



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

## **Minutes of the European Consumer Consultative Group (ECCG) 19-20 February 2008**

**BRUSSELS, BORSCHETTE BUILDING, ROOM 3A  
CHAIR: EUROPEAN COMMISSION**

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

The meeting agenda was approved.

### **2. ECCG priorities in 2008**

The Commission (Mr Robert Madelin, Director General, DG Health and Consumer Protection) presented DG SANCO's priorities for 2008 from the consumer perspective on the basis of SANCO Annual Management Plan (AMP) as well as the possibilities to upgrade the role of the ECCG.

During the discussion, ECCG members raised the following issues:

- Several members explained how they communicate with other consumer organisations in their country about ECCG discussions. An ECCG member mentioned that the ECCG work could be more visible at the national level.
- An ECCG member said that a statistical approach, as developed in the Scoreboard, should not prevent the Commission to deal with concrete progress towards more pragmatic consumer protection rules. He was of the view that the ECCG sub-groups should focus more on deliverables. He pleaded for further brainstorm among ECCG members between meetings. The Commission replied that quantitative and qualitative data should be developed. E.g.: work should be done not only on the number but also on the nature of complaints. It agreed that it would be worthwhile to focus more narrowly the work of ECCG sub-groups.
- Another member stressed the need (and sometimes the difficulty) to identify SANCO experts and to receive feedback. The Commission replied that Commission services should reply to all requests. If this is not the case, requests should be addressed to SANCO hierarchy.
- An ECCG member indicated the importance for consumers to follow EU developments on animal health and welfare. The Commission replied that BEUC has 3 seats in the Advisory Group on the Food Chain, Animal and Plant Health where the consumer voice can be heard.
- Some ECCG members stressed the difficulties of some national consumer organisations to have resources, to develop capacity and expertise in order to make a valuable input into EU policies. The Commission agreed that this is a recurrent problem. Commissioner Kuneva highlights the importance of consumer organisations during her visits in Member States. The situation of national consumer NGOs will also be discussed with Member States at the next meeting of the Consumer Policy Network on 6 March.

#### Follow-up:

- Commission to send: speaking points (done), Unit Management Plans 08 (UMP) (done), Annual Policy Strategy (APS) 2009
- ECCG to send feedback by 19 March (to [Marie-Charlotte.van-Lamsweerde@ec.europa.eu](mailto:Marie-Charlotte.van-Lamsweerde@ec.europa.eu)) on:
  - the ECCG future priorities (on the basis of AMP 08, UMP 08, APS 09)
  - the following questions:
    - How do you assess access / dialogue of consumer organisations with your national authorities?
    - How to increase communication / exchange of information among ECCG members between meetings?
    - How to structure flow of real time information on key national developments?
    - How to better communicate ECCG discussions to other national consumer organisations and get real time feedback?
    - How to make the ECCG more visible in your country?

### **3. Commission Consumer Markets Scoreboard (ECCG2008 008)**

The Commission (Mr David Mair and Ms Margareta Theelen, DG Health and Consumer Protection, Task Force on Consumer Markets) presented the first Consumer Markets Scoreboard adopted by the Commission last January and follow-up activities.

#### During the discussion:

- The majority of members welcomed the initiative. They asked about the possible involvement of consumer organisations in the data gathering work and about the possible overlaps in using different sources. The Commission replied that consumer organisations can use the available data of the scoreboard. The Commission highlighted the important role of consumer organisations in the data gathering process and that their input would be very much appreciated, e.g. on consumer complaints. Source overlaps have not been problematic so far and may actually be constructive.
- Some members stressed the importance of consumer complaints, their national experience and the need to be careful with the interpretation of data. The Commission agreed and stressed the differences among Member States. There seems to be a correlation between the level of trust at national level and the level of complaining.
- Several members pointed out to the various factors leading to price differences in some sectors (e.g. energy) and to the difficulties of comparing prices. The Commission replied that other factors, such as salaries, are taken into account and recognised the difficulties to compare prices although some methodologies exist.
- A member asked whether the Commission would take action if problems were identified at the national level. The Commission replied that it has various tools depending upon the issues and results.
- A member mentioned the role of consumer organisations in product testing and requested why this work has not been mentioned in the scoreboard. The Commission replied that there is a distinction between the role of the Commission in the area of market monitoring and the one of consumer NGO in product testing. But the Commission would be interested to understand from product testing organisations how to monitor quality over time.

