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Information Guide



Consumer Policy

A guide to the European Union's Consumer Policy, with hyperlinks to sources of information within European Sources Online and on external websites

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Introduction

One of the key objectives of the Consumer Agenda is to make sure that consumer rights and key policies are in line with current technological and societal developments; in particular, to ensure that consumers can take full advantage of the digital single market and have access to the digital products and services they want, easily, legally and affordably.

The need to consider consumer interests was taken into account from the outset in the design and implementation of sectoral policies of key importance for consumers, such as in the food chain (sustainability, safety and reduction of waste), energy (best value for money and better energy consumption management tools), financial services (protection of the financial interests of consumers and tools to manage their finances), and transport (legislation adapted to modern patterns of travel and sustainable mobility).

From: '[Report on Consumer Policy, January 2012- December 2013](#)', 10 April 2014.

Background

The [10 basic principles](#) of consumer protection in the European Union are:

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

There was no specific provision for a Community consumer policy in the Treaty of Rome, although it was implicit in Articles 85 and 86 on competition. The initiative for a policy came from the Heads of Government at the Paris Summit of 1972. At the time, Member States' own consumer policies reflected different national cultures, traditions, administrative systems and priorities. For consumers to have adequate protection when trading in the single market a Community-level policy was needed.

A [communiqué](#) from the 1972 Paris Summit stated:

6. The Heads of State and Government ... consider it absolutely necessary to secure an increasing share by both sides of industry in the Community's economic and social decisions. They ask the Institutions after consulting both sides of industry to draw up an action programme before 1 January 1974 providing practical measures and the means for them, within the scope of the Social Fund, based on suggestions put forward by the Heads of Government and the Commission during the Conference.

The programme must implement a coordinated policy for employment and vocational training, to improve working and living conditions, secure the collaboration of workers in the function of undertakings, facilitate according to the conditions in each country the conclusion of collective European agreements in appropriate areas and strengthen and coordinate action for protecting the consumer.

Subsequently, the first action programme, published in 1975, established five fundamental rights:

- Right to protection of health and safety
- Right to protection of economic interests
- Right to damages
- Right to information and education
- Right to representation.

It was not until the Single European Act (SEA) of 1987 (Article 100a) that a legal foundation for consumer policy was first established and it became an integral part of the more general policy of completing the single market. Under the SEA consumer confidence in trans-border trading was seen to be essential for the market to be effective. New action programmes gave emphasis to:

- Consumer representation
- Consumer information
- Product safety
- Transactions.

Amongst 34 consumer Directives adopted in the period 1987 to 1992 were acts on toy safety, GMOs, inspection of foodstuffs, labelling and packaging.

Article 129a of the 1992 Treaty on European Union established a definite legal framework for consumer policy, which resulted in several Green Papers and other initiatives.

The 1997 Treaty of Amsterdam gave a fresh impetus to consumer policy, with Article 129a becoming Article 153 of the consolidated [Treaty establishing the European Community](#).

A Consumer Policy Service was established within the European Commission in 1989, in 1995 became DG XXIV and is now part of [DG Health and Consumers](#), originally bringing together three related areas of policy – food safety, public health, consumer protection, but now embracing five related areas of policy – the original three plus farm animals health and welfare and crops and forests health.

In early 2010, a reorganisation of the European Commission saw responsibility for [Cosmetics](#) and [Medical devices](#) move from DG Enterprise to DG Health and Consumers.

The important role of consumers in the internal market was demonstrated when the European Parliament established its [Committee on Internal Market and Consumer Protection](#) (IMCO), responsible for:

The promotion and protection of the economic interests of consumers, except for public health and food safety issues, in the context of the establishment of the internal market.

The interdependence of consumer policy with other EU policy areas was articulated in September 2004 (see [SPEECH/04/413](#)) when the outgoing Commissioner for Health and Consumer Protection, David Byrne, noted that:

Consumer policy as such cannot be developed in isolation, without taking into account other areas that have an impact on consumers. Systematic integration of consumer concerns into all relevant EU policy areas is provided for by the EU Treaty and is essential.

Legal basis

Article 4 of the [Treaty on the Functioning of the European Union](#) (TFEU) identifies consumer protection as an area in which the European Union and the Member States share competence.

Provisions on consumer protection are set out in Article 169 (Title XV) of the Treaty:

1. In order to promote the interests of consumers and to ensure a high level of consumer protection, the Union shall contribute to protecting the health, safety and economic interests of consumers, as well as to promoting their right to information, education and to organise themselves in order to safeguard their interests.
2. The Union shall contribute to the attainment of the objectives referred to in paragraph 1 through:
 - (a) measures adopted pursuant to Article 114 in the context of the completion of the internal market;
 - (b) measures which support, supplement and monitor the policy pursued by the Member States.

Elsewhere in the TFEU, Article 12 requires that consumer protection requirements 'shall be taken into account in defining and implementing other Union policies and activities', while Articles 101 and 102 mention consumers in the context of competition policy.

Consumer Policy Action Plans

A three-year Action Plan on consumer policy was launched in 1975 and was followed by initiatives spanning the periods [1981-1986](#), [1990-1992](#), [1993-1995](#), 1996-1998, [1999-2001](#), [2002-2006](#), [2007-2013](#) and [2014-2020](#) (for further information of the last two action plans see below).

As the 1999-2001 Action Plan was coming to an end the European Commission produced a Green Paper in October 2001 ([COM\(2001\)531](#); see also [Summaries of EU legislation](#)) presenting an analysis of the shortcomings of the internal market from the perspective of consumers and the businesses that sell to them. Three developments had made the consumer side of the internal market a priority: the euro, e-commerce and enlargement. The Commission's suggestions for the future included a choice between two options:

- a strategy based on further harmonisation addressing specific issues – a continuation of the past strategy – or
- a strategy based on setting out core principles of consumer protection in a framework directive to complement specific legislative measures.

