European Parliament

2014-2019



Committee on the Internal Market and Consumer Protection

2016/0182(COD)

7.12.2016

OPINION

of the Committee on the Internal Market and Consumer Protection

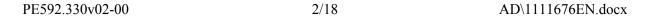
for the Committee on Economic and Monetary Affairs

on the proposal for a regulation of the European Parliament and of the Council on establishing a Union programme to support specific activities enhancing the involvement of consumers and other financial services end-users in Union policy making in the field of financial services for the period of 2017-2020 (COM(2016)0388 – C8-0220/2016 – 2016/0182(COD))

Rapporteur(*): Vicky Ford

(*) Associated committee – Rule 54 of the Rules of Procedure

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SHORT JUSTIFICATION

The European Commission proposal "Establishing a Union programme to support specific activities enhancing the involvement of consumers and other financial services end-users in Union policy making in the field of financial services for the period 2017-2020" seeks to secure funding for Better Finance and Finance Watch for the period 2017-2020.

Better Finance and Finance Watch have been funded as part of a pilot programme launched in 2011. In 2015, an evaluation concluded that the policy objectives of the pilot project and the preparatory action had generally been met. However, the evaluation underlined that both organisations were not financially sustainable without Union funding. The Commission proposes to part-fund the two organisations for a combined €6m for the period of 2017-2020. This funding will come from the EU budget.

The Rapporteur is broadly supportive of this proposal and believes it is important for IMCO to acknowledge the need for a consumer voice to consumer-check legislation. However she believes that a number of checks and balances should be introduced to increase the efficiency of consumer representation and ensure that the organisations are producing quality information. In drafting this opinion she has also taken into account views expressed by other Members of the IMCO Committee.

The IMCO Committee is responsible for the legislative oversight of consumer interests in a wide range of sectors, including financial services. It is therefore appropriate that IMCO makes an informed decision to ensure that Finance Watch and Better Finance are scrutinised according to high standards of consumer protection.

Objectives of the Programme (Article 2)

The programme states that it will contribute to the information of consumers and other financial end-users, as well as stakeholders representing their interests, about issues at stake in the regulation of the financial sector.

To fulfil the objectives, the Rapporteur believes that the two organisations must be in a position to represent consumers. Better Finance and Finance Watch should liaise with member state consumer networks and helplines to identify problems from the bottom up. Moreover the Commission needs to take into account third party interests and complaints.

Beneficiaries (Article 3)

The Rapporteur questions why Better Finance and Finance Watch are the only beneficiaries of the Programme. While it is true that the organisations were the only two parties to tender as part of the pilot programme, the Rapporteur believes that the future of the programme could be more open and inclusive to better guarantee a strong consumer voice.

The rapporteur notes the practical work of the European Consumer Centres and believes that their direct experience could provide synergies for the beneficiaries. The rapporteur has therefore made suggestions in the area.

The Rapporteur questions why the two beneficiaries should merge.

She suggests that when the Programme is evaluated at mid-term, and if the Programme is prolonged after 2020, it should be open to other beneficiaries that meet the defined criteria. If other consumer associations meet criteria for funding ('non-governmental, non-profit making entities, independent of industry, commerce or business') they should be able to apply.

Financial provisions (Article 6)

The Rapporteur believes that co-funding should not come from EU sources alone.

The maximum rate of direct co-financing should be 60% of eligible costs, and the maximum rate of cumulative non-direct EU funding shall not exceed 70% of eligible costs.

Implementation of the Programme (Article 7)

The Rapporteur is concerned that, as currently worded, Article 7 is confusing and could lead to a conflict of interest. A robust and independent approach is needed to make sure Finance Watch and Better Finance act as an independent consumer watch on Commission legislation in financial services. At the same time, requirements set in the Regulation on the financial rules applicable to the general budget of the Union (EU, Euratom) No 966/2012) must be respected.

The Rapporteur therefore proposes in a new paragraph in Article 3 ('Beneficiaries') that beneficiaries prepare a description of activities planned by the beneficiaries for the following year in order to achieve the policy objectives of the Programme. The description of activities is to be submitted to the Commission on an annual basis (before the end of the year) in order for the beneficiaries to benefit from the Programme.

