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Committee on the Internal Market and Consumer Protection

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11.11.2005

*****I**

DRAFT REPORT

on the proposal for a decision of the European Parliament and of the Council
establishing a programme of Community action in the field of consumer
protection (2007-2013)
(COM(2005)0115 – C6-0225/2005 – 2005/0042B(COD))

Committee on the Internal Market and Consumer Protection

Rapporteur: Marianne Thyssen

Symbols for procedures

- * Consultation procedure
majority of the votes cast
- **I Cooperation procedure (first reading)
majority of the votes cast
- **II Cooperation procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- *** Assent procedure
*majority of Parliament's component Members except in cases
covered by Articles 105, 107, 161 and 300 of the EC Treaty and
Article 7 of the EU Treaty*
- ***I Codecision procedure (first reading)
majority of the votes cast
- ***II Codecision procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- ***III Codecision procedure (third reading)
majority of the votes cast, to approve the joint text

(The type of procedure depends on the legal basis proposed by the Commission.)

Amendments to a legislative text

In amendments by Parliament, amended text is highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the legislative text for which a correction is proposed, to assist preparation of the final text (for instance, obvious errors or omissions in a given language version). These suggested corrections are subject to the agreement of the departments concerned.

CONTENTS

	Page
DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION	5
EXPLANATORY STATEMENT	23

DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a decision of the European Parliament and of the Council establishing a programme of Community action in the field of consumer protection (2007-2013)

(COM(2005)0115 – C6-0225/2005 – 2005/0042B(COD))

(Codecision procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2005)0115)¹,
 - having regard to the decision of the Conference of Presidents of 30 June 2005,
 - having regard to Article 251(2) and Article 153 of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C6-0225/2005),
 - having regard to Rule 51 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 Budgets (A6-0000/2005) and Committee on Legal Affairs,
1. Approves the Commission proposal as amended;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend the proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council and Commission.

Text proposed by the Commission

Amendments by Parliament

Amendment 1

Title of the Programme

establishing a programme of Community action in the field of **health and** consumer protection (2007-2013)

establishing a programme of Community action in the field of consumer protection (2007-2013)

Justification

This amendment follows from the Decision of the Conference of Presidents of 30 June 2005 to split the programme into its component parts (consumer protection and health).

¹ Not yet published in OJ.

Amendment 2
Citation 1

Having regard to the Treaty establishing the European Community, and in particular **Articles 152 and** 153 thereof,

Having regard to the Treaty establishing the European Community, and in particular **Article** 153 thereof,

Justification

This amendment follows from the Decision of the Conference of Presidents of 30 June 2005 to split the programme into its component parts (consumer protection and health).

Amendment 3
Recital 1

(1) The Community can contribute to protecting the **health**, safety and economic interests of citizens through actions in the **fields of public health and** consumer protection.

(1) The Community can contribute to protecting the safety and economic interests of citizens through actions in the **field** of consumer protection.

Justification

This amendment follows from the Decision of the Conference of Presidents of 30 June 2005 to split the programme into its component parts (consumer protection and health).

Amendment 4
Recital 2

(2) It is therefore appropriate to establish a programme of Community action on **health and** consumer protection, replacing **Decision No 1786/2002/EC of the European Parliament and of the Council of 23 September 2002 adopting a programme of Community action in the field of public health (2003-2008)** and Decision No 20/2004/EC of the European Parliament and of the Council of 8 December 2003 establishing a general framework for financing Community actions in support of consumer policy for the years 2004 to 2007. **These Decisions** should therefore be repealed.

(2) It is therefore appropriate to establish a programme of Community action on consumer protection, replacing Decision No 20/2004/EC of the European Parliament and of the Council of 8 December 2003 establishing a general framework for financing Community actions in support of consumer policy for the years 2004 to 2007. **This Decision** should therefore be repealed.

Justification

This amendment follows from the Decision of the Conference of Presidents of 30 June 2005 to split the programme into its component parts (consumer protection and health).

