



INFO-C

PUBLICATION OF DG XXIV 'CONSUMER POLICY AND CONSUMER HEALTH PROTECTION' OF THE EUROPEAN COMMISSION - VOL. VII, No 5 - 1997

The 'Institutions' section of this issue of **INFO-C** has plenty of material. You will find information on the new Food and Veterinary Office; the adoption of the Commission's Communication on financial services and its Recommendation on electronic payment instruments; the happy outcome of the European Parliament/Council conciliation procedure concerning the authorization of comparative advertising; the conditions for the award of DG XXIV subsidies for 1998; the creation by DG XXIV of a public European database on unfair contract terms and the growing success of the European eco-label system.

Our 'Points of view and debates' section will fill you in on the

round table on the euro organized by the Commission some months ago (but the problems raised by the participants are still newsworthy and indeed the debate has only just begun); the results of a BEUC survey which, just like a similar survey conducted last year, highlights the enormous disparities in the price of motor car insurance in the European Union; the results of the latest Commission study on discrepancies in the prices of new cars in EU countries; the consumer policy priorities suggested by Consumers in Europe Group to the UK Government with an eye to its Presidency of the EU in the first half of 1998 and the United Nations' decision to set up an expert group to develop guide-

lines in the field of sustainable consumption.

As regards the news contained in our 'Countries' section, highlights include the creation by Consumentenbond (Netherlands) of a new legal aid service for consumers, the appeal launched by the Director of the Office of Fair Trading (UK) for a reform of consumer protection law and the development, by teachers and for teachers, under the co-ordination of the Irish Banks' Information Service, of teaching material for children and adolescents on how to handle money properly.

We hope you will enjoy reading this issue.

INFO-C

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The European Commission supports projects in favour of consumers: subsidies in 1998

The Commission has just published in the Official Journal (OJ C 275, 12.9.1997) the rules governing the award of subsidies in the field of consumer protection for 1998.

Only projects that concern the following subjects may be presented:

Priority themes:

- food safety;
- simplified methods of settling consumer disputes;
- prevention of and solutions to overindebtedness.

Other themes:

- improvement of the way consumers' economic interests are accommodated;

- promotion of consumers' interests in financial services, notably with an eye to the introduction of the euro, and in services of public utility;
- safety of products and services;
- promotion of sustainable consumption;
- consumer education and training;
- consumer access to the information society;
- dissemination of scientific knowledge on the health risks of products and services;
- improvement of information on the benefits of the single market for consumers.

As in 1997, the main objective is to promote joint initiatives involving

several if not indeed all Member States, in order to enhance the impact on European consumers as a whole.

The deadline for applications is 28 November 1997. A form has been prepared to this end. It can be obtained on demand by fax (+32 2 296 59 78) or via the Internet (<http://europa.eu.int/en/comm/dg24/spc.html>).

For 1997 the Commission received approximately 350 requests. In all, 81 projects were selected for a total value of 6.3 million ECU. Half of this amount was devoted to projects connected with food, education or general information.

Peter Prendergast to head the Food and Veterinary Office

The **European Commission** has appointed Peter Prendergast as Director of its new Food and Veterinary Office (FVO) located in Dublin, Ireland.

The FVO, which is part of Directorate General XXIV 'Consumer Policy and Consumer Health Protection', is responsible for food inspection and monitoring in the EU as well as in some 70 other countries throughout the world which supply food to the EU.

By appointing one of its senior consumer policy specialists to head the FVO, the Commission has clearly signalled how seriously it takes consumers' concerns about food safety and that it is determined to lay a basis for real consumer confidence in the years ahead.

Two principles guide the Commission's new approach: firstly, the separation of certain functions to avoid any department acting as judge and jury (in other words different departments now have to prepare the

legislation, consult the scientific committees and police the application of the legislation), and, secondly, the need to ensure better dissemination of information on decisions taken and the results of checks.

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Authorization of comparative advertising in the EU: positive outcome of the EP/Council conciliation

With the threefold aim of further contributing to the construction of the internal market, improving consumer information and fostering competition, the **European Parliament** and the **Council** agreed on 25 June 1997 on the text amending Directive 84/450/EEC concerning misleading advertising, with a view to authorizing comparative advertising in the European Union.

As shown by the Directive's provisions, which are set out below, it strikes a balance between the interests of consumers and those of industry: on the one hand, it solves the problem currently encountered by advertisers who wish to launch Europe-wide comparative advertising campaigns but have to cope, depending on the country, with three different legal frameworks - one authorizing this type of advertising, the other banning it and the third that quite simply does not exist; on the other hand, it protects consumers by means of barriers designed to prevent any drift towards misleading advertising, while at the same time making it possible for them to obtain more objective information about the prices and quality of the goods or services on offer. Moreover, it regulates to a reasonable degree and in full compliance with the principle of subsidiarity, since it leaves the Member States free to maintain or set up self-regulatory bodies.

The new text therefore:

1. defines comparative advertising as any advertising which explicitly or implicitly identifies a competitor, or goods or services offered by a competitor;
2. authorizes comparative advertising on the following conditions:
 - it must not be misleading;
 - it must compare goods and services that meet the same needs or that are intended for the same purpose;
 - it must objectively compare one or more material, relevant, verifiable and representative features of these goods and services, which may include price;
 - it does not create confusion in the market place between the advertiser and a competitor or between the advertiser's goods, services, trade marks, trade names or other distinguishing marks and those of a competitor;
 - it must not present a good or a service as an imitation or reproduction of a good or service which is covered by a trade mark or a protected trade name;
 - it must not discredit or denigrate the goods, services, activities, trade marks, trade names or other distinguishing marks of a competitor;
 - for products with designation of origin, the comparison may concern only products with the same designation (account must be taken of the rules on the protection of designations of origin and on the geographical places of origin of agricultural products);
 - it must not take unfair advantage of the reputation of a trade mark, trade name or other distinguishing marks of a competitor or of the designation of origin of competing products;
3. sets out the conditions to be met in the case of a comparison referring to a special offer: the advertising must indicate clearly and unequivocally the dates on which the offer begins and ends and state, where appropriate, that the special offer is subject to availability;
4. provides that, in the event of failure to comply with one or more of these rules, the legal provisions concerning misleading advertising will apply, in other words that the administrative or legal authorities in each Member State which are responsible for monitoring advertising will be able, if necessary by means of an emergency procedure, to suspend or to ban definitively a campaign judged to be unpermitted and to take legal action against the initiators of the campaign;
5. bans Member States from maintaining or adopting more restrictive provisions than those contained in the Directive, but does not prevent them from maintaining or introducing bans on advertising for certain products and services.

