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**SECOND INTERNATIONAL FORUM ON MARKET SURVEILLANCE
AND CONSUMER PROTECTION**

Consumer Policies of Some of the Member States of the European Union

This paper provides information on consumer policies in EU countries and on some aspects of market surveillance relating to consumer protection.

It contains a summary of a paper published by the European Commission: "CONSUMER POLICY IN IRELAND AS COMPARED WITH THE OTHER MEMBER STATES OF THE EUROPEAN UNION" - Doc. SANCO (02) IRL.2, December 2002.

The full text of this paper can be found at the following website address of the European Commission:
http://europa.eu.int/comm/consumers/reports/nat_reports_en.htm

This paper is provided for information to delegations.

I. INTRODUCTION

1. In 1989 the European Community's determination to implement consumer policy in Europe prompted the Commission to create the *Consumer Policy Service (CPS)* to monitor Member States' legal instruments in this field. The CPS decided to entrust the Adviser of the Director-General with the task of undertaking a survey on this matter.

2. To this end, the Commission prepared a questionnaire. All the Member States have sent in their replies, the last being received on 2 February 1996. Replies were processed and then papers on individual countries were published (the one on Ireland was the latest).

II. GENERAL

A. Broad outline of official policies in the Member States with regard to consumers

3. All the Member States have an official consumer policy to attain a high level of consumer protection, to protect the health, safety and economic interests of consumers, and to promote their right to information. Several Member States also say they want improvements with regard to:

- Legislation, with a view to creating a genuine corpus of consumer law;
- Legal protection;
- Quality of goods and services;
- Education;
- Consumer representation, etc.

4. Member States are also keen to promote competition and consumer choice. Depending on the country in question, consumer policy may take the form of voluntary codes, regulations or statutes, or indeed may be enshrined in the Constitution (E)¹, and of transposition into domestic law of Community and international law.

B. Medium-term action programme

5. Most of the Member States have programmes that define priorities in the field of consumer policy. The programmes cover periods of varying length (DK, E, FIN, F, P, UK)¹. In some countries the programmes last for the life of a parliament (B, IRL, Ö)¹. In others, the programmes are adopted on an annual basis (D, L, NL, S)¹.

6. Judging by the most frequently cited themes, the main thrust of these programmes is to reinforce the physical and legal protection of consumers and to provide them with better information and training.

C. Main administrative structure responsible for implementing this programme

7. Usually attached to the *Ministry of the Economy* (B, D, F, L, NL)¹ or the *Ministry of Trade and Industry* (DK, FIN, GR, I, UK)¹, the administrative organization of the sector varies considerably from country to country in regard to both its structure and parent ministry. In many countries several ministries are jointly responsible for consumer policy in the sectors coming within their remit (B, D, GR, I, L, Ö, UK)¹.

8. No Member State has a Minister or Secretary of State responsible solely for consumer affairs, as was the case in Spain in 1981 or in France until 1993.

¹ Here and further on for the country names' abbreviations, see table on the last page of this document.

D. Consumer interests in the context of other government policies

9. In all Member States, consumer interests are to a greater or lesser extent taken into account in preparing other policies through the medium of interministerial coordination (B, D, E, F, IRL, I, L, Ö, S, UK) and consultation with:

- Consumer organizations (DK, E, I, P, S, UK)
- Consumer institutes (E, P)
- Authorities responsible for issues related to consumer policy (S)

III. CONSUMER ORGANIZATIONS

A. Consumer organizations at national and regional level

10. In each Member State, consumer organizations exist at *national* and *regional* levels. At *national* level, the number of such organizations varies from a single national organization (IRL - L - NL) to 14 (B) or 15 (I) or even 18 (F).

11. On the whole, consumer organizations have relatively little clout, with the exception of Germany, Spain, France, Sweden and the United Kingdom, where consumer associations are subsidised or even entirely funded by their parent ministry.

