

P7_TA(2013)0580

European retail action plan for the benefit of all actors

European Parliament resolution of 11 December 2013 on the European Retail Action Plan for the benefit of all actors (2013/2093(INI))

The European Parliament,

- having regard to the Commission Communication of 31 January 2013 entitled ‘Setting up a European Retail Action Plan’ (COM(2013)0036),
- having regard to the Commission Green Paper of 31 January 2013 on ‘Unfair trading practices in the business-to-business food and non-food supply chain in Europe’ (COM(2013)0037),
- having regard to the Commission Report of 5 July 2010 entitled ‘Retail market monitoring report – Towards more efficient and fairer retail services in the internal market for 2020’ (COM(2010)0355),
- having regard to its resolution of 5 July 2011 on a more efficient and fairer retail market¹,
- having regard to the Commission Communication of 22 May 2012 entitled ‘A European Consumer Agenda – Boosting confidence and growth’ (COM(2012)0225),
- having regard to its resolution of 11 June 2013 on a new agenda for European Consumer Policy²,
- having regard to the Commission Staff Working Document of 29 May 2012 entitled ‘Consumer Conditions Scoreboard – Consumers at home in the single market: Monitoring the integration of the retail single market and consumer conditions in the Member States’ (SWD(2012)0165),
- having regard to the Commission Communication of 27 November 2012 entitled ‘Protecting businesses against misleading marketing practices and ensuring effective enforcement – Review of Directive 2006/114/EC concerning misleading and comparative advertising’ (COM(2012)0702),
- having regard to its resolution of 22 October 2013 on misleading advertisement practices³,
- having regard to the work of the High Level Forum for a Better-Functioning Food Supply Chain and of the Expert Platform on B2B Contractual Practices,
- having regard to the Commission Consultation Document of 4 July 2013 entitled ‘Consultation of Social Partners under Article 154 TFEU on enhancing EU cooperation in the prevention and deterrence of undeclared work’ (C(2013)4145),

¹ OJ C 33 E, 5.2.2013, p. 9.

² Texts adopted, P7_TA(2013)0239.

³ Texts adopted, P7_TA(2013)0436.

- having regard to the Commission Communication of 28 October 2009 entitled ‘A better functioning food supply chain in Europe’ (COM(2009)0591),
- having regard to its resolution of 7 September 2010 on fair revenues for farmers: a better functioning food supply chain in Europe¹,
- having regard to its declaration of 19 February 2008 on investigating and remedying abuse of power by large supermarkets operating in the European Union²,
- having regard to the Commission Communication of 11 January 2012 entitled ‘A coherent framework for building trust in the digital single market for e-commerce and online services’ (COM(2011)0942),
- having regard to its resolutions of 11 December 2012³ and 4 July 2013⁴ on completing the digital single market,
- having regard to the European Economic and Social Committee’s opinion of 10 July 2013 on the Commission Communication on ‘Setting up a European retail action plan’⁵,
- having regard to the European Economic and Social Committee’s opinion of 11 July 2013 on the Commission Green Paper on ‘Unfair trading practices in the business-to-business food and non-food supply chain in Europe’⁶,
- having regard to Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights⁷,
- having regard to Directive 2000/13/EC of the European Parliament and of the Council of 20 March 2000 on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs⁸, and Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers⁹,
- having regard to Directive 2006/114/EC of the European Parliament and of the Council of 12 December 2006 concerning misleading and comparative advertising¹⁰,
- having regard to Directive 2011/7/EU of the European Parliament and of the Council of 16 February 2011 on combating late payment in commercial transactions¹¹,
- having regard to Directive 2007/64/EC of the European Parliament and of the Council of

¹ OJ C 308 E, 20.10.2011, p. 22.

² OJ C 184 E, 6.8.2009, p. 23.

³ Texts adopted, P7_TA(2012)0468.

⁴ Texts adopted, P7_TA(2013)0327.

⁵ <http://www.eesc.europa.eu/?i=portal.en.int-opinions.26063>.

⁶ <http://www.eesc.europa.eu/?i=portal.en.int-opinions.26065>.

⁷ OJ L 304, 22.11.2011, p. 64.

⁸ OJ L 109, 6.5.2000, p. 29.

⁹ OJ L 304, 22.11.2011, p. 18.

¹⁰ OJ L 376, 27.12.2006, p. 21.

¹¹ OJ L 48, 23.2.2011, p. 1.

