



EUROPEAN PARLIAMENT

2009 - 2014

Committee on Legal Affairs

2011/0340(COD)

1.6.2012

OPINION

of the Committee on Legal Affairs

for the Committee on the Internal Market and Consumer Protection

on the proposal for a regulation of the European Parliament and of the Council
on a consumer programme 2014-2020
(COM(2011)0707 – C7-0397/2011 – 2011/0340(COD))

Rapporteur: Cecilia Wikström

PA_Legam

SHORT JUSTIFICATION

Your rapporteur for opinion welcomes that the general objective of the new consumer programme proposed by the Commission is to place the empowered consumer at the centre of the single market, and in particular with regard to putting into place tools to detect failings in standards and practices and to address them effectively across Europe. It is essential that consumers can confidently exercise their rights under Union law and that, when something goes wrong, they can count both on the effective enforcement of those rights and on easy access to efficient redress.

Against this background the rapporteur welcomes the current proposals on online dispute resolution for consumer disputes (Regulation on consumer ODR) and on alternative dispute resolution for consumer disputes (Directive on consumer ADR), and is therefore proposing a number of amendments to the proposal for a consumer programme in order to ensure that these initiatives will be sufficiently funded.

Concerning objective 4 on enforcement, this rapporteur considers that action should be stepped up when it comes to administrative and enforcement cooperation with third countries which are not participating in the programme, in particular by also promoting further cooperation with international organisations on consumer enforcement issues.

AMENDMENTS

The Committee on Legal Affairs calls on the Committee on the Internal Market and Consumer Protection, as the committee responsible, to incorporate the following amendments in its report:

Amendment 1

Proposal for a regulation Recital 3

Text proposed by the Commission

(3) This Regulation takes into account the economic, social and technical environment and the concomitant emerging challenges. In particular, actions funded under this programme will seek to address issues linked to globalisation, digitalisation, the need to move towards more sustainable patterns of consumption, population ageing, social exclusion and the issue of vulnerable consumers. Integrating consumer interests into all Union policies,

Amendment

(3) This Regulation takes into account the economic, social and technical environment and the concomitant emerging challenges. In particular, actions funded under this programme will seek to address issues linked to globalisation, digitalisation, the need to move towards more sustainable patterns of consumption, population ageing, social exclusion and the issue of vulnerable consumers. Integrating consumer interests into all Union policies,

in accordance with Article 12 TFEU, ***should be given*** high priority. Coordination with other Union policies and programmes is a key part of ensuring that consumer interests are taken fully into account in other policies. In order to promote synergies and avoid duplication, other Union funds and programmes should provide for financial support for the integration of consumer interests in their respective fields.

Amendment 2

Proposal for a regulation Recital 5

Text proposed by the Commission

(5) It is important to improve consumer protection. To achieve this general objective, specific objectives should be set as regards safety, consumer information and education, rights and redress as well as enforcement in respect of consumer rights. The value and impact of the measures taken under the Programme should regularly be monitored and evaluated. For the purposes of evaluating consumer policy indicators should be developed.

Amendment 3

Proposal for a regulation Article 2

in accordance with Article 12 TFEU, ***is a*** high priority. Coordination with other Union policies and programmes is a key part of ensuring that consumer interests are taken fully into account in other policies. In order to promote synergies and avoid duplication, other Union funds and programmes should provide for financial support for the integration of consumer interests in their respective fields.

Amendment

(5) It is important to improve consumer protection. To achieve this general objective, specific objectives should be set as regards safety, consumer information and education, rights and redress as well as enforcement in respect of consumer rights. ***Differences do, however, still exist at national level in those areas, and the measures taken under the Programme should be targeted at areas of maximum harmonisation, in order to provide clarity for consumers and businesses.*** The value and impact of the measures taken under the Programme should regularly be monitored and evaluated ***and the benefits of simplification, smart regulation and the minimising of cost for consumers and administrative burdens for SMEs should always be taken into consideration.*** For the purposes of evaluating consumer policy indicators should be developed.

Text proposed by the Commission

The aim of the Programme is to support the policy objective of placing the empowered consumer at the centre of the internal market. The Programme will do so by contributing to protecting the health, safety and economic interests of consumers, as well as to promoting their right to information, education and to organise themselves in order to safeguard their interests. The Programme will complement, support and monitor the policies of Member States.

Amendment

The aim of the Programme is to support the policy objective of placing the empowered consumer at the centre of the internal market. The Programme will do so by contributing to protecting the health, safety and economic **and legal** interests of consumers, as well as to promoting their right to information, education and to organise themselves in order to safeguard their interests. The Programme will complement, support and monitor the policies of Member States.

Amendment 4

Proposal for a regulation

Article 3 – paragraph 1 – point b

Text proposed by the Commission

(b) Objective 2 - information and education: to improve consumers' education, information and awareness of their rights, to develop the evidence base for consumer policy and to provide support to consumer organisations.