It was the Commission's opinion that a Framework Directive would have several advantages over the status quo. It would be more adaptable and responsive to changes in market practices – new unfair or misleading practices could be tackled quickly. It would also strengthen enforcement – both by putting in place safeguards for codes of conduct and by enforcing co-operation between Member States. The Green Paper was also intended to respond to the key aims of the 2001 White Paper on European Governance (COM(2001)428), which called for a greater use of Framework Directives and co-regulatory mechanisms and for simpler EU-level regulation (see the Commission's [archived pages](#) on governance).

An extensive public consultation on the Green Paper lasted until 15 January 2002. The Commission's findings and a possible way forward were summarised in a 'Follow-up Communication to the Green Paper on EU Consumer Protection' ([COM\(2002\)289](#)).

A 'Consumer Policy Strategy for 2002-2006' was subsequently adopted as [COM\(2002\)208](#) (see also [Summaries of EU legislation](#)). It had three objectives:

- A high level of consumer protection – through harmonisation by whatever means is most appropriate (framework directive, standards, best practice)
- Effective enforcement of consumer protection rules – through the development of an administrative co-operation framework between Member States and redress mechanisms for consumers
- Proper involvement of consumer organisations in EU policies – through reviewing mechanisms for their participation in EU policy making and projects for education and capacity building.

The strategy was approved by the Council in [Resolution 2003/C 11/01](#) of December 2002.

Health and Consumer Protection Programme 2007-2013

On 6 April 2005, the Commission adopted the Communication 'Healthier, safer, more confident citizens: a Health and Consumer Protection Strategy' ([COM\(2005\)115](#)), which included a proposal for a Decision 'establishing a Programme of Community action in the field of Health and Consumer protection 2007-2013'.

The joint strategy was intended to combine the Union's public health and consumer programmes, promoting efficiency and generating greater policy coherence, economies of scale, increased visibility and streamlining of procedures. However, the proposal became a victim of the May 2006 agreement on the new Financial Framework for 2007-2013. The introduction to an amended proposal for a Decision 'establishing a second Programme of Community action in the field of Health and consumer protection (2007-2013)' issued on 24 May 2006 ([COM\(2006\)234](#)) explained that the original proposal was based on the assumption of a €1,203 million budget, of which €969 million would be allocated to health. The Financial Framework agreement cut the budget for health to €365.6 million, thus necessitating 'a more focused approach to Community health action.' The Commission therefore split the health and consumer elements of the initial strategy, issuing separate proposals for Council Decisions on health ([COM\(2006\)234](#)) and on consumer policy ([COM\(2006\)235](#)).

The amended proposal for a Decision 'establishing a programme of Community action in the field consumer policy (2007-2013)' was published on 24 May as [COM\(2006\)235](#). Political agreement was reached at the September 2006 Competitiveness Council; the Education, Youth and Culture Council of 13-14 November unanimously adopted a Common Position on the draft Decision; and on 18 December 2006 [Decision 1926/2006/EC](#) was adopted, 'establishing a programme of Community action in the field of consumer policy (2007-2013)' (documents associated with the decision-making process can be found via [PreLex](#)).

The aim of the new policy – more tightly defined than in the original 2005 proposal – is:

... to complement, support and monitor the policies of the Member States and to contribute to protecting the health, safety and economic and legal interests of

consumers, as well as to promoting their rights to information, to education and to organise themselves in order to safeguard their interests.

That aim is to be pursued through two main objectives:

(a) to ensure a high level of consumer protection, notably through improved evidence, better consultation and better representation of consumers' interests;

(b) to ensure the effective application of consumer protection rules, in particular through enforcement cooperation, information, education and redress.

The initiative has a budget of €156.8 million for the period 31 December 2006 to 31 December 2013.

In March 2007, the Commission published the Communication 'EU Consumer Policy strategy 2007-2013: Empowering consumers, enhancing their welfare, effectively protecting them' ([COM\(2007\)99](#); see also [Summaries of EU legislation](#)). In it, the Commission stated:

This is an ambitious agenda for a relatively young EU policy. But the tools are available. In the period 2007-2013, consumer policy is uniquely well placed to help the EU rise to the challenges of growth and jobs and re-connecting with its citizens.

The EU will know if it has succeeded if by 2013 it can credibly demonstrate to all EU citizens that they can shop from anywhere in the EU, from corner-shop to website, confident they are equally effectively protected, whether from dangerous products or rogue traders; and to be able to demonstrate to all retailers, but especially SMEs, that they can sell anywhere on the basis of a single, simple set of rules.

The Communication also set out three main objectives Commission's main objectives for the programme period:

- To empower EU consumers. Putting consumers in the driving seat benefits citizens but also boosts competition significantly. Empowered consumers need real choices, accurate information, market transparency and the confidence that comes from effective protection and solid rights.
- To enhance EU consumers' welfare in terms of price, choice, quality, diversity, affordability and safety. Consumer welfare is at the heart of well-functioning markets.
- To protect consumers effectively from the serious risks and threats that they cannot tackle as individuals. A high level of protection against these threats is essential to consumer confidence.

The Communication committed the Commissioner for Consumer Protection to make a speech on 15 March each year (European Consumer Day) 'outlining the progress that has been made' with the strategy. The Commission is also to keep the Council, Parliament and Member States regularly informed on developments and to produce a mid-term report by March 2011 and an ex-post evaluation report by December 2015.

On 3 March 2011, the Commission issued a report entitled [Consumer policy: ex-post and mid-term evaluations](#). In relation to the 2007-2013 Consumer Policy Strategy, the report stressed that:

it is too early in the process to assess the effectiveness of the legislative developments under the Consumer Policy Strategy 2007-2013, even though it is expected that they will contribute towards the objectives of increasing the level of consumer protection and improving welfare. Two areas where it is felt that more could be done, however, are in relation to collective redress and Alternative Dispute Resolution and the role of the Consumer Protection Cooperation.

Moreover, the Consumer Policy Strategy 2007-2013 has been so far viewed as successful, with 88% of Member States and 82% of consumer organisations reporting that it has made a large or moderate contribution.

