



# INFO-C

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As announced by Emma Bonino, the European Commissioner responsible for consumer policy, in the editorial of the preceding issue of **INFO-C**, a forum on the information society was held in Dublin on 3 and 4 September, which she attended. This was an opportunity for all participants - including numerous representatives of consumer organizations and European consumer policy officials such as Spyros Pappas, Director-General of DG XXIV at the European Commission - to review consumer needs in this domain. How can we regulate, without stifling the market? This challenge was taken up by various contributors during the debate - see the 'Viewpoints

and debates' section for details. We need hardly add that all current and future discussions on this topic will be addressed in our upcoming issues, since the runaway growth of the information society is likely to have a big impact on our everyday lives.

A 'Consumer Affairs' Council is slated for 25 November. The agenda is reproduced in the 'Institutions' section. Thorny topics abound - access to justice, guarantees and after-sales services, financial services and unit price marking!

Finally, this issue reports on the opinions of two European Parliament commissions on access to justice; the opinions of the Economic and Social Committee on the Commission's priorities for consumer policy for 1996-1998 and the BSE crisis; the results of the latest Commission survey on motor vehicle prices in the EC; the VKI's conclusions as how accession to the EU affects Austrian consumers; the CECU's verdict on consumer protection provisions in the new Spanish Penal Code; the European-level campaign launched by Test-Achats and BEUC challenging the increase in telephone prices in Belgium, as well as a host of other hot topics.

## INFO-C

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## Summary

Institutions	2
Points of view and debates	11
Countries	19
Case Law	33
Publications	34
Diary	48



# Consumer Affairs' Council of 25 November: agenda<sup>1</sup>

1. Access to justice (injunctions) COM(95) 712 final	Common position	6. Guarantees and after-sales services	Presentation/ Exchange of views
2. Access to justice (settlement) COM(96) 13 final	Resolution	7. New theme of 'Consumer protection within the information society'	Open debate
3. Directive amending existing consumer credit Directives COM(96) 79 final	Common position	8. Protection of vulnerable and disadvantaged consumers	Presidency Paper
4. Commission Green Paper on commercial communications in the internal market COM(96) 192 final	Presentation/ Exchange of views	9. Unit Pricing Consolidation COM(95) 276 final	Common position
5. Commission Green Paper on financial services meeting consumers' expectations COM(96) 209 final	Presentation/ Exchange of views	10. Continuation of consumer education theme	Commission AOB presentation

<sup>1</sup> As at date of going to press.

## Proposal for a Directive on the sale of consumer goods and associated guarantees

On 18 June, as a follow-up to its Green Paper of November 1993, the **European Commission** adopted a proposal for a Directive on the sale of consumer goods and associated guarantees<sup>1</sup>.

The idea is to harmonize national law governing the purchase of defective goods so as to bolster consumer confidence in the single market and to actively contribute to fuller integration of the European economy.

The Commission has noted that national laws governing statutory (legal) guarantees vary considerably from one Member State to another, either because of differences in the definition of defective goods in the

context of contractual liability, or because the rights accorded to consumers, the procedures for exercising these rights and the time limits within which they can be relied on vary as well. These differences are perplexing for consumers and deter them from shopping in another Member State. For example, a consumer who has bought a product in France may invoke the guarantee whenever the defect is discovered, which may be any time after purchase of the good. However, if he buys the same product in Germany, he must make haste to draw the seller's attention to the defect and, if necessary, take legal action within six months of purchase.

The proposal for a directive contains two strands. The first entitles all consumers to a statutory guarantee of two years from the date of purchase of the good. The second lays down principles of transparency governing commercial guarantees.

### 1. LEGAL GUARANTEE

The directive will afford all consumers, irrespective of the Member State in which they shop, legal protection for a two-year period from the date of purchase of the defective good. Consumers are free to demand that the good be repaired or that the price be reduced or - but only during the first year following purchase - to have the sales contract rescinded or the good



replaced. But this battery or rights may be limited by national legislations in the case of minor defects. Moreover, in all cases the consumer must bring the defect to the seller's attention within a month of identifying it, otherwise he forfeits his rights.

The directive will also harmonize the definition of defective good on the basis of the notion of non-conformity with the contract, a definition which is in line with the most modern legislation and international sales law. The proposal lays down certain criteria for evaluating the conformity of the good with the contract and, bearing in mind modern marketing strategies, notably envisages taking into account the advertising made for the product.

## 2. COMMERCIAL GUARANTEE

The Commission fully refrains from intervention in the domain of commercial guarantees, i.e. warranties freely offered to consumers by the seller or manufacturer. It confines itself to laying down two principles: firstly, these guarantees must supplement the consumers' statutory rights and, secondly, they must meet certain transparency requirements.

In accordance with the Commission's proposal, all guarantees must come in the form of a written document which must clearly recapitulate the key particulars required to invoke it, notably its duration and territorial scope, as well as the name and address of the guarantor. Moreover, advertising

relating to the guarantee is considered as part of the guarantee conditions.

Before taking effect the proposal for a Directive must be approved by the European Parliament and the Council in accordance with the co-decision procedure.

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<sup>1</sup> COM (96) 520 final.

# Two committees of the European Parliament deliver opinions on access to justice

## 1. DIRECTIVE ON ACCESS TO JUSTICE

On 2 July the **European Parliament's Committee on the Environment, Public Health and Consumer Protection** delivered an opinion<sup>1</sup> on the proposal for a Directive on injunctions for the protection of consumers' interests<sup>2</sup>, addressed to the Committee on Legal Affairs and Citizens' Rights.

Firstly, the Committee on the Environment, Public Health and Consumer Protection welcomes the proposal, which grants certain organizations the right to seek injunctions against commercial practices which are detrimental to consumers' interests.

It goes on to ask the Committee on Legal Affairs and Citizens' Rights to answer a crucial question: is it possible to bring an action for an injunction against a firm situated in a Member State that is late in transposing a directive, with the result that the firm is acting in compliance with domestic law but in violation of European legislation?

Finally, it proposes a number of amendments to the text of the Directive notably designed to ensure that:

- the list of entities qualified to bring an action for injunction include *all organizations which have consumer protection as their objective*,

- for the purposes of this directive, all actions which harm consumer interests *and/or lead to distortions of competition* be considered illegal;
- qualified entities in a Member State be authorized to mandate a qualified entity in another Member State with territorial jurisdiction to defend their interests;
- Member States be authorized to go beyond this directive by granting qualified entities more extensive rights to bring actions for an injunction at national *or cross-border* level;
- all new directives in the field of competition and consumer protection contain a provision stipulating their inclusion in the annex to this directive;



- the report on the directive's application, to be presented by the European Commission to the European Parliament and Council every three years, should be based *inter alia* on prior examination of the qualified entities and the European Commission should be required to present an amended proposal for a directive, if its report concludes that the directive needs improving.

### 2. PRIORITIES FOR CONSUMER POLICY 1996-1998

On 3 September the **Committee on Legal Affairs and Citizens' Rights** delivered its opinion<sup>3</sup> on the Commission's communication on priorities for consumer policy (1996-1998)<sup>4</sup>. Here the Legal Affairs Committee explicates its views on the 'access to justice' strand<sup>5</sup> of the European Commission's priorities and how it aspires to promote consumer redress, notably by implementing its 'action plan on consumer access to justice and the settlement of consumer disputes in the internal market'<sup>6</sup>. The Legal Affairs Committee invites the Committee on the Environment, Public Health and Consumer Protection, which is responsible as to the substance of the matter, to incorporate the following conclusions into its own opinion:

- [*the European Parliament*] stresses that out-of-court settlement of disputes can be an extremely useful way of reducing costs;
- [*the European Parliament*] urges the Commission to reduce the periods set out in Annex I of its action plan concerning measures to be taken to implement the envisaged initiatives in the plan;
- [*the European Parliament*] specifies that in future, in the context of the legal resolution of disputes of collective interest at Community level, the following measures must be undertaken: harmonization of the conditions governing the imposition of injunctions against illicit commercial practices and a right for business and consumer organizations to be active parties in joint actions; granting of powers to the courts to take decisions based on the law applicable to the substance of the dispute even if the infringement has only had repercussions on a market outside the national market; support for the establishment of national lists of entities empowered to bring actions for an injunction; the creation of a pre-dispute procedure to give the defendant the opportunity to end the infringement

voluntarily; study the possibility of resolving certain disputes on the basis of a simplified standard form;

- [*the European Parliament*] believes that the Commission should consider the possibility of harmonizing legal procedures for the recovery of late payments and the costs these entail.

The Parliament is expected to deliver its opinion at its plenary session in October or November.

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<sup>1</sup> Ref.: 217.566/def.  
Rapporteur for opinion: Annemarie Kuhn.

<sup>2</sup> Ref.: COM(95) 712, 24. 1. 1996.

<sup>3</sup> Ref.: 216.128.  
Rapporteur for opinion: Julio Añoveros Trías de Bes.

<sup>4</sup> Ref.: COM(95) 519.

<sup>5</sup> This concerns both the resolution of *individual cross-border disputes* on the part of consumers themselves as well as *actions for an injunction against illegal practices at national or cross-border level* brought by consumer protection associations, as described in point 1.

<sup>6</sup> Ref.: COM(96) 13 final, 14. 2. 1996.



## Colours for use in foodstuffs

On 24 June, **MEP Caroline Jackson** put the following question<sup>1</sup> to the European Commission:

'Article 8 of Directive 94/36/EC<sup>2</sup> on colours for use in foodstuffs states 'the Commission shall, to coincide with the date of entry into force of this directive, launch a campaign in conjunction with the European Parliament, national ministries, the food and retail industries and consumer bodies, to inform consumers about the evaluation and authorization procedures for permitted colours, and the meaning of the 'E' number system'.

Since the Directive came into force on 9 October 1994, can the Commission

state whether or not it has launched this campaign and, if not, why it has taken so long to act according to its obligations as laid down by the directive?'

On 11 July, **Commissioner Martin Bangemann** gave the following answer<sup>3</sup> on behalf of the Commission:

'The behaviour of consumers with regard to the acceptance of foodstuffs containing food additives and in particular food colours is not homogeneous throughout the Community. It was felt necessary to launch a feasibility study to investigate this phenomenon. Furthermore it was also necessary to investigate the work

undertaken by Member States in relation to an information campaign on their territory and the means and media which could be used to obtain the most effective results under article 8 of Directive 94/36/EC.

The study commissioned by the Commission has recently been completed. The Commission will study the recommendations contained in the final report with a view to starting with Parliament and the Member States the information campaign. The report will be made available to the Parliament.'

<sup>1</sup> Ref.: E-1638/96.

<sup>2</sup> OJ No L 237, 10. 9. 1994, p. 13.

<sup>3</sup> Ref.: 1538/96.

## ESC delivers its opinion on Commission's priorities

At its plenary session of 11 July, the **Economic and Social Committee (ESC)** adopted its *Opinion on the Communication from the Commission: Priorities for consumer policy (1996-1998)*<sup>1</sup>. Here is a summary of it:

The ESC fully endorses the new directions in the Commission's communication and the considerations upon which they are based. It nonetheless makes a number of observations, which it hopes will be taken into account.

### 1. GENERAL REMARKS

The ESC regrets that the Commission's communication:

- does not present the successes and shortcomings the Commission has

experienced with respect to its last three-year Action Plan that expired at the end of 1995;

- does not say what the Commission thinks about the functioning of Article 129a and the way the legislation enacted in the first and second three-year Action Plans has been implemented and enforced, and what it intends to do with 'leftovers' from the second three-year Action Plan such as the issue of food claims;
- does not make any reference to the significance of competition policy for the attainment of consumer policy objectives;
- does not say clearly where the Commission aims at proposing EU-wide solutions for problems and where, in the name of subsidiarity, it

intends to simply help Member States find solutions;

- does not follow a strict format: (1) problem identification, (2) goals for consumer policy and (3) strategy.

In addition, the ESC urges the Commission to quickly come forward with concrete proposals that may give substance to the ideas offered in these priorities.

### 2. REMARKS ON THE INDIVIDUAL PRIORITIES

#### 1. Intensify consumer education and information efforts.

The ESC is quite favourable to this priority. Concerning the information provided to consumers, it insists that it should be visible, understandable and concrete. In particular, suppliers of goods and services should coop-



erate with consumer organizations to improve the quality of sector-specific labelling. Concerning education, it thinks that consumers should be taught, from the earliest possible age, their rights and obligations. In particular, it suggests that the Commission establish a reference framework for (young) consumer education policy, ranging from basic education through to university-level studies, so that Member States can compare their action in this regard.

2. *Update the legislation to ensure that consumer interests are taken into account in the single market.*

The ESC welcomes the Commission's proposed Directive on access to justice and its communication on an Action Plan on access to justice. However, it considers that the completion of the single market from the consumer's perspective requires further measures, such as the extension of the scope of the Product Liability Directive to non-processed agricultural products. In addition, it is eager to learn about new initiatives of the Commission with respect to service liability and urges the Commission to study whether there is a need for EU legislation to protect consumers in the face of the increasing diversity of commercial practices used to sell services. Finally, based on its opinion that consumers will generally profit from increased market competition (subject to safeguarding vital societal interests), it calls for the liberalization of such sectors as air transport or energy and a review of the Common Agricultural Policy from the consumer's point of view.

3. *Protect consumers in the framework of financial services.*

Given the exclusion of financial services from the Distance Selling Directive, the ESC urges the Commission to present a proposal for legislation on minimum consumer protection requirements for distance selling of financial services. Also, it calls on the Commission to introduce legislation offering European consumers sufficient and equal protection in the use of bank and non-bank debit cards, to ensure strict enforcement of EU anti-trust rules in the insurance market, and to safeguard the interests of consumers during the introduction of the single currency.

4. *Protect consumer interests in the provision of essential services of public utility.*

The ESC would like the Commission to issue a Green Paper to explore how consumers may be given a say in the price and quality of these services and the way they are provided, and to come up with a set of indicators by which their performance could be assessed.

5. *Allow consumers to benefit from the advantages of the information society.*

The ESC agrees with the Commission's concern that the new information technologies should be developed so that *all* consumers, including the less privileged, can have access to them. It also sets out other important concerns, not mentioned by the Commission, such as the protection of privacy, the security of transactions, the 'signing' of contracts, etc.

6. *Increase consumer confidence in foodstuffs.*

The ESC warns the Commission

against taking away existing requirements on food labelling. It recommends that the Commission bring forward proposals for legislation to require labelling of alcoholic drinks and *clearly-worded* nutritional labelling, consider amending existing rules to require the indication of the quantity of ingredients present over a certain amount, deal with the issue of food claims in the upcoming Green Paper on food issues, and propose legislation to guarantee the safety of genetically-engineered foodstuffs all over the EU.

7. *Encourage the adoption of sustainable consumption patterns.*

The ESC deplores that fact that only a few producers are as yet prepared to compete in the market place with more environmentally-friendly products. To remedy this, it proposes that efforts be made to inform consumers of the consequences of their choices on the environment and that, in the revision of Council Regulation 880/92<sup>2</sup>, procedures for the adoption of ecological criteria for eligible products be simplified and the burden (including the financial burden) on manufacturers to comply with the requirements be reduced.

8. *Strengthen and increase consumer representation.*

The ESC is pleased with the Commission's intention to provide the consumer organizations in Southern Europe with additional support and to boost consumer representation in the field of standardization. It expresses reservations, however, about the way the new Consumer Committee has been formed and functions, particularly about the fact that the Commission



determines membership of the Consumer Committee as well as whether and when it meets. It thinks that the consumer organizations should be free to determine who represents them, that the Consumer Committee should be free to decide whether and when it wants to advise the Commission, and that this right should not be confined to consumer policy issues proper, but also extended to *horizontal* consumer policy issues.

9. *Help the Central and Eastern European Countries design consumer protection policies.*

The ESC would like to see the EU

restrain its producers from dumping substandard goods on these markets, where controls are often absent or inadequate, and encourage local producers to perform better. It is, of course, all in favour of supporting the emergence of independent consumer organizations in this part of Europe.