Amendment 5
Recital 3

(3) Whilst maintaining the core elements and specificities of actions on health and consumer protection, a single integrated programme should help to maximise synergies in objectives and efficiency in administration of actions in these areas. Combining health and consumer protection activities in a single programme should help to meet joint objectives on protecting citizens from risks and threats, increasing the ability for citizens to have the knowledge and opportunity to make decisions in their interests and supporting mainstreaming of health and consumer objectives in all Community policies and activities. Combining administrative structures and systems should enable more efficient implementation of the programme and help to make best use of available Community resources for health and consumer protection. *deleted*

Justification

This amendment follows from the Decision of the Conference of Presidents of 30 June 2005 to split the programme into its component parts (consumer protection and health).

Amendment 6
Recital 4

(4) Health and consumer protection policies share common objectives relating to protection against risks, improving decision-making of citizens and integrating health and consumer protection interests in all Community *deleted*

policies, as well as common instruments such as communication, capacity-building for civil society regarding health and consumer protection issues, and promoting international cooperation on these issues. Issues such as diet and obesity, tobacco and other consumption-related choices related to health are examples of cross-cutting issues affecting both health and consumer protection. Taking a joint approach to these common objectives and instruments will enable activities common to both health and consumer protection to be undertaken more efficiently and effectively. There are also separate objectives relating to each of the two areas of health and consumer protection which should be addressed through actions and instruments specific to each of the two areas.

Justification

This amendment follows from the Decision of the Conference of Presidents of 30 June 2005 to split the programme into its component parts (consumer protection and health).

Amendment 7
Recital 5

(5) Coordination with other Community policies and programmes is a key part of the **joint** objective of mainstreaming **health and consumer policies** in other policies. In order to promote synergies and avoid duplication, appropriate use will be made of other Community funds and programmes including the Community framework programmes for research and their outcomes, the Structural Funds, and the Community Statistical Programme.

(5) Coordination with other Community policies and programmes is a key part of the objective of mainstreaming consumer **protection** in other policies. In order to promote synergies and avoid duplication, appropriate use will be made of other Community funds and programmes including the Community framework programmes for research and their outcomes, the Structural Funds, and the Community Statistical Programme.

Justification

This amendment follows from the Decision of the Conference of Presidents of 30 June 2005 to split the programme into its component parts (consumer protection and health).

Amendment 8
Recital 6

(6) It is of general European interest that the **health**, safety and economic interests of citizens, as well as consumer interests in the development of standards for products and services, be represented at Community level. Key objectives of the programme may also depend on the existence of specialised networks that also require Community contributions to enable them to develop and function. Given the particular nature of the organisations concerned and in cases of exceptional utility, the renewal of Community support to the functioning of such organisations should not be subject to the principle of gradual decrease of the extent of Community support.

(6) It is of general European interest that the safety **of services and non-food products** and economic interests of citizens, as well as consumer interests in the development of standards for products and services, be represented at Community level. Key objectives of the programme may also depend on the existence of specialised networks that also require Community contributions to enable them to develop and function. Given the particular nature of the organisations concerned and in cases of exceptional utility, the renewal of Community support to the functioning of such organisations should not be subject to the principle of gradual decrease of the extent of Community support.

Justification

This amendment follows from the Decision of the Conference of Presidents of 30 June 2005 to split the programme into its component parts (consumer protection and health).

Amendment 9
Recital 7

(7) Implementation of the programme should build upon and extend existing actions and structural arrangements in the fields of **public health and** consumer protection, **including the Executive Agency for the Public Health Programme set up by Commission Decision 2004/858/EC**. Implementation should be carried out in close cooperation with relevant organisations and agencies, **in particular with the European Centre for Disease Prevention and Control established by Regulation (EC) No 851/2004 of the European Parliament and of the Council**.

(7) Implementation of the programme should build upon and extend existing actions and structural arrangements in the fields of consumer protection. Implementation should be carried out in close cooperation with relevant organisations and agencies.

