



European Economic and Social Committee

INT/649
European Consumer Agenda

Brussels, 14 November 2012

OPINION

of the
European Economic and Social Committee
on the

**Communication from the Commission to the European Parliament, the Council, the European
Economic and Social Committee and the Committee of the Regions –
A European Consumer Agenda - Boosting confidence and growth**

COM(2012) 225 final

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On 22 May 2012, the European Commission decided to consult the European Economic and Social Committee, under Article 304 of the Treaty on the Functioning of the European Union, on the

Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions – A European Consumer Agenda - Boosting confidence and growth
COM(2012) 225 final.

The Section for the Single Market, Production and Consumption, which was responsible for preparing the Committee's work on the subject, adopted its opinion on 25 October 2012.

At its 484th plenary session, held on 14 and 15 November 2012 (meeting of 14 November 2012), the European Economic and Social Committee adopted the following opinion by 143 votes to 1 with 2 abstentions.

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1. **Conclusions and recommendations**

- 1.1 The European Commission adopted the European Consumer Agenda on 22 May 2012. This document sets the strategic framework for consumer policy through four key objectives: improving consumer safety; enhancing knowledge; improving measures for enforcing consumer rights and providing redress; and adapting rights and key policies to economic and societal change. The agenda forms part of the Europe 2020 Strategy.
- 1.2 The EESC shares the Commission's views about the vital role that consumers play as drivers of growth and about the need to consider the context in which they are evolving.
- 1.3 The EESC supports the agenda's set objectives but has concerns about its coordination with the "Consumer Programme" and the adequacy of the funding allocated to it, which appears to fall distinctly short of the stated intention.
- 1.4 The EESC reiterates that consumers' interests have to be taken into account in the preparation and implementation of all EU policies. It welcomes the Commission's intention to use the consumer agenda to group most EU consumer policy initiatives (which were previously dispersed) into a single document. This agenda is an important step, which emphasises the importance attached to the needs and expectations of consumers when developing EU policies.

- 1.5 The EESC welcomes the acknowledgment of the important role of consumer associations, which must be given the resources they need to carry out their tasks. It is particularly gratified that in the agenda the European Commission states its intention to cooperate with the national governments to ensure better recognition for the role these associations play.
- 1.6 The EESC attaches particular importance to paying attention to vulnerable categories, especially in the current economic and social context. It is therefore in favour of the agenda's proposed initiatives concerning financial inclusion and access to essential services.
- 1.7 The EESC stresses the importance it attaches to all measures concerning sustainable development. It therefore shares the Commission's concerns about energy management and the inclusion of eco-design. Furthermore, the EESC emphasises the need to use effective measures to raise ethical and environmental standards in the production and distribution of goods, especially if imported from third countries.
- 1.8 The EESC believes that improving food safety is essential to ensuring product safety from the farm or the factory to the front door and to allowing healthy and fair competition. The measures that need to be taken will also help restore consumer confidence, which has been eroded by various health crises.
- 1.9 The EESC welcomes all initiatives that enable consumers to obtain the information they need. It nevertheless reiterates that consumer education does not relieve traders of their obligations.
- 1.10 The EESC supports the initiatives designed to enforce and develop consumer law and establish efficient means of redress. In this context, it reiterates the need to ensure the independence of alternative dispute resolution systems vis-à-vis the litigants. Finally, as the EESC has frequently emphasised in various opinions, it is in favour of collective action and believes that the introduction of an EU-wide measure can no longer be delayed.

2. **Gist of the Commission proposal**

- 2.1 The European Commission adopted the European Consumer Agenda on 22 May 2012. This document establishes the strategic framework for consumer policy for the coming years. It forms part of the Europe 2020 Strategy and complements other initiatives, including the initiative relating to the 2014-2020 consumer programme.
- 2.2 The Commission intends to put the EU's 500 million consumers, whose spending accounts for 56% of EU GDP, at the heart of the Single Market as they are key to growth, arguing that "stimulating this demand can play a major role in bringing the EU out of the crisis".

2.3 In order to meet this objective and boost consumer confidence, the agenda centres around four objectives:

2.3.1 Improving consumer safety

In answer to the challenges involved in marketing products and services irrespective of where they have been produced, the Commission intends to improve the regulatory framework on product and service safety and enhance the market surveillance framework through at source controls in the area of product safety and compliance.

It stresses the need to reinforce safety throughout the food chain.

To achieve these objectives, it will encourage Member States to step up cooperation.

2.3.2 Enhancing knowledge

The Commission believes that consumers must be provided with clear, reliable and comparable information, and the tools to understand their rights. It therefore considers it necessary to improve consumers' knowledge and awareness of their rights and interests. It believes that traders should also be responsible for raising awareness and plans to take the necessary steps to include this in their social responsibility. It recognises the important role that consumer associations have to play in disseminating this type of information and defending consumers.

