measures against false or misleading advertising:*

- by establishing principles for assessing the extent to which an advertisement is false, misleading or generally unfair;
- by taking steps to prevent the consumer's economic interests from being harmed by false, misleading or unfair advertising;
- by studying methods of putting a rapid end to deceptive or misleading advertising campaigns and ensuring that advertisers' claims are valid;
- by studying the possibility of counteracting the effects of false or misleading advertising, for example by publishing corrective advertisements;
- by studying the problems arising in connection with reversal of the burden of proof.

23. To this end, the Commission will:

- build upon the work already done (*), supplementing it where necessary by specific studies;
- proceed with the work being done in connection with the harmonization of laws;
- submit appropriate proposals to the Council.

(*) See paragraph 48.

24. (iii) *To protect consumers from unfair commercial practices, for example in the following areas:*
- terms of contracts (*),
 - conditions in guarantees, particularly for consumer durables,
 - door-to-door sales (*),
 - premium offers,
 - unsolicited goods and services,
 - information given on labels and packaging, etc.
25. To this end, the Commission will:
- collate the measures already taken by the Member States and the studies already made or being made by international organizations;
 - submit all appropriate proposals to the Council.
26. (iv) *To harmonize the law on product liability so as to provide better protection for the consumer*
27. To this end, the Commission will submit appropriate proposals to the Council on the basis of studies already carried out or in progress (*).
28. (v) *To improve the range and quality of services provided for consumers*
29. In this complex and, for the most part, little-researched field, there is great scope for discussion and action on the part of the Community. The Commission will carry out a study in this area. It will report its conclusions before 31 December 1975, and, if appropriate, submit proposals.
30. (vi) *To promote the more general economic interests of consumers*
- In order better to satisfy the individual and collective needs of consumers, solutions should be sought to certain general problems such as:
- how the individual can obtain better value for money for the goods and services supplied;
 - how waste can be prevented, particularly as regards:
 - packaging,
 - the life of goods,
 - the recycling of materials;
 - how protection can be provided against forms of advertising which encroach on the individual freedom of consumers.
31. Given that the concern for such matters is relatively recent, the Commission will endeavour to establish through research a basis for future action.

(*) See paragraph 48.

C. ADVICE, HELP AND REDRESS

(a) *PRINCIPLES*

32. Consumers should receive advice and help in respect of complaints and of injury or damage resulting from purchase or use of defective goods or unsatisfactory services.

Consumers are also entitled to proper redress for such injury or damage by means of swift, effective and inexpensive procedures.

(b) *ACTION*

33. To this end, the Commission will:

(i) study:

- systems of assistance and advice in the Member States,
- systems of redress, arbitration and the amicable settlement of disputes existing in the Member States,
- the laws of the Member States relating to consumer protection in the courts, particularly the various means of recourse and procedures, including actions brought by consumer associations or other bodies,
- systems and laws of the kind referred to above in certain third countries;

- (ii) publish papers synthesizing and comparing the advantages and disadvantages of the different systems, procedures and documentation relating to consumer assistance, advice and to redress and legal remedies;

- (iii) submit, where necessary, appropriate proposals for improving the existing systems and putting them to better use;

- (iv) study the feasibility of a procedure for exchanging information on the outcome of action for redress and legal recourse relating to products mass-marketed in all or several Member States.

D. CONSUMER INFORMATION AND EDUCATION

Consumer information

(a) *PRINCIPLES*

34. Sufficient information should be made available to the purchaser of goods or services to enable him to:

- assess the basic features of the goods and services offered such as the nature, quality, quantity and price;

- make a rational choice between competing products and services;
- use these products and services safely and to his satisfaction;
- claim redress for any injury or damage resulting from the product supplied or service received.

(b) *PRIORITIES*

35. (i) *Information concerning goods and services*

- to formulate general principles which should apply in the preparation of all specific directives and other rules relating to consumer protection;
- to lay down rules for the labelling of products for which specifications are harmonized at Community level. These rules should provide that all labelling must be clear, legible and unambiguous;
- for foodstuffs, to draw up rules stating clearly the particulars that should be given to the consumer (e.g., the nature, composition, weight or volume, the food value, the date of manufacture or any other useful date marking, etc.);
- for products other than foodstuffs, and for services, to draw up rules stating clearly the particulars which are of interest to the consumer and which should be given to him;
- to draw up common principles for stating the price and possibly the price per unit of weight or volume;
- to encourage the use and harmonization of systems of voluntary informative labelling.

36. (ii) *Comparative tests*

Comparative tests are another source of information. Such tests may be carried out by state-financed bodies, private bodies or a combination of the two. These bodies would have much to gain from a coordinated exchange of information (*).

The Commission will take the necessary steps to ensure that the bodies carrying out comparative tests in the Member States cooperate as closely as possible, particularly by conducting tests jointly and even by laying down similar standards for such tests.

37. (iii) *Study of consumer behaviour*

In order to establish an integrated policy on consumer information and education, more needs to be known about consumer behaviour and attitudes. The Commission already conducts regular consumer surveys on certain aspects of the Community's economic situation. It will continue these surveys and extend them to other subjects, in cooperation with Member States, consumer organizations and other bodies, so as to learn more about the needs and behaviour of consumers within the Community.

38. (iv) To inform consumers in simple terms of measures taken at national and Community level which may directly or indirectly affect their interests.

(*) See paragraph 48.