The Parliament and Council now have a period of six months in which to agree to the compromise worked out in the conciliation procedure (by a simple majority in the case of the Parliament, and by a qualified majority in the case of the Council). Lastly, if this Directive is adopted, it will have to be transposed into national law within 30 months of entering into force. In practice, the application of this Directive will have only limited



consequences in the United Kingdom, Ireland, Spain, Portugal, France, Sweden and Finland, where comparative advertising is already permitted; on the other hand, it will radically change the situation in Belgium and Luxembourg, where comparative advertising is banned, and will provide a clear legal framework in the Netherlands, Denmark, Austria,

Germany, Italy and Greece, where there are currently no specific texts on this subject and where the courts are therefore obliged, in the event of legal proceedings, to rule on the basis of case law alone (which is generally favourable to comparative advertising in the first three countries and unfavourable to it in the last three).

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Financial services: towards greater consumer confidence

On 26 June the **European Commission** adopted a communication describing what it intends to do to enhance consumer confidence in financial services in the single market¹: propose directives on contracts for financial services negotiated at a distance, on the protection of victims of road accidents abroad and on unregulated financial services; update the directive on insurance intermediaries, the directive on consumer credit and the recommendation on new means of payment²; monitor the application of voluntary agreements

between the financial services industry and consumers as regards consumer information and the remedies open to consumers, and, finally, launch pilot projects on overindebtedness.

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¹ *Financial services: enhancing consumer confidence. Follow-up to the Green Paper on 'Financial services: meeting consumers' expectations'*. COM(97) 309 final.

² See the following article as regards the updating of this recommendation.



The Commission approves a recommendation on electronic payment instruments

On 30 July, in the wake of its communication on enhancing consumer protection in the field of financial services, the **European Commission** approved a recommendation addressed to the Member States and the issuers of electronic payment instruments (payment cards, phone-banking applications, Internet payments, reloadable cards, etc.)¹.

This recommendation, which amends and updates the preceding recommendation of 1988 on payment systems, is designed to enhance

consumer confidence in electronic payment instruments, by urging that users be provided with clear information, that the rights and obligations of the issuers and their clients be equitably distributed and that consumers have access to swift and simple remedies.

The Commission, which wishes to see these minimum rules applied between now and 31 December 1998, invites the issuers of electronic payment instruments to comply with this new recommendation and invites the

Member States to introduce effective means for the settlement of disputes between issuers and holders.

At end 1998 the Commission will evaluate the success of this recommendation. If it is not satisfied with the results, it may propose binding legislation.

¹ Commission Recommendation of 30 July 1997 concerning transactions by electronic payment instruments and in particular the relationship between issuer and holder (text with EEA relevance). 97/489/EC.

CLAB Europa : a European database on unfair contract terms

The **European Commission** has just launched a new database called CLAB Europa, which covers 'case law' on unfair terms in consumer contracts and which the public can consult on DG XXIV's home page¹ on the Europa server. This database contains case law subsequent to adoption of the April 1993 Directive² (which has since been transposed by all the Member States except Spain) as well as case law prior to this Directive developed on the basis of the national laws then in force and certain traditional legal principles (good faith, abuse of rights, etc.). The database covers all EU Member States (plus Norway and Iceland, members of the European Economic Area), except for Italy and Denmark, which are not yet covered, and Greece, still excluded because of technical problems with the

Greek alphabet. But the database will be extended to these three countries as from next year.

At present CLAB Europa contains more than five thousand files which can be consulted using a very simple query procedure which does not require any computer skills or legal knowledge. Each file contains the text of the term in question (fair or unfair) and a commentary on the concrete facts of the case and the grounds for the decision, in the original language, in French and in English. It also contains a plethora of specific fields designed to provide all kinds of relevant information on the case: type of contract, type of term, economic sector, etc., as well as a correspondence table containing the contractual term which

has been the subject of the legal ruling and the list of standard terms in the Annex to Directive 93/13. All the fields can be interrogated, allowing users to fine-tune their search statements as much as they need.

The database contains not only court rulings but also administrative decisions, amicable settlements, the codes of conducts of certain sectors, as well as recommendations by market surveillance bodies, the objective being to provide as comprehensive and faithful a picture of 'the law in action' as possible.

For example, users can find the decisions handed down by the Finnish Ombudsman, the German Supreme Court, the Bastogne Justice of the



Peace, the Lisbon Arbitration Court, etc., as well as the recommendations of the French Unfair Terms Commission.

The Commission hopes that national courts, the public authorities, consumer organisations, firms, lawyers and all individual consumers will make the most of this new tool - the courts and public authorities in finding invaluable information to help them in decision-making in concrete cases, consumer

organizations in assisting the public, undertakings in drafting standard contracts and lawyers in advising their clients.

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¹ Address: <http://europa.eu.int/en/comm/dg24/spc.html>.

² Directive 93/13/EEC of 5 April 1993 on unfair terms in consumer contracts.

Growing success of the Community eco-label



The number of products featuring the logo in the shape of a flower now exceeds 160. A total of 36 authorizations to use the logo have been awarded to 20 producers and one importer for 166 products in nine Member States (Denmark, Spain, Finland, France, Ireland, the Netherlands, Portugal, Sweden and the United Kingdom).

Up to now label award criteria have been adopted for 12 categories of products: washing machines, dishwashers, soil improvers, toilet paper, kitchen rolls, laundry detergents,

single-ended light bulbs, double-ended light bulbs, indoor paints and varnishes, bed linen and T-shirts, refrigerators and copying paper.

The Community eco-label, which was established by Council Regulation No 880/92 of 23 March 1992 (OJ No L 99, 11.4.1992) with a view to promoting sustainable production and consumption, is a voluntary system (producers who want to inform consumers about the ecological properties of their products apply for the award from the competent bodies in the Member States); moreover the European Commission also proposed, at the end of last year, a revision of the system in regard to the following points:

- introduction of a 'graduated' label, i.e. a label featuring a graphic rating of the product's environmental performance;
- creation of a private and independent European Eco-label Organi-

sation (ELO), to develop eco-label award criteria for different categories of products, in cooperation with the competent bodies in the Member States;

- increased complementarity between the Community schemes and the national schemes;
- a ceiling of 40 000 ECU for the annual fee to be charged for the use of the label, whatever the quantity of sales on the Community market (currently, the amount to be paid depends on the volume of sales) and reduced rates for SMEs and manufacturers from developing countries.

