



EUROPEAN COMMISSION  
Regulatory Scrutiny Board

Brussels,  
D(2015)

## Opinion

### Title

**DG JUST - Impact assessment on a Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 2006/2004 of the European Parliament and of the Council of 27 October 2004 on cooperation between national authorities responsible for the enforcement of consumer protection laws (the Regulation on consumer protection cooperation- CPC Regulation)  
(draft version of 25 November 2015)\***

### **(A) Context**

The Consumer Protection Cooperation (CPC) Regulation laid down in 2004 general conditions and a framework for cooperation between national enforcement authorities. While this framework has strengthened the enforcement of consumer laws across the EU, evaluations have shown that it has not reached its full potential, in particular in a context of rapid changes of consumer markets and the digital economy, a growing presence of operators acting on the whole EU-market, and a downward pressure on resources available to enforcers. The full potential of the Digital Single Market remains currently untapped, partly because of fragmentation and incomplete enforcement of EU consumer rules.

The purpose of this revision is to strengthen and enhance the efficiency of the enforcement cooperation framework in order to increase compliance with consumer legislation across the EU, reduce the consumer detriment, and increase legal certainty especially for traders and consumers active cross-border.

### **(B) Overall opinion: POSITIVE**

**The Board recommends that the IA report be improved, with special attention to the following aspects:**

- 1) The report should clarify whether the general problem is a lack of clarity of the current legislation or a lack of commitment of the Member States.**
- 2) The link between the problems, the objectives and the proposed solutions should be further strengthened and clarified. The extent to which the proposed amendments will practically solve current and expected future problems (e.g. the ones given as examples in the report) should be clarified.**
- 3) The report should clarify and describe more clearly the elements of the proposed revision that cover new areas in EU consumer legislation, detailing the related issues and their potential implications.**
- 4) The relationship with sectorial legislation should be clarified.**

\* Note that this opinion concerns a draft impact assessment report which may differ from the one adopted

### **(C) Main recommendations for improvements**

**1) Clarify the problem section by explaining why Member States cannot or will not address consumer law infringements on their own.** The report should also summarise the initiatives undertaken since the CPC regulation came into force to address its current limitations. In particular, it should expand on concrete measures taken to tackle its identified lack of clarity and, if these have been ineffective, explore whether the suboptimal use of the CPC regulation may be associated with other problems (such as a lack of willingness to cooperate or a problem of scope of the instrument).

**2) Reinforce the intervention logic by presenting more clearly the relationship between the proposed measures and the problems they are designed to tackle.** This could, among other, be illustrated through the examples given in the report and how the proposed amendment would solve the underlying problems, leading to a more efficient functioning of the CPC regulation. The objectives should also be reformulated in order to directly address the identified problems and their drivers.

**3) Highlight more visibly the proposed amendments that cover new areas for the Commission in consumer protection** (e.g. the use of sanctions or the strengthened coordination role of the Commission). The report should reinforce the argumentation why an increased role of the Commission in consumer law enforcement is needed and why it will perform better than the current system. The report should give more details on the different Member States' views on such issues and expand on related legal and implementation issues. The report should also emphasise successes obtained through the CPC, notably via Joint Actions (e.g. on car rental) and point to future opportunities that will be generated with the proposed amendments.

**4) Clarify the interaction and integration of the CPC regulation with sectorial instruments** that already include general enforcement and sanctioning mechanisms (e.g. for passenger rights where existing enforcement regimes already apply to cross-border cases).

*Some more technical comments have been transmitted directly to the author DG and are expected to be incorporated in the final version of the impact assessment report.*

### **(D) Procedure and presentation**

In the light of the recommendation on "new areas ", the report should better describe the stakeholders' views on subsidiarity issues for the different elements of the preferred option.

### **(E) RSB scrutiny process**

Reference number	2015/JUST/014
External expertise used	No
Date of RSB meeting	25 November 2015