39. For the Commission, such action will comprise in particular:
- setting out the categories of consumer information about goods and services which are most needed for consumers in the Community and preparing documentation on that basis;
 - providing an increasing amount and range of clear information on consumer matters being dealt with by the Community, in close cooperation with Member States and consumer and other organizations;
 - encouraging the production of television and radio programmes and films and the publication of press articles, etc., on consumer topics;
 - publishing an annual report on steps taken by the Community and the Member States in the consumer interest by legislation and its implementation, information, consultation and coordination.

(v) *Information on prices*

40. Consumers should be informed of the factors determining prices within the Community.
- Such information will be supplied by the Commission, particularly in the annual report mentioned in paragraph 39.
41. The Commission should continue to carry out surveys of retail prices and endeavour to inform the public as soon as possible of price differences within the Community.

Consumer education

(a) *PRINCIPLE*

42. Facilities should be made available to children as well as to young people and adults to educate them to act as discriminating consumers, capable of making an informed choice of goods and services and conscious of their rights and responsibilities. To this end, consumers should, in particular, benefit from basic information on the principles of modern economics.

(b) *ACTION*

43. (i) *Promotion of consumer education*

In order to further the advance of consumer education by providing advice and opinions at Community level, the Commission should undertake further studies in cooperation with Member States and consumer organizations.

The object of such studies, carried out in conjunction with experts from the Member States, should be to determine methods and suggest materials for the encouragement of consumer education in the curricula of schools, universities and other educational establishments.

44. (ii) *Training the instructors*

Training those who are to instruct others is a necessary task on which a number of ideas have been advanced. For instance, centres could be set up in the Member States to provide such training, based on the results of economic and sociological research. Exchanges of ideas, of staff and of students between such centres have also been considered. The Commission will encourage work in this field.

45. (iii) *Dissemination of a wide range of information*

As part of its general information policy, the Commission will encourage the exchange and dissemination of information on topics of interest to consumers, in cooperation with national authorities and bodies concerned with consumer affairs. Publication of the annual report referred to in paragraph 39 will also provide a means of increasing consumer awareness.

E. CONSUMER CONSULTATION AND REPRESENTATION

(a) *PRINCIPLES*

46. When decisions which concern them are prepared, consumers should be consulted and allowed to express their views, in particular through organizations concerned with consumer protection and information.

(b) *ACTION*

47. In this field, the Commission will:

- (i) carry out on the basis of existing studies (*) a comparative study of the different procedures for consumer consultation, representation and participation currently employed in the Member States and in particular the rules and criteria relating to how representative consumer organizations are and whether they are to be recognized by the authorities;
- (ii) encourage organizations representing consumers to study certain matters of particular importance for consumers, to make known their views and coordinate their efforts;
- (iii) promote exchanges of information between Member States on the most appropriate way of providing consumers with channels through which to be consulted or to express their views.

III. IMPLEMENTATION

48. In implementing its programme, the Commission will take full account of studies and other work already carried out by the Member States, international bodies (1) and consumer organizations, and will collaborate with them so as to enable the Community to take advantage of work already in progress.

In this context, cooperation with the Council of Europe and OECD is of particular importance in view of the work (indicated by an asterisk in this programme) undertaken by these organizations on subjects relating to consumer protection and information.

(*) See paragraph 48.

(1) The bodies with which collaboration will be maintained include:

- United Nations; United Nations Educational, Scientific and Cultural Organization; World Health Organization; Food and Agriculture Organization and Codex Alimentarius; Organization for Economic Cooperation and Development; Council of Europe; Nordic Committee on Consumer Matters;
- International Standards Organization and International Electrotechnical Commission; European Committee for Standardization and European Committee for Electrotechnical Standardization.

The importance of such collaboration cannot be over-emphasized and everything possible will be done to maintain and develop the close links and harmonious relations already established or in the making in the field of consumer affairs.

49. This text should be regarded as the first stage of a more comprehensive programme which might need to be developed at a later date. The aim is to complete this first stage within four years.

APPENDIX 1

ACTION OF INTEREST TO CONSUMERS TAKEN BY THE COMMUNITY SO FAR

The development of the European Economic Community and the establishment of a customs union have been of interest to consumers particularly in the following areas:

(a) *Widening of consumer choice*

Free movement of products has given consumers a wider choice and ensured more regular supplies.

(b) *Competition and prices*

Application of Articles 85 and 86 of the Treaty has helped to maintain competition in the common market with the resultant effect on pricing.

(c) *Harmonization of rules*

The interests of consumers, particularly with regard to health and safety, have been taken into consideration in the drafting of several directives on agriculture and industrial products (examples are given in Annex 2).

(d) *Consumer information and representation*

Information made available by the information services of the Commission has been supplemented by a number of statements issued by the Consumers' Contact Committee which existed from 1962 to 1972.

The Commission has now established the Environment and Consumer Protection Service, one of the Divisions of which specializes in consumer information and protection.

To fill the gap left after the Contact Committee was disbanded, the Commission has set up a Consumers' Consultative Committee (Decision of 25 September 1973⁽¹⁾), which met for the first time on 19 November 1973.

There are also a number of other Advisory Committees on which, in addition to consumers, producers and other interests are represented, particularly in the agricultural and customs sectors.

⁽¹⁾ OJ No L 283, 10. 10. 1973, p. 18.