Amendment

(b) Objective 2 - information and education: to improve consumers' **as well as SMEs'** education, information and awareness of their rights, to develop the evidence base for consumer policy and to provide support to consumer organisations.

Amendment 5

Proposal for a regulation

Article 3 - paragraph 1 - point c

Text proposed by the Commission

(c) Objective 3 - rights and redress: to consolidate consumer rights in particular through regulatory action and improving access to redress including alternative dispute resolution.

This objective will be measured in particular through the recourse to alternative dispute resolution to solve

Amendment

(c) Objective 3 - rights and redress: to strengthen consumer rights in particular through **smart** regulatory action and improving access to **affordable** alternative dispute resolution.

This objective will be measured in particular through the recourse to alternative dispute resolution to solve

cross-border disputes and through the activity of a Union-wide on-line dispute resolution system.

domestic and cross-border disputes and through the activity of a Union-wide on-line dispute resolution system.

Amendment 6

Proposal for a regulation

Article 3 - paragraph 1 - point d

Text proposed by the Commission

(d) Objective 4 - enforcement: to support enforcement of consumer rights by strengthening cooperation between national enforcement bodies and by supporting consumers with advice.

This objective will be measured in particular through the level of information flow and cooperation within the Consumer Protection Cooperation Network and the activity of the European Consumer Centres.

Amendment

(d) Objective 4 - enforcement: to support enforcement of consumer rights by strengthening cooperation between national enforcement bodies **and with third countries** and by supporting consumers with advice.

This objective will be measured in particular through the level of information flow and cooperation within the Consumer Protection Cooperation Network and the activity of the European Consumer Centres **as well as the level of cooperation with international organisations**.

Amendment 7

Proposal for a regulation

Article 4 – point b – point 7

Text proposed by the Commission

(7) enhancing **consumer** education;

Amendment

(7) enhancing **the** education **of consumers and SMEs**;

Amendment 8

Proposal for a regulation

Annex I - Objective III - point 8

Text proposed by the Commission

8. Preparation, transposition assessment, monitoring, evaluation, implementation

Amendment

8. Preparation, transposition assessment, monitoring, evaluation, implementation

and enforcement by Member States of consumer protection legislative and other regulatory initiatives and the promotion of co-regulatory and self-regulatory initiatives, including

(c) studies, ex ante and ex-post evaluations, impact assessments, public consultations, evaluation of existing legislation;

(d) seminars, conferences, workshops and meetings of stakeholders and experts;

(e) development and maintenance of easily and publicly accessible databases covering the implementation of Union legislation on consumer protection;

(f) evaluation of actions undertaken under the Programme.

and enforcement by Member States of consumer protection legislative and other regulatory initiatives and the promotion of co-regulatory and self-regulatory initiatives, including

(a) studies **and smart regulation activities such as** ex ante and ex-post evaluations, impact assessments, public consultations, evaluation **and simplification** of existing legislation;

(b) seminars, conferences, workshops and meetings of stakeholders and experts;

(c) development and maintenance of easily and publicly accessible databases covering the implementation of Union legislation on consumer protection;

(ca) the promotion of action that benefits consumer protection in order to reduce the administrative burdens on SMEs;

(d) evaluation of actions undertaken under the Programme.

Amendment 9

Proposal for a regulation Annex I - Objective IV - point 10 - point d

Text proposed by the Commission

(d) administrative and enforcement cooperation with third countries which are not participating in the Programme.

Amendment

(d) administrative and enforcement cooperation with third countries which are not participating in the Programme **and with international organisations.**

PROCEDURE

Title	Consumer programme 2014-2020	
References	COM(2011)0707 – C7-0397/2011 – 2011/0340(COD)	
Committee responsible Date announced in plenary	IMCO 30.11.2011	
Opinion by Date announced in plenary	JURI 30.11.2011	
Rapporteur Date appointed	Cecilia Wikström 21.11.2011	
Discussed in committee	26.3.2012	26.4.2012
Date adopted	31.5.2012	
Result of final vote	+: 22	–: 1
	0: 0	
Members present for the final vote	Raffaele Baldassarre, Luigi Berlinguer, Sebastian Valentin Bodu, Françoise Castex, Christian Engström, Marielle Gallo, Giuseppe Gargani, Lidia Joanna Geringer de Oedenberg, Sajjad Karim, Klaus-Heiner Lehne, Antonio Masip Hidalgo, Bernhard Rapkay, Evelyn Regner, Francesco Enrico Speroni, Rebecca Taylor, Alexandra Thein, Cecilia Wikström, Zbigniew Ziobro, Tadeusz Zwiefka	
Substitute(s) present for the final vote	Sergio Gaetano Cofferati, Luis de Grandes Pascual, Eva Lichtenberger, Axel Voss	