On 22 May 2012, the Commission adopted the Communication 'A European Consumer Agenda - Boosting confidence and growth' ([COM\(2012\)225](#); see also Press Release [IP/12/491](#) and Commission [Policy Strategy](#) page). This communication thus became the first report on consumer policy. Replacing the Consumer Policy Strategy 2007-2013, the new Consumer Agenda:

identifies the key measures needed now to empower consumers and boost their trust. It sets out measures to put consumers at the heart of all EU policies as means to achieve the Europe 2020 goals.

Those key measures are identified as:

- improving consumer safety
- enhancing knowledge
- improving implementation, stepping up enforcement and securing redress
- aligning rights and key policies to economic and societal change

The Commission's 2013 Annual Work Programme in the area of Consumer Policy was adopted on 4 December 2012 as [Commission Implementing Decision C\(2012\) 8729](#) (see also [Programmes](#) page). Amongst the priorities for 2013 are:

- Enforcement in the field of product safety and consumer rights
- Co-financing of the European Consumer Centres network
- Development of an Online Dispute Resolution (ODR) platform
- Consumer information and awareness raising actions
- Launch of a website on consumer education for teachers

(For further information on the 2007-2013 programme, see the DG Health and Consumers [Policy strategy page](#), the DG Health and Consumers [Financial programme page](#) and the Summaries of legislation factsheets [Programme of Community action in the field of consumer policy \(2007-2013\)](#) and [EU consumer policy strategy 2007-2013](#)).

Consumer issues feature in the Commission's Annual Report on Competition Policy. On 10 June 2011, the Commission published its Report on Competition Policy 2010 ([COM\(2011\)328](#)), with the Report on Competition Policy 2011 being adopted on 30 May 2012 as [COM\(2012\)253](#) (see also [Annual Reports on Competition Policy](#)).

Health and Consumer Protection Programme 2014-2020

On 9 November 2011, the European Commission adopted proposals for the 2014-2020 Health for Growth and Consumer Programmes (See Press Release [IP/11/1317](#), [MEMO/11/764](#) and [COM\(2011\)707](#)). These programmes are part of the Multiannual Financial Framework 2014-2020, which was announced by the Commission on 29 June 2011 (see [Multiannual Financial Framework 2014-2020](#)).

The aim of the Consumer programme is to support EU consumer policy in the following years. Consumers will be at the centre of the Single Market and they will be able to take part actively in the market and make it work for them, particularly by:

- Enhancing product safety through effective market surveillance,
- Improving consumers' information, education and awareness of their rights,
- Consolidating consumer rights and strengthening effective redress, especially through alternative dispute resolution,
- Strengthening enforcement of rights cross-border.

The Consumer programme has a budget of €197 million for the period 2014-2020.

The European Parliament and Council of Ministers are now expected to examine the proposals before adopting them by the end of 2013 (check progress of COM(2011)707 via the [PreLex dossier](#)).

On 12 March 2014, the European Commission finished the first draft of a second report on consumer policy covering the term from January 2012 to December 2013 to 'inform on how consumer interests are integrated in the relevant areas of activity of the European Union.' The [Report on Consumer Policy, 2014](#) was published on 10 April 2014 and revealed that 90% of the measures presented in the Consumer Agenda back in 2012 had been completed while the 10% left are currently underway. These measures cover the four pillars of the agenda, which are:

- Product safety
- Consumer education
- Enforcement of consumer rights
- Integration of consumer rights into key sectoral policies

Legislation

In October 2004, the European Commission launched a review of existing consumer law with the publication of the Communication 'European Contract Law and the revision of the acquis: the way forward' ([COM\(2004\)651](#)). That was followed on 8 February 2007 by a Green Paper 'on the Review of the Consumer Acquis' ([COM\(2006\)744](#)):

The overarching aim of the Review is to achieve a real consumer internal market striking the right balance between a high level of consumer protection and the competitiveness of enterprises, while ensuring the strict respect of the principle of subsidiarity. At the end of the exercise it should, ideally, be possible to say to EU consumers "wherever you are in the EU or wherever you buy from it makes no difference: your essential rights are the same".

The Green Paper identified problems with existing consumer protection legislation and presented options for reform. Eight Directives were identified for review:

- 85/577/EC (Doorstep selling – see [Commission page](#))
- 90/314/EC (Package travel – see [Commission page](#))
- 93/13/EC (Unfair contract terms – see [Commission page](#))
- 94/47/EC (Timeshare – see [Commission page](#))
- 97/7/EC (Distance selling – see [Commission page](#))
- 98/6/EC (Price indication – see [Commission page](#))
- 98/27/EC (Injunctions – see [Commission page](#))
- 99/44/EC (Sale of consumer goods and guarantees – see [Commission page](#)).

Three major pieces of legislation were adopted under the Consumer Policy Strategy for 2002-2006 ([COM\(2002\)208](#)): a revised [General Product Safety Directive](#) (GPSD), an [Unfair Commercial Practices Directive](#) and a [Regulation on Consumer Protection Co-operation](#).

So far, the major developments from the [2007-2013 Action Plan](#) have been the adoption of the [Consumer Rights Directive](#), the adoption of a [Green Paper on the review of the consumer acquis](#), the creation of the [Consumer Market Scoreboard](#) and finally proposals concerning the [Alternative](#) and [Online](#) Dispute Resolution.

General Product Safety Directive

[Directive 2001/95/EC](#) 'on general product safety' was adopted in December 2001 and entered into force in January 2004. Known as the 'General Product Safety Directive' (GPSD), it aims to ensure that all new and second-hand consumer products placed on the EU market are safe.

The associated [Rapid Alert System for non-food consumer products](#) (RAPEX) was established in 2003 and allows quick circulation of information in the case of products posing serious risks allowing co-operation between Member States to facilitate speedier recalls for all non-food consumer products. It also gives the general public access to information on dangerous products as 'every Friday, based on information provided by national authorities, the Commission publishes a weekly overview of potentially dangerous products' via the [RAPEX notifications](#) website and a [news page](#).