APPENDIX 2

A SELECTION OF COUNCIL DIRECTIVES OF INTEREST TO CONSUMERS

(as at 31 May 1974)

FOODSTUFFS

1. *Authorized colouring matters:*

Approximation of rules:

Directive of 23 October 1962 (OJ No 115 of 1962, p. 2645/62), as amended by Directive Nos:

- 65/469/EEC (OJ No L 178 of 1965, p. 2793/65),
- 67/653/EEC (OJ No 263 of 1967, p. 4),
- 68/419/EEC (OJ No L 309 of 1968, p. 24),
- 70/358/EEC (OJ No L 157 of 1970, p. 36).

2. *Authorized preservatives:*

(a) Approximation of laws:

Directive No 64/54/EEC of 5 November 1963 (OJ No 12 of 1964, p. 161/64), as amended by Directive Nos:

- 65/66/EEC (OJ No 22 of 1965, p. 373/65),
- 66/722/EEC (OJ No 233 of 1966, p. 3947/66),
- 67/427/EEC (OJ No 148 of 1967, p. 1),
- 68/420/EEC (OJ No L 309 of 1968, p. 25),
- 70/359/EEC (OJ No L 157 of 1970, p. 38),
- 71/160/EEC (OJ No L 87 of 1971, p. 12),
- 72/2/EEC (OJ No L 298 of 1972, p. 48),
- 74/62/EEC (OJ No L 38 of 1974, p. 29).

(b) Criteria of purity for authorized preservatives: Directive No 65/66/EEC of 26 January 1965 (OJ No 22 of 1965, p. 373/65), as amended by Directive No 67/428/EEC (OJ No 148 of 1967, p. 10), revision OJ No 126 of 1965, p. 2148/65.

(c) Use and control measures for the qualitative and quantitative analysis of preservatives in and on fruit: Directive No 67/427/EEC of 27 June 1967 (OJ No 148 of 1967, p. 1).

3. *Authorized antioxidants in foodstuffs:*

Directive No 70/357/EEC of 13 July 1970 (OJ No L 157 of 1970, p. 31).

4. *Cocoa and chocolate products:*

Approximation of laws: Directive No 73/241/EEC of 24 July 1973 (OJ No L 288 of 1973, p. 23).

5. *Sugar:*

Approximation of laws: Directive No 73/437/EEC of 11 December 1973 (OJ No L 356 of 1973, p. 71).

VETERINARY DIRECTIVES

1. *Directive on animal health problems affecting intra-Community trade in bovine animals and swine:*

Directive No 64/432/EEC of 26 June 1964 (OJ No 121 of 1964, p. 1977/64), as amended by Directive Nos:

- 66/600/EEC (OJ No 192 of 1966, p. 3294/66),
- 70/360/EEC (OJ No L 157 of 1970, p. 40),
- 71/285/EEC (OJ No L 179 of 1971, p. 1),
- 72/97/EEC (OJ No L 38 of 1972, p. 95),
- 72/445/EEC (OJ No L 298 of 1972, p. 49),
- 73/150/EEC (OJ No L 172 of 1973, p. 18).

2. *Health problems affecting trade in fresh poultrymeat:*

Directive No 71/118/EEC of 15 February 1971 (OJ No L 55 of 1971, p. 23).

3. *Health problems affecting intra-Community trade in fresh meat:*

Directive No 64/433/EEC of 26 June 1964 (OJ No 121 of 1964, p. 2012/64), as amended by Directive Nos:

- 66/601/EEC (OJ No 192 of 1966, p. 3302/66),
- 69/349/EEC (OJ No L 256 of 1969, p. 5),
- 70/486/EEC (OJ No L 239 of 1970, p. 42).

ANIMAL NUTRITION

1. *Introduction of Community methods of sampling and analysis for the official control of feedingstuffs:*

Directive No 70/373/EEC of 20 July 1970 (OJ No L 170 of 1970, p. 1), as amended by Directive No 72/275/EEC (OJ No L 171 of 1972, p. 39).

2. *Additives in feedingstuffs:*

Directive No 70/524/EEC of 23 November 1970 (OJ No L 270 of 1970, p. 1), as amended by Directive No 73/103/EEC (OJ No L 124 of 1973, p. 17).

3. *Undesirable substances and products in feedingstuffs:*

Directive No 74/63/EEC of 17 December 1973 (OJ No L 38 of 1974, p. 31).

HEALTH PROTECTION

1. *Proprietary medicinal products:*

Approximation of laws: Directive No 65/65/EEC of 26 January 1965 (OJ No 22 of 1965, p. 369/65), as amended by Directive No 66/454/EEC (OJ No 144 of 1966, p. 2658/66).

2. *Classification, packaging and labelling of dangerous substances:*

(a) Approximation of laws: Directive No 67/548/EEC of 27 June 1967 (OJ No 196 of 1967, p. 1), as amended by Directive Nos:

— 70/189/EEC (OJ No L 59 of 1970, p. 33),

— 71/144/EEC (OJ No L 74 of 1971, p. 15),

— 73/146/EEC (OJ No L 167 of 1973, p. 1).

(b) *Classification, packaging and labelling of dangerous preparations (solvents):* Directive No 73/173/EEC of 4 June 1973 (OJ No 189 of 1973, p. 7).

TEXTILES

1. *Textile names:*

Approximation of laws: Directive No 71/307/EEC of 26 July 1971 (OJ No L 185 of 1971, p. 16).

2. *Quantitative analysis of binary textile fibre mixtures:*

Approximation of laws: Directive No 72/276/EEC of 17 July 1972 (OJ No L 173 of 1972, p. 1).

