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Creation date: 23-02-2020
Rail passengers’ rights and obligations in the EU

Publication type: Briefing  
Date: 27-05-2019

Author: Damiano SCORDAMAGLIA

Policy area: Transport | Consumer Protection | Adoption of Legislation by EP and Council

Keyword: disabled person | consumer protection | passenger tariff | case law (EU) | EU law | impact study | transport company | carriage of passengers | liability | common transport policy | rail transport | high-speed transport | proposal (EU)

Summary: In 2007, the EU established a set of basic rights for rail passengers, which became applicable at the end of 2009. These rights provided for all passengers, including those with reduced mobility, a harmonised minimum level of protection, information and assistance. While the implementation of these rights has generally been smooth, recent reports have concluded that this is not done uniformly across the EU. Moreover, other shortcomings had prevented these rights from being used to their full potential. On 27 September 2017, the European Commission presented a new proposal to address these shortcomings and to strike a new balance between keeping rail operators competitive and providing adequate passenger protection. The EP's Committee on Transport and Tourism responsible for the file, adopted its report on 9 October 2018. The Parliament subsequently adopted its first-reading position by a large majority, in plenary on 15 November 2018. In Council, discussions have yet to reach a conclusion. Once the Council adopts its negotiating position, it will be possible to start trilogue negotiations in the new parliamentary term. Third edition. The 'EU Legislation in Progress' briefings are updated at key stages throughout the legislative procedure.

Unfair trading practices in the food supply chain

Publication type: Briefing  
Date: 06-05-2019

Author: PATRICK KELLY

Policy area: Agriculture and Rural Development | Adoption of Legislation by EP and Council

Keyword: perishable goods | consumer protection | supply | restriction on competition | chain store | small and medium-sized enterprises | impact study | unfair terms of contract | food industry | report | supplier | agri-foodstuffs | proposal (EU)

Summary: The food supply chain ensures that food and drink products are delivered to the public. It affects all consumers in the EU. The final price paid by the consumer is impacted by the number of participants in the food supply chain. While the single market has brought benefits to operators in the supply chain through more market opportunities and a larger customer base, it has also brought challenges. Structural changes have occurred, leading to different levels of bargaining power and imbalances between actors in the chain. The abuse of such differences may lead to unfair trading practices. To strengthen the position of smaller operators (farmers) in the food supply chain, in April 2018 the European Commission proposed a new directive on unfair trading practices. Trilogue discussions began in October 2018 after a successful vote in plenary. The final agreed text was adopted by both Parliament and Council at first reading, and signed on 17 April. Member States must now incorporate its provisions into national law, and apply them by 1 November 2021.

Modernisation of EU consumer protection rules: A new deal for consumers

Publication type: Briefing  
Date: 15-04-2019

Author: Nikolina SAJN

Policy area: Consumer Protection | Adoption of Legislation by EP and Council

Keyword: single market | injunction | consumer protection | advertising malpractice | infringement of EU law | indemnification | collective interest | penalty | impact study | electronic commerce | motor vehicle industry | consumer policy | proposal (EU)

Summary: On 11 April 2018, the European Commission adopted a proposal for a directive on better enforcement and modernisation of EU consumer protection rules, as part of its 'new deal for consumers' package of measures. The proposal followed a fitness check of consumer legislation and an evaluation of the Consumer Rights Directive showed that the EU consumer legislation is fit for purpose, but could benefit from certain aspects being clarified and brought into line with the reality of the digital economy. The proposal, which would amend four consumer protection directives, focuses on various consumer issues, including penalties for infringements, transparency on online marketplaces, protection for consumers of 'free' digital services, the right of withdrawal and dual quality of products. On 21 March 2019, Parliament and the Council reached provisional agreement on the proposal. The agreement rejects the proposed changes that would weaken the right of withdrawal. It bans several unfair commercial practices in all circumstances, and allows dual quality of products to be declared as misleading on a case-by-case basis. Parliament is expected to vote on the provisional agreement during the April II plenary session. Third edition. The 'EU Legislation in Progress' briefings are updated at key stages throughout the legislative procedure.
Revision of the Drinking Water Directive

Publication type Briefing
Date 15-04-2019
Author Tarja LAANINEN
Policy area Environment | Consumer Protection | Adoption of Legislation by EP and Council
Keyword quality standard | consumer protection | water management | water supply | water protection | human nutrition | water pollution | public health | drinking water | EC Directive | proposal (EU) | circular economy

Summary On 1 February 2018, the European Commission published a proposal for a recast of the Directive on the quality of water intended for human consumption (the Drinking Water Directive). The proposal responds to the European Citizens’ Initiative, Right2Water, and builds on a fitness check which concluded that the 20-year old directive is fit for purpose, but needs updating. The main elements of the proposal consist of updating the water quality standards, introducing a risk-based approach to the monitoring of water, improving and streamlining the information provided to consumers, harmonising the standards for products in contact with drinking water, and imposing obligations to improve access to water. In the European Parliament, the Committee on Environment, Public Health and Food Safety (ENVI) adopted its report on 10 September 2018. A plenary vote on the amendments, and on opening interinstitutional negotiations, took place on 23 October 2018. Although the Council reached a general approach on 5 March 2019, the Parliament concluded its first reading in plenary on 28 March 2019. Trilogue negotiations in view of reaching an early-second reading agreement could thus begin in the new parliamentary term.

Fairness and transparency for business users of online services

Publication type Briefing
Date 12-04-2019
Author Tambiama André MADIEGA
Policy area Consumer Protection
Keyword electronic commerce | digital single market | Internet | unfair terms of contract | consumer protection | national parliament | goods and services | provision of services | commercial contract | trade intermediary | proposal (EU)

Summary The European Parliament and the Council reached an agreement on the proposed regulation on promoting fairness and transparency for business users of online intermediation services in February 2019. Providers of online intermediation services (e.g. Amazon and eBay) and online search engines (e.g. Google search) will be required to implement a set of measures to ensure transparency and fairness in the contractual relations they have with online businesses (e.g. online retailers, hotels and restaurants businesses, app stores), which use such online platforms to sell and provide their services to customers in the EU. The regulation, which, inter alia, harmonises transparency rules applicable to contractual terms and conditions, ranking of goods and services and access to data, is considered to be the first regulatory attempt in the world to establish a fair, trusted and innovation-driven ecosystem in the online platform economy. Now that Member States’ and Parliament’s negotiators have endorsed the compromise text, the political agreement must be voted in plenary by the European Parliament and formally adopted by the Council to complete the legislative procedure.

Food chain risk assessment transparency

Publication type At a Glance
Date 10-04-2019
Author Tarja LAANINEN
Policy area Environment | Food Safety | Consumer Protection
Keyword health control | food safety | consumer protection | foodstuffs legislation | agri-foodstuffs

Summary Following controversies surrounding the authorisation and renewal of certain sensitive products, such as genetically modified organisms (GMOs) and active substances in plant protection products (glyphosate, neonicotinoids), the European Commission has proposed to revise and harmonise transparency rules in these policy areas. A vote to finalise Parliament’s position took place at the December 2018 plenary. A provisional agreement reached in Trilogue negotiations on 11 February 2019 is now awaiting Parliament’s final approval at first reading during the April II plenary session.

At a Glance ES, DE, EN, FR, IT, PL

Source: © European Union, 2020 - EP
Contracts for the supply of digital content and digital services

Publication type: Briefing
Date: 21-03-2019
Author: Nikolina SAJN
Keyword: electronic commerce | digital single market | consumer protection | supply | digital technology
Summary: On 29 January 2019, the European Parliament and the Council reached a provisional agreement on the European Commission's proposal for a directive regulating the private-law aspects of contracts for the supply of digital content and digital services in the internal market. The directive would, for the first time, harmonise some aspects of such contracts at EU level. The co-legislators agreed that embedded digital content would not be regulated by this directive, but rather by that on sale of goods. They also agreed that the duration of legal guarantees for digital content and services would not be fully harmonised but that national laws should not limit it to less than two years; that for the first year from delivery the burden of proof should be on the supplier; and that traders would be required to provide updates. The directive would also establish what remedies consumers are entitled to and the order in which they can be used. Parliament is expected to vote on the provisional agreement during the March II plenary session. Fifth edition of a briefing originally drafted by Rafał Marko. The 'EU Legislation in Progress' briefings are updated at key stages throughout the legislative procedure. To view previous editions of this briefing, please see: PE 614.707 (February 2018).

New rules for the EU internal electricity market

Publication type: At a Glance
Date: 20-03-2019
Author: Gregor ERBACH
Policy area: Energy
Keyword: single market | energy market | consumer protection | electrical energy
Summary: The European Parliament is expected to vote on four legislative proposals related to the EU electricity market during the March II plenary session: a regulation and a directive on the internal electricity market, complemented by a regulation on risk-preparedness in the electricity sector and a regulation for the Cooperation of Energy Regulators (ACER). The new rules aim to empower customers, streamline cross-border electricity trading, ensure the security of supply and facilitate climate-friendly electricity generation.

Representative actions for the protection of collective interests of consumers

Publication type: At a Glance
Date: 20-03-2019
Author: Nikolina SAJN
Policy area: Internal Market and Customs Union | Consumer Protection
Keyword: injunction | consumer protection | infringement of EU law | indemnification | consumer policy | collective redress | collective interest | proposal (EU)
Summary: As part of efforts to improve compliance with consumer protection rules, the European Commission has proposed a directive on representative actions for the protection of collective interests of consumers. The proposal, presented as part of the 'New Deal for Consumers', aims to enable consumers across the EU to use representative actions to demand compensation from companies that infringe their rights. The European Parliament is expected to vote on its first-reading position during the March II plenary session.

Consumer sale of goods

Publication type: Briefing
Date: 19-03-2019
Author: Nikolina SAJN
Policy area: Internal Market and Customs Union | Contract Law, Commercial Law and Company Law | Consumer Protection | Adoption of Legislation by EP and Council
Keyword: electronic commerce | digital single market | consumer protection | approximation of laws | consumer goods | digital technology | commercial contract
Summary: On 29 January 2019, the European Parliament and the Council reached a provisional agreement on the Commission proposal for a new directive on the consumer sale of goods. The Commission's original proposal, from 2015, which was intended to lay down rules on online and other distance sales of goods only, was replaced on 31 October 2017 by an amended version. This sought to replace entirely the existing Consumer Sales Directive dating from 1999, and regulate contracts concluded both online and offline. The provisional agreement on the proposal reached between the Parliament and Council would allow Member States to decide on a legal guarantee of longer than two years and extend the period during which it is presumed that the goods were faulty from the start. Parliament is due to vote on the agreement during the March II 2019 plenary. Fourth edition, based on a briefing originally drafted by Rafał Marko. The 'EU Legislation in Progress' briefings are updated at key stages throughout the legislative procedure. To view previous versions of this briefing, please see: PE 614.744 (March 2018).

Briefing: EN
Reconsidering the General Food Law

Publication type: Briefing
Date: 26-02-2019
Author: Tarja LAANINEN

Policy area: Food Safety | Adoption of Legislation by EP and Council

Keyword: health control | traceability | food safety | consumer protection | European Food Safety Authority | precautionary principle | foodstuff | foodstuffs legislation | human nutrition | trading operation | proposal (EU)

Summary: On 11 April 2018, the European Commission published a proposal to review the General Food Law Regulation and amend eight legislative acts dealing with specific food chain sectors. The proposal follows-up on the European Citizens' Initiative on glyphosate; and especially on concerns regarding the transparency of the scientific studies used in the evaluation of pesticides. The proposal also responds to a fitness check of the General Food Law, completed in January 2018. The proposal's objective is to increase the transparency and sustainability of the EU scientific assessment model, and other aspects such as governance of the European Food Safety Authority (EFSA). In the European Parliament, the Committee on the Environment, Public Health and Food Safety (ENVI) adopted its report on 27 November 2018. A vote in plenary to finalise Parliament's position took place on 11 December, and the Council adopted its position on 12 December 2018. A provisional agreement was reached at the third trilogue meeting on 11 February 2019, and was endorsed in the ENVI committee on 20 February. The text will be the subject of a vote to adopt it in plenary in the coming weeks. Second edition. The 'EU Legislation in Progress' briefings are updated at key stages throughout the legislative procedure.

Fintech (financial technology) and the European Union: State of play and outlook

Publication type: Briefing
Date: 12-02-2019
Author: Cemal KARAKAS | CARLA STAMEGNA

Policy area: Financial and Banking Issues

Keyword: summarising | information security | consumer protection | electronic banking | virtual currency | information technology | dissemination of EU information | financial institution | financial legislation | innovation | data protection | financial services

Summary: The financial technology (fintech) sector encompasses firms that use technology-based systems either to provide financial services and products directly, or to make the financial system more efficient. Fintech is a rapidly growing sector: in the first half of 2018, investment in fintech companies in Europe alone reached US$26 billion. The fintech sector brings rewards including innovation and job creation, but also challenges, such as data and consumer protection issues, and the risk of exacerbating financial volatility or cybercrime. To tackle these multi-disciplinary challenges, policy- and lawmakers in the European Union (EU) have adopted and announced several initiatives, for instance on intra-EU payment services, data protection, crowdfunding and regulatory sandboxes. This briefing outlines current and upcoming fintech-related laws at EU level. It follows on from a March 2017 EPRS briefing that focused, inter alia, on the evolution, scope and economic prospects of fintech.

Body of European Regulators for Electronic Communications (BEREC)

Publication type: Briefing
Date: 31-01-2019
Author: Cemal KARAKAS

Policy area: Research Policy | Internal Market and Customs Union | Consumer Protection

Keyword: single market | freedom to provide services | transmission network | consumer protection | regulation of telecommunications | Body of European Regulators for Electronic Communications | ordinary legislative procedure | Internet | telephone charges | information technology | equal treatment | universal service | operation of the Institutions | cross-frontier data flow | proposal (EU)

Summary: On 14 September 2016, the European Commission proposed an updated regulation on the Body of European Regulators of Electronic Communications (BEREC). The proposal aims at transforming BEREC into a fully fledged agency. The Commission proposes allocating new tasks to BEREC and granting it legally binding powers. New tasks include providing guidelines for national regulatory authorities (NRAs) on geographical surveys, developing common approaches to meet end-user interests, and also developing common approaches to deliver peer-reviewed opinions on draft national measures (e.g. radio spectrum assignments) and on cross-border disputes. In June 2018, Parliament and Council found a compromise in trilogue. The BEREC office will have legal personality, but not BEREC itself, which remains a body of NRAs. Parliament and Council also agreed on giving new tasks to BEREC and on moving from simple majority to two-thirds majority for key decisions of the Board of Regulators and of the Management Board. The final act was signed on 10 December 2018, and entered into force on 20 December 2018. Fourth edition. The 'EU Legislation in Progress' briefings are updated at key stages throughout the legislative procedure. Please note this document has been designed for on-line viewing.
The new European electronic communications code

Publication type Briefing
Date 16-01-2019
Author Marcin SZCZEPANSKI
Policy area Research Policy | Energy | Industry
Keyword digital single market | transmission network | consumer protection | regulation of telecommunications | Body of European Regulators for Electronic Communications | mobile communication | ordinary legislative procedure | Internet | EU office or agency | information technology | universal service | operation of the Institutions | trans-European network | provision of services | proposal (EU)

Summary European telecom rules were last updated in 2009. To make them fit for the digital era the Commission proposed a new Electronic Communications Code in September 2016. The provisional agreement reached in June 2018 was adopted by the Parliament and then by the Council in November 2018. Member States have until 21 December 2020 to transpose the new directive into national legislation. The new rules include measures to stimulate investment in and take-up of very high capacity networks in the EU as well as new spectrum rules for mobile connectivity and 5G. The Code also ensures that all citizens have access to affordable communication, including the internet. It increases consumer protection and security for users and facilitates regulatory intervention. Furthermore, it introduces a ‘reverse 112 system’ which would alert citizens by text message in case of imminent serious emergencies or disasters (from June 2022). During negotiations the Parliament secured for citizens cheaper caps for intra-EU calls and SMS from 15 May 2019. Fourth edition. The 'EU Legislation in Progress' briefings are updated at key stages throughout the legislative procedure. Please note this document has been designed for on-line viewing.

Artificial Intelligence: challenges for EU citizens and consumers

Publication type Briefing
Date 15-01-2019
External author Prof. Giovanni SARTOR
Policy area Forward Planning | Evaluation of Law and Policy in Practice | Consumer Protection
Keyword consumer protection | data collection | artificial intelligence | personal data | data protection

Summary This briefing addresses the regulation of artificial intelligence (AI), namely, how to ensure that AI benefits citizens and communities, according to European values and principles. Focusing on data and consumer protection, it presents risks and prospects of the applications of AI, it identifies the main legal regimes that are applicable, and examines a set of key legal issues.

Quality Differences in Consumer Products In the EU Legislation

Publication type Study
Date 30-11-2018
Author Martina SCHONARD
External author doc. JUDr. Blanka VÍTOVÁ, Vice-dean for Science and Research, Palacký University Olomouc (Czech Republic)
Policy area Forward Planning | Petitions to the European Parliament
Keyword trade information | single market | consumer protection | product quality | advertising malpractice | foodstuff | Joint Research Centre | testing | code of conduct

Summary This study, commissioned by the European Parliament’s Policy Department for Citizens’ Rights and Constitutional Affairs at the request of the PETI Committee, deals with so called dual quality products, that is goods (food products, detergents, cosmetics, toiletries and products intended for babies, etc.) marketed on the Single Market under the same brand or trademark but with differences in content, composition or quality in individual EU Member States. The issue of dual quality products is one of the recent issues that the EU has only begun to focus on in recent years. Initially, it was rather an individual initiative of the individual MEPs, subsequently the European Parliament as a whole and the European Commission began to deal with it. The European Commission issued several legal standards that initially interpreted the existing legal regulation, later directly identified dual quality as an unfair commercial practice.

Loan servicers and buyers and recovery of collateral

Publication type Briefing
Date 29-11-2018
Author Claudio COLLOVA
Policy area Economics and Monetary Issues | Consumer Protection | Financial and Banking Issues
Keyword impact study | consumer protection | financial solvency | credit | credit institution | EU banking union | credit policy | banking supervision | action programme | capital market | proposal (EU)

Summary The two IAs accompanying the proposal are similar in the knowledge base underpinning the work and the quality of data and sources. However, there seem to be qualitative differences in the way research, analysis and consultation activities were presented. In this respect, the IA on secondary markets has more room for improvement than the one on the out-of-court enforcement procedure. The latter complies more fully with the Better Regulation Guidelines, for example in terms of analysis of effectiveness and efficiency, quantification, attention to social impacts and impacts on SMEs.
Case analysis: the transposition and implementation of Regulation 261/2004 on air passenger rights

Publication type Briefing
Date 26-11-2018
Author JOHANNES HEEZEN
External author Sara Drake, Senior Lecturer in European Union Law Cardiff School of Law and Politics
Policy area Evaluation of Law and Policy in Practice | Petitions to the European Parliament | Consumer Protection
Keyword EC Regulation | consumer protection | indemnification | carriage of passengers | carrier | air transport | traveller
Summary This briefing draws on the latest available data to analyse the implementation and application of Regulation 261/2004 which introduces common rules on assistance and compensation to air passengers when their travel is disrupted. The briefing explains why the European Union enacted air passenger rights and the current state of play in terms of their enjoyment. It further sets out the current legal framework before exploring its shortcomings. Finally, it gives examples of best practice and presents some recommendations for national parliaments and EU institutions to improve the enforcement of citizens’ rights.

Flight Compensation Regulation (EC) 261/2004

Publication type At a Glance
Date 16-11-2018
Author Milan REMAC
Policy area Transport | Transposition and Implementation of Law
Keyword EC Regulation | consumer protection | petition | application of EU law | indemnification | carriage of passengers | air transport
Summary The Flight Compensation Regulation (EC) 261/2004 sets a minimum level of quality standards for passenger protection in air transport. It sets minimum rights for passengers in the event of denied boarding, flight cancellation and long delay on flights. This note provides a brief overview of its implementation.

Roaming: One Year After Implementation

Publication type In-Depth Analysis
Date 12-11-2018
External author Colin Blackman and Simon Forge
Policy area Forward Planning | Evaluation of Law and Policy in Practice | Internal Market and Customs Union | Industry
Keyword single market | digital single market | transmission network | consumer protection | regulation of telecommunications | roaming | mobile communication | Internet | wholesale price | telephone charges | consumer price | universal service | mobile phone | data transmission | cross-frontier data flow
Summary This in-depth analysis was prepared by Policy Department A at the request of the ITRE Committee. It examines the impacts one year after implementation of the EU’s Roaming Regulation that introduced Roam Like at Home (RLAH), by reviewing both the retail and wholesale markets. The retail roaming market was found to be performing well for most stakeholders. However, in the wholesale market, adjusting the wholesale price cap is necessary so that MVNOs may compete more effectively.

The European Electronic Communications Code and BEREC

Publication type At a Glance
Date 07-11-2018
Author Marcin SZCZEPAŃSKI | Cemal KARAKAS
Policy area Research Policy | Internal Market and Customs Union | Consumer Protection | Industry
Keyword transmission network | regulation of telecommunications | consumer protection | information technology | Body of European Regulators for Electronic Communications
Summary In order to stimulate infrastructure investment and bring the EU telecom rules up to date with technological developments and changing consumer demands and habits, the European Commission put forward two legislative proposals in 2016: a directive establishing the European Electronic Communications Code and a regulation on the Body of European Regulators of Electronic Communications (BEREC). The European Parliament is expected to vote during its November I plenary session on the texts agreed with the Council in trilogue negotiations.
Rail passengers’ rights and obligations in the EU

Publication type: At a Glance  
Date: 07-11-2018  
Author: Damiano SCORDAMAGLIA  
Policy area: Transport | Consumer Protection | Adoption of Legislation by EP and Council  
Keyword: EC Regulation | consumer protection | carriage of passengers | rail transport  
Summary: In the European Union (EU), rail passengers’ rights and obligations are governed by Regulation (EC) No 1371/2007, applicable since the end of 2009, which provides for all passengers a harmonised level of information, assistance and protection. In September 2017, the European Commission adopted a new proposal which aims to strike a better balance between strengthening passengers’ rights and reducing the burden on rail companies. The European Parliament is due to vote its position on this proposal during its November I plenary session.

What if ‘nudging’ good habits could make us healthier?

Publication type: At a Glance  
Date: 19-10-2018  
Author: Nera KULJANIC  
Policy area: Internal Market and Customs Union | Economics and Monetary Issues | Consumer Protection | Public Health | Industry  
Keyword: nutrition | consumer protection | food industry | public health  
Summary: The link between high consumption of trans fats, sugar and salt, found in high amounts in processed food, and an increased risk of cardiovascular diseases (CVDs), type 2 diabetes and various cancers is well established. In the current food market, calorie-rich, processed food, wrapped with ambiguous labels, is readily available, cheap and heavily promoted. But what if consumers could be prompted to make healthier food choices?

Revision of the Drinking Water Directive

Publication type: At a Glance  
Date: 17-10-2018  
Author: Tarja LAANINEN  
Policy area: Environment | Food Safety | Consumer Protection  
Keyword: quality standard | consumer protection | public health | drinking water | EC Directive  
Summary: In February 2018, the European Commission adopted a proposal to recast the Drinking Water Directive. The proposal updates water quality standards and aims to improve access to drinking water for all. During the October II plenary session, the Parliament is due to vote on the Environment, Public Health and Food Safety (ENVI) committee’s report and on the opening of interinstitutional (trilogue) negotiations.

Consumer Choice and Fair Competition on the Digital Single Market in the Areas of Air Transportation and Accommodation

Publication type: Study  
Date: 16-10-2018  
External author: Giorgio Monti  
Keyword: electronic commerce | digital single market | price formation | consumer protection | travel agency | competition law | EU law | air transport | hotel industry | service  
Summary: This document was requested by the European Parliament’s Committee on the Internal Market. Through a series of case studies it provides an overview of measures implemented by states and firms that may harm competition and consumer choice. It explores the extent to which EU Law may apply to prevent such restrictive practices.

Study: EN
Promoting fairness and transparency in the online platform environment

**Publication type** Briefing  
**Date** 21-09-2018  
**Author** Katharina EISELE  
**Policy area** Consumer Protection  
**Keyword** electronic commerce | digital single market | Internet | unfair terms of contract | consumer protection | national parliament | goods and services | provision of services | commercial contract | trade intermediary | proposal (EU)  
**Summary** How to promote fairness and transparency in the online platform environment? The Commission’s answer to this question can be found in its recent legislative proposal. It stipulates that providers of online intermediation services (e.g., Amazon) and online search engines (e.g., Google search) have to implement certain measures to ensure transparency and fairness in the contractual relations they have with online businesses which use such platforms to provide their services to customers in the EU. This briefing provides you with an appraisal of the quality of the impact assessment, which accompanies the Commission’s proposal.

Virtual currencies in the Eurosystem: challenges ahead

**Publication type** Study  
**Date** 16-07-2018  
**External author** Rosa María LASTRA, Jason Grant ALLEN  
**Policy area** Economics and Monetary Issues | Financial and Banking Issues  
**Keyword** fight against crime | EU police cooperation | counterfeiting | consumer protection | judicial cooperation in criminal matters in the EU | fraud | tax evasion | issuing of currency | payment | personal data | virtual currency | electronic banking | data protection  
**Summary** Speculation on Bitcoin, the evolution of money in the digital age, and the underlying blockchain technology are attracting growing interest. In the context of the Eurosystem, this briefing paper analyses the legal nature of privately issued virtual currencies (VCs), the implications of VCs for central bank’s monetary policy and monopoly of note issue, and the risks for the financial system at large. The paper also considers some of the proposals concerning central bank issued virtual currencies. This document was provided by Policy Department A at the request of the Committee on Economic and Monetary Affairs.

Implementing measures under the Benchmarks Regulation

**Publication type** Briefing  
**Date** 11-07-2018  
**Author** Willemijn DE JONG  
**Policy area** Transposition and Implementation of Law | Financial and Banking Issues  
**Keyword** governance | regulation (EU) | financial market | consumer protection | price index | domestic market | financial control | benchmarking | financial legislation | Euribor | code of conduct  
**Summary** This briefing focuses on the implementing measures under Regulation (EU) No 2016/1011 on indices used as benchmarks in financial instruments and financial contracts or to measure the performance of investment funds (BMR). Items for discussion at the monthly scrutiny session could include the forthcoming Regulatory Technical Standards under BMR, including rules on input data and the authorisation/registration of an administrator, as well as other outstanding issues, such as Regulated Data Benchmarks.

EU consumer protection rules

**Publication type** Briefing  
**Date** 10-07-2018  
**Author** Claudio COLLOVA  
**Policy area** Consumer Protection  
**Keyword** single market | injunction | consumer protection | advertising malpractice | infringement of EU law | indemnification | administrative transparency | collective interest | penalty | Italy | electronic commerce | Poland | motor vehicle industry | consumer policy | proposal (EU)  
**Summary** The IA is aimed at underpinning new legislation in the field of consumer protection, as called for in various European Parliament resolutions. It represents a considerable body of work, based on extensive evaluation and consultation. Methodological weaknesses include the narrow range of options to calibrate the evaluation findings. Secondly, there are some presentation issues, which do not facilitate consideration of the Commission’s choices. For instance, the large space devoted to consultation comes at the expense of useful and more sound information.
Unfair trading practices in the food supply chain

Publication type Briefing
Date 05-07-2018
Author Vera VIKOLAINEN
Policy area Agriculture and Rural Development | Internal Market and Customs Union | Contract Law, Commercial Law and Company Law
Keyword perishable goods | impact study | unfair terms of contract | consumer protection | restriction on competition | supply | food industry | chain store | small and medium-sized enterprises | agri-foodstuffs | supplier | proposal (EU)
Summary The Commission proposal aims to strengthen the resilience of weaker operators in the food supply chain and improve its functioning. The supporting impact assessment appears to be substantially constrained by the limited evidence base. The data on the scale of the problem seems limited and precise quantifications of costs and benefits of the option packages was not feasible. The stakeholder consultation activities, on the other hand, have largely followed the requirements of the Better Regulation Guidelines.

Mis-selling of Financial Products: Mortgage Credit

Publication type Study
Date 13-06-2018
External author Fernando ZUNZUNEGUI
Policy area Transposition and Implementation of Law | Internal Market and Customs Union | Economics and Monetary Issues | Consumer Protection | Financial and Banking Issues
Keyword consumer protection | EU control | financial solvency | EU Member State | financial planning | conflict of interest | financial control | administrative transparency | financial institution | market supervision | mortgage | investment
Summary This paper forms part of a series of five studies on mis-selling of financial products in the EU. The mis-selling of mortgage loans that include floor clauses, foreign currencies (forex) clauses and related products is the subject of this research. We analyse the context, the handling of the problem in the most affected Member States (Croatia, Hungary, Poland, Romania and Spain) and its compatibility with EU law. We conclude with recommendations. This document was provided by Policy Department A at the request of the ECON Committee.

Mis-selling of Financial Products: Consumer Credit

Publication type Study
Date 13-06-2018
External author Prof. dr. O. O. CHEREDNYCHENKO, J.-M. MEINDERSTMA
Policy area Transposition and Implementation of Law | Internal Market and Customs Union | Economics and Monetary Issues | Consumer Protection
Keyword consumer protection | consumer credit | EU control | financial solvency | EU Member State | financial planning | conflict of interest | financial control | administrative transparency | financial institution | market supervision | investment
Summary This paper is part of a series of five studies on mis-selling of financial products in the EU. Retail financial markets across the EU have been upset by large-scale mis-selling of financial products to consumers. As part of a series of five studies on this topic, this paper examines the problem of mis-selling with a particular focus on consumer credit. It identifies the most problematic products and practices in consumer credit markets that may cause consumer detriment and shows some important limitations of the current EU regulatory framework for consumer credit in providing adequate consumer protection. This document was provided by Policy Department A at the request of the ECON Committee.

Mis-selling of Financial Products: Compensation of Investors in Belgium

Publication type Study
Date 13-06-2018
External author Prof. Dr. Veerle COLAERT, Drs. Thomas INCALZA
Policy area Transposition and Implementation of Law | Internal Market and Customs Union | Economics and Monetary Issues | Consumer Protection | Financial and Banking Issues
Keyword control of State aid | State aid | bank | consumer protection | financial solvency | administrative transparency | financial institution | indemnification | Belgium | mortgage | conflict of interest | financial control | market supervision | investment
Summary This paper is part of a series of five studies on mis-selling of financial products in the EU. The paper analyses three important and highly publicised cases of mis-selling of investment products to retail clients, featuring interesting legal particularities: the Citibank case, the Dexia case and the Fortis case. On the basis of this analysis, the paper draws a number of conclusions on the national and EU regulatory framework in respect of investor compensation. This document was provided by Policy Department A at the request of the ECON Committee.
Odometer manipulation in motor vehicles

Odometers (or milometers), instruments measuring the distance travelled by a vehicle, can be tampered with relatively easily to make the mileage value appear lower than it is in reality. The practice of mileage fraud, commonplace especially in the cross-border trade of used cars in Europe, harms consumers and weakens road safety. While existing EU rules do not address all aspects of the problem, effective good practice exists. Parliament is to vote on an own-initiative report which calls on the European Commission to act in this area to improve consumer protection and road safety.

Guarantee Fund for External Action and EIB external lending mandate

In response to a sharp increase in the number of people trying to migrate to Europe illegally, and as part of the midterm review of the European Investment Bank's external lending mandate (ELM), the Commission proposed an external investment plan to tackle the root causes of migration from countries neighbouring the European Union, consisting of a European Fund for Sustainable Development (EFSD) and quantitative and qualitative changes to the ELM. These changes entailed two legislative proposals. A compromise package was agreed in trilogue between Council and Parliament, and adopted at first reading during the February I 2018 plenary session. Both acts entered into force on 8 April 2018. Second edition. The 'EU Legislation in Progress' briefings are updated at key stages throughout the legislative procedure.

