



ASSEMBLY OF THE REPUBLIC
EUROPEAN AFFAIRS COMMITTEE

Written Opinion

COM(2016) 283



ASSEMBLY OF THE REPUBLIC
EUROPEAN AFFAIRS COMMITTEE

PART I - INTRODUCTION

In accordance with Article 7 of Law No 43/2006 of 25 August 2006 on monitoring, assessment and pronouncement by the Assembly of the Republic within the scope of the process of constructing the European Union, as amended by Law No 21/2012 of 17 May 2012 and in accordance with the Guidelines for the scrutiny of EU initiatives approved on 1 March 2016, the Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on cooperation between national authorities responsible for the enforcement of consumer protection laws [COM(2016)283] has been submitted to the European Affairs Committee.

In view of its subject-matter, this initiative was forwarded to the Committee on Culture, Communication, Youth and Sport, which analysed it and unanimously approved the Report annexed to this Written Opinion, of which it forms an integral part.

The initiative was also sent to the Legislative Assembly of the Autonomous Region of Madeira, which scrutinised it and delivered a unanimous favourable opinion, also attached.

PART II - RECITALS

1. This initiative is a Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on cooperation between national authorities responsible for the enforcement of consumer protection laws.
2. Regulation (EC) No 2006/2004 of the European Parliament and of the Council¹ (the 'Regulation on consumer protection cooperation', or CPC Regulation) provides for harmonised rules and procedures to facilitate cooperation between national authorities responsible for the enforcement of cross-border consumer protection laws.

Article 21a of that Regulation provides for the review of the effectiveness and operational mechanisms of that Regulation and pursuant to that Article, the Commission concluded that that Regulation was not sufficient to effectively address the enforcement challenges of the Single Market, and in particular the Digital Single Market, hence the need to repeal Regulation (EC) No 2006/2004.

¹ Regulation (EC) No 2006/2004 of the European Parliament and of the Council on cooperation between national authorities responsible for the enforcement of consumer protection laws (OJ L 364, 9.12.2004, p. 1).



ASSEMBLY OF THE REPUBLIC

EUROPEAN AFFAIRS COMMITTEE

3. In this context, this initiative states that the Digital Single Market Strategy adopted by the Commission on 6 May 2015 identified as one of the priorities the need to enhance consumer trust through more rapid, agile and consistent enforcement of consumer rules.

The Single Market Strategy adopted by the Commission on 28 October 2015 also reiterated that enforcing Union consumer protection legislation should be further strengthened by the Regulation on Consumer Protection Cooperation.

4. The initiative also explains that the resulting ineffective enforcement of cross-border infringements, in particular in the digital environment, enables traders to evade enforcement by relocating within the Union.

This gives rise to a distortion of competition for law-abiding traders operating either domestically or cross-border, and thus directly harming consumers and undermining consumer confidence in cross-border transactions and the Single Market.

5. An increased level of harmonisation setting effective and efficient enforcement cooperation among competent public enforcement authorities is therefore necessary to detect, investigate and order the cessation of intra-Union infringements and widespread infringements,
6. In this way, infringements which are widespread throughout the Union should be effectively and efficiently resolved. To this end, enforcement prioritisation and planning at the Member State level should be coordinated and the available resources of competent authorities should be pooled.
7. The initiative also explains that fundamental rights are respected and the principles recognised in particular by the Charter of Fundamental Rights of the European Union², are observed. It should therefore be interpreted and applied with respect to those rights and principles. When exercising the minimum powers set out in this initiative, the competent authorities should strike an appropriate balance between the interests protected by fundamental rights such as a high level of consumer protection, the freedom to conduct business and freedom of information.
8. This initiative also lays down the conditions under which the competent authorities in the Member States designated as responsible for the

² OJ C 364, 18.12.2000, p. 1.



ASSEMBLY OF THE REPUBLIC

EUROPEAN AFFAIRS COMMITTEE

enforcement of the laws that protect consumers' interests cooperate with each other and with the Commission in order to ensure compliance with those laws and the smooth functioning of the internal market and in order to enhance the protection of consumers' economic interests.

9. Lastly, it should be noted that the Report submitted by the Committee on Culture, Communication, Youth and Sport, which was approved unanimously, fully reflects the content of the Proposal. Accordingly, it must be reproduced in full in order to avoid repetition of analysis and consequent redundancy.