3. *Quantitative analysis of ternary textile fibre mixtures:*

Approximation of laws: Directive No 73/44/EEC of 26 February 1973 (OJ No L 83 of 1973, p. 1).

INDUSTRIAL PRODUCTS

Detergents

1. *Detergents:*

Approximation of laws: Directive No 73/404/EEC of 22 November 1973 (OJ No L 347 of 1973, p. 51).

2. *Methods of testing the biodegradability of anionic surfactants:*

Approximation of laws: Directive No 73/405/EEC of 22 November 1973 (OJ No L 347 of 1973, p. 53).

Crystal glass

Description and labelling of crystal glass: Directive No 69/493/EEC of 15 December 1969 (OJ No L 326 of 1969, p. 36).

Non-automatic weighing machines

Approximation of laws: Directive No 73/360/EEC of 19 November 1973 (OJ No L 335 of 1973, p. 1).

Electrical equipment for use within certain voltage limits

Approximation of laws: Directive No 73/23/EEC of 19 February 1973 (OJ No L 77 of 1973, p. 29).

MOTOR VEHICLES AND THEIR USE

1. *Measures against air pollution by gases from positive-ignition engines of motor vehicles:*

Approximation of laws: Directive No 70/220/EEC of 20 March 1970 (OJ No L 76 of 1970, p. 1).

2. *Liquid fuel tanks and rear protective devices for motor vehicles and their trailers:*

Approximation of laws: Directive No 70/221/EEC of 20 March 1970 (OJ No L 76 of 1970, p. 23).

3. *Steering equipment for motor vehicles and their trailers:*

Approximation of laws: Directive No 70/311/EEC of 8 June 1970 (OJ No L 133 of 1970, p. 10).

4. *Type-approval of motor vehicles and their trailers:*

Approximation of laws: Directive No 70/156/EEC of 6 February 1970 (OJ No L 42 of 1970, p. 1).

5. *Permissible sound level and exhaust system of motor vehicles:*

Approximation of laws: Directive No 70/157/EEC of 6 February 1970 (OJ No L 42 of 1970, p. 16).

6. *Braking devices for certain categories of motor vehicles and their trailers:*

Approximation of laws: Directive No 71/320/EEC of 26 July 1971 (OJ No L 202 of 1971, p. 37).

7. *Insurance against civil liability in respect of the use of motor vehicles and the enforcement of the obligation to insure against such liability:*

Directive No 72/166/EEC of 24 April 1972 (OJ No L 103 of 1972, p. 1).

8. *Audible warning devices for motor vehicles:*

Directive No 70/388/EEC of 27 July 1970 (OJ No L 176 of 1970, p. 12).

9. *Doors of motor vehicles:*

Directive No 70/387/EEC of 27 July 1970 (OJ No L 176 of 1970, p. 5).

10. *Rear-view mirrors of motor vehicles:*

Directive No 71/127/EEC of 1 March 1971 (OJ No L 68 of 1971, p. 1).

11. *Measures against the emission of pollutants from diesel engines:*

Directive No 72/306/EEC of 2 August 1972 (OJ No L 190 of 1972, p. 1).

12. *Interior fittings of motor vehicles:*

Directive No 74/60/EEC of 17 December 1973 (OJ No L 38 of 1974, p. 2).

13. *Devices to prevent the unauthorized use of motor vehicles:*

Directive No 74/61/EEC of 17 December 1973 (OJ No L 38 of 1974, p. 22).

MATERIAL MEASURES OF LENGTH

Approximation of laws: Directive No 73/362/EEC of 19 November 1973 (OJ No L 335 of 1973, p. 56).

ENLARGEMENT OF THE COMMUNITY

Amendment of certain Directives following the enlargement of the Community (OJ No L 326 of 1973, p. 17).

APPENDIX 2

Directives of the Council in the interest of the consumers, decided during the period from 1 June 1974 to 31 December 1976

Note: This part has been written in chronological order and not under the five headings adopted by the programme for two reasons: (i) to give a continuity on the time scale and (ii) to accentuate the change of approach following the adoption of the programme)

FOODSTUFFS

1. Colorants authorized

Approximation of the Laws:

The directive of 23 October 1962 (OJ No. 115, 1962, p. 645/62) has been amended by the directive:

- 76/399/EEC (OJ No. L 108, 1976, p. 19)

2. Preservatives authorized

a) Approximation of the Laws:

The directive 64/54/EEC of 5 November 1963 (OJ No. 12, 1964 p. 161/64) has been amended by the directives:

- 76/462/EEC (OJ No. L 126, 1976, p. 31)

- 76/629/EEC (OJ No. L 223, 1976, p. 3)

b) Criteria of purity

The directive 65/66/EEC of 26 January 1965 (OJ No. 22, 1965, p. 373/65) has been amended by the directive:

- 76/463/EEC (OJ No. L 126, 1976, p. 33)