What is Europe doing for its citizens? European Parliament Open Days 2018

This compendium brings together a set of notes produced by the European Parliamentary Research Service on the occasion of the European Parliament's 2018 Open Days. The European Union is constantly working to improve the lives of European citizens. More than 500 million people in the EU Member States see their work, study, leisure and family lives benefiting in many ways, large or small, from the policies and legislation of the European Union. The European Parliament makes an essential, and often decisive, contribution to shaping those laws and policies. Parliament's 751 Members represent each and every European citizen, ensuring that decisions which affect them are taken not by unknown officials but by the democratically elected representatives of the citizens of all Member States. The notes presented in this brochure give just a sample of the many areas in which EU action has helped to improve – and continues to benefit – the lives of men and women, young and old across the European Union. The brochure is published to mark this year's European Parliament Open Days, when, along with the other EU institutions, Parliament opens its doors to citizens to let them see what it does and how it works.

Organic production and labelling of organic products

In 2014, the European Commission adopted a proposal for a regulation on organic production and labelling of organic products. Aimed at revising the existing legislation on organic production in order to remove obstacles to the sustainable development of this sector, the proposal is intended to strengthen the rules on the control system, the trade regime, various animal welfare practices and the use of non-authorised substances. The proposed regulation will introduce one set of EU-wide rules covering the entire organic sector. Parliament is due to vote on the proposal during its April plenary session.
Revision of the drinking water directive

Publication type Briefing
Date 27-03-2018
Author Esther KRAMER
Policy area Environment
Keyword quality standard | consumer protection | water management | water supply | water protection | human nutrition | water pollution | public health | drinking water | EC Directive | circular economy
Summary This note seeks to provide an initial analysis of the strengths and weaknesses of the European Commission’s impact assessment (IA) accompanying the above proposal, submitted on 1 February 2018 and referred to the European Parliament’s Committee on Environment, Public Health and Food Safety (ENVI).

Consumer sale of goods

Publication type Briefing
Date 12-03-2018
Author Rafał MAŃKO
Policy area Internal Market and Customs Union | Contract Law, Commercial Law and Company Law | Consumer Protection | Adoption of Legislation by EP and Council
Keyword single market | digital single market | consumer protection | approximation of laws | digital contract | commercial contract | contract | electronic commerce | information society | impact of information technology | consumer goods | digital technology | EC conformity marking | proposal (EU)
Summary On 22 February 2018, the European Parliament's Committee for the Internal Market and Consumer Protection (IMCO) adopted its report on the Commission proposal for a new directive on the consumer sale of goods. The Commission’s original proposal, dating from 2015, was replaced on 31 October 2017 by an amended one which intends to replace the existing Consumer Sales Directive dating from 1999 entirely, instead of regulating only online and other distance contracts as had originally been planned. By contrast to the 1999 Consumer Sales Directive, the Commission's proposal would introduce a maximum-harmonisation approach, meaning that EU Member States could no longer introduce a higher level of consumer protection than set in the directive. Third edition. The 'EU Legislation in Progress' briefings are updated at key stages throughout the legislative procedure. To view previous versions of this briefing, please see: PE 599.286 (February 2017).

Organic farming legislation - Revision of EU Regulation on organic production and labelling of organic products

Publication type Briefing
Date 09-03-2018
Author James MCELDOWNEY
Policy area Agriculture and Rural Development | Consumer Protection | Adoption of Legislation by EP and Council
Keyword food inspection | consumer protection | EU action | aid to agriculture | sustainable development | agricultural production | labelling | harmonisation of standards | organic farming | organic product | proposal (EU)
Summary Developing organic production is an EU policy objective. While the EU organic market is constantly expanding, only 6% of total EU agricultural area is used for organic cultivation, and the difference between EU demand and production is covered by growing imports. To overcome the regulatory obstacles to the development of the sector and increase consumer confidence in the EU organic logo, the Commission adopted a proposal in March 2014 for a regulation on organic production and labelling of organic products, repealing the current framework dating from 2007. Following a series of trilogue meetings, the Maltese Presidency and the European Parliament reached a preliminary agreement on 28 June 2017. The Council’s Special Committee on Agriculture endorsed the agreement, which the Parliament’s Agriculture Committee subsequently approved on 22 November 2017. The full Parliament and Council now need to approve the text before the new regulation can enter into force. This briefing updates earlier editions, of September (PE 568.317), and October 2015 (PE 596.036), drafted by Francesco Tropea.
Contracts for the supply of digital content and digital services

Publication type: Briefing
Date: 19-02-2018
Author: Rafał MAŃKO


Keyword: single market | digital single market | digitisation | consumer protection | supply | personal data | digital contract | contract | electronic commerce | cloud computing | public consultation | digital technology | data protection | supplier | proposal (EU)

Summary: On 21 November 2017, the European Parliament's Internal Market and Consumer Committee (IMCO) and Legal Affairs Committee (JURI) adopted their joint report on the European Commission's proposal for a directive regulating the private-law aspects of contracts for the supply of digital content and digital services in the internal market. The Council of the EU agreed on a general approach in June 2017. Trilogue meetings began on 5 December 2017 and are still on-going. The main changes proposed by the joint report of the two Parliament committees are concerned with the duration of legal guarantees for digital content and services, liability for hidden defects and the short-term right to reject defective digital content. An issue which is still being discussed is the relationship between the directive and EU public law rules on the protection of personal data.

Fourth edition. The 'EU Legislation in Progress' briefings are updated at key stages throughout the legislative procedure. To view previous editions of this briefing, please see: PE 608.748 (October 2017).

New rules on bisphenol A in food contact materials

Publication type: At a Glance
Date: 16-02-2018
Author: Tarja LAANINEN

Policy area: Food Safety
Keyword: health control | regulation (EU) | food safety | consumer protection | dangerous substance | European Chemicals Agency | child protection | plastics industry | European Food Safety Authority | foodstuff | packaging product | public consultation | marketing

Summary: A new European Commission regulation updating the rules concerning the use of bisphenol A (BPA) in food contact materials was published on 14 February 2018 and will apply as of 6 September 2018. The rules aim at better protecting children under three years of age, by extending the ban on the use of BPA to include, in addition to infant feeding bottles, drinking cups or bottles intended for infants and young children. This is an updated edition of an 'At a glance' note originally published in January 2018.

The Platform Economy [What Think Tanks are thinking]

Publication type: Briefing
Date: 16-02-2018
Author: Marcin CESLUK-GRAJEWSKI

Policy area: Economics and Monetary Issues
Keyword: digital single market | Internet | collaborative economy | consumer protection | think tank | tourism | artificial intelligence | data protection | literature

Summary: The digital revolution is reshaping the world, changing people's habits in communication, work, leisure and politics. A major part of this revolution is the expansion of the economy based on digital platforms that match demand and supply for labour without an intermediation of traditional corporations. Platforms also allow people to socialise regardless of geographic distance, find entertainment and travel opportunities easily, and do many other things. Some well-known platforms are Google, Twitter, LinkedIn, Apple, Amazon, Uber and AirBnB. While offering vast opportunities to the economy, platforms are also posing tough challenges, for example, in fostering often-precarious, project-based forms of employment at the expense of stable contracts with social security protection, or putting pressure on traditional news media. This note brings together commentaries and studies by international think tanks and research institutes on the role of digital platforms, notably in labour markets, and related issues.
**Consumer Protection Cooperation**

Publication type: Briefing  
Date: 15-02-2018  
Author: Nikolina SAJN  
Policy area: Internal Market and Customs Union | Consumer Protection | Adoption of Legislation by EP and Council  
Keyword: single market | digital single market | consumer protection | trade information | impact study | electronic commerce | Internet | consumer information | services company | EC Regulation | comparative analysis | retail trade | EU statistics  
Summary: The Commission estimates that the detriment to consumers caused by non-compliance with basic EU consumer rules in certain cross-border online markets and also by inefficient cross-border enforcement amounts to €770 million per year. To remedy this, in May 2016 the Commission presented a legislative proposal to review the existing rules on consumer protection cooperation between enforcement authorities as part of its e-commerce package. The aim was to clarify the rules, give more powers to national enforcement authorities and improve their coordination, primarily to enable them to address unlawful online practices. Parliament and Council reached agreement on the proposal in June 2017, and formally adopted it in November. The new regulation covers ongoing infringements and those that have already ended, and lays down procedures for cooperation in cases of widespread infringements of consumer rights that affect consumers in multiple Member States. It entered into force on 16 January 2018 and applies from 17 January 2020. Fifth edition, based on an original briefing by Jana Valant. The 'EU Legislation in Progress' briefings are updated at key stages throughout the legislative procedure.

**Single Digital Gateway: how EU could meet expectations of citizens and businesses?**

Publication type: Briefing  
Date: 15-02-2018  
External author: Dr. Charlotte Duke  
Keyword: type of business | digital single market | access to information | digitisation | consumer protection | EU national | administrative formalities | information system | exchange of information | administrative cooperation | cross-frontier data flow | service  
Briefing EN

**Geo-Blocking**

Publication type: Briefing  
Date: 06-02-2018  
Author: Mariusz MACIEJEWSKI  
Keyword: single market | digital single market | consumer protection | digital literacy | intra-EU trade | discrimination on the basis of nationality | copyright | impact study | electronic commerce | telecommunications | data protection | digital technology | proposal (EU)  
Summary: This leaflet provides abstracts of selection of latest publications prepared by the European Parliament’s Policy Department on Economic and Scientific Policy at the request of the IMCO Committee in relation to the geo-blocking phenomenon.

**EU electronic communications code and co-investment: Taking stock of the policy discussion**

Publication type: Briefing  
Date: 05-02-2018  
Author: Tambiama André MADIEGA  
Policy area: Industry  
Keyword: digital single market | transmission network | consumer protection | regulation of telecommunications | investment project | competition policy | EU office or agency | information technology | universal service | information highway | operation of the Institutions | trans-European network | provision of services  
Summary: The EU regulatory framework on electronic communications sets common rules on how electronic communications networks and services such as telephony and internet broadband connections are regulated in the European Union (EU). While the revision of this framework has started, a debate arises on how best to foster investment in the EU for deploying the very high capacity networks that are increasingly needed for 5G mobile services, as well as e-services such as e-health, e-administration, cloud computing and connected cars. One of the proposals of the European Commission is to amend the current regulatory framework in order to facilitate co-investment (i.e. when several investors agree to invest together) for building new high-capacity network infrastructure. However, the European Parliament and Council both want to amend the text significantly. This briefing discusses the policy context and the rationale behind the rules on co-investment proposed in the draft EU electronic communications code, and assesses the main areas of convergence and divergence between the initial positions of the co-legislators. Furthermore, some key issues for discussion are highlighted, including what types of co-investment agreements and assets should be exempted from regulation, the degree of competition safeguards needed and the extent of national regulators’ oversight of the co-investment projects.

Briefing EN

Source: © European Union, 2020 - EP
Geo-blocking and discrimination among customers in the EU

Publication type: Briefing
Date: 02-02-2018
Author: Tambiama André MADIEGA

Policy area: Intellectual Property Law | Internal Market and Customs Union | Adoption of Legislation by EP and Council
Keyword: electronic commerce | freedom to provide services | digital single market | consumer protection | payment system | free movement of goods | goods and services | discrimination on the basis of nationality | copyright

Summary: Geo-blocking practices commonly restrict cross-border sales of tangible goods as well as of electronically supplied services and electronically delivered content services in the EU. In May 2016, the European Commission proposed a new regulation that prohibits online sellers of tangible goods, and of some types of electronically supplied services, from discriminating among customers based on their nationality or place of residence within the European Union. In November 2017, after protracted negotiations, the co-legislators agreed to ban some types of unjustified geo-blocking practices. However, the ban will not apply initially to content and services protected under copyright (for instance, e-books and downloads of music and audiovisual content). At the request of the Parliament, a review clause has been introduced which requires the Commission to re-examine the situation two years after the entry into force of the regulation.

Passenger rights

Publication type: EU Fact Sheets
Date: 01-02-2018
Author: ESTEBAN COITO GONZALEZ

Policy area: Transport
Keyword: unfair terms of contract | consumer protection | road transport | maritime transport | indemnification | carriage of passengers | common transport policy | carrier | rail transport | air transport

Summary: Common rules have been drawn up in an effort to ensure that passengers receive at least a minimum level of assistance in the event of serious delays to or cancellation of their journey, irrespective of the mode of transport used, and, in particular, to protect more vulnerable travellers. The rules also provide for compensation schemes. A wide range of derogations may be granted for rail and road transport services, however, and court actions challenging the application of the rules are still common.

Aviation safety

Publication type: EU Fact Sheets
Date: 01-02-2018
Author: ESTEBAN COITO GONZALEZ

Policy area: Transport
Keyword: single market | International Civil Aviation Organisation | consumer protection | European Aviation Safety Agency | civil aviation | common transport policy | air safety | aircraft | airline

Summary: Common rules, which have gradually been extended to cover the entire aviation sector, guarantee a uniform, high level of safety[1] throughout the internal market in air transport.

Affordable communications for businesses and consumers

Publication type: EU Fact Sheets
Date: 01-02-2018
Author: Mariusz MACIEJEWSKI | Frederic GOUARDERES

Policy area: Research Policy
Keyword: single market | Internet | data-processing law | access to information | consumer protection | information technology | European Union Agency for Cybersecurity | data transmission | digital technology | communications policy | intellectual property

Summary: Information and communication technologies (ICTs) and data and internet access services have taken the place of traditional telephone services as key products for both consumers and businesses. Today, more and more audiovisual content is available on demand and 4G and 5G Internet connectivity is experiencing exponential growth. In response, the EU has set up a regulatory framework for telecommunications covering fixed and wireless telecos, the Internet, broadcasting and transmission services, made up of a series of rules that apply throughout the EU Member States.
Digital Agenda for Europe

Publication type EU Fact Sheets
Date 01-02-2018
Author Mariusz MACIEJEWSKI | Frederic GOUARDERES
Policy area Research Policy
Keyword single market | Internet | data-processing law | access to information | consumer protection | information technology | European Union Agency for Cybersecurity | data transmission | digital technology | communications policy | intellectual property
Summary Since 1995, information and communication technologies (ICTs) have driven productivity gains and growth in the EU[1]. Over the past three decades, technological 'convergence' has been blurring the boundaries between telecommunications, broadcasting and IT. The Commission launched the digital single market in 2015 to deliver the main legislative proposals, such as boosting e-commerce, copyright, ePrivacy, harmonisation of digital rights, harmonised VAT rules and cybersecurity.

E-commerce: Ban on unjustified geo-blocking and discrimination practices among customers

Publication type At a Glance
Date 31-01-2018
Author Tambiama André MADIEGA
Policy area Intellectual Property Law | Internal Market and Customs Union | Consumer Protection | Adoption of Legislation by EP and Council
Keyword single market | electronic commerce | residence | freedom to provide services | geo-blocking | consumer protection | equal treatment | establishment | free movement of goods | goods and services | discrimination on the basis of nationality | proposal (EU)
Summary In May 2016, the European Commission proposed a new regulation that prohibits online sellers of physical goods and of some types of electronically supplied services and content from discriminating among customers based on their nationality or place of residence within the European Union. The Parliament is expected to vote on the proposal during the February I plenary session.

New rules on bisphenol A in food contact materials

Publication type At a Glance
Date 31-01-2018
Author Tarja LAANINEN
Policy area Food Safety
Keyword health control | regulation (EU) | food safety | consumer protection | dangerous substance | European Chemicals Agency | child protection | plastics industry | European Food Safety Authority | foodstuff | packaging product | public consultation | marketing
Summary A new European Commission regulation updating the rules concerning the use of bisphenol A (BPA) in food contact materials is expected to enter into force in the coming weeks. The rules aim at better protecting young children by extending the ban on the use of BPA to include, in addition to infant feeding bottles, drinking cups or bottles intended for infants and young children.

Rail passengers’ rights and obligations

Publication type Briefing
Date 12-01-2018
Author STEFANO VETTORAZZI
Policy area Transport
Keyword impact study | consumer protection | disabled person | transport company | liability | carriage of passengers | common transport policy | case law (EU) | passenger tariff | EU law | high-speed transport | rail transport
Summary This note seeks to provide an initial analysis of the strengths and weaknesses of the European Commission’s impact assessment (IA) accompanying the above proposal, adopted on 27 September 2017 and referred to Parliament’s Committee on Transport and Tourism (TRAN). The proposal aims to amend Regulation (EC) No 1371/2007 in order to strengthen the rights for all EU rail passengers, and to reduce the ‘burden on railway undertakings due to the inconsistent application of the regulation’ (IA, p. 9). The proposal follows a Commission report (COM(2013) 587 final) on the application of the regulation, which ‘highlighted certain problematic areas’, and a second Commission report (COM(2015) 117 final) on exemptions granted by Member States, which ‘identified the extensive use of exemptions as a major hindrance to the uniform application of the regulation’ (explanatory memorandum of the proposal, p. 2). In addition, the proposal follows the ruling of the Court of Justice of the EU of 26 September 2013 in Case C-509/11, which is linked to the ‘force majeure’ issue described in the following section. The European Parliament has regularly taken a stand on passenger rights, by submitting written questions or by adopting resolutions.
COMPETITION POLICY AND AN INTERNAL ENERGY MARKET

Publication type: At a Glance
Date: 15-12-2017

Author: ROBERTO SILVESTRI | Stephanie HONNEFELDER | FLORELLE HENRY

Policy area: Forward Planning | Energy | Economics and Monetary Issues | Consumer Protection
Keyword: single market | control of State aid | energy market | State aid | consumer protection | EU energy policy | competition policy

Summary: This note, prepared by Policy Department A for the Committee on Economic and Monetary Affairs, summarises the main points presented by the study on Competition policy and an internal energy market with a view to achieve an effectively working internal market in this sector.

At a Glance \( \text{EN} \)

Combating fraud and counterfeiting of non-cash means of payment

Publication type: Briefing
Date: 08-12-2017

Author: Vera VIKOLAINEN

External author - 

Policy area: Area of Freedom, Security and Justice
Keyword: impact study | counterfeiting | EU police cooperation | consumer protection | electronic banking | fraud | judicial cooperation in criminal matters in the EU | electronic money | payment | proposal (EU)

Summary: The IA presents the problem of non-cash payment fraud in a coherent and clear manner. The link between the problem (sub-) drivers, specific and general objectives of the proposal is rather straightforward. The objectives could be more specific and time-bound, however, to bring them in line with the SMART criteria. The IA sets out the content of all options in a clear manner. However, the quality of data, analysis and stakeholder consultation leaves an overall poor impression, partly because the combined IA and evaluation study, which is the external expertise informing the assessment, is not available online and therefore impossible to verify. For instance, according to the IA, the qualitative scores were validated with the focus group participants and external reviewers; however, the results of the validations are not reported in the IA report and only seven stakeholders attended the focus group. Such low attendance is rather surprising, considering that the qualitative assessment was given particular weight when deciding on the preferred option. The IA provides a rather inconsistent synopsis of the three consultation processes and the stakeholders' contributions are not available online. Making the study accessible online could perhaps provide the information needed to understand the logic behind the assessment, the stakeholder consultation and the choice of the preferred option.

Briefing \( \text{EN} \)

Plenary round-up – Strasbourg, November I 2017

Publication type: At a Glance
Date: 17-11-2017

Author: CLARE FERGUSON | KATARZYNA SOCHACKA

Policy area: EU Democracy, Institutional and Parliamentary Law
Keyword: common commercial policy | consumer protection | import (EU) | European Ombudsman | rule of law | anti-dumping legislation | China | New Zealand | Eastern Partnership | Africa | Poland | cultural prize | EU strategy | recognition of vocational training qualifications | inland waterway shipping | Malta

Summary: The key focal points of the November I plenary session included debates on the rule of law in Malta and Poland and on the 'Paradise papers' revelations. Members adopted, inter alia, their positions ahead of the 11th WTO Ministerial Conference and the Eastern Partnership Summit. They also adopted resolutions on the new EU-Africa strategy and on the Ombudsman’s activities in 2016. Parliament heard a formal address from Andrej Kiska, President of Slovakia, and finally, the 2017 LUX Prize was awarded at a ceremony held on Wednesday.

At a Glance \( \text{EN} \)

Consumer Protection Cooperation Regulation

Publication type: At a Glance
Date: 08-11-2017

Author: Nikolina SAJN

Policy area: Internal Market and Customs Union | Consumer Protection | Adoption of Legislation by EP and Council
Keyword: single market | electronic commerce | consumer protection | supervisory body | competence of the institution | business morals | infringement of EU law | exchange of information | administrative cooperation | powers of the institutions (EU) | European Commission

Summary: The European Commission has proposed the revision of the Consumer Protection Cooperation (CPC) Regulation, to broaden its scope and strengthen the powers of the national authorities cooperating on cross-border EU consumer-law infringements. Three rounds of trilogue negotiations produced a provisional agreement in June 2017, now awaiting a first-reading vote in plenary in November.

At a Glance \( \text{ES, DE, EN, FR, IT, PL} \)
Contracts for supply of digital content

Publication type         Briefing
Date                     09-10-2017
Author                   Rafał MAŃKO
Keyword                  single market | digital single market | consumer protection | approximation of laws | personal data | commercial contract | contract | ordinary legislative procedure | electronic commerce | information society | cloud computing | digital technology | report | data protection
Summary                  The digital content directive was proposed by the European Commission as part of a legislative package, alongside the online sales directive, to facilitate the development of the internal market for such content. The Council agreed on a general approach on the proposal on 8 June 2017. This seeks to clarify the relationship between the proposed contract law rules and the personal data protection regime – an issue which has been hotly debated. Furthermore, it strengthens the position of consumers with regard to conformity and remedies. As for the Parliament, a draft report was published in November 2016 by the two co-rapporteurs, who proposed to expand the directive’s scope to include digital content supplied against data that consumers provide passively, while also strengthening the position of consumers as regards criteria of conformity. Objective criteria would become the default rule, with a possibility to depart from them only if the consumer's attention were explicitly drawn to the shortcomings of the digital content. Third edition. The 'EU Legislation in Progress' briefings are updated at key stages throughout the legislative procedure. To view previous editions of this briefing, please see: PE 599.310 (March 2017).

“*A more recent edition of this document is available. Find it by searching by the document title at this address: http://www.europarl.europa.eu/thinktank/en/home.html*

Plenary round-up - Strasbourg, October I 2017

Publication type         At a Glance
Date                     06-10-2017
Author                   KATARZYNA SOCHACKA
Policy area              EU Democracy, Institutional and Parliamentary Law
Keyword                  public prosecution | consumer protection | United Kingdom | drafting of EU law | rule of law | parliamentary debate | EU office or agency | EP Committee | climate change policy | carriage of passengers | interinstitutional cooperation (EU) | withdrawal from the EU | maritime safety
Summary                  The adoption of Parliament's resolution on the state of play of the Brexit negotiations was one of the main points of the October I plenary session, as was a debate on the constitution, rule of law and fundamental rights in Spain. Other subjects debated during the week included the cancellation of flights by Ryanair, the forthcoming COP23 climate change conference in Bonn, the situation in Moldova and breaches of human rights in Africa, Ukraine and the Maldives. As for legislative procedures, Members voted, inter alia, on proposals for three directives related to the safety of passenger ships and on the incorporation of recommendations of the International Commission for the Conservation of Atlantic Tunas (ICCAT) into EU law. Parliament also gave its consent to establishing the European Public Prosecutor's Office, following a procedure introduced under enhanced cooperation between 20 Member States. The Office is intended to cooperate closely with Europol in order to investigate and prosecute crimes against financial interests of the Union. This 'at a glance' note is intended to review some of the highlights of the plenary part-session, and notably to follow up on key dossiers identified by EPRS. It does not aim to be exhaustive. For more detailed information on specific files, please see other EPRS products, notably our 'legislation in progress' briefings, as well as the plenary minutes.


Publication type         Study
Date                     20-09-2017
External author          Ms. Chloe Grondin
Keyword                  single market | electronic commerce | impact study | digital single market | consumer protection | digital literacy | telecommunications | digital technology | data protection | discrimination on the basis of nationality | copyright | proposal (EU)
Summary                  This report summarizes the discussion during the 10th Meeting of the IMCO Working Group on the Digital Single Market. It summarizes the exchange of views between MEPs, independent academic experts and the European Commission on the topic of geo-blocking in the Digital Single Market. The proceedings were prepared by Policy Department A for the Internal Market and Consumer Protection Committee.
Reform of the e-Privacy Directive

Publication type Briefing
Date 30-08-2017
Author Shara MONTELEONE
Summary In January 2017, the Commission tabled a proposal for a regulation on privacy and electronic communications which would replace the current 2002 e-Privacy Directive. The main objectives of the review are: enhancing security and communications confidentiality; defining clearer rules on tracking technologies such as cookies; and achieving greater harmonisation among Member States. Stakeholders are divided on certain issues, including on the basic need for a new measure to protect confidentiality in e-communications. Some national parliaments have made comments on the proposal, and discussions are progressing in Council. In the European Parliament, rapporteur Mariu Lauristin (S&D, Estonia) presented a draft report to the Civil Liberties Committee on 21 June 2017, and this is expected to be voted in October 2017.

Legal Implications of Brexit: Customs Union, Internal Market Acquis for Goods and Services, Consumer Protection Law, Public Procurement

Publication type Study
Date 09-08-2017
External author Fabian AMTENBRINK, Menelaos MARKAKIS and René REPASI
Keyword single market | public contract | United Kingdom | consumer protection | customs union | Treaty on European Union | EU Member State | trade agreement | World Trade Organisation | impact study | negotiation of an agreement (EU) | inter-parliamentary relations | trade cooperation | withdrawal from the EU | international trade
Summary This in-depth analysis addresses the implications of several scenarios of the UK withdrawing from the EU in relation to the EU Customs Union, the Internal Market law for Goods and Services, and on Consumer Protection law, identifying the main cross-cutting challenges that have to be addressed irrespectively of the policy choices that will be made in due course. The analysis takes the fully-fledged EU membership as a point of departure and compares this baseline scenario to a membership of the UK in the European Economic Area (EEA), the application of tailor-made arrangements, as well as the fallback scenario, in which the mutual relationship is governed by WTO law. Following an analysis of the EU legal framework defining the withdrawal of a Member State from the EU the study develops an analytical framework that allows for the identification of the legal impact of different Brexit scenarios on policy fields falling within the ambit of the IMCO Committee. In this context, the general impact of the EEA model, the tailor-made model and the WTO model on key pieces of the currently existing acquis communautaire in these policy areas are highlighted.

Online and other distance sales of goods

Publication type Study
Date 14-07-2017
Policy area electronic commerce | impact study | digital single market | information society | consumer protection | approximation of laws | impact of information technology | consumer goods | commercial contract | contract
Keyword single market | electronic commerce | impact study | digital single market | information society | consumer protection | approximation of laws | impact of information technology | consumer goods | commercial contract | contract
Summary This study was requested by the European Parliament’s Committee for Internal Market and Consumer Protection as part of the Parliament’s general commitment to improving the quality of EU legislation, and in particular in undertaking to carry out impact assessments of its own substantial amendments when it considers it appropriate and necessary for the legislative process. The aim of this ex-ante impact assessment is to evaluate two substantial amendments being proposed to the Commission proposal for a directive on certain aspects concerning contracts for the online and other distance sales of goods. The amendments would extend the scope of the proposed directive to any sale contract concluded between the consumer and the seller, and would repeal the Consumer Sales Directive. The findings of the study indicate that the harmonisation of rules across Member States and sales channels would reduce the fragmentation of the legal framework and enhance the clarity and transparency of applicable rules to the benefit of both consumers and businesses. Most importantly, one single regime for online and face-to-face transactions could contribute to increased consumers’ and traders’ awareness and confidence in purchasing/selling online and offline, domestically and across borders. There would be a general increase in consumer protection throughout the EU, with the exception of some Member States where consumers’ rights would be weakened. This could, however, translate into increased costs for businesses in relation to remedies provided to consumers. The importance of having a single regime for online and offline sales has been strongly supported by all stakeholders consulted for this study. Nonetheless, consumer and business organisations have different views with regard to the aspects of consumer protection under examination. Finding a balance between the interests of consumers and businesses remains, thus, crucial.

Source: © European Union, 2020 - EP
EU-Mapping 2017: Systematic overview on economic and financial legislation

Publication type: Study
Date: 14-07-2017
Author: Doris KOLASSA | ROBERTO SILVESTRI | Ivo VAN ES | Stephanie HONNEFELDER | Anne Katharina KRISCHEL | CLAUDIA LINDEMANN | Rudolf MAIER | SAMUEL DE LEMOS PEIXOTO

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Lara MILIONE, Research Center SAFE and Goethe University Frankfurt
Andreas ROTH, Research Center SAFE and Goethe University Frankfurt


Keyword: insurance | United Kingdom | consumer protection | pension fund | administrative transparency | EU law | securities | investment | banking supervision | financial services | economic analysis | money laundering | economic policy | financial regulation | withdrawal from the EU

Summary: This study provides a graphic overview on core legislation in the area of economic and financial services. The presentation essentially covers the areas within the responsibility of the Economic and Monetary Affairs Committee (ECON); hence it starts with core ECON areas but also displays neighbouring areas of other Committees’ competences which are closely connected to and impacting on ECON’s work. It shows legislation in force, proposals and other relevant provisions on banking, securities markets and investment firms, market infrastructure, insurance and occupational pensions, payment services, consumer protection in financial services, the European System of Financial Supervision, European Monetary Union, euro bills and coins and statistics, competition, taxation, commerce and company law, accounting and auditing. Moreover, it notes selected provisions that might become relevant in the upcoming Article 50 TEU negotiations. This document was provided by Policy Department A on request of the ECON Committee.

Study EN

Proceedings of the Workshop on the consequences of Brexit

Publication type: Study
Date: 15-06-2017
External author: Anna CITARELLA, European Research Centre for Economic and Financial Governance ; Menelaos MARKAKIS, European Research Centre for Economic and Financial Governance


Keyword: European treaties | single market | United Kingdom | consumer protection | customs union | referendum | Community acquis | powers of the institutions (EU) | negotiation of an agreement (EU) | economic interdependence | trade agreement (EU) | withdrawal from the EU | international trade | European Parliament

Summary: The workshop organised for the IMCO Committee by the Policy Department A in cooperation with the European Research Centre for Economic and Financial Governance (EURO-CEFG) of the Universities of Leiden, Delft and Rotterdam aimed at discussing the consequences of Brexit on the EU in general and on the policy fields covered by the IMCO Committee in particular. It allowed for a first exchange of opinion on the consequences of Brexit and for questions by EU decision-makers in preparation of the upcoming negotiations.

Study EN

Consequences of Brexit in the Area of Consumer Protection

Publication type: Study
Date: 15-06-2017
External author: Dr. Malte KRAMME, Research Centre for Consumer Law, University of Bayreuth


Keyword: European treaties | judicial cooperation in civil matters in the EU | United Kingdom | consumer protection | Community acquis | European Economic Area | transitional period (EU) | trade relations | secondary legislation | World Trade Organisation | negotiation of an agreement (EU) | judicial cooperation | withdrawal from the EU | international trade

Summary: This paper outlines the consequences of the United Kingdom’s withdrawal from the European Union in the area of consumer protection. It examines the withdrawal’s impact on consumer protection under different scenarios: a future EEA membership of the UK (a); a relationship governed only by WTO rules; (c) a relationship governed by a “tailor-made agreement”. It comes to the conclusion that from the perspective of consumers in the EU28, an EEA membership of the UK is the most favourable scenario. Irrespective of the scenario, adequate transitory provisions taking into consideration the “two-step” negotiating schedule are necessary to resolve legal uncertainties occurring irrespective of the scenario.

This document was prepared for Policy Department A at the request of the Committee on Internal Market and Consumer Protection.

Study EN
EU abolishes mobile roaming charges

Publication type Briefing
Date 14-06-2017
Policy area Consumer Protection
Keyword single market | digital single market | transmission network | consumer protection | regulation of telecommunications | roaming | mobile communication | Internet | telephone charges | consumer price | universal service | mobile phone | data transmission | cross-frontier data flow
Summary Almost all EU residents own a mobile phone for their personal or professional use. When they travel to another EU country and use it to call, text or go online, they used to have to pay additional costs (roaming charges). This situation, which made travel within the EU more complicated and expensive for consumers and businesses, has come to an end: the latest EU Roaming Regulation abolished the extra costs on 15 June 2017. Since then, 'roam like at home' (RLAH) has become a reality for all Europeans. The new roaming-free zone covers not only the EU, but the whole of the European Economic Area (EEA), which includes the EU and three European Free Trade Association (EFTA) countries: Iceland, Liechtenstein and Norway.