On 25 March 2014, RAPEX celebrated its 10th anniversary and the Commission revealed that 'the number of notifications on dangerous products has been increasing each year and is now 10 times bigger' than when the alert system was first implemented in 2003; remarking the importance of the system to safeguard European consumers. As an example, in 2013 Member States took a total of 2,364 measures – a 3.8% more than in 2012 – against products posing 'chemical risks, risk of strangulation, risk of injury or choking.' The two main product categories – as with previous years – were clothing, textiles and fashion items and toys. (See Press Release [IP/14/311](#) and [MEMO/14/214](#)).

On 14 January 2009, the Commission published a report on the implementation of Directive 2001/95/EC ([COM\(2008\)905](#)) which concluded that:

The Directive has proven to be a powerful tool for ensuring a high level of consumer protection. It has helped to track down and eliminate a vast number of unsafe products from the European market. The RAPEX system, set up by the Directive, has complemented the existing regulatory framework applying to some key consumers' products – such as toys, cosmetics, electrical appliances and luminaries, personal protective equipments, vehicles with a dedicated rapid exchange and alert system.

(For further information, see the Commission's [GPSD page](#) and [Summaries of EU legislation](#)).

On 19 October 2012, a [Global Recalls Portal](#) was launched. Developed by the EU and OECD countries, it allows authorities across the world to exchange information about unsafe products that have been taken off the market (see also Press Release [IP/12/1127](#)).

On 13 February 2013, the Commission adopted a [Product Safety and Market Surveillance Package](#) (See [COM\(2013\)74 final](#)) aimed at furthering the improvement on product safety through enhancing product identification and traceability measures:

[...]product safety rules and the market surveillance that underpins them are the basis of the single market for goods. If we want the full economic benefit of the single market for goods, we need a set of high standards and rules on the safety of products sold and an effective, well- coordinated, Union-wide market surveillance system to underpin it.

Safer and more compliant products will also contribute to safer, better performing services throughout the Union and will foster their cross-border provision, thereby contributing to the achievement of a more integrated single market for services.

In the context of the economic crises, consumer spending has fallen due in a large part to falling incomes and uncertainty about the future. This is why it is necessary to continue to ensure that consumers can be confident in the safety and fitness for purpose of products.

Fair and reliable businesses are more likely to start up and thrive if they know that they operate in a level playing field where competitors who cut corners and flout the rules are penalised.

On 11 July 2013, a new Cosmetics Regulation ([EU Regulation 1223/2009](#)) – adopted in 2009 – came into force in order to strengthen ‘the safety of cosmetics products and streamlining the framework for all operators in the sector’ while ‘taking into consideration the latest technological developments.’ This regulation replaces [Directive/76/768/EC](#) which was adopted in 1976. The most significant changes introduced by the Regulation are:

- Manufacturers need to follow specific requirements in the preparation of a product safety report prior to placing a cosmetic product on the market;
- Only cosmetic products for which a legal or natural person is designated within the EU as “responsible person” can be placed on the market;
- All cosmetic products placed on the EU market must be notified via the EU [Cosmetics Products Notification Portal](#) (CPNP);
- A “responsible person” is obliged to notify serious undesirable effects to competent national authorities and the authorities are obliged to share said information and the one gathered by themselves (from users, health professionals, etc.) with other Member States;
- Nanomaterials used in cosmetic products must be explicitly authorized and labelled in the list of ingredients with the word ‘nano’ in brackets following the name of the substance.

As a result of the European Commission’s efforts to enforce product safety measures in Europe and discuss consumer product safety globally with its main trading partners – US, China and Japan –, the Commission has hosted since 2006 the International Product Safety Week (IPSW). Celebrated every second year, the [IPSW 2014](#) will take place between 16 – 20 June 2014 in Brussels. Some of the main events of the week will be:

- Conference on the Consumer Product Safety and Market Surveillance legislation in the EU
- Trilateral EU-China-US Consumer Product Safety Summit
- RAPEX-China Working Group meeting between the EU and China

Unfair Commercial Practices Directive

[Directive 2005/29/EC](#) ‘concerning unfair business-to-consumer commercial practices in the internal market ...’ (the Unfair Commercial Practices Directive) is the Framework Directive foreseen in the Commission’s Green Paper of October 2001.

Adopted in May 2005, it establishes criteria for determining the unfair nature of a commercial practice and specifies two main types of unfair practice: misleading practices and aggressive practices. The Directive sets out a single set of common rules, with the aim of giving consumers the same protection against sharp business practices and rogue traders whether they buy from the shop around the corner or from a website in another Member State.

Annex I to the Directive includes an indicative, non-exhaustive, legally enforceable list of general and specific examples of practices considered unfair in all circumstances, which is to apply in all the Member States and which is also intended to facilitate interpretation by the national courts. Amongst the practices listed are:

a) Misleading practices

- Claiming to be a signatory to a code of conduct when the trader is not
- Displaying a trust mark, quality mark or equivalent without having obtained the necessary authorisation
- Claiming that a code of conduct has an endorsement from a public or other body when it does not
- 'Bait advertising' scams (advertising a product as a special offer without actually having it in stock, or having only a token stock of the product)
- 'Bait and switch' advertising (making an invitation to purchase products at a specified price and then promoting a different product)
- Claiming that the trader is about to cease trading or move premises when he is not
- Stating or otherwise creating the impression that a product can legally be sold when it cannot
- Making a materially inaccurate claim concerning the nature and extent of the risk to the personal security of the consumer or his family if the consumer does not purchase the product
- Including in marketing material an invoice or similar document seeking payment which gives the consumer the impression that he has already ordered the marketed product when he has not.

b) Aggressive commercial practices

- Creating the impression that the consumer cannot leave the premises until the contract is formed
- Conducting personal visits to the consumer's home ignoring the consumer's request to leave
- Making persistent and unwanted solicitations by telephone, fax, e-mail or other remote media
- Including in an advertisement a direct exhortation to children to buy advertised products or persuade their parents or other adults to buy advertised products for them
- Explicitly informing a consumer that if he does not buy the product or service, the trader's job or livelihood will be in jeopardy.