10. *Contribute to the creation of a consumer policy in the developing countries.*

The ESC approves of the Commission's including consumer policy among its policies directed at the economic development of these countries.

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<sup>1</sup> Reference to the Commission's communication: COM(95) 519 final.

Reference to the ESC's opinion: CES(96) 889.

<sup>2</sup> Which set up the EU Eco-Label Award Scheme.

## ESC delivers Opinion on BSE

At its plenary session of 10 July the **Economic and Social Committee** (ESC) adopted an ***Own-initiative Opinion on the bovine spongiform encephalopathy (BSE) crisis and its wide-ranging consequences for the EU***<sup>1</sup>. Below we summarize the ESC's recommendations on the current and future management of the crisis. For its assessment on how the crisis was managed in the past the reader is referred to the full text of the ESC's opinion.

The ESC:

- welcomes the agreement at the Florence European Summit which provides for the implementation of a plan to eradicate BSE in the United Kingdom and approves the granting of aid to beef farmers. However it considers that, if the disease is to be completely eradicated, extra resources must be

allotted at Community level to scientific research into BSE and the Creutzfeldt-Jacob disease (CJD);

- urges the strict implementation of measures to withdraw unsafe products from the market, including both 'raw material' (animal feed) and finished products (meat intended for human consumption, notably offal) susceptible of being contaminated;
- urges the strict implementation of measures to ban the production and, naturally, the placing on the market of unsafe products;
- invites all workers in contact with animals or meat susceptible of being contaminated to take the strictest precautions (detailed in its opinion);
- urges that consumers be kept abreast of all results of research work on BSE and CJD and, like-

wise with an eye to informing the public, urges that rules on product labelling, including the labelling of cosmetic products, mandate the indication of any hazardous ingredients in regard to BSE;

- calls for an assessment of the effectiveness of the directive on general product safety<sup>2</sup> and an extension of the scope of the directive on liability for defective products<sup>3</sup> to include farm products and the risks linked to their consumption;
- proposes that, in order to revitalize the livestock sector in the long term, beef farmers be granted subsidies to transform intensive farms into semi-extensive or extensive units and that information measures on meat quality produced in the EU be organized both in the EU and in third countries;



- welcomes the Commission's proposal of 29 May 1995 to create a European inspection and control agency for animal and plant health, to be set up in Ireland, while reserving its views on the functions of this body, notably in terms of prevention;
- considers that meat meal should no longer be used in ruminant feed;
- suggests that each animal be accompanied, from birth to slaughter, by a

document containing all particulars relating to its source, diet and the illnesses which it has suffered during its life, as a basis for detailed labelling targeted at consumers.

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<sup>1</sup> Ref.: CES 888/96.

<sup>2</sup> Council Directive 92/59/EC, 29. 6. 1992, on general product safety (OJ No L 228, 11. 8. 1992, pp. 24-32).

<sup>3</sup> Council Directive 85/374 (OJ No L 228, 11. 8. 1992).

## European Young Consumer Competition 1997

We are happy to announce the launch of the **European Young Consumer Competition 1997**, financed by the European Commission.

This competition will allow young people aged 12 to 14 from the 15 countries of the European Union to work together and debate consumer issues throughout the school year.

Participants will be required to create a magazine designed to make young people aware of such consumer issues as comparative tests, consumers' rights and duties, advertising, ecological consumption, healthy nutrition, pocket money, and safety in sports and leisure activities.

Contestants will also be required to write an article focusing on one of the following 'European topics': the single currency, the benefits of free movement of citizen-consumers in the Union and the consumer behaviour of citizens of other Member States.

**The final date for enrolment is 31 January 1997.**

The competition brochure, which contains all necessary information on the work to be done, the enrolment procedures, prizes, the rules governing the contest, etc., can be obtained from your country's coordinator, whose details follow.

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<sup>1</sup> Coordinator of the 1997 edition of the Competition in 11 of the 15 Member States (exceptions: Austria, Belgium, the Netherlands and the UK).



# Car prices

On 29 July, the **European Commission** published the results of its latest survey of disparities in retail prices for new cars in 12 Member States of the EU. We have summarized the statement issued by the Commission spokesman. Further information can be obtained from the Commission's representative offices in the Member States, cross-border consumer information centres and the 'Rapid' database.

Some 23 European and Japanese manufacturers provided details of their retail prices as at 1 May 1996 for 78 of their best-selling models, with price adjustments for differences in fittings, expressed in the relevant national currency and ecus, both inclusive and exclusive of tax. Denmark, Greece and Finland were once again excluded from the survey because of their special fiscal arrangements.

This survey confirms the trend already revealed by the previous one, namely that the range of prices is gradually getting smaller (there were price

disparities of more than 20% in the case of 40 models - compared with 60 previously).

Portugal has displaced Italy as the country with the cheapest market (the price of 22 models was cheapest in Portugal), followed by the United Kingdom (16) and the Netherlands (14). At the other end of the scale, France is the country with the highest price for the greatest number of models (20), followed by Germany (19). Austria, which was previously rivalling France and Germany as the most expensive national market, has now fallen far behind (with 8 models).

It also appears that:

- some manufacturers (namely Fiat, Ford, PSA (Peugeot-Citroën), Renault, Volvo and Nissan) maintain larger price differentials than the others;
- there are smaller price disparities for Japanese cars than for European ones;
- disparities are greater in the markets for small, large and luxury cars than

in those for extra-small and medium-size cars (the reason for this no doubt being the stiff competition in these last two categories).

Once again, the Commission has found that the price disparities cannot be explained by changes in exchange rates (given that fluctuations on the foreign exchange market did not exceed 2% during the period from 1 November 1995 to 1 May 1996 - except in the case of the Italian lira, which gained 8% against the ecu), but rather by the deliberate policy of market-segmentation pursued by the manufacturers. The Commission also notes that the increase in parallel imports has certainly helped to push down price differentials, but at the same time expresses its disapproval of the fact that end-consumers still sometimes encounter obstacles when they try to buy a vehicle abroad (with local dealers in some cases even refusing to sell them a car).



## How can consumers benefit from the information society?

This question was the subject of a two-day Forum on 'Consumer issues and the information society' held in Dublin on 3-4 September. The Forum, which was organized on the initiative of the Irish Presidency, and especially **Pat Rabbitte**, Ireland's Minister for Commerce, Science and Technology, and included **Emma Bonino** as its guest of honour, brought together representatives of consumer organizations, public authorities, the advertising industry, telecommunications networks and suppliers of new communications equipment. Its objective was to assess the potential risks, as well as the benefits, offered to consumers by the developments of the information society, and to gauge the willingness and ability of the mass of consumers to use the services and potential of the information society. It followed on the European Commission's communication on 'Priorities for consumer policy 1996-1998', adopted in October 1995, in which enabling consumers to benefit from the information society was identified as an area for urgent action.

### **Here is a summary of the formal opening address given by Pat Rabbitte:**

The Irish Presidency selected the specific theme of the information society because the consumer interest has been largely ignored in the various debates held so far. The specific problems which must now be tackled, include:

- the accessibility of new communication technologies to all consumers at an affordable price;

- transparency in the pricing of products and services, in the terms of the associated contracts, and in the provision of quality assurance;
- the safeguarding of confidential and sensitive information provided by consumers when using new communications technologies;
- the regulation of the content available via the new technologies, including advertising and other messages, particularly those aimed at children.

'Cyberspace' is no longer an abstract concept but a very real modern phenomenon. Therefore, it can no longer be exempt from regulation. However, its very nature means that the preparation of such regulation must come from international bodies. A possible model for such 'cyberlaw' could well be the 'International Law of the Sea'.

Consumer organizations are expected to contribute to the development of policies that will protect European consumers in the new information age. The Irish Presidency will provide a further stimulus by presenting a discussion paper on the subject of 'Consumer aspects of the information society' at the next meeting of the Council of Ministers of Consumer Affairs, scheduled for 25 November 1996.

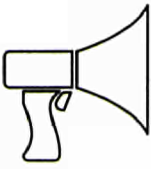
### **Here is a summary of the speech delivered by Emma Bonino:**

The willingness and ability of the mass of consumers to use the services and potential of the information society will

determine the extent to which the whole industry develops. While a big business has already been built on 'business to business' communication systems, an even greater business could be built by meeting consumers' needs. Ireland's initiative in bringing together the key actors in the market to help identify these needs is, indeed, a constructive step likely to pay dividends in future years and benefit every citizen in the European Union.

For me, the information society is a broad-based concept which comprises three major aspects: the technological developments that currently affect the telecommunications sector, the new products and services these developments generate and the social changes they entail. The third aspect is not to be neglected, as it is the one that distinguishes the term (and concept) 'information society' from other terms, such as 'Internet' or 'information superhighways', which concentrate solely on the 'information' side, i.e the technology, to the detriment of the equally-important 'society' side, which includes social, economic, educational, cultural, legal, institutional and political dimensions.

Let us focus on the advantages and drawbacks of the information society 'revolution' for consumers. Benefits include new products, such as GSM telephones, video telephones, satellite TV decoders, electronic cameras; new services, such as telebanking, teleshopping, video-on-demand, inter-active television; access to a



wider choice of existing goods and services, by being able to obtain information from other suppliers (e.g. via fax-back services) in what is becoming a global single market; 'mass customization', which enables suppliers to give each customer exactly what he wants (e.g. his own individual electronic newspaper) at mass production costs; and lower prices as a result of the increased availability of relevant market information. But, as they say, it won't be all gain and no pain. Causes for consumer concern include: the speed of the technological developments, which may outstrip people's capacity to adjust to them, particularly in the case of the old and the disadvantaged; the fact that these developments are essentially supplier-led, without much attention being paid to consumers' needs; and the danger that the information society be used only as a toy, which is often how it is being promoted at present.

The question therefore is: how can the disadvantages be minimized and the advantages maximized?

As a starting-point, the Commission has included the information society in its communication on 'Priorities for consumer policy 1996-1998'. This has been followed by a re-organization of its Directorate-General responsible for consumer policy, which now includes a new Unit with specific responsibility for work on the information society.

The Commission's main objectives for the moment are to identify the issues raised by the development of the information society, prioritize these issues, and decide on how it should address them. Although its work will be based on a study on 'The consumer

in the information society' it ordered last year and, of course, the discussions of this Forum, which widens the consultation process by including representatives of all parties involved, I would like, in order to stimulate the debate, to share my own thoughts and ask my own questions on the subject.

In my opinion, five major problems will have to be solved.

### 1. Security of transactions

When a consumer completes a transaction via an electronic medium, he needs to know what the status of the supplier is. And this is no easy task with a technology that enables suppliers of goods or services to be physically located in one country, establish a company in another country, and use Internet in a third country. How can the legislator ensure that all parties to a transaction are clearly identified and their responsibilities outlined *before* the transaction takes place?

The question also arises as to which rules should govern 'information' and advertising in this 'virtual' world, so that, for instance, consumers are not deceived by clandestine advertising techniques. Will it be sufficient to apply the existing legislation on advertising?

Concerning the contractual terms to be applied to an electronic transaction, the following must be answered: is there indeed a contract here? If so, with whom? What are the respective obligations and rights of the consumer and the supplier?

When these have been answered, one must turn to the means and proof of payment. At present, transactions via the Internet are open to abuse. In addition, no proof exists that payment

has been made in a particular transaction. Can the use of electronic signatures and the intervention of trusted third parties be appropriate solutions?

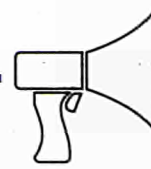
### 2. Gaps in EU legislation

It is obvious from the points raised above that one of the first tasks to be undertaken by the Commission will be to analyze the existing EU consumer legislation to see how the provisions of the various directives can be applied to the information society, and to push for the rapid adoption of other texts, such as the Distance Selling Directive, which can safeguard the interests of consumers in the information society. Let me remind you that the draft directive requires that information regarding price, quality, payment terms and the right of withdrawal be supplied to the consumer; that it gives the consumer a right to withdraw from the transaction within seven working days from receipt of the product or service; and that it provides for cancellation of payment if the credit card number has been recorded without some form of electronic identification.

And what about consumer complaints and redress? Surely, provision must be made for fair, cheap and quick resolution of individual disputes with suppliers. The current ONP Voice Telephony Directive provides for such procedures within the context of voice telephony. Should similar mechanisms be introduced within the context of the information society?

### 3. Responsibility of the carrier

Are providers of electronic transmission services to be made responsible for the data passing through their systems? How can, for instance, the necessary protection of



minors be reconciled with freedom of expression? Does the legislator have a right to 'filter the material'?

Very much linked to the issue of personal freedom is that of protection of privacy. Will it be sufficiently ensured by the Directive on the protection of personal data?

#### 4. Accessibility and affordability

How can we prevent the creation of a dual society, in which those who have access to the information society will be forever separated from those who do not (because of a lack of education, experience or financial means)? By imposing minimum service obligations on suppliers of electronic media?

#### 5. Consumer influence

How can consumers influence policy regarding the information society? Should such policy be decided at national, EU or world level (for instance under the auspices of the World Trade Organization)?

... Much food for thought for these two days indeed!

Here is a summary of some of the speeches made by the speakers during the working sessions:

**Salvador Novell**, of the Institut Català del Consum at Barcelona (Spain), began by stating that the European Inter-Regional Institute for Consumer Affairs (EIICA) had already established a working-group to consider the consumer dimension of the information society. The principal problem was that consumers continued to be at a disadvantage when faced with the commercial possibilities of the Internet, as they were insufficiently prepared. The lack of written evidence of such transactions also meant that the

consumer lacked a sound basis for making any complaints, not to mention the question of which jurisdiction applied to international transactions. One possible solution would be to introduce a deontological code linked to a quality label for approved suppliers. Another would be to provide information and education for consumers on this subject, which implied a need for suitably-trained personnel.

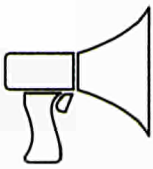
**Axel Edling**, Sweden's Consumer Ombudsman, expressed a particular interest in the problem of advertising aimed at children, as well as the question of 'loyalty cards' and the use of personal data obtained therefrom. However, his presentation concentrated on the specific theme of the problems which confront functionally-impaired consumers when they have to use new communications technology. These problems include the positioning of equipment (e.g. access to cash dispensers by people in wheelchairs), the readability of screens and the need for special manipulations. He noted that it was generally less expensive to consider the needs of these consumer at the design stage, rather than to make changes to equipment after it has been manufactured, let alone installed.

**Linda Lennard**, of the National Consumer Council (United Kingdom), warned against getting carried away by over-enthusiastic media coverage of the information society, and asked how much the lives of individual consumers were actually changed by such developments. She then continued by making a brief mention of issues which she thought merited consideration, including the need to

ensure fair and transparent tariffs and to establish effective systems for complaints and redress.

**Jan Van Dijk**, of the University of Utrecht (the Netherlands), said he saw a big 'plus' in the information society, i.e. that it could bring consumers a wider choice of products and services; but also 'minuses', such as information overload, reduced privacy, and a complete commercialization of information and communication. In addition, he identified four barriers to its universal development: people's fear of new technologies and/or their lack of skill in using them, the lack of applications specifically tailored to their daily needs, and cost of access and use. Van Dijk quoted some disquieting statistics relating to usage of new communications technologies, including that 50% of the population have problems programming a video recorder, and that only 10% of WWW users are female (moreover, most among those have computer or educational employment backgrounds). He added that since most of the Internet technology is used at work or at school/university, a vast majority of the population is unlikely to surf the Net, at least at present. He concluded by deploring the fact that so few of the current research and pilot projects in the field of the information society are biased towards individual consumers, and by suggesting, in order to remedy this, the creation of a European body specializing in the study of the *consumer* aspects of the information society, which would provide national consumer organizations with expert knowledge.