#### **4. Commission proposal for a Directive on the safety of toys (ECCG2008 006)**

The Commission (Ms. Elina Pietilainen, DG Enterprise and Industry) presented the Commission Proposal for a revised Directive on the Safety of Toys adopted on 25 January. The revision has a threefold objective: first and foremost there will be new and higher safety requirements to cope with recently identified hazards, secondly it will strengthen manufacturers' and importers' responsibility for the marketing of toys and finally it enhances the market surveillance obligations of Member States. The revision of the Directive has been subject of a wide-ranging public consultation including all stakeholders concerned.

During the discussion:

- Some members said that the proposal was a step in the right direction even if they would have liked the proposal to go further. They stressed the need for proper enforcement. The Commission replied that the Proposal obliges Member States to strengthen market surveillance and controls and that Commission funding possibilities exist to that end.
- The majority of members were of the view that the CE marking is misleading and confusing for consumers and questioned the Commission plans to increase its visibility. They favoured the removal of the CE Mark. The Commission replied that the CE marking on toys is aligned with the horizontal proposal on the New Approach currently under discussions. The aim is to clarify the meaning of the CE marking. CE marking is also useful for Member states surveillance authorities when making spot checks. The Commission intends to launch a study as well as an information campaign on CE marking.
- Some members criticized the fact that there will be exceptions to the prohibition of the use of CMR (Carcinogenic, Mutagenic or toxic for Reproduction) substances. The Commission replied that these exceptions will be submitted to very strict and heavy conditions.
- A member raised the problems of imported toys from third countries. The Commission replied that obligations are applied to importers as well and that cooperation takes place with custom and market surveillance authorities. The Commission also cooperates with third countries such as China to improve the safety of toys.
- A member said that, given the number of accidents, the Commission should have been stricter regarding toys in food products. The Commission replied that the ban will apply when a toy is attached to the food but that a total ban would have been disproportionate.
- A member favoured third party certification for toys under 18 months and for motorized vehicles. The Commission replied that, since the prototype and not the product would be tested, such certification would be disproportionate compared to the costs.

On 20 February, the ECCG adopted an Opinion on CE marking<sup>1</sup>.

#### **5. Guidebook on digital rights (ECCG2008 006)**

The Commission presented the main aspects of the project which would respond to the EP request. It would be an information tool for consumers and intermediaries on rights and obligations flowing from EU legislation on information society services.

- Several members had a preference for legislation in this area.
- Some members stressed that information initiatives were most efficient at national level and there should be a close link between national initiatives and EU initiatives. They

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<sup>1</sup> See on: [http://ec.europa.eu/consumers/cons\\_org/associations/committ/opinions/eccg\\_op\\_02022008\\_en.pdf](http://ec.europa.eu/consumers/cons_org/associations/committ/opinions/eccg_op_02022008_en.pdf)

mentioned that the difficulty notably lies with the fact that legal effects and sanctions are dealt with at the national level. The Guide should help consumers seeking redress. They underlined that eCommerce generates an increasing number of complaints, with delivery issues being the most important.

- A member suggested that the Commission should circulate to the ECCG a list of EU legislation, which it intends to cover in the Guide.
- Another member criticised the general trend to switch responsibility to individual consumers, and inform them about their rights, instead of providing adequate means of redress. Specifically on the Guide, the member insisted that the initiative should tackle the specific problems of disabled consumers, and offered to relay the problems most frequently encountered by these consumers.