2.3.3 Improving measures for enforcing rights and providing redress

The Commission intends to effectively enforce consumer law and give consumers efficient means to solve disputes. It intends to improve the rules on resolving cross-border disputes, irrespective of the marketing method, and to strengthen cooperation with third countries and the major international organisations.

2.3.4 Aligning rights and key policies to economic and societal change

The Commission believes that its proposals should reflect changes in consumption patterns, especially in the digital age. It emphasises the importance of taking the needs of vulnerable consumers into account and considers it necessary to facilitate their choices in the interests of a sustainable economy.

2.4 The agenda's set objectives mainly concern five sectors: the digital sector, financial services, food, energy, and travel and transport.

3. General comments

- 3.1 The EESC shares the Commission's views about the vital role that consumers play as drivers of growth, the challenges of the coming years and the overarching need to consider the context in which we live. The crisis has had a negative impact on consumers' purchasing power. Furthermore, consumption patterns are changing. They require greater technological knowledge and are sometimes expensive.
- 3.2 Despite a solid EU regulatory basis, difficulties in implementing the rules persist. Consumers are not adequately empowered to enforce their rights, while complaints continue to increase and reliable consumer information is lacking despite information overload in various forms.
- 3.3 Beyond the agenda's stated principles, which cannot be faulted, the EESC has concerns about how the agenda will be coordinated with the consumer programme and how this policy will be implemented.
- 3.4 On this point, in its opinion of 28 March 2012¹, the EESC stressed the lack of resources for "consumer" policy and expressed concerns regarding the ability to implement a far-reaching programme with funding that fell distinctly short of the stated intention.
- 3.5 The Commission has presented a substantial list of initiatives designed to achieve the agenda's objectives. Nevertheless, what really matters is their quality and applicability, in order to ensure their ability to provide the necessary efficiency to guarantee a genuinely high level of consumer protection. It is only once the agenda's measures have been adopted and implemented by the Member States and other stakeholders, that they will deliver results for consumers.
- 3.6 In this context, the EESC notes the absence of a transparent and efficient process for evaluating this agenda's implementation and outcomes. The EESC asks the Commission to add assessment criteria and quality indicators to gauge annual progress, and to publish a report every eighteen months on the agenda's implementation.
- 3.7 The agenda illustrates the vast area covered by "consumer" policy, which corroborates the need (already emphasised by EESC) to take account of consumer interests when developing and implementing consumer policies of all types. Nevertheless, the EESC is surprised that the agenda does not cover consumer protection in the medical sector, namely pharmaceutical products and medical devices, despite the fact that these products have been at the heart of debate in several Member States due to harm caused to consumers and patients. The EESC believes that a holistic consumer protection policy should also cover the medical and pharmaceutical sector in terms of safety, information and the enforcement of consumer rights.

¹ [OJ C 181, 21.6.2012, p. 89.](#)

3.8 The EESC notes with satisfaction that the Commission intends to seek the support of traders for consumer protection policies. This is why there is an urgent need to introduce consumer rights training for businesses. Business organisation networks affected by such a measure are urged to provide training modules specifically for SMEs as soon as possible, with support from the European Commission.

3.9 The EESC calls on the Commission to include relevant parties and stakeholders in the agenda's implementation and to step up consultation, especially with consumer organisations, to ensure adequate participation in the development of the policies that concern them.

4. **Specific comments**

4.1 **On safety**

4.1.1 The EESC firmly supports the revision of the legislative framework on product safety in order to ensure safe products and services for consumers.

4.1.2 It believes that control measures, modern and unified practices, and cooperation methods, including with the relevant authorities at the place of production, will improve market surveillance with a view to establishing fair competition to the benefit of all businesses and consumers. Furthermore, the EESC wonders what space and resources have been provided for standardisation.

4.1.3 The EESC believes that improving safety is essential to restoring consumer confidence, which has been eroded by various health crises. It is therefore vital to improve the law's implementing measures and coordination between Member States.

4.2 **On information**

4.2.1 The EESC agrees with the Commission about the mismatch between the abundance of information available and consumers' needs. It supports the need for reliable, clear and comparable consumer information, which should also be available via other media and not only online.

4.2.2 The EESC welcomes acknowledgment for the role of consumer organisations and reiterates that EU and national authorities must act on this by granting them resources that match the objectives to be achieved, especially the testing of consumer products and services.

4.2.3 The Committee approves the measures to disseminate consumer information, provided that they are relevant and have a real impact.

4.2.4 The Committee supports all initiatives concerning consumer education and underlines the need not only to inform consumers but also to broaden their knowledge. This is a process that

must begin at school, e.g. where numerical and financial skills are concerned. These skills need to be developed over time, but cannot replace consumer education and information provided by traders.

4.3 **On implementation and redress**

4.3.1 The EESC takes note of the Commission's decision to ensure the enforcement of consumer law, which answers a key expectation, since constantly accumulating new regulations is not a solution that will result in a high level of consumer protection.