In his presentation, **Roscoe Starek**, from the Federal Trade Commission



(USA), focused on the increased possibility of fraud using new communications technologies. One of the principal difficulties with consumer transactions via the Internet was that it became increasingly difficult to catch fraudsters and to obtain adequate compensation for their victims. In addition, national authorities were often loath to divulge information about the financial assets of people and this made it difficult to obtain money for compensation. However, solutions did exist. The FTC was a founder-member of the International Marketing Supervision Network, which encouraged informal co-operation between market supervision authorities in various countries. It had also established a 'tele-marketing fraud' data-base, which it would like to extend to an international level. This data-base also provided good indications for consumer education actions. And from time to time the FTC undertook enforcement sweeps in specific areas (e.g. against loan 'sharks') on a co-ordinated basis with the individual States and with Canada. But on the basis that prevention is always better than cure, Starek considered that the most promising way forward was to combine a system for quality labelling or seals of approval for commercial Net sites, an adequate complaints procedure, and increased consumer information and education.

**Jim Murray**, Director of BEUC, took a different view and felt that there was a clear need for a *regulatory framework* governing consumer transactions via the Internet. He was particularly concerned about the problem of the use of new communications technologies for direct marketing to children.

**Spyros Pappas**, Director-General of the European Commission's DG XXIV 'Consumer Policy', focused on the role of the European Commission in trying to ensure that consumers' interests were not overlooked during the development of the information society. Turning to the future, he noted that the information and communication technologies market was subject to many and very rapid changes, which made it extremely difficult to achieve a suitable regulatory framework for this sector, even more so when considering the extent of procedural delays. Any such legislative framework would have to be flexible in order to be able to adapt to new developments as they occurred. That is why, besides directives, the EU should consider a wide variety of instruments for action in the area of the information society, including the promotion of Codes of Conduct, the provision of consumer information and education, the granting of financial aid to consumer organizations to support their work in this area, and help with standardization of equipment. Secondly, given the

global dimension of information society developments, it was very probable that the most appropriate level for action would be global co-operation. Whether such matters could be dealt with in the context of the G7, the OECD or the World Trade Organization, or whether it would be more appropriate to establish a new international body to handle such issues, remained to be decided.

Finally, **William Fagan**, Ireland's Director of Consumer Affairs, declared that he thought that business in general would welcome some clear regulatory framework because the present uncertain situation was very costly in terms of obtaining legal advice and trying to ensure that no offence was being committed. He was supported by Jim Murray who proposed the development of an overall legal framework (e.g. a directive on unfair marketing) within which a more detailed system of self-discipline could operate.

The complete Proceedings of the Forum are available from:

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## Copenhagen: Emma Bonino expresses her views on consumer policy

On 26 August, in the course of a trip to Denmark, Sweden and Finland during which she met the ministers and a number of high-ranking officials responsible for consumer policy in these countries, **Emma Bonino** delivered a speech at a conference on consumer policy held in Copenhagen, Denmark. Here is a summary of it:

There is a consumer dimension to almost every area within the competence of the EC, which implies that those responsible for consumer policy must concentrate their limited resources on certain high priority areas, while unfortunately ignoring others.

The European Commission has circumscribed these areas in its 'Priorities for consumer policy 1996-1998', adopted in October 1995.

Despite the fact that the issues of financial services, public services and food have been addressed within the context of the single market, the Commission has acknowledged that problems persist for consumers in all three areas. In addition, it has decided to forge a (consumer-friendly) way ahead in the areas of the information society and sustainable consumption; to help the Central and Eastern European countries, which have all applied for admission to the EU, adjust to the market economy; to share the 'European experience' in the field of consumer protection with the developing countries; to improve the education and information of consumers, as well as their representation; and, finally, to update existing

consumer protection legislation, while simplifying it wherever possible.

I cannot stress enough how important the education and information of consumers are to the proper functioning of the market. Of course, consumers do depend on the authorities for the safety of the food they eat or the medicines they use. Likewise, regulation *is* needed to rebalance the interests of business and consumers before the courts or in relation to contract obligations. But, in my opinion, it is not the role of the EC or the national authorities to 'protect' consumers from all the risks they face. That would be an impossible task. I'd much rather try to ensure that consumers are equipped with the capacity to look after themselves. Therefore, once the ground rules have been laid, education and information must kick in. With respect to education, my services are in contact with the national authorities to elaborate joint consumer education programmes. In Greece, for instance, I met with the Minister of Education and we agreed to put forward a consumer education plan for children in primary schools. With respect to information, we are embarking on the Citizen's First information campaign, which will include a section on consumer rights, and are also extending the radio advertising campaign started last year to the three new Member States, i.e. Sweden, Finland and Austria. And all of this is, of course, just a beginning.

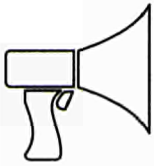
The European Commission is already very active in the information society.

One of its objectives is to ensure that all consumers will be able to link up to it and benefit from it. At a more concrete, practical level, electronic transactions should be based on safe, reliable means of payment, which implies that systems such as the 'electronic signature' must be developed.

We have also decided to come to terms with the concept of sustainable consumption. Consumer policy can indeed contribute to putting the world on a course to sustainable development, by identifying the areas most likely to respond to changes in consumer behaviour and then providing consumers with incentives to modify their buying habits. How far initiatives such as the Eco-labelling scheme can bring us, I do not yet know, but they certainly need to be supported.

Concerning food, the European Commission is well aware that consumers' confidence in primary foods (in particular) has declined. It has undertaken to consider in a Green Paper how to cope with this. In the meantime, the BSE crisis has developed dramatically and made the search for improvements in the handling of food more urgent. The challenge is for everybody to learn from this crisis and prevent it from happening in other areas.

As far as public utilities, it seems to us at the European Commission that there is little or no justification for maintaining monopolies at a time



when numerous operators are both willing and able to provide the same services on a competitive basis. The costs for many of these services are significantly higher in Europe than in America, where liberalization has been in progress for years. And recent experiences conducted in the UK seem to confirm that major savings for both business and residential customers can be achieved through careful liberalization. Not to mention the fact that liberalization usually gives birth to creative new services and to synergies between businesses which were formerly prevented from operating in certain important areas. For all these reasons, I have clearly put my weight behind efforts to encourage liberalization. For instance, as I see it at present, there is no case for the

preservation of monopolies in telecommunications, air transport or the supply of gas or electricity. In other areas, however, such as postal services or rail transport, there are specific issues which need to be clarified before one can be dogmatic.

Coming to financial services, who could deny their importance? One cannot live nowadays without a bank account; new means of payment (cards, home banking, etc.) have emerged; an increasing number of purchases or indeed investments (cars, apartments, houses, etc.) are financed by medium- or long-term loans; and, finally, the increase in the duration of our lives raises the problem of how to finance our retirement years. The Commission adopted, on 22 May, a

Green Paper on consumers' expectations with respect to financial services<sup>1</sup>. Although this document results from the discussions on whether or not financial services should be included in the Directive on distance selling, it broadens the analysis to cover all aspects of the relations between consumers and financial services (information, mobility, training, payment devices, selling techniques, the settlement of disputes and the single currency)<sup>2</sup>.

<sup>1</sup> See article titled 'Green Paper on financial services' in the 'Consumer Protection' section of the August 1996 issue of **INFO-C**.

<sup>2</sup> For more details on these, see article titled 'Consumer and financial services' in the 'Euro-Infos' section of the June 1996 issue of **INFO-C**.

## Treat animals with dignity!

Treat animals with dignity - this is the keynote of a position statement published by **EURO COOP** on 15 July. EURO COOP believes that European law should protect animals against pain and sickness and provide for living spaces where they can behave naturally. Specifically EURO COOP urges that livestock be housed in such a way as to preserve their health and minimize their need for medication, that they should be fed in a natural manner and transported and slaughtered in ethically acceptable conditions. Against this EURO COOP condemns the systematic administration of antibiotics<sup>1</sup> to these animals to prevent diseases which they would not fall prey to if they were bred less intensively and, worse still, the administration of antibiotics and

growth hormones for fattening purposes. Hence EURO COOP calls for the adoption of European legislation on all these points or for the adaptation of existing law to render it more favourable to animals and, indirectly, to consumers.

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At the same time **CWS Ltd**, the firm that manages Co-op (British co-operatives), has launched a large-scale public information campaign on the animal testing of popular consumer

goods such as cosmetics, toiletries and cleaning agents. The objective is to encourage public opinion to insist that the European Union formally and definitively ban such tests as of 1998, as provided for in an amendment to the Cosmetic Products Directive. CWS Ltd considers this campaign necessary because it fears that this measure may be in jeopardy because of the difficulty in replacing animal trials by alternative methods. To avoid this CWS Ltd urges the European Union to ban these tests as of 1998 *wherever possible* and calls for the prohibition to be progressively extended to *all products* by 2000. Simultaneously, with a view both to encouraging the adoption of alternative research methods and to reducing the total number of trials, CWS Ltd will notably help fund the creation, in the





context of FRAME (Fund for the Replacement of Animals in Medical Experiments), of an international database containing the results of all tests already conducted on animals and all tests conducted using alternative methods.

CWS Ltd substantiates its views on testing by citing the results of a survey it commissioned, which shows that:

- one in every two consumers wants a ban on foodstuff additives tests on animals;

- three in every four consumers would welcome a similar ban on animal trials for cleaning agents;
- four in every five consumers want a ban on animal trials for tobacco products, as well as for cosmetics and toiletries.

For further information read the report ***Ending the Pain - Finding a solution to stop animal testing***, published by Co-op and available from:

CWS Ltd  
New Century House  
UK - Manchester M60 4ES  
Tel.: +44 161 834 1212  
Fax: +44 161 832 2751

<sup>1</sup> As regards antibiotics, EURO COOP argues as follows: their use leads to a risk of residues accumulating in the meat and promotes the spread of resistant strains, hence making it harder to cure infectious diseases in man.

## Outrage at WTO secrecy

The establishment of the World Trade Organization (WTO) symbolizes a new-found will by all countries to abide by clear multilateral rules. The WTO's reach and power go far beyond those of the GATT, as it deals with entirely new areas of international trade, including services and intellectual property, and has to grapple with wider issues such as the relationship between trade and the environment.

Given the enormous impact of its decisions on millions of people worldwide, **Consumers International** (CI) thinks that all interested parties, including consumer organizations, have a right to be heard by the WTO and to know what it is doing.

Hence CI has denounced the recent adoption by the WTO of restrictive guidelines on the 'derestriction' of documents and the consultation of NGOs.

Indeed, the measures adopted by the General Council of the WTO on

18 July, restrict all working documents in all series (i.e. draft documents such as agendas, decisions and proposals as well as other working papers) and minutes of meetings of all WTO bodies (except the Trade Policy Review Body), including Summary Records of Sessions of the Ministerial Conference. Such information may only reach the public six months after circulation, if at all.

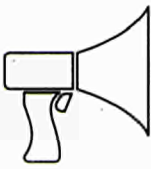
CI is similarly concerned about the arrangements on relations with NGOs to be developed on an *ad hoc* basis and through informal arrangements. It fears that the complete lack of formal consultation and accreditation procedures will perpetuate unrepresentative arbitrary associations.

Jayanti Durai, CI's Economic Affairs Officer, explains, 'Without access to even draft agendas, any NGO-WTO consultation is seriously impaired. Without the timely availability of relevant information, consumers and others can have no input in the discussions which affect an ever-

increasing share of our lives. This move by the General Council confirms anxieties that international trade agreements are determined by a few behind closed doors'.

CI calls for an immediate review of the adopted guidelines. In particular, it recommends that the WTO:

- make the agendas, papers and minutes of its council and committee meetings publicly available (unless there are *good* reasons - determined by a set of criteria which ought to be established urgently - for maintaining confidentiality);
- set up a system for providing timely information about available papers and forthcoming meetings as well as establishing an enquiry point for disseminating information to NGOs;
- follow the example of other international organizations and establish a system of accreditation for NGOs concerned with the matters it deals with;
- make sure that the integrated system for settling disputes is transparent



and open to input from consumer organizations and other public interest groups;

- maintain a public file of potential members of dispute panels;
- encourage dispute panels to invite submissions from NGOs with relevant knowledge and expertise.

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## UNEP and CI join forces for global environmental campaign

Two worldwide organizations dedicated to raising environmental and consumer awareness signed an agreement on 19 July to work together on a global public education campaign.

The **United Nations Environment Programme** (UNEP) and **Consumers International** (CI), which have already joined forces in a campaign on 'Safe Food for All' - which was the theme for this year's World Consumer Rights Day, have agreed to become partners in developing programmes to make citizens aware of, and participants in, sustainable development.

Projects considered under the agreement include distributing information

and training to consumer organizations about sustainable consumption, holding regional and international workshops for key players to debate and agree on practical solutions to the problems of overproduction and consumption, and creating a consumer charter on the rights and responsibilities of consumers in relation to environmental protection and sustainable consumption.

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## Email and Internet addresses: urgent appeal!!!

An increasing number of bodies involved in consumer protection (ministries; institutes; national, regional or local authorities; consumer organizations) have an Email or Internet address. To make communication between all these bodies easier, **INFO-C** intends to publish a list of their electronic addresses in a forthcoming issue. That is why we are making this appeal to our readers worldwide: if the body for which you work or campaign has recently joined the information highway, let us know right away!

**Contact:**

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**UNITED KINGDOM • SOFT DRINKS EXCEED MAXIMUM SACCHARIN LEVELS**

Tests of over 300 soft drinks by trading standards officers found nearly one in twelve (8%) containing levels of saccharin above the legal maximum. The test data was revealed to the **Food Commission** by Surrey Trading Standards department. It showed that many popular brands including own-label products from Tesco, Safeway, Co-op and Spar, contained excess

levels of saccharin, often in combination with other artificial sweeteners, or with sugar, or in some cases both.

Saccharin has been linked to bladder cancer in laboratory animals. It is banned in Canada and must carry a warning label in the USA stating the product may be hazardous to health.

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Tel.: +44 171 628 7774  
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**• MISLEADING SLIMMING ADS BANNED**

On 10 July, the High Court banned misleading advertisements for Citra-Slim tablets, a slimming product made by a Guernsey company called Moore Laboratories.

after' photographs, and laid claim to an association with a leading charity that had never been approached and would never have agreed to being mentioned.

Note that the High Court's injunction is valid despite the fact that Citra-Slim was being marketed by a chain of offshore companies in an apparent attempt to evade UK law.

According to the judgment, the ads, which had been sent by mail to a number of British consumers during September 1995, made several false and misleading claims. In particular, they referred to scientific tests by a non-existent university, contained a testimonial from a slimmer who had never used Citra-Slim and had been tricked into supplying 'before and

John Bridgeman, Director General of **Fair Trading**, said: 'I am very pleased with this result. These advertisements were offensive and misleading. Recipients included vulnerable consumers, some suffering from eating disorders and other medical conditions. They were distressed when the product failed to meet the claims made for it.'

**Contact:**

Office of Fair Trading  
Field House  
Breams Buildings  
UK - London EC4A 1PR  
Tel: +44 171 242 2858  
Fax: +44 171 269 8961

**• OFT ON THE WEB**

Information about the **Office of Fair Trading** (OFT) and its activities is now available on the World Wide Web at <http://www.open.gov.uk/ofthome.htm>.

in *Fair Trading*, major speeches by the Director General, details of OFT staffing and structure and information on consumer rights. In addition, it offers the possibility to order copies of reports and publications.

The OFT can still be contacted at:

Office of Fair Trading  
Field House  
Breams Buildings  
UK - London EC4A 1PR  
Tel.: +44 171 242 2858  
Fax: +44 171 269 8961

The site contains OFT news releases, summaries of OFT reports (including the annual report), articles published

**SPAIN • THUMBS UP FOR NEW PENAL CODE**

The **Confederación Estatal de Consumidores y Usuarios** (CECU - national consumers' and users' confederation) has welcomed the fact that the new Penal Code, which entered into force at the end of May, takes account of certain offences directly affecting consumers.