3. Emulsifiers, stabilizers, thickeners and gelling agents
Approximation of the Laws :
Directive 74/329/EEC of 18 June 1974 (OJ No. L 189, 1974, p. 1)
4. Cocoa and chocolate products
Approximation of the Laws :
The directive 73/241/EEC of 24 July 1973 (OJ. No. L 228, 1973, p. 23) has been amended by the directives :
- 74/411/EEC of 24 July 1973 (OJ No. L 221, 1974, p. 17)
- 74/644/EEC of 19 December 1974 (OJ No. L 349, 1974, p. 63)
- 75/155/EEC of 4 March 1975 (OJ No. L 64, 1975, p. 21)
- 76/628/EEC of 20 July 1976 (OJ N . L 223, 1976, p. 1)
5. Honey
Approximation of the Laws :
Directive 74/409/EEC of 22 July 1974 (OJ No. L 221, 1974, p. 10)
6. Fruit juices
Approximation of the Laws :
Directive 75/726/EEC of 17 November 1975 (OJ No. L 311, 1975, p. 40)
7. Preserved milk, partly or completely dehydrated
Approximation of the Laws :
Directive 76/118/EEC of 18 December 1975 (OJ No. L 24, 1976, p. 49)
8. Oil and fats
Maximal level of erucic acid
Directive 76/621/EEC of 20 July 1976 (OJ No. L 202, 1976, p.35)

9. Material and articles intended to come into contact with foodstuffs
Directive 76/893/EEC of 23 November 1976 (OJ No. L 340, 1976, p. 19)
10. Fruits and vegetables
Pesticide residues
Directive 76/895/EEC of 23 November 1976 (OJ No. L 340, 1976, p. 26)

VETERINARY DIRECTIVES

1. Veterinary inspection problems upon importation of bovine animals and swine
The directive 64/432/EEC of 26 June 1964 (OJ No. L 121, 1964, p. 1977/64) has been amended by the directive:
 - 75/379/EEC (OJ No. L 172, 1975, p. 17 and OJ No. C 189, 1975, p. 1)
2. Health problems affecting trade in fresh poultrymeat
The directive 71/118/EEC of 15 February 1971 (OJ No. L 55, 1971, p. 23) has been amended by the directives :
 - 74/387/EEC (OJ No. L 202, 1974, p. 1)
 - 75/431/EEC (OJ No. L 192, 1975, p. 6)
3. Health problems affecting intra-Community trade in fresh meat
The directive 64/433/EEC of 26 June 1964 (OJ No. L 121, 1964, p. 2012/64) has been amended by the directive :
 - 75/379/EEC (OJ No. L 172, 1975, p. 17)Modified version of OJ No. C 189, 1975, p. 31)

4. Meat products

The directive 77/99/CEE of 21 December 1976 (OJ No. L 26, 1977)

5. Check for trichina in meat imported from non-member countries

(OJ No. L 26, 1977)

FEEDINGSTUFFS

1. Introduction of Community methods of sampling and analysis for the official control of feedingstuffs.

Directives :

- 75/84/EEC of 20 December 1974 (OJ No. L 32, 1975, p. 26)

- 76/371/EEC of 1st March 1976 (OJ No. L 102, 1976, p. 1)

- 76/372/EEC of 1st March 1976 (OJ No. L 102, 1976, p. 8)

2. Additives in feedingstuffs

The directive 70/524/EEC of 23 November 1970 (OJ No. L 270, 1970, p. 1) has been adapted by the directives :

- 75/267/EEC (OJ No. L 118, 1975, p. 45)

- 75/296/EEC of 28 April 1975 (OJ No. L 124, 1975, p. 29)

- 75/696/EEC of 24 October 1975 (OJ No. L 299, 1975, p. 19)

- 76/13/EEC of 15 December 1975 (OJ No. L 4, 1976, p. 21)

- 76/603/EEC of 21 June 1976 (OJ No. L 198, 1976, p. 10)

3. Undesirable substances and products in feedingstuffs

The directive 74/63/EEC of 17 December 1973 (OJ No. L 38, 1974, p. 31) has been amended by the directive :

- 76/14/EEC of 15 December 1975 (OJ No. L 4, 1976, p. 24).

HEALTH PROTECTION

1. Medicinal products

Approximation of Laws :

The directive 65/65/EEC of 26 January 1965 (OJ No. L 22, 1965, p. 369) has been amended by the directives:

- 75/318/EEC of 20 May 1975 (OJ No. L 147, 1975, p. 1)
- 75/319/EEC of 20 May 1975 (OJ No. L 147, 1975, p. 13)
- 75/320/EEC of 20 May 1975 (OJ No. L 147, 1975, p. 23)

2. Special foodstuffs (dietetic products)

Directive 77/94/CEE of 21 December 1976
(OJ No. L 26, 1977)

3. Classification, packaging and labelling of dangerous substances

a) Approximation of Laws :

The directive 67/548/EEC of 27 June 1967 (OJ No. L 196, 1967, p. 1) has been amended by the directive :

- 75/409/EEC (OJ No. L 183, 1975, p. 22)

b) The directive 73/173/EEC of 4 June 1973 (OJ No. L 189, 1973, p. 7) has been adapted in the light of technical progress by the directive : 76/907/EEC of 14 July 1976 (OJ No. L 360, 1976, p. 1)

c) Restriction on the marketing and use of certain dangerous substances and preparations :

- Restriction on chloro l. ethylene/monomer (vinyl chloride) and PCB and PCT
- Directive 76/769/EEC of 27 July 1976 (OJ No. L 262, 1976, p. 201)

4. Cosmetic products

Approximation of Laws:

- Directive 76/768/EEC of 27 July 1976 (OJ No. L 262, 1976, p. 169)

TEXTILES

Textile names

Approximation of Laws :

The directive 71/307/EEC of 26 July 1971 (OJ No. L 185, 1971, p. 16) has been amended by the directive :

- 75/36/EEC of 17/12/1964 (OJ No. L 14, 1975, p. 15)

INDUSTRIAL PRODUCTS

1. Aerosol dispensers

Approximation of Laws:

- Directive 75/324/EEC (OJ No. L 147, 1975, p. 40)