In the light of the provisions made in the Proposal, the following must be considered:

a) Legal basis

The legal basis of this initiative is Article 114 of the Treaty on the Functioning of the European Union. The proposal aims to remove distortions of competition and eliminate Internal Market obstacles (Article 26 of the TFEU) and it seeks to preserve and increase the effectiveness and efficiency of the cross-border enforcement system for Union consumer legislation.

b) Principle of subsidiarity

Since the objective of this initiative, namely cooperation between national authorities responsible for the enforcement of consumer protection law, cannot be sufficiently achieved by the Member States because they cannot ensure cooperation and coordination by acting alone, and this objective can therefore, by reason of its territorial and personal scope, be better achieved at the Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union.

The principle of subsidiarity is therefore duly enforced and respected.

In accordance with the principle of proportionality, as set out in that Article, this initiative does not go beyond what is necessary to achieve that objective.

PART III - OPINION

In the light of the information set out above and the report of the relevant committee, the European Affairs Committee's opinion is as follows:

1. This initiative is not in breach of the principle of subsidiarity, in so far as the objective pursued will be achieved more effectively by means of action at Union level.



ASSEMBLY OF THE REPUBLIC

EUROPEAN AFFAIRS COMMITTEE

2. The Committee on European Affairs will continue to monitor the legislative process, in particular through the exchange of information with the Government.

Palácio de São Bento, 26 July 2016

Rapporteur

[signature]

(António Costa da Silva)

Chairman of the Committee

[signature]

(Regina Bastos)

PART IV - ANNEX

- Report from the Committee on Culture, Communication, Youth and Sport
- Report and Opinion of the Legislative Assembly of the Autonomous Region of Madeira.

ASSEMBLY OF THE REPUBLIC

Committee on Culture, Communication, Youth and Sport

**Report from the Committee on
Culture, Communication, Youth and
Sport**

Rapporteur: Diogo Leão,
Member of Parliament

COM (2016) 283

Proposal for a Regulation of the European Parliament and of the Council on cooperation between national authorities responsible for the enforcement of consumer protection laws

ASSEMBLY OF THE REPUBLIC

Committee on Culture, Communication, Youth and Sport

PART I - INTRODUCTION

In accordance with Article 7(1), (2) and (3) of Law No 43/2006 of 25 August 2006 on monitoring, assessment and pronouncement by the Assembly of the Republic within the scope of the process of constructing the European Union, as amended by Law No 21/2012 of 17 May 2012, the Proposal for a Regulation of the European Parliament and of the Council on cooperation between national authorities responsible for the enforcement of consumer protection laws [COM(2016) 283] was sent to this Committee on 6 June 2016, in view of its subject-matter, for examination and drafting of this report.

PART II - RECITALS

1. General

- Purpose of the initiative

The purpose behind this Regulation of the European Parliament and of the Council on cooperation between national authorities responsible for the enforcement of consumer protection laws (COM(2016) 283) is justified by the review of the efficiency and the operational mechanisms provided for in Regulation (EC) No 2006/2004 (the Regulation on consumer protection cooperation or CPC Regulation), as stipulated and provided for in Article 21a of that Regulation.

In 2012, the Commission completed an external evaluation of the functioning of the CPC Regulation. This was followed by a public consultation, the 2013 Consumer Summit, two biennial reports and a Commission Report on the functioning of the CPC Regulation. An impact assessment was completed in 2015 to assess the need for a legislative proposal.

The Digital Single Market Strategy adopted by the Commission on 6 May 2015 prompted the Commission to announce a proposal for the revision of the CPC Regulation in order to *'develop more efficient cooperation mechanisms among national authorities in charge of the enforcement of EU consumer legislation'*.

On the other hand, in the Single Market Strategy adopted by the Commission on 28 October 2015, the Commission made a commitment to improving the *'enforcement of Union consumer law by national authorities through the reform of the CPC Regulation'*.

The Commission Report produced pursuant to Article 21a of the CPC Regulation concluded that *'the current Regulation needs to be replaced to respond to the challenges of the digital economy and the development of cross-border retail trade'*.

Based on *'enforcement cooperation experience of the CPC network since 2007'*, this Proposal for a Regulation forms parts of the Commission's 2016 Work Programme,

ASSEMBLY OF THE REPUBLIC

Committee on Culture, Communication, Youth and Sport

contained in the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - COM(2015) 610.

The CPC Regulation is designed to harmonise the cooperation framework between national authorities in the EU so that their enforcement action can cover the full dimension of the Single Market, given that the Regulation provides a legal basis which allows for the extension of the national procedural rules so that they can be applied in cross-border situations, i.e. when a malpractice by a trader established in one Member State targets consumers in another Member State.