Justification

This amendment follows from the Decision of the Conference of Presidents of 30 June 2005 to split the programme into its component parts (consumer protection and health).

Amendment 10

Recital 9

(9) The Agreement on the European Economic Area (hereinafter referred to as the EEA Agreement) provides for cooperation in the **fields of health and** consumer protection between the European Community and its Member States, on the one hand, and the countries of the European Free Trade Association participating in the European Economic Area (hereinafter referred to as the EFTA/EEA countries), on the other. Provision should also be made to open the programme to participation by other countries, in particular the neighbouring countries of the Community, countries that are applying for, candidates for or acceding to membership of the Community, **taking particular account of the potential for threats to health arising in other countries to have an impact within the Community.**

(9) The Agreement on the European Economic Area (hereinafter referred to as the EEA Agreement) provides for cooperation in the **field** of consumer protection between the European Community and its Member States, on the one hand, and the countries of the European Free Trade Association participating in the European Economic Area (hereinafter referred to as the EFTA/EEA countries), on the other. Provision should also be made to open the programme to participation by other countries, in particular the neighbouring countries of the Community, countries that are applying for, candidates for or acceding to membership of the Community.

Justification

This amendment follows from the Decision of the Conference of Presidents of 30 June 2005 to split the programme into its component parts (consumer protection and health).

Amendment 11

Recital 11

(11) It is appropriate to develop cooperation with relevant international organisations such as the United Nations **and** its specialised agencies **including the World Health Organisation**, as well as with the Council of Europe and the Organisation for Economic Cooperation and Development with a view to

(11) It is appropriate to develop cooperation with relevant international organisations such as the United Nations **or** its specialised agencies, as well as with the Council of Europe and the Organisation for Economic Cooperation and Development with a view to implementing the programme through maximising the

implementing the programme through maximising the effectiveness and efficiency of actions relating to **health and** consumer protection at Community and international level, taking account of the particular capacities and roles of the different organisations.

effectiveness and efficiency of actions relating to consumer protection at Community and international level, taking account of the particular capacities and roles of the different organisations.

Justification

This amendment follows from the Decision of the Conference of Presidents of 30 June 2005 to split the programme into its component parts (consumer protection and health).

Amendment 12 Recital 12

(12) In order to increase the value and impact of the programme there should be regular monitoring and evaluation, including independent external evaluations, of the measures taken.

(12) In order to increase the value and impact of the programme there should be regular monitoring and evaluation, including independent external evaluations, of the measures taken. ***For purposes of evaluating consumer policy, measurable objectives should, as far as possible, be formulated and valid indicators developed.***

Amendment 13 Recital 13

(13) Since the objectives of the action to be taken on **health and** consumer protection cannot be sufficiently achieved by the Member States due to the trans-national nature of the issues involved, and can therefore by reason of the potential for Community action to be more efficient and effective than national action alone in protecting the **health**, safety and economic interests of citizens, be better achieved at Community level, the Community may adopt measures, in accordance with the principle of subsidiarity set out in Article 5 of the Treaty. In accordance with the

(13) Since the objectives of the action to be taken on consumer protection cannot be sufficiently achieved by the Member States due to the trans-national nature of the issues involved, and can therefore by reason of the potential for Community action to be more efficient and effective than national action alone in protecting the safety and economic interests of citizens, be better achieved at Community level, the Community may adopt measures, in accordance with the principle of subsidiarity set out in Article 5 of the Treaty. In accordance with the principle of

principle of proportionality, as set out in that Article, this decision does not go beyond what is necessary in order to achieve those objectives.

proportionality, as set out in that Article, this decision does not go beyond what is necessary in order to achieve those objectives.

Justification

This amendment follows from the Decision of the Conference of Presidents of 30 June 2005 to split the programme into its component parts (consumer protection and health).

Amendment 14
Recital 14

(14) The Commission should ensure an appropriate transition between this programme and the *two programmes* it replaces, in particular regarding the continuation of multi-annual measures *and administrative support structures such as the Executive Agency for the Public Health Programme.*

(14) The Commission should ensure an appropriate transition between this programme and the *programme* it replaces, in particular regarding the continuation of multi-annual measures.