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Round table on the euro

On 15 May the **European Commission** organized a round table on the practical aspects of the changeover to the euro, with the participation of Commissioners Bonino (consumer policy) and de Silguy (economic and financial affairs).

This was an occasion for the two Commissioners, as well as for some 250 other participants - representing not only the Member States and the EU institutions (including the European Monetary Institute) but also all categories of future euro users (business, banks, trade unions, trade organizations, public administration and consumer organizations) - to express their views on the outstanding questions: When will the euro coins and banknotes have to be introduced? How long will the dual circulation of national currencies and euros have to last? When and how will fiduciary means of payment (cheques, credit cards, transfers, etc.) be introduced in euros? Who will have to pay for the conversion costs? Will dual labelling of prices in national currency and euros be mandatory and, if so, for how long? What training will have to be given to workers in stores, banks, etc., who will be in contact with the public? How can consumers - notably the least privileged - be helped to 'think' in a new currency?

Emma Bonino made an urgent appeal to all those involved in the intro-

duction of the euro, calling on them to prioritize consumers - for after all, that the success of the whole enterprise depends on them. Here are the main points raised by the Commissioner:

- in each country, consumers have their own opinions on the concrete procedures for introducing the euro. But how many governments have given them an opportunity to express their views?
- the euro will officially be born on 1 January 1999, but will not replace the national currencies until 1 January 2002. What will happen during these three years? Will measures be taken to ensure that this period is used to help consumers shift gradually from their current currency to the euro, or are we already resigned to this dual circulation period being nothing more than a frightful headache which will turn consumers against the single currency - and, consequently, European construction - once and for all?
- Will the Member States begin to coordinate their procedures for transition to the euro, or will everyone continue to do their own thing?
- Have the national education authorities taken steps to encourage publishers of school books to cite the euro whenever reference is made to currencies?

- What arrangements are there for teaching disadvantaged consumers about the euro - the blind, the elderly, the illiterate, etc.?

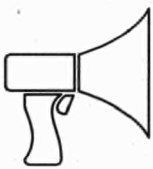
The round table participants identified three priorities: (1) launch large-scale actions to teach consumers about the euro; (2) finalize and publicize as rapidly as possible the national plans to introduce the euro; (3) take all the concrete decisions necessary concerning the practical modalities of the introduction of the euro (date of replacement of national currencies by the euro¹, duration of the dual circulation period, etc.) in May 1998 at the latest when the countries participating in the first wave will have been chosen.

The practical aspects of the changeover to the euro are to be the topic of another conference in November this year and another round table in March next year.

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¹ It has been proposed that this should take place sometime before or after 1 January 2002.



Car insurance: enormous price disparities in Europe

On 19 June, **BEUC** and **Test Achats** published the results of their latest survey on car insurance prices in Europe. Verdict: in this area, the single market is far from a reality.

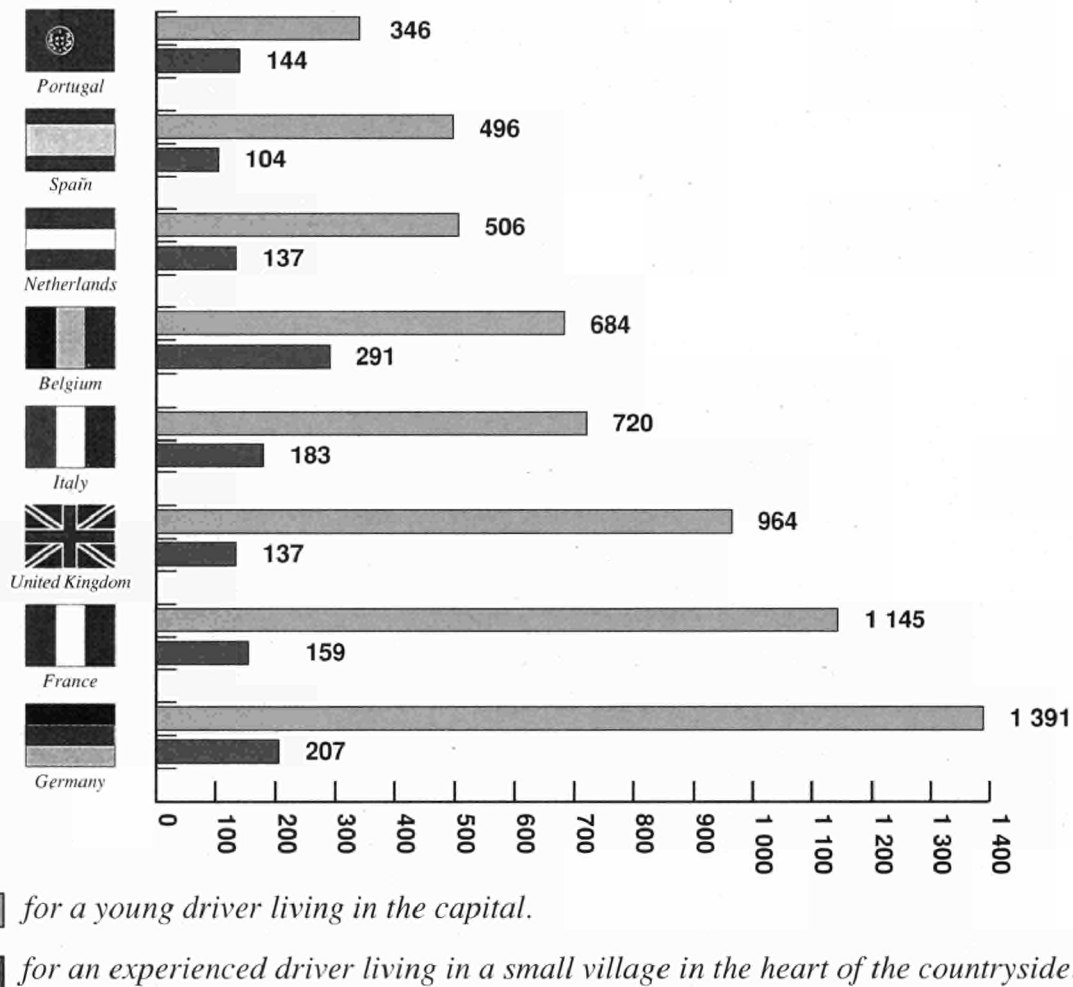
The survey had compared the premiums charged in eight countries:

Germany, Belgium, the Netherlands, Spain, France, the United Kingdom, Italy and Portugal, for two types of insured persons: the young driver and the experienced driver, living in two types of places: the capital and the countryside.