Evaluation (Article 9)

The Rapporteur suggests that the review clause in Article 9 should be made earlier and linked to a mid-term review

The Rapporteur also recommends that the mid-term evaluation report should, additionally, make an assessment with regard to a possible prolongation or renewal of the Programme, and that any prolongation, modification or renewal of the Programme after 2017-2020 period should be subject to an open call procedure to select the beneficiaries.

AMENDMENTS

The Committee on the Internal Market and Consumer Protection calls on the Committee on Economic and Monetary Affairs, as the committee responsible, to take into account the following amendments:

Amendment 1

Proposal for a regulation





Recital 1

Text proposed by the Commission

(1) The Union contributes to ensuring a high level of consumer protection and to placing consumers at the heart of the single market by supporting and complementing Member States' policies in seeking to ensure that citizens can fully reap the benefits of the internal market and that, in so doing, their legal and economic interests are properly addressed and defended. A well-functioning and trustworthy financial services sector is a key component of the single market. It requires a solid framework for regulation and supervision, which simultaneously ensures financial stability and focuses on supporting a sustainable economy. At the same time, it should provide a high level of protection to consumers and other financial services end-users, including retail investors, savers, insurance holders, pension fund participants, individual shareholders, borrowers or SMEs.

Amendment

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Amendment 2

Proposal for a regulation Recital 2

Text proposed by the Commission

(2) Since 2007, the confidence of consumers in particular and of other financial services' end-users has been shaken by the financial and economic crisis. To restore citizens' confidence in the soundness of the financial sector, it is therefore important to increase the involvement of consumers and other end-users, as well as of stakeholders representing their interests, in the Union decision-making process in the financial sector.

Amendment

(2) Since 2007, the confidence of consumers in particular and of other financial services' end-users, *including retail investors and savers*, has been shaken by the financial and economic crisis. To restore citizens' confidence in the soundness *and efficiency* of the financial sector, it is therefore important to increase the involvement of consumers and other end-users, as well as of stakeholders representing their interests, in the Union decision-making process in the financial

Amendment 3

Proposal for a regulation Recital 3

Text proposed by the Commission

(3) To achieve this objective, the Commission initiated at the end of 2011 a pilot project aimed at providing grants to support the development of a financial expertise centre to the benefit of consumers, other end-users and stakeholders representing their interests and to enhance their capacity to participate in Union policy making in the field of financial services. The main policy objectives were to ensure that Union policy-makers, when initiating new legislation, would be provided with views other than those expressed by the financial sector professionals, that the wider public is better informed about issues at stake in financial regulation and that the participation of consumers, is enhanced in Union policy-making in the area of financial services, resulting in wellbalanced legislation.

Amendment 4

Proposal for a regulation Recital 4

Text proposed by the Commission

(4) As a result, the Commission awarded between 2012 and 2015 via an open call for proposals operating grants to two non-profit entities, Finance Watch and Better Finance. These grants were awarded under a pilot project during two years, 2012 and 2013, and a preparatory action since 2014. Since a preparatory action can be used up to three years³, a legislative act

Amendment

(3) To achieve this objective, the Commission initiated at the end of 2011 a pilot project aimed at providing grants to support the development of a financial expertise centre to the benefit of consumers, other end-users and stakeholders representing their interests and to enhance their capacity to participate in Union policy making in the field of financial services and prevent banking abuses. The main policy objectives were to ensure that Union policy-makers, when initiating new legislation, would be provided with views other than those expressed by the financial sector professionals, that the wider public is better informed about issues at stake in financial regulation and that the participation of consumers, is enhanced in Union policymaking in the area of financial services, resulting in well-balanced legislation.

Amendment

(4) As a result, the Commission awarded between 2012 and 2015 via an open call for proposals operating grants to two non-profit entities, Finance Watch and Better Finance, aiming to enhance the involvement of consumers in the field of financial services. These grants were awarded under a pilot project during two years, 2012 and 2013, and a preparatory

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is necessary to provide a legal basis for funding such actions as of 2017.

action since 2014. Since a preparatory action can be used up to three years³, a legislative act is necessary to provide a legal basis for funding such actions as of 2017.