Therefore, the primary aim of the Regulation is to *'ensure legal certainty in the Single Market via coherent enforcement of key Union consumer acquis listed in its Annex¹*.

As explained in the explanatory memorandum, *'existing national arrangements for the enforcement of Union consumer laws are not sufficient in a cross-border context'*. As a result, *'cross-border enforcement cooperation among public authorities'* is key in order *'to prevent non-compliant traders from exploiting gaps, territorial and other limitations in the enforcement capacity of each Member State'*.

The current CPC Regulation provides for *'a mechanism of alerts and mutual assistance mechanism, complemented by a set of minimum powers that national authorities need for an efficient and legally sound cooperation across borders'*. This system also involves a mechanism to tackle malpractices concerning more than two countries, whereby Member States, with the facilitation of the Commission, seek to resolve *'issues of common interest'*.

The explanatory memorandum also states that during an evaluation of the CPC Regulation it was concluded that the Regulation *'had been beneficial for the competent authorities, consumers and traders and confirmed the appropriateness and relevance of its objectives'*.

However, ultimately that evaluation concluded that the objectives of the CPC Regulation *'had not been fully achieved'* and that it *'had not been exploited to its full potential'*.

Therefore, as regards the CPC Regulation, the evaluation report *'suggested examining the need for the update of the CPC Regulation's Annex to ensure consistency between the sectorial and horizontal legislation currently listed in the Annex, in particular, in the transport and financial services sectors.'*

¹ As stated in footnote 14 of the proposal, the annex to the CPC Regulation currently covers 18 different pieces of consumer legislation and is regularly updated when substantive laws are added, modified or repealed. The list covers large scope directives, e.g. regarding unfair commercial practices, unfair contract terms, consumer rights, guarantees, e-commerce, ADR, e-privacy or sector-specific legislation on passenger rights or consumer credit.

ASSEMBLY OF THE REPUBLIC

Committee on Culture, Communication, Youth and Sport

It also suggested '*examining options to include minimum procedural standards in the CPC Regulation and to expand the minimum investigative and enforcement powers of CPC authorities*' so as to overcome '*certain difficulties as regards the efficiency of the cooperation*'.

Lastly, the evaluation concluded that widespread infringements occurring simultaneously in several Member States '*may not be fully addressed under the current CPC Regulation*', pointing to '*the need to provide further guidance to the CPC Network on how to use and coordinate common enforcement actions*', including the need for '*clarification of the Commission's role in these actions*'.

For the purposes of analysis, it is important to identify the legal provisions in force in Portugal in this area, namely Law No 25/2004 of 8 July 2004, (which transposes Directive 98/27/EC of the European Parliament and of the Council of 19 May 1998 on injunctions for the protection of consumer interests into national law) and Decree-Law No 7/2004 (which transposes Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market into national law), as amended.

- Main aspects

As explained in the explanatory memorandum, the CPC Regulation '*strengthened the enforcement of consumer laws across the EU*', although '*a high level of non-compliance with the key Union consumer rules*' persists in the main consumer markets. We would also stress the point made in the explanatory memorandum, that '*the current framework does not provide strong and equal enforcement of these laws across the Union, something which is necessary to sustain a dynamic Digital Single Market*'.

The text of the Proposal for a Regulation mentions that '*the coordinated screenings of online e-commerce websites ("sweeps") carried out by CPC authorities since 2007 show rates of non-compliance with basic consumer rules, between 32 % and 69 %, in the checked markets*.' Using the same source, these results are also confirmed by data from European consumer centres: '*two thirds of the 37 000 individual complaints they received in 2014 concern cross-border purchases online*'. The proposal for a Regulation, also on the basis of this data, states that '*a conservative estimate based on a representative sample of five online sectors (clothing, electronic goods, recreation, consumer credit and package travel) shows that 37 % of EU e-commerce did not respect Union consumer law in 2014*'.

Lastly, the proposal for a Regulation, taking into account '*surveyed sectors*' alone, states that failure to observe consumer protection legislation resulted in '*a detriment*

ASSEMBLY OF THE REPUBLIC

Committee on Culture, Communication, Youth and Sport

estimated to be about EUR 770 million per year for consumers shopping online cross-border'.