The deadline for Member States to implement the Directive in national law was 12 December 2007.

In June 2011, the Commission launched an [online database](#) containing information on national implementing and enforcement actions. This database allows citizens to access the laws and jurisprudence of the Member States related to the Directive. The website enables the user to search specific [articles](#), [countries](#) (hover over 'Countries' heading to display menu) or [keywords](#). An [advanced search](#) function is also available.

On 29 September 2011, the Commission decided to sue Belgium and France for non-compliance with the Unfair Commercial Practices Directive (see Press Release

[IP/11/1096](#)). The Commission considered that Belgium and France had not brought their national provisions fully in accordance with EU law.

On 14 March 2013, the Commission adopted a [Communication](#) on the application of the Directive to 'guarantee a high level of consumer protection, in a national context but particularly at cross-border level.' Alongside it, the Commission also published a [Report](#) on the application of said Directive that gave an overview of how it has been transposed in the Member States and outlined the main transposition problems detected across the EU as well as the actions needed to maximize the benefits of the Directive. The Report revealed that there existed 'detriment and lost opportunities for consumers, in sectors where the Single Market's growth potential is the highest, such as travel and transport, digital and on-line, financial services and immovable property.'

As a result, the Commission 'announced plans to step up enforcement of the rules to increase citizens' trust' in the Single Market such as:

- Strengthening the efficiency of the European consumer protection network and continuing to promote coordinated enforcement actions;
- Assisting Member States in effectively applying the Directive
- Developing enforcement indicators to detect shortcomings and failures
- Establishing regular thematic workshops between national enforcers and organising training for them and the judiciary

(For further information see: the Commission's [Unfair Commercial Practices Directive page](#), Press Releases [IP/05/213](#) and [MEMO/05/64](#), and [Summaries of EU legislation](#)).

Enforcement Co-operation Regulation

One of the clearest gaps in the system of effective consumer protection enforcement co-operation has been in cross-border transactions – which have grown in recent years, driven by electronic commerce and the euro, and EU enlargement. The Commission had argued that a legal framework was required for co-operation between public authorities to create a more robust enforcement network across the Union and in October 2004 [Regulation 2006/2004](#) was adopted 'on cooperation between national authorities responsible for the enforcement of consumer protection laws (the [Consumer Protection Cooperation Regulation](#))'.

The Regulation establishes a network of public authorities (the [Consumer Protection Cooperation Network](#)) with powers to co-operate and share information with each other for the purposes of enforcing EC legislation that protects consumers' interests (that is, fifteen Directives and Regulations listed in the annex to the Regulation). It operates to protect the 'collective interest of consumers', not individual consumers, and gives an enhanced role to the Commission in facilitating administrative co-operation and common projects designed to inform, educate and empower consumers. This system of co-operation is intended to help enforce EU consumer protection laws, including the Unfair Commercial Practices Directive.

Its key features are:

- Formalised co-operation through a network of public authorities (called 'competent authorities') on the enforcement of intra-Community laws that protect consumers' interests
- Required enforcement powers for those authorities
- Requirements to provide mutual assistance for the exchange of information and co-operation on cross-border cases
- A single liaison body in each Member State to facilitate this co-operation
- Co-ordinating and supporting role for the Commission

- Establishment of an Advisory Committee to assist in implementing the practical procedures for the operation of the Regulation and to facilitate co-operation of a broad range of enforcement co-operation activities (e.g. technical assistance projects or co-operation with third countries).

The deadline for Member States to fully implement the Regulation was December 2006, although some parts were due to be implemented by December 2005.

A first biennial Report on the application of Regulation 2006/2004 was adopted by the Commission on 2 July 2009 as [COM\(2009\)336](#), with a second Report adopted on 12 March 2012 as [COM\(2012\)100](#).

The cooperation framework established by the Regulation has been under review since 2011 alongside its scope with the Commission set to report on the outcome of the consultation by the end of 2014.

In June 2012, a [Digital Content Sweep](#), a coordinated action against breaches of EU consumer law on websites selling digital contents such as games, e-books, videos and music was carried out by consumer authorities in 26 Member States plus Norway and Iceland. On 6 December 2012 the Commission published the results of the first part of the sweep and revealed that 75% of the 330 sites checked did 'not appear to comply with consumer protection rules' (see Press Release [IP/12/1320](#) and [MEMO/12/945](#)). Some of the main problems found were:

- Users had to click their way through a maze of contract terms to find out the total price of their purchase
- Children were frequently lured into purchasing items related to supposedly free games
- After-sales services were often difficult to contact due to contact information missing in more than one third of the websites

On 14 October 2013, the results of the second part of the sweep was made public and it revealed that a significant change had been achieved thanks to the joint action of the Commission and the Member States with more than 80% of the websites checked being compliant and 116 having been brought in line with the EU consumer legislation after 2012 (see Press Release [IP/13/937](#) and [MEMO/13/877](#)).

(For further information see the Commission's [Cross-border enforcement and cooperation page](#) and Press Releases [IP/04/1197](#) and [IP/04/655](#)).

Alternative and Online Dispute Resolution

On 29 November 2011, the Commission adopted a proposal for a [Directive on alternative dispute resolution](#) for consumer disputes (ADR) as well as a proposal for a [Regulation on online dispute resolution](#) for consumer disputes (ODR) (see Press Release [IP/11/1461](#) and [MEMO/11/840](#)). The ADR will allow EU consumers and traders to solve their problems regarding purchases made across Europe - excluding health and higher education - in a simple, quick and inexpensive way, without going to court. The ODR will permit the creation of an EU-wide web platform available in all the official languages of the EU and linking all the national alternative dispute resolution entities to facilitate the resolving of disputes concerning purchases made online in another EU country.