The new legislation makes provision for penalties, which may exceed five years' imprisonment, to be imposed on persons who seriously harm the interests of consumers by withdrawing from the market raw materials or essential products with the aim of causing a price hike. Likewise, it provides for sanctions against anyone who spreads untruths or makes use

of inside information in order to manipulate prices.

The new Code also lays down penalties for traders or manufacturers guilty of misleading advertising.

Moreover, perpetrators of fraud and wrongful appropriation in the sale of housing, socially beneficial goods or essential items will find themselves facing penalties of up to six years' imprisonment; this will apply also to anyone who levies hidden charges or loan repayments in connection with the sale of housing, an area in which the CECU receives a great many complaints.

Finally, in the field of public health, penalties are to be imposed on those who market or dispose of harmful substances, who supply medicinal products which are out of date, are substandard or have been altered, who manufacture or sell foodstuffs without taking account of the rules governing their composition or their expiry date, or who artificially alter the weight of animals intended for human consumption.

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**AUSTRIA • WHAT THE EU MEANS FOR AUSTRIAN CONSUMERS**

Free movement of goods within the European Union has long been a reality. Most barriers to trade have been removed - but only where the business community is concerned. Obstacles persist in the domain of consumer rights, where as regards cross-border rules the old refrain still holds sway: 'Please wait'. This in brief is the considered opinion of the **Verein für Konsumenteninformation** (VKI - Austrian consumer information association) concerning the status of consumer rights in the EU. 'It is high time that consumer law was integrated in the EU constitution', urges VKI head Hannes Spitalsky.

As the single market currently stands consumers cannot rely on their national consumer protection laws when shopping abroad. 'It is vital that the basic rights of EU citizens, which

are enshrined in the European constitution, also be extended to consumer protection', is how Spitalsky summarized the current situation in presenting the EU special supplement '**Die große EU-Bilanz**' (EU: the big picture) in the July issue of **Konsument**. Spitalsky argues that the free market can only benefit consumers provided fundamental consumer rights are protected.

VKI's appraisal at halfway house between the creation of the European Economic Area and (probable) participation in monetary union comes to ambivalent conclusions: Austria has maintained its high level of consumer protection and in some areas, where European law is more developed, it has even caught up and made improvements. However, in other areas there is an urgent need to tidy up

some of the legalistic clutter. The plus points and shortcomings are summarized as follows by the VKI:

**Benefits for the consumer:**

- Lower prices, mainly for foodstuffs and textiles.

Although the fall in prices in the wake of EU membership did not meet the economic experts' expectations, there were some very substantial price reductions - as forecast - particularly in the case of foodstuffs. Prices of basic foodstuffs dropped by approximately 10%, mainly in the case of dairy products. According to the consumer price index, clothing is now approximately 2% cheaper.

- Cross-border payments have become easier.

Since last year Austrian financial institutes have been selling so-called



Euro-transfers, which guarantee amounts of up to 36 000 schillings and cost approximately 130 schillings. A directive currently in the pipeline will not only accelerate transfers and provide greater security, but also outlaw double billing - a practice which is still quite widespread.

- **New General Product Safety Directive.**

The General Product Safety Directive which took effect in mid-1994 guarantees consumers that only safe products will be placed on the market. Products must also be tested on a regular basis. The authorities have greater powers to monitor products and to intervene in emergencies.

- **The Package Holiday Directive makes for hassle-free vacation.**

The package holiday directive is designed to protect tourists in general. The EU requires that in the event of insolvency funding of the consumers' return trip is guaranteed. The directive also stipulates minimum information in catalogues as regards travel conditions, prices and accommodation.

- **Insurance policies are easier to cancel.**

Insurance policies (except for life insurance) can now be cancelled after three years and subsequently each year on the date the policy was signed. When the premium is raised or when the contractual terms are altered the policy holder is now free to rescind forthwith. On the other hand, in the case of sickness insurance, the policy holder's protection against cancellation has been improved.

**Where consumers must beware:**

- **Inadequate information in foodstuffs labelling.**

The 'self-reliant consumer' postulated

by the EU, who makes up his own mind on what to buy on the basis of the available information - but without statutory protection - is often a figment of the imagination. Besides the fact that individuals may suffer from information overload, foodstuffs labelling is often unsatisfactory. And it is precisely in regard to key aspects - such as the declaration of genetically manipulated foodstuffs - that Brussels seems keen to leave the 'self-reliant citizen' to his own devices, since the amended Foodstuffs Regulation does not require clear labelling of all foodstuffs which contain genetically altered substances.

- **Inadequate protection in regard to product liability.**

Membership of the EU has led to a modification of Austria's Product Liability Act. The damages threshold has been raised from 5 000 to 7 900 schillings. In addition to the manufacturer, importers who introduce defective products into the European Economic Area are also liable. The big weakness here is that it may be necessary to sue a firm established abroad, albeit in another EU country. A test case which the VKI has been conducting for years shows that it is well-nigh impossible to get justice done in such circumstances.

- **Price trends fail to meet expectations.**

The WIFO estimates a price-reducing effect of 0,6% at best for 1995. The forecasts were 1,8%, in other words triple that amount. The potential for further price reductions is by no means exhausted. In the final analysis it is consumer purchasing behaviour that determines whether the pressure on sellers will be maintain-

ed and hence competition made keener.

**Action is needed in the following areas:**

- **Access to justice.**

Consumers should be able to enforce their rights also in the case of cross-border disputes. Although it will not be possible to harmonize contract law in its entirety within the EU, essential areas such as guarantee periods must at all costs be aligned.

- **Privatization of public services while protecting the socially disadvantaged.**

The advantage of privatizing public services is that competition forces profit-oriented firms to reduce their charges. The extent to which consumers will actually benefit remains to be seen. But it is vital to ensure that disadvantaged groups are not left to their own devices in the wake of privatization (of postal services, telephone, railways, etc.).

- **Consumer-friendly adaptation to the euro.**

Consumers need comprehensive flanking information during the run-up to the euro. Under no circumstances should the banking community be allowed to shift the costs of adaptation to the consumer. The switch from the schilling to the euro should not trigger price increases (by rounding up prices). Once the single currency has been introduced, consumers will stand to gain (no more foreign exchange losses, no currency purchase fees, etc.).

- **Extension of product liability to the services sector.**

All EU consumer associations are adamant that no-fault liability should

not be confined to products alone but should also be extended to cover services. In certain areas, such as health care and the construction sector, the outlook is good.

- The Distance Selling Directive should also cover financial services.

The Distance Selling Directive, which is shortly to be adopted, governs the classical mail order trade as well as selling methods in which the seller does not have direct personal contact with the consumer. Sadly,

although a cooling-off period of seven days is provided for, financial services are exempted.

- Inter-Governmental Conference (IGC).

In the context of the IGC it is important to extend consumer rights and to take such rights into consideration when drafting directives and regulations. Citizens should be protected in their role as consumers not only at national level, but also throughout the EU. One benign effect of taking

elementary consumer rights into account is to reinforce citizens' general acceptance of the European Union.

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## **FRANCE • OVERINDEBTEDNESS AS A SUBJECT OF STUDY**

On 24 May the **Centre Régional de la Consommation** (CRC - regional consumer centre) devoted a day of study to methods of dealing with overindebtedness in France (excluding Alsace-Moselle), Alsace-Moselle, Belgium, the Netherlands, Germany and the United Kingdom.

The focus of attention was bankruptcy of non-traders. The participants debated at length the forthcoming introduction of this concept into legislation in the Netherlands and Germany and its presence in the legislation of Alsace-Moselle, where it coexists with other provisions on overindebtedness in force throughout France. Broadly speaking, what happens is that where a person clearly does not have sufficient liquid funds to meet his debts, and the enforced liquidation of his assets would not

enable his creditors to recover the sums due, his debts are erased. However, this apparently very simple system is of course based on extremely complex practical procedures which have to be decided by the legislator, if possible when legislation is being passed. In particular, the participants in the CRC debate emphasized the fact that a satisfactory law on non-trade bankruptcy must provide clear answers to several crucial questions. From what point can a private individual really be considered to have suspended payments? How can bad-faith debtors be prevented from abusing the system? Should the identities of bankrupt non-traders be made public? What role should the receiver play? How much should his services cost? How is it possible to avoid relieving private individuals declared bankrupt of all responsibility? And so on.

The conclusion of the invited participants was that despite the difficulties in implementing such a system, non-trade bankruptcy can be a satisfactory way of dealing with overindebtedness, as the people concerned can make a fresh start without having to bear the weight of past mistakes for the rest of their lives.

For more information on this day of study and/or to obtain a copy of the Proceedings, contact:

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Minitel: 3615 CRC  
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Internet: <http://www.nordnet.fr/crc-conso>

## • DOCUMENTATION CENTRES FOR CONSUMERS

In order to *prevent* consumer disputes, the **Chambre de consommation d'Alsace** (Alsace consumer chamber) believes that certain commercial practices should be sanitized but also that consumers should be given an opportunity to learn more about the products and services they want to buy and the difficulties they are liable to encounter. For this reason it has created 'infothèques consommateurs', or consumer documentation centres where consumers can rapidly and conveniently access information

on the issues that concern them. The 16 existing centres are located in the premises of consumer associations, social centres and the consumer chamber. This means that consumers can seek additional information from specialists on the spot, bringing consumers and their associations closer together. The information provided, which consists of consumer press publications, the results of comparative tests, technical files, legal dossiers, etc., concerns the following subjects: financial services, insurance,

motor cars, consumer law, real estate, leisure, hi-fi/video/ photography, household equipment and house maintenance, public services and transport.

Organizations in other French regions who are interested in creating such centres are invited to contact:

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18 rue Louis Pasteur  
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## BELGIUM • WARNING ON THE TRANSPOSITION OF THE UNFAIR TERMS DIRECTIVE<sup>1</sup>

The August/September 1996 issue of **Budget et Droits** (budget and rights), published by **Test-Achats**, warns the Belgian legislator against the temptation to take a backward step to the detriment of consumers in conjunction with the pending transposition of the Unfair Terms Directive into Belgian law.

Although the directive contains favourable aspects for consumers which are not yet found in Belgian legislation (in particular, it applies to both services and products, and clearly states that where there is doubt as to the interpretation of specific terms, the interpretation most favourable to the consumer will prevail, and it allows a contract to be subject to the law of a

foreign country only if there is a close link between the contract and the country in question), it is inferior to existing Belgian law on two major points. First, in Belgium a contract term creating a clear imbalance between the rights and obligations of the two parties may be regarded as unfair by the courts and declared null and void, whereas the directive requires the consumer to show that the seller also acted in bad faith. Secondly, Belgian legislation lists 20 terms which courts *must* regard as null and void, whereas the Directive only mentions terms which courts *may* regard as null and void.

For these reasons Test-Achats urgently calls on the legislator, when transposing the European directive

into national law, to take over only those provisions which improve existing legislation. As the Unfair Terms Directive contains minimum requirements, the Member States are in fact free to retain or adopt more stringent measures than those of the directive.

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<sup>1</sup> Council Directive 93/13/EEC of 5 April 1993, OJ No L 95, 21. 4. 1993, pp. 29-34.



## • CITIZEN-CONSUMERS AND THE SINGLE CURRENCY

At the request of Elio di Rupo, Minister for Economics, the **Centre coopératif de la consommation** (consumer cooperative centre) has conducted a study on the transition to the single currency. The study report is titled *Les consommateurs et la monnaie unique: une stratégie d'information en fonction des besoins et des attentes des consommateurs* (consumers and the single currency - an information strategy geared to consumers' needs and expectations). It consists of six parts.

The **first part** sets out the study's objectives: to find out what Belgians think about the single currency and define their information requirements as regards the transition to the euro.

The **second part** highlights:

- what Belgians know about the future transition to the euro;
- what they think about it;
- the degree of credibility they attach to the introduction of the euro;
- the benefits they hope to gain from the euro.

The **third part** puts the spotlight on how Belgians perceive the European Union, accentuating:

- the objectives they consider crucial for Europe;
- the qualities they would like the European authorities to have;
- the qualities they would like European leaders to have.

The **fourth part** demonstrates that a majority of the population (76%) feel they are badly informed about the single currency. In fact only one Belgian in two knows that the future single currency will be called 'euro', and 66% of the French-speaking community (as opposed to 31% of Flemish speakers) have never heard of the 'convergence criteria'. It then shows that the respondents are keen that the information they are to be provided with should explain not only the nuts and bolts (the 'how') of the transition to the euro but also the reasons for this choice (the 'why') and the potential consequences (the 'afterwards'), notably in regard to employment. It then lists the entities which, according to the polls, are best placed to provide this information (first comes the European Union with 37%, second the consumer organizations with 18% and third the banks with 17%). Finally, it puts forward proposals concerning the general principles which possible information campaigns should follow: target the population as a whole, but taking into account different needs as a function of age, socio-professional status, and above all the attitude to Europe; explain the 'why', the 'how' and the 'afterwards' of the transition to the euro; answer such very down-to-earth questions as 'Who is going to design the coins and notes?'; multiply the information sources; avoid focusing exclusively on the strictly financial and monetary

aspects, but link the introduction of the euro to European construction.

The **fifth part** reviews the outcome of discussions in three high-level groups whose mandate was to identify the general public's attitude to Europe and the single currency and to pinpoint its expectations in regard to information. The results of these discussions fully tallied with those of the poll.

The **sixth part** develops the strategy for informing and educating consumers about the euro which should be implemented as of now: firstly, look after the 'psychological' aspect, in other words change the public's attitude to the euro by transforming its coerced adhesion into voluntary adhesion; secondly, work on the 'concrete' aspects by explaining all the euro's practical features; thirdly, work on the 'promotional' aspects by encouraging use of the euro instead of the old currencies.

This report, as well as supplementary information, can be had from:

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rue Haute 28  
B - 1000 Brussels  
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Fax: +32 2 502 71 61

## • CAMPAIGN AGAINST HIKE IN TELEPHONE CHARGES

On 15 July **BEUC** and **Test-Achats** wrote to Karel van Miert, the European Commissioner responsible for competition policy, asking him to examine, in the light of the EC Treaty's competition rules, the increase in charges recently imposed unilaterally by Belgacom - the Belgian telecommunications operator - on its 'resident clients', and to determine whether this price hike constitutes an abuse of a dominant position in contravention of Article 86.

BEUC and Test-Achats consider this increase to be unjust and indeed illegal<sup>1</sup>. The increase was applied

during the run-up to the liberalization of the telecommunications market in Europe, a period during which Belgacom still has a monopoly of the Belgian market. Recalling that the case of Belgium is similar to that of Italy and Germany where, some months ago, Telecom Italia and Deutsche Telekom endeavoured to impose similar measures<sup>2</sup>, they urge the European Commission to take a blanket initiative to protect resident consumers against unfair increases imposed in the period preceding the liberalization of the market and the introduction of guarantees on the provision of a universal service<sup>3</sup>

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<sup>1</sup> It is now up to the European Commission to express its opinion on this second point.

<sup>2</sup> Since then Telecom Italia has abandoned its project, while Deutsche Telekom's is still being examined by the Commission.

<sup>3</sup> A minimum service which must be provided to all users at an affordable price.

## • RÉAJC: EMENDATIONS

We wish to correct two inaccuracies which slipped into the article titled 'An association to educate young consumers' in the 'Countries -Belgium' section of our last issue. Firstly, **RÉAJC** (the network association of young consumers) does not intend to create 'consumer schools' but simply to foster such schools, which will be set up by other organizations. Secondly, the 'youth clubs' which RÉAJC intends to launch at the start of the 1997 school year will not be targeted uniquely at disadvantaged young people, but at all young consumers, although disadvantaged young people will have priority.