Justification

This amendment follows from the Decision of the Conference of Presidents of 30 June 2005 to split the programme into its component parts (consumer protection and health).

Amendment 15
Recital 14 a (new)

(14a) If the Commission takes a decision to delegate powers in respect of the logistical and administrative aspects of the implementation of this programme, it is advisable to do so after a cost-benefit analysis which produces positive results has been carried out, and to investigate whether it is not preferable to extend the powers of the 'Executive Agency for the Public Health Programme' rather than set up a new, additional executive agency.

Amendment 16

Article 1

A programme of Community action in the field of **health and** consumer protection covering the period from 1 January 2007 to 31 December 2013, hereinafter referred to as ‘the programme’ is hereby established.

A programme of Community action in the field of consumer protection covering the period from 1 January 2007 to 31 December 2013, hereinafter referred to as ‘the programme’ is hereby established.

Justification

This amendment follows from the Decision of the Conference of Presidents of 30 June 2005 to split the programme into its component parts (consumer protection and health).

Amendment 17 Article 2, paragraph 1

1. The programme shall complement and support the policies of the Member States and shall contribute to protecting the **health**, safety and economic interests of citizens.

1. The programme shall complement and support the policies of the Member States and shall contribute to protecting the safety and economic interests of citizens.

Justification

This amendment follows from the Decision of the Conference of Presidents of 30 June 2005 to split the programme into its component parts (consumer protection and health).

Amendment 18 Article 2, paragraph 2

2. The aim referred to in paragraph 1 shall be pursued through **common** objectives **together with specific objectives in the fields of health and consumer protection.**

2. The aim referred to in paragraph 1 shall be pursued through **following** objectives, **to be achieved through the actions and instruments set out in the Annex:**

(a) The common objectives for health and consumer protection to be pursued through the actions and instruments set out in Annex 1 to this Directive shall be :

- to protect citizens from risks and threats that are beyond the control of individuals;**
- to increase the ability of citizens to take better decisions about their health and consumer interests;**

- and to mainstream health and consumer policy objectives.

(c) The specific health objectives to be pursued through the actions and instruments set out in Annex 2 to this Decision shall be:

- to protect citizens against health treats;*
- to promote policies that lead to a healthier way of life;*
- to contribute to reducing the incidence of major diseases;*
- and to improve efficiency and effectiveness in health systems.*

(c) The specific consumer protection objectives to be pursued through the actions and instruments set out in Annex 3 to this Decision shall be:

- a better understanding of consumers and markets;*
- better consumer protection regulation*
- better enforcement, monitoring and redress;*

- **and** better informed **and** educated and responsible consumers.*

- a better understanding of consumers and markets;*
- better consumer protection regulation*
- better enforcement, monitoring and redress;*

*- **increase the ability of citizens to take better decisions about their consumer interest;***

- better informed, educated and responsible consumers;*

*- **increase civil society and stakeholders' participation in policy-making related to consumer protection;***

*- **mainstream consumer policy objectives;***

*- **promote international co-operation related to consumer protection.***

Justification

This amendment follows from the Decision of the Conference of Presidents of 30 June 2005 to split the programme into its component parts (consumer protection and health).

Amendment 19

Article 3, paragraph 2, point (a)

(a) **60%** for an action intended to help achieve an objective forming part of a Community policy within the field of **health and** consumer protection, except in cases of exceptional utility where the Community contribution shall not exceed 80%; and,

(a) **50%** for an action intended to help achieve an objective forming part of a Community policy within the field of consumer protection, except in cases of exceptional utility where the Community contribution shall not exceed 80%; and,

Justification

This amendment follows from the Decision of the Conference of Presidents of 30 June 2005 to split the programme into its component parts (consumer protection and health).

