



EUROPEAN COMMISSION
HEALTH & CONSUMER PROTECTION DIRECTORATE-GENERAL
Directorate B - Consumer Affairs; Unit B1

ECCG2008 003

Minutes of the European Consumer Consultative Group (ECCG) 12 December 2007

BRUSSELS, BORSCHETTE BUILDING, ROOM 3A

CHAIR: EUROPEAN COMMISSION

1. Opening and approval of the agenda (ECCG2007 080)

The chair welcomed Ms Monique Goyens, the new Director of BEUC and member of the ECCG. BEUC requested to have an update on the proposed consumer credit Directive. The meeting agenda was approved.

2. Results of the Green Paper on the review of the consumer acquis (ECCG 2007 071)

The Commission (Mr Gösta Petri, DG Health and Consumer Protection) presented the consultation results¹. On the basis of the responses, the Commission plans to adopt a proposal for a new framework Directive on Consumer Contractual Rights at the end of 2008. A horizontal cross-sector legislative instrument would be based on full targeted harmonisation with a high level of protection. It should target the issues that raise substantial barriers to trade for business and/or deter consumers from buying cross-border. An impact assessment is underway with results by the end of April. Legal guarantee applicable to digital services might be considered at a later stage in a separate process.

During the discussion, some consumer organisations requested to be involved in the impact assessment process. Some of them also requested caution with regard to full harmonisation and stressed the need to safeguard a high level of consumer protection in Member States. They also asked whether the use of the term "the majority of respondents to the consultation" was based on quantitative criteria and was therefore representative. An ECCG member highlighted the importance of digital services and asked about the timing of future initiative.

The Commission representative replied that ECCG members are invited to provide data / evidence for the impact assessment of the review of the consumer acquis (contact: Gosta Petri, e-mail: gosta.petri@ec.europa.eu, tel: 00 32 2 2962248). An horizontal instrument would have a high level of consumer protection as an objective but the most restrictive national rules may not necessarily be the best ones in all cases. The use of the term "majority" in the consultation results is based on quantitative and qualitative (solid arguments) criteria. The issue of digital services will be studied next year.

¹ http://ec.europa.eu/consumers/cons_int/safe_shop/acquis/acquis_working_doc.pdf

Follow-up: review of the acquis to be further discussed at June ECCG meeting

3. Health:

-Patient safety consultation (ECCG2007 084):

The Commission (Mr Lee McGill, DG Health and Consumer Protection) made a presentation on patient safety and indicated that it is a high level Commission priority for 2008. Member States have the primary responsibility in this area. The EU role is to provide support and assistance for their actions. A patient safety working group (PSWG), including key stakeholders, has issued patient safety recommendations. One of them includes the setting-up of a European patient safety network involving all Member States to pool expertise and best practices. On the basis of these recommendations, the Commission will launch a consultation in January and should adopt a patient safety package at the end of 2008. The patient safety package will comprise a proposal to address general patient safety issues and a related but more specific proposal on the important patient safety problem that is healthcare-associated infection. The majority of ECCG representatives were of the view that consumer organisations should be involved in these discussions given their work in the health area at the national level.

Follow-up:

- Commission to send consultation document on patient safety when published.
- ECCG members are invited to communicate activities and contacts of national consumer organisations active in the patient safety area to the Commission (contact: Lee McGill, e-mail: lee.mcgill@ec.europa.eu, tel: 00 32 2 2956352). The Commission will also send national contacts of the patient safety working group to the ECCG.

-Information to patients on pharmaceuticals: state of play

The Commission (Ms Marianne Takki, DG Health and Consumer Protection) informed the group of the work plan 2007-2008 of the Pharmaceutical Forum and in particular of its information to patients working group. This working group has the following objectives:

- Access to and dissemination of health information in healthcare settings;
- Quality of information: a methodology for the use of the core quality principles;
- Practical implementation of the Partnership for Information Package at the national level.

The Commission made a distinction between the work of the Pharmaceutical Forum which is a policy reflection process and the forthcoming report on current practices with regard to the provision of information to patients on medicinal products which should lead to a Commission legislative proposal in 2008. However, the work of the Pharmaceutical Forum will feed into the legislative process.