It would obviously be fastidious to set out all the results in detail here, especially as a single example is enough to illustrate the scale of the problem:

AVERAGE PREMIUM FOR THIRD-PARTY CAR INSURANCE (in ECU)

Two extreme examples for a VW Golf 1.4 CL, 3-door





It can be seen from the above that the 'smallest risk' in Germany pays one and a half times more than his Portuguese counterpart and that in the case of the 'biggest risk' the German pays *four* times more!

The solution would of course be to create a true single market in

insurance. To that end, BEUC and Test Achats recommend that certain measures be taken at European level, starting with harmonization of the main rules applicable to insurance contracts.

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Car prices

On 11 July the **European Commission** published the results of its ninth study on differences in the selling prices of new cars in 12 Member States¹.

A total of 23 European and Japanese manufacturers notified the retail prices as at 1 May 1997 of 75 of the most popular models; these prices were adjusted for differences in fittings and expressed in national currency and in ECUS, with and without taxes. Denmark, Greece and Finland were once again excluded from the survey on account of their special taxation policy.

Prices were lowest in the Netherlands (for 24 out of 75 models) and Portugal (for 18 models) and highest in the United Kingdom (for 54 models, as against... 15 in the previous period²). France and Germany are now the most expensive for 11 models only, compared with 30 previously.

It should be noted, however, that the most important changes recorded between the previous study and this one can be attributed far more to substantial fluctuations in the exchange rates for the currencies of the countries in question than to changes in retail prices. Thus, the 9,3% appreciation of sterling and the depreciation of the French franc and the German mark against the ECU explain why car prices *expressed in ECUS* have risen sharply in the United Kingdom and fallen somewhat in France and Germany without consumers in these countries, who pay for the vehicles in their national currency, noticing anything.

Accordingly, the fact that the price differences exceeded 20% for 43 models and were greater than in the previous period (over 30 or even 50% for 23 models) is attributable more to monetary fluctuations than to a deliberate policy on the part of manu-

facturers, who on the whole now seem rather to want to keep their European prices within a bracket of 20%.

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¹ This article gives only a brief summary of the results. Further information can be obtained from the Commission's Offices in the Member States and from the cross-border consumer information centres, as well as via the 'Rapid' database (address: <http://europa.eu.int/rapid/start/welcome.htm>).

² 1 May - 1 November 1996.



CEG suggests consumer policy priorities for UK Presidency

Consumers in Europe Group (CEG) has suggested to Nigel Griffiths, UK Minister responsible for Consumer Affairs, that the following points be given priority during the UK Presidency of the EU in the first half of 1998:

- the adoption of EU legislation on unit pricing;
- the adoption of EU legislation on consumer guarantees;
- the adoption of EU legislation on access to justice;
- improving consumer representation and consultation at EU level, particularly in telecoms, gas, electricity, financial services, transport and broadcasting;
- improving the integration of consumer interests in other policy areas;
- improving the position of purchasers of defective *services*.

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UN moves towards first-ever 'green' guidelines

The consumer and environmental movements moved closer together on 24 July in Geneva when the Economic and Social Council (ECOSOC) of the United Nations agreed to set up an expert group to expand its Guidelines for Consumer Protection into the area of sustainable consumption, **Consumers International** declared in a press release sent out a few days later.

The UN Guidelines for Consumer Protection, passed in 1985, still constitute the single most important reference for consumer protection. Covering such areas as consumer safety, product standards, education and information, they are used as a model, particularly in developing countries, for consumer protection legislation. In 1995, the UN agreed for the first time to revise and update them to include more recent areas of consumer concerns, such as how to

use purchasing power to reduce the environmental impact of consumption.

The resolution agreed on 24 July was one of the key steps needed to translate that decision into action. An expert group of government representatives, international organizations and NGOs, co-ordinated by the UN, will develop the new Guidelines, with the aim of having them approved by summer 1998.

The new Guidelines could cover such areas as eco-labelling, product pricing that takes environmental costs into consideration and countering misleading 'green' advertising.

Although Consumers International welcomes the resolution it is disappointed at the failure of a number of developed countries to lend weight to the resolution by co-sponsoring it.

'With less than a quarter of the world's population, developed countries are responsible for 85 % of the use of natural resources,' said María Elena Hurtado, Director of Global Policy and Campaigns for Consumers International. 'At the recent Earth Summit in New York, developed countries had promised to lead the way in 'greening' the production and consumption of goods and services. Yet their failure in Geneva to stand up and be counted unfortunately indicates otherwise,' she added.

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Ireland

The *PAYMASTER* programme has been developed by teachers for teachers under the co-ordination of the **Irish Banks' Information Service (IBIS)** in response to demand for information/education material on personal finance and payment methods targeted at post-primary students. Under the programme, each school is being supplied, free of charge, with *unbranded* sets that contain a 32-minute video illustrating key money management concepts; specimen ATM, credit and cheque guarantee cards; a specimen cheque book and teacher notes to generate classroom activity. In

addition an Internet site allows schools ready access to the materials. *PAYMASTER*, while focusing at all times on the importance of being in control of one's finances, explores the following topics: means of payment, borrowing and repayment, control of finances and new technology (laser card, smart card, electronic payment, 24-hour banking, etc.).

This programme is a logical follow-on to the award-winning *Money-Go-Round* programme which IBIS launched in 1995 to help primary school pupils develop an early

understanding of money, finance and the value of saving. Each of the country's 3 200 primary schools have been provided with packs that comprise a video, a cassette tape, plastic coins, book covers, posters and supporting activity pages.