Amendment 20

Article 3, paragraph 2, point (b)

(b) **60%** of expenditure for the functioning of a body pursuing an aim of general European interest where such support is necessary to ensure representation of **health or** consumer interests at Community level or to implement key objectives of the programme, except in cases of exceptional utility where the Community contribution shall not exceed 95%. The renewal of such financial contributions may be exempted from the principle of gradual decrease.

(b) **50%** of expenditure for the functioning of a body pursuing an aim of general European interest where such support is necessary to ensure representation of consumer interests at Community level or to implement key objectives of the programme, except in cases of exceptional utility where the Community contribution shall not exceed 95%. The renewal of such financial contributions may be exempted from the principle of gradual decrease.

Justification

This amendment follows from the Decision of the Conference of Presidents of 30 June 2005 to split the programme into its component parts (consumer protection and health).

Amendment 21

Article 3, paragraph 4 a (new)

4a. The criteria for assessing whether or not exceptional utility as referred to in paragraph 2 (a) and (b) and paragraph 3 applies shall be established in advance in the annual plan of work referred to in Article 7(1)(a).

Amendment 22
Article 5, paragraph 1

1. The financial framework for the implementation of the programme for the period specified in Article 1 is **EUR 1 203 million**.

1. The financial framework for the implementation of the programme for the period specified in Article 1 is **EUR 233,46 million**.

Justification

This amendment follows from the Decision of the Conference of Presidents of 30 June 2005 to split the programme into its component parts (consumer protection and health) and the EP resolution on Policy Challenges and Budgetary Means of the enlarged Union 2007-2013 from 8 June 2005 (Financial Perspectives - Böge Report).

Amendment 23
Article 7, Paragraph 1, Point (a)

(a) the annual plan of work for the implementation of the programme, setting out priorities and actions to be undertaken, including the allocation of resources and relevant criteria;

(a) the annual plan of work for the implementation of the programme, setting out priorities and actions to be undertaken, including the allocation of resources and relevant criteria, ***inter alia selection and award criteria and criteria for the percentage financial contribution by the Community to be applied***;

Amendment 24
Article 11

Decisions No 1786/2002/EC and No 20/2004/EC are repealed.

Decision No 20/2004/EC ***is*** repealed.

Justification

This amendment follows from the Decision of the Conference of Presidents of 30 June 2005 to split the programme into its component parts (consumer protection and health).

Amendment 25
Article 12

The Commission shall adopt any measures necessary to ensure the transition between the measures adopted under **Decisions No 1786/2002/EC and** No 20/2004/EC and those to be implemented under this programme.

The Commission shall adopt any measures necessary to ensure the transition between the measures adopted under **Decision** No 20/2004/EC and those to be implemented under this programme.

Justification

This amendment follows from the Decision of the Conference of Presidents of 30 June 2005 to split the programme into its component parts (consumer protection and health).

Amendment 26
Annex 1

This annex deleted

Justification

This amendment follows from the Decision of the Conference of Presidents of 30 June 2005 to split the programme into its component parts (consumer protection and health).

Amendment 27
Annex 2

This annex deleted.

Justification

This amendment follows from the Decision of the Conference of Presidents of 30 June 2005 to split the programme into its component parts (consumer protection and health).

Amendment 28
Title of Annex 3

ANNEX 3: Consumer Policy - Actions and Support Measures

ANNEX: Actions and Support Measures referred to in ***Article 2***

Justification

This amendment follows from the Decision of the Conference of Presidents of 30 June 2005 to split the programme into its component parts (consumer protection and health).

Amendment 29

Annex 3, Section "Objective I", Action 3

Action 3: The collection, exchange, analysis of data and development of assessment tools that provide a scientific evidence base on consumer ***exposure to chemicals released from*** products.

Action 3: The collection, exchange, analysis of data and development of assessment tools that provide a scientific evidence base on ***safety of*** consumer products ***and services***.

Amendment 30

Annex 3, Section "Objective II", Action 4, point 5 a (new)

4.5a European dialogue between consumer organisations, representatives of business - paying particular attention to SMEs - and the European Commission.