A general approach on the ADR/ODR proposal was agreed by the Competitiveness Council on 30 May 2012 (see Press Release [10380/12](#)). On 18 December 2012, Parliament's Internal Market and Consumer Protection Committee endorsed an agreement reached between the EP and the Council. The vote was welcomed by the Commissioner for Health and Consumer Policy (see Press Releases [IP/12/1381](#) and

[MEMO/12/994](#)). The full Parliament is scheduled to vote on the proposal during the March 2013 plenary session.

On 18 June 2013, the European Parliament and the EU Council adopted new [Directive on Alternative Dispute Resolution](#) and a new [Regulation on On-line Dispute Resolution](#). This new legislation package will be implemented by Member States by July 2015 while the online platform proposed by the ODR Regulation will become operational in January 2016.

(For further information, see the Commission's [Alternative Dispute Resolution page](#)).

Common European Sales Law

On 11 October 2011, the Commission adopted the Communication 'A Common European Sales Law to facilitate cross-border transactions in the Single Market' ([COM\(2011\)636](#)). An associated draft Regulation (published as [COM\(2011\)635](#)) set out proposals for creating a voluntary Common European Sales Law, based on harmonising national contract laws by introducing a second contract law regime within each Member State. A year later, on 11 October 2012, the European Parliament's Economic Affairs Committee voted to support the Commission's proposals (see Press Releases [IP/11/1175](#) and [MEMO/11/680](#) and Commission [news item](#); check progress via the [PreLex dossier](#)).

Consumer Rights Directive

On 8 October 2008, the Commission adopted a proposal 'for a Directive on consumer rights' ([COM\(2008\)614](#); see also Press Release [IP/08/1474](#) and the Commission's [Proposal page](#)). The proposed 'Consumer Rights Directive' would merge and simplify four existing Directives into a single text, with the aims of improving consumer confidence and cutting red tape for businesses. In updating legislation in this area, the proposed legislation targets e-commerce and focuses on areas where there have been large numbers of complaints in recent years, such as pressure selling.

Speaking in March 2008, prior to adoption of the proposal, the European Commissioner for Consumer Protection, Meglena Kuneva, described the current state of consumer legislation as 'a jigsaw of minimum harmonisation topped up with different national elements' (see [speech](#), courtesy of Walter Hallenstein Institut für Europäisches Verfassungsrecht) and said that:

By the Autumn I hope to be ready to table the most far-reaching overhaul of European consumer law in 20 years by presenting a Framework Directive on Consumer Contractual Rights. This will simplify, regroup, align and harmonise the Distance Selling Directive, the Doorstep Selling Directive, the Unfair Contract Terms Directive and the Sales Directive.

Due to minimum harmonisation the Member States have transposed the consumer contract law directives very differently. Just to mention a few examples, different lengths of cooling off periods apply. Different information requirements are imposed. Indeed, consumers even have different rights and obligations when a good they have bought turns out to be faulty.

There are also inconsistencies between the directives. Different definitions are used and sometimes it is not clear which Directive actually applies. For instance when a sale has been initiated by a doorstep salesman, but completed on the Internet. Given changes to technology, markets and consumer behaviour, the legislation needs to be updated.

On 24 January 2011, Member States within the Council formally adopted the Consumer Rights Directive (see [MEMO/11/39](#)). Following this, the European Parliament's Committees on Internal Market and Consumer Protection (IMCO) and on Legal Affairs (JURI) also adopted their positions (see [MEMO/11/61](#)). On 23 June 2011, the European Parliament adopted by a broad majority the compromise text agreed with the Council (see [MEMO/11/450](#)).

In response to the vote, EU Justice Commissioner, Viviane Reding declared:

This is a good day for Europe's 500 million consumers. Today's adoption of the new EU Consumer Rights Directive will strengthen consumer rights by outlawing Internet fraudsters who trick people into paying for horoscopes or recipes that appear to be offered for free. Shoppers will no longer be trapped into buying unwanted travel insurance or car rentals when purchasing a ticket online. And everyone will have 14 days if they wish to return goods bought at a distance, whether by internet, post or phone. (...) The European Commission will help ensure that the new rules are implemented swiftly in all Member States so that consumers across Europe can have more confidence when shopping, whether online or offline.'

[Directive 2011/83/EU](#) 'on consumer rights' was subsequently adopted on 10 October 2011. It was due to be transposed into national law by 13 December 2013 for which the Commission organized three meetings with Member States' representatives on 5 October 2012, 8 March 2013 and 19 September 2013 to assist them with the process. All Member States must apply the national laws implementing the Directive from 13 June 2014.

The 10 most important changes for consumers in the new Directive are:

- 1) Elimination of the hidden charges and costs on the Internet
- 2) Increasing of price transparency
- 3) Ban of pre-ticked boxes on websites
- 4) Possibility of withdrawing from a sales contract within 14 days
- 5) Better rights concerning refund
- 6) Introduction of an EU-wide model withdrawal form
- 7) Elimination of surcharges for the use of credit cards and hotlines
- 8) Clearer information on who pays for returning goods
- 9) Better consumer protection in relation to digital products
- 10) Easier trading all over Europe thanks to common rules for businesses

On 14 March 2014 – the European Consumer Day –, the Commission launched the [Consumer Rights Awareness Campaign](#) (see [MEMO/14/191](#) and [Consumer Rights Campaign 2014](#)) to inform consumers of the EU of their rights under EU law and help them get advice and help at the right places to solve questions or disputes regarding purchases made in the Single Market whether those have been made online or on the street. The campaign started in 17 March and will last until 31 December 2014 and is running in 8 countries where awareness of consumer rights is low (Bulgaria, Cyprus, Greece, Italy, Latvia, Poland, Portugal and Spain) as well as in Croatia.

(For further information see the [Directive on Consumer Rights](#) page).

Consumer Market Scoreboard

At the end of January 2008, in the Communication 'Monitoring consumer outcomes in the single market: the Consumer Markets Scoreboard' ([COM\(2008\)31](#)), the Commission proposed creating an annual Consumer Market Scoreboard (CMS), to:

Provide a real tool to identify where the internal market is not functioning well for consumers, and where intervention may be needed.