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**SWEDEN • ARE YOUNG PEOPLE RESPONSIBLE CONSUMERS?**

To find out, **Konsumentverket** (Sweden's consumer agency) carried out a survey by means of a questionnaire among 13-16 year-old pupils in the County of Västernorrland last winter. The survey included some questions challenging pupils' knowledge of consumer law, personal finance, advertising and the environmental effects of consumption, as well as others grilling them on their behaviour as consumers. In addition, teachers were also asked some questions to see what they thought about the way the subject of consumer affairs should be dealt with in their schools. Here is a summary of the main findings:

**1. Knowledge-related questions**

On average, 54% of the answers were correct - a result which Konsumentverket finds 'acceptable'.

On average, girls had better knowledge than boys: 57% of the answers given by girls were correct, as opposed to 51% of those given by boys.

No measurable difference was discerned in the knowledge of pupils who had, and those who had not, completed their studies in domestic science.

Pupils who spent the most money on tobacco and/or make-up gave the smallest percentage of correct answers.

**2. Attitude-related questions**

Less than half the pupils questioned considered that their allowance was enough to cover their needs in terms of private spending.

For 49% of pupils, this spending should go to a broad range of items: clothes, shoes, entertainment and other items. The rest want to restrict their expenditures to only one, or a couple, of these items.

59% of pupils agree to wear second-hand clothes, while 41% are reluctant, or flatly refuse, to do so. Those in the first category tend to be those with the best knowledge of consumer affairs.

53% of pupils feel that advertising is fairly, or completely, unnecessary, while 47% find it pleasant or fairly pleasant. Those with the least knowledge of consumer affairs are more likely to be polarized for or against advertising, while those with the best knowledge are more likely to have a balanced view of it. Be that as it may, 89% of pupils distrust advertising!

Only 10% of pupils always take a bag with them when going shopping (45% do so occasionally), and only 11% always look for environmental labels when buying products (55% do so occasionally). 52% have no opinion as to whether environmentally-friendly products are too expensive or not, and

43% have no opinion as to whether pollution is caused mainly by big corporations or the individual consumer.

**3. The teachers' view**

Nearly all teachers consider that consumer affairs should be taught in schools<sup>1</sup>. 87% consider that this teaching should start as early as junior level (age 7-10) and/or intermediate level (age 10-13). They mention advertising, economics and the environmental effects of consumption as suitable themes to be dealt with.

The complete results have been compiled in a report titled **Consumer knowledge among young people - A survey in the County of Västernorrland**. For more information and/or to obtain the report, contact:

Marianne Örberg / Anna Häggqvist  
Konsumentverket  
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S - 162 15 Vällingby  
Tel.: +46 8 759 83 00  
Fax: +46 8 38 22 15

The survey results can also be found on the Web at <http://www.kov.se/>.

<sup>1</sup> By contrast with this quasi-unanimity, only 38% of schools have integrated consumer affairs in their teaching plan.

• **KONSUMENTVERKET ON THE WEB**

**Konsumentverket** is now accessible on the World Wide Web at <http://www.kov.se/>.

The site contains general information about Konsumentverket, specific information about consumer protection laws, summaries of articles

published in Konsumentverket's magazine *Råd och Rön*, a list of the objectives for consumer education in schools in the Nordic countries, a catalogue of textbooks and teaching aids, a leaflet that helps you work out your own budget, etc.

For more information contact:

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**DENMARK • FORBRUGERSTYRELSEN ON THE WEB**

Consumers can now click their way into a large part of the material held by the **Forbrugerstyrelsen** (Denmark's consumer agency).

The goal has been to create a wide-ranging home page aimed at both the normal consumer wanting the latest video-recorder test and the professional lawyer or advertising consultant looking up a decision by the consumer complaints committee or consumer ombudsman.

Consumers can also put questions to the advice service, which has to date been answering around 50 000

telephone calls a year. In addition, the *Råd & Resultater* (advice and results) Web page contains articles, press statements, laws and regulations, the school service and the product safety office's hot-line, along with the budget programme 'Passer pengene?' (is the money right?) with its hot-line.

The home page is naturally under constant development. It is soon to include articles from the *Juridisk Årbog* (annual law gazette) and the digital doors are shortly to be opened to 'ForbrugerForum', an on-line consumer forum. Furthermore, six schools are to participate in a nationwide pilot

project to examine how the Internet can be used in consumer education, with both teachers and pupils having their own corner on the consumer forum.

The Forbrugerstyrelsen's Internet address is:

<http://www.forbrugerstyrelsen.dk>

For more information contact:

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• **COTS STILL A PROBLEM**

Over the past seven years the **Forbrugerstyrelsen** has tested a total of 57 cots on sale in Denmark. *Not one* met all the current European safety requirements!

And a recent re-testing of 11 of the cots' reveals that, while some have had some improvements made, all still have safety shortcomings (not to mention quality shortcomings).

The most common faults are the distance between bars and the height

of the sides. If the bars are too far apart the child can get its head stuck between them and choke to death. And if the sides are too low the child can fall out of the cot. Additionally, some models have holes or gaps into which children can poke their fingers, with the risk of getting them crushed. Finally, *only one model* meets all the requirements regarding the sturdiness of bars, base and frame!

The Forbrugerstyrelsen's product safety department has pointed out

these safety failings to manufacturers and it plans to intervene, if necessary by banning the sale of these products, if steps are not taken quickly to put the faults right.

But the institute stresses that this would not solve the problem entirely, since there are already tens of thousands of cots in Danish homes and families with several children often pass the cot on from one child to the next.

28



The institute has therefore asked parents to take a tape measure and check the distance between the cot bars. If it is more than 6 cm, the institute urges parents to get a different cot - one which, whatever other shortcomings it may have, at least does not have this most serious of faults.

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<sup>1</sup> Full results can be found in the July 1996 edition of the Forbrugerstyrelsen's publication **Råd & Resultater** (advice and results). The cots examined cost between DKR 300 and DKR 1 700. There is no correlation between price, safety and quality.

• FROM MUSTARD TO SUGAR, FROM HAMBURGERS TO WATER, FROM ICE 'CREAM' TO SKIMMED MILK...

An article in the August issue of the review **Råd & Resultater** (advice and results), published by **Forbrugerstyrelsen** advises consumers to carefully peruse the list of ingredients before buying a food product, because the percentages involved may come as a big surprise.

The law stipulates that the percentage content of all ingredients in a product be listed in descending order.

Knowing this consumers can eliminate products that claim to be something

other than they are. For example, one blackcurrant jam contains more sugar than fruit (52% as opposed to 35%); there is a so-called mustard in which the mustard proper comes in... sixth position, after water, glucose syrup, vinegar, sugar and wheat flour; there are some hamburgers whose main ingredient is... also water<sup>1</sup>; and there is a so-called vanilla ice 'cream' in which the two main ingredients are *skimmed* milk and sugar!

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<sup>1</sup> This is possible when soya proteins and breadcrumbs are added to the meat, since they contain a high percentage of water.



## NORDIC COUNTRIES' • TEACHING SCHOOL KIDS TO BECOME WISE CONSUMERS

**Konsumentverket** (Sweden's consumer agency) has sent us a copy of the *Nordic plan of action for consumer education in schools 1996-1999*, published by the Committee of senior officials for consumer issues of the **Nordic Council of Ministers**, which we summarize below.

Six areas of consumer affairs in which young people should have acquired basic knowledge by the time they leave school have been identified: personal finances, consumers' rights and obligations, advertising and its influence on consumers, the effects of consumption on the environment, the safety and quality of products and eating healthy.

This should be made possible by:

- increasing teachers' knowledge of consumer issues;

- developing new teaching aids, including some using information technology;
- reinforcing collaboration between schools and consumer organizations;
- developing, in cooperation with the Nordic school computer network, consumer affairs as a topic for international contacts over the Internet;
- backing efforts made at Nordic level by national resources;
- encouraging the realization of cross-border projects by consumer organizations of the Nordic countries over the 1996-1999 period. These projects are to be co-ordinated and supervised by a Nordic network;
- linking national groups, including government agencies, schools, consumer organizations, etc., to this network;

- participating in EEA/EU activities in the area of consumer education (cf. the participation of Denmark, Finland and Sweden in the European Young Consumer Competition) and maintaining close contact with the European Commission's DG XXIV 'Consumer Policy'.

For more information and/or to obtain a copy of the document, contact:

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<sup>1</sup> Denmark, Finland, Iceland, Norway and Sweden.

30

## MALTA • EASIER ACCESS TO JUSTICE FOR CONSUMERS

On 23 January, with the coming into force of all the provisions of the Consumer Affairs Act, the **Consumer Claims Tribunal** came into operation. Since it was created with the purpose of providing consumers with an alternative means of redress for small claims, access to it is informal, quick and inexpensive. It is presided by a single 'Arbiter' who may rule on disputes according to equity (except in the case of prescription) and follow the procedures he thinks agree most with the rules of natural justice. Before being submitted to the Tribunal, claims

must be referred to the Director of Consumer Affairs who has 15 working days to help the parties settle their dispute amicably. If this fails, the consumer may then file his claim.

To date the Tribunal has ruled on a variety of cases, including disputes about appliances, dry-cleaning, shoes, clothes, etc. On average a decision is reached in two or three sittings.

Malta's Ministry of Economic Services has published several guides advising consumers on how to proceed when

they want to file a claim, including a very helpful brochure titled **The Consumer Claims Tribunal**.

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**POLAND • BETTER 'GUARANTEES' FOR CONSUMERS**

The Sejm (Poland's Parliament) recently passed amendments to the Civil Code giving consumers more rights when faced with defective products. Here is the main new provision: at present, when a buyer brings a defective product back to a shop, the seller can get rid of him by saying that he is *willing to* repair or replace the product, as this prevents the buyer from taking any action...

even if the seller subsequently does not do anything! With the new law, however, the seller will be obliged to fulfill his promises immediately - and not in an uncertain future; otherwise the buyer will have a right to 'withdraw from the contract', i.e. ask to be refunded.

**Stowarzyszenie Konsumentów Polskich** (Polish consumers'

association) has expressed its satisfaction with the Sejm's vote. It is now working on an information campaign to make consumers aware of their new rights.

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## — European Union/France —

# Condemnation of current procedures for awarding vehicle model-year dates in France

French law provides that (French or foreign) cars purchased after 1 July each year be given the model-year date of the following year - thus rendering the vehicle more attractive for resale or increasing its value in the event of reimbursement by an insurance company following an accident - *provided the car has been purchased from a French franchisee in France*. On the other hand a (French or foreign) car of the same model and purchased on the same date, *but abroad*, either directly by the consumer or via a parallel importer, gets the model-year date of the current year.

On 27 June, in response to a referral for a preliminary ruling from the Cour d'Appel de Metz<sup>1</sup>, the Court of Justice of the European Communities condemned this system, holding that it contravenes Article 30 of the EC Treaty and constitutes a barrier to the free movement of goods in the EU. The Court found that the system has the effect of discouraging parallel imports and contributing to the compartmentalization of markets by deterring French consumers from purchasing cars abroad once they know that from the outset its value will be less than that of the same model purchased in France.

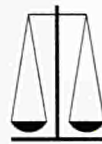
[Case C-240/95]

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Court of Justice of the European Communities  
L - 2925 Luxembourg  
Tel.: +352 43 03 1  
Fax: +352 43 03 2600

<sup>1</sup> See the article titled 'European Union/France - Are vehicle year-of-manufacture rules legal?' in the 'Case law' section of the October 1995 issue of **INFO-C**. The case (Procureur Général près de la Cour d'Appel de Metz v. Rémy Schmit) concerned a parallel importer indicted by the French State for having sold a vehicle imported from Luxembourg in August 1991 with the model-year date 1992.





## — Belgium —

# Judgment against the organizers of a telephone competition

On 10 July, the Commission d'Ethique des Services d'Information par Télécommunications (telephone services watchdog), following a complaint from the Association des Téléspectateurs Actifs (ATA - association of active television viewers), imposed a BFR 25 000 fine on the Ring Ring Company, the organizer of the 'Atlanta - Coca Cola' telephone competition accessible by dialling 0903-99903, for failing to comply, in radio advertising for the competition, with the obligation to mention the cost of using the service, as required by Article 3 of the Code of Ethics applicable to telecommunications information services.

The ATA had considered this infringement to be all the more regrettable in that the competition, and the messages intended to promote it, were aimed at adolescents.

The ATA also asked the Commission d'Ethique to find against the Ring Ring Company on another point. The access number for 'Atlanta - Coca Cola' was an '0903' number, which the ATA regarded as an offence, as *Belgacom* (the Belgian telecommunications company) had announced in October 1995 that '0903' numbers, newly created in addition to '0900' numbers, would allow callers to 'obtain more professional information'. The difference is not only a formal one, as calls to '0903' numbers are 250% more expensive. However, the Commission d'Ethique did not agree with the ATA on this aspect of the complaint, since at the time when the events took place the Code of Ethics did not contain any provisions banning the use of an '0903' number for a competition.

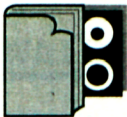
Consequently, the ATA is calling on the Commission d'Ethique to amend its

code urgently, in order to be able to punish companies unfairly allocating '0903' numbers to telephone lines which, contrary to the public statement of Belgacom, do not allow callers to 'obtain more professional information'. The ATA feels that there is a real risk of many '0900' numbers being transformed, as if by magic, into '0903' numbers.

**Contact:**

Commission d'Ethique des Services d'Information par Télécommunications  
avenue de l'Astronomie 14  
B - 1210 Brussels  
Tel.: +32 2 226 87 92  
Fax: +32 2 223 24 78

Association des Téléspectateurs Actifs  
rue Américaine 106  
B - 1050 Brussels  
Tel./fax: +32 2 539 19 79



**ICSTIS** (The Independent Committee for the Supervision of Standards of Telephone Information Services - the UK's premium rate phone services watchdog) and **OFTEL** (The Office of Telecommunications - the UK's regulator of the economic issues relating to telecommunications) recently published a research document titled *The Future Numbering of Premium Rate Services: Identifying Consumer Needs*, which presents the results of a survey on the numbering of premium rate services<sup>1</sup> (PRS) recently conducted in the UK. Main objectives: to assess the information requirements of consumers concerning PRS, to measure their preferences as regards possible

changes to dialling codes and billing arrangements for PRS, and to determine if, and if so, how, they would like to be able to control the use of their phones for access to PRS. (It must be noted that the study did not investigate overall consumer views of PRS). Main findings: consumers would like to be given more explicit information on the price of calls (especially in advertisements for PRS, but also at the start of each call and even during calls by means of pips every few minutes), they would like all PRS access numbers to be included within the 09 code range and PRS calls to appear in a separate section of their telephone bill, but they are NOT particularly interested in call barring.

**Contact:**

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Tel.: +44 171 420 4405  
Fax: +44 171 379 4611  
Email: anthony.smith@icstis.org.uk  
Internet: <http://www.icstis.org.uk>

Office of Telecommunications  
50 Ludgate Hill  
UK - London EC4M 7JJ  
Tel.: +44 171 634 8700  
Fax: +44 171 634 8943

<sup>1</sup> These include advice and information lines, competition and quiz lines, porn chat lines, etc.

1995-1996, which saw the return of privately-owned trains to the national rail network in the United Kingdom, has perhaps been the most eventful period for rail users in five decades. It is examined in detail in the *Annual Report 1995/96* of the **Central Rail Users' Consultative Committee** (CRUCC), the statutory consumer organization representing the interests of rail users nationally, and in *Rail Privatization - The Passengers' Balance Sheet*, a six-page summary of the CRUCC's views on the 'credits' and 'debts' of the restructuring of the rail industry for passengers.