Amendment 31

Annex 3, Section "Objective III", Action 7, paragraph 4 a (new)

7.4a. Analysis of injury data and development of best practice guidelines in relation to the safety of consumer products and services.

This amendment comes from Annex 1, Section "Actions and Instruments", paragraph 6, point 1)

Justification

This amendment follows from the Decision of the Conference of Presidents of 30 June 2005 to split the programme into its component parts (consumer and health).

Amendment 32
Annex 3, Section "Objective III", Action 7, paragraph 4 b (new)

7.4b. Development of methodologies and database maintenance for the purpose of data collection on injuries in relation to the safety of consumer products.

This amendment comes from Annex 1, Section "Actions and Instruments", paragraph 6, point 2)

Justification

This amendment follows from the Decision of the Conference of Presidents of 30 June 2005 to split the programme into its component parts (consumer and health).

Amendment 33
Annex 3, Title of Section "Objective IV"

Objective **IV. Better** informed **and** educated and responsible consumers

Objective IV - **Increase the ability of citizens to take better decisions about their consumer interest - better** informed, educated and responsible consumers.

Justification

This amendment follows from the Decision of the Conference of Presidents of 30 June 2005 to split the programme into its component parts (consumer and health).

Amendment 34
Annex 3, Section "Objective IV", Action 10 a (new)

Action 10a: Improve communication with EU citizens on consumer issues

10.1. Awareness-raising campaigns.

10.2. Surveys.

10.3. Conferences, seminars, experts and stakeholders meetings.

10.4. Publications on issues of interest for consumer policy.

10.5. Provision of online information.

10.6. Developing and use of information points.

This amendment comes from Annex 1, Section "Actions and Instruments", paragraph 1)

Justification

This amendment follows from the Decision of the Conference of Presidents of 30 June 2005 to split the programme into its component parts (consumer and health).

Amendment 35

Annex 3, Section "Objective IV", Action 13

Action 13: Consumer education, including **the** actions targeted at young consumers, and the development of interactive consumer education tools.

Action 13: Consumer education, including **specific** actions targeted at young consumers, **older consumers and specific groups of consumers who are clearly less able to defend their interests**, and the development of interactive consumer education tools.

Amendment 36

Annex 3, Section "Objective IV", Action 18

Action 18: Financial contributions to the functioning of Community consumer organisations.

Action 18: Financial contributions to the functioning of Community consumer organisations **that are representative, operate in a democratic way and are independent**.

Amendment 37

Annex 3, Section "Objective IV", Action 18 a (new)

Action 18a: Expansion of capabilities of consumer organisations in Member States which have a less long-standing tradition of consumer protection and consumer participation in policy.

Amendment 38
Annex 3, Section "Objective IV a (new)"

Objective IVa - Increase civil society and stakeholders' participation in policy-making related to consumer protection

Action 19a. Promote and strengthen Community level consumer organisations.

Action 19b. Networking of non-governmental consumer organisations and other stakeholders

Action 19c. Strengthening of Community-level consultative bodies and mechanisms.

This amendment comes from Annex 1, Section "Actions and Instruments", paragraph 2)

Justification

This amendment follows from the Decision of the Conference of Presidents of 30 June 2005 to split the programme into its component parts (consumer and health).

Amendment 39
Annex 3, Section "Objective IV b (new)"

Objective IV b - Mainstreaming of consumer policy objectives

Action 19d. Development and application of methods to assess the impact of Community policies and activities on consumer interests.

Action 19e. Exchange best practice with Member States on national policies.

Action 19f. Studies on impact of other policies on consumer protection.

This amendment comes from Annex 1, Section "Actions and Instruments", paragraph 3, the title of Objective IVb is also amended)

Justification

This amendment follows from the Decision of the Conference of Presidents of 30 June 2005 to

split the programme into its component parts (consumer and health).

Amendment 40
Annex 3, Section "Objective IV c (new)"

Objective IVc - Promote international co-operation related to consumer protection

Action 19g. Co-operation measures with international organisations.