Several ECCG members were critical of the fact that they were not part of the Pharmaceutical Forum. As regards the future Commission proposal on information to patients, some members said that information should be given by doctors or pharmacists but not by industry. Some of them referred to the campaign and research of Consumers International on drug marketing². On behalf of the UK member who could not attend the meeting, the ECCG member from BEUC mentioned that access of patient leaflets for blind people should be a priority.

²<http://consint.live.poptech.coop/Templates/Internal.asp?NodeID=95357&int1stParentNodeID=89650&int2ndParentNodeID=96076&int3rdParentNodeID=96102>

The Commission replied that the Commission is willing to involve consumer organisations, notably the ECCG. As regards the legislation on information to patients, the Commission reminded the members that an open consultation was held on the report and that based on the contributions made to the consultation, the Commission will issue a document in the coming weeks on the revision of the legislation in the area on information to patients. Concerning the current prohibition of advertising of prescription only medicines, the Commission informed the group that it does not intend to propose a change in this aspect. As regards patient leaflets, an EMEA working group is currently working to improve their readability and usefulness based on the existing legal framework.

Follow-up: Commission to send Communication concerning the Report on current practices with regard to the provision of information to patients on medicinal products when published (done – ECCG 2007 094)

4. Proposal for a European Energy Consumer Charter (ECCG2007 049 and 064)

The Commission (Ms Anne-Cécile Swinnen, DG Health and Consumer Protection and Ms Michaela Strohschneider, DG Transport and Energy) informed the group of the follow-up to the consultation on the draft energy charter. Further in-depth work is needed on these issues with consumer organisations in the beginning of 2008. The idea would be to organise a conference in May or June 2008 and to set up an Energy Retail Forum. Overall, the objective would be to better inform consumers on their rights and to test the possibility for voluntary commitments from interested parties.

In the discussion, there was a consensus on the need for a consumer charter although some members recalled their position on the need for a legally binding instrument. Some also mentioned the need to articulate the charter with the 3rd energy legislative package. The Slovenian member pointed to the lack of competition on their retail market. The French member mentioned the risks of oligopolies. The Latvian member mentioned dramatic price increases in the Baltic countries and their dependence towards Russia. On the issues to be covered by the Charter, ECCG members mentioned billing, commercial practices, switching and vulnerable consumers. On behalf of the UK member, BEUC insisted on the need to set up procedures to avoid disconnection notably for ill, infirm and blind persons. The member from Lithuania insisted on the need to protect vulnerable consumers, in particular those who get heat through district heating systems. On the idea to set up an Energy Retail Forum: the ECCG stressed the need to ensure balanced representation between consumer NGOs/business as well as the need to involve stakeholders at national level.

Follow-up:

- Commission to send short list of consumer provisions in the 3rd legislative package on energy (done ECCG2007 093)
- Commission to organise ad hoc ECCG meeting on energy with experts in the beginning of 2008
- ECCG to nominate contact persons for in-depth work by 15 January.

5. Draft proposal for a Regulation on the provision of food information to consumers

The Commission (Ms Alexandra Nikolakopoulou, DG Health and Consumer Protection) informed the group that the draft is in inter service consultation and should be adopted in January. It is a simplification/recast initiative aimed at improving consumer information on

food products. The main changes included mandatory nutrition labelling for 5 key elements, improvements of the readability of labels and of the rules for labelling origin or provenance of food ingredients.

Several ECCG members supported such a proposal, in particular mandatory nutritional labelling. They asked for further information about its scope, content and timing and stressed that they would favour a colour coding for nutritional labelling rather than GDA (Guideline Daily Amounts). The Commission replied that the proposal would recast horizontal / semi-horizontal Directives but not vertical ones. The Commission added that presentation of nutrition information other than those harmonised in the proposal might be developed through non-binding national schemes.