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Netherlands

Consumentenbond has just introduced a new service - legal aid. Members can now obtain legal aid from Consumentenbond when they intend to bring proceedings in a consumer dispute. Costs are assessed in advance with the member concerned, to determine whether the game is worth the candle. Here is how the system works: Consumentenbond will conduct a dossier analysis for a fixed charge whenever a member is involved in a dispute. A jurist looks at all aspects of the dossier and gives advice on how best to proceed. And if

a solution is still not forthcoming, members of Consumentenbond can avail of legal aid.

At the same time Consumentenbond has fully overhauled its legal advice system and adapted it to the growing complexity of consumer issues. In 1996 its legal service received 30 to 35% more telephone calls and mail than in 1995. A further 10% increase is forecast for 1997. Yet, legal advice over the phone remains free as in the past - the only cost being the telephone charges.

One new departure is the custom letter. Members who find it difficult to write letters about a problem they want to solve with a supplier or service provider can have the letter written by Consumentenbond for a small fee. All the person has to do is to sign the letter.

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United Kingdom

- On 30 July John Bridgeman, **Director General of Fair Trading**, declared consumer protection in the UK needed to be extended and the law beefed up to deal more rapidly and efficiently with rogue traders. In particular, he said he supported reform that would imply his sharing with local Trading Standards Services some of the statutory powers of consumer protection which have thus far been reserved exclusively to the OFT.
- On 2 August the **Welsh Consumer Council** launched *A Consumer Agenda for Wales*. The agenda,

which is being sent to all Welsh MPs, MEPs, the chief executives of local authorities, and to leaders of business and industry in Wales, comprises 24 points organized under eight headings: Food, Transport, Language, Sustainability, Information, Government, Rural Wales and Consumerism. 'With a new government in power and proposals for decentralization, reform and a Welsh Assembly, it is appropriate that the Welsh Consumer Council review the consumer issues that concern people in Wales and press for the

change that is needed,' said Nich Pearson, Director of the Council.

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France

- In the context of the current debate on the reform of the law on overindebtedness, the **Confédération Syndicale du Cadre de Vie** (CSCV) calls for the creation of a system of 'personal bankruptcy' for the benefit of persons who do not possess liquid assets.
- Following the tragic collision between a train and a truck on 8 September at the Port-Sainte-Foy level-crossing in south-eastern France, the **CSCV** points out that in just over ten years approximately 750 people have been killed in accidents of this kind and again calls for level-crossings to be phased out *rapidly*.
- The **Association française des usagers des banques** (AFUB - French bank users' association) has alerted the public to a new and particularly devious form of fraud.

Small pieces of cardboard are inserted into the slot of a cash dispenser. The user - whose card remains jammed for no apparent reason - is approached by a 'helpful' individual who advises him to enter his code to release the card. Naturally, this operation has no effect - except on the helpful individual, who notes the code. Afterwards, all he has to do is to prise the card out of the cash dispenser and head for another dispenser, before the genuine client has time to notify the bank that his card is stuck. The AFUB, which welcomes the fact that - in the wake of its press releases - the banks have finally recognized the existence of this scam, urges them to assume responsibility for the risks run by their clients in withdrawing money from cash dispensers. To this end it

has created a legal aid procedure for those users who are willing to sue for the refund of withdrawals which they have not themselves made.

- The **Syndicat de la vente directe** (SVD - direct selling association), the professional body of the direct-selling firms that have signed a professional code of conduct on direct selling, set up a joint committee for mediation in direct selling on 1 January 1995 with a view to encouraging amicable settlements of all disputes between consumers and direct sellers, whether or not they belong to the association. The committee has dealt with 173 cases since it was set up. 95% of the cases involving firms belonging to the association have been settled amicably, whereas the 'success rate' for cases involving non-members has been 53%.

Contact:

CSCV
 15 place d'Aligre
 F - 75012 Paris
 Tel.: +33 1 46 28 68 37
 +33 1 53 17 17 15
 Fax: +33 1 43 41 24 08
 Email: enquiries@oftuk.demon.co.uk
 Internet: <http://www.coi.gov.uk/coi/depts/GOF/GOF.html>

AFUB
 45-47 rue Saint-Denis
 F - 75001 Paris
 Tel.: +33 1 43 66 33 37
 Fax: +33 1 43 66 31 51

Syndicat de la vente directe
 8 place d'Iéna
 F - 75783 Paris Cédex 16
 Tel.: +33 1 44 34 68 60
 Fax: +33 1 47 55 17 83
 Minitel: 3615 SVD

Belgium

- 20% of trains belonging to the Belgian national network arrive late (and even 25% at peak hours) - as a recent **Test Achats** survey has revealed. But the list of users' complaints about the SNCB (Belgian railways) is longer than that: absence of information on delays, bad organization of connecting trains, the lack of seating, and the (even more) inadequate service provided by branch lines, not to mention overpriced tickets and rail passes¹. To remedy the situation, Test-Achats has been urging the SNCB to pledge concrete improvements. The organization claims that the new management agreement

designed to define the SNCB's strategy until 2001 is 'evasive and non-committal'.

- If you live in Belgium and have a dispute with a firm based in another EU country, or if you live elsewhere in the EU and have a dispute with a firm based in Belgium, **Test Achats** can help you. The organization has established a structure to help you settle conflicts of this type amicably, or, in the event of failure, to direct you to the competent courts.
- **Test Achats** has sifted through the general rules governing the operations of eight large Belgian banks, and discovered a welter of unfair terms - ranging from the

banks' waiving their liability for cashing cheques with obviously forged signatures to their refusal to take responsibility for delays resulting from breakdowns in their computing systems, and including the right they arrogate to themselves to close accounts without notice and without having to provide a reasoned decision.

Contact:

Test Achats
 rue de Hollande 13
 B - 1060 Brussels
 Tel.: +32 2 542 32 11
 Fax: +32 2 542 32 50

¹ For the full result of the survey, see the September issue of **Test-Achats Magazine**.

Spain

- In July and September the **Eroski** chain of cooperatives organized a euro information campaign in its hypermarkets. A total of 125 of the most popular products were labelled both in pesetas and euros and literature on the euro was distributed to clients, including in particular a small correspondence table showing at a glance the equivalent values of pesetas and euros.
- On 6 June the **Agencia de Protección de Datos** (data protection agency) ordered Telefónica de España S.A. and Telefónica Publicidad e Información S.A. to pay three fines totalling over 110 million pesetas for the unauthorized processing and sale of subscriber data of a personal nature. Besides the subscribers' name, address and

telephone number, these data included details on the levels of their telephone bills, the equipment hired and the bank where the bills were domiciled.

