



Minutes of the European Consumer Consultative Group (ECCG) 3-4 June 2008

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

1. Opening and approval of the agenda (ECCG2008 042)

The meeting agenda was approved.

2. Product safety activities and follows up on the 2007 stocktaking exercise (press pack sent on 17 April - ECCG2008 054)

The Commission (Ms Maija Laurila, DG Health and Consumers) presented recent developments and the new context of global governance of product safety, the main stocktaking results, international cooperation and priority areas from the Commission's perspective as well as the findings of the report "Evaluating business safety measures in the toy supply chain". The Commission welcomed comments from the ECCG:

- ECCG members were generally supportive towards the Commission approach on product safety. The majority of ECCG members mentioned experiences and expressed doubts regarding the functioning, efficiency and resources of the national market surveillance systems. The Commission answered that it systematically inform national authorities when it is informed of unsafe products on the market but enforcement is the competence of national authorities. Commissioner Kuneva has written last year to Member States regarding the need to allocate adequate resources to market surveillance. The Consumer Scoreboard will also include indicators on market surveillance resources and will collect data on consumer complaints. The Commission suggested addressing this issue with Member States at a future meeting of the GPSD¹ Committee.
- Some members requested not to underestimate the safety of services and suggested a specific discussion on this issue at the next ECCG meeting. The Commission agreed with the suggestion.
- Replying to the ECCG, the Commission replied that the questionnaire published on the web on the safety mark is the first step of a study on the feasibility and desirability of a European consumer safety mark.
- A member asked the Commission about the US envisaged measures on toy safety and about cooperation with the US authorities. The Commission replied that the US is likely to adopt a 3rd party certification system for toys. This option has not been considered cost-effective at the EU level since safety should be ensured through the whole chain. The

¹ General Product Safety Directive

US hopes to have a new law adopted this summer which would allow increased information-sharing with the EU.

- Replying to an ECCG member, the Commission said that the voluntary agreement with the Toy Industries reinforces the respect in practice of the legal obligations. It is meant for responsible businesses to spread best practices and put pressure on less reputable ones.
- Some members mentioned the cases of counterfeited or unsafe products, in particular products originating from China. Others stressed the need to develop consumer education. The Commission replied that EU consumer education initiatives (diary, DOLCETA) include product safety components.

Follow-up:

- Commission to send report "Evaluating business safety measures in the toy supply chain" when published (done - press pack sent on 5 June).
- Commission to inform ECCG of publication of call for tender on hotel safety (done).
- Commission to send the European Child Safety Alliance guidelines for service providers on water safety when published (done).
- Commission to send speech of President Barroso of 10/03/08 on counterfeiting (done).

3. Commission Action Plan on Sustainable Consumption and Production (ECCG2008 052)

The Commission (Mr Herbert Aichinger, DG Environment) presented the objectives and main actions envisaged in the Commission Action Plan on Sustainable Consumption and Production to be adopted shortly. A first group of actions should be launched shortly: the Revised Eco-design Directive, the Revised Eco-label Regulation, the Revised EMAS Regulation, and a Communication on Green Public Procurement. Further actions should be proposed later in 2008 and 2009 such as the revised labelling Directives, the Environmental Technology Verification Scheme, and the Retailers Forum initiative.

- Several ECCG members were positive towards the Commission plans but stressed the difficulties to change consumer behaviours towards sustainable consumption. There is still a tendency to consume more resources. Some members said that environmental-friendly products are still too expensive for the majority of consumers. Some suggested going further by changing e.g. tax systems, projects and subsidies. Another member added however that environmental taxes could be used as fundraising measures. The Commission agreed that changing consumer behaviour is a real challenge. Even if consumers are concerned about climate change and the environment, only 10-15% of consumers change their habits into reality. The Action Plan is a first step; other initiatives could be proposed in the future to address this important issue.
- Some members were concerned about the reliability and accuracy of environmental product claims. The Commission replied that legislations such as the energy labelling Directive under revision and the Unfair Commercial Practices Directive will help in this regard.
- Regarding the planned Retailers Forum, a member said that national experience shows that that cooperation with industry/retailers has limits. Industry/retailers are willing to go only so far to inform consumers on sustainable consumption. Their final purpose is to market their products. A more legislative approach on sustainable consumption information is necessary to go further. The Commission replied that it will monitor the progress of the Retailers Forum.