6. Nanotechnologies (ECCG2007 085)

The Commission (Mr Philippe Martin, DG Health and Consumer Protection) gave a presentation about nanotechnology³. The Commission supports a safe, integrated and responsible development in this area. The Commission finances research in this field. The European scientific committees have already produced a number of opinions on nanotechnologies. The Commission has prepared a legislative review of existing legislation to see how it already addresses the issues raised by nanotechnologies. Within the Commission framework [COM(2005)243], DG SANCO has detailed specific actions: science and risk assessment, stakeholder dialogue and collaboration, monitoring the functioning of SANCO legislation in relation to nanotech risks, contribution to international dialogue and collaboration, contribution to research priorities. DG SANCO has also given to the European Food Safety Agency a mandate to assess the risks posed by nanotechnologies in the food and feed sector. DG SANCO organised recently (26-27 October 2007) a conference "Nano: Safety for success dialogue". One of the workshop conclusions is that public confidence is crucial for innovation and that there is a need for a stakeholder forum for regular, transparent and ongoing dialogue. DG SANCO is also creating a specific Working Group on Nanotechnologies under the Advisory Group on the Food Chain, Animal Health and Plant Health.

Several members expressed concerns regarding the risks of placing nanotech products on the market and requested the application of the precautionary principle. Replying to ECCG members, the Commission said that it would not exclude regulatory changes if evidence and scientific data show that there are necessary.

Follow-up:

- Need for the ECCG to follow this subject
- Commission to examine the possibility to support the development of consumer organisation expertise in this area.
- Importance of TACD work in this area as well as TACD/TABD dialogue

³See also information on:

http://ec.europa.eu/health/ph_risk/nanotechnology/nanotechnology_en.htm

7. SANCO future challenges (ECCG2007 070)

The Commission (Ms Cécile Billaux, DG Health and consumer Protection) presented DG SANCO's Future Challenges Paper 2009-2014 and indicated that this exercise is important since it is linked to the future EU budget. Consultation on the budget review is underway and consumer organisations are invited to participate. Members of ECCG welcomed the initiative and requested to reinforce some aspects such as climate change and sustainable development, ethical trade, digital services.

Follow-up:

- Consultation document open to comments until end December 2007
- Consultation on the EU budget review open until mid-April 2008: see: http://ec.europa.eu/budget/reform/index_en.htm

8. Information from the Commission on ongoing/upcoming initiatives of interest to consumers e.g.:

- **Single Market Review report (ECCG2007 079)**

The Commission (Ms Anne-Cécile Swinnen, DG Health and Consumer Protection) presented the report to the group. "A more inclusive policy-shaping", "broadening stakeholder involvement" is one of the objectives of the review. The document on instruments notably provides for a more regular consultation of the ECCG, at the early stage of initiatives, in certain consumer sensitive sectors in order to assist the Commission in preparing initiatives for these sectors. The Commission also presented the Communication on services of general interest. ECCG members expressed their wish to come back on this issue at a future stage for discussion.

- **Proposal on consumer credit**

The Commission (Ms Gudrun Kirschner, DG Health and Consumer Protection) informed the group about the state of play on this proposal. The Parliament's Committee on the internal market and consumer protection (IMCO) adopted 236 amendments to the proposed directive on 10 December, notably on the scope of the directive, pre-contractual and contractual information and early repayment. The European Parliament should adopt its second reading in January. "Trilogue" meetings are taking place until the beginning of January. Several ECCG members expressed concerns about the amendments which would weaken the Council Common Position.

Follow-up: ECCG to look carefully at issues under discussion

- **Product safety (ECCG2007 085)**

The Commission (Ms Maija Laurila, DG Health and Consumer Protection) informed the group about recent product safety developments⁴, notably the conclusions of the Commission stocktaking exercise on product and toy safety. The Commission mentioned the forthcoming revision of the toy directive, the future adoption of the New Approach Package as well as envisaged provisions for warnings about the dangers of magnets in toys. The Commission described cooperation activities with China and the US in the product safety area.

⁴ See more information on: http://ec.europa.eu/consumers/safety/news/index_en.htm

During the discussion, an ECCG member said that in some cases, product information into the RAPEX system was too slow. The Commission replied that RAPEX's speed is depending upon the actions of national authorities and while some risks are simple to establish, others require laboratory tests or other justification of measures to restrict marketing. The French ECCG member said that a conference on product safety will be organised during the French presidency. There was also a discussion regarding the responsibility of manufacturers and traders.