- Sexist advertising is still alive and well: according to a study carried out by the **Consejo Audiovisual de Cataluña** (Catalonia council for the audiovisual media) on ads for toys broadcast during the last Christmas campaign by television channels that can be received in Catalonia, this type of advertising does not treat boys and girls in the same way. Messages targeting girls generally feature the colour pink, an off-screen female voice and numerous diminutives. The ads show women in a domestic setting and most of them have to do with dolls. As to the messages addressed

to boys, they use an impersonal style and an off-screen male voice, put the emphasis on action, force and victory, and mainly present motorcars.

Contact :

Eroski
Egana 14 2º C
E - 48010 Bilbao
Tel. : +34 4 658 24 11
Fax : +34 4 682 12 26

Agencia de Protección de Datos
Paseo de la Castellana 41
E - 28046 Madrid
Tel. : +34 1 308 48 31
 +34 1 308 47 90
Fax : +34 1 308 46 92

Consejo Audiovisual de Cataluña
Gravina 1, 1r
E - 08001 Barcelona
Tel. : +34 3 270 12 30
Fax : +34 3 412 63 29



- The report, **Consumers and the Environment - Can consumers save the planet?**, recently published by the **National Consumer Council** (NCC), calls for urgent government action to help consumers act on their 'green' motivations.

According to the NCC, a substantial proportion of consumers are keen to do their bit for the environment, but they are hampered by a lack of trustworthy information¹, the higher cost of 'green' consumption, the lack of incentives to buy or act 'green', and manufacturers' reluctance to market less environmentally-damaging products.

To remedy this, the NCC calls on the government to:

- shift the cost of key initiatives in the area of 'green' consumption from the individual consumer to the taxpayer, so that the less well-off do not end up with the most polluting products and services simply because they cannot afford the alternatives;
- introduce a legally-backed code of practice on environmental claims;
- press at EU level to remove the confusing overlap between the eco-labelling and energy labelling schemes;
- encourage people to use their cars less by promoting alternative forms of transport;

- press the EU to introduce an energy and environmental labelling scheme for cars;
- press the EU to toughen minimum efficiency standards for cars;
- bring the least energy-efficient homes up to standards for heating and insulation;
- encourage 'greener' household appliances and audiovisual equipment;
- encourage the water companies to reduce leaks in water pipes;
- introduce a labelling scheme for water-using appliances;
- ensure that all local councils match the recycling performance of the best.

- The **National Consumer Council's** eighth consumer survey, whose results have been published in the report, **Consumer Concerns 1997**, found that a growing number of people feel that shops provide a poor service to customers.

43% of those surveyed rated one of the shops they recently visited as poor, compared to 26% five years ago. Again, hairdressers and chemists are top of the table for customer satisfaction, while DIY and electrical goods stores remain rooted to the bottom. Incompetent staff or lack thereof and slow service were among the main annoyances highlighted.

- More than half of UK consumers are unaware that they can get free help from the country's Ombudsmen, and 80 percent have never even heard of the Parliamentary Ombudsman.

But a new book published by the **National Consumer Council** aims to change that situation, in order to show consumers that there are alternatives to going to court to get justice.

A to Z of Ombudsmen - a guide to Ombudsman schemes in Britain and Ireland

brings together all the information about the 27 Ombudsman schemes currently operating in Britain and Ireland, such as the Banking Ombudsman Scheme, the Health Service Ombudsman, the Building Societies Ombudsman, the Insurance Ombudsman of Ireland, etc. It gives details of who can complain to each Ombudsman and what one can complain about, explains how complaints are dealt with and spells out each scheme's record on complaints outcomes.

Contact:

National Consumer Council
20 Grosvenor Gardens
UK - London SW1W 0DH
Tel.: +44 171 730 3469
Fax: +44 171 730 5851
Email: ncc.org.uk

¹ For instance, there are eco-labels for a whole range of products, including kitchen rolls and toilet paper, but not for cars!



In *A Single European Currency*, **Consumers in Europe Group** (CEG) sets out its position on issues involved in transition, such as the provision of information to consumers, the period of dual circulation of currencies, the period of dual price marking, the use of national symbols on coins and

notes, the adaptation of the design of the new coins and notes to the needs of the visually impaired, the continuity of contracts, who should bear the costs of the switchover and when the UK should make its decision on membership.

Contact:

Consumers in Europe Group
20 Grosvenor Gardens
UK - London SW1W 0DH
Tel.: +44 171 881 3021
Fax: +44 171 730 8540

It is nearly two years since **Essex Trading Standards**, a local government department dealing with trading law and consumer protection, developed and produced a comprehensive consumer education pack for young people, entitled *The Smart Shopper's Guide to Consumer Rights* and tackling the basic consumer rights of all individuals, as well as the specific areas that affect young people.

The success of the pack inspired Essex Trading Standards to work on a video, with the same title, that was adaptable for foreign audiences.

Essex Trading Standards' main European partner in the project was the AEIC based in Lille, who made a visit to Essex to discuss the script and its appropriateness for use in France and hopefully other countries. (Launched at the end of June at the Trading Standards conference in Antwerp, the video and the booklet received a very positive response from both British and foreign delegates.)

The result is a fast-moving, humorous and informative series of eight episodes, each lasting 3-4 minutes, featuring young people with consumer nightmares. The booklet covers the

legislation behind each episode. Since the topics are very general and the scenes not country-specific, other countries should be able to simply translate the voice over and the accompanying booklet.

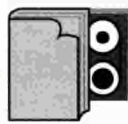
Contact:

Catherine Easey
Essex County Council Trading Standards
Beehive lane
Chelmsford, Essex
UK - CM2 9SY
Tel.: +44 124 534 1862
Fax: +44 124 549 4616

Grøn rengøring (green cleaning), the new brochure of the **Forbrugerstyrelsen** (Denmark's consumer agency) contains several tips on how to clean better with a reduced environmental impact.