B. Are they involved in implementing policy and/or measures adopted by the public authorities?

12. Yes, except in Ireland and the United Kingdom.

C. If so, how?

13. Consultation between the government and consumer associations takes place: either in the context of the consumer councils (B, E, F, L) or through direct (B, DK, D, I, NL, Ö, S) or indirect coordination (FIN, NL, P, S) with the ministries concerned.

14. In some Member States such as the Netherlands or Sweden, for example, consumer organizations play an active role in drawing up consumer policy through consultation procedures, expert groups, coordination meetings, public surveys, etc.

D. If not, why?

15. In the United Kingdom: because implementing government policy does not come within the remit of these bodies.

IV. CONSUMER COUNCIL

Does your country have a representative national-level body that deals with consumer affairs (government, consumer associations, industry, trade, etc.)?

16. Yes, all Member States have a *consumer council* either under this name (Ö) or another, except for:

- Germany, where the consumer committees do not correspond exactly to the concept of a consumer council;
- Ireland, where a consumer council is in preparation;
- Italy;
- Sweden, where there are plans to set up a council on consumer issues within the government.

17. The *Consumer Council* is generally a consultative body attached to the ministry responsible for consumer affairs (B, DK, F, GR, L, UK). The Council may also be closely linked to the Consumer Institute, where such a body exists (E, P). Generally, the Council is made up of roughly equal numbers of representatives of consumer organizations and:

- Representatives of the business community (B, F, GR, NL) or
- Representatives of the ministries responsible (L, P), as well as
- Experts in consumer affairs.

V. INTERNATIONAL COOPERATION

18. *International cooperation* in consumer affairs is relatively well developed on the part of both government departments and consumer organizations.

19. In two Member States cooperation is chiefly (L) or almost exclusively (NL) confined to consumer organizations (ULC and Consumentenbond respectively). On the other hand, the other Member States participate actively in cooperation measures organised in the context of the European Union, and above all with regard to:

- Safety: rapid alert system; exchange of information in the context of the general product safety Directive;
- Cross-border cooperation: Euroguichets;
- Coordination at the level of the Permanent Representations, etc.

20. There is also cooperation at international level:

- International Marketing Supervision Network, created in 1992;
- OECD Consumer Policy Committee;
- Monitoring of the safety of consumer products, PROSAFE, ECOSA;
- Regional cooperation: Nordic (DK, S), Central Europe (Ö);
- Codex alimentarius;
- ICRT (International TESTING).

21. Most of the Member States are involved on a more or less formal basis in intensive and ongoing *bilateral cooperation* with certain Member States and/or third countries:

- Latin America (E) - CEEC (F) - EFTA (F) - Africa (P);
- Market surveillance: convention signed between the General Economic Inspectorate (B) and DGCCRF (F);
- Information on accidents and risks associated with consumer products (E);
- Cooperation between the countries of the Nordic Council: a committee of consumer officials under the aegis of the Council of Ministers of the Nordic countries handles.

22. At the level of the *consumer organizations*, close cooperation exists in the Community and international context, mainly within Consumers International (C.I.).

23. At *institutional level*, in 1995 the European Commission set up the *Consumer Committee (CC)*. The CC is a consultative body whose mission is to represent all Community and national consumer organizations. The Committee consists of 15 members, 15 deputies (one member and one deputy for each Member State) and five members representing the following European consumer associations:

- AEC: European Association of Consumers;
- ANEC: European Association for the Coordination and Representation of Consumers in Standardisation;
- BEUC: European Bureau of Consumer Unions;
- COFACE: Confederation of Family Organizations in the European Community;
- EUROCOOP: European Community of Consumer Cooperatives.

24. The term of office of the members of the CC was renewed in September 2000 for a further three years. Finally, at the Commission's initiative, active cooperation is currently being promoted between consumer organizations in the European Union and the USA under the TACD. This cooperation should be extended later to Canada, Japan and other countries.