Follow-up: ECCG contributions on questions and on existing initiatives at national level to be sent to [anne.troye@ec.europa.eu](mailto:anne.troye@ec.europa.eu) and [sven.roehr@ec.europa.eu](mailto:sven.roehr@ec.europa.eu)

## **6. Review of Universal Service in the electronic communications sector (ECCG2008 017)**

The Commission presented the main aspects of Universal Service (definition, scope, funding) in the field of telecommunications within the overall regulatory framework, the 2007 Telecom reform, market statistics on mobile and broadband penetration, criteria and reflections for the review of Universal Service.

A member welcomed the proposals to strengthen provisions for disabled people but would also like to see these provisions to cover accessibility and affordability of terminal equipment. A member said that the problem in its country relates more to access than affordability. Another member stressed that, in some areas of their country, facsimile services were unavailable.

Follow-up: ECCG contributions to be sent in writing to [petri.koistinen@ec.europa.eu](mailto:petri.koistinen@ec.europa.eu) and [bartosz.hakbart@ec.europa.eu](mailto:bartosz.hakbart@ec.europa.eu) by 1 May 2008.

## **7. Information from the Commission on ongoing/upcoming activities of interest to consumers, e.g.:**

### **7.1. Commission public consultation on the key ideas of a legal proposal on information to patients (ECCG2008 014)**

The Commission (Ms Ulla Narhi, DG Enterprise and Industry) presented the public consultation on a legal proposal on information to patients aimed at ensuring that EU citizens have access to good-quality, objective, reliable and non-promotional information on prescription-only medicinal products.

The majority of ECCG members expressed strong concerns and reservations on this initiative. They questioned the need and interest for such a delivery of information by industry. Consumers/patients should be advised by health specialists, not by the pharmaceutical industry. ECCG members said that there is a conflict of interests in pharmaceutical industries providing information directly to patients. They mentioned the difficulty to make the distinction between information and advertising. One member was of the view that the proposal on co-regulation hides a self-regulation mechanism. Some of them referred to the

campaign of Consumers International on drug marketing. On 20 February, the ECCG adopted Opinions on information to patients<sup>2</sup>.

Follow-up: contributions to the public consultation should be sent by e-mail to Ulla Närhi (e-mail: [ulla.narhi@ec.europa.eu](mailto:ulla.narhi@ec.europa.eu)) by 7 April 2008.

## **7.2. Commission proposal on consumer credit**

The Commission (Mr Fabrice Campens, DG Health and Consumer Protection) explained that the European Parliament adopted amendments to the Council common position last January. The new directive should be formally adopted by June and will have to be implemented early 2010. It will mark an important step for consumer protection. It will provide standard, comparable information to consumers to make informed choices. And it will also provide banks and credit institutions with a single set of standards to ensure a competitive offer of credit across the whole EU.

## **7.3. Consumer Day (ECCG2008 031)**

The Commission (Ms Petra Marsalova, DG Health and Consumer Protection) presented the main activities to be held on the occasion of the International Consumer Day (ICD) on 15 March, 2008. Activities will take place during the week preceding the ICD. The European Consumer Centres identified the best consumer rights awareness-raising campaigns held in the Member States last year. An award panel was convened to nominate the best European campaign. An exhibition presenting the best national campaigns will be held in Brussels. The conference on consumer redress organised by the Economic and Social Committee will be held with the participation of Commissioner Kuneva. ECCs and EC representations will organise various activities at national level.

## **7.4. Energy: Stakeholder event (6 May) and Charter state of play**

The Commission (Ms Veronique Arnault, DG Health and Consumer Protection) informed the ECCG about forthcoming consumer events:

- Conference on the Promotion of the European Rights of Energy Consumers - 6 May with the participation of Commissioners Kuneva and Piebalgs: ECCG members have been invited. The Commission will be able to reimburse the expenses of consumer organisations participating in the event.
- Commission to send the profile / criteria for a "consumer energy expert" (done ECCG2008 032) who would be member of the future Citizens Energy Forum (forum which will be launched on 6 May).
- Conference under the Slovenian Presidency on energy 21-22 May: ECCG members from new Member States may consider a specific contribution to submit at this occasion.