- An ECCG member was disappointed that the eco-label has not been sufficiently promoted in its country.

Follow-up: Commission to send Commission Action Plan when adopted (done).

4. Update on the Commission regulatory review of nanotechnologies

The Commission (Mr Philippe Martin, DG Health and Consumers) presented nanotech developments and applications as well as the Commission risk assessment and risk management in this area. Current legislation covers in principle the potential health and environmental risks in relation to nanomaterials. Better implementation of existing regulation is the priority but it entails challenges due to scientific knowledge gaps and fast evolving market for products.

- ECCG members requested precise data about nanotech products already on the market.
- The majority of ECCG members were very concerned about the scientific and regulatory gaps and about the lack of consumer information in the area of nanotechnologies.
- They also requested the application of the precautionary principle to nanotech products for which there are scientific uncertainties. Some requested a moratorium on nanotech products as long as there are safety uncertainties. At least, they requested the labelling of nanotech products.
- While recognising that some applications may have benefits for consumers e.g. in the medicine and health area, ECCG members questioned the consumer benefits in the food or cosmetics fields.

The Commission took good note of ECCG comments. It replied that it is investing heavily in research, is following closely scientific opinions and has requested further data to industry on specific products. The precautionary principle is part of the EU approach in risk management. The Commission gave the example of the EU food legislation covering the possible use of nanomaterials: a vitamin C using nanotech was blocked at a Member State border on the basis of the novel food legislation.

Follow-up:

- Commission to send Commission Communication on regulatory aspects of nanotechnologies when adopted (done).
- Commission to inform the ECCG of next stakeholder workshop on nanotechnologies (done).
- ECCG to further discuss specific applications of nanotechnologies.
- Specific questions on the issue can be sent to philippe.martin@ec.europa.eu

5. Public consultation on the new Commission impact assessment guidelines (ECCG2008 056)

The Commission (Mr Robert Scharrenborg, Secretariat General) presented the public consultation on the draft Commission Impact Assessment Guidelines. These draft guidelines, that stakeholders are invited to comment on, will be used by Commission services when they prepare impact assessments to support the related policy initiatives. While the guidelines are intended for internal use, stakeholder involvement in the impact assessment process is an essential element in ensuring the quality of the final product. These draft guidelines provide

for tighter rules and reinforced guidance, notably as regards the assessment of consumer impacts.

- Some ECCG members requested information on the number of impact assessments having an interest for consumers. The Commission replied that, in around 80% of cases, there were consumer interests involved, although in the majority of these cases they were only a minor aspect in the proposal concerned. It added that for 25% of impact assessments resubmission of a revised impact assessment was requested by the Impact Assessment Board, which carries out quality check of all impact assessments, e.g. consultation results were not adequately presented in the report. Impact assessments are published, together with the Impact Assessment Board's Opinion, when Commission proposals are adopted.
- Replying to an ECCG member, the Commission answered that there was no automatic correspondence between the outcome of the analysis in the impact assessment and a Commission Proposal. Impact assessment is an aid to decision making, not a substitute for political judgement.
- Some ECCG members questioned the representativity of a consumer focus group as well as the late consumer involvement during the impact assessment on the review of the consumer acquis.
- An ECCG member asked about the link with SANCO Stakeholder Dialogue Group. The Commission replied that this group is a SANCO initiative to improve SANCO stakeholder involvement processes, including consultation and impact assessment.

Follow-up: ECCG members are invited to send contributions to the consultation by 25 July.

6. Commission register for interest representatives (ECCG2008 051)

The Commission (Mr Bodo Lehmann, Secretariat General) informed the group about the Commission's Register for interest representatives which will be launched on 23 June. He explained the context of the Register creation, i.e. the European Transparency Initiative, who is expected to register and what information is to be disclosed. The Commission also outlined the rules of the code of conduct for interest representatives.