13 November 2007 on payment services in the internal market¹,

- having regard to Rule 48 of its Rules of Procedure,
 - having regard to the report of the Committee on the Internal Market and Consumer Protection and the opinion of the Committee on Employment and Social Affairs (A7-0374/2013),
- A. whereas the importance of the retail market can hardly be over-estimated, since it represents 11 % of EU GDP and delivers more than 15 % of all jobs in Europe, including both skilled and unskilled labour, and contributes to the social fabric of society;
 - B. whereas the strategic importance of the retail sector has to be fully recognised as a driver for growth, employment, competitiveness and innovation, as well as for the strengthening of the European single market;
 - C. whereas in a society increasingly marked by virtual contacts through the internet, shops are still the place where people meet other people, and high streets and town centres in particular, as well as direct selling by producers, can provide a setting for shared experiences, and serve as a focal point of local identity, community pride, a common heritage and shared values; whereas, nevertheless, e-commerce and brick-and-mortar shops do not exclude each other but are, in fact, complementary;
 - D. whereas the current economic crisis is taking a heavy toll on retail, affecting in particular smaller, independent shops;
 - E. whereas unfair trading practices (UTPs) continue to exist and negatively affect the entire supply chain, including farmers and SMEs; whereas UTPs also impact negatively on consumer interests as well as on growth and job creation;
1. Welcomes the setting-up by the Commission of a European Retail Action Plan;
 2. States that the Action Plan should have paid more attention to the effects of the current economic crisis on retail and, in particular, on smaller, independent shops;
 3. Welcomes the Commission's intention to create a permanent Group on Retail Competitiveness, but emphasises the importance of balanced representation, including, inter alia, of both big and small retailers, suppliers, co-operatives and consumer, environmental and social interest groups; calls on the Commission to take a holistic approach to retail, avoiding duplication and extra bureaucracy, and to ensure coherence and close co-ordination with other existing fora, such as the yearly Retail Market Roundtable;
 4. Welcomes the Commission's establishment of the High Level Expert Group on Retail Sector Innovation and calls on the Commission to swiftly review the forthcoming recommendations by the group in order to further promote entrepreneurship, stimulate innovation and create jobs and growth in Europe;
 5. Supports the Retail Market Roundtable, organised by the Committee on the Internal

¹ OJ L 319, 5.12.2007, p. 1.

Market and Consumer Protection, as the institutional forum aimed at keeping retail high on the EU political agenda, to review progress in the implementation of relevant aspects of the Retail Action Plan, to report on the work of the permanent Group on Retail Competitiveness and to update on progress made in other existing platforms and informal dialogue mechanisms; asks the permanent Group on Retail Competitiveness to work closely with Parliament to organise the annual Retail Market Roundtable;

6. Urges Member States not to take measures in the context of austerity policies which undermine consumer confidence and directly harm the interests of the retail sector, such as increasing VAT, reclassifying products and product rates or raising charges for shops; reiterates the importance of improving access to finance, in particular for retail and wholesale trade SMEs; welcomes in this regard the 2011 Commission Action Plan and the recent legislative proposals aimed at maintaining the flow of credit to SMEs and improving their access to capital markets;
7. Emphasises that Member States have to refrain from discriminatory measures, such as trade and tax laws that only affect certain sectors or business models and distort competition;
8. Deplores the fact that some Member States are discriminating foreign businesses by creating new barriers making it difficult for them to establish themselves in a given Member State, which constitutes a clear breach of internal market principles;
9. Calls on the Commission and Member States to give the highest political prominence to the retail sector as a pillar of the Single Market, including the Digital Single Market, and to lift regulatory, administrative and practical obstacles hampering the start-up of businesses, development and continuity and making it difficult for retailers to fully benefit from the internal market; considers that retail market legislation should be evidence-based, taking into account the needs of the sector, and should be based in particular on an examination and understanding of its impact on small businesses;
10. Asks Member States to transpose internal market rules in a coherent and consistent way and to implement fully and correctly the internal market rules and legislation; stresses the fact that requirements for extra tests and registrations, the non-recognition of certificates and standards, territorial supply constraints and similar measures create extra costs for consumers and retailers, in particular SMEs, thereby depriving European citizens of the full benefits of the Single Market; calls also on the Commission, with the aim of ensuring better governance, to operate a zero-tolerance policy towards those Member States which fail to properly apply internal market rules and to do so, where appropriate, by means of infringement procedures and by speeding up those procedures using a fast-track approach;
11. Calls for the internal market scoreboard to be extended to cover the implementation of the services directive;
12. Encourages business federations and consumer associations to provide more information, training and legal advice to stakeholders on their rights and the problem-solving instruments at their disposal, such as SOLVIT, and to support the exchange of best practices among themselves;
13. Welcomes the Commission's intention to develop instruments to facilitate consumer access to transparent, easily understandable, comparable, and reliable information on the prices,