The *Annual Report* deals mainly with the following topics: rail privatization; the rail industry's financial performance; quality of service; other important policy issues, such as passenger information, fares and charges, timetables, motorail and sleeping car services, disabled people's

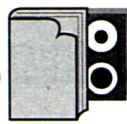
protection policies, safety, etc.; consumer complaints; the new relationships the CRUCC has developed with the new railway companies to replace its long-established lines of communication with the once single national rail service provider that was British Rail; and the agreements between the new railway companies and the Rail Users' Consultative Committees (RUCCs) on the supply of performance information and the consultation on timetable and fare developments. To single out just one of these topics, the number of consumer complaints to the RUCCs increased 14,5% in 1995-1996 over the previous period to reach an all-time high of 11 640. The principal grievances were linked to punctuality, refunds and claims, information at stations and fares and marketing policy. This prompted David Bertram, Chairman of the CRUCC, to declare in his opening statement to the Report:

'The benefits and improvements promised by franchisees have yet to materialize [...] at present, too many passengers are dissatisfied.'

The *Balance Sheet* takes stock of the positive and negative developments for passengers in 1995-1996 over the previous period in the following domains: quality of service (including punctuality and reliability, capacity and information), network benefits (including ticket routing, ticket retailing, connections and national conditions of carriage), investment, fares, service levels, safety, passenger's charters, and disabled travellers.

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The **Welsh Consumer Council** (WCC) recently published:

- **21 years working for consumers in Wales (1975-1996)**. This report provides information on the WCC's history and achievements over the period. It reminds readers that ever since its creation in 1975, the WCC has been working relentlessly for 'real' Welsh people - those who actually use buses, carry shopping, queue in hospitals or need quick, reliable information from companies or local authorities - by meeting with them, presenting their needs to business, government and local authorities, and undertaking research with a view to proposing policies that safeguard their interests. It includes lists of:
  - the causes for which the WCC has fought the hardest: the regular consultation of consumers by business, government and local authorities on issues affecting their daily lives; the provision of easily accessible information and advice to consumers; public services, transport, housing, etc., of high quality at an affordable price; and, last but not least, the official use of the Welsh language;
  - WCC members and staff;
  - all WCC publications (in English and Welsh) to date;
- **Consulting the passenger - Bus user groups in South Wales**. Between 1993 and 1996, the WCC encouraged the South Wales Transport bus company to consult with groups of users in order to look at ways to improve their service. With this report, it achieves a two-fold objective: first, to

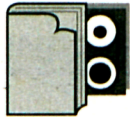
highlight the concerns which were expressed by users and the changes that have subsequently been introduced (changes have been made to timetables - especially as regards connections and late evening and weekend services, the ticketing system, and bus shelters and waiting points - especially as regards cleanliness and safety<sup>1</sup>); second, to demonstrate how simple and fruitful it can be for a service provider to engage in open dialogue with its customers;

- **Community care information - Making it clear**. Between 1993 and 1995, the WCC worked with Disability Wales and various groups of service users across Wales to evaluate the information services being developed by local authorities for the benefit of people who need social and community care services. The outcome of the work is this report, in which the WCC is calling on planners and providers of social services in Wales to learn from modern research in marketing and communications techniques and develop a real dialogue with users. Maria Adams, author of the report, says: 'Information should be regarded as a service in its own right, important as a support and help for everyone with any kind of disability or handicap.' In particular, users have expressed their need for regularly updated directories, as well as information on assessment and care management, on which services are available free of charge and which incur charges, on complaints and redress procedures, and on how pre-set standards for the efficiency of services have been met. And

because of specific disabilities, this information should not only be given in print, but also on audiotape, videotape and in Braille. Finally, given that certain buildings are often of difficult access to disabled people, it should be available in a wide range of outlets, such as Citizens' Advice Bureaux, GP's surgeries, benefits agencies, libraries, post offices, HQs of voluntary organizations, etc;

- **Residential homes - Quality of life & quality of service**. This report, which looks at residential care homes for older people from the point of view of residents themselves, arrives at conclusions which are at odds with current thinking. From numerous interviews, it appears that 'models of good practice', including private rooms, a choice of meals, polite staff, etc., although desirable, are far from sufficient to provide residents with quality of life, which is more likely to stem from taking care of them as *whole* people, encouraging them to express and satisfy all their social, emotional and psychological needs. Hence the WCC makes a series of recommendations aimed at making residential homes a more positive option for older people, including the publication by the Inspection Units of consumer guides to residential homes that contain information on the services provided as well as on the kinds of residents (interests, religious affiliations, backgrounds, particular mental or physical infirmities, etc.) that each home caters for.

For more information and/or to order these reports, contact:



Welsh Consumer Council  
Castle Buildings  
Womanby Street  
UK - Cardiff CF1 2BN  
Tel.: +44 1222 396056  
Fax: +44 1222 238360  
Email: wcc@cableol.co.uk

Although these changes are important, the WCC insists that they shouldn't conceal the fact that many key issues, especially those relating to the *infrastructure*, are outside the influence of travellers or their local transport operators. As Nich Pearson, Director of the WCC, puts it: 'Deregulation and competition policy are forcing fragmentation where the

passenger needs transport operators to work together; bus, rail and coach to work together; and someone or some agency to be responsible for developing and maintaining a high quality, safe infrastructure of well-lit, policed, comfortable stations, waiting points and information points.'

In order to help consumers understand the labels on foodstuffs better, **Forbrugerstyrelsen** (Denmark's consumer agency) and **Levnedsmiddelstyrelsen** (Denmark's food agency) have, on the initiative of the Minister for Health Yvonne Herlöv Andersen and the Minister for Industry Mimi Jakobsen, brought out a booklet entitled **Mærkning af madvarer** (labelling of foodstuffs), which

explains clearly and succinctly what the information that should appear on foodstuffs actually means.

Some 600 000 copies of *Mærkning af madvarer* have been printed and are available from shops and libraries throughout Denmark.

For further information, contact:

Gitte Laub Hansen  
Forbrugerstyrelsen  
Amagerfaelledvej, 56  
DK - 2300 Copenhagen S  
Tel.: +45 32 96 06 32 317  
Fax: +45 32 96 02 32

Lene Haagensen  
Levnedsmiddelstyrelsen  
Mørkhøj Bygade 19  
DK - 2860 Søborg  
Tel.: +45 39 69 66 00  
Fax: +45 39 66 01 00

All those interested in the activities of Norway's Consumer Ombudsman can obtain a copy of his annual report for 1995 (or a summary in English) from:

The Consumer Ombudsman  
PO Box 8173 Dep.  
N - 0034 Oslo  
Tel.: +47 67 59 96 00  
Fax: +47 67 58 20 61

The **Regione Piemonte** (Piedmont region, Italy) has published four brochures containing consumer information which is useful in everyday life:

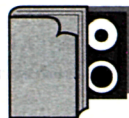
- **Condominio** (co-ownership), a new edition of a brochure which appeared last year under the same title, sets out in clear and simple terms the provisions of the Civil Code governing this form of housing, on the basis of examples taken from case law. The objective is to make it easier for citizens to understand legislation so that they can take a more active part in

managing their co-ownership arrangements;

- **L'amministrazione che vogliamo** (the administration we want) sets out the rights and duties of citizens and administrative authorities as laid down by Law No 241 of 1990, which regards the administration as a large single undertaking comprising the State, regions, provinces and municipalities, as well as the local health units (USL) and public service companies (transport, energy, telephone, etc.). In theory, this means the citizen can go to any department and

receive firm replies within a fixed period of time. Moreover, the person addressed by the consumer is required to obtain any documents which may be needed from other departments and, if the department contacted is the wrong one, it is responsible for referring the matter to the right one;

- **Amministrazione e cittadini - Per una nuova cultura amministrativa** (administration and citizens, towards a new administrative culture), aimed at the personnel of public authorities to help them through the 'cultural



revolution' summarizes the main aspects of Law No 241 of 1990. It also sets out the rules on 'autocertificazione'<sup>1</sup>, which continue to pose problems in practice;

- **Il prezzo dei rifiuti** (the price of waste) lists the new standards for reducing, recycling and eliminating waste imposed by the Piedmont region on the local authorities by Law No 59 of 13 April 1995. Its dual objectives are to make citizens aware of the cost of waste

management and to encourage them to adopt 'virtuous' practices, such as systematic sorting and recycling.

In addition to these four brochures, there are also three equally useful pamphlets:

- **La trasparenza della Pubblica Amministrazione** (transparency of public administration);
- **Piccola guida all'acquisto della casa** (short guide to house purchase);

- **Guida all'autocertificazione** (guide to self-certification).

**Contact:**

Regione Piemonte  
Piazza Castello 165  
I - 10122 Torino  
Tel.: +39 11 57 57  
Fax: +39 11 562 92 09

<sup>1</sup> 'Autocertificazione' is a declaration, bearing a certified signature, by which the person concerned states that he or she complies with certain conditions: born on a specific date, in a specific place, residing in a specific municipality, etc.

In future books published by **Stiftung Warentest** (Germany's test institute) will be for sale in the bookstores. This consumer-friendly innovation was highlighted by Stiftung Warentest chairman Werner Brinkmann in his presentation of the 1995 annual report. To date the Stiftung's advice brochures were available only through the magazine distribution trade, while books had to be ordered directly from the publishers.

Looking back on 1995 Brinkmann said that it had been a year of profound change. The changes concerned both the Stiftung's organizational structure and its articles of association, as well as the test institute's publications. To supplement the hardcopy publications - *test*, *FINANZtest*, brochures and books - a raft of electronic publications were launched in 1995.

In addition to the *test* yearbook there is now a CD-ROM archive containing all 12 issues of *test* and the six issues of *FINANZtest* published annually. Also intended for computer owners is the new table of contents diskette, which lists all tests and reports published in *test* and *FINANZtest* in recent years.

Financially, 1995 was a success. Incomings totalled DM 85 million, an increase of 4% over the preceding year. Net yield was DM 3.5 million. Receipts from the sale of brochures and books increased markedly. Sales of *test* and *FINANZtest* did less well. Although the slow decline of *test* over previous years was almost halted, sales of *FINANZtest*, which up to now had risen from year to year, decreased for the first time in 1995. On average approximately 795 000 copies of *test* were sold per issue, while

sales of *FINANZtest* averaged approximately 320 000.

As regards ongoing testing, Peter Sieber, Head of the Products Testing Unit, highlighted the alarming results of a drinking water study. An examination of approximately 9 000 drinking water samples sent in by *test* and *FINANZtest* readers between 1994 and 1996 showed excessive lead levels in several regions of Germany. This constitutes a health hazard in particular for infants and small children.

**Contact:**

Stiftung Warentest  
Lützowplatz 11-13  
D - 10785 Berlin  
Tel.: +49 30 2631 2345 (Helke van Laak)  
+49 30 2631 2239 (Ute Bränzel)  
Fax: +49 30 2631 428



The following brochures are available from the **Verbraucher-Zentrale Baden-Württemberg** (consumer union of Baden-Württemberg):

- **Ratgeber für den ökologischen Einkauf** (guide to ecological purchasing). One year ago the results of the first survey of the social and ecological behaviour of companies was published in Germany. It covered 75 large companies in the food, beverages and tobacco sector. This new brochure presents the results in a clear and succinct manner and is all the more interesting in that the assessments and information it contains not only relate to the companies, but also refer directly to brands, which are often better known;
- **Betrifft: Textilien** (subject: textiles). What might be the meaning of 'cupro'? What does a

triangle with an X through it mean on a label? The replies to these and other questions concerning your wardrobe are found in this brochure. Easy to hold in your hand or keep in your pocket thanks to its small format, it constitutes an 'on-the-spot' tool to help you make useful decisions while out shopping. In the clothing sector, the manufacturer's information provided on the label is vital. It tells the consumer at least which material the garment is made of and, provided he or she can decipher the terms and symbols used, how it should be looked after. However - and although for many years consumer associations have been constantly calling for clear labelling and a ban on all noxious substances - manufacturers do not normally mention the chemicals used to treat fabrics. Consequently, the purchaser can

only speculate as to the chemicals contained in a garment. By explaining symbols used on labels, this brochure will help consumers realize that certain types of treatment have been used. It will also guide them through the maze of textiles described as 'natural', 'ecological' or 'certified free of noxious substances', not to mention claims which increase their confusion and open the door to all types of deception. Finally, it will tell consumers what to do when a purchased garment does not live up to promises.

To order these brochures contact the:

Verbraucher-Zentrale Baden-Württemberg  
Paulinenstr. 47  
D - 70178 Stuttgart  
Tel.: +49 7 11 66 910  
Fax: +49 7 11 66 91 50

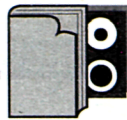
The **Verbraucher-Zentralen** (consumer union) of North Rhine-Westphalia and Lower Saxony, in cooperation with the **centre d'aide aux consommateurs** (consumer help centre) of East Belgium and the **Consumentbond** and **PLANpraktijk** of the Netherlands, have published a 15-page guide to importing new and used cars from Belgium and the Netherlands into Germany, titled **Autokauf ohne Grenzen** (car purchase without frontiers).

It informs German consumers how to negotiate a deal with a Dutch or Belgian neighbour and what formalities and pitfalls must be borne in mind when buying a car abroad. It tells them all they need to know about how to locate the addresses of dealers and private sellers, the legal implications of cross-border car sales, the possible tax advantages, and the status of warranties. Intending buyers learn how to calculate the import price easily and how to conclude a hassle-

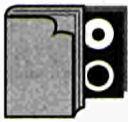
free purchase abroad. The brochure also recaps the approval procedure in Germany.

A checklist of all necessary import papers and a list of information and contact addresses is annexed to the guide, which can be ordered from:

Verbraucher-Zentrale NRW  
Mintropstr. 27  
D - 40215 Düsseldorf  
Tel.: +49 211 380 92 15  
Fax: +49 211 380 91 72



- Your holiday is supposed to be the highpoint of the year. But it isn't always. This can be seen from the numerous complaints about package tours. For some holiday-makers, the enjoyment is spoiled not only during, but also before and after, their trip. For example: the tour operator suddenly wants more money than was originally agreed; the accommodation does not live up to the glowing accounts in the brochure; building-site noise gets on your nerves; or the food gives your stomach a hard time. **Aus der Traum vom Traumurlaub? - Pauschalreise-Reklamationen** (your dream holiday up in smoke? - complaints about package tours), a 134-page guide published by the **Arbeitsgemeinschaft der Verbraucherverbände (AgV) e.V.** (working group of consumer associations) and the **Verbraucher-Zentralen** (consumer unions) of North Rhine-Westphalia, Hamburg and Lower Saxony, takes a close look at the small print in package holiday contracts and gives useful tips for typical situations in which customers may find themselves. It also sets out 'reference figures' for claims and the time-limits for filing these, explains the most important legal terminology and contains specimen letters to help readers with correspondence with tour operators;
- How can you get your weight under control? The revised version of the 142-page guide **Gewicht im Griff - Ein Ernährungsprogramm für Ihre Gesundheit** (weight under control - how to keep fit by eating healthily), published by the **AgV** and the **Verbraucher-Zentralen** of North Rhine-Westphalia, Hamburg and Lower Saxony, provides the answer. By teaching readers to analyze their starting point and set themselves reasonable goals, it aims to shift the focus from the unattainable 'ideal' weight to each individual's 'feel-good' weight. It then sets out appropriate nutrition programmes. Finally, 50 pages of recipes offer readers the opportunity to put their good intentions into practice;
- When a relative dies, one is suddenly faced with problems that can hardly be overcome very quickly. Clear-headed decisions about funeral arrangements are difficult when you are suffering the pain. Therefore, many people are unaware of what has to be arranged and even less aware of the costs involved. Often, out of respect for the dead, more expenses are incurred than intended. The guide **Was tun, wenn jemand stirbt?** (what to do when someone dies), published by the **AgV** and the **Verbraucher-Zentrale** of North Rhine-Westphalia, is intended to shed light on the taboo subject of funerals. Who must be notified? Who should be contacted to deal with official formalities? What types of funeral are possible? What will the grave and the undertaker's services cost and what deadlines must be met? Etc., etc.;
- There are various kinds of conservatories. The living room can be expanded into a garden. Glass structures can be built on top of flat-roofed extensions and garages. Another possibility is a 'window greenhouse', which can be erected in front of an existing window... The 64-page guide **Wintergärten** (conservatories) published by the **AgV** and the **Verbraucher-Zentralen** of Baden-Württemberg, Lower Saxony and North Rhine-Westphalia, presents all these options in detail;
- Most homes now have central heating and double-glazing. However, the fact that these improvements bring with them an increased level of dampness, and hence mould, is often ignored. Mould, however, is more than just an annoyance; it can damage brickwork, pollute the air in a room and even affect the health of the occupants. What can be done? The 40-page guide **Feuchtigkeit und Schimmelbildung in Wohnräumen** (damp and mould in residential premises), published by the **AgV** and the **Verbraucher-Zentralen** of Baden-Württemberg, Lower Saxony, North Rhine-Westphalia and Hamburg, describes how damp comes about in houses and flats, and how best to prevent mould;
- Since 1994, the European Union has granted licences for 61 new food additives. As a result, some 296 colourings, preservatives, sweeteners and other additives are now to be found in the food we eat. The law states that their presence must be indicated. But how can consumers understand what all these 'E-numbers' mean? By reading **Lebensmittel-Zusatzstoffe - Was bedeuten die E-Nummern?** (food additives - what do the E-numbers mean?), a guide published by the **AgV** and the **Verbraucher-Zentralen** of



Hamburg, Lower Saxony, Baden-Württemberg and North Rhine-Westphalia, which assesses all additives according to uniform criteria, informs the consumer about their origin - i.e. animal, vegetable or artificial, pinpoints

those that can cause allergies and indicates how to avoid artificial colourings or flavour enhancers.