Mercury: Aligning EU legislation with Minamata

Publication type Briefing
Date 24-05-2017
Author Didier BOURGUIGNON
Policy area Environment | Public Health | Adoption of Legislation by EP and Council
Keyword underground storage of waste | UN convention | mining of ore | dental medicine | consumer protection | environmental protection | mercury | export restriction | metal pollution
Summary The United Nations' Minamata Convention on mercury was agreed in 2013 with a view to protecting human health and the environment from the adverse effects of mercury. Although mercury use has declined significantly in recent decades, mercury released into the air, water and land remains a serious threat to human health and the environment. EU policy banned exports of mercury, provided for the storage of mercury waste, restricted the use of mercury in various products and sought to address pollution caused by it. However, there were some regulatory gaps between EU legislation and the Minamata Convention. In February 2016, the European Commission submitted a legislative proposal aiming to align this legislation with the Convention in view of its ratification. After completion of the legislative procedure at first reading in the European Parliament and the Council, the presidents of the co-legislators signed the final act on 17 May 2017. The regulation will apply from 1 January 2018.

Major challenges for EU tourism and policy responses

Publication type Briefing
Date 16-05-2017
Author Vasileios MARGARAS
Policy area Tourism
Keyword border control | European security | digitisation | consumer protection | roaming | EU Member State | visa policy | terrorism | tourism | carriage of passengers | distribution of EU funding | air transport | Schengen Agreement | EC conformity marking | EU statistics
Summary Constituting the third-largest economic activity in the EU, tourism is of considerable importance as a source of economic growth, regional development and employment. Although it has been badly affected by the economic crisis in the past years, tourism has proved resilient, as witnessed by the growing number of visitors to the EU over the years. Nonetheless, the industry is faced with a number of challenges and mounting competition, in particular from emerging non-European destinations, whose share in the global tourist market is gradually increasing. Because of its transversal nature, tourism is impacted upon by various policies, including those on transport, environment, consumer protection and regional development. These policies are not always easy to coordinate. Since the entry into force of the Lisbon Treaty in 2009, the Treaty on the Functioning of the European Union (TFEU) allows the EU to support, coordinate or supplement the actions of the Member States in the domain. However, this legal advance has not led to a great impetus towards EU-level policy-making in tourism. Although EU legislation has progressively covered a number of fields in which the EU has exclusive or shared competency with the Member States (such as transport, transport security and passenger rights), tourism policy remains essentially nationally regulated. In recent years, the European Commission has presented two strategies on tourism: 'Europe, the world's No 1 destination – a new political framework for tourism in Europe (2010)', in which it sets out the EU's priorities and actions regarding the sector, and 'A European strategy for more growth and jobs in coastal and maritime tourism' (2014). In a resolution from 2011, the Parliament made a number of suggestions for achieving a competitive modern and sustainable tourism. In 2015, the Parliament welcomed the 2014 European Commission strategy and called for the adoption of a number of additional initiatives to ensure that it is implemented in real terms.
Contracts for the supply of digital content and personal data protection

Publication type: Briefing
Date: 15-05-2017
Author: Shara MONTELEONE | Rafał MAŃKO
Keyword: digital single market | protection of privacy | consumer protection | impact of information technology | drafting of EU law | web surfer | personal data | private law | data protection | contract
Summary: The proposed directive on the supply of digital content is intended to regulate the main contractual rights and duties of parties to contracts for the supply of digital content and services, and create a harmonised legal framework for digital content to benefit both consumers and businesses. It covers not only contracts where digital content or services are provided in exchange for money, but also those where the consumer provides personal or other data in lieu of money to gain access to digital content or services. The interplay between this proposed private law instrument and the existing public law rules on data protection (notably the recently adopted General Data Protection Regulation) have been the subject of some debate. The European Data Protection Supervisor's recent opinion was critical of the proposal, arguing that, in the EU, personal data 'cannot be conceived as a mere economic asset' and cannot therefore be treated as the consumer's contractual counter-performance in lieu of money. The draft report prepared by the co-rapporteurs in Parliament includes those contracts in which consumers do not pay a price (but potentially provide data) within the scope of the proposal. It eliminates however the notion of personal data as a form of contractual 'counter-performance'. The co-legislators are now facing the challenging task of reconciling the fundamental rights approach with the requirements of economic reality, including the need to grant legal protection to consumers who provide their data in order to access digital content or services.

Cross-border portability of online content

Publication type: At a Glance
Date: 10-05-2017
Author: Tambiama André MADIEGA
Keyword: electronic commerce | residence | digital single market | Internet | contract terms | consumer protection | audiovisual industry | free service | cross-frontier data flow | personal data | data protection | copyright
Summary: The European Parliament is to vote in plenary in May on new rules on cross-border portability, which would enable consumers to access their online subscriptions for content services when they travel across the EU and are temporarily outside their Member State of residence.

EU framework for financial technology (FinTech)

Publication type: At a Glance
Date: 10-05-2017
Author: Cemal KARAKAS
Policy area: Economics and Monetary Issues | Financial and Banking Issues
Keyword: digital single market | financial market | consumer protection | impact of information technology | financial legislation | data protection | financial services
Summary: Despite common EU rules on financial services and data protection, there are still areas where Member States can be less strict at national level. An Economic and Monetary Affairs Committee report is calling on the Commission to propose a FinTech action plan and level the playing field.
Energy consumers in the EU

Publication type Briefing
Date 27-04-2017
Author Nikolina SAJN
Policy area Energy
Keyword electrical equipment | consumer protection | customers | termination of a contract | business morals | energy law | energy consumption | energy industry | contract terms | price of energy | liberalisation of the market | invoicing | energy saving

Summary Consumers are a key element of EU energy legislation and the efforts to achieve a transition to a carbon-free society. Back in 2009, the third energy package, which sought to establish a liberalised internal energy market, granted energy consumers a number of rights, such as the right to an electricity connection, to switch energy providers and to receive clear offers, contracts and energy bills. However, some of these rights have not yet been put into practice: consumers often do not understand their bills, are unable to compare different offers, are charged for switching, and it takes too long. Besides, they do not always know their rights. The ongoing revision of EU energy legislation aims to improve some of the rules concerning consumers and to introduce new rights, such as the right to self-generate and self-consume electricity, to ask for a smart meter, or to engage an aggregator. The European Parliament has repeatedly voiced concern that the truly competitive, transparent and consumer-friendly internal energy market envisaged by the third energy package has yet to materialise and that consumers are still having trouble understanding their bills, offers and contracts. It has called, among other things, for providing consumers with increased protection and clearer information, and for requiring suppliers to automatically put customers on the best possible tariff for their individual circumstances.

Towards new rules on sales and digital content: Analysis of the key issues

Publication type In-Depth Analysis
Date 22-03-2017
Author Rafał MAŃKO
Policy area Contract Law, Commercial Law and Company Law | Consumer Protection
Keyword single market | digital single market | digitisation | consumer protection | supply | free movement of goods | personal data | digital contract | contract | impact study | electronic commerce | digital technology | supplier

Summary In 2015, the Commission presented two proposals for directives: on the online sale of goods to consumers, and on the supply of digital content to consumers. The two proposals need to be analysed in the context of the existing Consumer Sales Directive from 1999, which is currently under revision as part of the REFIT exercise. If the two proposals enter into force, consumer sales transactions will be regulated by three instruments: with regard to tangible goods sold face to face – by the Consumer Sales Directive, with regard to tangible goods sold at a distance – the Online Sales Directive, and with regard to the sale of digital content – the Digital Content Directive. Not surprisingly, the three texts have much in common as regards their structure and subject matter. They all deal with such issues as conformity (lack of defects), the consumer's remedies in cases of defects, the time limit for bringing such remedies and the burden of proof. They also have two other systemic issues in common: the choice between minimum and maximum harmonisation, on the one hand, and between mandatory and default rules, on the other. The existing Consumer Rights Directive is a minimum harmonisation instrument, and allows Member States to grant consumers a higher level of protection, especially when it comes to the period of seller's liability or the freedom of choice of remedies to be pursued in the event of defects. Similarly, the absence of any EU legislation specifically addressing contracts regarding the sale or rental of digital content or the provision of digital services means that Member States have been free to protect consumers to the extent they see fit. Since the two proposals are framed as maximum harmonisation instruments, the question of the exact extent of consumer rights and the way they should be exercised is crucial.

Carving Out Legacy Assets: A Successful Tool for Bank Restructuring?

Publication type In-Depth Analysis
Date 15-03-2017
External author Alexander Lehmann
Policy area European Semester | Economics and Monetary Issues | Financial and Banking Issues
Keyword State aid | European Banking Authority | financial market | consumer protection | bank | EU Member State | law of banking | investment loan | public debt | banking supervision | financial requirements | monetary policy

Summary This briefing drafted under supervision of the Economic Governance Support Unit reviews the options for a separation of non-performing and other problematic assets from the main business of a bank. This separation is essential for bank rehabilitation, though secondary loan markets are illiquid, and plagued by problems in valuation and information sharing. Independent asset management companies are therefore needed, in particular as a tool in resolution. The legal framework for such institutions should now be prepared.
Carving Out Legacy Assets: A Successful Tool for Bank Restructuring?

Publication type: In-Depth Analysis
Date: 15-03-2017
External author: Willem Pieter de Groen
Policy area: European Semester | Economics and Monetary Issues | Financial and Banking Issues
Keyword: State aid | European Banking Authority | financial market | consumer protection | bank | EU Member State | law of banking | investment loan | public debt | banking supervision | financial requirements | monetary policy
Summary: This paper was drafted under supervision of the Economic Governance Support Unit. European banks have accumulated more than €1 trillion in non-performing loans (NPLs) on their balance sheets after the burst of the 2007-2009 great financial crisis. The NPLs pose a potential threat to bank stability in euro-area countries such as Cyprus, Greece, Italy, Portugal and Slovenia, where more than 15% of the loans are non-performing. This paper assesses the effectiveness of the various resolution tools to deal with legacy assets such as NPLs under the resolution framework. On the one hand, the on-balance sheet tools (no tools, sales of entire bank, and asset guarantees) and on the other hand, the tools that carve out the assets from the banks’ balances (selling part of the bank, bridge bank and asset separation) are assessed based on the experiences in the aftermath of the financial crisis. The figures for the 79 euro-area banks that received capital support between 2007 and 2016 show that the differences in bank viability as well as financial and economic stability are fairly similar across tools, except for the sale of the entire business and bridge banks. Taking also the costs (losses and recapitalisation) into account, asset management companies in particular, as well as bridge banks, guarantees and no specific resolution tools, seem under the current conditions to effectively deal with legacy assets such as NPLs.

In-Depth Analysis  EN

Carving Out Legacy Assets: A Successful Tool for Bank Restructuring?

Publication type: In-Depth Analysis
Date: 15-03-2017
External author: Martin Hellwig
Policy area: European Semester | Economics and Monetary Issues | Financial and Banking Issues
Keyword: State aid | financial market | European Banking Authority | bank | consumer protection | EU Member State | law of banking | public debt | banking supervision | monetary policy | investment loan | Switzerland | financial requirements
Summary: This paper was drafted under supervision of the Economic Governance Support Unit. Beginning with the proposal by Enna (2017), the paper discusses the scope for successful bank restructuring through a carveout of impaired assets and by transferring these assets to a government-sponsored asset management company. The paper argues that the success of such an operation requires a use of public funds, either outright or through contingent commitments. Clawback provisions are problematic because they create contingent liabilities that merely shift risks from the assets sides to the liabilities sides of banks’ balance sheets. The paper distinguishes between asset impairments coming from considerations of prospective returns and asset impairments coming from frictions in the markets in which these assets are traded. It also distinguishes between threats to bank solvency and threats to bank funding/liquidity. In each case, the success of bank restructuring from asset carveouts depends on the extent to which threats to the bank’s solvency is eliminated. If asset impairments and asset liquidation at depressed prices, public funds may eventually not be needed. If threats to bank solvency come from nonperforming loans, taxpayer support may be essential. The notion of “real economic value” as the price at which assets should be transferred is problematic and leaves ample room for hidden subsidies. The success of restructuring of the individual bank may itself come at a risk to financial stability as the preservation of existing capacities maintains competitive pressure and depresses bank profitability. Additional risks may come from the burden on the government’s fiscal stance.

In-Depth Analysis  EN

Carving Out Legacy Assets: A Successful Tool for Bank Restructuring?

Publication type: Study
Date: 15-03-2017
External author: Rym Ayadi, Giovanni Ferri and Rosa M. Lastra
Policy area: European Semester | Economics and Monetary Issues | Financial and Banking Issues
Keyword: State aid | European Banking Authority | financial market | consumer protection | bank | EU Member State | law of banking | investment loan | public debt | banking supervision | financial requirements | monetary policy
Summary: This paper drafted under supervision of the Economic Governance Support Unit considers a number of issues related to the restructuring of troubled banks in the EU. First, we provide an overview of how legacy assets have been dealt in a number of countries (drawing in particular upon the experience in Japan, the USA, Sweden and Spain), which support the case for a centralized solution in the presence of a generalized banking crisis. Second, we shed light on the need to differentiate between systemic and non-systemic events by examining the relevant literature on the credit channel. Third, we elaborate the theoretical argument on the need for a systematic centralised approach at the EU level to deal with legacy assets in bank restructuring to maintain fair recovery rates. Finally, we provide a preliminary assessment of the business models, risk, response to regulation and performance of 38 state aided banks via recapitalisation measures and explicit restructuring requirements with an emphasis on APS-AMC arrangements using available data between 2005 and 2015. The indicators show that these state aided banks are returning progressively to soundness and struggling to regain performance levels of the pre-crisis period, which is a generalised problem of the European banking sector.

Study  EN
**Mercury: Aligning EU legislation with Minamata**

**Publication type**  At a Glance  
**Date**  10-03-2017  
**Author**  Didier BOURGUIGNON  
**Policy area**  Environment | Public Health | Adoption of Legislation by EP and Council  
**Keyword**  underground storage of waste | UN convention | mining of ore | dental medicine | consumer protection | environmental protection | mercury | export restriction | metal pollution  
**Summary**  Although mercury use has declined significantly in recent decades, mercury released into the air, or water, or the soil, remains a serious threat to human health and the environment. In February 2016, the Commission put forward a legislative proposal intended to align European Union (EU) legislation with the United Nation’s Minamata Convention on mercury signed in 2013. First-reading negotiations with the Council delivered a compromise, which now awaits a vote in the March II plenary.

**Contracts for supply of digital content**

**Publication type**  Briefing  
**Date**  01-03-2017  
**Author**  Rafał MAŃKO  
**Policy area**  Intellectual Property Law | Internal Market and Customs Union | Contract Law, Commercial Law and Company Law | Consumer Protection | Adoption of Legislation by EP and Council  
**Keyword**  single market | electronic commerce | digital single market | information society | consumer protection | approximation of laws | cloud computing | personal data | digital technology | data protection | commercial contract | contract  
**Summary**  In November 2016 the co-rapporteurs delivered their draft report on the Commission’s proposal for a directive on contracts for supply of digital content. They propose to expand the directive’s scope to include digital content supplied against data that consumers provide passively, while also strengthening the position of consumers as regards criteria of conformity. Objective criteria would become the default rule, with a possibility to depart from them only if the consumer’s attention were explicitly drawn to the shortcomings of the digital content. The Digital Content Directive was proposed as part of a legislative package, alongside the Online Sales Directive. The Council has favoured a fast-track for the digital content proposal, while seeking to reflect for longer on the proposed Online Sales Directive. Nonetheless, the Commission is keen not to dismantle the legislative package, and likewise the Parliament has been working on the two texts in parallel, seeking to coordinate amendments to the two proposals. Second edition. The 'EU Legislation in Progress' briefings are updated at key stages throughout the legislative procedure. To view the previous edition of this briefing, please see: PE 581.980, April 2016.  
*A more recent edition of this document is available. Find it by searching by the document title at this address: http://www.europarl.europa.eu/thinktank/en/home.html*

**Contracts for online and other distance sales of goods**

**Publication type**  Briefing  
**Date**  20-02-2017  
**Author**  Rafał MAŃKO  
**Policy area**  Internal Market and Customs Union | Contract Law, Commercial Law and Company Law | Consumer Protection | Adoption of Legislation by EP and Council  
**Keyword**  single market | electronic commerce | digital single market | information society | consumer protection | approximation of laws | impact of information technology | consumer goods | commercial contract | contract  
**Summary**  The Commission proposal for a directive on contracts for online and other distance sales of goods, part of the digital single market strategy, would partly replace the existing Consumer Sales Directive. The Parliament's rapporteur believes this would create a fragmented legal framework, and that there is a need to introduce uniform rules for both online and face-to-face consumer sales. Unlike the existing Consumer Sales Directive, the proposed Online Sale of Goods Directive would provide for maximum harmonisation, thereby prohibiting Member States from introducing a higher level of consumer protection within the scope of the directive. The rapporteur agrees with this approach and suggests moving to maximum harmonisation for both online and offline consumer sales. Second edition. The 'EU Legislation in Progress' briefings are updated at key stages throughout the legislative procedure. To view previous versions of this briefing, please see: PE 577.962, 15 February 2016.

Briefing  EN
Optimal Regulatory Model for Telecommunications Services in the EU

Publication type: Study
Date: 15-02-2017

External author: Alexandre de STREEL (University of Namur and CERRE – Centre on Regulation in Europe) and Christian HOCEPIED (University of Namur)


Keyword: single market | digital single market | Internet | transmission network | regulation of telecommunications | consumer protection | universal service | wholesale trade | data transmission | cross-frontier data flow | radio telecommunications | mobile communication

Summary: This report reviews the market trends for the development of digital networks and applications for 2020 and beyond and, on that basis, proposes a framework for an optimal regulation for telecommunications services in the European Union. Against that framework, the report then critically assesses the draft European Electronic Communications Code proposed by the Commission in September 2016. We submit that the Commission’s proposal goes in the right direction but in not ambitious enough to protect the EU consumers in the App economy and to stimulate the digital single market. We think that universal service should ensure an extensive availability of Wi-Fi connections throughout the EU and that citizens need to be protected by general consumer protection rules that are smarter and better enforced instead of detailed and complicated sector-specific rules.

This paper was prepared at the request of Policy Department A and the IMCO Committee.

How an EU Lifespan Guarantee Model Could Be Implemented Across the European Union

Publication type: Study
Date: 31-01-2017

External author: Dr. Klaus TONNER; Prof. Rosalind MALCOLM

Policy area: Environment | Public international law | Private international law and judicial cooperation in civil matters | Consumer Protection | EU Law: Legal System and Acts

Keyword: single market | guarantee | third country | consumer protection | consumer behaviour | EU Member State | durable goods | national implementing measure | principle of legal certainty

Summary: This study was commissioned by the European Parliament’s Policy Department for Citizens’ Rights and Constitutional Affairs at the request of the JURI Committee. It looks at the interrelation between the Consumer Sales and Guarantee Directive (CSD) and the Ecodesign Directive (EDD) with respect to guarantees and product expected lifetime. Through legal research and stakeholder surveys, it develops an EU lifespan guarantee model, which could be implemented by amendments to the proposal for an Online Sales Directive (OSD) and the EDD. It recommends extending the EDD to include the lifespan and extending the limitation period of the OSD. A commercial guarantee for the lifespan of a product is also suggested.

The EU's General Food Law Regulation: An introduction to the founding principles and the fitness check

Publication type: In-Depth Analysis
Date: 25-01-2017

Author: Tarja LAANINEN

Policy area: Food Safety

Keyword: health control | standing committee | food safety | consumer protection | human nutrition | foodstuffs legislation | trading operation | traceability | European Food Safety Authority | precautionary principle | foodstuff | animal feedingstuffs | public consultation

Summary: The General Food Law Regulation (Regulation (EC) No 178/2002) was drafted following a series of food incidents in the EU in the late 1990s, including the BSE (bovine spongiform encephalopathy) outbreak and the dioxin scare. It is the act underpinning current EU food and feed legislation and defines its general principles, requirements and aims. The regulation also established the European Food Safety Authority (EFSA), an independent agency tasked with providing decision makers with scientific advice on food safety issues. Furthermore, the General Food Law Regulation lays down the main procedures for the management of emergencies and crises, including the Rapid Alert System for Food and Feed (RASFF), designed to enable a swift reaction when risks to public health are detected in the food chain. As part of its Better Regulation agenda, the European Commission is currently finalising its fitness check of the General Food Law Regulation. The review will assess the key components of this founding act. The results of the review are expected in the course of 2017.
Occupational pensions: Revision of the Institutions for Occupational Retirement Provision Directive (IORP II)

Publication type Briefing
Date 23-01-2017
Author David EATOCK
Policy area Social Policy | Employment | Internal Market and Customs Union | Economics and Monetary Issues | Financial and Banking Issues | Adoption of Legislation by EP and Council
Keyword adoption of a law by vote | supplementary pension | pension scheme | codecision procedure | worker information | financial management | consumer protection | frontier worker | EU Member State
Summary In 2014, the European Commission proposed a revision (‘IORP II’) of the existing Institutions for Occupational Retirement Provision (IORP) Directive of 2003, which covers certain occupational pension savings. These are overwhelmingly in the United Kingdom (55.9% of IORP assets) and the Netherlands (30.7%). The proposed revision aims to improve the governance, risk management, transparency and information provision of IORPs and help increase cross-border IORP activity. Stakeholders generally welcomed the focus of the proposal and the lack of new prudential rules, but felt the revision was overly detailed and prescriptive and did not respect national competences, nor reflect the variety of IORPs and their position as social (not just financial) entities. Following trilogue discussions, the compromise text was adopted at first reading in the European Parliament’s plenary on 24 November, and then adopted by the Council on 8 December. It came into effect on 12 January 2017 and Member States have two years from then to transpose it into national law. This briefing updates an earlier edition, from September 2016: PE 589.800.

Briefing EN


Publication type In-Depth Analysis
Date 18-01-2017
Author Jana VALANT
Policy area International Trade | Contract Law, Commercial Law and Company Law | Consumer Protection
Keyword trade information | single market | electronic commerce | unfair terms of contract | consumer protection | advertising | commercial law | advertising malpractice | application of EU law | trade policy
Summary Consumers may find it difficult to identify potentially harmful or unfair practices when entering into a transactional relationship with traders. Similarly, businesses and enforcement authorities may sometimes have problems applying and interpreting EU legislation in relation to commercial practices. While it is the Court of Justice that has competence to interpret EU legislation, the European Commission published legally non-binding guidance on the implementation/application of the Directive on Unfair Commercial Practices in May 2016, which aims to clarify some of the issues that have arisen since the adoption of the directive.

In-Depth Analysis DE, EN, FR

Reforming e-Communications Services: A Critical Assessment

Publication type In-Depth Analysis
Date 16-01-2017
External author Andrea Renda
Keyword single market | digital single market | Internet | transmission network | regulation of telecommunications | consumer protection | universal service | competitiveness | exchange of information | innovation | trans-European network | mobile communication
Summary This report analyses the proposed reform of the e-communications regulatory framework presented by the European Commission in September 2016. While many of the proposed changes appear meaningful, the report argues that overall the proposal does not entirely reflect the lessons learned from the past two decades of e-communications regulation in Europe, and ends up being at once too conservative (i.e. incremental with respect to legacy rules); fragile, since its effectiveness crucially depends on governance reform; and “retro”, since it does not incorporate principles of flexible, adaptive regulation in its overarching framework. The report argues that the merits of a lighter, ex post approach to e-communications were not sufficiently gauged by the European Commission in its impact assessment. The report was prepared at the request of Policy Department A and the IMCO Committee.

In-Depth Analysis EN
Extending the Scope of the Geo-Blocking Prohibition: An Economic Assessment

Publication type: In-Depth Analysis
Date: 16-01-2017
External author: J. Scott MARCUS (Bruegel) and Georgios PETROPOULOS (Bruegel)
Keyword: single market | electronic commerce | digital single market | consumer protection | digital literacy | telecommunications | digital technology | data protection | discrimination on the basis of nationality | copyright | proposal (EU)
Summary: On 25 May 2016, the European Commission presented a proposal for a regulation on addressing unjustified geo-blocking. This paper illustrates the prevalence of geo-blocking in e-commerce and summarizes available relevant evidence. It also discusses the economic impact of lifting geo-blocking restrictions in online goods and copyrighted digital content services.

The Geo-Blocking Proposal: Internal Market, Competition Law and Regulatory Aspects

Publication type: Study
Date: 16-01-2017
External author: Miguel POIARES MADURO (European University Institute), Giorgio MONTI (European University Institute) and Gonçalo COELHO (World Bank / Luís Morais, Associados)
Keyword: single market | digital single market | broadcasting | consumer protection | literary and artistic property | sport | discrimination on the basis of nationality | copyright | electronic commerce | telecommunications | data protection | digital technology | Treaty on the Functioning of the EU | proposal (EU)
Summary: This Study analyses the Commission’s May 2016 Proposal for a Regulation addressing geo-blocking and other forms of customer discrimination based on customers’ nationality, place of residence or place of establishment within the internal market. The study assesses the Commission’s proposal under the Internal Market, Competition law and sector-specific rules and provides for policy recommendations and specific amendments to the proposal.

Wholesale roaming regulation: A precondition for ‘roam like at home’

Publication type: Briefing
Date: 06-12-2016
Author: Maria Del Mar NEGREIRO ACHIAGA
Policy area: Research Policy | Internal Market and Customs Union | Consumer Protection | Adoption of Legislation by EP and Council
Keyword: single market | regulation (EU) | transmission network | consumer protection | regulation of telecommunications | tariff policy | mobile communication | Internet | telephone charges | equal treatment | universal service | wholesale trade | mobile phone | data transmission | cross-frontier data flow
Summary: In 2015 the Council and European Parliament agreed in Regulation 2015/2120 that on 15 June 2017 roaming charges for mobile phone use would be abolished in the EU. After that date, ‘roam like at home’ (RLAH) would become a reality for all Europeans. The regulation did not, however, address the wholesale roaming market, on account of the need to investigate market conditions in more depth. A review for the European Commission concluded that national wholesale roaming markets are not working well and need regulatory intervention. It therefore proposed a regulation establishing the maximum level of wholesale roaming charges that telecoms operators can charge each other, to take effect from 15 June 2017. Stakeholder reactions are divided: while consumers would enjoy free roaming, operators are worried about recovering costs at wholesale level. On 29 November, Parliament’s Industry Committee voted for a reduction in the call and data wholesale caps proposed by the Commission.

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European Digital Guarantee

Publication type: Study
Date: 15-11-2016

External author: Michał BIENIAS (Traple, Konarski, Podrecki i wspólnicy), Piotr KWIAKTOWSKI (University of Osnabruck), Hans SCHULTE-NOLKE (University of Osnabruck), Anne-Katrin SUILMANN (University of Osnabruck) and Aneta WIEWIÓROWSKA-DOMAGALSKA (University of Osnabruck)


Keyword: single market | guarantee | consumer protection | EU Member State | digital evidence | discrimination on the basis of nationality

Summary: The study analyses the inconveniences of paper receipts and guarantees that are lost or fade away. The collected evidence indicates that missing paper documents may result in problems for consumers in the enforcement of their rights. The study assesses e-receipt solutions already existing on the market and evaluates whether the regulation of such schemes could contribute to the Single Market. Some guidelines are given concerning a possible regulation of e-receipt schemes, including the impact of other fields of the EU law.

This document was provided by Policy Department A at the request of the IMCO Committee.

Study EN

Food contact materials

Publication type: At a Glance
Date: 27-09-2016

Author: Tarja LAANINEN

Policy area: Food Safety

Keyword: assessment | food safety | consumer protection | environmental risk prevention | plastics | public health | chemicals | legislation | power of implementation | endocrine disease | packaging product | parliamentary committee | report | European Parliament

Summary: Food is considered to be one of the most important sources of human exposure to chemicals. The safety of materials coming into contact with food should therefore be carefully evaluated, as chemicals from these can migrate into food. The European Parliament’s Committee on the Environment, Public Health and Food Safety (ENVI) has drafted an own-initiative report highlighting the problems related to the implementation of the Food Contact Materials Regulation, and this is due to be debated during the October I plenary session.

At a Glance: ES, DE, EN, FR, IT, PL


Publication type: Study
Date: 25-08-2016

Author: LOUIS DANCOURT | ALESSIA MIGLIACCIO | Mariusz MACIEJEWSKI

Policy area: Public international law | International Trade | Private international law and judicial cooperation in civil matters | Global Governance | Internal Market and Customs Union | Consumer Protection

Keyword: freedom to provide services | digital single market | information industry | consumer protection | payment system | competition law | discrimination on the basis of nationality | electronic commerce | Internet | information society | entrepreneurship | innovation | electronic government

Summary: This report summarizes the discussion during the 8th Meeting of the IMCO Working Group on the Digital Single Market. It explains an exchange of views between MEPs, the European Commission and experts on the topic of boosting e-commerce and combating consumer discrimination in the Digital Single Market. The proceedings were prepared by Policy Department A for the Internal Market and Consumer Protection Committee.

Study EN

EU Portability Regulation: In-Depth Analysis of the Proposal

Publication type: In-Depth Analysis
Date: 15-08-2016

External author: Tatiana Eleni SYNODINIOU (University of Cyprus, Cyprus)


Keyword: electronic commerce | digital single market | consumer protection | harmonisation law | EU Member State | telecommunications | literary and artistic property | digital technology | data protection | copyright

Summary: Upon request by the JURI Committee, this In-depth-Analysis identifies and analyses the recent proposal of the European Commission concerning a regulation on ensuring the cross-border portability of online content, COM(2015)627.

In-Depth Analysis EN
Combatting Consumer Discrimination in the Digital Single Market: Preventing Geo-Blocking and other Forms of Geo-Discrimination

Publication type: Study
Date: 15-08-2016
External author: Felice SIMONELLI
Keyword: single market | electronic commerce | impact study | digital single market | consumer protection | digital literacy | telecommunications | digital technology | data protection | discrimination on the basis of nationality | copyright | proposal (EU)
Summary: The paper conducts a stocktaking exercise of the state of play in the DSM and offers a critical assessment of the most relevant initiatives to combat consumer discrimination. It gives an overview of discriminatory practices in the online environment and assesses the magnitude of the problem. Differences between justified and unjustified geo-blocking are discussed. An in-depth analysis of the EC proposals on geo-blocking, portability and parcel delivery and the DG COMP investigation into the distribution of audiovisual content is then performed.

Perspectives on transatlantic cooperation: Digital Economy

Publication type: Briefing
Date: 11-07-2016
Author: Risto NIEMINEN
Policy area: Economics and Monetary Issues | Foreign Affairs
Keyword: automation | digital single market | consumer protection | patents licence | personal data | motor vehicle | discrimination on the basis of nationality | copyright | electronic commerce | multinational enterprise | cross-frontier data flow | investment promotion | digital technology | start-up | audiovisual communications policy
Summary: Digitalisation is transforming our societies – new types of business activity are emerging and consumer habits are rapidly evolving. The internet, broadband networks, mobile applications, IT services and hardware form the basis of the digital economy which has a dynamic that is fundamentally different to that of more traditional sectors: it strengthens cooperation, enables a higher volume of cross-border activity and is a major factor in increasing prosperity and growth overall. In this context, regulators and legislators are faced with a dilemma: How to legislate at national or at regional level on issues which are truly global? How to avoid unhealthy regulatory and taxation competition between the US and the EU? How to ensure that the US and the EU join forces regarding the development of a global digital economy? Will a joint approach of leading global economies lead to global impacts? These are just a few of the questions to which the EU and the US must find answers in order to allow the smooth and fair development of the digital economy and digital transatlantic and global markets. This briefing forms part of a broader research project on the perspectives on transatlantic cooperation in the US election year, requested by the Chair of the European Parliament's delegation for relations with the United States.