The proposal was made in the context of EU Consumer MarketWatch, a broader system of consumer investigations, comprising three main elements: sectoral consumer market investigations, benchmarking retail market integration, and benchmarking the consumer environment (see Press Release [MEMO/08/70](#)).

The Scoreboard looks at five 'top-level indicators' – complaints, prices, satisfaction, switching and safety. Markets found not to be working will be subject to further analysis, aimed at identifying the reasons for failure and suggesting appropriate policy measures.

(On 12 May 2010, the Commission issued a Recommendation 'on the use of a harmonised methodology for classifying and reporting consumer complaints and enquiries' ([C\(2010\)3021](#); see also Press Release [IP/10/567](#) and [Summaries of EU legislation](#)). The Recommendation introduces a voluntary EU-wide method to be used by complaint bodies for classifying and reporting consumer complaints. The aim is to compile comparable complaints data to highlight problems for consumers in the Internal Market.)

The [first edition](#) of the CMS revealed a lack of comparable, comprehensive consumer data on key issues for consumers, and identified a number of key actions for 2008. The [second edition](#) (see Press Release [IP/09/202](#) and [MEMO/09/44](#)) was published in February 2009 and revealed that energy, transport and bank services were the most problematic for consumers and that they were less satisfied than in previous years.

From 2010, the Scoreboard is published twice a year. The [third edition](#) (see also Press Releases [IP/10/384](#) and [MEMO/10/109](#)), issued in March 2010, concluded that:

The EU retail internal market is far from being integrated. European consumers still rely on buying goods and services in their own country. Though there are a number of structural barriers such as language, consumers' preference for national suppliers or consumer protection law, these do not have the same negative impact in all countries. Sustained efforts are needed to address the barriers that hinder the development of e-commerce, which delay the benefits that the digital economy can deliver to consumers and the potential to enhance the level of integration in the internal market.

In autumn 2010, the [fourth edition](#) (see Press Release [IP/10/1369](#) and [MEMO/10/514](#)) was published. The Scoreboard revealed that progress had been made and that '57% of European consumers believe that markets deliver to the desired level.' The markets that performed the worst were found to be investments, pensions and securities, real estate services and internet access.

The [fifth edition](#) of the Scoreboard was published in spring 2011 and analysed 'consumer conditions in EU Member States and the development of cross-border trade and e-commerce' (see Press Release [IP/11/280](#) and [MEMO/11/154](#)). It found that:

- Consumer conditions had recovered in nearly all EU countries after the 2009 decline
- There existed a growing gap between domestic and cross-border e-commerce
- Fewer retailers sold across national borders compared to 2009

The [sixth edition](#) (see also Press Release [IP/11/1221](#) and [MEMO/11/718](#)), issued in October 2011, concluded that:

This Scoreboard contains significant improvements in comparison to previous editions. However, sustained efforts are still needed to complete the implementation of the complaints recommendation. Further work is also ongoing with Eurostat and national statistical offices with a view to delivering comparable price data across all consumer markets.

In May 2012, the [seventh edition](#) showed that in 2011 there were improvements in the majority of Member States, but that unfair commercial practices remained a cause for concern as did low awareness of fundamental consumer rights among both consumers and businesses (see also Press Release [IP/12/510](#)).

Published on 7 December 2012, the [eighth edition](#) confirmed the continuing failure of key services markets to meet customers' expectations, with banking, telecom and energy services all scoring below average and markets for investment products, mortgages and real estate services taking the bottom three places for the third consecutive year (see also Press Release [IP/12/1327](#)).

On 23 July 2013, the [ninth edition](#) was issued (see Press Release [IP/13/718](#)) and it revealed that more action was needed in order to achieve 'a true single market for consumers' as 'protection of consumer rights still varies greatly between EU countries' which generates distrust in an astounding 65% of European consumers when it comes to buying online from sellers in other EU countries than their own. Other findings included:

- The existence of important socio-demographic differences
- The persistence of illegal commercial practices and the need for a stepped-up enforcement
- The worrying low level of knowledge of consumer rights by consumers
- The rise in green purchases

(For further information see the [Consumer Markets Scoreboard](#) page).

Consumer Organisations

The [European Consumer Consultative Group](#) (ECCG) was created in 2003 to replace the Consumer Committee. The ECCG was originally set up under Decision 2003/709/EC, since replaced by [Decision 2009/705/EC](#) of 14 September 2009, which states that the Group:

may be consulted by the Commission on all issues related to consumer interests at Community level.

Under the Decision, the Group comprises one member representing national consumer organisations for each Member State, and one member for each European consumer organisation.

The [European Consumer Centres Network](#) (ECC-Net) was established in January 2005, and is co-funded by the European Commission and Member States to form a one-stop help service for consumers experiencing problems with cross-border purchases. It is the result of the merger of the Euroguichets, which supplied information and support on cross-border issues, and the European Extra-Judicial Network (EEJ-Net) which helps citizens seek redress through alternative means of dispute resolution (see [Summaries of EU legislation](#); see also Press Release [IP/10/1313](#)).

The ECC-Net [Annual Report](#) for 2010 listed 29 centres across Europe, located in the 27 Member States, plus Iceland and Norway. In 2010, 71,292 consumers contacted ECC-Net (up from 60,755 in 2009 and 62,000 in 2008) and the report noted that:

... problems with products and services purchased in another Member State remained on top of the list, compared to 2009, generation 29.5% of all complaints. Besides products and services, most complaints related to problems with delivery (23,7%), contract terms (12.2%) and price and payment (10.5%). E-commerce transactions represented 56.2% of all complaints which is a slight increase compared to 2009 (55.9%).

One of the main priorities for proper consumer representation is to ensure that representative bodies are properly financed, at both organisational and operational level. The current financial framework is set out in [Decision 1926/2006/EC](#) 'establishing a programme of Community action in the field of consumer policy (2007-2013)'. The Decision provides for funding to be provided to two European-level consumer organisations: the European Association for the Coordination of Consumer Representation in Standardisation (ANEC) and the Bureau Européen des Unions des Consommateurs (BEUC).