For details on how to order these six publications, contact:

Arbeitsgemeinschaft der Verbraucherverbände e.V.  
Heilsbachstr. 20  
D - 53123 Bonn  
Tel.: +49 2 28 64 890  
Fax: +49 2 28 64 42 58

The **Büro für Konsumentenfragen** (consumer office) at the **BMGK** (Austrian federal ministry for health and consumer protection) has sent us the two following reviews:

- Gottfried Mayer (Editor): **Konsumentenpolitisches Jahrbuch 1994-1995**, Verlag der Österreichischen Staatsdruckerei, 1996, 357 pages.

This fifth edition of the consumer policy yearbook surveys topics relevant to consumer policy in 1994 and 1995. The focus is on the concrete impact of Austria's accession to the EU. The contributions address the possibilities of transposing the consumer protection provisions of the directives on securities, the various EU directives in the domain of telecommunications, and the measures Austria must take in this connection. Other subjects addressed are the problems in transposing the package tours directive, which became particularly obvious following the bankruptcy of two tour operators. One point that emerges in this context is that the quality of transposition of individual consumer protection directives is not the only thing that matters, but also that participation in drafting the relevant directives increasingly

leads to a more critical assessment of the rules emerging from Brussels - see the outspoken contribution by Robert Seckelmann on the transposal of the consumer credit directive and Dieter Hoffmann's analysis of the European Court of Justice's case law, which highlights the Court's shifting doctrine in the domain of marketing rules. Although the essays do not always reflect the views of the BMGK, but rather express the authors' very personal opinions, they amply demonstrate that Austrian consumer policy is increasingly acquiring a pronounced European dimension. Breda Kutin's contribution looks outside the EU to consumer policy developments in Slovenia. In addition to critical reviews of changes in the EU and changes caused by EU membership, there are a number of contributions on topics specific to Austria. Shifts in social policy and the new environmental awareness are reflected in the discussions of problems with privatized water companies and difficulties associated with the packaging regulations, while Paul Pisjak and Walter Peißl's contribution highlights the challenges posed by the information society. As usually, the yearbook ends with a review of consumer policy case law and a

chronology of consumer policy events, summarizing all developments relevant to consumer policy in 1994 and 1995.

**Contact:**

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Bundesministerium für Gesundheit und  
Konsumentenschutz  
Radetzkystr. 2  
A - 1030 Wien  
Tel.: +43 1 711 72 47 85  
Fax: +43 1 715 58 31

- **Europäisches Versicherungsvermittlerrecht für Österreich**, Verlag der Österreichischen Staatsdruckerei, 1996, 160 pages.

This study on insurance brokerage is the latest volume in the BMGK's series 'Verbraucherrecht - Verbraucherpolitik' (consumer law - consumer policy). Two insurance law experts present a proposal for transposing into Austrian law the EC recommendation on insurance intermediaries of 8 December 1991. The keynote is that independent insurance intermediaries are indispensable for consumer protection in a deregulated insurance market if policy-holders are to select suitable products. To this end, however, the intermediaries must have the necessary skills and independence. The authors emphasize the need





for rules governing the profession of insurance intermediary, above all with an eye to a clear distinction between independent and dependent brokers. The system of commissions is singled out for criticism because it jeopardizes the intermediary's independence, since the commission is always paid by the insurance company. Besides presenting the situation of the insurance companies, insurance intermediaries and policy-holders in the deregulated internal market,

the possibilities of supervising insurance brokerage, and the applicable European standards, the study also contains a detailed and exhaustively commented draft law. The relevant EC sources are reproduced in the annex (EC recommendation on insurance intermediaries, EC intermediaries directive). With this book the authors have succeeded in paving the way to transposal of the EC recommendation and the adaptation of insurance brokerage

to the current requirements of the EU internal market, which will be decisive for future developments in Austria and should also be of relevance in the European context.

**Contact:**

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Büro für Konsumentenfragen  
Bundesministerium für Gesundheit und  
Konsumentenschutz  
Radetzkystr. 2  
A - 1030 Wien  
Tel.: +43 1 711 72 47 75  
Fax: +43 1 715 58 31

The following brochures, intended for French consumers who wish to shop in Germany or German consumers who wish to shop in France, have been published by **Euro-Infos-Consommateurs / Euro-Infos-Verbraucher** (the Franco-German cross-border consumer information centre):

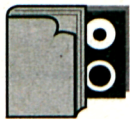
- *Les délais de réflexion en France et en Allemagne;*
- *Prêts immobiliers en Allemagne;*
- *Achat d'un véhicule en Allemagne;*
- *Crédit à la consommation en Allemagne;*
- *Guide des achats en Allemagne;*

- *Tourisme en Allemagne;*
- *Guide des achats transfrontaliers;*
- *Widerrufsrecht in Deutschland und Frankreich;*
- *Autokauf in Frankreich;*
- *Grunderwerb in Frankreich;*
- *Hausrat- und Gebäudeversicherung in Frankreich;*
- *Kfz- Überführung nach Frankreich;*
- *Kfz- Versicherungen in Frankreich;*
- *Wissenswertes über französische Versicherungen;*

- *Reiseziel Frankreich;*
- *Einkaufen in Frankreich;*
- *Der Verbraucherkredit in Frankreich;*
- *Immobilienkredit in Frankreich*

To order the brochures, contact:

Euro-Infos-Consommateurs / Euro-Infos-Verbraucher  
Kinzigstr. 5  
D - 77694 Kehl  
Tel.: +49 78 51 48 28 62  
Fax: +49 78 51 48 28 63



Helping teachers and those in charge of community groups and social services to choose the right teaching materials for turning young people into responsible consumers. This is the aim of ***La consommation - outils pour la formation des adolescents et adultes*** (consumption - training tools for teenagers and adults), which was recently published by the **Institut national de la consommation** (INC - France's national consumer institute). This guide lists almost 200 teaching tools and aids (videos, slides, games and dossiers) produced by various organizations (consumers' associations, local authorities, the social security service, professional associations, businesses, etc.) and dealing with subjects as diverse as nutrition, insurance, legal process, housekeeping,

advertising, environment and health, safety in the home, etc. In addition to information on the nature, year of production, price and target public for these teaching aids, the guide also indicates where they can be ordered and contains critical assessments of most of these products by a Joint Committee made up of representatives from the public authorities, consumer organizations and businesses. In the case of teaching aids produced by professional associations and businesses in particular, it is clearly stated whether the educational value of the products takes priority over, or is secondary to, the 'advertising' aspect. Finally, the guide contains a list of addresses of consumer organizations, most of which produce teaching materials.

*La consommation - outils pour la formation des adolescents et adultes* can be ordered from:

Institut national de la consommation  
80 rue Lecourbe  
F - 75732 Paris Cédex 15  
Tel.: +33 1 45 66 20 66  
Fax: +33 1 45 66 21 20

In addition, a constantly updated Minitel version as well as a supplementary guide relating to teaching aids for children aged 3 to 12 can be consulted on: 3615 INC - code EDU.

***Un ordinateur à la maison? Pour quoi faire?*** (a home computer? what for?) is the title of a small user's guide for consumers published by the **Associations populaires familiales syndicales** (APFS) in the French département of Oise. In just under

30 pages, it answers the main questions raised by anyone who is wondering about the usefulness of a home computer, does not know what criteria to use when choosing a computer or is afraid of not being able to use the Thing properly.

The guide can be ordered from the following address:

Associations populaires familiales syndicales  
BP 257  
F - 60332 Liancourt

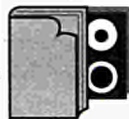
Buying property abroad can be a bit like an obstacle course, with rules and practices varying widely from one country to another. With this in mind, the **Agence Européenne d'Information sur la Consommation** (European consumer information agency) has published a brochure entitled ***Achat d'un bien immobilier à l'étranger*** (buying property abroad), aimed at European citizens seeking to acquire property in France, Belgium or the United Kingdom.

The brochure contains a detailed description of each stage of the operation, from the initial search to signature of the sale contract; it explains the role of the various parties (estate agents, lawyers, etc.), sets out the charges and taxes to be paid, and provides a wealth of advice on deciphering the small ads, avoiding unnecessary expenses<sup>1</sup> etc., together with a list of useful addresses.

Agence Européenne d'Information sur la Consommation  
47 bis rue Barthélémy Delespaul  
F - 59000 Lille  
Tel.: +33 320 54 44 44  
Fax: +33 320 60 69 97  
Minitel: 3615 AEIC  
Email: [crcconso@nordnet.fr](mailto:crcconso@nordnet.fr)  
Internet: <http://www.nordnet.fr/crc-conso>

To order a copy, contact:

<sup>1</sup> Above all, avoid the firms that hawk round lists of properties!



The **Centre d'Information et d'Accueil des Consommateurs Européens** (CIAC Europe) has brought out a brochure entitled *Le guide de vos vacances en Espagne* (guide to holidaying in Spain), drawing the attention of French people intending to visit Spain<sup>1</sup> to their rights and obligations in that country. Besides the inevitable list of useful

addresses, the brochure gives valuable advice on the steps to be taken in the event of a dispute with a trader or service provider, particularly on how to fill out a claim form or invoke an arbitration procedure, two specific features of the Spanish way of doing things about which visitors should, for their own good, be better informed.

To obtain a copy of the guide, contact:

CIAC Europe  
18 rue Marceau  
F - 34000 Montpellier  
Tel.: +33 67 92 63 40  
Fax: +33 67 92 64 67

<sup>1</sup> Each year, a million and a half French people visit Spain.

The **Centre Régional de la Consommation** de la Région Nord - Pas-de-Calais (CRC-regional centre for consumer affairs of the Nord - Pas-de-Calais region) has recently published two booklets to inform the general public in France about certain new legal provisions:

- **Le contrôle technique automobile** (technical inspection of cars) summarizes the new obligations on consumers in this area. For example, the reader learns that out of 52 check items, 31 will now involve an obligation to carry out repairs, as against 15 previously. The booklet sets out this list and provides details of the types of vehicle concerned, the inspection timetable (which has also been altered substantially), inspection procedure, procedure for second inspections, and penalties. Finally, a number of pages are devoted to the settlement of disputes which may arise in the event of a second-hand vehicle having been purchased without the buyer's attention having been drawn to certain defects;

- **Marchands de listes** (suppliers of lists) sets out the new obligations on persons or firms selling lists of addresses of property for rent or sale. It is teeming with useful tips,

such as never to pay any money until a contract has been duly concluded.

These booklets can be ordered from:

Centre Régional de la Consommation  
47bis rue Barthélémy Delespaul  
F - 59000 Lille  
Tel.: +33 320 54 44 44  
Fax: +33 320 60 69 97  
Minitel: 3615 CRC  
Email: [crcconso@nordnet.fr](mailto:crcconso@nordnet.fr)  
Internet: <http://www.nordnet.fr/crc-conso>

In addition, it has published four new studies (which can also be ordered from the above address):

- **Micro-informatique familiale** (microcomputers for the family) and **L'Internet** are both devoted to the subject of 'consumers and new technologies'.

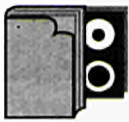
The first is based on the fact that the consumer is often at a loss in the face of the growing number of new products and the rise in prices on the 'micro' market. The flood of sometimes contradictory information in advertising and the media does not really help. The publication therefore offers assistance by presenting:

- the main features of the French market, with statistics on the rate

of equipment ownership by individuals, the frequency of equipment renewal, recent price trends, etc.;

- the results of a survey of CD-ROM prices, components and peripherals carried out in April in microcomputer shops in the Lille/Roubaix/Tourcoing conurbation;
- advice on purchasing a micro-computer, with clear and succinct definitions of the more esoteric terms ('mother board', 'processor', 'plug and play', 'graphics adapter', etc.);
- the opinions of professionals who were asked by the CRC whether they agreed with its purchasing advice and questioned about specific points, such as their relations with their clients, possible supply and stock problems, and future trends in computing;
- a qualified reply to the question as to whether it will eventually be necessary for everyone to become computerized.

The second discusses the development of information superhighways in general, and the Internet in particular. The reader will find:

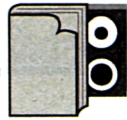


- a definition of the Internet and its main services (electronic mail, World Wide Web, etc.);
  - a situation report on the Internet in France (compared in particular with Minitel);
  - a description of the principles of how the Internet operates, access procedures and costs, and the required configurations;
  - a beginners' guide to the Internet ;
  - clarification on the alleged omnipresence of pornography on the Internet;
  - a presentation of how consumers can benefit from using the Internet.
- The study entitled ***Electroménager et économie d'énergie*** (household electrical appliances and energy-saving) starts by reminding the reader that France now obliges manufacturers and distributors of refrigerators and freezers to provide every appliance with an 'energy label', indicating its annual consumption of electricity<sup>1</sup>. The CRC considers this legislation to be very useful, as the electricity consumption of appliances with the same characteristics can vary by up to a factor of three, and consumption by a refrigerator and freezer on average represents 36% of an electricity bill (excluding heating)! The publication contains:
    - the results of a survey of the environmental concerns of households in the Lille region;
    - a detailed analysis of household electricity requirements;
    - information on the principal characteristics of the French household electrical appliance market, with specific reference to refrigeration equipment: present and future household equipment rate, main manufacturers, main brands and main products;
    - a presentation of the benefits of the energy label to consumers;
    - the *extremely disappointing* results of a survey of how distributors comply with this obligation to place an energy label on all refrigeration equipment<sup>2</sup>.
  - The study entitled ***Les pilules contraceptives*** (contraceptive pills) poses the problem of the cost of pills to their users, particularly in the light

of the different reimbursement procedures applied by the Social Security system, depending on whether pills are first or second-generation (cost reimbursed) or third-generation (cost *not* reimbursed). It describes this contraception method in detail, analyzes the market (manufacturers, brands and products, prescribers, distributors, etc.), explains why the cost of different products is either reimbursed, not reimbursed, or reimbursed only for a limited period, and finally looks forward briefly to the upheavals on the horizon (between now and 2000, around 20 products will come into the public domain, which might bring down prices).

<sup>1</sup> Transposition of Commission Directive 94/2/EC of 21 January 1994 implementing Council Directive 92/75/EEC with regard to energy labelling of household electric refrigerators, freezers and their combinations (OJ No L 45, 17. 2. 1994, p. 1).