The Portability of Online Services as Part of the Modernisation of Copyright in the European Union

Publication type: In-Depth Analysis
Date: 15-06-2016
Policy area: Intellectual Property Law
Keyword: electronic commerce | digital single market | consumer protection | telecommunications | literary and artistic property | EU law | digital technology | data protection | copyright | proposal (EU)
Summary: Upon request by the JURI Committee, this In-depth-Analysis identifies and analyses the recent proposal of the European Commission concerning a regulation on ensuring the cross-border portability of online content in the internal market, COM(2015)627 in the context of the modernisation of EU-Copyright rules.
**Lawsuits triggered by the Volkswagen emissions case**

**Publication type** Briefing  
**Date** 30-05-2016  
**Author** Maria Niestadt  

**Policy area** Environment | Transport | Consumer Protection  

**Keyword** United States | legal aid | consumer protection | combustion gases | associated action for damages | fraud | civil proceedings | indemnification | non-governmental organisation | motor vehicle pollution | diesel engine | motor vehicle industry | industrial manufacturing  

**Summary** In September 2015, the United States Environmental Protection Agency claimed that Volkswagen had installed illegal software on some of its diesel vehicles, to modify emissions of certain air pollutants. Subsequently, the company has been the subject of legal action brought by consumers, investors, non-governmental organisations and government agencies. In many cases, the plaintiffs have gathered their actions together into collective (or class action) complaints. In the United States, complaints have been filed by law firms, government departments and even individual states (including the US Justice Department and US Federal Trade Commission, as well as the states of Texas, New Mexico and New Jersey). This briefing provides a non-exhaustive overview of the range of lawsuits under way, many of them still in their initial stages. Several countries around the globe have opened more general investigations on whether car manufacturers respect vehicle emission limits on the road, as opposed to under test conditions. Some other carmakers are suspected also to have used software that manipulates emission levels, similar to that used by Volkswagen. In April 2016, Volkswagen agreed in principle with the US authorities and US class action plaintiffs to buy back, or modify or cancel the leases of affected vehicles. US consumers might also receive substantial compensation. Final details of the settlement are expected in June 2016. No similar agreement has been reached in Europe.

**Briefing EN**

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**Energy poverty: Protecting vulnerable consumers**

**Publication type** Briefing  
**Date** 24-05-2016  
**Author** Nikolina SAJN  

**Policy area** Social Policy | Energy | Consumer Protection  

**Keyword** poverty | aid to disadvantaged groups | economic consequence | price of energy | consumer price | consumer protection | climate change policy | energy efficiency | application of EU law | social problem | energy saving  

**Summary** Between 50 million and 125 million people in the EU are at risk of energy poverty – unable to keep their homes warm or pay their bills. The underlying causes are generally considered to be low incomes, high energy prices and poor energy efficiency of the living space, with market conditions and social environment also playing a role. The EU deals with this issue most directly through the Electricity and Gas Directives, which require Member States to define vulnerable customers in their energy market and protect them. The Directives do not include a common EU definition of energy poverty. But the European Commission suggests it could be defined as households spending too much – possibly twice as much as the average – on energy products, and households that have difficulties in paying their energy bills. Member States use various measures to fight energy poverty, including payments through their general social systems, social energy tariffs, limitations on disconnection due to non-payment, improvements in energy efficiency, better information and protection of vulnerable customers. However, a number of studies warn that, without robust energy efficiency measures, EU energy and climate policy could increase the risk of energy poverty, primarily due to the costs of financing the transition to renewable energies through utility bills. The Parliament has warned about this danger and has recently asked the Commission and the Member States to introduce a winter heating disconnection moratorium, as well as no interest credits for energy efficiency improvements and renewable energy investments for low income households.

**Briefing EN**  
**Multimedia EN**

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**Delivering a new deal for energy consumers**

**Publication type** At a Glance  
**Date** 23-05-2016  
**Author** Alex Benjamin WILSON  

**Policy area** Energy  

**Keyword** energy supply | price of energy | consumer protection | energy efficiency | energy law | sustainable development | energy consumption | measuring equipment | data protection | energy saving  

**Summary** In July 2015 the European Commission published a communication ‘Delivering a New Deal for Energy Consumers’, outlining its views on the role of consumers in the Energy Union. This argues that retail energy markets in the EU have not kept up with broader transformations in the energy sector and need to be improved so that consumers can play a more active role and benefit more fully from the single market, renewable energies and new technologies. At the May II plenary session the Parliament is due to vote an own-initiative resolution concerning the 'New Deal'.

**At a Glance EN**
Contracts for supply of digital content: A legal analysis of the Commission’s proposal for a new directive

Publication type: In-Depth Analysis  
Date: 23-05-2016  
Author: Rafał MAŃKO  
Policy area: Contract Law, Commercial Law and Company Law | Consumer Protection  
Keyword: single market | digitisation | consumer protection | supply | personal data | contract | EC Directive | EU law - national law | electronic commerce | data protection | digital technology | intellectual property | supplier

Summary: The proposed directive on supply of digital content contains rules on the contractual aspects of the relationship between suppliers and consumers of digital content. The scope ratione materiae of the directive includes not only the supply of digital content to consumers in the strict sense, i.e. the supply of software, digital music, e-books, films and images, but also digital services, in particular rental of on-line computer programs, cloud computing and social media platforms. However, sale of digital content embedded in tangible goods is excluded from its scope. The scope ratione personae extends only to consumer contracts. The directive extends only to contracts concluded for consideration, which can also take the form of digital data, including personal data, provided by the consumer. Regarding criteria for evaluating the conformity of the digital content, the directive ostensibly gives precedence to the contract, before any objective measure of conformity. Subsidiary criteria for evaluating conformity include objective fitness for purpose, international technical standards, as well as public statements. The proposal takes over from the existing acquis the idea of a hierarchy of remedies, meaning that in the case of non-conformity, consumers are barred from terminating or claiming a price reduction, but must first ask the trader to bring the digital content to conformity. However, in case of non-supply, consumers have the right to terminate immediately. They also enjoy the right to terminate regardless of conformity, in cases where the trader modifies the digital content, as well as in long-term contracts. The proposal contains detailed rules on the consequences of termination, in particular with regard to the further use of the consumer’s personal data by the trader, and the further use of digital content by the consumer.

In-Depth Analysis DE, EN, FR

EYE 2016 – Sharing economy: They come in like a wrecking ball

Publication type: At a Glance  
Date: 28-04-2016  
Author: Jana VALANT  
Policy area: Economics and Monetary Issues  
Keyword: barter | new type of employment | economic consequence | labour law | consumer protection | rental business | impact of information technology | tertiary sector | restriction on competition | economic policy | knowledge economy

Summary: The sharing economy (also referred to as the collaborative economy, peer-to-peer economy or collaborative consumption), is based on the sharing of human and physical resources like creation, production, distribution, trade and consumption of goods and services. For consumers, it stresses the shift from ownership towards accessibility. The sharing economy seems to be bringing about an alternative business model to the traditional corporate one. It is taking advantage of new technologies, by using internet platforms as well as information and communications technology applications, and leveraging communities or crowds to rent, share, swap, barter, trade, or sell access to products or services. This note has been prepared for the European Youth Event, taking place in Strasbourg in May 2016. Please click here for the full publication in PDF format

At a Glance  

Contracts for supply of digital content to consumers

Publication type: Briefing  
Date: 25-04-2016  
Author: Rafał MAŃKO  
Keyword: single market | France | proof | United Kingdom | consumer protection | drafting of EU law | jurisdiction | business morals | personal data | Ireland | contract | electronic commerce | Poland | Germany | national law

Summary: On 9 December 2015, the Commission tabled a proposal for a directive on contracts for supply of digital content to consumers. The proposal would cover, with a single set of rules, contracts for the sale of digital content (e.g. when consumers buy music, films, e-books or applications), for rental of digital content (e.g. when consumers watch a movie online, but do not download a copy), as well as contracts for digital services, such as cloud computing and social media. The proposal envisages a maximum level of harmonisation, meaning that it will be prohibited for Member States to enact or retain more consumer-friendly rules within the directive’s scope. Currently, only the UK has enacted rules designed specifically for contracts for supply of digital content. A similar legislative bill was recently discussed in Ireland. Other Member States, such as Germany and the Netherlands, have extended the scope of existing contract rules, especially on consumer sales, to include sale of digital content. Yet in other Member States, such as Poland, there are no explicit rules on supply of digital content, which leads to legal uncertainty and practical difficulties regarding the rights and remedies available to consumers in case of non-conformity.

Briefing  

Source: © European Union, 2020 - EP
Chernobyl 30 years on: Environmental and health effects

Publication type Briefing
Date 22-04-2016
Author Nicole SCHOLZ | Didier BOURGUIGNON
Policy area Environment | Public Health
Keyword radioactive pollution | accidental pollution | consumer protection | radioactive effluent | health care | environmental risk prevention | nuclear accident | food contamination | Ukraine | environmental impact | World Health Organisation | radiation exposure
Summary In the early hours of 26 April 1986, an accident at the Chernobyl nuclear power plant and the explosions it triggered caused a major release of nuclear radioactive material into the atmosphere. Radionuclides were scattered in the vicinity of the plant and over much of Europe. The Chernobyl fallout had a major impact on both agricultural and natural ecosystems in Belarus, Russia and Ukraine, as well as in many other European countries. Radionuclides were taken up by plants and later by animals. In some areas, they were subsequently found in milk, meat, forest food products, freshwater fish and wood. Environmental impacts vary according to location and ecosystem. Forests and freshwater bodies have been among the most affected ecosystems. The impacts on wildlife in the vicinity of the Chernobyl plant are disputed. The impacts on human health have been extensively studied, although experts are not unanimous in their views. Official assessments by United Nations agencies have been challenged. The major population groups exposed were clean-up workers, evacuees and residents of contaminated areas of Belarus, Russia and Ukraine. There has been no clear evidence of any measurable increase in radiation-induced adverse health effects in other European countries. The immediate and short-term effects resulting from heavy fallout exposure include radiation sickness and cataracts. Late effects are thyroid cancer, especially in children and adolescents, and leukaemia among exposed workers. The accident has also had important psychosocial effects.

Reducing Costs and Barriers for Businesses in the Single Market

Publication type Study
Date 11-04-2016
External author Moritz Immanuel GODEL, Annette HARMS, Siôn JONES and Iris MANTOVANI (LE Europe)
Policy area Forward Planning | International Trade | Global Governance | Internal Market and Customs Union | Consumer Protection
Keyword single market | electronic commerce | VAT | public contract | consumer protection | simplification of formalities | administrative formalities | non-tariff barrier | public consultation | intra-EU trade | cost-benefit analysis | electronic government
Summary The study points that reducing business costs and regulatory and market barriers is necessary to complete the Single Market. However, monitoring of barriers and costs in the EU is piecemeal and unsystematic, quantification and clear identification of barriers and costs is lacking, which makes prioritisation of policy actions difficult. Resulting costs of slow reform process and vague initiatives with uncertain time horizons in the area of e-commerce alone amount to €748 billion. As indicated by examples of Estonia and South Korea, ICT and e-government can be particularly efficient in reducing these costs and barriers.
The study was prepared for Policy Department A at the request of the Internal Market and Consumer Protection Committee.

Contract rules for online purchase of digital content and tangible goods (Part of Digital Single Market): Implementation Appraisal

Publication type Briefing
Date 08-04-2016
Author Milan REMAC
Policy area Transposition and Implementation of Law | Evaluation of Law and Policy in Practice | Internal Market and Customs Union
Keyword single market | electronic commerce | impact study | consumer protection | drafting of EU law | application of EU law | contract
Summary The 2015 Commission proposals on contract rules for online purchase of digital content and tangible goods intend to simplify and harmonise the contract rules on the cross-border online purchases in Europe. The proposals introduce various rules with a goal to fully harmonise provisions applicable to online purchases. These proposals try to react to the newest developments in the digital society while updating existing European legislation. Full harmonisation can increase legal certainty on the applicable rules and interest of the customers in making cross-border purchases. As currently various different national contract rules are applied in the MS, full harmonisation would introduce the same rules applicable throughout the whole EU. This harmonisation will in general, simplify and increase customer protection in contract relations conducted online and cross-border. However, full harmonisation might have some negative impact on those MS that already have existing national legislation going beyond the text of the proposals.
Cross Border Acquisitions of Residential Property in the EU: Problems Encountered by Citizens

Publication type: Study
Date: 05-04-2016

External author: Peter Sparkes (University of Southampton), Dilsen Bulut (ZERP, University of Bremen), Magdalena Habdas (University of Silesia), Mark Jordan (Southampton Law School), Héctor Simón Moreno (University Rovira i Virgili, Tarragona), Sergio Nasarre Aznar (University Rovira i Virgili, Tarragona), Tommi Ralli (ZERP, University of Bremen) and Christoph Schmid (ZERP, University of Bremen)

Policy area: EU Law: Legal System and Acts
Keyword: residence | consumer protection | real estate credit | EU Member State | property market | comparative study | free movement of persons | local tax | acquisition of property | national law | administrative formalities | Community migration | real property | land and buildings | EU competence

Summary: This study was commissioned by the European Parliament's Policy Department for Citizens' Rights and Constitutional Affairs at the request of the JURI Committee. It identifies and analyses the legal and practical difficulties that an EU citizen faces when buying properties abroad and investigates what can be done to assist an EU citizen when buying residential immovable property in another Member State, making ten recommendations to improve their lot.

Virtual currencies: Challenges following their introduction

Publication type: Briefing
Date: 22-03-2016

Author: CHRISTIAN SCHEINERT

Policy area: Financial and Banking Issues
Keyword: money laundering | consumer protection | impact of information technology | electronic money | payment system | terrorism | credit guarantee | financial stability | financing method | monetary policy

Summary: Virtual currencies began creating controversy soon after their launch. The nature of virtual currencies is difficult to apprehend, the underlying technology is complicated, their operations are conducted in a decentralised way, and they are almost unregulated. No-one can predict if a particular virtual currency may become a direct competitor for existing currencies in the distant future, or if it might just collapse overnight. What is certain, however, is the high level of volatility demonstrated by today's market leader, Bitcoin.

This raises questions concerning the possible impact of virtual currencies on a number of sensitive fields. It appears that there is little, if any, influence expected on monetary policy, or on the stability of the financial system. However, some danger might arise for payment systems, including reputational damage for systems which are not directly exposed to virtual currencies. The most problematic field is consumer protection, as there are no safety nets, such as deposit guarantee funds, available to alleviate losses. Extending prudential supervision to virtual currencies might be difficult, if not impossible, so most regulators are now pondering how to regulate the points of contact between virtual currencies and fiat money, i.e. where one is exchanged for the other.

The Paris terrorist attacks in late 2015 have revived interest in virtual currencies, as there is a growing fear that they could be used with criminal intent. The European legal framework will be adapted to take the terrorist threat into account.

Briefing: EN
Contracts for the supply of digital content and for the online and other distance sales of goods: Initial Appraisal of a European Commission Impact Assessment

Publication type  Briefing  
Date  17-02-2016  
Author  HUBERT DALLI  
Policy area  Ex-ante Impact Assessment | Internal Market and Customs Union | Contract Law, Commercial Law and Company Law  
Keyword  single market | electronic commerce | impact study | digitisation | consumer protection | supply | personal data | harmonisation of standards | digital technology | data protection | contract | supplier  
Summary  This note seeks to provide an initial analysis of the strengths and weaknesses of the European Commission's Impact Assessment (IA) accompanying the above two Commission proposals (the proposals), submitted on 9 December 2015 and referred to Parliament's Committee on Internal Market and Consumer Protection. In 2011 the Commission published a proposal for a Regulation of the European Parliament and of the Council on a Common European Sales Law (CESL). The European Parliament adopted its first reading legislative resolution on the proposal in February 2014, proposing substantial amendments. It did not receive Council's backing, however. In its Work Programme for 2015, the Commission stated that it would be modifying the CESL proposal and the two proposals under examination are the result of that process. The 2015 Work Programme had announced that the Commission was preparing a strategy to identify and tackle the major challenges towards a digital single market, undertaking, amongst other things, to simplify the rules for consumers making online and digital purchases and to facilitate e-commerce. Please click here for the full publication in PDF format

New EU-wide online dispute resolution platform

Publication type  At a Glance  
Date  16-02-2016  
Author  Jana VALANT  
Policy area  Internal Market and Customs Union | Consumer Protection  
Keyword  single market | electronic commerce | consumer protection | Internet site | business morals | alternative dispute resolution  
Summary  A new web-based platform, which became available on 15 February 2016 in all EU languages, will provide an easy, fast and inexpensive way to assist in resolving disputes between online buyers and traders. The platform is managed by the European Commission. Please click here for the full publication in PDF format

Contracts for online and other distance sales of goods

Publication type  Briefing  
Date  15-02-2016  
Author  Rafał MAŃKO  
Policy area  Internal Market and Customs Union | Contract Law, Commercial Law and Company Law | Consumer Protection | Adoption of Legislation by EP and Council  
Keyword  single market | consumer protection | distance selling | commercial law | codification of EU law | drafting of EU law | producer's liability | contract  
Summary  In December 2015, the Commission proposed a directive on contracts for online and other distance sales of goods (online sale of goods directive). This would partly replace the existing Consumer Sales Directive with regard to distance sales (both online and offline). Unlike the Consumer Sales Directive, the proposed online sale of goods directive would provide for maximum (total) harmonisation, thereby prohibiting Member States from introducing a higher level of consumer protection within the scope of the directive. A more recent edition of this document is available. Find it by searching by the document title at this address: http://www.europarl.europa.eu/thinktank/en/home.html  
The proposed online sale of goods directive is part of the Digital Single Market Strategy, and comes alongside several other proposed legal instruments, notably the digital content supply directive [2015/0287(COD)] and the portability of digital content directive. Although, legally speaking, the proposal is new, in political terms it aims to replace the 2011 proposal for a Common European Sales Law, in line with the commitment made by the Juncker Commission in December 2015.

Food Safety Situation in Ireland and Overview of the European Food and Veterinary Office

Publication type  Study  
Date  15-02-2016  
External author  Sue Keenan  
Policy area  Forward Planning | Public Health  
Keyword  food safety | Food and Veterinary Office | consumer protection | dairy production | labelling | Ireland | food inspection | meat | veterinary inspection | food industry | fishery product | agro-industry | public authorities | meat product | export  
Summary  This study was prepared for Policy Department A at the request of the Environmental, Public Health and Food Safety (ENVI) Committee, and updates the earlier 2013 briefing. It provides an overview of the food safety situation in Ireland. It outlines the Irish food and drink industry, the structure and organisation of the food safety and control system involved in food safety in Ireland and a description of current food safety issues in Ireland. An overview of the structure and competencies of the European Food and Veterinary Office is also provided.
Towards a Digital Single Market Act
Publication type: At a Glance
Date: 11-01-2016
Author: Marcin SZCZEPANSKI
Policy area: Internal Market and Customs Union | Economics and Monetary Issues
Keyword: single market | electronic commerce | transmission network | consumer protection | digital literacy | entrepreneurship | labour shortage | social security | electronic government | corporate finance
Summary: In May 2015, the Commission adopted a strategic proposal entitled ‘A Digital Single Market Strategy for Europe’, comprising 16 legislative and non-legislative initiatives to be delivered by the end of 2016. A report by the Committees on Internal Market and Consumer Protection (IMCO) and on Industry, Research and Energy (ITRE), elaborating on the Strategy and its impact on society and economy, is due to be discussed in plenary in January.

A New Deal for energy consumers
Publication type: Briefing
Date: 05-01-2016
Author: Alex Benjamin WILSON
Policy area: Energy
Keyword: aid to disadvantaged groups | computer crime | fixing of prices | price of energy | protection of privacy | consumer price | consumer protection | energy efficiency | measuring equipment | data protection | energy saving
Summary: On 15 July 2015, the European Commission adopted a Communication on Delivering a New Deal for energy consumers (‘New Deal’), as part of the Summer Energy Package. The New Deal is one of several consumer-related actions envisaged in the Energy Union strategy, and is designed to inform future actions in this field, including proposed legislation.

The New Deal highlights the need for greater transparency around energy prices: wholesale and retail prices are diverging as taxes account for a growing share of energy bills, placing a disproportionate burden on household consumers. It emphasises the importance of easy switching between energy suppliers and calls for the phasing out of regulated retail prices, which discourage market competition and investment in infrastructure. The New Deal argues that greater energy efficiency is necessary, demand response among consumers should be facilitated, and community production initiatives encouraged. The Commission considers that rolling out smart meters across the EU is necessary to encourage greater demand response. Yet the precise cost savings for consumers from smart metering (and demand response in general) remain rather unclear, while smart metering has more positive effects when accompanied by incentives to change patterns of energy use (e.g. dynamic pricing). The New Deal calls for new measures to address vulnerable consumers and energy poverty in the EU, with reports by the Commission and European Parliament shedding light on these issues.

The New Deal seeks to encourage the development of smart homes and networks, which will require a range of new energy technologies. The growing use of ICT in smart grids has raised concerns about data protection and the risk of cyber hacking in smart grids. In past resolutions, the European Parliament expressed strong support for key ideas outlined in the New Deal, and has called for consumers to play a more active role in the energy transition.

The Collaborative Economy
Publication type: Study
Date: 21-12-2015
Author: Lieve VAN WOENSEL | PETER IDE-KOSTIC
External author: External authors: Steve Robertshaw (editor), Nick Achilleopoulos, Johan E. Bengtsson, Patrick Crehan, Angele Giuliani, John Soldatos (AcrossLimits Ltd, Malta)
Policy area: Research Policy | Forward Planning | Global Governance | Consumer Protection
Keyword: consumer protection | electronic money | prospective technological studies | technological change | copyright | social impact | electronic commerce | economic consequence | Internet | impact of information technology | information processing | computer assisted design | data protection
Summary: Ever since its appearance, Internet has allowed us to collaborate with other people remotely. In the 80's, email was the breakthrough that enabled exchange of digital materials. In the 90's, the World Wide Web opened collaboration on web sites. After 2000, social media and e-meeting technologies enabled face-to-face interaction with others via the Internet. New modes of collaboration, such as crowd sourcing, crowd funding, co-creation or open design are reaching mainstream use. Advances in technologies related to Collaborative Internet. Big/Open Data, Crypto Currency and Additive Manufacturing are bringing the Collaborative Economy ever closer to us.

This study reveals a wide range of opportunities and threats associated with these technologies, as well as social, political, economic, moral and ethical issues related to this new way of working. Policy options are presented, in order to help policy makers anticipate developments with effective policies that will nurture the positive impacts of collaborative Internet and avoid the negative ones.
Over-the-Top (OTTs) Players: Market Dynamics and Policy Challenges

Publication type: Study
Date: 15-12-2015

External author: Ilsa GODLOVITCH (WIK), Bas KOTTERINK (TNO), J. Scott MARCUS (WIK), Pieter NOOREN (TNO), Jop ESMEIJER (TNO) and Arnold ROOSENDAAL (TNO)

Policy area: Internal Market and Customs Union
Keyword: programmes industry | single market | electronic commerce | consumer protection | impact of information technology | audiovisual industry | telecommunications industry | competition law | data protection | start-up | economic analysis | corporate finance

Summary: In this study we (1) explore current and emerging business models for over-the-top (OTT) services (including Voice over IP, instant messaging services, and streaming video and music services); (2) identify costs and barriers to European online service development including over-the-top (OTT); (3) describe the regulatory environment for online services in Europe, contrasting it with the environment for traditional telecom and media services, as well as the environment in some of Europe's major trading partners; and (4) make recommendations to achieve a Digital Single Market. The study was prepared for Policy Department A at the request of the Internal Market and Consumer Protection Committee.

Study EN

How the EU budget is spent: Rights, Equality and Citizenship

Publication type: Briefing
Date: 03-12-2015
Author: Gianluca SGUEO

Policy area: Budget | Gender Issues, Equality and Diversity | Human Rights
Keyword: project evaluation | EU financing arrangements | public awareness campaign | consumer protection | citizens' Europe | anti-discriminatory measure | auditing | rights of the individual | EU programme | legal basis | human rights

Summary: The Rights, Equality and Citizenship Programme aims to protect equality and the rights of persons, as enshrined in the Treaty on the Functioning of the European Union, the Charter of Fundamental Rights of the European Union (EU) and the international human rights conventions to which the European Union has acceded. The programme has nine specific objectives, ranging from the promotion of non-discrimination to the enforcement of consumers' rights, and funds a variety of actions, including awareness-raising and training activities, and support to key European actors involved in the protection of equality and the rights of persons (e.g. Member State authorities implementing European Union law). Please click here for the full publication in PDF format

Briefing EN

Court of Justice rules on passenger compensation for flight delays

Publication type: At a Glance
Date: 02-12-2015
Author: Rafał MAŃKO

Policy area: Contract Law, Commercial Law and Company Law | Consumer Protection
Keyword: transport user | regulation (EU) | consumer protection | application of EU law | civil aviation | indemnification | case law (EU) | technical regulations | Court of Justice of the European Union

Summary: According to EU law, passengers have the right to a fixed level of compensation if their flight is cancelled or subject to a long delay. However, airlines can escape liability if they prove that 'extraordinary circumstances' caused the cancellation or delay. The Court of Justice of the EU has recently ruled that unexpected technical problems cannot count as 'extraordinary circumstances'.

At a Glance EN

TTIP: Customs and Trade Facilitation - Study in Focus

Publication type: At a Glance
Date: 16-11-2015
Author: Mariusz MACIEJEWSKI

Keyword: health control | negotiation of an agreement (EU) | United States | consumer protection | liberalisation of trade | simplification of formalities | anti-dumping measure | trade agreement (EU) | customs cooperation | electronic government

Summary: The study TTIP: Opportunities and Challenges in the Area of Customs and Trade Facilitation assess how TTIP can help to reduce these costs whilst at the same time ensure that consumers are protected from the import of unsafe or dangerous products and EU commercial policy instruments can be properly implemented. This is a short overview of this study.


At a Glance EN
TTIP: Consumer Protection - Study in Focus
Publication type At a Glance
Date 16-11-2015
Author Mariusz MACIEJEWSKI
Keyword negotiation of an agreement (EU) | United States | consumer protection | liberalisation of trade | powers of the EP | investment protection | trade agreement (EU) | technical regulations
Summary This is a short overview of the in-depth analysis "TTIP: Challenges and Opportunities for Consumer Protection".
At a Glance EN

TTIP Textiles and Labelling - Study in Focus
Publication type At a Glance
Date 16-11-2015
Author Mariusz MACIEJEWSKI
Keyword negotiation of an agreement (EU) | United States | South Korea | consumer protection | originating product | free-trade agreement | non-tariff barrier | labelling | trade agreement (EU) | Canada | textile industry
Summary The study TTIP: Opportunities and Challenges in the Area of Textiles and Labelling looks at the textiles and clothing sector. Relatively high tariffs remain in textiles and clothing and the study considers the opportunities and challenges of reducing these as well as simplifying the complex rules of origin that have been used in the sector. It also analyses the important non-tariff barriers in the sector, such as those concerning labelling and consumer safety. This is a short overview of this study.
At a Glance EN

The EU rules on network neutrality: key provisions, remaining concerns
Publication type Briefing
Date 05-11-2015
Author Tambiama André MADIEGA
Policy area Consumer Protection
Keyword Internet access provider | single market | telemedicine | contract terms | regulation of telecommunications | consumer protection | restriction on competition | web surfer | data transmission
Summary Network neutrality can be described essentially as a non-discrimination principle, requiring that all electronic communication passing through an internet service provider (ISP) network is treated equally. After a lengthy debate, on 27 October 2015, the European Parliament adopted the Telecoms Single Market (TSM) Regulation which includes, inter alia, new rules to safeguard open internet access in the European Union (EU).

The TSM Regulation enshrines a right for end users to access and distribute content of their choice on the internet in EU law and imposes a non-discrimination obligation on ISPs to ensure all internet traffic is treated equally in a way that safeguards the end user's rights. However, ISPs can still depart from the non-discrimination principle in exceptional cases and to implement reasonable traffic management measures. The possibility for ISPs to offer innovative services, i.e. 'specialised services' such as telemedicine services (e.g. health services carried out at a distance), which usually require guaranteed service quality and traffic management has been approved. ISPs and end users also remain free to conclude commercial agreements (e.g. on prices, volume and speed) on the features of the internet access services delivered. However, safeguards have been put in place to ensure that ISPs do not circumvent the non-discrimination principle through the use of specialised services and commercial agreements.

While the compromise text is seen by many commentators as a major step towards ensuring network neutrality in the EU, some remain critical of outstanding loopholes and ambiguities. Concerns have been expressed in particular on how to implement the rules on reasonable traffic management, specialised services and price discrimination practices such as zero rating. Common guidance is needed to avoid diverging approaches throughout the EU.

Briefing EN
Online consumer reviews: The case of misleading or fake reviews

Publication type: Briefing
Date: 27-10-2015
Author: Jana VALANT
Policy area: Consumer Protection
Keyword: ISO | single market | France | United Kingdom | Internet site | consumer protection | European Consumer Centres Network | drafting of EU law | business morals | virtual community | consumer survey | electronic commerce | BEUC | Germany | consumer behaviour
Summary: Online consumer review sites and platforms are tools that are widely used by consumers and are becoming embedded in both consumer behaviour and business models. A 2013 European Consumer Centres’ Network web survey showed that 82% of respondents read consumer reviews before shopping. Tools for increasing consumer awareness and raising their trust in the market should not, however, mislead consumers with fake reviews, which, according to different estimates, represent between 1% and 16% of all ‘consumer’ reviews.

Directive 2005/29/EC, the Unfair Commercial Practices Directive, concerning unfair business-to-consumer commercial practices in the internal market defines misleading or aggressive commercial practices and prohibits, in particular, the practice of falsely representing oneself as a consumer. Misleading or fake reviews undermine consumers’ confidence in the integrity of online reviews and lead to consumer detriment. A fake review can be defined as a positive, neutral or negative review that is not an actual consumer’s honest and impartial opinion or that does not reflect a consumer’s genuine experience of a product, service or business. Some European consumer organisations say review sites would benefit from being regulated, or to some extent standardised.

The problem of fake online reviews not only concerns individual consumers; it can lead to an erosion of consumer confidence in the online market, which can reduce competition. To deal with this issue, some guidelines have already been adopted by consumer enforcement bodies, regulators and other stakeholders, in the EU and internationally. Enforcement actions have also been taken. Fake online reviews should be taken seriously, as more and more consumers buy online, and the practice is becoming increasingly sophisticated.

European single market for electronic communications

Publication type: At a Glance
Date: 20-10-2015
Author: Maria Del Mar NEGREIRO ACHIAGA
Policy area: Internal Market and Customs Union | Economics and Monetary Issues
Keyword: single market | Internet | telephone charges | transmission network | regulation of telecommunications | consumer protection | drafting of EU law | mobile phone | cross-frontier data flow
Summary: The 'Connected Continent' proposal for a single telecoms market, presented in September 2013 by the European Commission, aimed to tackle existing bottlenecks hindering the development of the Digital Single Market (DSM). Progress on two of its elements – an end to roaming charges and EU wide rules on net neutrality – has been achieved, and the compromise agreed in trilogue on these points will be voted during the October III Plenary.

Vehicle emission tests: beyond the VW case

Publication type: At a Glance
Date: 01-10-2015
Author: Didier BOURGUIGNON
Policy area: Environment | Transport
Keyword: approval | environmental standard | atmospheric pollution | consumer protection | fraud | motor vehicle pollution | motor car | business morals | atmospheric pollutant | motor vehicle industry | diesel engine | environmental impact
Summary: It appears Volkswagen has cheated emission tests on its diesel cars in the US, allowing nitrogen oxide (NOx) emissions well above legal limits, with dire consequences on health and the environment. This has highlighted differences between emissions checks in the US and the EU as well as discrepancies between emissions in tests carried out under laboratory conditions and in on road performance, for both pollutants and CO2. However, new testing methods expected to better reflect real-world emissions could be implemented soon.
Tourism and the European Union: Recent trends and policy developments

Publication type: In-Depth Analysis  
Date: 25-09-2015  
Author: Maria Niestadt  
Policy area: Tourism  
Keyword: travel | consumer protection | EU regional policy | economic statistics | admission of aliens | small and medium-sized enterprises | electronic commerce | economic consequence | tourist exchange | consumer behaviour | tourism policy | common transport policy | EU competence | Treaty of Lisbon

Summary: Tourism is the third largest socio-economic activity in the European Union, making an important contribution to the EU economy and to job creation. Europe is the most visited region in the world. However, tourism in other regions is growing faster and Europe’s market share, in terms of international tourist arrivals and receipts, is shrinking.

Tourism businesses in the EU are confronted with a number of changes in tourist profile and behaviour, for example in terms of age, country of origin, how they plan and buy their travel, or which mode of transport they use.

Tourism policy remains a competence of the Member States. As the Treaties allow the EU only to support, coordinate or supplement the actions of the Member States, EU tourism policy has been rather limited, consisting mainly in providing financial support or legislating through other EU policies. The current framework for tourism policy is based upon a 2010 Communication; a revised strategy is expected to be adopted by the European Commission later in 2015.