The European Commission therefore considers that there is a need *'to address the identified shortcomings of the CPC Regulation'* involving the development of *'modern, efficient and effective'* mechanisms, which reduce *'the consumer detriment caused by cross-border and widespread infringements to Union consumer law'*, including *'reducing situations where important cross-border and widespread infringements are not detected or sufficiently addressed through the CPC framework and ensuring that consumer protection authorities reach similar outcomes regarding the same malpractices'*.

The proposal therefore calls for *'the adoption of a common Union level procedure to tackle important harmful infringements which concern at least 3/4 of the Member States, accounting together for at least 3/4 of the EU population'*. In this context, it is proposed that the Commission *'decide to launch the common procedure and will have a compulsory coordination role in this procedure'*, with the Member State concerned being required to *'participate in this common action'*.

In view of the multiple amendments proposed, the Commission proposes *'replac[ing] the existing CPC Regulation with a new Regulation which consolidates these amendments'*.

According to the Commission, the proposal is *'also fully consistent and compatible with existing Union policies'* and complements *'cooperation agreements'* intended to ensure the exchange of information between authorities included in the *'sectoral instruments covered by the CPC Regulation'*.

2. Relevant issues

- Analysis of and opinion on substantive issues relating to the initiative:

This proposal for a Regulation consists of 8 chapters comprising 53 articles and one Annex.

Please find below an overview and explanation of the main provisions of the proposal:

Chapter I (Introductory provisions) defines the scope and main terms used in the Regulation, updating a number of definitions *'to take account [of] the extension of the Regulation to widespread infringements and ceased infringements'*. Chapter I also provides for a five-year limitation period to run from the day on which the infringement ceased, also establishing rules for calculating the limitation period and for its suspension.

ASSEMBLY OF THE REPUBLIC

Committee on Culture, Communication, Youth and Sport

Chapter II (Competent authorities and their powers) defines how to '*designate competent authorities and single liaison offices for this Regulation*', clarifying the roles of the single liaison offices. It also establishes the minimum powers of competent authorities needed to cooperate and to enforce the Union consumer acquis in a cross-border context.

Chapter II also makes reference to increased powers compared to the current CPC Regulation, such as '*the power to make test purchases and carry out mystery shopping, power to adopt interim measures, block websites and the power to impose penalties and to safeguard consumer compensation in a cross-border context*'. Some of the existing powers have also been clarified to ensure their equivalent scope and application in all Member States, for instance, the power to request relevant information and documents or the power to conduct on-site inspections. Lastly, the initiative highlights the fact that Member States '*retain the possibility to decide whether the competent authorities will exercise the minimum powers directly under their own authority or under the supervision of the judicial authorities*'.

Chapter III covers the mutual assistance mechanism, consisting of two instruments - requests for information and requests for enforcement measures, designed to address intra-Union infringements, which affect consumers in one Member State but have a cross-border element. The Regulation newly sets out that the requested authority has an obligation under the mechanism to reply to a mutual assistance request within the time limit set by implementing measures and lastly attempts to reinforce the role of the Commission in the mutual assistance mechanism by means of systematic monitoring, the provision of guidance to competent authorities and the possibility to adopt opinions upon request of competent authorities or of its own motion, in order to settle disputes between the competent authorities.

Chapter IV examines compliance with the coordinated surveillance, investigation and enforcement mechanism for widespread infringements, setting up the instruments needed in order to take action in the event of widespread infringements, specifically coordinated actions, set out in Section I, joint action against widespread infringements of importance at EU level (Section II) and concerted investigations of markets, contained in Article 32.

It should be stressed that Section II of Chapter IV establishes a '*a new instrument to address widespread infringements with Union-dimension which are likely to harm consumers in a large part of the Union*', setting out the '*thresholds that determine which suspected infringements have a Union-dimension*'. This threshold is based on two criteria, in terms of number of countries and population concerned, which both need to be met. The Commission establishes whether the thresholds for Union-dimension are fulfilled and also coordinates investigation and other measures that Member States need to take to stop the infringement. In this sense, participation in

ASSEMBLY OF THE REPUBLIC

Committee on Culture, Communication, Youth and Sport

an action is mandatory for competent authorities in Member States concerned by the infringement, irrespective of the reasons for which the competent authorities may decline to participate in the common action. Since the Commission decides whether to open the action, it also closes it by decision where the reasons for closure are met.

We would also stress that the primary objective of the common action is to end the infringement but also to '*ensure, where needed, consumer redress through the commitments of the trader responsible for the infringement*'. If this is not possible, the competent authorities may proceed directly to enforcement measures.