Amendment 5

Proposal for a regulation Recital 5

Text proposed by the Commission

(5) Finance Watch was set up in 2011 as an international non-profit association under Belgian law. Its mission is to defend the interests of civil society in the financial sector. Thanks to Union grants, Finance Watch in a short period of time managed to set up a qualified team of experts, able to conduct studies, policy analysis and communication activities in the field of financial services.

Amendment

(5) Finance Watch was set up in 2011 as an international non-profit association under Belgian law, with Union grants. Its mission is to defend the interests of civil society in the financial sector. Thanks to Union grants, Finance Watch in a short period of time managed to set up a qualified team of experts, able to conduct studies, policy analysis and communication activities in the field of financial services.

Amendment 6

Proposal for a regulation Recital 6

Text proposed by the Commission

(6) Better Finance results from successive re-organisations and rebranding of pre-existing European federations of investors and shareholders since 2009. Thanks to Union grants, the organisation managed to form a financial centre of expertise, focusing mostly on the interests

Amendment

(6) Better Finance results from successive re-organisations and rebranding of pre-existing European federations of investors and shareholders since 2009. Thanks to Union grants, the organisation managed to form a financial centre of expertise, focusing mostly on the interests

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³ Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002 (OJ L 298 26.10.2012, p. 1).

³ Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002 (OJ L 298 26.10.2012, p. 1).

of consumers, individual investors, individual shareholders, savers and other end-users of financial services, in coherence with its membership base.

of consumers, individual investors, individual shareholders, savers and other end-users of financial services, in coherence with its membership base *and* its resources

Amendment 7

Proposal for a regulation Recital 7

Text proposed by the Commission

(7) The evaluation of the pilot project and the subsequent preparatory action carried out in 2015 concluded that the policy objectives have been generally achieved. Finance Watch and Better Finance have been working on complementary policy areas and targeted different audiences. Together they have covered, through their activities, most of the Union financial political agenda since 2012.

Amendment

(7) The evaluation of the pilot project and the subsequent preparatory action carried out in 2015 concluded that the policy objectives have been generally achieved. Finance Watch and Better Finance have been working on complementary policy areas and targeted different audiences. Together they have covered, through their activities, most of the Union financial political agenda since 2012 and, as much as their resources have allowed, made efforts to expand their activity in order to have wide geographical coverage within the Union.

Amendment 8

Proposal for a regulation Recital 8

Text proposed by the Commission

(8) Both organisations provided added value both to the sum of activities of their national members and to Union consumers in a way that national consumer advocacy groups were unable to deliver. National organisations dealing with *all kinds* of consumers' issues lack technical expertise in policy areas related to financial services. In addition, no other similar organisations have been identified at Union level so far. *The* evaluation also showed that no other applicant responded to the successive

Amendment

(8) Both organisations provided added value to the sum of activities of their national members and to Union consumers. National organisations dealing with *a wide range* of consumers' issues *often* lack technical expertise in policy areas related *specifically* to financial services *and the related Union policy-making process*. In addition, no other similar organisations have been identified at Union level so far. *Although the* evaluation showed that no other applicant responded to the successive

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yearly calls for proposal since 2012, which tends to show that no other organisation is currently able to carry out similar Union-wide activities. yearly calls for proposal since 2012, the **Programme should be open to other** potential beneficiaries after the end of the 2017-2020 period if they meet the requirements of the Programme.

Justification

The amendment has been adjusted to make the text more proportionate and balanced.

Amendment 9

Proposal for a regulation Recital 9

Text proposed by the Commission

(9) However, despite regular efforts, both organisations did not manage to attract stable and significant funding from other donors, independent from the financial industry, and, therefore, remain heavily dependent on Union funding. Cofunding from the Union is therefore necessary to ensure the resources needed to achieve the desired policy objectives in the coming years, providing financial stability to those organisations who have so far managed to start-up their relevant activities in a short period of time. It is therefore necessary to establish a Union programme for the period 2017-2020 to support the activities of Finance Watch and Better Finance ('Programme').