Big Data and Smart Devices and their Impact on Privacy

Publication type: Study  
Date: 21-09-2015  
External author: Gloria González Fuste and Amandine Scherrer  
Policy area: Area of Freedom, Security and Justice  
Keyword: protection of privacy | consumer protection | advertising | impact of information technology | data collection | business morals | theory of marketing | personal data | EU law | data protection | information storage

Summary: The numerous debates triggered by the increased collection and processing of personal data for various – and often unaccountable - purposes are particularly vivid at the EU level. Two interlinked, and to some extent conflicting, initiatives are relevant here: the development of EU strategies promoting a data-driven economy and the current reform of the EU personal data protection legal framework in the context of the adoption of a General Data Protection Regulation (GDPR). In this context, and focusing on the development of Big Data practices, smart devices and the Internet of Things (IoT), this Study shows that the high degree of opacity of many contemporary data processing activities directly affects the right of the individuals to know what is being done with the data collected about them. This Study argues that the promotion of a data-driven economy should not underestimate the challenges raised for privacy and personal data protection and that strengthening the rights of digital citizens should be the main focus of the current debates around the GDPR.

A Digital Single Market Strategy for Europe

Publication type: Briefing  
Date: 15-09-2015  
Author: Marcin SZCZEPAŃSKI  
Policy area: Internal Market and Customs Union | Economics and Monetary Issues  
Keyword: single market | consumer protection | digital literacy | copyright | anti-trust legislation | electronic commerce | information society | information technology | impact of information technology | job creation | telecommunications | interinstitutional cooperation (EU) | digital technology

Summary: The European Commission has proposed a new strategy to create a fully integrated Digital Single Market (DSM), in order to gradually bring down the remaining obstacles and move from 28 national markets to a single one. The strategy comprises a mix of legislative and non-legislative initiatives to be tabled by the end of 2016. It is centred on three pillars: improving access to digital goods and services for consumers and businesses, creating the conditions for digital networks and services to prosper, and maximising the growth potential of the digital economy.

The European Parliament has been a long-standing advocate of ending the current fragmentation of the European market and utilising the full potential of an integrated digital market which would create jobs and growth in the EU. Implementation of the new strategy will require a number of new pieces of EU legislation to be adopted by the European Parliament and Council under the ordinary legislative procedure.

Experts, digital industry, businesses and consumers have generally welcomed the strategy, but some argued that it needs more clarity and that it does not sufficiently cover all obstacles to the fully integrated DSM. Many stakeholders are also expecting difficult negotiations among the Member States.
Contract law and the Digital Single Market: Towards a new EU online consumer sales law?

Publication type In-Depth Analysis
Date 15-09-2015
Author Rafał MAŃKO
Policy area Internal Market and Customs Union | Contract Law, Commercial Law and Company Law | Consumer Protection
Keyword single market | electronic commerce | consumer protection | approximation of laws | commercial law | drafting of EU law | territorial jurisdiction | EU competence | contract
Summary In its Digital Single Market Strategy, unveiled in May 2015, the Commission has promised to come up with a revised proposal for a Common European Sales Law by the end of the year. More indications have been given the Commission in an Inception Impact Assessment, published in July 2015. The debate on the revamped proposal will have to address at least five crucial issues. Firstly, the legal form – whether the future online sales law will be a regulation or a directive? Secondly, if the legal form of a directive is chosen, whether total harmonisation or minimum harmonisation would be most appropriate, taking into account the principles of subsidiarity and proportionality? Thirdly, whether it would be sufficient for the instrument to regulate cross-border trade, or should it also extend to purely domestic online transactions? A fourth issue regards the ‘country of origin principle’ – should traders be allowed to rely on their domestic law when selling to consumers abroad? How would that fit with the current system of Rome I and Brussels Ia Regulations? Finally, the debate must focus on the content of the revamped proposal. Should it be copy-pasted from the original CESL, or perhaps tailor-made to online transactions specifically, where both consumers and traders have different interests and expectations than in offline transactions?

The Transatlantic Trade and Investment Partnership (TTIP): Challenges and Opportunities for the Internal Market and Consumer Protection in the Area of Services

Publication type Study
Date 15-09-2015
External author Kenneth HEYDON (London School of Economics and Political Science, the UK)
Policy area Internal Market and Customs Union
Keyword preferential agreement | negotiation of an agreement (EU) | United States | services company | trade restriction | consumer protection | tertiary sector | service industry | trade agreement | provision of services | tariff barrier
Summary This paper was prepared by Policy Department A at the request of the European Parliament’s Committee on the Internal Market and Consumer Protection. It finds that there is significant scope for the EU to benefit from freeing up transatlantic services trade while safeguarding European values and preserving the right to regulate. Importantly, TTIP negotiation of reduced transatlantic regulatory barriers will help unify the internal EU services market, leading to significant increases in intra-EU services trade.

The Paediatric Regulation: Are Children Still Missing Out on Potentially Life-Saving Treatments?

Publication type Study
Date 15-09-2015
External author Olga SOLOMON, Magda CHLEBUS, Karen and Mr Kevin CAPEL and Andrea BIONDI
Policy area Public Health
Keyword private medical treatment | paediatrics | medical research | scientific research | medical device | safety standard | consumer protection | pharmaceutical product | innovation | drug surveillance
Summary This report summarises the presentations and discussions of the Workshop on “The Paediatric Regulation: Are children still missing out on potentially life-saving treatments?” held at the European Parliament in Brussels, on Tuesday 16 June 2015. The aim of the workshop was to discuss the main challenges and future perspectives related to the treatment of children in Europe in view of a potential future revision of the Paediatric Regulation. The first part of the workshop discussed the state of play of the implementation of the Paediatric Regulation. The European Commission presented an overview of the findings of the 2013 Commission progress report on the Paediatric Regulation highlighting the remaining challenges. Some key problems, such as the difficulty to recruit quickly and to find a sufficient number of children patients to conduct clinical trials, were also presented from the industry perspective. The second part of the workshop focused on practical experiences and policy options for improved medicines for children. Still too often, children die from diseases which could be cured with the right treatments. All participants agreed that the Regulation provides a good basis, but that it needs further improvements and fine-tuning to ensure that children are not missing out on life-saving treatments. This workshop and the respective document were prepared by the Policy Department A at the request of the Committee on Environment, Public Health and Food Safety.
Consumer protection in the EU: Policy overview

Publication type: In-Depth Analysis
Date: 01-09-2015
Author: Jana VALANT
Policy area: Internal Market and Customs Union | Consumer Protection
Keyword: single market | quality standard | United States | consumer protection | distributive trades | data collection | application of EU law | EU growth strategy | labelling | service | electronic commerce | negotiation of an agreement (EU) | consumer policy
Summary: ‘Consumers, by definition, include us all. They are the largest economic group in the economy, affecting and affected by almost every public and private economic decision’, were the words of US President JF Kennedy in 1962, which marked the dawn of consumer rights.

A lot has changed since then, but the fast-paced and ever-changing world is still a constant in our daily lives as consumers. In recent years, EU consumer policy has shifted from the technical harmonisation of standards to the recognition of consumer protection as a part of the effort to establish a ‘Europe for citizens’. But what precisely does the European Union’ consumer protection legislation encompass and which tools are used to monitor and improve the protection of European consumers? This document seeks to answer these questions, providing a snapshot of the main consumer policy developments in recent years, together with success stories, shortcomings and future challenges for legislators.

TTIP: Challenges and Opportunities in the Area of Textiles and Labelling

Publication type: In-Depth Analysis
Date: 31-08-2015
Author: Roberto BENDINI | Mariusz MACIEJEWSKI
Policy area: Internal Market and Customs Union | Consumer Protection
Keyword: consumer information | negotiation of an agreement (EU) | United States | consumer protection | free-trade agreement | powers of the EP | non-tariff barrier | production cost | labelling | textile industry | harmonisation of standards
Summary: The paper, produced by Policy Department A for the IMCO committee, analyses opportunities and challenges of TTIP for the EU in textile and clothing (T&C). This area differs from other industrial sectors in that average tariff levels are relatively high and a number of tariff peaks still exist. It would not be difficult to negotiate the complete phase out of all tariff barriers and obtain gains for consumers and firms. A more challenging task will be to tackle the existing high level of non-tariff barriers. To be able to exploit the potential gains from trade liberalization, the challenge for EU negotiators is to enter a regulatory co-operation game with the US while maintaining the high level of health and environment protection achieved in the EU.

TTIP: Challenges and Opportunities in the Area of Customs and Trade Facilities

Publication type: In-Depth Analysis
Date: 31-08-2015
Author: Mariusz MACIEJEWSKI | Roberto BENDINI
Policy area: Internal Market and Customs Union | Consumer Protection
Keyword: United States | consumer protection | free-trade agreement | powers of the EP | Canada | security of supply | EU customs procedure | technical barrier | negotiation of an agreement (EU) | South Korea | impact of information technology | trade promotion | tariff barrier
Summary: The trade costs associated with customs and other border controls become more important as tariff barriers are reduced. The EU is in the process of further modernisation of its customs code. It also needs to work with the EU’s trading partners to facilitate trade while protecting consumer interests and the security of the international supply chain. The negotiations on TTIP offer a means of building on existing agreements to further this aim. This paper is about how to make customs more efficient. Others in this series of eight, prepared by Policy Department A for the IMCO Committee, cover the substantive issues in technical barriers to trade, services, procurement and the sectors of textiles and clothing, motor vehicles and machinery sectors. A further paper covers the horizontal issues in regulatory cooperation.
**Competition Policy: Delivering for Consumers, Proceedings of the Workshop**

- **Publication type**: Study
- **Date**: 10-08-2015
- **External author**: Frédéric JENNY, Peter FREEMAN and Isabelle BUSCKE
- **Policy area**: Internal Market and Customs Union | Economics and Monetary Issues | Consumer Protection | Financial and Banking
- **Keyword**: electronic commerce | EU competition policy | economic concentration | consumer protection | consumer behaviour | restriction on competition | opinion poll | business morals | competition law | free competition | international competition | data protection
- **Summary**: Allowing consumers to have a fair share of the benefits resulting from effective competition is one of the targets of competition policy. Better quality and innovative products, more choice and lower prices are the most prominent practical results. However, distortion of competition by antitrust infringements or an inefficient enforcement of competition rules still causes consumer harm. This workshop aims to examine in which areas consumers actually benefit from competition and where there is still room for improvement. This workshop and the respective document were prepared by the Policy Department A at the request of the Committee on Economic and Monetary Affairs (ECON).

**Social situation in Serbia**

- **Publication type**: At a Glance
- **Date**: 17-07-2015
- **Author**: Velina LILYANOVA
- **Policy area**: Foreign Affairs
- **Keyword**: transition economy | poverty | labour law | education policy | youth unemployment | consumer protection | social policy | Serbia | pre-accession strategy | health service | structural unemployment | social security
- **Summary**: By the end of 2015, Serbia expects to move closer to EU membership by opening its first negotiating chapters of the acquis. The social dimension, an integral part of the enlargement process, is mainly covered in Chapter 19 (Social Policy and Employment) of the acquis. Serbia has to address major social policy issues to achieve compliance with the EU's common basic social standards – a condition for successful participation in the single market.

**Codification of Passenger Rights: Cost of Non-Europe Report**

- **Publication type**: Study
- **Date**: 15-07-2015
- **Author**: Monika NOGAJ
- **External author**: Authors of Annex I: Levent Altan, Paola Banfi, Linda De Keyser, Agnieszka Markowska, Nathalie Meuren and Marilena Verbari of Milieu Ltd have written this European Added Value Assessment (EAVA) at the request of the European Added Value Unit of the Directorate for Impact Assessment and European Added Value, within the Parliamentary Research Services (DG EPRS) of the General Secretariat of the European Parliament.
- **Policy area**: European Added Value | Transport | Internal Market and Customs Union | Tourism
- **Keyword**: consumer protection | road transport | codification of EU law | maritime transport | drafting of EU law | carriage of passengers | common transport policy | rail transport | air transport | combined transport | transport regulations | traveller
- **Summary**: Cost of Non-Europe Reports identify the possibilities for economic or other gains and/or the realisation of a 'public good' through common action at EU level in specific policy areas and sectors. This report analyses the costs for citizens and business of the absence of a consolidated framework for Passenger Rights as well as the feasibility and the merits of such a consolidation in a single legislative instrument. Regulatory and practical gaps and inconsistencies in EU passenger legislation result in passengers not being equally protected across the various transport modes. The lack of a consolidated and consistent framework weakens the effective enforcement of Passenger Rights, affects the quality of service and creates barriers for seamless travel. The costs of these shortcomings for transport users and the whole society amount to at least 355 million euro annually. Although requiring a complex legislative effort, the establishment of a single EU framework for passenger rights in the form of an EU Codex would present the highest added value in tackling the current problems. A Common Frame of Reference could be a first step to such consistent and harmonised revision of Passenger Rights.

**Study**

- **EN**

**Multimedia**

- **EN**
Challenges for Competition Policy in a Digitalised Economy

Publication type: Study
Date: 15-07-2015
External author: Nicolai VAN GORP (Ecorys Netherlands) and Olga BATURA (University of Bremen)
Policy area: Internal Market and Customs Union | Economics and Monetary Issues | Consumer Protection | Financial and Banking Issues | Industry
Keyword: communications systems | EU competition policy | merger control | protection of privacy | consumer protection | copyright | anti-trust legislation | electronic commerce | consumer behaviour | patent | innovation | data protection | digital technology
Summary: This study describes the challenges for competition policy in relation to the digital economy. It explores the specific characteristics of digital economy markets and how these characteristics impact competition policy. The study focuses on competition policy and its instruments such as anti-trust laws, merger regulation, State aid and sector regulation. Neighbouring policy fields such as copyright and data protection are outlined where important but not analysed in detail.
This study was prepared by Policy Department A at the request of the Committee on Economic and Monetary Affairs (ECON).

Google antitrust proceedings: Digital business and competition

Publication type: Briefing
Date: 14-07-2015
Author: Cemal KARAKAS
Policy area: Internal Market and Customs Union | Contract Law, Commercial Law and Company Law | Consumer Protection
Keyword: single market | EU competition policy | United States | consumer protection | Internet site | commercial law | information technology | dominant position | mobile phone | digital technology
Summary: Google holds around 90% of the market share for internet search services in most European Economic Area (EEA) countries, and several companies have complained to the European Commission about Google's market dominance. The European Commission has thus formally launched two separate investigations, one on Google's comparison shopping and the other on the company's handling of applications installed on Android operating mobile devices. In April 2015, the Commission sent a Statement of Objections to Google, indicating that the company had abused its dominant position in the European Economic Area (EEA). Google admits that it is dominant, thanks to its innovative products and services, but does not agree that it has abused its position on the market. The Google case may provide an opportunity for the Commission to clarify some aspects of competition law with regard to certain digital practices, and to close the difficult gap between the rights of companies who dominate the market, free competition and consumer protection.

Reform of the European Small Claims Procedure

Publication type: Briefing
Date: 14-07-2015
Author: Rafał MAŃKO
Policy area: Contract Law, Commercial Law and Company Law | Adoption of Legislation by EP and Council
Keyword: simplification of legislation | judicial cooperation in civil matters in the EU | consumer protection | consumer behaviour | commercial law | drafting of EU law | application of EU law | civil proceedings | legal expenses | civil procedure | claim
Summary: Second Edition - July 2015 On 23 June 2015, the European Parliament and the Council agreed on a compromise regarding the reform of the European Small Claims Procedure (ESCP). The compromise, which still requires to be formally adopted by the two co-legislators in the coming months, provides that the ceiling for claims will be raised from the current €2 000 to €5 000. In five years' time the Commission will be asked to look into the possibility of raising the ceiling even further. The court fees charged to claimants will have to be proportional to the value of the claim, but there will be no fixed cap on fees. Member States will have to accept electronic payments of court fees. The Commission's proposal to expand the scope of the ESCP to domestic cases with some cross-border implications was not taken on board. Although for the time being employment cases will not be subject to the ESCP, the Commission will be asked to look into the matter again in five years' time. The use of remote communications technology, like videoconferencing, will be increased and encouraged, although the Member States will not be under a legal duty to install such equipment. This briefing updates an earlier edition of 20 May 2015, PE 557.014.
TTIP: Challenges and Opportunities for the Consumer Protection

**Publication type:** In-Depth Analysis  
**Date:** 15-06-2015  
**External author:** Stephen WOOLCOCK, Barbara HOLZER and Petros KUSMU

**Policy area**  

**Keyword**  
information technology industry | negotiation of an agreement (EU) | technical barrier | United States | consumer protection | free-trade agreement | powers of the EP | motor vehicle industry | machine-tool industry | chemical industry | technical regulations | decision-making

**Summary**  
This in-depth analysis examines options for regulatory cooperation in TTIP and assesses its challenges and opportunities for consumer protection. It looks at existing regulatory approaches illustrated by reference to a range of case studies drawn from other briefing papers in the TTIP series for IMCO. Based on established practice and on the Commission’s recently published proposal on regulatory cooperation, the briefing eventually discusses the likely approach in the TTIP. Despite desirable opportunities there are also significant challenges of reconciling the different regulatory philosophies ahead. In broad terms it finds that the European Parliament’s regulatory powers will not be affected by the Transatlantic Trade and Investment Partnership, but suggests that the EP will need to ensure that the EP’s priorities shape the TTIP regulatory cooperation agenda and not the other way around.

Consumer protection aspects of mobile payments

**Publication type:** Briefing  
**Date:** 22-06-2015  
**Author:** Jana VALANT

**Policy area**  
Internal Market and Customs Union | Consumer Protection

**Keyword**  
malpractice | electronic commerce | computer crime | consumer protection | impact of information technology | advertising | electronic money | business morals | mobile phone | systems interconnection | data protection

**Summary**  
Over the next few years, mobile commerce in Europe is expected to grow at an average compound annual rate of 42%. The way in which consumers purchase goods and services is changing significantly as new technologies permit the development of an increasing number of cashless payment solutions. There are various forms of mobile payment (payment, for which the payment data and the payment instruction is initiated, transmitted or confirmed via a mobile phone or device). They include payments via SMS, direct billing (by adding the payment to the monthly mobile phone bill), mobile web payments (using a credit/debit card or pre-registration at an online payment provider), and Near Field Communication (NFC). However some of the challenges to consumer protection, such as lack of interoperability between mobile payment options, personal data protection, digital identity theft and fraud, prevent greater consumer take-up of mobile payments. Unfair commercial practices in e-commerce relevant to mobile payments include misleading advertising, hidden payment obligation and IP tracking. Other consumer protection issues are dormant assets, lack of accessibility and readability of payment-related information, and concerns related to vulnerable consumers. While the current legislative framework is undergoing revision as a result of the European Commission’s new proposal for a Directive on payment services in the internal market, some stakeholders voice concerns.

Updating rules on novel foods to keep up with scientific advances

**Publication type:** Briefing  
**Date:** 30-06-2015  
**Author:** Tarja LAANINEN

**Policy area**  
Food Safety

**Keyword**  
nanotechnology | approval | food safety | consumer protection | new product | drafting of EU law | foodstuffs legislation | labelling | European Food Safety Authority | foodstuff | food industry | cloning | health risk | interinstitutional cooperation (EU) | proposal (EU)

**Summary**  
To protect public health, new foods or food ingredients (‘novel foods’) require safety assessment and authorisation before they can be placed on the EU market.

The current authorisation process covering novel foods is seen by the food industry as complex, expensive and time-consuming. In addition, stakeholders agree that updating the current Novel Foods Regulation, which dates back to 1997, is urgently needed to reflect scientific and technological advances.

In December 2013, the Commission presented a revised proposal on novel foods. Questions related to cloning have been left out of the proposal, as disagreement concerning food derived from cloned animals led to the failure of the previous attempt at revision of the Regulation in 2008.

The main changes in the new proposal are: the removal of the former novel food categories; a centralised authorisation process; a shift from applicant-based to generic authorisations; and a simplified procedure for traditional foods from third countries.

Interinstitutional trilogue negotiations started in December 2014; the Committee of Member States’ Permanent Representatives (Coireper) approved the resulting compromise text on 10 June, and the EP’s Committee on Environment, Public Health and Food Safety (ENVI) followed suit on 25 June 2015. The text is expected to be voted in plenary in October 2015.

Source: © European Union, 2020 - EP
Europeanisation of civil procedure: Towards common minimum standards?

Publication type: In-Depth Analysis
Date: 11-06-2015
Author: Rafał MAŃKO

Policy area: Area of Freedom, Security and Justice | Public international law | Transposition and Implementation of Law | Private international law and judicial cooperation in civil matters | EU Law: Legal System and Acts | Human Rights

Keyword: judicial cooperation in civil matters in the EU | commercial law | consumer protection | access to the courts | civil law | drafting of EU law | rights of the defence | civil procedure | alternative dispute resolution | enforcement of ruling | European judicial area | EU Charter of Fundamental Rights | EU competence | deepening of the European Union

Summary: The free movement of judgments in the European Area of Justice presupposes a high level of mutual trust between the judiciaries of the Member States. From the citizens' perspective, the key issue is the balancing of the fundamental rights of claimants and defendants, i.e. the right of access to justice (to pursue a claim) and the rights of the defence. Mutual trust in judiciaries can be built in various ways. First of all, through the creation of uniform European procedures in the form of optional instruments, which lead to the pronouncement of judgments on the basis of common rules of procedure. Secondly, sector-specific harmonisation of procedural law is possible, addressing civil procedure in the context of other policy areas, such as intellectual property, competition law or consumer protection. Thirdly, horizontal harmonisation of civil procedure by way of directives is also possible. Up to now, only selected and rather narrow areas of civil procedure have been addressed in this manner. However, a more ambitious project has been launched by the European Law Institute (ELI) in collaboration with the International Institute for the Unification of Private Law (Unidroit), aimed at elaborating European rules of civil procedure. These rules, once finalised, could be the basis of a future directive on minimum standards of civil procedure in the EU.

In-Depth Analysis: DE, EN, FR

TTIP Negotiations: Challenges and Opportunities for Europe - Compilation of 8 At a Glance Notes

Publication type: In-Depth Analysis
Date: 09-06-2015
Author: Kendra PENGELLY | Mariusz MACIEJEWSKI | Ivela OZOLINA


Keyword: customs inspection | common commercial policy | public contract | United States | originating product | consumer protection | free-trade agreement | labelling | market access | technical barrier | negotiation of an agreement (EU) | mechanical engineering | tertiary sector | trade agreement (EU) | textile industry | customs cooperation

Summary: Compilation of 8 at-a-glance notes on 'TTIP: Opportunities and challenges', prepared by the Policy Department A for the Committee on Internal Market and Consumer Protection cover 8 sectors:
- services,
- public procurement,
- technical barriers to trade, including standards,
- customs and trade facilitation,
- consumer protection,
- textiles and labelling,
- motor vehicles and engineering, including machinery.
The analyses done on the opportunities and challenges Europe faces with regard to the negotiations on the Transatlantic Trade and Investment Partnership (TTIP). They examine options of the TTIP from the point of view of EU offensive and defensive interests.

In-Depth Analysis: EN

Reform of the European Small Claims Procedure

Publication type: Briefing
Date: 20-05-2015
Author: Rafał MAŃKO

Policy area: Contract Law, Commercial Law and Company Law | Adoption of Legislation by EP and Council

Keyword: judicial cooperation in civil matters in the EU | labour dispute | protection of privacy | consumer protection | civil proceedings | legal expenses | video communications | civil procedure | jurisdiction ratione materiae | claim | alternative dispute resolution | proposal (EU)

Summary: The European Small Claims Procedure (ESCP) became operational on 1 January 2009, as a special, EU-wide procedure available both to consumers and traders for pursuing cross-border claims within the Internal Market of values not exceeding €2,000. During the first five years of its existence, however, the ESCP has been used only rarely. In 2013, the Commission proposed to amend the ESCP Regulation, to raise the ceiling for claims to €10,000, expand the definition of a 'cross-border case', increase the use of electronic communication, introduce a ceiling on court fees (10% of the claim's value) and oblige Member States to accept payment of court fees in electronic form. In April 2015, Parliament's Legal Affairs Committee adopted its report. It proposes to rename the procedure the 'European Simplified Procedure' and raise the ceiling for claims to €5,000 against natural persons, and €10,000 against legal persons. It is against weakening the cross-border requirement, but would allow claims under labour law and privacy law to be included in the regulation. The Committee would also lower the ceiling for court fees from 10% to 5% of the claim's value.

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Briefing: EN
**Organic food: Helping EU consumers make an informed choice**

**Publication type**: Briefing  
**Date**: 19-05-2015  
**Author**: Ivana KATSAROVA  
**Policy area**: Food Safety | Agriculture and Rural Development  
**Keyword**: organic food | food safety | consumer protection | human nutrition | labelling | organic farming | organic product | sustainable agriculture | genetically modified organism | animal welfare | pesticide residue | environmental impact | marketing | farm prices | agri-foodstuffs | EU statistics  
**Summary**: Organic production is an overall system of farm management and food production that aims at sustainable agriculture, high-quality products and the use of processes that do not harm the environment, human, plant or animal health and welfare. Prompted mainly by environmental concerns and in spite of the higher price of organic products, EU consumers spent over €22 billion in 2013, helping the EU organic market grow by nearly 6%. To help them make an informed choice, the European Commission introduced a specific EU organic logo in 2010, complementing earlier legislation setting up an extensive framework of rules and requirements on the production, processing, handling and certification of organic foods. While demand is mainly concentrated in North America and Europe, over three quarters of the nearly 2 million organic producers worldwide are in Asia, Africa, and Latin America. The EU continues to be a forerunner in organic agriculture thanks to strong consumer demand, strict legal protection and support for organic production. Around one eighth of the world’s organic producers – 260 000 – are situated in the EU, and in 2013 they cultivated over 10 million hectares of land. Within the EU organic market Germany has the largest share (€7.6 billion) followed by France (€4.4 billion), the United Kingdom (€2.1 billion), and Italy (€2 billion). While the sustainable nature of organic farming is generally conceded, its health and nutritional benefits are still widely debated. The use of (organic) pesticides and the possible presence of residues in organically grown crops also attract a lot of attention. Meanwhile, the increasing competition for shoppers and the recent market entry of retail discounters such as Aldi, make analysts fear a price war seriously affecting farmers and food manufacturers. The recent growth in organic farming has also given rise to the so-called ‘conventionalisation hypothesis’, according to which some big organic farms are increasingly functioning as modified models of conventional farms.

**Digital Single Market for Europe**

**Publication type**: At a Glance  
**Date**: 13-05-2015  
**Author**: Rafał MAŃKO  
**Policy area**: Contract Law, Commercial Law and Company Law  
**Keyword**: Digital Single Market for Europe | Digital Single Market | cross-border e-commerce in the EU.  
**Summary**: The European Commission proposed a new strategy to create a deeper Digital Single Market, in order to overcome the current fragmentation into 28 national markets. The strategy comprises a mix of legislative and non-legislative initiatives to be tabled by the end of 2016. However, the first reactions to the strategy have been mixed.

**Digital Single Market and geo-blocking**

**Publication type**: At a Glance  
**Date**: 13-05-2015  
**Author**: Tambiama André MADIEGA  
**Policy area**: Intellectual Property Law | Internal Market and Customs Union  
**Keyword**: cross-border e-commerce | geo-blocking | online service providers | European Commission | EC Directive | insurance contract  
**Summary**: On 6 May 2015 the European Commission unveiled its Digital Single Market Strategy with which, inter alia, it intends to prevent or restrict customers from accessing or purchasing a product or a service online, thereby adversely affecting cross-border e-commerce in the EU.

**Court of Justice ruling on transparency of terms in consumer insurance contracts**

**Publication type**: At a Glance  
**Date**: 07-05-2015  
**Author**: Rafał MAŃKO  
**Policy area**: Contract Law, Commercial Law and Company Law  
**Keyword**: insurance contract | unfair terms of contract | interpretation of the law | preliminary ruling procedure | consumer protection  
**Summary**: European consumers are protected against unfair terms in consumer contracts, including insurance contracts. However, this protection does not extend to terms setting out the essential elements of a contract, such as the extent of the risk covered and the amount of the insurance premium. Nevertheless, if the term under scrutiny is not drafted in 'plain, intelligible language', a court may proceed to evaluate its fairness. The Court of Justice of the EU clarified the concept of 'plain, intelligible language' in a recent decision, stating that a term in a contract can be qualified as such only if it allows an average consumer actually to understand the economic consequences of the term.
**Interactive EU Mapping: Overview of Internal Market and Consumer Protection Related Legislation - Digital Single Market and e-Commerce**

Publication type: At a Glance
Date: 05-05-2015
Author: Iveta OZOLINA | Kendra PENGEanja | Birgit HARDT | Mariusz MACIEJEWSKI
Keyword: single market | electronic commerce | regulation (EU) | transmission network | regulation of telecommunications | consumer protection | directive (EU) | data protection | electronic government | copyright | proposal (EU)
Summary: Overview of Internal Market and Consumer Protection related legislation: Digital single market and e-commerce.

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Publication type: Study
Date: 13-04-2015
Author: Joseph DUNNE
Keyword: single market | citizens' Europe | consumer protection | liberalisation of trade | law of banking | cost-benefit analysis | common security and defence policy | economic analysis | electronic commerce | European social policy | coordination of aid | tourism policy | coordination of EMU policies | trade agreement (EU) | common transport policy | financial legislation
Summary: This study brings together work in progress on a long-term project to identify and analyse the 'cost of non-Europe' in a number of policy fields.

This concept, first pioneered by the European Parliament in the 1980s, is used here to quantify the potential efficiency gains in today's European economy from pursuing a series of policy initiatives recently advocated by Parliament - from a wider and deeper digital single market to better coordinated national and European policies for defence and development. The benefits may be measured principally in additional GDP generated or a more rational use of public resources.

The latest analysis suggests that the European economy could be boosted by almost 1.6 trillion euro per year - or 12 per cent of EU-28 GDP (2014) - by such measures over time. The study is intended as a contribution to the on-going discussion about the European Union's policy priorities over the current five-year institutional cycle, from 2014 to 2019.

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**EU Mapping: Overview of Internal Market and Consumer Protection Related Legislation**

Publication type: Study
Date: 13-04-2015
Author: Sebastien VANHOUCKE | Benoît LEFORT | Joanna APAP | Iveta OZOLINA | Birgit HARDT | Julia FERGER | Bozica MATIC | Carine PIAGUET | Mariusz MACIEJEWSKI | Marlies DESOMER | Anders GRONBÆCH JORGENSEN
Keyword: single market | electronic commerce | freedom to provide services | public contract | consumer protection | customs union | free movement of goods | carriage of passengers | EU law | financial services | free movement of persons
Summary: This paper prepared by the Policy Department A Economic and Scientific Policy and the Secretariat of the Committee on Internal Market and Consumer Protection (IMCO) provides a graphic overview on core legislation in the area of the Internal Market and Consumer Protection. The presentation essentially covers the areas within the responsibility of the Committee on Internal Market and Consumer Protection, hence it starts with core IMCO areas but also displays neighbouring areas of other Committees' competences which are closely connected to and impacting on IMCO's work.
**Interchange fees for card-based payment transactions**

**Publication type** Briefing  
**Date** 27-02-2015  
**Author** Cécile REMEUR  
**Policy area** Financial and Banking Issues  
**Keyword** intra-EU payment | consumer protection | electronic banking | electronic money | law of banking | bank charges | financial services

**Summary** Card-based payments have a growing share of retail payments, as do non-cash payments in both e-commerce and traditional commerce. There are different types of cards, according to their characteristics (debit and credit) and their holders (consumer and commercial). Card schemes are set up as four-party or three-party schemes providing a framework for schemes' fees and rules. Using cards for payments generates costs, which are distributed in the form of fees among the participants in the scheme. Interchange fees are designed to cover a portion of these costs and they are paid by the merchant's bank to the cardholder's bank, per transaction. In the European Union (EU), the payment services framework is currently under review to take account of developments in the payments area. The current review specifically addresses interchange fees for card-based payments in a separate legislative instrument. The interchange fees associated with four-party schemes raise concerns, for reasons which include their varying levels across the EU, their influence on prices and their impact on new entrants on the card market. So far, antitrust authorities have assessed whether specific agreements were anticompetitive or not, and whether they could be accepted or whether commitments to adapt the schemes would be sufficient to make them compatible. The proposal for a regulation addresses interchange fees at EU level through regulatory means, providing for capping of the interchange fees for cross-border and domestic transactions (after a transitional period) and laying down schemes' business rules. Parliament and Council reached agreement on the proposal in December.