## **8. Commission initiatives on consumer collective redress (ECCG2008 013)**

The Commission (Mr Staudenmayer, DG Health and Consumer Protection) explained that the Commission has started to examine the question of collective redress. Since last year, it launched several conferences and studies to evaluate the effectiveness and efficiency of existing collective redress mechanisms in the EU, assess whether consumers suffer a

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<sup>2</sup> See: [http://ec.europa.eu/consumers/cons\\_org/associations/committ/opinions/eccg\\_op\\_ip20022008\\_en.pdf](http://ec.europa.eu/consumers/cons_org/associations/committ/opinions/eccg_op_ip20022008_en.pdf)

detriment in those Member States where collective redress mechanisms are not available, evaluate if there are internal market obstacles and find out more about the economic consequences of the factors which prevent consumers from obtaining effective redress. The Commission has also launched a stakeholder consultation on consumer collective redress benchmarks and intends to organise a focus group with consumers in the autumn. The Commission plans to adopt a Communication on collective redress for the end of 2008. It will include options for a possible EU initiative. The Commission would welcome input and concrete data from consumer organisations based on solid experience on the type of redress problems, on national cases and developments and on the role of Alternative Dispute Resolution mechanisms in this area.

During the discussion, some members spoke about recent national developments and cases in this field. Some members were in favour of an EU initiative but not limited to cross-border cases, stressing the need for EU consumers to have the same rights. Several members also stressed the question of costs, time and length of judicial procedures. A member said that the problem is that, even if there would be EU rules, sanctions would differ among Member States. Some questioned the idea of organising a focus group on attitudes to collective redress. The Commission replied that the Commission uses focus groups as a complementary tool to collect useful qualitative data, while for instance Eurobarometers are used to collect quantitative data

#### Follow-up:

- Replies to the questionnaire on collective redress (ECCG2008 013) should be sent to the mailbox: [Sanco-consumer-collective-redress@ec.europa.eu](mailto:Sanco-consumer-collective-redress@ec.europa.eu) by 3 March 2008.
- Replies to the consultation on the consumer collective redress benchmarks (ECCG2008 013) should be sent to the mailbox: [Sanco-consumer-collective-redress@ec.europa.eu](mailto:Sanco-consumer-collective-redress@ec.europa.eu) by 31 March 2008.
- Replies to the questionnaire on the application of the Injunctions Directive (ECCG2007 089) should be sent to the mailbox: [SANCO-INJUNCTIONS-DIRECTIVE@ec.europa.eu](mailto:SANCO-INJUNCTIONS-DIRECTIVE@ec.europa.eu) as soon as possible.

### **9. Commission Proposal for a Regulation on the provision of food information to consumers**

The Commission (Ms Alexandra Nikolakopoulou and Ms Helen Lee, DG Health and Consumer Protection) presented the Proposal for a Regulation on the provision of food information to consumers adopted on 30 January 2008. The Proposal has now been sent to the European Parliament and Council for discussion. During the discussion, several members were in general of the view that this is a well-balanced proposal which they could support. However, some members were critical of the nutrition labelling in relation to Guideline Daily Amount system and would have preferred a colour coding instead. Others criticized the long transition periods and the fact that some alcoholic beverages had derogations from mandatory labelling provisions. A member would have wished health warnings on alcohol beverages. Another member stressed the difficulties to communicate the various EU food laws to consumers in an understandable manner. The Commission commented that the proposal would allow some flexibility in labelling and would facilitate the revision of the legislation to take into account developments in use of information on labels.

## **10. Proposal for a new framework Directive on Consumer Contractual Rights – Impact assessment (ECCG2008 015)**

The Commission (Mr Giuseppe Abbamonte DG Health and Consumer Protection) presented the impact assessment process with the external consultant (Mr Nick Bozeat, GHK Consortium). In addition to desk research, stakeholders are being consulted. Interviews with businesses have been carried out in order to quantify as much as possible administrative burdens / costs. The Commission proposed to organise an ECCG sub-group to collect data on the impact of the review of the acquis notably on consumer protection levels and on the confidence of consumers in cross-border transactions. Some ECCG members said that this is a very important proposal and thanked the Commission for their flexibility in organising this event.