Amendment

However, despite regular efforts, (9) both organisations did not manage to attract stable and significant funding from other donors, independent from the financial industry, and, therefore, remain heavily dependent on Union funding in order to be financially sustainable. Cofunding from the Union is therefore necessary to ensure the resources needed to achieve the desired policy objectives in the coming years, providing financial stability to those organisations and their experts and administrative staff who have so far managed to start-up their relevant activities in a short period of time. It is therefore necessary to establish a Union programme for the period 2017-2020 to support the activities of Finance Watch and Better Finance ('Programme'). Financial stability is of key importance in preserving expertise, as well as for project planning for both organisations.

Amendment 10

Proposal for a regulation Recital 10

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Text proposed by the Commission

(10) Continuing funding of Finance Watch and Better Finance for the period 2017-2020 along the same lines as for the preparatory action would ensure that the positive impacts of the activities of those organisations assessed so far are maintained. The financial envelope for the implementation of the Programme should be based on the average actual costs incurred by each beneficiary between 2012 and 2015. The co-funding rate should remain unchanged.

Amendment

(10) Continuing funding of Finance Watch and Better Finance for the period 2017-2020 along the same lines as for the preparatory action would ensure that the positive impacts of the activities of those organisations assessed so far, in the financial sector, are maintained. The financial envelope for the implementation of the Programme should be based on the average actual costs incurred by each beneficiary between 2012 and 2015. The co-funding rate should remain unchanged.

Amendment 11

Proposal for a regulation Recital 14

Text proposed by the Commission

(14) Every year before *31 December*, each beneficiary should submit a description of activities planned for the following year to achieve the policy objectives of the Programme. Those activities should be described in detail, including their objectives, expected results and impact, estimated costs and timeframe as well as relevant indicators to assess them.

Amendment

(14) Every year before *30 November*, each beneficiary should submit a description of activities planned for the following year to achieve the policy objectives of the Programme. Those activities should be described in detail, including their objectives, expected results and impact, estimated costs and timeframe as well as relevant indicators to assess them.

Amendment 12

Proposal for a regulation Recital 15 a (new)

Text proposed by the Commission

Amendment

(15a) An evaluation report on the results obtained under this Programme should be submitted by the Commission to the European Parliament and to the Council no later than 18 months before the end of the Programme. The evaluation should

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assess whether or not the Programme is to be pursued after the period 2017-2020. Any prolongation, modification or renewal of the Programme after the 2017-2020 period should be subject to an open call procedure in order to select the beneficiaries.

Amendment 13

Proposal for a regulation Article 1 – paragraph 2 – introductory part

Text proposed by the Commission

Amendment

- 2. The Programme shall *cover* the following activities:
- 2. *In order to achieve its objectives,* the following activities shall *be co-financed by* the Programme:

Justification

Actions supported by the Programme must be consumer and end user focussed.

Amendment 14

Proposal for a regulation Article 1 – paragraph 2 – point a a (new)

Text proposed by the Commission

Amendment

(aa) engaging with end – users by liaising with existing consumer networks and helplines in the Member States and, in the area of financial services, in order to identify issues relevant for Union policy-making for the protection of the interests of consumers in the area of financial services;

Amendment 15

Proposal for a regulation Article 1 – paragraph 2 – point b

Text proposed by the Commission

(b) awareness and dissemination activities, including to a wide audience of non-experts;

Amendment

(b) awareness, and dissemination activities, including to a wide audience of *end-users in the area of financial services*, *including banking services*, and non-experts;

Amendment 16

Proposal for a regulation Article 1 – paragraph 2 – point c

Text proposed by the Commission

(c) activities reinforcing the interactions between the members of the organisations referred to in Article 3 *and* advocacy activities fostering the positions of those members at Union level.

Amendment

(c) activities reinforcing the interactions between the members of the organisations referred to in Article 3 as well as advocacy and policy advice activities, in particular fostering the positions of those members at Union level and promoting public interest in financial regulation, provided that activities outside Union policy in the field of financial services are not eligible.