Briefing  [EN](#)

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**Cross-Border Activities in the EU - Making Life Easier for Citizens**

**Publication type** Study  
**Date** 16-02-2015  
**External author** Giesela Rühl (Jena University), Jan von Hein (Freiburg University), Pierre Callé (Paris Sud University, Paris XI), Michael P. Clancy (The Society of Scotland, UK), Christiane Wendehorst (Vienna University), Kurt Lechner (Notary Chamber of Palatinate, Germany), Eva Pötter (Estonian Chamber of Notaries), Paul Lagarde (Université Paris I, Panthéon-Sorbonne, Harm Schegel (Brussels School of International studies), Pablo Cortés (University of Leicester), Giuseppe De Palo (ADR Center Srl) and Gottfried Muenger (Austrian Supreme Court - OGH)  
**Policy area** EU Law: Legal System and Acts  
**Keyword** judicial cooperation in civil matters in the EU | consumer protection | citizens' Europe | conflict of jurisdiction | administrative formalities | family law | law of succession | European private law | free movement of persons | alternative dispute resolution | private international law

**Summary** Compendium of notes distributed on the workshop on "Civil aw and justice forum", held on 26 February 2015 in Brussels.

Study  [DE, EN, FR](#)

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**'Best before' date labels: Protecting consumers and limiting food waste**

**Publication type** Briefing  
**Date** 12-02-2015  
**Author** Jana VALANT  
**Policy area** Consumer Protection  
**Keyword** Internet | fight against wastage | public awareness campaign | consumer protection | information technology | distributive trades | fraud | foodstuff | packaging product | foodstuffs legislation | labelling

**Summary** The 'best before' date, that is the recommended last consumption date, is often confused with the 'use by' date, intended for foods that are highly perishable (such as fresh meat or dairy products). Recent consumer market surveys in the EU show that only a third of consumers are able to correctly interpret the meaning of the 'best before' date. While knowledge of labelling seems to be better in some countries, consumers throughout the EU have difficulties in understanding the labelling scheme. Food labelling rules have been put in place to protect consumers and allow them to make informed choices when buying foodstuffs. Labeling therefore concerns not only the EU agri-food sector and its economic weight, but also its 500 million consumers. Recently some Member States have proposed to scrap 'best before' labelling for certain products like coffee, pasta and rice that have a long shelf-life. This change would help to prevent food waste, which accounts for 90 to 100 million tonnes of food annually in Europe alone, and this figure is expected to grow. The proposed labelling change could therefore be a solution not only to help end the current confusion among consumers but also to reduce food waste. Food losses occur upstream in the food supply chain, and also because of retailer negligence and consumer misinterpretation of labelling.

Briefing  [EN](#)
Proceedings of the Workshop on Novel Foods

Publication type: Study
Date: 06-02-2015
External author: Sue Keenan (Campden BRI), Alan Alldrick (Campden BRI) and Steven Tompkins (ADAS)
Policy area: Food Safety | Consumer Protection | Public Health | Adoption of Legislation by EP and Council | Industry
Keyword: approval | food safety | consumer protection | European Food Safety Authority | new product | foodstuff | food industry | foodstuffs legislation | proposal (EU)
Summary: This report summarises the presentations and discussions during the Workshop on Novel Foods, held on 7 October 2014. The aim of the workshop was to allow an exchange of views between MEPs, the European Commission, stakeholders of the novel foods industry, NGOs, public administration and academia. There is general agreement that amendment to the Novel Foods Regulation is required to reflect scientific and technological advances. Following an outline of the current state of play, presentations focussed on certain aspects of the Novel Foods Regulation and in particular innovation, the importance of novel foods from the industry and consumer perspectives and whether the draft Regulation solves existing problems. The requirement for further amendments was also considered. The Workshop was chaired by MEP James Nicholson, ENVI Rapporteur for the Commission proposal for Novel Foods Regulation.

Study EN

A connected Digital Single Market - State of play and the way forward

Publication type: Briefing
Date: 26-01-2015
Author: Marcin SZCZEPANSKI
Policy area: Internal Market and Customs Union | Economics and Monetary Issues
Keyword: single market | electronic commerce | consumer protection | economic growth | legislative programme (EU) | telecommunications | data protection | copyright
Summary: Information and communication technologies and the digital economy have the potential to improve Europe's productivity and create growth and jobs. The EU has been making efforts to help create a more integrated European digital economy since the mid-1990s. In 2010, the Commission added new momentum to the process, and with the launch of the Digital Agenda set out to reap the benefits of a digital single market for households and businesses. Despite a relatively high level of implementation of the actions on the Agenda and the adoption of numerous legislative initiatives, the Digital Single Market remains fragmented into 28 national markets, and the EU continues to lag behind its main international competitors. The new European Commission recognised these shortcomings and the potential of the internet economy to help Europe recover from the crisis, and so placed completion of the Digital Single Market high on its agenda to the extent that there is now a dedicated project team of 13 Commissioners. In its 2015 Work Programme, the Commission outlined its intentions to conclude work on key pending proposals and table new legislative and non-legislative initiatives in this promising but challenging policy field, however to what extent tangible results will be achieved remains to be seen.

Briefing EN

Network Neutrality Revisited: Challenges and Responses in the EU and in the US

Publication type: Study
Date: 19-12-2014
External author: J. Scott Marcus
Policy area: Internal Market and Customs Union | Consumer Protection | Adoption of Legislation by EP and Council
Keyword: single market | United States | freedom of expression | access to information | consumer protection | regulation of telecommunications | telecommunications policy | competition law | comparative study | market intervention | Internet | telecommunications industry | public consultation
Summary: This analytical study provides background on the debate over network neutrality, including (1) its technological, economic, and public policy aspects, and (2) the implications for European public policy going forward, including the position of the European Parliament on the Telecoms Single Market Regulation that was adopted in the first reading of the European Parliament in April 2014. It includes a comparison between the US, where these issues continue to be debated intensely, and the EU. It was provided by Policy Department A at the request of the Internal Market and Consumer Protection Committee (IMCO).

Study EN

New Trends and Key Challenges in the Area of Consumer Protection

Publication type: In-Depth Analysis
Date: 15-12-2014
Author: Carine PIAGUET
Policy area: Forward Planning | Consumer Protection
Keyword: electronic commerce | unfair terms of contract | protection of privacy | consumer protection | consumer behaviour | impact of information technology | electronic money | data protection | financial services
Summary: This paper, prepared by Policy Department A at the request of the Committee for Internal Market and Consumer Protection, presents the emerging trends having an impact on consumers and identifies the challenges associated to them in the area of consumer protection. It aims at guiding future reflection on policy actions.

In-Depth Analysis EN
Contribution of the Internal Market and Consumer Protection to Growth

Publication type: Study  
Date: 15-12-2014  
External author: Frank Alleweldt  
Policy area: Consumer Protection  
Keyword: poverty | single market | public contract | consumer protection | fiscal policy | EU growth strategy | EU industrial policy | financial services | electronic commerce | economic consequence | energy policy | common transport policy | youth policy | EU employment policy  
Summary: This study first outlines the economic benefits of the EU single market and consumer protection from a general perspective. It then presents key achievements of the Europe 2020 flagship initiatives in deepening the single market and improving consumer protection, as well as remaining barriers. Based on evidence collected with regard to potentially significant economic benefits (including untapped potential in areas beyond the explicit scope of the flagship initiatives), it advocates further leveraging of single market and consumer protection policies in the Europe 2020 strategy to reignite growth.

The economic potential of the ten-point Juncker Plan for growth without debt

Publication type: Study  
Date: 28-11-2014  
Policy area: European Added Value  
Keyword: single market | public contract | freedom to provide services | company law | United States | EU action | consumer protection | free-trade agreement | area of freedom, security and justice | free movement of goods | European tax cooperation | unemployment insurance | common security and defence policy | electronic commerce | energy policy | equal pay | tourism policy | coordination of EMU policies | common transport policy | trade agreement (EU) | financial legislation  
Summary: This study offers a series of provisional estimations of the potential gains to the European Union economy that could be generated over time from pursuing the ten-point plan presented by Jean-Claude Juncker to the European Parliament before he was elected President of the European Commission in July 2014. It forms part of a series of studies being undertaken on the potential added value from European-level initiatives advocated in resolutions of the European Parliament. The text covers seven of the ten guidelines proposed by the Commission President, where quantification can be attempted: A deeper and fairer Internal Market with a strengthened industrial base; A connected Digital Single Market; A deeper and fairer Economic and Monetary Union; A resilient Energy Union with a forward-looking climate change policy; A reasonable and balanced Free Trade Agreement with the United State; Europe as a stronger global actor; An area of justice and fundamental rights based on mutual trust. This attempt to quantify the economic potential of the political guidelines presented by Jean-Claude Juncker, can be read in conjunction with the exercise of Mapping the Cost of Non-Europe 2014-19, which has so far been published by the European Added Value Unit in March and July 2014.

In vitro diagnostic medical devices

Publication type: Briefing  
Date: 20-11-2014  
Author: Gregor ERBACH  
Policy area: Consumer Protection | Public Health  
Keyword: single market | impact study | traceability | approval | medical device | principle of subsidiarity | genetics | consumer protection | bio-ethics | innovation | testing  
Summary: In vitro diagnostic medical devices are tests used on biological samples to determine the status of a person's health. The industry employs about 75,000 people in Europe and generates some €11 billion in revenue per year. In September 2012, the European Commission (EC) published a proposal for a new regulation on in vitro diagnostic medical devices, as part of a larger legislative package on medical devices. The proposed legislation aims at enhancing safety, traceability and transparency without inhibiting innovation. In April 2014, the European Parliament (EP) amended the legislative proposals to strengthen the rights of patients and consumers and take better into account the needs of small and medium-sized enterprises (SMEs). Some stakeholders consider that a provision for mandatory genetic counselling interferes with the practice of medicine in Member States and violates the subsidiarity principle. Device manufacturers warn that the proposed three-year transition period may be too tight.
European Small Claims Procedure - Legal analysis of the Commission's proposal to remedy weaknesses in the current system

Publication type: In-Depth Analysis
Date: 06-11-2014
Author: Rafał MAŃKO
Policy area: Contract Law, Commercial Law and Company Law
Keyword: judicial cooperation in civil matters in the EU | France | consumer protection | England | application of EU law | Netherlands | civil proceedings | Wales | legal expenses | civil procedure | intra-EU trade | Poland | Germany | EC Regulation | Sweden

Summary: The number of small cross-border transactions, usually in business-to-consumer contacts, is steadily growing in the EU. If a transaction ends up in a way which does not satisfy the parties, they may want to go to court to get their money back or make sure a faulty good is repaired. However, national civil procedures are not well adapted for such cross-border litigation over small claims. That is why the EU legislature introduced a European Small Claims Procedure (ESCP) back in 2007. For various reasons, this initiative has not been a success and is being used only sparingly. The in-depth analysis aims at answering the question whether the Commission proposal to amend the ESCP, now before the Legal Affairs Committee of the Parliament, can help to remove the existing shortcomings and turn this procedure into a powerful tool in the hands of European consumers.

In-Depth Analysis DE, EN, FR


Publication type: In-Depth Analysis
Date: 05-11-2014
Author: Carine PIAGUET
Keyword: single market | freedom to provide services | public contract | corporate social responsibility | consumer protection | drafting of EU law | free movement of workers | corporate finance | electronic commerce | economic and social cohesion | common transport policy | trans-European network | intellectual property

Summary: This paper presents the progress made by the EU institutions on the implementation of the set of actions known as the Single Market Act I and the Single Market Act II and published by the European Commission in April 2011 and October 2012. It was prepared by Policy Department A for the information of the European Parliament's Committee on Internal Market and Consumer Protection.

In-Depth Analysis EN

ENVI Relevant Legislative Areas of the EU-US Trade and Investment Partnership Negotiations (TTIP)

Publication type: Study
Date: 05-11-2014
External author: Shailendra Mudgal, Katherine Salès, Alice Landowski, Otto Kern, Juliette Mansard, Christiane Gerstetter, Max Grünig, Elizabeth Dooley, Elizabeth Tedsen, Martin Nesbit, Kamila Paquel and Sirini Withana
Keyword: nanotechnology | United States | comparative law | consumer protection | free-trade agreement | environmental law | energy law | foodstuffs legislation | pharmaceutical legislation | medical device | negotiation of an agreement (EU) | health legislation | plant health legislation | market approval | motor vehicle industry | cloning | trade agreement (EU) | cosmetic product

Summary: This study, prepared by Policy Department A, aims to support Members of the Committee on Environment, Public Health and Food Safety (ENVI) in monitoring on-going negotiations for a Transatlantic Trade and Investment Partnership (TTIP). It analyses the main differences between EU and US legislation in eight areas, namely: human medicines and medical devices, cosmetics, food and nutrition, sanitary and phyto-sanitary, nanomaterials, cloning, raw materials and energy, and motor vehicles. Existing collaboration between the EU and US, progress already achieved in the negotiations and potential future developments in these areas are also addressed.

Study EN

Commitments Made at the Hearing of Vytenis Andriukaitis - Commissioner-Designate

Publication type: Briefing
Date: 04-11-2014
Author: Purificacion TEJEDOR DEL REAL
Policy area: Environment | Research Policy | Food Safety | Public Health
Keyword: organisation of health care | food safety | consumer protection | genetically modified organism | animal welfare | Lithuania | European Commissioner | public hearing | appointment of members | interinstitutional cooperation (EU) | agri-foodstuffs

Summary: Briefing summarises commitments made at the hearing of Vytenis Andriukaitis Commissioner designate for Health & Food Safety.

Briefing EN
Commitments Made at the Hearing of Violeta Bulc - Commissioner-Designate

Publication type: Briefing
Date: 31-10-2014
Author: Piero SOAVE
Policy area: Forward Planning | Transport
Keyword: single market | consumer protection | sustainable mobility | intelligent transport system | Slovenia | public hearing | appointment of members | working conditions | professional qualifications | transport infrastructure | transport safety | European Commissioner | common transport policy | interinstitutional cooperation (EU) | trans-European network | new technology
Summary: In her answers to the questionnaire and during the hearing on 20 October 2014 before the Committee on Transport and Tourism, the commissioner-designate Violeta Bulc made a number of commitments. Commitments relevant to the Committee on Transports and Tourism are highlighted in this document.

Cost of Non-Europe in the Single Market for transport and tourism: tourism policy and passenger rights (Annex III)

Publication type: Study
Date: 28-10-2014
External author: This study has been written by Richard Weston and Nicholas Davies of the University of Central Lancashire and Anna Scuttari, Matthias Wagner and Harald Pechlaner of the European Academy of Bozen/Bolzano, at the request of the European Added Value Unit, of the Directorate for Impact Assessment and European Added Value, within the European Parliamentary Research service (EPRS) of the European Parliament.
Policy area: European Added Value | Transport | Tourism
Keyword: equitable tourism | single market | cost analysis | approximation of laws | disabled person | consumer protection | cultural tourism | rural tourism | small and medium-sized enterprises | traveller | cycle track | intra-EU transport | tourism policy | carriage of passengers | ticket | combined transport
Summary: Cost of Non-Europe Reports identify the possibilities for economic or other gains and/or the realisation of a 'public good' through common action at EU level in specific policy areas and sectors. This Cost of Non-Europe Report seeks to analyse the costs for citizens, businesses and relevant stake-holders of remaining gaps and barriers in the Single Market in transports, as well as to examine the benefits from further action in the tourism sector. This particular study - the third in a series - looks at the cost of non-Europe in European tourism policy and passenger rights legislation. For passenger rights, it analyses existing legislation and policy measures, identifying specific gaps where legislation or further initiatives at European level could be beneficial. In the tourism area, it quantifies in economic terms the potential for efficiency gains and identifies the main areas, in which EU action would further support the development of tourism and help realise the potential gains identified.

Commitments Made at the Hearing of Věra Jourová - Commissioner-Designate

Publication type: Briefing
Date: 24-10-2014
Author: Petr NOVAK | Céline CHATEAU | Ottavio MARZOCCHI | Sarah Salome SY
Keyword: company law | corporate governance | consumer protection | financial solvency | area of freedom, security and justice | maternity leave | appointment of members | children's rights | gender equality | anti-discriminatory measure | European Commissioner | public statement | interinstitutional relations (EU) | data protection
Summary: In her answers to the questionnaires and during the hearing on 1 October 2014 before the Committees on Legal Affairs, on Civil Liberties, Justice and Home Affairs, on Internal Market and Consumer Protection and on Women's Rights and Gender Equality, the Commissioner-designate Věra Jourová made a number of commitments.

Briefing EN
Activities and supervision of institutions for occupational retirement provision

Publication type: Briefing  
Date: 23-10-2014  
Author: Claudio COLLOVA  
Policy area: supplementary pension | impact study | principle of subsidiarity | corporate governance | supervisory power | consumer protection | financial solvency | drafting of EU law | insurance company | financial legislation  
Keyword: Digital economy | body of consumer law | consumer protection | single market | electronic commerce | public contract | economic consequence | regulation | trade agreement (EU) | civil society | intellectual property | transparency in decision-making | impact study | negotiation of an agreement (EU) | genetically modified organism | trade agreement (EU) | civil society | intellectual property  
Summary: This note seeks to provide an initial analysis of the strengths and weaknesses of the Commission's Impact Assessment (IA) accompanying the proposal for the recast of the Directive on institutions for occupational retirement provision (IORP). IORPs are the so-called second pillar of the EU pension system, next to state pension and voluntary private pension schemes. IORPs manage assets for 75 million Europeans (20 per cent of the EU's working age population). This note, prepared by the Ex-Ante Impact Assessment Unit for the Committee on Economic and Monetary Affairs (ECON) of the European Parliament, analyses whether the principal criteria laid down in the Commission's own Impact Assessment Guidelines, as well as additional factors identified by the Parliament in its Impact Assessment Handbook, appear to be met by the IA. It does not attempt to deal with the substance of the proposal. It is drafted for informational and background purposes to assist the relevant parliamentary committee(s) and Members more widely in their work.

Civil Society's Concerns about the Transatlantic Trade and Investment Partnership

Publication type: In-Depth Analysis  
Date: 14-10-2014  
Author: Marika ARMANOVICA | Roberto BENDINI  
Keyword: United States | labour law | commercial arbitration | protection of privacy | consumer protection | free-trade agreement | transparency in decision-making | impact study | negotiation of an agreement (EU) | genetically modified organism | trade agreement (EU) | civil society | intellectual property  
Summary: When the EU and the US launched negotiations on the Transatlantic Trade and Investment Partnership (TTIP) in June 2013, civil society was invited to play 'a constructive and engaged part in defining the content' of this strategic deal. Interest in the TTIP has gone beyond its expected economic impact: the agreement has been seen by some as a way to strengthen the West's weakening grip on the world economy, and by others as a tool for big multinationals to secure unfair advantages at the expense of the rest of society. Civil society groups have come forward with various conditions, demands (including stopping the negotiations) and concrete proposals – in most cases to ensure that the TTIP represents their interests. The TTIP requires extremely complex international negotiations, and its final content is still not known. The result will depend on the outcome of the negotiations and the extent to which they respond to civil society's concerns. However, much will also depend on the way the European Parliament and the Council agree to transpose the provisions of the new deal – if concluded and approved – into existing EU legislation.

The Cost of Non-Europe in the Single Market (Cecchini revisited)

Publication type: Study  
Date: 03-10-2014  
Author: Gabor Zsolt PATAKI  
Policy area: European Added Value | Internal Market and Customs Union  
Keyword: cost analysis | single market | electronic commerce | public contract | economic consequence | consumer protection | tertiary sector | mutual recognition principle | EU Member State | free movement of goods | gross domestic product | digital technology  
Summary: It is well known that the Single Market has contributed significantly to economic growth and consumer welfare in the European Union. It has not however achieved its full potential and economic gains could be secured by better and more effective application of existing legislation and a deepening of the Single Market.&nbsp; This Cost of Non-Europe report seeks to quantify the costs arising from the lack of full integration and analyses the benefits foregone for citizens, businesses and Member States. The report considers the economic cost of market fragmentation and of the gaps and deficits in the free movement of goods, of services, public procurement, the digital economy and the body of consumer law known as the consumer acquis. The report estimates that completing the Single Market in these fields would entail economic gains ranging from 651 billion to 1.1 trillion euro per year, equivalent to a range of 5 % to 8.63% of EU GDP.

23-02-2020  
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The Cost of Non-Europe in the Single Market. Part V - Consumer Acquis

Publication type  Study
Date 02-10-2014
External author  Mark Peacock (GHK Int.)

Policy area  European Added Value | Internal Market and Customs Union
Keyword  single market | electronic commerce | impact study | gaming | consumer protection | consumer credit | producer's liability | cost-benefit analysis | financial services
Summary  Cost of Non-Europe Reports identify the possibilities for economic or other gains and/or the realisation of a 'public good' through common action at EU level in specific policy areas and sectors. This Cost of Non-Europe Report seeks to analyse the costs for citizens, businesses and relevant stake-holders of remaining gaps and barriers in the European Single Market, building on and updating the 1988 Cecchini Report, which quantified its potential benefits. This particular study - the fifth in a series - analyses the gaps in European consumer legislation. It provides a qualitative appreciation of the existing legislation, identifying areas where further EU legislative action could be beneficial, and provides tentative estimates of the costs of failure to legislate. It is not intended as comprehensive quantification, but rather as a 'snap shot' of some benefits which could be attained through completion of the consumer acquis.

Study  EN

The Cost of Non-Europe in the Single Market. Part III - Digital Single Market

Publication type  Study
Date 25-09-2014

Policy area  European Added Value | Internal Market and Customs Union | Economics and Monetary Issues
Keyword  single market | electronic commerce | impact study | intra-EU payment | consumer protection | electronic money | administrative formalities | postal service | cost-benefit analysis | intellectual property
Summary  Cost of Non-Europe Reports identify the possibilities for economic or other gains and/or the realisation of a 'public good' through common action at EU level in specific policy areas and sectors. This Cost of Non-Europe Report seeks to analyse the costs for citizens, businesses and relevant stake-holders of remaining gaps and barriers in the European Single Market, building on and updating the 1988 Cecchini Report, which quantified its potential benefits. This particular study - the third in a series - analyses the gaps in the European digital single market legislation which prevent attaining the benefits of a fully functioning e-commerce single market. It provides a qualitative appreciation of the existing legislation, identifying gaps where further legislative action at European level could be beneficial and quantifying the direct costs of failure to legislate and the potential broader economic impact of closing the gaps.

Study  EN

Rolling Legislative Agenda of the European Union. Europe connects & Europe protects

Publication type  Study
Date 15-09-2014
Author  Klaus WELLE | Philipp SCHULMEISTER | Franck DEBIE

Policy area  Adoption of Legislation by EP and Council
Keyword  single market | common commercial policy | governance | Economic and Monetary Union | citizens' Europe | consumer protection | area of freedom, security and justice | EU industrial policy | common foreign and security policy | EU environmental policy | financing of the EU budget | energy policy | legislative programme (EU) | common transport policy | common agricultural policy | EU employment policy
Summary  For the first time at the beginning of a legislative term the European Council has presented a ‘Strategic Agenda for the Union in Times of Change’, outlining political guidelines in five thematic areas. On these five thematic areas and beyond the European Parliament had, during the past legislative term (2009-2014), developed and adopted numerous initiatives for European legislation, calling on the European Commission for legislative action with a view to addressing the political, economic and societal challenges the European Union is faced with. Some of these legislative requests have been taken up by the Commission and subsequently adopted as part of the European Union’s answers to the financial and economic crisis or together with the new Multiannual Financial Framework. A substantial number of legislative requests were, nevertheless, not addressed. Yet they remain fully valid in view of the European Council’s Strategic Agenda. The present comprehensive document assembles Parliament’s remaining legislative requests, structured according to the thematic blocks of the European Council’s Strategic Agenda and to their individual state of play.

Study  EN
Transatlantic Trade and Investment Partnership (TTIP) Negotiations: State of Play

Publication type Briefing
Date 28-08-2014
Author Elfriede BIERBRAUER
Keyword United States | abolition of customs duties | consumer protection | liberalisation of trade | investment protection | non-tariff barrier | designation of origin | market access | raw material | negotiation of an agreement (EU) | interinstitutional relations (EU) | intellectual property | computer piracy

Summary The negotiations on a comprehensive Transatlantic Trade and Investment Partnership (TTIP) started in June 2013, with enormous political support on both sides of the Atlantic. One year on, after six rounds of negotiations, initial enthusiasm in view of an agreement which would create a transatlantic market free of tariffs and other non-tariff barriers with the aim of boosting growth and creating additional jobs, both in the EU and the US, has given way to defence of own markets. Be it increased access to markets for goods, services and public procurement, closer regulatory cooperation, an investment chapter that includes sound investment protection provisions and an Investor-State Dispute Settlement clause, intellectual property rights, a chapter on energy and raw materials, etc., all the issues involved appear to be contentious in some way for the transatlantic negotiators. The European Parliament, which will have to give its consent to the TTIP (as will the US Congress), has been following the negotiations closely.

Remaining legislative demands of the European Parliament’s 7th legislative term

Publication type Study
Date 01-08-2014
Keyword common commercial policy | single market | EU law | common foreign and security policy | EU environmental policy | European social policy | employment policy | EU budget | digital technology | common agricultural policy | Economic and Monetary Union | citizens’ Europe | consumer protection | area of freedom, security and justice | European tax cooperation | EU industrial policy | small and medium-sized enterprises | financial services | climate change policy | energy policy | telecommunications | common transport policy | interinstitutional cooperation (EU) | consumer policy | common fisheries policy | intellectual property

Summary The “roaming charge” refers to the cost of using mobile communications (typically with a mobile phone) to make and receive voice calls, send and receive data, or access other services, when travelling outside the geographical area of the user’s home network and using another network in the location they are visiting. (Eurostat) Wholesale prices refer to the amount network operators charge each other for carrying traffic, whereas the caller is charged the retail price.

Cloning of Animals: Initial Appraisal of the Commission’s Impact Assessment

Publication type Briefing
Date 16-06-2014
Author Laura ZANDERSONE
Policy area Food Safety | Ex-ante Impact Assessment | Agriculture and Rural Development | Consumer Protection
Keyword food safety | consumer protection | import (EU) | foodstuffs legislation | labelling | animal production | traceability | impact study | meat | animal welfare | milk product | cloning | transgenic animal

Summary This note seeks to provide an initial analysis of the strengths and weaknesses of the European Commission’s Impact Assessment (IA) accompanying its proposals for a directive of the European Parliament and of the Council on the cloning of animals of the bovine, porcine, ovine, caprine and equine species kept and reproduced for farming purposes, and for a Council Directive on the placing on the market of food from animal clones (COM (2013) 892 and COM (2013) 893), adopted on 18 December 2013. It does not attempt to deal with the substance of the proposals and is drafted for informational and background purposes to assist the AGRI committee and its Members in their work.
Single Market Act - State of Play (Update: 10 June 2014)

Publication type: In-Depth Analysis
Date: 16-06-2014
Author: Carine PIAGUET


Keyword: single market | electronic commerce | freedom to provide services | public contract | corporate social responsibility | consumer protection | drafting of EU law | common transport policy | trans-European network | free movement of workers | intellectual property | corporate finance

Summary: The present In-depth Analysis assesses the progress made by the EU institutions on the implementation of the set of actions presented by the European Commission in April 2011 and October 2012 and known as the Single Market Act I and the Single Market Act II. It was prepared by Policy Department A for the information of the European Parliament's Committee on Internal Market and Consumer Protection.

EU Mapping: Systematic Overview on Economic and Financial Legislation

Publication type: Study
Date: 15-05-2014
External author: Katja LANGENBUCHER (Center of Excellence SAFE and Goethe University Frankfurt, Germany), Marcel GELLINGS (Center of Excellence SAFE and Goethe University Frankfurt, Germany), Kai JUNGBLUTH (Center of Excellence SAFE and Goethe University Frankfurt, Germany), in cooperation with European Parliament staff: Julia Ferger, Stephanie Honnefelder, Doris Kolassa, Rudolf Maier, Marcus Scheuren, Ivo van Es

Policy area: Internal Market and Customs Union | Economics and Monetary Issues | Consumer Protection | Financial and Banking Issues

Keyword: company law | Economic and Monetary Union | financial market | consumer protection | law of banking | auditing | competition law | tax law | EU law | insurance law | financial services | money laundering | euro | market supervision | financial legislation | EU statistics | investment company

Summary: This paper prepared by the Policy Department A provides a graphic overview on core legislation in the area of economic and financial services. The presentation essentially covers the areas within the responsibility of the Economic and Monetary Affairs Committee (ECON); hence it starts with core ECON areas but also displays neighbouring areas of other Committees’ competences which are closely connected to and impacting on ECON’s work. It shows legislation in force, proposals and other relevant provisions on i.a. banking, securities markets and investment firms, market infrastructure, insurance and occupational pensions, payment services, consumer protection in financial services, the European System of Financial Supervision, European Monetary Union, Euro bills and Coins and statistics, competition, taxation, commerce and company law, accounting and auditing.

‘EU Safety Tested’ Marking: Impact Assessment of a Substantive EP Amendment

Publication type: Study
Date: 09-04-2014
External author: Van Dijk Management Consultants

Policy area: Ex-ante Impact Assessment | Consumer Protection

Keyword: approval | safety standard | consumer protection | product safety | drafting of EU law | labelling | market supervision | feasibility study | cost-benefit analysis

Summary: Consumers today misinterpret the CE mark as a safety mark, assuming that CE marked products have been tested for safety and approved by some kind of authority. The European Parliament proposes the introduction of a voluntary, new ‘EU Safety Tested’ mark, which could be affixed by manufacturers to all non-food consumer products, regardless of the harmonised or non-harmonised nature thereof, provided they are tested positively by third parties. The objective of this study is to provide an assessment of the probable costs and benefits related to the introduction of an ‘EU Safety Tested’ mark (in general, and more in particular for SMEs), and to assess the feasibility of its introduction.

Study EN
Consumer Product Safety Regulation: Detailed Appraisal of the European Commission's Impact Assessment

Publication type In-Depth Analysis
Date 04-04-2014
Author Claudio COLLOVA
Policy area Ex-ante Impact Assessment | Consumer Protection
Keyword impact study | surveillance concerning imports | consumer protection | originating product | quality control of industrial products | product safety | labelling | producer's liability | distributor | proposal (EU)
Summary This paper seeks to provide a detailed analysis, from a methodological perspective, of part of the European Commission's Impact Assessment (IA) accompanying its proposal for a Consumer Product Safety Regulation (CPSR). Requested by the IMCO Committee, the aim of this analysis is to determine whether the IA covered adequately the following elements of the Commission's proposal: Country of origin marking (Article 7 of the CPSR) and obligations for economic operators (Articles 8 to 11 of the CPSR). It performs the requested 'health check' from two angles. Firstly, it analyses whether the Commission's IA - with regard to the above subjects only - is fit for its overall purpose, which is to aid political decision-making by presenting a comprehensive assessment of the likely impacts of all options. Secondly, it analyses whether the IA meets the standards which the Commission has laid down in its internal Impact Assessment Guidelines, as well as the quality criteria which the Parliament has defined in its resolutions.

Net neutrality in Europe

Publication type Briefing
Date 25-03-2014
Author Ron DAVIES
Policy area Research Policy
Keyword single market | private investment | Internet | freedom of expression | transmission network | regulation of telecommunications | consumer protection | telecommunications policy | protection of communications
Summary Net neutrality means that data communications over a network are all processed in the same way, regardless of sender, receiver, application or content. This principle has historically underpinned the internet. However, some end-users want specialised services that can guarantee that time-sensitive data are delivered promptly, even at peak times. Mandating net neutrality or allowing specialised services at a higher price could have important effects on economic growth and innovation, investment in broadband infrastructure and freedom of expression.

