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COUNCIL OF THE EUROPEAN COMMUNITIES
GENERAL SECRETARIAT

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PRESS RELEASE

6818/85 (Presse 71)

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1004th meeting of the Council

- Consumer Protection -

Brussels, 21 May 1985

President: Mr Nicola Maria SANESE,

State Secretary,
Ministry of Industry,
Trade and Craft Trades
of the Italian Republic

The Governments of the Member States and the Commission of the European Communities were represented as follows:

Belgium:

Mr Mark EYSKENS
Minister for Economic Affairs

Germany:

Mr Klaus KINKEL
State Secretary to the Federal
Minister for Justice

France:

Mrs Catherine LALUMIERE
State Secretary to the Minister
for Foreign Relations with
responsibility for European Affairs

Italy:

Mr Nicola Maria SANESE
State Secretary,
Ministry of Industry, Trade and
Craft Trades

Netherlands:

Mr P.H. van ZEIL
State Secretary,
Ministry of Economic Affairs

Denmark:

Mr Ib STETTER
Minister for Industry

Greece:

Mr Elias LYMBEROPOULOS
Deputy Permanent Representative

Ireland:

Mr Michael MOYNIHAN
Minister of State at the
Department of Trade, Commerce
and Tourism

Luxembourg:

Mr Johny LAHURE
State Secretary, Economic Affairs

United Kingdom:

Lord Lucas of Chilworth
Secretary of State
For Trade and Industry

Commission:

Lord COCKFIELD
Vice-President

Mr Stanley Clinton DAVIS
Member

LIABILITY FOR DEFECTIVE PRODUCTS

The Council made substantial progress on this file, and arrived at agreement on a number of important questions of principle concerning the amended proposal for a Council Directive on harmonization in the area of liability for defective products.

The discussions were based on an overall compromise proposal by the Presidency which was fully supported by the Commission and which a large number of delegations, in a spirit of compromise, found acceptable, acknowledging that it would be politically necessary to reach agreement in the near future and thus make a first step in this area of utmost importance for consumer protection.

Those Member States which still had certain problems with one or other point of the Presidency's proposal were requested to finalize their positions on this proposal within three weeks, bearing in mind the repercussions that any refusal might have on the fate of this Directive.

DOORSTEP SELLING

The Council noted that one delegation was as yet unable to agree to the proposal for a Council Directive to protect the consumer in respect of contracts negotiated away from business premises (doorstep selling). It was agreed to return to this question at a later meeting.

COMMUNITY SYSTEM OF INFORMATION ON ACCIDENTS IN WHICH CONSUMER PRODUCTS ARE INVOLVED

The Council embarked on an examination of the proposal for a Decision introducing a Community system of information on accidents in which consumer products are involved.

The aim of the proposed system is to collect data on accidents involving consumer products (with the exception of road accidents and accidents at work), in order to step up the prevention of such accidents and improve the safety of products and the information and awareness of the consumer. The proposal follows on from the pilot scheme which took place in this area and came to an end on 30 June 1984.

At the end of its discussions, the Council noted that all delegations were able to subscribe to the principles underlying the Commission proposal and that views were largely convergent on several aspects of the method recommended by the Commission. It instructed the Permanent Representatives Committee to press ahead with its examination of the proposal in the light of the comments made, so that a positive decision might be taken in the near future.

CONSUMER CREDIT

The Council held a policy debate on the amended proposal for a Directive relating to the approximation of the laws concerning consumer credit. This proposal is designed to ensure that consumers are better informed and protected in this area.

At the close of its discussion, the Council instructed the Permanent Representatives Committee to continue its work on this proposal, concentrating first of all on certain priority aspects, with a view to enabling a Community instrument for the protection of the consumer in this area to be adopted at an early date.

Bruxelles, le 21 mai 1985

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NOTE BIO (85) 176. AUX BUREAUX NATIONAUX
CC AUX MEMBRES DU SERVICE DU PORTE-PAROLE

CONSUMER AFFAIRS' COUNCIL (M. BERENDT)

Mr Stanley CLINTON DAVIS, Member of the European Commission responsible for consumer affairs, today regretted the German government's refusal to accept the proposal protecting the consumer in doorstep sales. The text of the proposal was agreed by the Council of Ministers last year, but formal adoption has been blocked by the German minister.

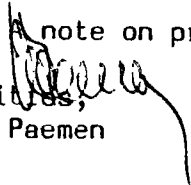
Mr Clinton Davis said:

"It really is very unsatisfactory that this one reserve still blocks the adoption of a worthwhile measure, of which the text has been agreed even by the Member State imposing the reserve. I would have thought that the passage of a bill on doorstep sales through the German Parliament, apparently with all-party support, might have eased the difficulty preventing German agreement. However, it does not seem to be the case.

"The Doorstep Sales Directive establishes a principle. When consumers are taken by surprise by a salesman calling at their home, they are at a disadvantage. First of all, they are not expecting a sales pitch. Secondly, they have no chance to compare prices with those offered by other suppliers. It is only right in those circumstances that the consumer should have a period of reflection - a cooling-off period - to decide whether to proceed with the sale".

The Council did not reach a final decision on the three consumer points on the agenda. The doorstep sales proposal was blocked by the German government (see above), the British and German delegations maintained that the consumer credit directive should be presented as a recommendation and a general agreement in principle was reached for introduction of a system of information on accidents caused by consumer products.

A note on product liability will follow.


Amilias,
H. Paemen

Bruxelles, le 22 mai 1985.
Note Bio(85)176 suite 1 aux Bureaux Nationaux
cc. aux membres du Groupe du Porte-Parole

CONSEIL CONSOMMATEURS (Etienne Reuter)

Responsabilite du fait des produits

Le Conseil a consacré sa matinée à la discussion de ce premier point de l'ordre du jour. Après un tour de table, la présidence a présenté une formule de compromis qui a permis de réaliser un accord de principe sur une proposition de directive. Cet accord sera formellement adopté d'ici trois semaines après une mise au point des textes concernés.

Les points essentiels de l'accord sont les suivants :

- la directive consacre la responsabilité objective du fabricant pour les défauts éventuels de son produit et les dommages qu'ils risquent de causer;
- la directive ne couvre pas les risques inhérents au développement technique mais chaque Etat membre est en droit de maintenir sa législation en l'état ou d'y introduire cette responsabilité;
- il est convenu que la responsabilité totale d'un fabricant peut être limitée mais elle ne peut en aucun cas être inférieure à une couverture de 70 millions d'Ecus;
- la directive fonctionnera pendant 7 ans après lesquels le Conseil reexaminera la situation sur la base d'un rapport établi par la Commission et couvrant notamment les effets de la directive sur le marché intérieur et la protection des consommateurs.

Ce reexamen concernera tous les aspects de la directive notamment les risques de développement et la limite de la couverture du risque.

Lord Cockfield a souligné la signification pour le marché intérieur de cette décision du Conseil qui intervient en effet après de longues années de discussions et de négociations. La proposition initiale de la Commission date de 1976.

Amitiés
H. PAEMEN

COMEUR 9h.30////