25. *European Consumer Day*: several years ago the European institutions decided to organize a European Consumer Day on 15 March each year, with each institution taking it in turn to organise the event.

VI QUESTIONS CONCERNING THE ACTIVITIES MENTIONED IN ARTICLE 153 OF THE TREATY

A. Protection of consumer health and safety

(a) Administrative structure

26. Except perhaps for Austria and Ireland, all Member States have administrative structures responsible for consumer health and safety. These structures are usually (DK, F, GR, P, S) answerable to the ministry responsible for consumer policy, but sometimes also to consumer organizations (L). Depending on the circumstances, these structures are empowered to hear consumer complaints, to deliver opinions and to organise prevention and education campaigns. They are sometimes supplemented at local level by services attached to the municipalities (S).

(b) Are the resources allocated to monitoring product safety provided on a sectoral basis?

27. Several Member States (E, FIN, I, S, UK) take a *sectoral approach* in this area. The others (B, DK, D, F, IRL, P) allocate resources for monitoring product safety on a *global basis*.

(c) Participation of consumer organizations

28. In all Member States except for Ireland and the United Kingdom, consumer organizations are involved, directly, or indirectly through the bodies on which they are represented, in preparing national legislation and in transposing and implementing EU directives. These organizations are also involved in *standardisation* work carried out by national organizations specialising in the safety of goods and services (B, E, F, GR, Ö, S).

(d) As regards home and leisure accidents, are there systems for collecting information other than those provided for in Community law?

29. Eight Member States (DK, E, F, GR, I, P, S, UK) report information collection systems which are different from or complement the Community's EHLASS system.

VII. THE SAFETY OF SERVICES

A. What national measures are there to ensure the safety of services, notably as regards:

- **Sport and leisure events?**
- **Leisure centres, playgrounds and amusement parks?**

30. In most Member States, these problems are addressed at national level as part of general consumer policy (E), but also in the form of legislation (I, L, UK), standard regulations on the construction and operation of places of assembly (D, IRL, P), standardisation (DK, D, E, Ö, UK), codes of good practice

(*IRL*) and even the Civil Code (GR). Depending on the Member States concerned, the competent ministries are those responsible for consumer affairs (Ö, F) or for the area of activity concerned (B, L). Implementation measures and other specific provisions are then decided on at the appropriate level which may, depending on the Member States and areas of activity concerned, be national (B, F, *IRL*, Ö), regional (B, D, E, F, Ö) or local (B, E, L).

31. In a number of countries, special measures have been taken to ensure the safety of services and equipment in the following areas in particular:

- Sport and leisure events (F, *IRL*, UK);
- Leisure centres, playgrounds and amusement parks (D, E, GR, L, UK);
- "Temporary" structures (D);
- Village halls (E);
- Whilst in other Member States only *general regulations* apply.

B. Are there lists of service providers whose activities have been prohibited?

32. Such lists do not exist in any Member State. However, certain countries (D, E) have registers comprising all trades with particulars on prohibitions which may be imposed, along with details pertaining to fines, sentences, etc.

C. Are there national measures to stimulate standardisation of safety rules and know-how in the field of services?

33. Measures are in place in several countries (D, E, F, I, L, P) in a number of sectors:

- Bourse and securities (D);
- Transport and entertainment (E);
- Schools, public buildings, construction sites (L);
- Car repairs, electrical household appliances, domestic heating, swimming pools (P).

VIII. PROTECTING CONSUMERS' ECONOMIC INTERESTS

A. Market surveillance

34. Each Member State has *special ministerial departments* to monitor the implementation of laws and regulations designed to protect the economic interests of consumers. Depending on their powers, a distinction is made between:

- Departments with *general* responsibility:
 - At national or federal level (B, DK, E, F, GR, *IRL*, I, L, P, UK);
 - At regional or local level (E, Ö, S);
- Departments responsible for a specific *sector*:
 - at national or federal level (B, DK, D, E, F, GR, Ö, P);
 - at regional or local level (DK, D).