European Small Claims Procedure: Initial Appraisal of the Commission's Impact Assessment

Publication type Briefing
Date 14-03-2014
Author Alexia MANIAKI-GRIVA
Keyword impact study | judicial cooperation in civil matters in the EU | consumer protection | drafting of EU law | civil proceedings | trade dispute | legal expenses | civil procedure | cost-benefit analysis | small and medium-sized enterprises
Summary This note seeks to provide an initial analysis of the strengths and weaknesses of the European Commission's Impact Assessment (IA) accompanying its proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) n°861/2007 establishing a European Small Claims Procedure and Regulation (EC) n° 1896/2006 creating a European order for payment procedure (COM (2013) 794), submitted on 19 November 2013. It analyses whether the principal criteria laid down in the Commission's own Impact Assessment Guidelines, as well as additional factors identified by the Parliament in its Impact Assessment Handbook, appear to be met by the IA. It does not attempt to deal with the substance of the proposal. It is drafted for informational and background purposes to assist the relevant parliamentary committee and Members more widely in their work.

Common European Sales Law

Publication type At a Glance
Date 20-02-2014
Author Rafał MAŃKO
Policy area Contract Law, Commercial Law and Company Law | Consumer Protection
Keyword Common Frame of Reference | single market | electronic commerce | contract terms | consumer protection | commercial law | intra-EU trade | producer's liability
Summary The proposed Common European Sales Law (CESL) is intended to create a uniform set of contract rules available to traders and consumers entering into cross-border transactions in the internal market. The Legal Affairs Committee backs the proposal, but has tabled numerous amendments. However, the Committee on the Internal Market and Consumer Protection, an associated committee under Rule 50, suggested changing the legal form of CESL to a directive.
Consumer Protection Aspects of Financial Services

Publication type: Study
Date: 10-02-2014

External author: Patrice Muller, Shaan Devnani, Richard Heys and James Suter (London Economics)

Policy area: Consumer Protection | Financial and Banking Issues

Keyword: single market | investment transaction | credit insurance | consumer protection | real estate credit | economic discrimination | law of banking | bank charges | credit policy | financial services

Summary: Inadequate consumer protection, especially in the U.S. mortgage market, not only led to considerable consumer detriment but was a major contributor to the global financial crisis. In the EU, mis-selling of financial products has also resulted in significant consumer harm. Considering the significant potential detriment that financial services can cause to individual consumers and to the Single Market, consumer protection policy needs to properly focus on this area. Improved transparency and better informed transactions resulting from such policy will lead to better solutions for consumers and greater market efficiency. A number of recommendations to strengthen consumer protection in the area of financial services are put forward in this study.

Air passenger rights

Publication type: At a Glance
Date: 30-01-2014

Author: Ivana KATSAROVA

Policy area: Transport

Keyword: transport user | consumer protection | civil aviation | indemnification | airline | proposal (EU)

Summary: Updates to the EU rules on air passenger rights are currently under discussion. They are intended to clarify key principles and passenger rights that have given rise to disputes between airlines and travellers in the past.

Fighting food fraud

Publication type: Briefing
Date: 16-01-2014

Author: Jennifer AVERY

Policy area: Area of Freedom, Security and Justice | Food Safety | Agriculture and Rural Development

Keyword: food inspection | consumer protection | Food and Veterinary Office | fraud | business morals | food contamination | labelling | health risk | agri-foodstuffs

Summary: Concern about the rising number of incidents of food fraud has led to calls for stronger action in this area, not least because the food chain in Europe is worth some €750 billion a year. Following the horsemeat scandal, which hit the EU at the beginning of 2013, the European Commission set about restoring consumer and market confidence through a number of measures, including proposals to strengthen controls along the food chain and toughen penalties for fraudsters.

Consumer programme 2014-20

Publication type: At a Glance
Date: 09-01-2014

Author: Jennifer AVERY

Policy area: Consumer Protection

Keyword: single market | consumer protection | economic growth | EU programme | consumer policy | proposal (EU)

Summary: The consumer programme finances actions in the area of EU consumer policy. These aim to create the conditions necessary for EU citizens to participate fully in the single market. The programme for 201420 aims to build on the achievements of the previous programme by strengthening product safety, increasing consumer knowledge and confidence, and enhancing consumer rights as well as their cross-border enforcement.
European Added Value in Action: The Added Value of EU Policy for Airline Services and Air Passenger Rights

Publication type At a Glance
Date 15-11-2013
Author Eva CASALPRIM
Policy area European Added Value | Transport | Consumer Protection
Keyword single market | consumer protection | liberalisation of the market | civil aviation | carriage of passengers | airline
Summary Part of a series of fact sheets on "European Added Value in Action", this note succinctly presents the added value brought by the single market for air passenger services in Europe. Specific policies have been pursued at European level to open up the previously fragmented and largely protected national aviation markets which existed in the EU member states. In the process, they have helped to widen consumer choice, reduce some air fares and enhance the efficiency of the European economy as a whole.

At a Glance DE, EN, FR

Actions for Antitrust Damages: Initial Appraisal of a European Commission Impact Assessment

Publication type Briefing
Date 15-11-2013
Author Claudio COLLOVA
Policy area Ex-ante Impact Assessment | Contract Law, Commercial Law and Company Law | Consumer Protection
Keyword impact study | proof | access to the courts | consumer protection | unlawful agreement | drafting of EU law | admissibility | competition law | damages | principle of legal certainty
Summary This note seeks to provide an initial analysis of the strengths and weaknesses of the European Commission's Impact Assessment (IA) accompanying the proposal for a Directive on Actions for Antitrust Damages, submitted on 11 June 2013. It analyses whether the principal criteria laid down in the Commission's own Impact Assessment Guidelines, as well as additional factors identified by the Parliament in its Impact Assessment Handbook, appear to be met by the IA. It does not attempt to deal with the substance of the proposal. It is drafted for informational and background purposes to assist the relevant parliamentary committee(s) and Members more widely in their work.

Briefing DE, EN, FR

Combating unfair commercial practices

Publication type Briefing
Date 12-11-2013
Author Rafał MAŃKO
Policy area Contract Law, Commercial Law and Company Law | Consumer Protection
Keyword single market | contract terms | consumer protection | approximation of laws | restriction on competition | application of EU law | consumer policy | EC Directive
Summary The Unfair Commercial Practices Directive has been in force since 2005, and Member States were obliged to implement it by 2008. In March 2013, the Commission presented its communication on the implementation of the Directive, and in June 2013 the the EP Committee for Internal Market and Consumer Protection held a first exchange of views with a view to drafting an initiative report on that communication.

Briefing EN

Discrimination of Consumers in the Digital Single Market

Publication type Study
Date 11-11-2013
External author Hans SCHULTE-NÖLKE (University of Osnabrück), Fryderyk ZOLL (University of Osnabrück), Elwira MACIERZYNSKA-FRANASZCZYK (Kozminski University), Sebastian STEFAN (University of Osnabrück), Shaun CHARLTON (University of Osnabrück), Marc BARMSCHEID (University of Osnabrück), Monika KUBELA (University of Osnabrück)
Policy area Public international law | Private international law and judicial cooperation in civil matters | Consumer Protection
Keyword electronic commerce | restrictive trade practice | contract terms | consumer protection | enforcement of ruling | anti-discriminatory measure | consumer policy | provision of services | private international law
Summary The study collates information on discrimination against consumers on grounds of place of residence or nationality in the Digital Single Market (DSM). Collected evidence indicates such practices as refusals to sell or discriminatory conditions depriving consumers of access to goods and services on DSM or obliging consumers to pay higher prices. The study assesses discrimination from the perspective of different areas of European law including Article 20 (2) of Services Directive, Private International Law, Competition Law and Intellectual Property Law, and provides for policy recommendations.

Study EN
**Package Travel and Assisted Travel Arrangements: Initial Appraisal of the Commission's Impact Assessment**

**Publication type** Briefing  
**Date** 15-10-2013  
**Author** Elke BALLON  
**Policy area** Ex-ante Impact Assessment | Consumer Protection | Tourism  
**Keyword** electronic commerce | impact study | consumer protection | application of EU law | travel agency | independent retailer | passenger tariff | trade intermediary | traveller  

**Legal Implications of the EU-US Trade and Investment Partnership (TTIP) for the Acquis Communautaire and the ENVI Relevant Sectors that Could be Addressed During Negotiations**

**Publication type** Study  
**Date** 15-10-2013  
**External author** Christiane Gerstetter (Ecologic institute), Michael Mehling (Ecologic Institute), Andrew Eberle (Ecologic Institute) and Katherine Salès (BIO Intelligence Service)  
**Policy area** Environment | Food Safety | International Trade  
**Keyword** negotiation of an agreement (EU) | United States | food safety | consumer protection | genetically modified organism | environmental protection | Community acquis | civil aviation | toxic substance | investment abroad  
**Summary** This study discusses the potential impact of the Transatlantic Trade and Investment Partnership agreement on the EU acquis in the areas of the environment and food safety. It recommends, in particular, that the European Parliament pay very close attention to the precise wording of provisions regarding the environment, food safety, and investment set out in the final text to ensure that both parties are able to maintain the environmental and consumer protection standards they deem appropriate, as provided for in the European Commission's negotiating mandate.

**Strategic guidelines for aquaculture in the EU**

**Publication type** Briefing  
**Date** 14-10-2013  
**Author** Sarah SHEIL  
**Policy area** Fisheries  
**Keyword** consumer protection | food resources | consumer demand | European fisheries fund | food consumption | sustainable development | EU production | administrative formalities | competitiveness | world production | research and development | common fisheries policy | aquaculture  
**Summary** Worldwide, the aquaculture industry is growing rapidly and playing an increasingly important role in ensuring global food supply, accounting for almost half of all fish and seafood consumption. In the EU, by contrast, the industry has not been part of this global upsurge, but has steadily lost ground despite the fact that the EU is heavily dependent on imports to meet strong consumer demand for fish and seafood.

**Food Safety and Public Health Situation in Serbia**

**Publication type** Study  
**Date** 09-10-2013  
**External author** Food Safety Situation in Serbia: S. Keenan (Campden BRI) and John Hammond (Campden BRI), Public Health Situation in Serbia: Vesna Bjegević-Mikanović, Jennifer McGuinn (Milieu Ltd.) and Damir Petrović (Milieu Ltd.)  
**Policy area** Food Safety | Public Health  
**Keyword** food inspection | food standard | food safety | plant health control | consumer protection | veterinary medicine | veterinary inspection | Serbia | animal disease | public health  
**Summary** This note is composed of two parts. Part one reviews the Serbian food and drink industry, the organisations and controls involved in food safety, food safety concerns, the risk management and risk communication of animal diseases and finally the status of preparation of Serbia against the acquis in the area of food safety. Part two provides an overview of the public health situation in Serbia. It presents the health status of the population and its determinants, and describes the Serbian health care system. It also provides information on the status of, and challenges with regard to, the implementation of the EU acquis.
Updated product rules for recreational boats

Publication type At a Glance
Date 03-10-2013
Author Christopher NEEDHAM
Policy area Internal Market and Customs Union
Keyword single market | pleasure craft | technical standard | consumer protection | product safety | reduction of gas emissions | noise pollution | national implementing measure
Summary The EU has some 6 million motor boats, sailing boats and personal watercraft (jet skis) used for sports and leisure, i.e. non-commercial purposes. The European Commission has proposed to update the Directive which sets out the requirements for such craft to be put on the EU market. In particular it would further tighten environmental requirements and enhance measures to ensure compliance.

European small claims procedure: An opportunity for enhancing cross-border enforcement

Publication type Briefing
Date 03-10-2013
Author Rafał MAŃKO
Policy area Contract Law, Commercial Law and Company Law
Keyword judicial cooperation in civil matters in the EU | translation | consumer protection | consumer behaviour | conflict of jurisdiction | application of EU law | trade dispute | legal expenses | appeal | civil procedure | Treaty of Amsterdam
Summary Legislatures in some EU Member States (MS) have introduced special, simplified and accelerated tracks for small claims in legally uncomplicated cases. Those procedures vary both as regards the threshold and level of simplification. The Treaty of Amsterdam gave the EU powers to harmonise civil procedure. As part of that mandate, the EU has adopted a number of coordination instruments (regulating conflicts of jurisdiction and mutual recognition) and created two autonomous EU civil procedures, including the European Small Claims Procedure (ESCP).

Trademark law in the European Union: Current legal framework and proposals for reform

Publication type Briefing
Date 27-09-2013
Author Rafał MAŃKO
Policy area Research Policy | Intellectual Property Law | Education | Industry
Keyword brand name | consumer protection | approximation of laws | consumer behaviour | European Union Intellectual Property Office | comparative advertising | case law (EU) | EU trade mark | trademark law
Summary The legal framework for trademarks in the EU is based on the coexistence of national trademarks systems, harmonised by a Directive since 1988, and a unitary Community Trademark, introduced in 1994 by a Regulation. In March 2013 the Commission adopted a reform package for EU trademark law.

Unfair contract terms in EU law: Unfair Terms Directive and Common European Sales Law

Publication type Briefing
Date 19-09-2013
Author Rafał MAŃKO
Policy area Contract Law, Commercial Law and Company Law
Keyword unfair terms of contract | sale | consumer protection | consumer behaviour | harmonisation law | case law (EU) | consumer policy | selling price | small and medium-sized enterprises
Summary Standard terms contracts are an inevitable part of everyday transactions for both businesses and consumers. Parties using such contracts may, however, rely on their advantageous position in order to impose unfair terms on the other contracting party. This has prompted national courts and legislatures to implement measures aimed at combating such terms. In order to bring about harmonisation of such measures in consumer contracts, the EU enacted the Unfair Terms Directive in 1993. The Commission's proposal for a Common European Sales Law (CESL) also addresses the issue of unfair terms, not only in consumer contracts, but also in transactions between businesses.
Air Passenger Rights: Initial Appraisal of the Commission's Impact Assessment

Publication type: Briefing
Date: 16-09-2013
Author: Elke BALLON
Policy area: Ex-ante Impact Assessment | Transport | Consumer Protection
Keyword: Social impact | Impact study | Consumer protection | Carnage of passengers | Air safety | Air transport | Air space
Summary: This note seeks to provide an initial analysis of the strengths and weaknesses of the European Commission's Impact Assessment (IA) accompanying its proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 261/2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delays of flights, and Regulation (EC) No 2027/97 on air carrier liability in respect of the carriage of passengers and their baggage by air (COM (2013) 130), submitted on 13 March 2013. It analyses whether the principal criteria laid down in the Commission's own Impact Assessment Guidelines, as well as additional factors identified by the Parliament in its Impact Assessment Handbook, appear to be met by the IA. It does not attempt to deal with the substance of the proposal.

The Challenges of Connected TV

Publication type: Study
Date: 16-09-2013
External author: Alain Modot, Erik Lambert and Bertrand Moullier (Media Consulting Group)
Policy area: Culture
Keyword: Internet | transmission network | Audiovisual production | Technical standard | Consumer protection | Telecommunications policy | Television | New technology
Summary: At the convergence of broadcast and broadband, Connected TV offers opportunities to drive growth, and enhance social inclusion for all European citizens. In order to remedy lack of interoperability, some stakeholders are developing ecosystem strategies to enter new areas of content aggregation and non-linear distribution, while legacy linear TV is demonstrating considerable resilience. Several EU directives are relevant, but the time is not for a deregulatory ‘big bang’. EU Premium content remains strategic and requires long-term incentive policies.

Compliance of Imports of Fishery and Aquaculture Products with EU Legislation

Publication type: Study
Date: 16-09-2013
External author: GOPA Consortium: Carlos PALIN, Charline GAUDIN (GOPA Consultants), Jasmin ESPEJO-HERMES, Linda NICOLAIDES (NRI University of Greenwich)
Policy area: Food Safety | Fisheries
Keyword: Traceability | Food inspection | Food safety | EC Regulation | Consumer protection | Import (EU) | Catch of fish | Fishery management | Fishery product | Aquaculture | Fishing regulations
Summary: The study estimates the level of compliance of fishery and aquaculture products imported into the EU with the current safety and quality EU legislation, as well as with the regulation on IUU fishing. It analyses the process of monitoring and control of FAP imports in relation to these requirements and it investigates to what extent the FAP reaching the EU market comply with the sanitary and IUU Regulation. The study identifies critical issues and proposes recommendations for political actions.

Facilitating damage claims by victims of anti-competitive practices

Publication type: Briefing
Date: 09-09-2013
Author: Marcin SZCZEPANSKI
Policy area: Economics and Monetary Issues
Keyword: EU competition policy | Consumer protection | Approximation of laws | Cartel | Dominant position | Indemnification | Damage | Anti-trust legislation | Judgment of the Court (EU)
Summary: Anti-competitive practices cause substantial harm to the EU's economy, but currently only some Member States provide for victims to sue for damages suffered. Yet, even in these cases, high costs and procedural and legal obstacles may discourage individuals and small and medium-sized enterprises from exercising their rights.
New rules for responsible mortgage lending

Publication type At a Glance
Date 05-09-2013
Author Gregor ERBACH
Policy area Economics and Monetary Issues
Keyword single market | acquisition of property | consumer protection | mortgage bank | advertising malpractice | financial legislation | mortgage
Summary A new Directive on credit agreements relating to residential property aims to facilitate cross-border lending, protect consumers, and prevent irresponsible lending.
At a Glance EN

Towards a reform of EU law on package travel

Publication type Briefing
Date 05-08-2013
Author Rafał MAŃKO
Policy area Transport | Contract Law, Commercial Law and Company Law | Consumer Protection | Tourism
Keyword unfair terms of contract | holiday | consumer protection | financial solvency | advertising malpractice | application of EU law | travel agency | traveller | contractual liability
Summary The tourist sector is an important part of the EU's economy, generating 10% of its GDP. The internet and the rise of low-cost airlines have changed both business approaches and consumer behaviour patterns. Instead of traditional pre-arranged packages, many tourists now either combine the different elements of their holidays themselves or purchase customised packages. In July 2013, the Commission presented a proposal for a new Directive on package travel and assisted travel arrangements. It is aimed at adapting the legal framework to the challenges of the digital era. The European Parliament has supported the idea of reforming the law on package travel in two resolutions.
Briefing EN


Publication type Study
Date 15-07-2013
External author Pauliine Koskelo (Supreme Court of Finland), Schulte-Nölke (University of Osnabrück), John Thomas (Queen's Bench Division) and Christiane Wendehorst (Professor of Law, University of Vienna), Elise Poillot (University of Luxembourg), David Hertzell (Law Commission, the UK) and Diana Wallis
Keyword distance selling | consumer protection | commercial law | intra-EU trade | contract | principle of legal certainty
Study EN

The notion of 'consumer' in EU law

Publication type At a Glance
Date 06-05-2013
Author Rafał MAŃKO
Policy area Contract Law, Commercial Law and Company Law | Consumer Protection
Keyword trade by product | business start-up | consumer protection | approximation of laws | consumer behaviour | liability | consumer policy | small and medium-sized enterprises | private international law | judgment of the Court (EU)
Summary The notion of 'consumer' is a key concept de-limiting the application of consumer-pro-tection rules. However, not only is there no con-sis-tent and uniform definition in EU law, there are also divergences amongst the Member States.
At a Glance EN

Market surveillance and product safety

Publication type Briefing
Date 06-05-2013
Author Cécile REMEUR
Policy area Consumer Protection | Public Health
Keyword single market | electronic commerce | standardisation | traceability | consumer protection | dangerous substance | product safety | supervisory body | exchange of information | marketing
Summary Making sure that economic actors abide by safety standards is a function of market surveillance. This aims to ensure that products circulating in the single market are compliant with the applicable requirements, in particular those for safety. The February 2013 product safety and market surveillance package includes two legislative proposals and a set of 20 actions to be implemented in the interim.
Briefing EN
Online gambling in the EU
Publication type: Briefing
Date: 02-05-2013
Author: Franziska ZIBOLD
Policy area: Area of Freedom, Security and Justice | Internal Market and Customs Union | Contract Law, Commercial Law and Company Law | Consumer Protection
Keyword: VAT | automatic game | Internet | tax collection | fight against crime | consumer protection | fraud | game of chance | case law (EU)
Summary: The online gambling market is growing rapidly with betting being the biggest sector. Gambling is regulated by the Member States (MS). Frameworks vary with some MS having no specific regulation, some employing licensing systems and others imposing complete bans. The independence of MS has also been underlined by EU case law. Gambling is considered an economic activity which falls under the free movement of services and establishment, but several restrictions have been considered justified. Moreover, the obligation for MS to mutually recognise authorisations by other MS has been rejected. It is disputed whether more harmonisation is necessary to tackle the problems and opportunities of the market.

Horsemeat fraud in the food chain
Publication type: At a Glance
Date: 08-03-2013
Author: Sarah SHEIL
Policy area: Food Safety | Agriculture and Rural Development | Consumer Protection
Keyword: food inspection | food safety | prepared foodstuff | consumer protection | European Food Safety Authority | horsemeat | labelling | meat product
Summary: Following the discovery of horsemeat in various processed beef products on sale across Europe, EU-wide testing of meat and meat products is currently ongoing. Initial results will be released by 15 April 2013. While the controversy has reopened debate on control of the food chain, the Commission and Member State (MS) authorities have underlined that there is no evidence so far of a risk to consumer health.

Tackling financial market abuse in the EU
Publication type: Briefing
Date: 22-01-2013
Author: Willemijn DE JONG
Policy area: Economics and Monetary Issues
Keyword: single market | insider trading | financial market | consumer protection | judicial cooperation in criminal matters in the EU | financial legislation | investment | banking supervision | financial services
Summary: In response to the economic crisis and recent scandals involving financial institutions, the European Commission has proposed to update and strengthen the EU's legislative framework against market abuse.

Common European Sales Law - Detailed Appraisal by the EP Impact Assessment Unit of the European Commission's Impact Assessment
Publication type: In-Depth Analysis
Date: 15-01-2013
Author: Elke BALLON | Alexia MANIAKI-GRIVA
Policy area: Ex-ante Impact Assessment | Internal Market and Customs Union | Contract Law, Commercial Law and Company Law | Consumer Protection
Keyword: impact study | sale | consumer protection | approximation of laws | public consultation | intra-EU trade | producer's liability | commercial contract | contract | contractual liability
Summary: This note analyses the Impact Assessment (IA) accompanying the Commission Proposal for a Regulation on a Common European Sales Law from a methodological point of view, without dealing with the substance of the proposal. In general, the IA seems to respect the methodological requirements the Commission has imposed upon itself in it Impact Assessment Guidelines. The problems to be addressed by the proposed legislation are clearly explained, related to the underlying problem drivers and logically presented. The set of possible policy options is sufficiently wide and there is sufficient explanation of the baseline scenario. The Commission seems to have broadly consulted with stakeholders and presents stakeholder positions in the IA. It analyses a broad range of possible impacts for the policy options, with an emphasis on economic impacts (mainly administrative and transaction costs). The Commission attempts to make a quantitative estimation of the transaction costs, at the same time acknowledging that adequate quantitative data are not available. The transformation of the purely qualitative answers of economic operators in Eurobarometer studies and other surveys into quantitative estimations can be criticised as producing unreliable results.
EU-US trade agreement: the issues of consumer protection and food safety

**Publication type** Briefing  
**Date** 05-12-2012  
**Author** Carmen-Cristina CIRLIG  
**Policy area** Research Policy | International Trade | Consumer Protection | Public Health  
**Keyword** electronic commerce | nanotechnology | negotiation of an agreement (EU) | United States | food safety | consumer protection | agricultural product | non-tariff barrier | trade agreement (EU) | intellectual property  
**Summary** Non-tariff barriers and regulatory divergence are considered as the main challenge for a potential comprehensive EU-US trade and investment agreement. Stemming from different values, public preferences and different approaches towards risk management, these regulatory issues are greatest in the fields of protection of health, safety and the environment. Efforts in transatlantic regulatory cooperation date back to the 1990s, but progress has been difficult to achieve.

Integrating the EU’s electronic payments market

**Publication type** At a Glance  
**Date** 16-11-2012  
**Author** Marcin SZCZEPANSKI  
**Policy area** Research Policy | Internal Market and Customs Union | Economics and Monetary Issues  
**Keyword** single market | standardisation | public awareness campaign | consumer protection | electronic banking | electronic money | bank charges  
**Summary** The growing electronic payments market is to a large extent fragmented along national borders. The European Commission (EC) held a public consultation to identify ways to complete its integration into a single market. Responses reflect the opposing views of market incumbents and new entrants, and of payment-service providers and merchants.

Disease Mongering (Pseudo-Disease Promotion)

**Publication type** In-Depth Analysis  
**Date** 15-11-2012  
**Author** Purificacion TEJEDOR DEL REAL | Marcelo SOSA IUDICISSA  
**Policy area** Consumer Protection | Public Health | Industry  
**Keyword** pharmaceutical industry | consumer protection | European Medicines Agency | conflict of interest | pharmaceutical product | health service | public health | disease prevention  
**Summary** Disease mongering is the promotion of pseudo-diseases by the pharmaceutical industry aiming at economic benefit. Medical equipment manufacturers, insurance companies, doctors or patient groups may also use it for monetary gain or influence. It has increased in parallel with society’s ‘medicalisation’ and the growth of the pharmaceutical complex. Due to massive investments in marketing and lobbying, ample use of internet and media, and the emergence of new markets, it is becoming a matter of concern, and policy makers should be aware of its perils and consequences.

Common European Sales Law: A Practical View

**Publication type** In-Depth Analysis  
**Date** 15-11-2012  
**External author** Diana Wallis  
**Policy area** Internal Market and Customs Union | Contract Law, Commercial Law and Company Law | Consumer Protection  
**Keyword** contract terms | sale | consumer protection | intra-EU trade | producer's liability | arbitration | commercial contract | contractual liability  
**Summary** This paper provides a comment on the legislative history of the Common European Sales Law from the perspective of a former rapporteur. It deals particularly with the importance of many of the practical surrounding and related measures such as the provision of standard terms and conditions of trade and ADR and ODR necessary to make the proposal a success.
Consumer Protection under the Proposal for a Common European Sales Law

Publication type In-Depth Analysis
Date 15-11-2012
External author Hans Schulte-Nölke (European Legal Studies Institute, Osnabrück, Germany)
Policy area Contract Law, Commercial Law and Company Law | Consumer Protection
Keyword contract terms | sale | consumer protection | producer's liability | commercial contract | European private law | contractual liability
Summary This briefing note explains the problems which the Common European Sales Law (CESL) sets out to solve, to what extent it actually achieves those goals and where the proposal leaves room for improvement. The paper focuses on consumer contracts concluded between parties located within the EU. It intentionally leaves the many complicated and technical details of Private International Law aside in order to make the basic structures of the current system more visible so that the usefulness of a CESL can be better appraised.

Leasing Society

Publication type Study
Date 15-11-2012
External author Susanne Fischer, Sören Steger, Nino David Jordan, Meghan O'Brien and Philipp Schepelmann (Wuppertal Institute for Climate, Environment and Energy)
Policy area Environment | Internal Market and Customs Union | Consumer Protection
Keyword services company | consumer protection | hire purchase | sustainable development | market research | producer's liability
Summary The vision of a leasing society is characterised by a new relationship between producers and customers. This new relationship is based on innovative and more service-oriented business models to meet customer needs with novel approaches to ownership and responsibility. This study explores the leasing society in four chapters. It (1) examines the basic ideas behind the concept, (2) presents a collection of case studies, (3) summarises strengths and risks, and (4) concludes with policy options that could support the transition to a leasing society.

Proposal for a Regulation on a Common European Sales Law : A Lawyer's Viewpoint

Publication type In-Depth Analysis
Date 15-10-2012
External author Francesco Sciaudone Grimaldi (Studio Legale Italy)
Policy area Contract Law, Commercial Law and Company Law | Consumer Protection
Keyword sale | consumer protection | after-sales service | intra-EU trade | commercial contract | European private law | contractual liability
Summary With reference to B2C transactions, the proposed CESL regulation seems to create unneeded complexity of the legal framework in which consumers and business have to operate, while establishing a burdensome procedure for the choice of CESL as applicable law in the contract. Apart from giving out a certain unease regarding the level of consumer protection afforded by the proposed regulation, such a procedure is likely to discourage both consumers and traders from opting in the system. As to B2B transactions, the CESL seems to overlap with the CISG. This international convention bears several similarities with the proposed CESL and has not proven to be a complete success. The reasons of this partial success may offer EU institutions important lessons for the purpose of avoiding the same problems in the CESL.

Proposal for a Regulation on a Common European Sales Law : Making the Proposal Simpler and More Certain

Publication type In-Depth Analysis
Date 15-10-2012
External author John Thomas (Queen's Bench Division Royal Courts of Justice Strand, London, United Kingdom)
Policy area Contract Law, Commercial Law and Company Law | Consumer Protection
Keyword sale | consumer protection | after-sales service | intra-EU trade | commercial contract | European private law | contractual liability
Summary This briefing note summarises the observations and recommendations set out in the European Law Institute's Statement on the CESL. It is divided into two parts. The first deals with the content of the proposed Regulation. The second deals with measures relating to effective implementation.
The Drafting of the CESL: An Assessment and Suggestions for Improvement

Publication type: In-Depth Analysis
Date: 15-10-2012
External author: Stefan Vogenauer (Institute of European and Comparative Law Faculty of Law, University of Oxford, UK)
Keyword: sale | consumer protection | intra-EU trade | arbitration | commercial contract | European private law | contractual liability
Summary: The drafting of the Commission's current proposal for a CESL is analysed and assessed. Recommendations for improving the drafting are made. The most important recommendation is to allow for sufficient time during the legislative process in order to avoid the technical mistakes that can be found in the proposal in its current form.

The Functioning of the CESL within the Framework of the Rome I Regulation

Publication type: Study
Date: 15-10-2012
External author: Martine BEHAR-TOUCHAIS (Université Panthéon-Sorbonne-Paris I, France) with the collaboration of Zoé JACQUEMIN (Universités Panthéon-Assas-Paris II, France and Humbolt, Berlin, Germany)
Policy area: Internal Market and Customs Union | Consumer Protection | EU Law: Legal System and Acts
Keyword: EU law - national law | EC Regulation | consumer protection | commercial transaction | fraud | law of obligations | intra-EU trade | commercial contract | contract | proposal (EU)
Summary: This study examines the relationship between the CESL and the Rome I Regulation and will attempt to ascertain to what extent this relationship will encourage cross-border B2C trade, by enabling traders wishing to do business throughout the EU to be subject to the CESL's mandatory provisions, rather than the national public policy laws of the 27 European Union Member States. This study will then make it possible to determine whether these overriding mandatory provisions of the CESL provide a high level of consumer protection, compared to the domestic consumer rights legislation in the countries of the European Union.

Reforming the Data Protection Package

Publication type: Study
Date: 21-09-2012
External author: Xawery Konarski (TrapleKonarskiPodrecki and Partners, Cracow, Poland), Damian Karwala (TrapleKonarskiPodrecki and Partners, Cracow, Poland), Hans Schulte-Nölke (European Legal Studies Institute, Osnabrück) and Shaun Charlton (European Legal Studies Institute, Osnabrück)
Policy area: Research Policy | Internal Market and Customs Union | Consumer Protection
Keyword: single market | protection of privacy | consumer protection | amendment of a law | cross-frontier data flow | international standard | digital technology | data protection | proposal (EU) | new technology
Summary: This study aims to provide background information and advice on priority measures and actions to be undertaken in the reform of the data protection package. The study is based upon four aspects: mapping new technologies and services; analysing the internal market dimension; strengthening the rights of the consumer; and international data transfers.

The Proposal for a Common European Sales Law: An e-Business Perspective

Publication type: In-Depth Analysis
Date: 14-09-2012
External author: Hanne Melin (Legislative Counsel Europe, eBay Inc.)
Policy area: Internal Market and Customs Union | Contract Law, Commercial Law and Company Law | Consumer Protection
Keyword: electronic commerce | Internet | consumer protection | approximation of laws | intra-EU trade | commercial contract | contractual liability
Summary: The Internet and new technologies transform commerce and allow traders and consumers to transact irrespective of time, place and device. This paper explains the mechanisms behind the new commerce developing and points to the opportunities it presents. The new commerce also presents new challenges. Traders need another set of expertise and tools, and often opt for partner solutions such as online marketplaces. Policymakers need to rapidly and effectively remove barriers to these evolving commerce patterns. Here, we will need smart and flexible policy to support a better functioning internal market, innovation and investment. The proposed Common European Sales Law is a promising example of an attempt to improve the internal market in a novel way. To ensure it is properly designed to support the new commerce, this paper proposes improvements to the areas of language, user experience, dispute resolution, payment, and consumer obligations.
A Pan-European Trustmark for e-Commerce: Possibilities and Opportunities

Publication type: Study
Date: 10-07-2012
External author: Frank Allerwelt, Senda Kara, Neva Nahtigal, Jan Trzaskowski, Gottlieb Fabisch, Anna Fielder and Peter Megelvang-Hansen
Policy area: Internal Market and Customs Union | Consumer Protection | EU Law: Legal System and Acts
Keyword: single market | electronic commerce | Community certification | Internet | consumer protection | drafting of EU law | digital technology | contractual liability
Summary: Possibilities and opportunities of creating a pan-EU trustmark for ecommerce are examined through analysis of existing trustmarks for ecommerce, the relevant EU legal framework and main policy options for introducing a pan-EU trustmark. The study addresses issues such as the advantages and disadvantages of a pan-EU trustmark, its scope and enforcement, its mandatory or voluntary use by the traders, and the need for legal changes, among others.