2. Fertilizers

Approximation of Laws:

- Directive 76/116/EEC of 18 December 1975 (OJ No. L 24, 1976, p. 21)

3. Measuring instruments

a) Gas volume meters

- The directive 71/318/EEC of 26 July 1971 (OJ No. L 202, 1971, p. 21) has been adapted in the light of technical progress by the directive: 74/331/EEC of 12 June 1974 (OJ No. L 189, 1974, p. 9)

- b) Making up by volume of certain pre-packaged liquids
Approximation of Laws:
Directive 75/106/EEC of 19 December 1974 (OJ No. L 42, 1975, p. 1)
- c) Making up by weight or by volume of certain pre-packaged products
Approximation of Laws:
- Directive 76/211/EEC of 20 January 1976 (OJ No. L 46, 1976, p. 1)
- d) Bottles used as measuring containers
Approximation of Laws:
- Directive 75/107/EEC of 19 December 1974 (OJ No. L 42, 1975, p. 14)
- e) Cold water meters
Approximation of Laws:
- Directive 75/33/CEE of 17 December 1974 (OJ No. L 14, 1975, p. 1)
- f) Clinical mercury in glass
Approximation of Laws:
- Directive 76/764/CEE of 27 July 1976 (OJ No. L 262, 1976, p. 139)
- g) Electrical energy meters
Approximation of Laws:
- Directive 76/891/CEE of 4 November 1976 (OJ No. L 336, 1976, p. 30)
- h) Alcoholometers and alcohol hydrometers
Approximation of Laws:
- Directives 76/765/CEE and 76/766/CEE of 27 July 1976 (OJ No. L 262, 1976, p. 143)

- i) Non-automatic weighing machines
 - Directive 73/360/CEE of 19 November 1971 (OJ No. L 335, 1973, p. 1) adapted in the light of technical progress by the directive 76/696/CEE of 27.7.1976 (OJ No. L 236, 1976, p. 26)

- 4. Pressure vessels
 - Approximation of Laws:
 - Directive 76/767/CEE of 27 July 1976 (OJ No. L 262, 1976, p. 153)

- 5. Radio interference
 - a) Electrical household appliances, portable tools and similar equipment
 - Approximation of Laws:
 - Directive 76/889/CEE of 4 November 1976 (OJ No. L 336, 1976, p. 1)

 - b) Fluorescent lighting luminaires fitted with starters
 - Approximation of Laws:
 - Directive 76/890/CEE of 4 November 1976 (OJ No. L 336, 1976, p. 22)

MOTOR VEHICLES AND THEIR USE

- 1. Measures against air pollution by gases from positive-ignition engines of motor vehicles
 - Approximation of Laws:
 - The directive 70/220/CEE of 20 March 1970 (OJ No. L 76, 1970, p. 1) has been adapted in the light of technical progress by the directive:
 - 74/290/CEE of 28 May 1974 (OJ No. L 159, 1974, p. 61)

2. Permissible sound level and exhaust system of motor vehicles
Approximation of Laws:
The directive 70/157/CEE of 6 February 1970 (OJ No. L 42, 1970, p. 16) has been adapted in the light of technical progress by the directive:
- 73/350/CEE (OJ No. L 321, 1973, p. 33)
3. Braking devices of certain categories of motor vehicles and their trailers
Approximation of Laws:
The directive 71/320/CEE of 26 July 1971 (OJ No. L 202, 1971, p. 37) has been adapted in the light of technical progress by the directives:
- 74/132/CEE of 11 February 1974 (OJ No. L 74, 1974, p. 7)
- 75/524/CEE of 25 July 1975 (OJ No. L 236, 1975, p. 3)
4. Reverse equipment
Approximation of Laws:
- Directive 75/443/CEE of 26 June 1975 (OJ No. 197, 1975, p.1)
5. Speedometer equipment
Approximation of Laws:
- Directive 75/443/CEE of 26 June 1975 (OJ No. L 196, 1975, p. 1)
6. Statutory plates
Approximation of Laws:
- Directive 76/114/CEE of 18 December 1975 (OJ No. L 24, 1976, p. 1)

7. Anchorages for motor vehicle safety belts

Approximation of Laws:

- Directive 76/115/CEE of 18 December 1975 (OJ No. L 24, 1976, p. 6)

8. Lighting apparatus

a) Installation

Approximation of Laws:

- Directive 76/756/CEE of 27 July 1976 (OJ No. L 262, 1976, p. 1)

b) Construction

Approximation of Laws:

(1) Main-beam and dipped-beam

- Directive 76/761/CEE of 27 July 1976 (OJ No. L 262, 1976, p. 96)

(2) Position lamps

- Directive 76/758/CEE of 27 July 1976 (OJ No. L 262, 1976, p. 54)

(3) Stoplamps

- Directive 76/758/CEE of 27 July 1976 (OJ No. L 262, 1976, p. 54)

(4) End outline marker lamps

- Directive 76/758/CEE of 27 July 1976 (OJ No. L 262, 1976, p. 54)

(5) Direction indicator lamps

- Directive 76/759/CEE of 27 July 1976 (OJ No. L 262, 1976, p. 71)

(6) Front fog lamps

- Directive 76/762/CEE of 27 July 1976 (OJ No. L 262, 1976, p. 122)

(7) Rear registration plate lamps

- Directive 76/760/CEE of 27 July 1976 (OJ No. L 262, 1976, p. 85)