Section III of Chapter IV provides for common provisions for procedures for coordinated and common actions, such as right to be heard for traders, role of the coordinator, taking of decisions and language regime.

Chapter V establishes a new surveillance mechanism, replacing the current CPC system of alerts, combining the alerts under the current CPC Regulation, with '*wider exchange of information that is relevant and necessary for timely detection of widespread infringements*'.

Chapter VI provides for coordination, cooperation and exchanges of information on other activities linked to enforcement cooperation with regard to consumer protection legislation.

Lastly, Chapter VII covers professional and commercial secrecy and other arrangements, ensuring the protection of professional and commercial secrets and that information collected using the minimum powers under the Regulation will only be used for the purposes of ensuring compliance with the laws that protect consumers' interests. This chapter also governs the use of evidence across borders, in particular in the event of widespread infringements. This chapter also replaces the biennial reporting obligation with biennial national enforcement plans, establishing priorities, establishing priorities and efficient use of resources to combat infringements and also the principles governing the application of penalties.

- Stakeholder consultations

Between October 2013 and February 2014 the Commission carried out an online public consultation concerning the possible reform of the CPC Regulation.

The consultation focused on the following:

- a) methods for identifying market trends and infringements;
- b) the need for additional powers to cooperate and common procedural standards for enforcement authorities;

ASSEMBLY OF THE REPUBLIC

Committee on Culture, Communication, Youth and Sport

- c) given the constrained public budgets, whether and how coordinated enforcement of legislation at the Union level could help to address more effectively widespread breaches of Union consumer protection laws.

222 contributions were received that were '*sufficiently*' representative of '*all stakeholders directly concerned*' by the revision of the CPC Regulation.

To quote the explanatory memorandum, the '*additional minimum powers were well supported by all stakeholders [...] in particular the powers to carry out test purchases for investigative purposes*'.

3. Principle of subsidiarity

The objective of this Proposal for a Regulation is to adopt measures designed to improve the establishment and operation of the internal market.

The European Parliament and the Council have, in accordance with Article 114 of the TFEU, the power to legislate on this issue.

Article 4(2)(a) of the TFEU states that shared competence exists between the Union and the Member States as regards the internal market.

However, it would be difficult, by means of legislative action taken at national level, to achieve the aims which are intended here, particularly in terms of widespread infringements affecting more than one Member State, and those where there is a connection with more than one Member State.

It is recognised that as regards cooperation between national authorities responsible for the enforcement of consumer protection laws, cooperation procedures are more efficient if regulated by the EU, in order to eliminate divergent national approaches, in order to benefit consumers and operators.

Under these circumstances, in order to meet the challenges and to respond to developments in the digital market and cross-border trade, it can be concluded that EU legislation would provide the most effective response, while respecting the principle of subsidiarity.

This Proposal for a Regulation contains provisions which, whilst respecting the minimum powers of the competent authorities, could possibly jeopardise the principle of proportionality, if the regulation were to go beyond what is necessary to achieve that objective. We will see that these provisions are in line with national legislation.

Recognising the need for action at EU level, in terms of improving the mechanisms, the minimum powers of the competent authorities are highly detailed and developed.

ASSEMBLY OF THE REPUBLIC

Committee on Culture, Communication, Youth and Sport

In this regard, we would firstly draw attention to Article 8(2)(f) of the proposal for a Regulation, which refers to these minimum powers, which grant the competent national authorities the possibility of '*purchas[ing] goods or services under a cover identity in order to detect infringements and to obtain evidence*'. This must be seen in the light of the provisions of Article 32(8) of the Portuguese Constitution, which is implemented in Article 126 of the Portuguese Code of Criminal Procedure and Article 2 of Law No 101/2001, of 25 August 2001, establishing a legal framework for undercover operations for crime prevention and investigation purposes.

On the other hand, the power to adopt interim measures '*to prevent the risk of serious and irreparable harm to consumers, in particular the suspension of a website, domain or a similar digital site, service or account*' and to close down '*a website, domain or similar digital site, service or account or a part of it, including by requesting a third party or other public authority to implement such measures*', as provided for in Article 8(2)(g) and (l), respectively, of the proposal for a regulation, are in line with the provisions of Article 39(1)(a) and Article 38 of Decree-Law No 7/2004 of 7 January 2004 transposing into national law Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market.