- **Review of Universal Service in the electronic communications sector**

The Commission (Mr Ivo Locatelli, DG Information Society) informed the ECCG that a Communication on the Review of the Universal Service (US) in the electronic communications is planned for 2008. Market statistics were presented on mobile and broadband penetration. The review proposal adopted by the Commission on 13 November 2007 included only few technical changes to the provisions concerning universal service, leaving scope, concept, financing of US unchanged, as they will be addressed in the forthcoming review of universal service of 2008. Technical changes to the US Directive would include separation of connection and services, measures for disabled, monitoring of tariffs if no US provider, general modernising. Challenges to the current model of universal services were also mentioned, such as whether a 'one-size-fits-all' approach is compatible with the heterogeneity of the EU following the enlargement to new 12 MS, or how to reconcile market developments with the need to develop the information society.

Follow-up: ECCG to further discuss this issue

9. Information from consumer organisations on ongoing/upcoming initiatives:

- **TACD participation in the meeting of the Transatlantic Economic Council (TEC) – 8-9 November** (ECCG2007 088): Mr Jim Murray, President of the Transatlantic Consumer Dialogue (TACD) gave a presentation about the Transatlantic Economic Council's (TEC) meeting held in Washington on 9 November. Next TACD annual meeting will take place on 7-8 April 2008 in Washington.

9. AOB

- **Next meeting:** 19-20 February 2008 (1 day and a half), participation of Mr Robert Madelin. Draft agenda: collective redress, proposal for a Regulation on the provision of food information to consumers, product safety, review of Universal Service in the electronic communications sector. Other 2008 ECCG meetings dates to be communicated in the beginning of 2008.
- Commission to follow-up on information request from the ECCG member from the Netherlands on switching / portability of bank accounts.

ANNEX: ATTENDANCE LIST

MEMBERS

Austria	Mr Max REUTER
Belgium	Ms Ingrid VANHAEVRE
Bulgaria	Mr Bogomil NIKOLOV
Cyprus	Mr Petros MARKOU
Czech Republic	Mr Karel PAVLÍK
Denmark	-
Estonia	Ms Enn-Toivo ANNUK
Finland	-
France	Mr Daniel FOUNDOULIS
Germany	Mr Carl-Heinz MORITZ
Greece	-
Hungary	Mr Gyorgy BARANOVSKY
Ireland	Mr Dermott JEWELL
Italy	Mrs Anna BARTOLINI
Latvia	Ms Silvija VIKSNINA
Lithuania	Mr Rimantas ZABARAUSKAS
Luxembourg	Mr Bob SCHMITZ
Malta	-
Netherlands	Mr Rogier KLIMBIE
Poland	Ms Malgorzata NIEPKULCZYCKA
Portugal	Ms Patricia CRUZ GOMES GAMITO
Romania	Mr Razvan RESMERITA
Slovakia	Ms Božena STAŠENKOVÁ
Slovenia	Ms Ziva DROL NOVAK
Spain	Ms Conchy MARTIN REY
Sweden	Mr Jens HENRIKSSON
United Kingdom	-
ANEC	Ms Nina KLEMOLA
BEUC	Ms Monique GOYENS

OBSERVERS

Norway	
Iceland	Mr GUDMUNDSSON Mr AXELSSON

ASSOCIATES

COFACE	Mr Nicolas REVENU
EUROCOOP	Mr Rodrigo GOUVEIA

EUROPEAN COMMISSION

DG Health & Consumer Protection	Ms Agne PANTELOURI Ms Véronique ARNAULT Ms Anne-Cécile SWINNEN Mr Gösta PETRI Ms Maija LAURILA Ms Gudrun KIRSCHNER Mr Lee MCGILL Ms Marianne TAKKI Ms Antonie EGELAND Mr Kyriakos GIALOGLOU Ms Alexandra NIKOLAKOPOULOU Mr Philippe MARTIN Ms Cécile BILLAUX Ms Marie-Charlotte van LAMSWEERDE Mr Alain JANVIER
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DG Energy and Transport

Ms Michaela STROHSCHNEIDER

DG Enterprise

Ms Aurélie VANDEPUTTE

DG Information Society & Media

Mr Ivo LOCATELLI

EXTERNAL SPEAKER

Mr Jim MURRAY
(BEUC advisor and TACD President)