[ANEC](#) was set up in 1995 to represent consumer organisations from the EU and [EFTA](#). It 'defends consumer interests in the process of standardisation and certification' and

represent[s] the European consumer interest in the creation of technical standards, especially those developed to support the implementation of European laws and public policies.

[BEUC](#) was established in 1962 and has a wider remit, defending and promoting – in the EU policy process – the interests of European consumers as purchasers or users of goods and services. It brings together 42 independent national consumer organisations from 31 European countries.

In addition, the [European Community of Consumer Cooperatives](#) (Euro Coop, created in 1957) represents over 3,200 local or regional cooperatives and 29 million consumer members via the national organisations of consumer cooperatives in 17 European countries; while the [Confederation of Family Organisations in the European Union](#) (COFACE) has 52 member organisations across 21 Member States and has Working Groups on:

- Family and Social policies
- Inclusive policies for disabled, other dependent persons and their families
- Consumer protection services, public health and sustainable development policies
- Education and information and communication technologies policies
- Exchange of information and experiences: mutual learning and capacity building.

Founded in 1998, the [Transatlantic Consumer Dialogue](#) (TACD) is:

a forum of US and EU consumer organisations which develops and agrees joint consumer policy recommendations to the US government and European Union to promote the consumer interest in EU and US policy making.

The Commission provides financial support for the TACD, with the Secretariat provided by [Consumers International](#) (a world federation of consumer groups, with more than 220 member organisations in 115 countries).

A network for settling cross-border financial disputes out of Court, [FIN-NET](#), operates across the European Economic Area (the EU Member States plus Iceland, Liechtenstein and Norway). Launched in 2001, the network aims to give consumers easy access to out-of-court complaint procedures in cross-border cases.

The [International Consumer Protection and Enforcement Network](#) (ICPEN) has members from almost 40 countries, and aims to protect consumers' economic interests around the world, share information about relevant cross-border commercial activities, and encourage cooperation among law enforcement agencies.

(For further information see the [Consumers Organisations](#) page).

Information sources in the ESO database

Find updated and further information sources in the ESO database:

[12.1 Consumer affairs - General \[all categories\]](#)

- [Key source](#)
- [Legislation](#)
- [Policy-making](#)
- [Report](#)
- [Statistics](#)
- [News source](#)
- [Periodical article](#)
- [Textbook, monograph or reference](#)
- [Background](#)

[12.2 Safety of products and services](#)

[12.2.a Product safety / liability](#)

[12.2.b Dangerous products - accidents](#)

[12.3 Advertising](#)

[12.4 Financial protection](#)

[12.6 Labelling](#)

[12.7 Consumer rights](#)

Further information sources on the internet

- European Commission: DG Health and Consumers
 - [Homepage](#)
 - [Consumer affairs website](#)
 - [Consumer Protection in the EU: Ten Basic Principles](#)
 - [Information for consumers](#)
 - [Information for policy professionals](#)
 - [Policy strategy](#)
 - [Financial programme](#)
 - [Publications](#)
 - [Consumer Markets Scoreboard](#)
 - [Consultations: Consumer Affairs](#)
 - [Eurobarometers](#) (public opinion on consumer issues)
 - [Consumer associations & networks](#)
 - [RAPEX - Latest notifications](#)
 - [European Consumer Centres' Network](#)
 - [Is it fair?](#)
 - [Dolceta: Online Consumer Education](#)
 - Working Together with Consumer Organisations: [Consumer Associations and Networks](#)

- European Commission: DG Internal Market and Services
 - [Homepage](#)
 - [Internal Market website](#)
 - [Retail financial services](#)
 - [Financial services](#)
 - [SOLVIT](#) (network to solve problems caused by the misapplication of Internal Market law by public authorities)
- European Commission: DG Eurostat
 - [Homepage](#)
 - [Harmonized Indices of Consumer Prices](#) (HICP)
 - [Eurostat Yearbook 2011](#) Section 1.4 Consumer prices: inflation and comparative price levels
- Europa
 - Policy areas: [Environment, consumers and health](#)
 - Summaries of EU legislation
 - [Consumers](#) (subsections on: [Consumer information](#), [Consumer safety](#), [Consumers: enlargement](#), [Consumers: general framework and priorities](#), [Product labelling and packaging](#), [Protection of consumers' economic and legal interests](#))
- European Commission: DG Communication
 - [RAPID](#) press releases database - [Health and consumer policy](#) (pre-set search)
 - EU news: [Environment, consumers and health](#)
- Legislative and policy making information
 - [Treaty on the functioning of the European Union](#): Article 169, 12, 101-102
 - EUR-Lex: Legislation: [Consumer](#)
 - EUR-Lex: Preparatory legislation: [Consumer](#)
 - EUR-Lex: Consolidated legislation: [Consumer](#)
 - EUR-Lex: Case Law: [Consumer](#)
 - EUR-Lex: Summaries of EU Legislation: [Consumer](#)
- Court of Justice of the European Union: InfoCuria
[Homepage](#): at 'Subject-matter' box, click icon at far right to open list of subjects. Choose 'Consumer protection' and click 'Enter' to return to main search page. Select dates if required. Hit 'Search' at top or bottom of page.
- European Parliament: Legislative Observatory (OEIL)
[Homepage](#): Carry out a [Simple Search](#) (in right-hand menu, expand 'Subject'; then expand 'Economic, social and territorial cohesion', then expand 'Consumers' protection in general' and select / expand appropriate sub-section).
- Council of the European Union
 - [Employment, Social Policy, Health and Consumer Affairs](#) (EPSCO)
- European Parliament
 - [Internal Market and Consumer Protection](#) (IMCO)
- European Parliament: Fact Sheets
 - Section on [Common policies](#) has subsection on 'Consumer protection and public health', with Fact Sheets on [Consumer policy: principles and instruments](#), [Consumer protection measures](#)
- Committee of the Regions
 - [Commission for Natural Resources](#) (NAT)

- European Economic and Social Committee
 - [Single Market, Production and Consumption](#) (INT)

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