Amendment 17

Proposal for a regulation Article 2 – paragraph 1 – point a

Text proposed by the Commission

(a) to further enhance the participation of consumers and other financial services end-users, as well as stakeholders representing *their* interests, in Union policy-making in the area of financial services;

Amendment

(a) to further enhance the participation of consumers - *in the Union and in the Member States*- and other financial services end-users, as well as stakeholders representing the interests *of consumers and other financial services' end-users*, in Union policy-making in the area of financial services;

Justification

The objectives need to be more precise in order to reach a wide consumer base in Member States.

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Amendment 18

Proposal for a regulation Article 2 – paragraph 1 – point b

Text proposed by the Commission

(b) to contribute to the information of consumers and other financial services end-users, as well as stakeholders representing their interests, about issues at stake in the regulation of the financial sector.

Amendment

(b) to contribute to the information of consumers and other financial services end-users, as well as stakeholders representing their interests, about issues at stake in the regulation of the financial sector and harmful corporate practices for consumers, including those of a cross-border nature;

Amendment

Amendment 19

Proposal for a regulation Article 2 – paragraph 2

Text proposed by the Commission

deleted

2. The objectives set out in paragraph 1 shall be monitored in particular through a yearly description of the actions performed by the beneficiaries of the Programme and an annual activity report, which shall include quantitative and qualitative indicators for each activity planned and conducted by the beneficiaries.

(Moved to Article 9, paragraph -1 (new), see amendment 15)

Amendment 20

Proposal for a regulation Article 3 – paragraph 2

Text proposed by the Commission

2. In order to benefit from the Programme, *these* beneficiaries shall *remain* non-governmental, non-profit-making legal entities, independent of

Amendment

2. In order to benefit from the Programme, *the* beneficiaries shall *be* non-governmental, non-profit-making legal entities, independent of industry,

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industry, commerce or business. They shall have no other conflicting interests. *and* represent through their members the interests of Union consumers and other end-users in the field of financial services. The Commission shall ensure continued compliance with these criteria for the duration of the Programme by including them in the annual work programmes referred to in Article 7 and by assessing annually whether the beneficiaries meet these criteria before awarding the action grants referred to in Article 4.

commerce or business. They shall have no other conflicting interests. They shall represent through the network of their members the interests of Union consumers and other end-users in the field of financial services. In order to cover the interests of relevant consumers and end-users in as many Member States as possible, the beneficiaries shall seek to expand their network of active members within the Member States and strive to ensure balanced geographical coverage. The Commission shall ensure continued compliance with these criteria for the duration of the Programme by including them in the annual work programmes referred to in Article 7 and by assessing annually whether the beneficiaries meet these criteria before awarding the action grants referred to in Article 4.

Amendment 21

Proposal for a regulation Article 3 – paragraph 3

Text proposed by the Commission

3. Should the two beneficiaries referred to in paragraph 1 merge, the resulting legal entity shall become the beneficiary of the Programme.

Amendment

deleted

Amendment 22

Proposal for a regulation Article 7 – paragraph 2

Text proposed by the Commission

2. In order to benefit from the Programme, the beneficiaries shall submit every year before *31 December* to the Commission *a proposal describing the* activities referred to in Article 1 planned

Amendment

2. In order to benefit from the Programme, the beneficiaries shall submit every year before *30 November* to the Commission *a description of* activities referred to in Article 1 planned for the following year *aimed to achieve the policy*

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for the following year.

objectives of the Programme. Those activities shall be described in detail, including their objectives, estimated costs and timeframe, as well as relevant indicators in order to assess them.

Amendment 23

Proposal for a regulation Article 7 – paragraph 3

Text proposed by the Commission

3. *In order to* implement the Programme, the Commission shall adopt annual work programmes. Those annual work programmes shall set out the objectives to be pursued, the expected results of the actions performed by the beneficiaries, the method of implementation of those actions and the total amount required to perform those actions. They shall also contain a description of the actions to be financed, an indication of the amount allocated to each action and an indicative implementation timetable. For the action grants, the annual work programmes shall *set out* priorities and essential award criteria. The maximum rate of co-financing shall be 60% of eligible costs.