- ECCG members were of the view that the register was a positive initiative promoting transparency. However, they criticised the fact that some professionals were exempted from registration and that NGO will have to disclose the totality of their budget contrary to business which only have to disclose the budget allocated to their lobbying activities. The Commission explained that exemptions are not general: they relate to the nature of activities of an organisation. For example, lawyers have to register if they have lobbying activities. The decision on the requested budgetary information has been taken last year following a public consultation.
- Replying to the ECCG, the Commission said that it would favour an inter-institutional approach in this area, i.e. a one-stop-shop registration system. All register information will be public except the name and coordinates of the organisation contact person.

Follow-up:

- Commission to send link to the register when launched on 23 June (done).
- Information and questions on the register can be sent to bodo.lehmann@ec.europa.eu
- ECCG to discuss evaluation of the register 1 year after launch.

7. Information to patients (ECCG2008 014)

The Commission (Ms Ulla Närhi, DG Enterprise) gave the results of the public consultation on the key ideas for a forthcoming draft proposal on information to patients. Doubts were expressed on pharmaceutical companies as information providers. However, a majority of the respondents agreed that the companies could be allowed to disseminate information that is approved by authorities. Information could be given to patients who actively search for it (“pull”). TV and radio shall not be suitable channels for disseminating the information. All the information provided to patients, not depending on the provider of the information, should fulfil the quality criteria. The impact assessment is ongoing.

- Some ECCG members were pleased with the results of the consultation and asked how they would affect the proposal.
- Some criticized the fact that the ECCG Opinion on this issue was not included in the list of consultation replies.
- An ECCG member wanted to know whether the Commission would launch a new consultation on a draft proposal.
- An ECCG member was of the view that the way some results are presented in the consultation summary could be misleading. E.g. rather than say "48% of respondents do not want industry to give information", the consultation summary should clearly state that "only 26% of respondents do want industry to give information". It added that the major challenge relates to information on the internet which has been only addressed to a limited extent in the paper on the consultation results. The Commission replied that the consultation results will be used in the impact assessment and will be taken into account in the proposal. At this stage, the Commission does not intend to organise a new public consultation

Follow-up:

- Commission to add ECCG Opinion on information to patients in the list of responses on the public consultation (done²).
- Commission to keep the ECCG informed of next developments and present the proposal when adopted.
- Commission to inform the ECCG about the work of Pharmaceutical Forum information to patients working group.

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

- The Commission gave a short update of the review of the consumer acquis. The impact assessment is being finalised and will be presented to the impact assessment board on 4 June. Inter-Service consultation is planned for June / July, the proposal is likely to be adopted in the autumn. As announced by Commissioner Kuneva, the scope of the framework Directive would cover 4 Directives (doorstep selling, distance selling, unfair contract terms, and guarantees).
- As regards the timeshare proposal, negotiations are ongoing with the Parliament and the Council, notably on the length of the withdrawal period, on the exchange of contracts, on new products and on pre-contractual information.

² See on: http://ec.europa.eu/enterprise/pharmaceuticals/patients/patients_responses_200805.htm#co

- The Commission informed the group of the three stakeholder workshops on consumer collective redress (with consumer organisations, business representatives and legal practitioners)
- The Commission also informed the ECCG about the CPN (Consumer Policy Network of high level officials) discussion of 6 March 2008 regarding the situation of national consumer organisations in the EU, in particular the possible development of guidelines on criteria to define national consumer associations. The majority of Member States was in favour of continuing the discussion, at least by exchanging information, even if some did not want to develop best practices on criteria at this stage. Some ECCG members stressed the need to have common criteria defining what is a consumer organisation, especially for new Member States.

Follow-up:

- ECCG members are invited to send comments on the evaluation report on the operation of regulation n° 1400/2002 concerning motor vehicle distribution and servicing by 28 July (ECCG2008 055).

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

An ECCG member presented the structure, the work of the TACD, the results of the TACD annual meeting and "Generation Excess" conference (7-8 April).

Follow-up:

- Information on the TACD is available on: <http://www.tacd.org/>
- The election of members of the TACD EU steering committee will take place in the margins of the next ECCG meeting.