Action 19h. Co-operation measures with third countries who are not participating in the programme.

Action 19i. Encourage consumer organisations' dialogue.

This amendment comes from Annex 1, Section "Actions and Instruments", paragraph 4)

Justification

This amendment follows from the Decision of the Conference of Presidents of 30 June 2005 to split the programme into its component parts (consumer and health).

EXPLANATORY STATEMENT

1. Background to, and structure of, the new strategy and the decision proposed by the Commission

A 'programme of Community action in the field of public health (2003-2008)', established by Decision No 1786/2002/EC of the European Parliament and the Council on the basis of Article 152 of the Treaty, is currently in place. Separately from this, there is also a programme of action 'establishing a general framework for financing Community actions in support of consumer policy for the years 2004 to 2007'. The decision establishing this programme, Decision No 20/2004/EC, was taken on the basis of Article 153 of the Treaty.

The Commission is proposing that these two decisions be repealed before the programmes are due to expire and replaced by an integrated programme running for seven years, beginning in 2007. The Commission is convinced that its proposal to integrate the programmes will make Community policy more efficient, coherent and visible, given that both areas have certain shared objectives and similar types of actions are often used to pursue them. Thanks to streamlined administrative and budgetary procedures and with the help of a joint 'executive agency', a joint programme would, in the Commission's view, ultimately deliver savings.

In order to exploit the synergies three 'core joint objectives' and six 'common actions' are set out in the proposal. A budget line is also proposed, with an amount of EUR 1 203 million. In addition, the executive agency set up in 2004 for the public health programme is to be extended and will encompass consumer protection.

In order to respond to stakeholders' expectations, the specific nature of the two policy areas continues to be taken into account and the programme is to retain the specific features of actions in each area and further develop them. Consequently, in addition to the section on common action there is also a separate section on health and a separate section on consumer policy actions and support measures.

2. Rapporteur's comments on the integrated action programme structure

Your rapporteur advocates splitting the integrated programme into a new consumer protection programme and a new public health programme. Neither the practical nor the policy arguments in favour of integrating the aforementioned action programmes are convincing. The synergies aimed at will in practice be much smaller than hoped for. And the economies of scale to which the Commission refers are nowhere demonstrated in the impact study, which runs to many pages. Another argument against an integrated programme relates to the Commission's powers in the two areas, which are too different.

The idea of integrating the programmes also does not square well with the respective social objectives of the civil society organisations involved in the two fields. The same applies to the way in which powers are allocated internally in the Member States, and the fact that, as a rule, they are not only spread across the various departments but, in federal states, also across various policy levels. Furthermore, users of public health services cannot in every respect be

treated in the same way as 'pure' consumers.

In addition to these substantive and institutional reasons, there are also budgetary considerations justifying keeping the two programmes separate. Each sector has greater certainty when it has its own budget line. It is also striking that no one has requested this 'merger' and that, in general, stakeholders (certainly on the consumer side) do not support it.

Your rapporteur therefore proposes - in consultation with the rapporteur for the Committee on the Environment, Public Health and Food Safety, and with the endorsement of the Conference of Presidents - that the proposal be split and that the Committee on the Internal Market and Consumer Protection look only at consumer protection. The following comments therefore deal solely with the consumer protection aspects of the proposed multiannual programme.

3. Rapporteur's comments on the action programme on consumer protection

Article 1 establishes the programme for a seven-year period (2007-2013) as the successor to the current programme, which is repealed in Article 11. This is wholly in accordance with the request made earlier by the Parliament to the Commission (resolution of 8 June 2005 on Policy Challenges and Budgetary Means of the Enlarged Union 2007-2013, Böge report). Although the current consumer programme has not yet expired, it is appropriate to begin in good time with the legislative programme and have it run for a period coinciding with the (hoped-for) interinstitutional agreement on the financial perspective.