35. In some Member States (B, D, Ö), *consumer organizations* are also involved in market surveillance. Other countries (F, L) are trying to involve consumer organizations and even consumers themselves in these monitoring activities.

B. Consumer access to justice and the settlement of consumer disputes in the single market

36. The single market can only work properly if consumers feel that they enjoy legal protection and economic security and that their health is protected.

37. As regards the *measures to be taken at Community level*, most countries welcome the Commission's proposals (B, DK, D, E, F, I, NL, Ö, P), though some have expressed reservations (L, UK) or are even opposed (DK, D). On the other hand, some countries regret the lack of commitment (F) or the limited nature of the proposals (I) presented by the Commission.

C. In which domains is there a need for action at Community level?

38. While Germany, Luxembourg and the United Kingdom do not see any reason for Community-level action other than that which has already been decided upon, the other Member States have put forward a number of proposals for action while reiterating (DK) the importance they attach to *the principle of subsidiarity*.

IX. ENSURING ADEQUATE CONSUMER INFORMATION AND EDUCATION

A. Responsible services

39. In each Member State, *several services* are responsible for consumer information and education. As regards information, the services are mainly answerable to the ministry responsible for general consumer policy. Consumer education, on the other hand, is normally provided via the education system and/or services attached to the Ministry of Education. Depending on the Member State in question, these powers are exercised at national level (B, DK, F, GR, IRL, L, P, UK), at federal level (B, D), at autonomous level (E), at local level (UK) or at all levels (E, I, S).

B. Priority objectives of consumer education and information

40. The replies to this question revealed two things:

- *Firstly*, the extent to which those responsible for consumer policy in the Member States regard consumer education and information as a *priority* area (E, F, IRL, L, Ö, P, S, UK);
- *Secondly*, the *high degree of freedom of action* enjoyed by the services responsible for laying down current priority objectives in these two sectors (D, F, UK).

C. Priority themes

41. The *priorities* are as follows (in descending order of importance):

- Consumer safety, and in particular:
 - Food safety (B, S, UK);
 - General product safety (B, DK, E, GR, IRL, L, S);
 - The EHLASS information system on home and leisure accidents (DK, E, Ö);
- Financial services:
 - Payment systems, insurance, banking, etc. (B, DK, F, GR, IRL, L, S);
- Food law (B, DK, D, E, GR, P, S);
- Package holidays (B, E, F, GR, L);
- Labelling of footwear, energy label, ecological label, quality label (DK, F, GR);
- Out-of-court systems of access to justice (E) and of resolving disputes (S);
- Information on citizens' rights in respect of new technological products (E).

15 MEMBER STATES OF THE EUROPEAN UNION-ABBREVIATIONS AS USED IN THE PAPER AND DATES WHEN (AND LANGUAGES IN WHICH) COUNTRY PAPERS WERE PUBLISHED

Ö	Austria	German	English	French		July 1998
B	Belgium	French	Dutch	German	English	September 2001
DK	Denmark	Danish	English	French		July 1998
FIN	Finland	Finnish	English	French		July 1998
F	France	French	German	English		October 2000
D	Germany	German	English	French		May 1998
GR	Greece	Greek	English	French		October 1999
I	Italy	Italian	English	French		July 1998
IRL	Ireland	English	French			December 2002
L	Luxembourg	French	German	English		October 1999
NL	Netherlands	Dutch	English	French		December 2002
P	Portugal	Portuguese	English	French		February 2000
E	Spain	Spanish	English	French		May 2000
S	Sweden	Swedish	English	French		March 2002
UK	United Kingdom	English	German	French		July 2000

Copies of these country papers can be found at the following Internet address:

http://europa.eu.int/comm/consumers/reports/nat_reports_en.htm

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