quality and sustainability of goods and services; encourages the Commission to set up an easily accessible database containing all EU and national labelling requirements; at the same time warns against the multiplication of labels and labelling requirements and calls for simplification, including by bringing together various aspects of sustainability in one label, while reducing differences in national mandatory labelling requirements and establishing common benchmarks/criteria at EU-level, where appropriate;

14. Asks the Commission, when monitoring the implementation of its Action Plan, to pay particular attention to actions aimed at supporting the independent retailer; encourages local and regional authorities to promote actions aimed at facilitating equal access and creating a level playing field for the independent retailer, in full respect of free and fair competition, such as: the encouragement of the 'adopt-a-shop' principle by which larger retailers act as 'mentors' to smaller shops in the same locality, in particular for new market entrants; the promotion of groups of independent retailers, including co-operatives, which benefit from mutual assistance and certain economies of scale, whilst retaining their full independence and; respect for the right of local and regional authorities to stimulate a climate favourable to small, independent shops, which are typically established in town centres, by lowering energy rates – including for signs illuminated by night – and rents via public-private partnerships, and by introducing business rate discounts on local charges for small businesses and independent retailers, in compliance with applicable EU state aid competition and internal market public procurement rules, and by promoting co-operation between the various shops in that area;
15. Recalls that, while a concentration of shops outside city centres can be convenient for some consumers, it can also have negative environmental effects and can be a challenge for other consumers, in particular for older people, people with reduced mobility or those without a car; calls, therefore, for local and regional authorities to adopt a balanced approach, also taking into account the fact that in many regions, especially in view of the economic crisis, the saturation point has already been reached; emphasises that retail developers should continue to assume their shared responsibility to promote sustainability, true freedom of choice for consumers and access to the market for small shops; notes that rents in shopping centres outside city centres can be too high for smaller, independent shops and stresses the need to ensure a level playing field for these shops, for example by basing rents on a percentage of turnover, in cases where this is not already an existing practice;
16. Acknowledges the competence of local authorities with regard to urban planning; highlights, however, that urban planning should not be used as a pretext to circumvent the right to free establishment; recalls, in this connection, the importance of proper enforcement of the services directive; urges Member States to remove barriers to free movement and to open up their markets in order to stimulate competitiveness and promote diversity among shops, which is essential if shopping areas – in particular in town and city centres – are to remain attractive;
17. Emphasises the important role of public-private partnerships in ensuring clean, safe and accessible shopping areas in town and city centres, inter alia, by addressing the negative effects of vacant buildings in shopping areas, for example by making these places available to start-up businesses at a lower rent than usual, in compliance with applicable EU state aid and public procurement rules;

18. Notes that the rapid development of e-commerce has delivered significant benefits for consumers and businesses in terms of innovation, new market opportunities and growth, improved choice, enhanced competition and lower prices; notes, however, that shops are now facing new challenges, thereby making multichannel retail strategies even more important; encourages retailers, in view of the social and cultural role of retail, to make the most of innovative technologies and to develop new business models for their on-line customer base while also expanding the shopping experience in the brick-and-mortar shop, by inter alia, increasing service levels, both before and after the sale;
19. Welcomes the Commission's intention to encourage e-commerce; regrets, however, the absence of an objective to make online services and goods accessible to consumers from all Member States; calls on the Commission to propose a strategy to prevent traders from adopting discriminatory policies in their e-commerce practices, thereby ensuring that all European citizens have unfettered access to cross-border online trade;
20. Emphasises that e-commerce is important so as to ensure consumer choice and access to goods and services, in particular in remote areas; stresses the fact that appropriate action must be taken to develop its full potential, including by improving access to the internet in the most remote areas of the EU; supports the measures called for in the Commission Communication of 11 January 2012 on e-commerce to enhance confidence, simplify the registration of domains across borders, improve secure online payments and delivery services, facilitate cross-border debt recovery and improve information to consumers on their rights, particularly concerning withdrawals and opportunities to appeal;
21. Reiterates the importance of removing barriers (including linguistic, administrative and those relating to lack of information) which restrict the business potential of online cross-border trade and undermine consumers' confidence in the Single Market;
22. Welcomes the Commission proposal on Multi-Lateral Interchange Fees (MIF) and stresses the importance of removing card scheme rules which reinforce the anticompetitive effects of the MIF; urges the Commission to support Member States that already have transparent, competitive and innovative payment systems and to use them as best practices in further developing a cheaper and fairer payments market in Europe;
23. Highlights the retail sector's responsibility concerning sustainability; welcomes the fact that retailers and suppliers have been at the forefront of green responsibility, particularly regarding waste, energy consumption, transport and CO₂ reduction; considers that further efforts are necessary in this area;
24. Welcomes in particular the voluntary initiatives and commitments taken by retailers and suppliers to reduce food waste;
25. Points to the importance of preserving retail in stalls and markets, a sector comprised chiefly of thousands of family-run micro-enterprises and which is also a distinguishing feature of the European economy;
26. Highlights the fact that retailers are offering diverse and modern ways of purchasing and selling goods and services which contribute to wider consumer choice and flexible employment opportunities, in particular for young people and the long-term unemployed;
27. Calls for the increased support and encouragement of SMEs and co-operatives, in