- (8) Reflex reflectors for motor vehicles and their trailers
- Directive 76/757/CEE of 27 July 1976 (OJ No. L 262,
1976, p. 32)

APPENDIX 3

COMMISSION DECISION

of 25 September 1973

Relating to the setting up of a Consumers' Consultative Committee

modified by the decision of 3.12.1976

(OJ No L283 of 10.10.1973)

and No L 341 of 10.12.1976

The Commission of the European Communities,
Having regard to the Treaty establishing the European Community;

Whereas the constant improvement of the living and working conditions as well as the harmonious development of the economies constitute objectives of the European Economic Communities;

Whereas according to Article 2 of the Treaty, the Community has the mission "to promote throughout the Community a harmonious development of economic activities, a continuous and balanced expansion, an accelerated raising of the standard-of-living, and closer relations between the Member States";

Whereas the Heads of States and Governments at their conference in October 1972 in Paris called upon the institutions of the Community to "strengthen and coordinate action for consumer protection";

Whereas a close and continuous contact with consumer organizations at Community level can contribute to the achievement of these aims, the most appropriate method to organize these contacts is the establishment of a Consumers' Consultative Committee, on which these organizations are represented;

Whereas it is appropriate, furthermore, to make a provision in the committee's membership for other persons with extensive experience in consumer affairs.

Has decided as follows:

Article 1

The Commission hereby establishes a Consumers' Consultative Committee, hereafter called the "Committee".

The Committee shall be composed of representatives of the European consumer organizations as well as of other individuals specially qualified in consumer affairs.

Article 2

It shall be the task of the Committee to represent consumer interests to the Commission and to advise the Commission on the formulation and implementation of policies and actions regarding consumer protection and information, either when requested to do so by the Commission or on its own initiative.

Article 3¹

The Committee shall be composed of 25 Members.

The seats are attributed as follows:

- three to the European Office of Consumer Unions (BEUC);
- three to the Committee of Family Organizations for the European Communities (COFACE);
- three to the European Community of Consumer Cooperatives (EURO-COOP);
- six to the European Confederation of Trade Unions (CES);
- ten to other individuals specially qualified in consumer affairs.

Article 4

The Members of the Committee shall be appointed by the Commission.

For the seats attributed to them the organizations mentioned in article 3 paragraph 2 shall propose a list of persons to the Commission, which shall contain double the number of representatives

¹ Modified by Commission decision of 3 December 1976 (OJ No. L 341 of 10.12.1976).

allotted to them and shall take account of the desirability of having members on the Committee from all Member States of the Community.

Furthermore, each organization or group of organizations mentioned in article 3 paragraph 2 shall propose to the Commission at least two candidates for the group of individuals specially qualified in consumer matters. Four of the ten individuals nominated by the Commission shall be chosen among these candidates.

Article 5

An alternate shall be appointed for each member of the Committee under the same conditions as laid down in Article 4.

Without prejudice to the provisions of Article 9, an alternate shall not attend meetings of the Committee, nor participate in its work, unless the relevant member is prevented from doing so.

Article 6

The term of office of members of the Committee shall be for three years and shall be renewable.

At the end of the three-year period, the members of the Committee shall continue in office until a replacement is provided or their term of office is renewed.

The mandate of a member of the Committee ends in the case of his voluntary retirement or on the termination of his membership of the organization which he represents, or on his death. A members mandate shall end when the organization which he represents demands his replacement.

The member is replaced for the rest of the three-year period, according to the procedure of Article 4.

There shall be no payment for duties performed.

Article 7

The Commission shall publish the list of members of the Committee and their alternates in the Official Journal of the Community for information.

Article 8

The Committee shall elect a Chairman and two Vice-Chairmen, who shall hold office for a period of one year, renewable for one further year. The elections shall be by a majority of 2/3 of the members present.

The Committee may, by the same majority, elect other members to the steering committee.

The steering committee shall prepare and organize the work of the Committee.

Article 9

The Committee may ask for the attendance, as an expert, of any person who is specially qualified in any particular subject of the agenda.

The experts shall be present only for the discussion of the particular subject for which their attendance is requested.

Article 10

The Committee may form working parties.

Article 11

The Committee shall meet at the seat of the Commission which shall convene meetings at least four times a year, and in addition, upon the request of one half of the members.

Representatives of the relevant services of the Commission shall take part in the meetings of the Committee, of its steering committee and of its working parties.

The Commission's services shall provide the Secretariat for the Committee, for its steering committee and for its working parties.

Article 12

The Commission, requesting an advice from the Committee, may fix the delay during which the advice has to be given.

Article 13

Without prejudice to the provisions of Article 214 of the Treaty, the members of the Committee are required not to divulge information obtained from their work in the Committee, when the Commission informs them that the subject matter is of a confidential nature.

In such cases, only members of the Committee and the representatives of the Commission's services shall take part in the meetings.

Article 14

This decision shall come into force on the 1 October 1973.

Done at Brussels, 25 September 1973

For the Commission

The President

François-Xavier ORTOLI.

APPENDIX 4

Some of the opinions put forward by the Consumers'

Consultative Committee

The CCC has formulated its position on several proposals drawn up by the European Commission within the framework of a Community policy for consumer protection and information.

(a) Door-to-door

The CCC was requested by the European Commission to give its opinion on a draft proposal for a directive on contracts made outside business premises such as door-to-door selling. The CCC took the view that the directive should forbid door-to-door selling of durable products and long term services so that a consumer's need for a product does not overcome him when a salesman pays him a visit. However, given the current practice of door-to-door selling in numerous European countries the CCC reckons that for a start a strict regulation governing this sort of selling is preferable to a total ban.