10. Commission work on integration (ECCG 2008 050)

The Commission (Ms Anne-Cécile Swinnen, DG Health and Consumers) explained the context, the needs and priorities of SANCO integration work as well as other DGs efforts to better integrate consumer interests into other EU policies. DG SANCO aims at developing a more systematic approach with other Commission services, i.e. an articulated decision-making process with priorities. Such approach requires political willingness to engage, solid evidence and stakeholder input. Data from the Consumer Market Scoreboard will help to do more and better to integrate consumer interests into other policies. Increased consumer involvement and expertise on integration issues, notably through a reinforcement of the ECCG, will also contribute to this work. Recent developments in the energy area illustrated SANCO integration approach. In particular, the Commission suggested creating an ECCG sub-group on energy to ensure that consumer interests are properly taken into account in EU energy policy development, in particular in the framework of the Citizens' Energy Forum. In competition policy, there is also a realisation of that consumer welfare is an important aspect of competition policy. For example, a new consumer unit has recently been created in DG Competition. The Commission was interested to hear from the ECCG how consumer interests are integrated into national policies.

- During the discussion, the Commission explained the role of the UK Ofcom Consumer Panel and the objective of the Ofcom consumers' interest toolkit.
- Some ECCG members asked about the role of consumer organisations in the integration work. The Commission replied that input from consumer NGOS is key, especially evidence and data that they can bring (surveys, testing, price comparisons complaints).

The Commission mentioned that early input was still expected from the ECCG on the review on the universal service in the electronic communications sector.

- Some ECCG members mentioned the difficulties for consumer organisations to develop expertise and capacity in certain areas given the financial resources it implies. Some national consumer organisations contribute to policy input through BEUC.
- Replying to an ECCG member, the Commission said that the upgrading of the ECCG consists notably in consultation of the ECCG at an earlier stage (see point 5 of the agenda), reinforcement of the links between the ECCG and its sub-groups, support to consumer expertise in certain areas, more information on key developments in Member States, practical improvements for better prepared and more efficient meetings.
- Several ECCG members stressed the difficulties to integrate consumer interests in other policies at national level. On the contrary, another member indicated that cooperation with various national authorities and ministries work perfectly well in its country.
- Some also suggested extending the function of DG COMP consumer liaison officer to other DGs. The Commission replied that it up to each DG to organise itself in order to develop the consumer reflex.

Follow-up:

- Commission to send call for interest and terms of reference regarding the creation of an ECCG sub-group on energy.
- ECCG contributions are still expected on the Review of Universal Service in the electronic communications sector (ECCG2008 017): contributions to be sent in writing to petri.koistinen@ec.europa.eu and bartosz.hakbart@ec.europa.eu

11. Consumer Scoreboard and follow-up to the Single Market Review (ECCG 2008 044)

The Commission (Mr David Mair, DG Health and Consumers) gave a presentation on the second edition of the Consumer Markets Scoreboard and data collection. The Commission (Mr Christopher Allen, DG Enterprise) also described the Commission market monitoring work on price variation, productivity, satisfaction, market power and cross-border shopping.

- During the discussion, the Scoreboard was described as a useful initiative. An ECCG member warned that not everything can be measured, and that therefore, not all policy can be evidence-based, a fact that the Commission acknowledged.
- The importance of financial services was highlighted, in particular the need for data on credit and savings services. Also mentioned was the problem of extra bank costs, which are incurred through, for example, online banking services.
- An ECCG member questioned the reliability of the survey data used for the Scoreboard. The Commission replied that for certain aspects of consumer markets, this 'soft data' is necessary in addition to 'hard data'. Work is being done to ensure that more hard data is collected.
- There was also some discussion about the effectiveness of consumer organisations, and how to benchmark them. Several indicators were mentioned, including the resources of the organisations, and the influence that they have in the development of policy.
- On the subject of complaints, it was said that it is important to collect data on whether consumers know where to make complaints. The Commission responded that there is survey data on this issue to be included in the Scoreboard and asked the ECCG to contribute to complaints data.
- With regard to market monitoring, ECCG members stressed that much research into areas such as cross-border shopping already exists. The Commission emphasised the importance

of credible information which takes into consideration different preferences across countries.

Follow-up:

- Commission to send out a written request for information on consumer complaints and electrical and electronic goods (done).