particular those demonstrating innovation and contributing to the social market economy, that address new market needs and are involved in environmentally friendly and socially responsible activities, in order to increase the competitiveness of the EU retail sector, drive down prices for consumers, improve service quality and create new job opportunities;

28. Recalls the importance of the proper implementation of existing social and labour legislation; calls for equal treatment for commercial operators in the internal market in order to combat undeclared work and tax and social fraud;
29. Welcomes franchising as a business model which supports new business and small-business ownership; notes, however, the existence of unfair contract terms in certain cases and calls for transparent and fair contracts; draws the attention of the Commission and Member States, in particular, to problems faced by franchisees who wish to sell their business or change their business formula, whilst remaining active in the same sector; requests that the Commission examine the ban on price-fixing mechanisms in franchise systems and the effects of long-term competition clauses, purchase options and the prohibition of multi-franchising, and to reconsider in this respect the current exemption from competition rules for contracting parties having a market share of less than 30 %;
30. Is concerned about the rapid development of private labels; emphasises that private labels should be developed in such a way as to deliver improved consumer choice, notably in terms of transparency, quality of information and diversity, and to provide clear opportunities for SMEs to innovate and expand;
31. Supports the work of the High Level Forum for a Better Functioning Food Supply Chain and its Expert Platform on B2B contractual practices; considers that Parliament should urgently resolve pending issues relating to its participation in the work of the Forum; stresses that UTPs also occur in the non-food supply chain; asks the Commission and business federations, in this connection, to pursue a constructive and cross-sectoral dialogue in the existing fora, also including the annual Retail Market Roundtable and the Commission's forthcoming Group on Retail Competitiveness;
32. Welcomes the principles of good practice and the list of examples of fair and unfair practices in vertical trading relationships in the food supply chain, as well as the framework for the implementation and enforcement of these principles; welcomes the recognition by trade associations of the need for enforcement, and emphasises that if an enforcement mechanism is to have a practical effect, it is vital that it be respected by all actors involved in the food supply chain and that all actors, including farmers' organisations and the manufacturing and wholesale distribution industries, participate; calls on the Commission to review the practical effects of the voluntary initiative, including the enforcement of the principles of good practice, within one year of its entry into force;
33. Notes that issues regarding vertical trading relations also arise in connection with selective and exclusive distribution arrangements in the retail of branded goods; calls, therefore, on the Commission and Member States to safeguard the rights of those retailers and store owners with more limited bargaining power;
34. Considers that weaker market players, in particular farmers and other suppliers, often regard it as difficult to complain about UTPs and emphasises, in this connection, the important role of associations, which should be able to submit such complaints on their behalf; invites the Commission to examine the need for and the feasibility of an

ombudsman or adjudicator, also examining whether such an office should have the power to take ex-officio action in the case of evidence-based UTPs;

35. Calls on the Commission to ensure the right of small suppliers to set up groups of producers without being penalised by national competition authorities, which have assessed the importance of these groups based on national production alone;
36. Calls on the Commission to enforce current legislation on territorial supply constraints imposed by suppliers on their customers;
37. Instructs its President to forward this resolution to the Council, the Commission and the governments and parliaments of the Member States.