(b) Product liability

Following a report it adopted on 15 December 1975, the CCC recommended certain modifications to a draft directive on the harmonization of EEC legislation on product liability.

The CCC agrees that strict liability should be applied. This would strengthen consumer protection by encouraging producers, who become liable, to improve guarantees on products and quality control.

The CCC wishes that the consumer has the right to compensation in all cases where a product causes damage whether it be physical or material so long as the damage occurred during normal consumption.

Finally the CCC suggests that the burden of proof should lie with the producer or supplier.

(c) Consumer credit

Credit terms are becoming increasingly available for perishable or immediate consumption goods, for clothes, travel and

leisure goods. Given the dangers that an extension of credit can bring to an unsuspecting consumer, the CCC has defined a number of principles which should be embodied in a directive on consumer credit.

The consumer should be sufficiently well informed:

by regulating the advertising which is becoming increasingly important in promoting consumer credit. Advertising all too often tends to highlight the desire for certain goods and the so-called "easy terms" of the service tend to satisfy this desire;

by clear indication to the consumer of the consequences of the transaction, its real cost and the charge for credit. This is a question of enabling a consumer to enter into a contract in full awareness of his obligations and, at the same time, of making the credit market fairer.

A period of reflection during which time the consumer can change his mind is also suggested.

Finally consumer protection should be extended to cover the execution of the agreement and to incidents caused by default of the supplier, creditor or debtor himself.

Still within the framework of the Community's Programme for Consumer Protection and Information the CCC gave its opinion on price surveys carried out by the EEC's statistical office.

Through its 'Prices' working group the CCC examined the results of the Statistical Office's survey of consumer prices (October 1974). Noting the significant disparity in the prices of numerous products the CCC requested the Commission to explain the country by country differences. It asked the Commission whether the divergence in prices was compatible with the satisfactory working of competition in the Common Market.

Noting also that the consumer price surveys only permitted comparisons between capitals the CCC requested that the next survey should cover frontier regions which have similar consumption structures.

Concerning the aims of the Common Agricultural Policy the CCC was asked by the Commission to give its opinion on proposed agricultural prices for the 1976/77 marketing year. Its opinion drawn up at the Bureau's meeting of 10 February 1976 put forward the principal fears of consumers about the proposed increases:

rising agricultural prices in an inflationary economy;

price rises on products that were already in surplus;

the cost of this policy to the taxpayer;

subsidies for well-run farms;

above all, the 'objective method' of calculating agricultural prices is only one of the aspects taken into account by the European Commission in its price proposals. In consequence the Commission proposes an average price rise of 7.5% when a strict application of the objective method would only give a 4.5% rise in agricultural prices.

In its opinion the CCC stresses that the CAP is only a price policy. The CAP should take into account the structure of farms as well as existing social policy, commercial policy and regional policy. Urgent action should be taken on the structures for processing, conserving, transporting and distributing agricultural goods. The CCC also feels that direct aid should be given to the poorer small farmers. And the price of products in surplus - such as milk - should be reduced for the benefit of poorer consumers.

APPENDIX 5

Studies made by Consumer Organizations

Credits 1973 (studies delivered in October/November 1974)

1. Misleading advertising (BEUC - 1974) E
2. Collecting information about home accidents (BEUC - 1974) E
3. Clinical thermometer (BEUC - 1974) E
4. Door-step selling (BEUC - 1974) E
5. Exemption clauses in contracts (BEUC - 1974) E
6. Toy safety (BEUC - 1974) E
7. Consumer credit in the EEC countries (COFACE - 1974) F
8. The costs of public transport in the EEC (CES - 1974) N1
9. The need for unit pricing (CES - 1974) F
10. The cost of pharmaceuticals (CGT - 1974) F
 Price structure of the pharmaceutical industry (CGIL - 1974) J
11. Labelling of foodstuffs (EUROCOOP - 1974) F
 Labelling of foodstuffs (EUROCOOP - 1974) D

Credits 1974 (studies delivered in October/November 1975)

12. After-sales service and repairs (BEUC - 1975) E
13. Consumer education in schools (BEUC - 1975) F (1st part)
14. The use of the mother tongue on labels (COFACE - 1975) F
15. The pharmaceutical industry in Europe (COFACE - 1975) F
16. Agricultural prices from producer to consumer (CES - 1975) F
17. The influence of consumer organizations on governmental policy in the EEC countries (CES - 1975) N1

18. Consumer research in Italy (CES - 1975) I
19. The structure of consumer behaviour in different professional groups (for France only) (CGT - 1975) F
20. Labelling of household products (EUROCOOP - 1975) F
21. Vocational training for the adult consumer (part one) (EUROCOOP - 1975) F

Credits 1975 (studies to be delivered in October/November 1976)

22. Consumer education in schools (BEUC - 1976) F (parts one and two)
Consumer education in schools (BEUC - 1976) E
23. The needs of consumers regarding transport (BEUC - 1976) F
The needs of consumers regarding transport (BEUC - 1976) E
24. Informative labelling, regulatory and voluntary (COFACE - 1976) F
25. The cost of education for families (CGT - 1976) F
26. General sales conditions and consumers (CES - 1976) F
27. Education for the adult consumer (EUROCOOP - 1976) F (parts one and two)
28. Care labelling of textiles (EUROCOOP - 1976) F