Contact:

Forbrugerstyrelsen
Amagerfaelledvej 56
DK - 2300 Copenhagen
Tel.: +45 31 57 01 00
Fax: +45 32 96 02 32
Email: mlm@fs.dk
Internet: <http://www.fs.dk>



The book titled *Les actions collectives transfrontières des organisations de consommateurs - Droit international et droit du marché intérieur* (cross-border collective actions by consumer organizations - international law and the law of the internal market) contains the proceedings of a colloquium organized in conjunction with the Centre for European Legal Studies at the **Law Faculty of the University of**

Geneva. The contributors highlight the need for appropriate instruments to put a stop to cross-border commercial activities that are harmful to consumers. In this connection they analyze the opportunities offered by private international law, as well as the perspectives opened up by the proposal for a Directive on injunctions for the protection of consumers' interests.

Contact:

Université de Genève
Faculté de droit
Centre de documentation en droit de la consommation
102 boulevard Carl-Vogt
CH - 1211 Genève 4
Tel.: +41 22 705 85 00
Fax: +41 22 320 46 20

The following documents have recently been published on the subject of excess weight and dieting:

- **Gesund essen und gemeinsam abnehmen** (eat healthily and lose weight together) (published by the **Deutsche Gesellschaft für Ernährung** - German nutritional society). This brochure tells parents how the whole family can enjoy food and drink which is both

healthy and tasty. In this way, families can eat together and overweight children can gradually slim;

- **Schlank & fit** (slim & fit) (published by **Stiftung Warentest**). This special issue of *test SPEZIAL* looks at 60 diets and shows which of them are good for which people, as well as how to stay slim over the long term.

Contact:

Deutsche Gesellschaft für Ernährung
Postfach 93 02 01
D - 60457 Frankfurt
Tel: +49 69 97 68 030
Fax: +49 69 97 68 03 99
Internet: <http://www.dainet.de/dge/index/htm>

Stiftung Warentest
Lützowplatz 11-13
D - 10785 Berlin
Tel.: +49 30 26 31 2242 (Bettina Dingler)
+49 30 26 31 2345 (Heike van Laak)
Fax: +49 30 26 31 2429

The **Verbraucher-Zentralen** (consumer centres) have published the following guides:

- **Weg mit den Schulden - Tips and Hilfstellungen, dauerhaft schuldenfrei zu werden** (an end to debts - tips and hints on how to stay free of debt in the long term). This recently published book not only contains many tips on what to do when payment reminders come through the letterbox or the bailiff rings the doorbell, but also presents a completely new possibility whereby from 1 January 1999 onwards private individuals can become completely free of debt,

namely consumer bankruptcy. A simple step-by-step explanation is given of how the procedure operates, what steps must be taken (and hurdles crossed!) and what points must be borne in mind in the individual phases. Model letters for all important correspondence and a directory of important addresses and contacts complete the guide.

- **Let's talk about debts! Vom Schuldenmachen, -haben and -loswerden** (let's talk about debts! Getting into debt, being in debt and getting out of debt). Although almost two million households in Germany are now no longer in a

position to pay back their debts, this subject often remains taboo. This booklet is designed to change this situation. The teaching material contains suggestions on how to deal comprehensively with this explosive subject at school. A short basic introduction for teachers is followed by specific suggestions for teaching practice: true-to-life stories about people's first own household and how to finance it; ideas for investigations, tasks and discussions; a comprehensible credit glossary; working aids ranging from newspaper articles through examples of advertisements and graphics to laws



and other texts; many film hints and useful addresses.

- **Schuldenprävention mit Jugendlichen** (debt prevention with young people). This guide presents an approach to debt prevention which has been tested in practice and which focuses on the causes of debt. It concentrates on the key decisions facing consumers which can lead them into excessive debt.
- **Der jugendliche Verbraucher in der Marktwirtschaft - Unterrichtsmodell für die Sekundarstufe II** (young consumers in the

market economy - teaching model for secondary level II). Using the areas of 'fashion', 'the credit economy' and 'young people's magazines', this booklet clearly shows how children and young people acquire the attitudes, knowledge and abilities which are important for consumers, and indicates the factors which influence them. It contains tips, details of literature, suggestions for teachers and working materials.

- **Gesund auf Reisen - Medizinische Tips für Fernreisende**

(healthy travelling - medical tips for long-distance travellers). This publication covers issues ranging from the medicines to put in your luggage, through the necessary insurance cover for travelling, to special tips for children and the elderly.

Contact:

Verbraucher-Zentrale NRW
Mintropstr. 27
D - 40215 Düsseldorf
Tel.: +49 211 38 090
Fax: +49 211 38 09 172

Eurokons, the Bolzano/Innsbruck cross-border consumer information centre, has published the following brochures for travellers:

- **Verbraucher auf Italienreise** (Travelling in Italy) (written in German);
- **Unterwegs in Österreich** (Travelling in Austria) (written in German);
- **Viaggiare in Austria** (Travelling in Austria) (written in Italian).

The brochures contain useful tips and information for holidaymakers in both countries.

Contact:

in Bolzano:
De-Lai-Str. 10
I - 39100 Bolzano
Tel.: +39 471 98 09 39
Fax: +39 471 98 02 39
Email: eurokons@dnet.it

in Innsbruck:

Lieberstr. 1
A - 6020 Innsbruck
Tel.: +43 512 58 36 06 13
Fax: +43 512 56 33 22
Email: eurokons@ping.at

Watergames, a video just brought out by the **Stiftung Verbraucherinstitut**, is an eight-minute, non-speaking music clip in the form of a cartoon designed to bring 12-15 year-olds face to face with the environment as a European and a global problem. The theme is

dealt with through the example of water. The video is supplemented by a 30-page booklet for teachers, designed to help them tackle this theme in the classroom.

Contact:

Viviane Bisenius
Stiftung Verbraucherinstitut
Carnotstrasse 5
D - 10587 Berlin
Tel.: +49 30 39 00 860
Fax: +49 30 39 00 86 27
Email: vi.berlin@t-online.de
Internet: <http://www.verbraucherinstitut.de>



In 1993, **CRIOC** carried out an initial survey on 'green advertising'. Subsequently, having seen that the number of ecological advertisements in the Belgian weekly and monthly press was rising all the time (from 291, i.e. slightly over 8% of all advertisements, in 1993 to 7465, i.e. almost 14% of the total, in 1996), it carried out a second study on this question in 1996, the results of which have recently been published under the title ***La publicité verte dans la presse hebdomadaire et mensuelle belge*** (green advertising in the Belgian weekly and monthly press).