Article 2 sets out the objectives, which are fleshed out with actions and instruments in the annex. The key elements of the current programme are retained, but reordered and extended. In future, for example, attention will be paid to deepening knowledge of, and extending scientific data on, consumer demand and behaviour and markets. The development of reliable indicators and benchmarks for consumer policy is also new. If these are subsequently used as an instrument for evaluating the results of programmes, progress will also be possible in this area. In your rapporteur's view, the indicators used up to now are, regrettably, too one-sidedly quantitative and too subjective and could therefore well be improved.

As a consequence of the split, some objectives and actions set out in the list of common objectives and in the annex must be reformulated and moved.

As regards the substance of the concrete actions, more - and explicit - attention needs to be paid to:

- the new Member States, where there is often a less long-standing tradition in the area of consumer protection and consumer involvement in policy, as a result of which awareness of consumer rights and consumer organisations' capabilities are still too limited;
- the ageing of the population, bearing in mind that some older people are among those consumers less able to defend their interests;
- making vulnerable consumers, for whom it is not always possible to guarantee adequate, legally secure protection under the law, and to whom additional attention should therefore be paid in action programmes, more able to defend their interests.

Article 3 lays down the methods of implementation and the maximum amount of the Community's contribution to actions and expenditure for the functioning of certain

organisations. It is noticeable that the ceilings for the Community's financial contribution have been considerably increased and the criteria for allocation, as well as the conditions for exceptionally applying higher ceilings, are much less clear than in the current programme. Little justification for this is to be found in the impact study. It is therefore better - unless adequate additional arguments are given by the Commission - to keep the normal maximum at 50% and to agree to the exceptional maxima at the increased level provided that systematic, explicit justification is given for the 'exceptional utility' which is the reason for applying the higher ceiling.

Articles 4, 6 and 7 entrust implementation to the Commission, which is to be assisted by a committee (under the comitology procedure).

Article 5 lays down, subject to later approval by the budgetary authority, the total budget for the whole period of the programme. In view of the splitting of the proposed programme into two separate programmes, this budget should be adjusted. For this purpose, your rapporteur has applied the distribution formula used by the Commission itself, giving a total sum of EUR 233.46 million. This sum represents a considerable increase in the financial resources allocated to the consumer programme. This is justified in the light of - *inter alia* - the impact of the previous enlargement of the European Union and the future enlargement to include countries with a less deep-rooted tradition of consumer protection. It is also in accordance with the aforementioned Parliament resolution of 8 June 2005.

Articles 8 and 9 deal with international aspects. Unlike under the previous programme, provision is rightly made for possible participation by countries covered by neighbourhood agreements, countries involved in accession procedures or applying for membership and certain western Balkan countries.

Article 10 relates to monitoring, (interim) evaluation and dissemination of results.

Article 12 charges the Commission with taking any necessary transitional measures.

Executive agency

In the articles of the proposal there is no reference to possible delegation of implementing powers in respect of the programme to an 'executive agency'. However, mention is made of this in recital 14 and in the Communication from the Commission which is contained together with the proposal in the same Commission document.

In your rapporteur's view, there would be benefits to a decision by the Commission to delegate powers. The Commission would have more room to pursue its policy tasks and would be able to put more of its efforts into adapting the 'acquis' more quickly, taking account of the objectives of 'better regulation'. If the Commission plans to take a decision to delegate powers, your rapporteur recommends that a cost-effectiveness analysis is first carried out, that delegated powers are restricted to logistical and administrative tasks and that they are entrusted to the executive agency set up for the public health programme, the name of which should if necessary be changed. The consumer protection section of the agency should preferably not be called an 'institute'. This would be very misleading in relation to its powers.

Language

Finally, your rapporteur wishes to complain about the inadequate attention, or the complete lack of attention, paid to the translation of Commission documents in this dossier. The extended impact study is available only in a panaché language version (alternately French and English, even within a single chapter). And, moreover, even the two annexes that form part of the communication (which has itself been translated) setting out the strategy and contained in the same COM document, are - in all of the language versions of the document - regrettably only available in English.