12. Consumer Protection cooperation network and activities (ECCG2008 049)

The Commission (Ms Maria Luisa Janschek, DG Health and Consumers) presented the Consumer Protection Cooperation (CPC) network and activities³. The CPC Regulation provides for a tool for national consumer enforcement agencies to defend the collective interests of consumers in cross-border cases. The CPC network started operations in December 2006. The CPC-network has carried out its first joint market surveillance/enforcement activities last autumn: an "EU sweep"⁴ on Airline Ticket selling websites. The Commission highlighted possible areas for cooperation between CPC authorities and consumer organisations.

- During the discussion, a member mentioned a complaint on misleading advertising where national authorities, following a request from a consumer organisation, required authorities from another Member State to act. However, the consumer organisation in question has not received any feedback. The Commission replied that there is an obligation to act under the Regulation but that it is up to the Member States to agree on measures to be taken and on deadlines involved. The Commission took note of the concern expressed.
- As regards the sweep, several ECCG members regretted that there was no "name & shame" of companies which do not respect consumer rights. The Commission replied that several Member States have legal constraints preventing publication of companies' names; others do not have such constraints and could publish this information. This issue will be addressed in the future. The Commission said that the exercise proved to be useful since it allowed consumers to identify things to do and to avoid.

13. Revision of the Energy Labelling Directive (ECCG2008 005)

The Commission (Mr Andre Brisaer, DG Transport and Energy) presented the results of the Stakeholder consultation on the revision of Energy Labelling Framework. Several members stressed that such information is important for consumers and would favour an extension of the scope of the Directive to other products. The majority of ECCG members was in favour of keeping the current A to G classification and opposed a new 1 to 7 classification proposed by some industry sectors since the majority of consumers understand the current system and would not understand changing to a new one. The Commission replied that it aims at reinforcing current requirements for energy efficiency but that the equation to achieve it is not simple. Consumer views will be taken into account in the Commission proposal.

14. Any other business

3 The Regulation (EC) No 2006/2004 on Consumer Protection Cooperation is available on: http://ec.europa.eu/consumers/enforcement/index_en.htm

4 Joint EU enforcement action to check for compliance with consumer protection laws

Next meeting: 30 September – 1 October, participation of Commissioner Kuneva. Draft agenda: review of the consumer acquis, consumer education, consumer services, update on information to patients, results of Eurobarometers, results of Commission study on conveyancing, possibilities of investment / capacity-building projects under the EU structural funds, Communication on the needs of an ageing population, report from ECCG sub-groups.

Warning: new date for ECCG December meeting: Monday 8 December (afternoon)-Tuesday 9 December (full day)

ANNEX: ATTENDANCE LIST

MEMBERS

Austria	Mr Harald GLATZ
Belgium	Mr Hugues THIBAUT
Bulgaria	Mr Bogomil NIKOLOV
Cyprus	Mr Petros MARKOU
Czech Republic	Mr Karel PAVLÍK
Denmark	Ms Benedicte FEDERSPIEL
Estonia	Ms Linda LÄÄNESAAR
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	-
Malta	-
Netherlands	Mr Rogier KLIMBIE
Poland	Ms Malgorzata NIEPKULCZYCKA
Portugal	-
Romania	Mr Mihai TITICHI
Slovakia	Ms Božena STAŠENKOVÁ
Slovenia	Ms Ziva Drol NOVAK
Spain	-
Sweden	Mr Jens HENRIKSSON
United Kingdom	Ms Barbara SAUNDERS
ANEC	-
BEUC	Ms Monique GOYENS

OBSERVERS

Norway	-
Iceland	-

ASSOCIATES

COFACE	Mr Nicolas REVENU
EUROCOOP	Mr Rodrigo GOUVEIA

EUROPEAN COMMISSION

DG Health & Consumer Protection	Ms Jacqueline MINOR
	Mr Stefano SORO
	Ms Anne-Cécile SWINNEN
	Mr David MAIR
	Mr Gosta PETRI
	Ms Maija LAURILA
	Ms Maria-Luisa JANSCHER

Ms Antonie EGELAND
Mr Philippe MARTIN
Ms Marie-Charlotte van LAMSWEERDE
Ms Malgorzata FRYZE

Secretariat General

Mr Robert SCHARRENBORG
Mr Bodo LEHMANN

DG Enterprise

Ms Ulla NARHI

DG Environment

Mr Herbert AICHINGER

DG Energy & Transport

Mr Andre BRISAER