Amendment

3. *The* Commission *shall* implement the Programme by means of annual work programmes in accordance with Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the *Council. The* annual work programmes shall set out the objectives pursued, the expected results, the method of implementation and the total amount of the financing plan. They shall also contain a description of the actions to be financed, an indication of the amount allocated to each action and an indicative implementation timetable. For the action grants, the annual work programmes shall *include* priorities and the essential award criteria and maximum rate of co-financing. The maximum rate of *direct* co-financing shall be 60% of eligible costs. *The maximum* rate of cumulative non-direct Union funding shall be limited to 70% of the total eligible costs of the beneficiary and the Commission shall limit its annual contribution awarded under the Programme to comply with that maximum amount.

Amendment 24

Proposal for a regulation Article 9 – Title

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Evaluation

Monitoring and evaluation

Justification

A suggestion to expand the title to cover monitoring activity, and not only the final evaluation of the Programme, as is customary for other EU funding programmes.

Amendment 25

Proposal for a regulation Article 9 – paragraph -1 (new)

Text proposed by the Commission

Amendment

-1. The Commission shall ensure that the Programme is regularly monitored against the objectives set out in Article 2, in particular through a yearly description of the actions performed by the beneficiaries of the Programme and an annual activity report, which shall include quantitative and qualitative indicators for each activity planned and conducted by the beneficiaries. Monitoring shall include the drawing up of the report referred to in paragraph 1.

(Moved from Article 2, paragraph 2 and slightly reworded.)

Justification

This new paragraph aims to ensure regular monitoring of the Programme based on the text proposed by COM in Article 2.2 (Objectives).

Amendment 26

Proposal for a regulation Article 9 – paragraph 1

Text proposed by the Commission

1. No later than *twelve* months before the end of the Programme, the Commission shall submit to the European Parliament

Amendment

1. No later than 18 months before the end of the Programme, the Commission shall submit to the European Parliament

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and the Council an evaluation report on the achievement of the Programme's objectives. *That* report shall appraise the overall relevance and added value of the Programme, the effectiveness and efficiency of its execution and the overall and individual effectiveness of the beneficiaries' performance in terms of achievements of the objectives set out in Article 2.

and the Council an evaluation report on the results obtained, on the quantitative and qualitative aspects of implementation of the Programme and achievement of the Programme's objectives. The report shall appraise the overall relevance and added value of the Programme, the effectiveness and efficiency of its execution and the overall and individual effectiveness of the beneficiaries' performance in terms of achievements of the objectives set out in Article 2. The evaluation report shall, in addition, make an assessment with regard to a possible prolongation or renewal of the Programme. Any prolongation, modification or renewal of the Programme after the 2017-2020 period shall be subject to an open call procedure in order to select the beneficiaries.

PROCEDURE - COMMITTEE ASKED FOR OPINION

Title	Establishing a Union programme to support specific activities enhancing the involvement of consumers and other financial services end-users in Union policy making in the field of financial services for the period of 2017-2020
References	COM(2016)0388 - C8-0220/2016 - 2016/0182(COD)
Committee responsible Date announced in plenary	ECON 27.10.2016
Opinion by Date announced in plenary	IMCO 27.10.2016
Associated committees - date announced in plenary	27.10.2016
Rapporteur Date appointed	Vicky Ford 13.7.2016
Discussed in committee	10.10.2016 10.11.2016 29.11.2016
Date adopted	5.12.2016
Result of final vote	+: 27 -: 0 0: 0
Members present for the final vote	Dita Charanzová, Carlos Coelho, Sergio Gaetano Cofferati, Anna Maria Corazza Bildt, Daniel Dalton, Dennis de Jong, Pascal Durand, Vicky Ford, Evelyne Gebhardt, Maria Grapini, Liisa Jaakonsaari, Philippe Juvin, Antonio López-Istúriz White, Virginie Rozière, Christel Schaldemose, Olga Sehnalová, Catherine Stihler, Róża Gräfin von Thun und Hohenstein, Marco Zullo
Substitutes present for the final vote	Jussi Halla-aho, Anna Hedh, Kaja Kallas, Roberta Metsola, Julia Reda
Substitutes under Rule 200(2) present for the final vote	Andrejs Mamikins, Tonino Picula, Traian Ungureanu