4.3.2 The Committee supports the existence of EU-wide networks, the first of which, the European Judicial Network, was set up in 2001. In order to ensure their efficiency, it calls for these networks to be evaluated regularly so that lessons can be drawn from the findings.

4.3.3 The EESC supports all initiatives aimed at improving knowledge of existing legislation in the EU.

4.3.4 The EESC supports the self- and co-regulation initiatives, including the publication of guidelines, provided that these initiatives meet the public policy objectives efficiently. Furthermore, they should be monitored and evaluated regularly to ensure that if these objectives are not met, they can be replaced with binding measures.

4.3.5 The EESC supports the Commission's measures to facilitate alternative dispute resolution systems provided that, as stressed in its opinion², their independence and impartiality vis-à-vis the litigant parties are ensured and that they do not rule out judicial proceedings.

4.3.6 The EESC urges the Commission to promote effective measures to promote e-commerce transactions combined with online dispute resolution (ODR) systems. Furthermore, it welcomes the plans to set up a stakeholder platform to discuss a European trustmark for websites.

4.3.7 With regard to collective action, the EESC is disappointed that the agenda only makes an extremely cautious reference to the possibility of introducing such an implementing measure for consumer law. It believes that, given the situation in certain countries and in cross-border disputes, and following all the consultations undertaken, the time has come to stop procrastinating and to expedite its introduction.

4.4 **On aligning rights and key policies with economic and societal change**

4.4.1 The EESC notes that despite opposition from almost all consumer organisations and some businesses, the Commission intends to take action on the proposed regulation on a European

² [OJ C 286, 17.11.2005, p. 1.](#)

sales law establishing an optional set of rules. The EESC reiterates its position³ regarding the fact that this proposal is unsuited to some of the intended objectives, including a higher level of consumer protection. It stresses the need to develop European consumer law.

4.4.2 **The digital sector**

The Committee supports the various proposals concerning the digital sector in light of technological developments. It notes that the Commission will work to ensure the same level of consumer protection in this sector, an initiative which must go hand in hand with its development.

4.4.3 **Financial services**

4.4.3.1 The EESC notes that the Commission has decided to enhance the surveillance of financial services for consumers, especially for the most vulnerable amongst them. The EESC supports this course of action, which should enhance transparency and facilitate product and price comparison.

4.4.3.2 The Committee would like to recall that it pays particular attention to all aspects of financial inclusion.

4.4.4 **Food**

4.4.4.1 The Committee unreservedly endorses the adoption of rules on food information and nutrition claims for public health reasons, which are of great concern to consumers.

4.4.4.2 Recent problems in some Member States regarding the illegal marketing of alcoholic beverages are a further example of the importance of market surveillance and monitoring.

4.4.4.3 The EESC welcomes the idea of preventing food waste through action targeting the different links in the food chain.

4.4.5 **Energy**

4.4.5.1 The Committee is very alert to the fundamental importance of energy for all consumers, especially the most vulnerable, who must be able to receive this service under acceptable conditions.

4.4.5.2 The EESC encourages all initiatives to promote the management of energy consumption since energy is a scarce resource and has an impact on household expenditure. It draws

³ [OJ C 181, 21.6.2012, p. 75.](#)

attention to the need to evaluate the techniques made available to consumers to ensure that they are truly innovative and productive.

4.4.6 Travel and transport

4.4.6.1 The EESC believes that it is important for the agenda to cover air travel as well as public transport. It shares the Commission's concerns regarding the improvement of passenger rights, which must be suited to the products marketed by companies and tour operators. The EESC emphasises that the proposed review of EU law and related measures set out in the Single Market Act⁴ must strengthen passenger rights and aim to reduce unfair contractual and commercial practices, especially in the case of air transport.

4.4.6.2 The EESC stresses the urgency of adopting measures aimed at protecting passengers stranded by airline bankruptcies, a problem which the consumer agenda does not address.

4.4.6.3 The Committee supports the development of a strategy to promote "clean cars" to reduce CO₂ emissions.

4.4.7 Sustainable products

4.4.7.1 The EESC has frequently stressed the fundamental importance of sustainable development for Europe's future. It therefore supports the Commission's proposals for increasing product longevity and encouraging eco-design for all products.

4.4.7.2 The EESC welcomes the Commission's ongoing efforts to promote corporate social responsibility (CSR) policies, but more stringent measures are needed to ensure transparency and responsibility for higher ethical and ecological standards in the production and distribution of goods, particularly those from third countries. Binding measures need to be introduced vis-à-vis third countries to ensure that their products meet European standards, e.g. the requirement to provide written proof of a product's compliance with international labour standards.

Brussels, 14 November 2012

The President
of the
European Economic and Social Committee

Staffan Nilsson

⁴ COM(2010) 608 final.