This report goes through the arguments used, the categories of products concerned, the reasons for the increasing use of this type of advertisement, etc. and raises the question of whether or not the code of ethics for green advertising that was developed by the Advertising Ethics Board has had any influence on the work of advertisers, to conclude in the end that many of the ecological allegations made are fanciful and sometimes even actually constitute misleading advertising, and that consumers are currently in a poor position to defend themselves against this flood¹.

Contact:

CRIOC
rue des Chevaliers 18
B - 1050 Brussels
Tel.: +32 2 547 06 11
Fax: +32 2 547 06 01
Email: crioc-oivo@skynet.be

¹ Nevertheless, CRIOC hopes that the Labelling and Ecological Advertising Committee, set up in November 1995, will endeavour to improve standards in this area.

The ***Guide pratique et juridique du voyageur*** (practical and legal guide for travellers), a 249-page volume published by the **CSCV**, is designed to answer the following questions: what is the market segment of the different means of transport, what essential information do you need before

undertaking a journey and where can it be obtained, how do price reductions work, how can you have a ticket refunded, what should you do in the event of delay or cancellation, what remedies are available in the event of a dispute?

Contact:

CSCV
15 place d'Aligre
F - 75012 Paris
Tel.: +33 1 53 17 17 15
Fax: +33 1 43 41 40 06
Email: cscv@hol.fr
Internet: <http://www.perso.hol.fr/~cscv>

En ruta por España/Touring Spain is a bilingual guide published by the **Confederación de Consumidores y Usuarios** (C.E.C.U.) with a view to providing visitors from other EU countries with all the necessary

information about Spain. The areas covered range from health services through shopping, public transportation, car rental, etc. to how to lodge a complaint.

Contact:

C.E.C.U.
C/ Cava Baja, 30
E - 28005 Madrid
Tel.: +34 1 364 13 84
Fax: +34 1 366 90 00



Although electronic commerce mainly concerns trade between firms and organizations, services targeted at private individuals are developing apace - a phenomenon that has given rise to certain problems both for users, private providers and governments.

In the OECD report *Electronic commerce, opportunities and challenges for government*, the

heads of over 100 major firms at the leading edge of electronic commerce have proposed the following agenda to the authorities in the form of a challenge: allow electronic commerce to develop in the context of the market, while establishing the minimum regulatory framework needed to ensure the confidence of all players, in such different fields as consumer protection, the security of

payment systems, competition, taxation, intellectual property, dispute resolution, etc.

Contact:

OECD
2 rue André Pascal
F - 75775 Paris Cédex 16
Tel.: +33 1 45 24 80 91
Fax: +33 1 45 24 80 03
+33 1 45 24 80 07
Email: news.contact@oecd.org
Internet: <http://www.oecd.org>

The proceedings of the **6th European Food Law Conference**, which took place in Brussels on 17 and 18 June, are now available. The speakers, including Ken Collins and Dagmar Roth-Behrendt, MEPs, Paola Testori-Coggi, adviser to Emma Bonino, Horst Reichenbach, Director General of DG XXIV, and several other Commission officials as well as representatives from national administrations and consumer organizations, discussed the following:

- the recent developments on the Green Paper on European food law¹;

- the new role of DG XXIV in food safety;
- the role of Parliament in food safety;
- the new Commission policy as regards scientific consultation and control;
- food controls in the Member States;
- the revision of the Hygiene Directives;
- genetically-modified foods;
- irradiated foods.

Contact:

Agra Europe
International Conference Division
25 Frant Road
Tunbridge Wells
UK - TN2 5JT
Tel: +44 189 251 1807
Fax: +44 189 252 7758
+44 189 254 4895
Email: 100637.3460@compuserve.com
Internet: <http://www.agra-food-news.com>

¹ Since then finalized and published.



Agra Europe announces the following conferences:

- 16 October 1997, Hyde Park Hotel, London: **Meat '97 - 4th Annual European Meat Industry Conference**;
- 23 October 1997, Kensington Park Hotel, London: **Implementation of the UK Packaging Regulations**;

- 6 November 1997, Hotel Inter-Continental, London: **The UK Food Standards Agency**;
- 12-13 November 1997, Sheraton Hotel, Brussels: **Food Law & Science Policy in the EU**.

For more information on these, as well as on other conferences organized by Agra Europe, please contact:

Adrian Conway
Agra Europe
International Conference Division
25 Frant Road
Tunbridge Wells
UK - TN2 5JT
Tel.: +44 189 251 1807
Fax: +44 189 252 7758
Email: 100637.3460@compuserve.com
Internet: <http://www.agra-food-news.com>

6-8 November 1997

9th European Television and Film Forum

'The new strategies of the media: convergence or competition?'

The 9th European Television and Film Forum, organized by the **European Institute for the Media** with the assistance of the SIC (Portugal's first commercial television channel) and the Portuguese Government, will be held in Lisbon from 6 to 8 November 1997 and will be given over this year to the new strategies of the media. The subjects covered by the discussions

will include world competition and alliances, the new technologies, cultural differences, European policies in the world context and the question of whether or not Europe forms a single audio-visual area. As every year, the interests of consumers and television viewers will be discussed by one of the working parties.

Contact:
European Institute for the Media
Kaistr. 13
D - 40221 Düsseldorf
Tel.: +49 211 901 04 57
Fax: +49 211 901 04 56
Email: forum@eim.org
Internet: www.eim.org

6 November 1997

'The European Ombudsman, the Committee on Petitions and the Temporary Committees of Enquiry of the European Parliament'

On 6 November the **European Institute of Public Administration** (EIPA) is organizing a seminar in Luxembourg to conduct an initial review of the activity of the European Ombudsman, an institution created by the Maastricht Treaty, and to compare this means of redress with other remedies, namely the Committee on Petitions and the Temporary Commit-

tees of Enquiry of the European Parliament.

Contact:
European Institute of Public Administration
O.L. Vrouweplein 22
BP 1229
NL - 6201 BE Maastricht
Tel.: +31 43 32 96 222
Fax: +31 43 32 96 296
Email: eipa@eipa.nl

Luxembourg office:
Centre européen de la magistrature et des professions juridiques
Circuit de la Foire Internationale 2
L - 1347 Luxembourg
Tel.: +352 426 2301
Fax: +352 426 237
Email: eiap@pt.lu

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