It also should be stressed that Article 9(1) of the proposal for a Regulation provides for the exercising of minimum powers, in accordance with this Regulation and national law either directly by the competent authority or through the courts, asking them '*to grant the necessary decision, including, where appropriate, by appeal, if the application to grant the necessary decision is not successful*'.

PART III - OPINION OF THE RAPPORTEUR

The rapporteur has not expressed his opinion on this proposal, in accordance with his option to do so in accordance with Article 137(3) of the Rules of Procedure of the Assembly of the Republic.

PART IV - CONCLUSIONS

In view of the above, the Committee on Culture, Communication, Youth and Sport concludes as follows:

1. This initiative upholds the principles of subsidiarity and proportionality, insofar as the objective will be achieved more effectively by means of action at European Union level.
2. Given the subject-matter of this proposal, we would propose that it and future developments surrounding it be monitored closely.

ASSEMBLY OF THE REPUBLIC

Committee on Culture, Communication, Youth and Sport

3. The Committee on Culture, Communication, Youth and Sport considers its examination of this initiative to be complete. Pursuant to Law No 43/2006 of 25 August 2006, as amended by Law No 21/2012 of 17 May 2012, this Report must be forwarded to the European Affairs Committee for the appropriate purposes.

PART V – ANNEX

Notwithstanding the new procedure for the scrutiny of European initiatives in the Assembly of the Republic, approved in a meeting of the European Affairs Committee of 1 March 2016 and which came into force on 1 June 2016, the Technical Note concerning EU legislative proposals, for which our services are responsible, is not attached to this report, on the grounds that it had not been sent prior to this report being drafted.

Palácio de São Bento, 4 July 2016

Rapporteur
[signature]
(Diogo Leão)

Chair of the Committee
[signature]
(Edite Estrela)

**AUTONOMOUS REGION OF MADEIRA
LEGISLATIVE ASSEMBLY**

1st Specialised Standing Committee on General Policy and Youth

Report and Opinion

**European Commission Work Programme for 2016 on the Proposal for a Regulation of the
European Parliament and of the Council on cooperation between national authorities
responsible for the enforcement of consumer protection laws**

CHAPTER I

Introduction

At the request of the President of the Legislative Assembly, the Specialised Standing Committee on General Policy and Youth met on 20 June 2016 to assess and give an opinion on the above Work Programme of the European Commission for 2016.

The request for an opinion was received in the Legislative Assembly of the Autonomous Region of Madeira on 13 June 2016 and was referred to the Specialised Standing Committee on General Policy and Youth, which was asked to provide its opinion by 28 June 2016.

CHAPTER II

Legal framework and background

The Work Programme is assessed pursuant to Article 229(2) of the Constitution of the Portuguese Republic, Article 36(1)(i) and Articles 89 and 90 of the Political and Administrative Statute of the Autonomous Region of Madeira, approved by Law No 130/99 of 21 August 1999, and also in line with Article 44(j) of the Rules of Procedure of the Legislative Assembly of the Autonomous Region of Madeira.

In view of the subject matter, pursuant to Article 43 of the Rules of Procedure, it falls to the Specialised Standing Committee on General Policy and Youth to give an opinion on behalf of the Legislative Assembly.

CHAPTER III

Assessment of the initiative

An opinion was requested on the Proposal for a Regulation of the European Parliament and of the Council on Cooperation between National Authorities responsible for the enforcement of consumer protection laws.

The justification given is based on the establishment of *'conditions under which the competent authorities in the Member States designated as responsible for the enforcement of the laws that protect consumers' interests cooperate with each other and with the Commission in order to ensure compliance with those laws and the smooth functioning of the internal market and in order to enhance the protection of consumers' economic interests.*

**AUTONOMOUS REGION OF MADEIRA
LEGISLATIVE ASSEMBLY**

1st Specialised Standing Committee on General Policy and Youth

This situation is based on the 'enforcement of consumer protection law, cannot be sufficiently achieved by the Member States because they cannot ensure cooperation and coordination by acting alone, and this objective can therefore, by reason of its territorial and personal scope, be better achieved at the Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union' and the principle of proportionality.

Thus, in view of the above, the Committee decided that it did not have any objections to this Work Programme of the European Commission for 2016.

CHAPTER IV

Conclusions and opinion

On the basis of its assessment, the Specialised Standing Committee on General Policy and Youth decided unanimously to give a favourable opinion on the European Commission's Work Programme for 2016 referred to it.

Funchal, 20 June 2016.

Rapporteur

[signed]

(Carolina Silva)

Chairman

[signed]

Adolfo Brazão