Follow-up: ECCG workshop to be held on 29 February 2008 (done)

## **11. Information from consumer organisations on ongoing/upcoming initiatives**

### **o Presentation of the new French law on consumer protection (ECCG2008 020)**

The French representative presented the main changes introduced by the new French law on consumer protection.

### **o UK "Too much information" report (published by the Better Regulation Executive and National Consumer Council) (ECCG2008 019)**

The UK representative presented the main finding of the report: too much information could be damaging and it could even discourage consumers from reading the information. The main recommendation to the government and legislators is to test the information provided to consumers before applying it to goods and to review it regularly.

### **AOB:**

- The Commission announced personnel changes in DG Health and Consumer Protection. Ms Agne Pantelouri will retire on 31 March. Ms Jacqueline Minor has been appointed as Director of SANCO B on 1 April. Ms Véronique Arnault has been appointed as Director in the Commission DG for External Relations. Mr Stefano Soro will be acting Head of Unit B1.
- The Commission will set up a sub-group to work on possible instruments, rules and criteria to support consumer expertise for work in certain areas at EU level. Interested ECCG members should express their interest to participate in this sub-group by 14 March to [Marie-Charlotte.van-Lamsweerde@ec.europa.eu](mailto:Marie-Charlotte.van-Lamsweerde@ec.europa.eu)
- ECCG members to give their views on the meeting format of a day and a half: would you prefer such format for all future meetings or on a case by case basis? Thank you for your feedback by 14 March to [malgorzata.fryze@ec.europa.eu](mailto:malgorzata.fryze@ec.europa.eu)
- Commission to publish ECCG opinions on CE marking and information to patients on SANCO website under the ECCG section (done).
- Next meeting: 3-4 June 2008. Draft agenda: product safety, review of the consumer acquis, enforcement (Consumer Protection cooperation network and activities), sustainable consumption, Commission register for stakeholders. Other 2008 ECCG meeting dates: 30 September-1 October (with the participation of Commissioner Kuneva), 9-10 December.

## **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	Ms Sinikka TURUNEN
France	Mr Daniel FOUNDOULIS
Germany	Ms Anne-Lore KÖHNE
Greece	Mr Konstantinos DAGOS
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 / Mr Lars HOONING
Poland	Ms Malgorzata NIEPKULCZYCKA
Portugal	Ms Patricia CRUZ GOMES GAMITO
Romania	-
Slovakia	Ms Božena STAŠENKOVÁ
Slovenia	Ms Breda KUTIN
Spain	Ms Conchy MARTIN REY
Sweden	Mr Jens HENRIKSSON
United Kingdom	Ms Barbara SAUNDERS
ANEC	Mr Stephen RUSSELL
BEUC	Ms Monique GOYENS

### **OBSERVERS**

Norway	Mr Erik LUND-ISAKSEN
Iceland	-

### **ASSOCIATES**

COFACE	Mr Nicolas REVENU
EUROCOOP	Mr Rodrigo GOUVEIA

### **EUROPEAN COMMISSION**

DG Health & Consumer Protection	Mr. Robert MADELIN
	Ms Agne PANTELOURI
	Ms Véronique ARNAULT
	Mr Giuseppe ABBAMONTE
	Mr Dirk STAUDENMAYER
	Mr David MAIR
	Mr Fabrice CAMPENS
	Ms Margareta THEELEN
	Ms Alexandra NIKOLAKOPOULOU
	Ms Helen LEE
	Ms Petra MARSALOVA
	Mr Bartosz HAKBART
	Mr Gabriel DAYRE
	Ms Marie-Charlotte van LAMSWEERDE
	Ms Malgorzata FRYZE



DG Internal Market

Ms Jacqueline MINOR

DG Enterprise

Ms Ulla NARHI  
Ms Elina PIETILAINEN

DG Information Society & Media

Ms Anne TROYE  
Mr Petri KOISTINEN