<sup>2</sup> In many cases, labels were affixed only on certain models (sometimes on the most efficient) or in a manner which was not consistent with the law (e.g. on small panels originally designed to contain technical or commercial information unrelated to electricity consumption, thus diluting the effect of the message).



The **Observatoire du Crédit et de l'Endettement** (observatory of credit and indebtedness) has recently published:

- **Compendium des statistiques de la consommation, du crédit et de l'endettement des particuliers** (compendium of statistics on consumption, credit and indebtedness relating to private individuals), a 257-page work which is the first publication to include all existing

data on consumption, credit and indebtedness relating to private individuals in Belgium. The figures are presented in the form of tables, supplemented by diagrams and comments, providing an immediate overview of the main facts and facilitating comparisons in both space and time.

- **Le crédit et l'accès à la propriété du logement** (credit and access to housing ownership), a theme sheet

providing a comparison of conditions of access to low-cost housing loans in Belgium, as a function of income and housing value.

These publications may be ordered from:

Observatoire du Crédit et de l'Endettement  
rue de l'Ecluse 21  
B - 6000 Charleroi  
Tel.: +32 71 20 03 86  
Fax: +32 71 20 03 43

To help parents and educators initiate children into using public transport, the **Observatoire de l'enfant** (child observatory) of the Brussels-Capital Region has published a brochure titled **Préparation aux voyages...** (preparation for journeys). This initiative is part of a broader project designed to

make Brussels' underground railways, buses and trams both safer and more attractive for their youngest users.

To order the brochure and/or obtain further information on the project, contact:

Nadia Dequesne  
Observatoire de l'enfant  
Commission Communautaire Française  
Région de Bruxelles-Capitale  
boulevard de Waterloo 100-103  
B - 1000 Bruxelles  
Tel.: +32 2 542 82 11  
Fax: +32 2 542 83 90

Rail travel allows people to go abroad at prices that are often very reasonable. Railway operators in Belgium, the Netherlands, Luxembourg, France and Germany in particular are collaborating to an increasing extent in order to offer a whole range of savings to their customers interested in travelling abroad. It is precisely in order to enable travellers to find their way in

this maze of 'Trampoline' season tickets, 'Euro Domino' timetables, 'Apex' tickets and 'InterRail' passes that the **Agence transfrontalière de la consommation** (cross-border consumer information centre) in Mons (Belgium) has published a small guide entitled **Voyage en train vers nos pays voisins - Formules et tarifs** (rail travel to neighbouring countries

- timetables and fares), which can be obtained from:

Christime Demolin  
Agence transfrontalière de la consommation  
Grand-Place 22  
B - 7000 Mons  
Tel.: +32 65 84 07 38  
Fax: +32 65 31 62 30



The ANEC (European Association for the Co-ordination of Consumer Representation in Standardization), which was set up in February 1995 to represent the interests of consumers in the EC and EFTA countries in dealings with European standardization bodies, has just published its **1995 Annual Report**. Following an introduction describing the part played by standardization in the internal market

and the background to consumer representation in this field, the report is divided into six parts, dealing with: the ANEC's modus operandi, its relations with European standardization institutes and bodies, the co-ordination of consumer representation in standardization at the technical level, certification, national developments, trends in research and testing. Finally, the annexes include the titles of reports

published by the ANEC in 1995 and details of ongoing work.

A copy of the report, in French or English, may be obtained from:

ANEC  
avenue de Tervueren 36  
B - 1040 Brussels  
Tel.: +32 2 743 24 70  
Fax: +32 2 736 95 52

**OECD Health Data 96** is a new user-friendly software package containing more than *one million* items of data on hundreds of phenomena occurring in the health systems of the OECD countries during the period 1960-1994.

46 It tells us, for example, that the proportion of GDP devoted to expenditure on medical goods and services varies considerably between the said countries (from 5% in Turkey, Mexico and Greece to 14,3% in the United States); that the rate of growth of such expenditure likewise varies considerably (between 1984 and 1994, health expenditure in Sweden grew at a slower rate than GDP, whereas in the United States, France and Italy it grew at an appreciably faster rate); that Finland has substantially improved the productivity of its health services by reducing costs while maintaining the level of quality; that in many countries hospital expenditure is declining as

people opt for outpatient treatment or alternative drug therapies; etc., etc.

By highlighting the differences in medical practices in the various OECD countries, *OECD Health Data 96* enables the user to pinpoint the productivity gains that can still be made within each health system and to see how each country is trying to reconcile control over expenditure and maintenance of quality.

In a similar vein, the OECD has just published **Health Care Reform - The Will to Change**, a 158-page report which reviews the discussions held between ministers, senior civil servants and academics under the aegis of the OECD at the end of 1994. Taking stock of the initial measures geared to reforming the health systems of the OECD countries, the report brings out the political, economic and social aspects of changes deemed to be

increasingly necessary. The following issues are addressed:

- what level of care should be provided, in terms of quality and quantity?
- how can equality of access to care and control of expenditure be reconciled?
- can non-financial incentives, such as codes of good professional practice, improve the effectiveness of health systems?
- how can hospital structures embrace the ever-changing new technologies, the inexorable rise in professional specialization and an increasing need for teamwork?

For information on how to order, contact:

OECD  
2 rue André Pascal  
F - 75775 Paris Cédex 16  
Tel.: +33 1 45 24 82 00  
Fax: +33 1 45 24 85 00



***The European Companion 1996*** has just arrived. This annual guide, now in its 7th edition - with over 10 000 amendments - puts the personnel and workings of the European Union at your fingertips. Its 1 000 pages are packed with:

- over 1 700 biographies and photographs of the EU's leading politicians and senior civil servants, including

Commissioners and their Cabinet members, MEPs, permanent representatives of the Member States, Director-Generals of the Commission and Council, etc.;

- information on the EU decision-making process;
- a glossary of terms and abbreviations.

For information on how to order, contact:

DPR Publishing Ltd  
33 John Street  
UK - London WC1N 2BR  
Tel.: +44 171 753 7762  
Fax: +44 171 753 7763



# 13-14 November 1996

## Seventh European Day of Commerce

The topic of the Seventh European Day of Commerce, organized by **EuroCommerce**, the representative body of commercial interests in the European Union, is **'Retail and distribution on the information superhighways'**. It will provide a platform to debate the political and commercial challenges raised by the Internet and the multimedia and for reflection on how

traders and consumers can make the most of 'virtual money'.

Moreover, on 14 November - in the presence of President Santer - EuroCommerce will present to the press its 'manifesto', which consists of an analysis of European commerce and a raft of policy recommendations in this domain.

**Contact:**

Catherine Piana  
EuroCommerce  
rue Froissart 123-133  
B - 1040 Brussels  
Tel.: +32 3 230 67 11  
Fax: +32 3 230 00 78  
Email: lobby@eurocommerce.be

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## The Academy of European Law, Trier, is organizing the following conferences:

- 48**
- |                      |   |
|----------------------|---|
| 8-9 November 1996:   | <b>'The Brussels Convention in legal practice'</b>                                      |
| Place:               | Trier   |
| Languages:           | German, English, French   |
| 14-15 November 1996: | <b>'Europe à la carte - Legal limits of a variable-geometry and multi-speed Europe'</b> |
| Place:               | Trier   |
| Languages:           | English, German, French   |
| 18 November 1996:    | <b>'Current developments in distribution law'</b>                                       |
| Place:               | Trier   |
| Languages:           | English, German, French   |
| 21-22 November 1996: | <b>'International money laundering and its detection'</b>                               |
| Place:               | Trier   |
| Languages:           | English, German, French   |
| 25-28 November 1996: | <b>'The way towards European monetary union'</b>  |
| Place:               | Trier / Luxembourg  |
| Languages:           | German, French  |
| 2-3 December 1996:   | <b>'European social security law and labour law'</b>                                    |
| Place:               | Trier   |
| Languages:           | French, English, German   |





9-10 December 1996:

Place:

Languages:

**'Do we need a European environment ombudsman?'**

Trier

French, German, English

12-13 December 1996:

Place:

Languages:

**'Reform of the common organization of the vine and wine market - The difficult transition from intervention to the market economy'**

Trier

French, German

**Contact:**

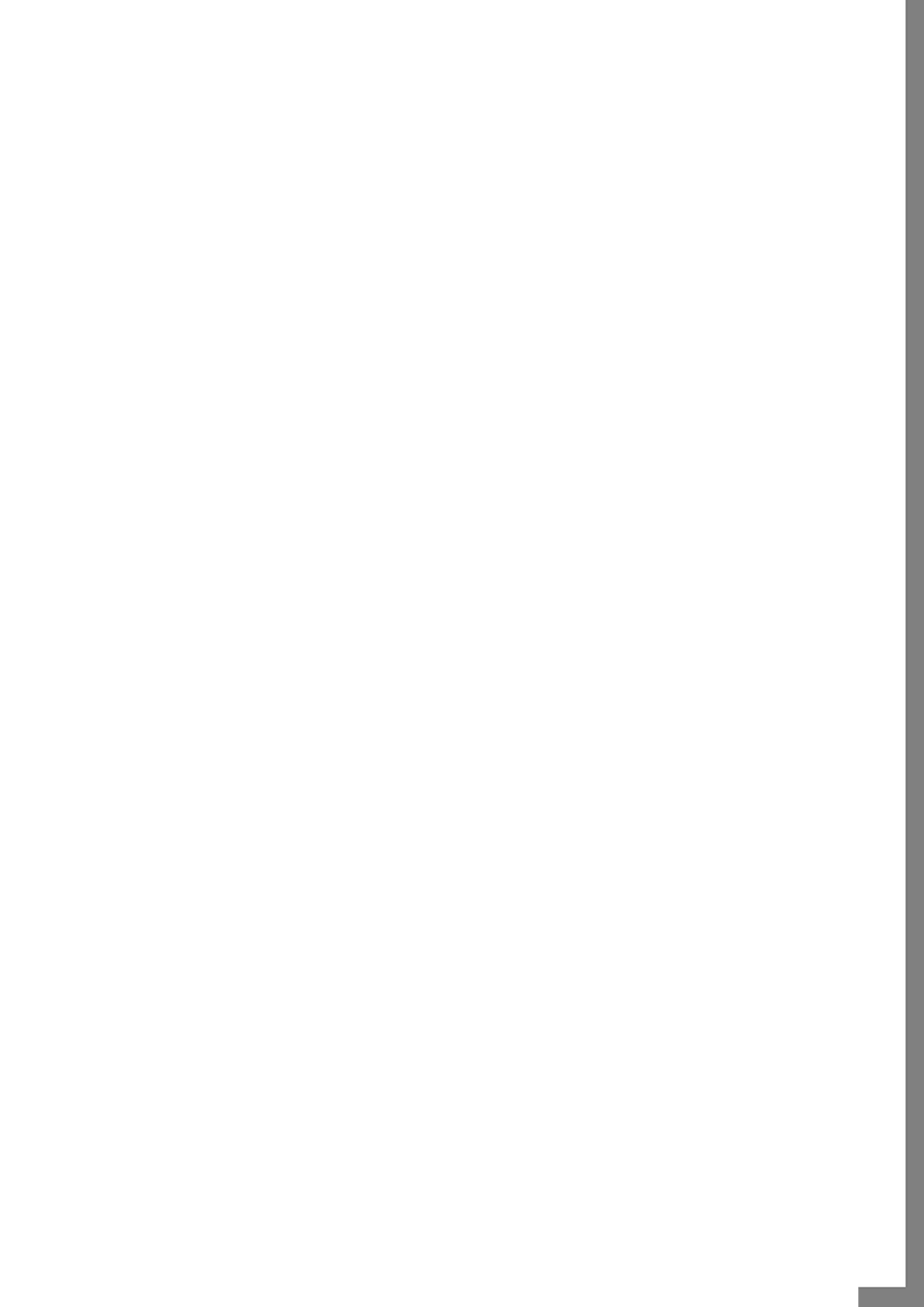
Academy of European Law

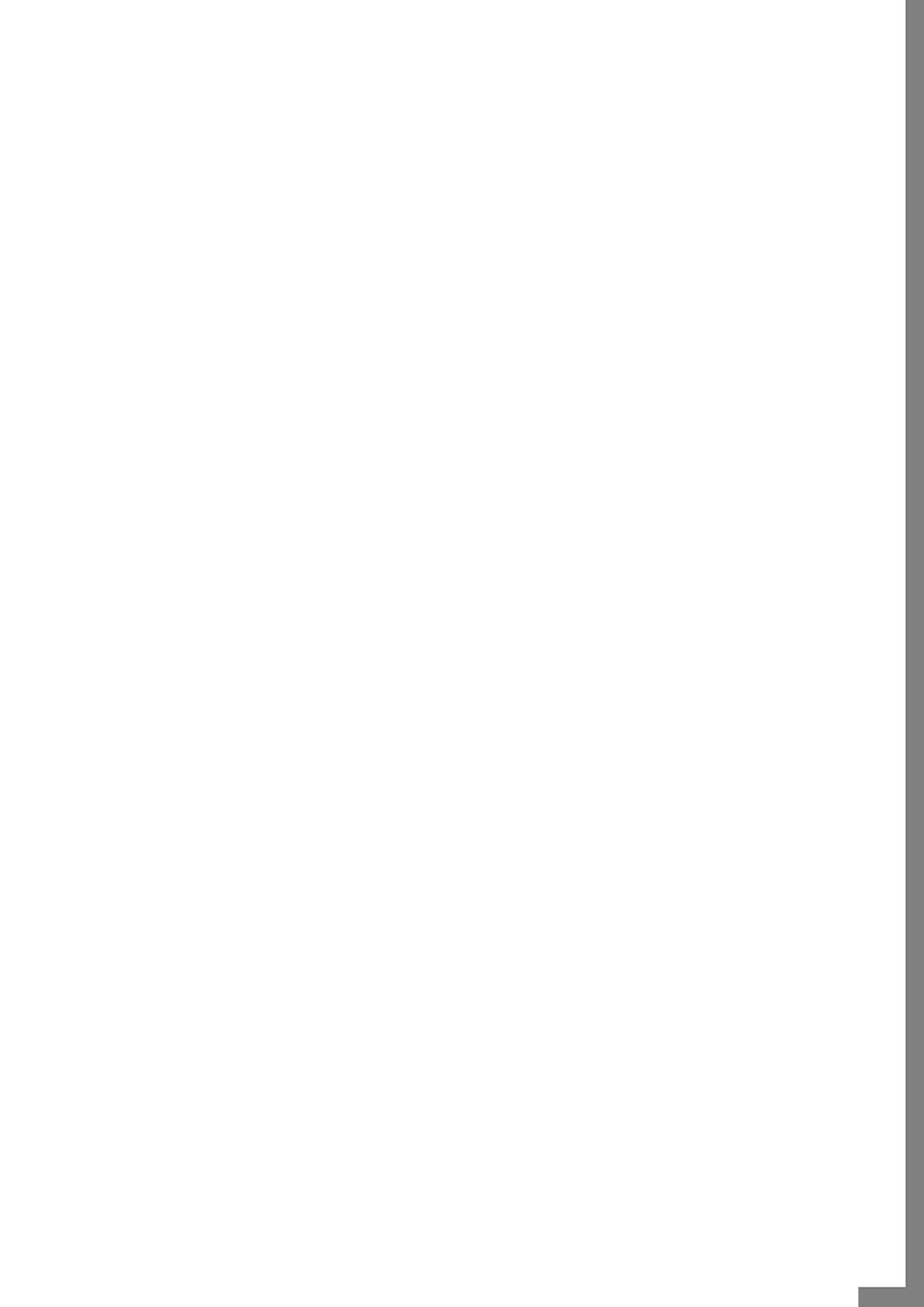
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Fax: +49 651 147 1020





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B - 1049 Bruxelles  
Fax : +32 2 299 18 57  
Email: infoc@dg24.cec.be



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52