Study: EN
Executive summary: DE, FR

Road Map to the Digital Single Market - Prioritising Necessary Legislative Responses to Opportunities and Barriers to e-Commerce

Publication type: Study
Date: 10-07-2012
External author: Alberto BOLOGNINI and Elettra LEGOVINI (Economisti Associati)
Policy area: Intellectual Property Law | Internal Market and Customs Union | Consumer Protection
Keyword: single market | electronic commerce | Internet | consumer protection | impact of information technology | competitiveness | digital technology | data protection | intellectual property
Summary: This note reviews the state of play of the actions promoting the Commission’s Digital Single Market within the framework of the Digital Agenda for Europe and the Single Market Act. It identifies priority actions according to economic growth potential, the rationale and overtime variation of EU legislation, and the degree of consensus or lack thereof. Finally, it highlights synergies and interdependencies between the various actions and offers a rough estimate of the time schedule for their implementation and expected impact.

Study: DE, EN, FR

The Regime of Remedies in the CESL – Suitable and Balanced for SMEs?

Publication type: In-Depth Analysis
Date: 15-06-2012
External author: Dora Szentpaly-Kleis (European Association of Crafts, small and medium-sized Enterprises, UEAPME)
Policy area: Contract Law, Commercial Law and Company Law | Consumer Protection | Industry
Keyword: contract terms | sale | consumer protection | indemnification | producer’s liability | commercial contract | small and medium-sized enterprises | contractual liability
Summary: This paper is based on the position of UEAPME members on the proposal for a regulation on the Common European Sales Law. It gives some general remarks on the proposal as such and focuses in the second part on the different remedies introduced from the point of view of SMEs, one of the main target groups of the proposal. If the aim to boost cross-border business activities is to be achieved, improvements in line with the remarks of this note are necessary.

In-Depth Analysis: EN


Publication type: In-Depth Analysis
Date: 15-06-2012
External author: Alice WAGNER and Jutta Repl (Austrian Chamber of Labour, Vienna, Austria)
Policy area: Internal Market and Customs Union | Contract Law, Commercial Law and Company Law | Consumer Protection
Keyword: single market | unfair terms of contract | sale | consumer protection | harmonisation law | indemnification | consumer policy | contractual liability
Summary: This briefing note provides general comments on the CESL and an overview of the level of consumer protection in the CESL, particularly the unfair contract terms. Furthermore, the note concentrates on the remedies provisions, analysing the legal guarantee provisions and other rights of the buyer from the viewpoint of a consumer organization.

In-Depth Analysis: EN
Remedies under the Proposal for a Regulation on a Common European Sales Law – The View of French Businesses

Publication type: In-Depth Analysis
Date: 15-06-2012
External author: Anne-Laure Constanza (Mouvement des entreprises de France, MEDEF – French Business Confederation)
Policy area: Contract Law, Commercial Law and Company Law | Consumer Protection
Keyword: sale | consumer protection | intra-EU trade | producer's liability | commercial contract | contractual liability
Summary: The substantive provisions of the Common European Sales Law, particularly on remedies, will be acceptable to businesses only if they meet certain conditions. The rules must be easily accessible and ensure legal certainty for transactions. They must also provide a balanced package that does not lead to excessive costs for businesses and that ensures a stable contractual relationship.

Restitution in the Proposal for a Common European Sales Law

Publication type: In-Depth Analysis
Date: 15-06-2012
External author: Christiane Wendehorst (University of Vienna, Austria)
Policy area: Internal Market and Customs Union | Contract Law, Commercial Law and Company Law | Consumer Protection
Keyword: contract terms | sale | consumer protection | intra-EU trade | producer's liability | commercial contract | European private law | contractual liability
Summary: Chapter 17 on restitution should be redrafted, taking Articles 44 to 47 on withdrawal and Article 112 on replacement as a starting point and adapting them to the relevant conditions and tests in the context of termination or avoidance, as well as to the requirements of mass contracts concluded in the digital age. Some policy decisions concerning termination by consumers should be reconsidered. A separate rule on restitution for performance not otherwise due, e.g. where a party has delivered twice in error, would be desirable.

Prescription in the Proposal for a Common European Sales Law

Publication type: In-Depth Analysis
Date: 15-06-2012
External author: Antoni Vaquer (University of Lleida, Spain)
Esther Arroyo (University of Barcelona, Spain)
Policy area: Internal Market and Customs Union | Contract Law, Commercial Law and Company Law | Consumer Protection
Keyword: contract terms | sale | consumer protection | intra-EU trade | producer's liability | claim | commercial contract | European private law | contractual liability
Summary: The rules on prescription in Part VIII, Chapter 18, of the CESL need clarification in order to ascertain whether they only apply to provisions on rights and claims resulting from a sale contract, or whether they are also applicable to any other (related?) right or claim, regardless of its contractual or non-contractual origin. One of the most problematic issues concerns general prescription periods. Furthermore, interpretation problems arise also because of missing definitions, or because the definitions are ambiguous or defective. The systematic approach demands clarification, too.

Collective Redress in Antitrust

Publication type: Study
Date: 12-06-2012
External author: Paolo BUCCIROSSI (Lear), Michele CAPIGNANO (University of Trento), Lorenzo CIARI (Lear), Massimo TGNONI (Lear) and Cristiana VITALE (Lear) with contributions by: Luca AGUZZONI, Marco BELLIA, Gaia BELLOMO and Riccardo ZECCHINELLI
Policy area: Consumer Protection | EU Law: Legal System and Acts
Keyword: consumer protection | approximation of laws | disclosure of information | control of restrictive practices | civil proceedings | jurisdiction | right of action | EU competence | legal basis | collective interest
Summary: Consumers regularly suffer harm in the form of higher prices, lower output, reduced quality and limited innovation as a result of antitrust infringements but they are rarely compensated due to legal and practical obstacles. Collective redress is a mechanism that may accomplish the termination or prevention of unlawful business practices which affect a multitude of claimants or the compensation for the harm caused by such illegal practices. This study analyses the systems of collective redress for breach of competition law in the area of antitrust in the EU. Starting with an overview of the relevant national and EU legislation in this area, it discusses the question of an EU-wide specific system for collective redress in antitrust and the legal basis for a legislative initiative at EU level. Finally, it assesses advantages and limits of different policy options in relation to several procedural rules both generally applying to collective actions and specifically relevant to collective redress in antitrust.
Future of the Single Market Act

Publication type: At a Glance
Date: 08-06-2012
Author: Kalin IVANOV
Policy area: Internal Market and Customs Union
Keyword: single market | consumer protection | EU action | economic growth | application of EU law | research and development | free movement of workers | venture capital | small and medium-sized enterprises | action programme
Summary: The implementation of single market legislation within the Member States continues to face hurdles.

Unfair Contract Terms Provisions in CESL

Publication type: In-Depth Analysis
Date: 15-05-2012
External author: Gerard MCMEEL (University of Bristol, UK)
Policy area: Contract Law, Commercial Law and Company Law | Consumer Protection
Keyword: unfair terms of contract | sale | consumer protection | producer's liability | commercial contract | contractual liability
Summary: This Note addresses the provisions on Unfair Contract Terms in the proposed Common European Sales Law (CESL) for both “business to business” (B2B) and “business to consumer” (B2C) transactions, from the perspective of a lawyer who has both experience as a practitioner and a legal academic. It suggests that the provisions of CESL may be inappropriate in the B2B arena, being both too intrusive, and also failing to provide sufficient structure for the judicial review of potentially unfair terms.

B2B and B2C Clauses and General Terms (Conditions) in Contracts: A Viewpoint from the Italian Companies

Publication type: In-Depth Analysis
Date: 15-05-2012
External author: Tiziana Pompei (Unioncamere - Italian Chamber of Commerce Union, Italy)
Policy area: Internal Market and Customs Union | Contract Law, Commercial Law and Company Law | Consumer Protection
Keyword: unfair terms of contract | sale | consumer protection | approximation of laws | producer's liability | commercial contract | contractual liability
Summary: The CESL could be completed by a “toolbox”: a set of transparent and fair clauses and “well-balanced” standard contractual terms (standard clauses and contracts), translated into all official languages, will encourage new players all across the EU market as well as reinforcing competition, extending the range of choices available for consumers.


Publication type: In-Depth Analysis
Date: 15-05-2012
External author: Ursula Pachl and Agustín Reyna (BEUC, The European Consumer Organisation)
Policy area: Contract Law, Commercial Law and Company Law | Consumer Protection
Keyword: BEUC | unfair terms of contract | sale | consumer protection | producer's liability | contractual liability
Summary: This note presents the perspective of consumer organisation across the EU on the proposed regulation on a Common European Sales Law and its rules on unfair contract terms. It identifies the problematic impact on individual consumers and on the future development of the EU consumer law acquis. It indicates general and specific issues in relation to the introduction of an optional regime on unfair contract terms that should be taken into account by the EU legislators and proposes alternative means for promoting cross border shopping in the EU.

Unfair Contract Terms in B2C Contracts

Publication type: In-Depth Analysis
Date: 15-05-2012
External author: Martijn W. HESSELINK and Marco B.M. LOOS (Centre for the Study of European Contract Law, University of Amsterdam, the Netherlands)
Policy area: Contract Law, Commercial Law and Company Law | Consumer Protection
Keyword: unfair terms of contract | sale | consumer protection | commercial contract | contractual liability
Summary: Because of its textual similarity to the Unfair Terms Directive 1993, Chapter 8 of the proposed CESL, on ‘Unfair contract terms’, can benefit from two decades of interpretative experience which is likely to provide a comparably high degree of instant legal certainty to contracting parties.
Cloud Computing
Publication type Study
Date 14-05-2012
External author Frank Alleweldt, Senda Kara, Anna Fielder, Ian Brown, Verena Weber and Nicholas McSpedden-Brown (Civic Consulting, Berlin, Germany)
Policy area Research Policy | Internal Market and Customs Union | Consumer Protection
Keyword single market | on line data service | data recording | protection of privacy | consumer protection | network server | personal data | systems interconnection | information storage and retrieval | industrial data processing
Summary Cloud computing has, on an unprecedented scale, improved possibilities to share information and internet content as well as access to them. It has enhanced e-commerce and e-government through ubiquitous and omnipresent computing, where access to rich and multi-layered content is based on individual e-identification rather than the device used. The study examines the benefits and challenges of cloud computing, with focus being placed on delivering internet content through an unfragmented Digital Single Market, whilst at the same time protecting consumers. It looks at the special role of the European Union in coordinating cloud computing related policies, in order to avoid 27 different solutions where coordinated efforts could optimise results and lead to considerable savings.
Study ES, DE, EN, FR, IT, PL

Optimal Integration of the European Dispute Resolution Platform
Publication type In-Depth Analysis
Date 15-03-2012
External author Hervé Jacquemin
Policy area Internal Market and Customs Union | Consumer Protection
Keyword electronic commerce | civil liability proceedings | consumer protection | intra-EU trade | producer's liability | arbitration
Summary The objective of this briefing paper is to discuss the possible issues and solutions regarding the optimal integration of the ODR Platform within the current consumer-oriented websites at the EU and national levels, taking into account the possible extent of scope of the Regulation on consumer ODR.
In-Depth Analysis EN

Assessing the Scope of European Online Dispute Resolution Platform
Publication type In-Depth Analysis
Date 15-03-2012
External author Hans Micklitz and Giovanni Sartor
Policy area Internal Market and Customs Union | Consumer Protection | EU Law: Legal System and Acts
Keyword electronic commerce | domestic trade | consumer protection | intra-EU trade | producer's liability | arbitration
Summary The present note addresses the issue of the scope of the European online dispute resolution Platform. In particular it examines whether such a scope can be extended.
In-Depth Analysis EN

Implementation of the Package Travel Directive
Publication type Study
Date 15-03-2012
External author Hans Schulte-Nölke, Anne-Kathrin Barutta, Shaun Charlton, Julia Henning and Elisabeth Spiecker gen. Döhmann (European Legal Studies Institute Osnabrück)
Policy area Consumer Protection | Tourism | EU Law: Legal System and Acts
Keyword electronic commerce | consumer protection | financial solvency | application of EU law | travel agency | independent retailer | trade intermediary | traveller
Summary This study provides an updated evaluation of the Package Travel Directive. Firstly, the implementation of the Directive – especially though the current state of play in the new Member States – is analysed. Particular aspects of the Directive are treated, such as the problem of the travel provider becoming insolvent, issues relating to intermediaries and travel not regulated by the Directive. Secondly, proposals are treated. The Directive is evaluated from the perspectives of stakeholders and consumers. An update is given on the latest relevant legislative developments. This includes, specifically, the Consumer Rights Directive and the proposal for a European Sales Law in e-commerce. As a result, specific overarching proposals are made which may remedy the issues addressed.
Study EN
Compilation of Briefing Papers on Consumer Vulnerability

Publication type: Study
Date: 09-02-2012

External author:
Danish Law: Peter Møgelvang-Hansen, Mette Ohm Rørdam and Jan Trzaskowski (Copenhagen Business School, Denmark)
English Law: Christian Twigg-Flesner (University of Hull, United Kingdom)
Estonian Law: Karin Sein (University of Tartu, Estonia)
German Law: Hans Schulte-Nölke, Shaun Charlton and Wiebke Voß (European Legal Studies Institute Osnabrück, Germany)
Spanish Law: Begoña Alfonso de la Riva (LL.M., Saarbrücken), LL.M. Tax (Osnabrück), José Carlos de Medeiros Nórega (LL.M. European Legal Studies Institute Osnabrück, Germany)


Summary: This set of Briefing Papers assesses the current legislation and policy measures with regard to consumer vulnerability in five Member States: Denmark, Estonia, Germany, Spain and the United Kingdom. The focus is on e-commerce, telecommunications and utilities contracts, and transport.

Implementation of Optional Instruments within European Civil Law

Publication type: Study
Date: 16-01-2012

External author:
Bénédicte FAUVARQUE-COSSON (Université Panthéon-Assas, Paris II, France, Trans Europe Experts - TEE) and Martine BEHAR-TOUCHAIS (Sorbonne School of Law, Paris I, France, Trans Europe Experts - TEE)

Policy area: Consumer Protection | EU Law: Legal System and Acts

Summary: This study examines how European optional instruments are implemented in the Member States. It covers civil law and provides a comprehensive analysis of this innovative method, which although adopted in various fields (civil procedure, intellectual property, companies), was not organised or even clearly identified as such by the European legislator until a proposal for a regulation on a Common European Sales Law (11 October 2011) revealed its full potential. The study, which is based on field surveys conducted using a detailed questionnaire, identifies the strengths and weaknesses of this method and poses thought-provoking questions for the future.

New grounds for banning GM crops

Publication type: At a Glance
Date: 01-07-2011

Author: Maria Terese VAN OEL

Policy area: Environment | Food Safety | Agriculture and Rural Development

Summary: European consumers have been reluctant to accept genetically modified organisms (GMOs) in food production. The Commission has proposed amended rules that would give the Member States new grounds for banning the cultivation of GMOs on their territory.

At a Glance: EN

UCITS: EU regulation and amounts invested

Publication type: Briefing
Date: 26-06-2011

Author: Christopher NEEDHAM

Policy area: Economics and Monetary Issues

Summary: In the EU, there is almost €6 trillion invested in UCITS, collective investment funds of a specific type. This is spread across about 37 000 different funds.

Briefing: EN
The Services Directive

Publication type: Briefing
Date: 24-06-2011
Author: András SCHWARCZ
Policy area: Internal Market and Customs Union
Keyword: freedom to provide services | consumer protection | EU growth strategy | trade relations | intra-EU trade | free competition
Summary: Services make up the biggest part of the EU economy, but their free movement across borders encounters numerous barriers.

Collective redress in the EU

Publication type: Briefing
Date: 31-05-2011
Author: Nicholas COPELAND
Policy area: Contract Law, Commercial Law and Company Law | Consumer Protection
Keyword: consumer protection | approximation of laws | civil proceedings | jurisdiction | right of action | collective interest | alternative dispute resolution
Summary: The EU has been discussing improving enforcement of EU law and the means of properly compensating victims for over 20 years. Throughout these discussions, collective redress, already in existence in a number of Member States (MS), has been suggested as a possible solution. However, despite numerous studies and public consultations, as well as Green and White Papers, the Commission is yet to produce a concrete proposal.

Network Neutrality: Challenges and Responses in the EU and in the U.S.

Publication type: Study
Date: 16-05-2011
External author: J. Scott Marcus (WIK), Pieter Nooren (TNO), Jonathan Cave (RAND Europe) and Kenneth R. Carter (WIK)
Policy area: Internal Market and Customs Union | Consumer Protection | Industry
Keyword: single market | Internet | freedom of expression | regulation of telecommunications | consumer protection | telecommunications industry | innovation | competition
Summary: This analytical study provides background on the debate over network neutrality, including (1) its technological and economic underpinnings, (2) the implications for business models going forward, and (3) the legal, regulatory, policy and business responses that have been attempted and that are currently in play. It includes a comparison between the US, where these issues have been debated intensely, and the EU.

New Financial Perspectives Related with ENVI Competencies

Publication type: Study
Date: 15-02-2011
External author: All Umweltbundesamt GmbH unless otherwise noted: Katja Lamprecht, Lorenz Moosmann, Jürgen Schneider, Todor Balabanov (Institute for Advanced Studies, Vienna, Austria), Hubert Fallmann, Helmut Gaugitsch, Philipp Hohenblum, Sabine Kranzl, Martin König, Sabine McCallum, Klaus Radunsky, Hubert Reisinger, Maria Tiefenbach and Maria Uhl
Policy area: Budget | Environment | Consumer Protection | Public Health
Keyword: climate change | EU environmental policy | consumer protection | EP Committee | EU financial instrument | public health | EU programme | audit | general budget (EU) | multiannual financial framework
Summary: The financing instruments of the Directorates-General for Environment, Climate Action and Health and Consumers are reviewed concerning their correlation with strategic objectives of the European Union. In addition, recent evaluations of the relevance and effectiveness of these financing instruments are summarised. Based on these analyses, new policy options in the fields of environment, climate change and public health and food safety are identified and possible shifts in resource allocation under the new Multiannual Financial Framework are discussed.

Executive summary
The Application of the Consumer Rights Directive to Digital Content

Publication type: In-Depth Analysis
Date: 13-01-2011
External author: Martin Schmidt-Kessel (University of Bayreuth, Germany)
Policy area: Consumer Protection | EU Law: Legal System and Acts
Keyword: consumer protection | data collection | digital technology | contract | copyright

Summary: The topic of digital content should be dealt with in both the Consumer Rights Directive and the Draft Common Frame of Reference (DC-FR) of the Optional Instrument. The crucial policy issue in the field of rules on digital content is the right of withdrawal in the case of a transfer of digital content for permanent use. The decision on this policy issue is equivalent to the decision on whether or not the legislator relies on the traders and producers of digital content to provide for copyright protection measures, which would avoid a large part of abusive behaviour by the consumer. Digital content as part of a definition of services is extremely poor drafting. The typology of contracts in the Commission’s Proposal and the preliminary position of the Council needs to be revised. The application of the future Directive to digital content should differentiate on how the digital content becomes the object of the contract. The policy issues must be decided differently depending on whether digital content is transferred to the consumer for permanent use or only used for some time or not used by the consumer at all but by a service provider in rendering his service (transfer of digital products, use of digital products and digital service). For most policy issues (apart from the right of withdrawal) the application of the rules of law to off-premises contracts for the transfer and permanent use of digital content seems to be reasonable. Implied terms on the quality could be easily applied and likewise would the application of sales law remedies for defective goods, passing of the risk and late delivery suit for digital content. One should be very careful in adding an express clause to Annex III on restrictions to use or copying. Many court decisions in that respect will depend on the kind of use (permanent or temporary) agreed upon by the parties. The simplest way to add rules for digital content would be to elude the reference to tangibility in the definition of goods in combination with adding...

In-Depth Analysis

The Relation Between the Consumer Rights Directive proposal and the Area of Financial Services

Publication type: In-Depth Analysis
Date: 15-11-2010
External author: Frank Alleweldt (Project director), Peter Rott (Lead author), Christian Twigg-Flesner (Second reader) and Senda Kara
Keyword: application of the law | financial market | consumer protection | legislative drafting | financial services | EC Directive | contract

Summary: The scope of application of the proposed directive to financial services is not entirely clear when it comes to investment services and to information obligations in off-premises contracts. The relationship between investment services, which come under the law related to off-premises contracts, and financial services whose price depends on fluctuations in the financial market outside the trader’s control, which are exempted from the law related to off-premises contracts, is unclear and should be clarified. The interaction between the proposed Consumer Rights Directive and other EU legislation on financial services is not optimal in the area of off-premises contracts. Some overlaps would occur, as well as some regulatory gaps. In the area of unfair contract terms, no problems are envisaged. Overlaps between the rules on off-premises contracts and specific legislation on financial services may occur with the implementation obligations of the Payment Services Directive 20007/64/EC. Regulatory gaps may occur with respect to non-life insurance, where there will be few information obligations and no right of withdrawal. Regulation of issues concerning off-premises contracts and unfair contract terms that relate to financial services contracts should occur in the general framework of the proposed Consumer Rights Directive.

In-Depth Analysis

Consumer Rights in Civil Aviation

Publication type: Study
Date: 15-11-2010
External author: Giorgia Aresu, Diego Artuso and Pietro Crovato (PricewaterhouseCoopers Advisory SpA)
Keyword: transport user | regulation (EU) | consumer protection | application of EU law | civil aviation | indemnification | case law (EU) | facilities for the disabled | Court of Justice of the European Union

Summary: This study provides a general overview of the implementation of the EU legislation on air passenger rights. After a brief presentation of the relevant legal framework, the study reports on the outcome of a consultation of National Enforcement Bodies and consumer associations from the most relevant EU Member States on the implementation of Regulations 261/2004, 2111/2005, 1107/2006 and Directive 90/314 EEC. The aim is to identify the scope for further action from the EU institutions to enhance the protection of consumer rights in civil aviation.

Study DE, EN, FR
Executive summary: BG, ES, CS, DA, DE, ET, EL, EN, FR, IT, LV, LT, HU, MT, NL, PL, PT, RO, SK, SL, FI, SV
Extent of Harmonisation in Consumer Contract Law

Publication type: In-Depth Analysis
Date: 15-10-2010

External author: Geraint Howells (University of Manchester) and Norbert Reich


Keyword: single market | consumer protection | approximation of laws | contract

Summary: This note seeks to offer guidance on the appropriate extent of harmonisation of consumer contract law. It considers the case law of the European Court of Justice and the draft Schwab Report and Wallis Opinion and analyses the justifications for harmonisation. It then applies this to the areas of information and formalities, right of withdrawal, sale of goods and unfair terms.

In-Depth Analysis: EN

Briefing Paper on the Proposed Consumer Rights Directive: Chapter I - Definitions

Publication type: Study
Date: 01-10-2010

External author: Hans Schulte-Nölke (European Legal Studies Institute, University of Osnabrück, Germany)

Policy area: Internal Market and Customs Union | Consumer Protection | EU Law: Legal System and Acts

Keyword: single market | simplification of legislation | consumer protection | harmonisation law | application of EU law

Summary: The Briefing Paper examines the impact the fully harmonized definitions in the proposed Consumer Rights Directive would have on the internal market. It analyses the individual definitions listed in article 2 and the effect a horizontal use of these definitions would have on other directives and regulations.

Study: DE, EN, FR


Publication type: Study
Date: 01-10-2010

External author: Nils Jansen, Reiner Schulze, Carole Aubert de Vincelles (TRANS EUROPE EXPERTS - TEE, Paris, France)

Policy area: Internal Market and Customs Union | Contract Law, Commercial Law and Company Law | Consumer Protection

Keyword: EU law - national law | business activity | consumer protection | approximation of laws | contract | Court of Justice of the European Union

Summary: The paper examines Chapter V (consumer rights concerning contract terms) of the proposed Directive on Consumer Rights. What will be the actual impact of a fully harmonised general clause on the Member States’ substantive law? What should such a general clause look like? Would a general clause create an overload of work for the Court of Justice? The briefing paper focuses on the national law of the following Member States: Germany, France, UK, Poland, Denmark, Cyprus, Portugal, Romania.

Study: DE, EN, FR

Market Surveillance and revision of GPS Directive

Publication type: Study
Date: 24-09-2010

External author: Hanna-Maija Kuhn and Janne Sylvest - Rambøll Management Consulting

Policy area: Internal Market and Customs Union | Consumer Protection | EU Law: Legal System and Acts

Keyword: traceability | consumer protection | dangerous substance | product safety | market supervision

Summary: The study examines the relationship between the General Product Safety Directive and the New Legislative Framework from the point of view of market surveillance, looking in particular at definitions and interpretations of concepts. It also looks at joint market surveillance actions, market surveillance of consumer products and of dangerous products bought online.

Study: EN
New media seem to be used for all sorts of hidden advertisement. However, there are hardly any court decisions (still) concern misleading pricing information. No major new trend can be identified.

Misleading advertising on the internet exists in various forms. According to enforcement agencies, a majority of cases (still) concern misleading pricing information. No major new trend can be identified. New media seem to be used for all sorts of hidden advertisement. However, there are hardly any court decisions available yet.
Nanotechnology in the Food Sector (TA-SWISS study translation)

Publication type: Study  
Date: 15-12-2009

External author: Martin Möller, Ulrike Eberle, Andreas Hermann, Katja Moch, Britta Stratmann (Institute for Applied Ecology, Freiburg and Darmstadt, Germany)

Policy area: Environment | Research Policy | Food Safety

Keyword: nanotechnology | food additive | food safety | consumer protection | food technology | foodstuffs legislation | Switzerland | packaging | environmental impact

Summary: The study was commissioned by TA-SWISS and conducted by the Institute of Applied Ecology (Freiburg, D). It was subsequently trans-lated by STOA into English. STOA gratefully acknowledges the chance to make it available for discussion in the European Parliament. All rights of the original publication in German continue to be held by vdf Hochschulverlag AG an der ETH Zürich. All rights of this edition in English are held by the European Parliament.

Abstract: The study by the Centre for Technology Assessment TA-SWISS pro-vides an overview of nanomaterials already used in the food sector. Today, nanotechnology is virtually insignificant in terms of environ-mentally sound and health-promoting nutrition, and even in the future it is only likely to play a relatively subordinate role in making nutrition more sustainable. But nanotechnology is already used in food packag-ing, an area that is regarded as having considerable potential for innovation. The study assesses these products in respect of environ-mental issues and sustainability, showing the direction that future developments might take and where there is a need for caution.

Study EN

An Assessment of 10 years Financial Services Action Plan (FSAP)

Publication type: Study  
Date: 16-11-2009

External author: Didier DAVYDOFF (Project Leader), Contributions from Christian GOLLIER, Grégoire NAACKE and Nicolas VERON (OEE Etudes)


Keyword: financial market | consumer protection | economic recession | securities | financial legislation | banking supervision | financial services | action programme

Summary: This is a study consisting of a general assessment of the main achievements and limitations of the FSAP in terms of integration of the European market, harmonisation of rules, efficiency and consumer protection.

Study EN

The Potential Impact of the Consumer Rights Directive on the Member States’ Contract Law - Side Effects on the Member States’ General Contract Law or General Sales Law

Publication type: Study  
Date: 15-10-2009

External author: Hans Schulte-Nölke (European Legal Studies Institute, University of Osnabrück, Germany) in co-operation with Christoph Busch, Daniel Reiner and Martin Werneburg

Policy area: Contract Law, Commercial Law and Company Law | Consumer Protection

Keyword: EU law - national law | access to information | business activity | consumer protection | approximation of laws | contract | contractual liability

Summary: This study identifies and analyses the side effects that the "full harmonisation approach" of the proposed Consumer Rights Directive could have on national general contract laws or general sales laws. In particular, the study analyses the reasons for side effects of the proposed directive and provides concrete examples of such effects on national contract laws. Furthermore, it contains recommendations on possible action to be undertaken in order to avoid unwanted side effects.

Study EN


Publication type: Study  
Date: 15-10-2009

External author: Timothy Q. de Booys LLM, Chantal Mak and Martijn W. Hesselink (Centre for the Study of European Contract Law, University of Amsterdam, the Netherlands)

Policy area: Contract Law, Commercial Law and Company Law | Consumer Protection

Keyword: unfair terms of contract | consumer protection | termination of a contract | liability

Summary: This study provides an in-depth and detailed comparison between the draft Common Frame of Reference and the Commission's proposal for a Consumer Rights Directive. Furthermore, it identifies those provisions of the CFR which could be used when amending the Proposal for a Consumer Rights Directive in the framework of the legislative procedure. In this regard, the study suggests some amendments based on the CFR. A correlation table between the provisions of the CFR and the provisions of the proposed Consumer Rights Directive is provided in the annex of the study.

Study EN

Publication type: In-Depth Analysis
Date: 15-07-2009
Author: Patricia SILVEIRA DA CUNHA

Policy area: Consumer Protection
Keyword: EU policy | consumer protection | consumer motivation | population ageing | technology | leisure | consumer policy | service | purchasing habits

Summary: This note lists a series of trends that will impact on consumers in the forthcoming decade and identifies some of the topics for future reflection regarding the consumer challenges that Europe will likely face in the next ten years.

In-Depth Analysis

Transposition, Implementation and Enforcement of Consumer Law

Publication type: Study
Date: 06-05-2009
External author: Bernard Steunenberg (Universiteit Leiden), Geraint Howells (Manchester University), Helmut Köhler (Ludwig-Maximilians Universität, München), Magdalena Tulibacka (Oxford University), Ulf Bernitz (Stockholm University) and Balazs Mellar (European Parliament)

Keyword: single market | consumer protection | approximation of laws | advertising malpractice | application of EU law

Summary: This report provides a summary of the roundtable discussion on transposition, implementation and enforcement of consumer law. The roundtable discussion aimed at presenting an overview of the problems and challenges faced in transposing and implementing EU consumer legislation. It discussed transposition problems in general and looked at the transposition, implementation and enforcement of the Unfair Commercial Practices Directive and the Misleading and Comparative Advertising Directive in detail.

Study

Transposition, Implementation and Enforcement of Consumer Law

Publication type: In-Depth Analysis
Date: 16-03-2009
Author: Balazs MELLAR

Policy area: Transposition and Implementation of Law | Consumer Protection
Keyword: consumer protection | advertising malpractice | application of EU law

Summary: The note has been prepared as a background for the IMCO interparliamentary committee meeting on consumer law and intends to provide some ideas for a joint discussion and present an overview of the problems and challenges faced in transposing and implementing EU consumer legislation. It discusses transposition problems in general and looks at the transposition, implementation and enforcement of the Unfair Commercial Practices Directive and the Misleading and Comparative Advertising Directive in detail.

In-Depth Analysis

The Consumer Rights Directive and the CFR : Two Worlds Apart ?

Publication type: In-Depth Analysis
Date: 16-02-2009
External author: Martijn Hesselink (University of Amsterdam, Holland)

Policy area: Contract Law, Commercial Law and Company Law | Consumer Protection
Keyword: consumer protection | Community acquis | contract

Summary: Professor Hesselink presented his conclusions on the occasion of a public hearing organised by the IMCO Committee on 2 March 2009 on "Towards a coherent European contract law: Consumer Rights and the Common Frame of Reference". On 8 October 2008, the European Commission presented a Proposal for a Directive of the European Parliament and of the Council on consumer rights (COM (2008)614 final). The proposal is a result of the review of the Consumer acquis which covers a number of Directives on consumer protection. The content of this proposal could overlap with some provisions of the Draft Common Frame of Reference. It is therefore useful to compare the contents of both projects in order to assess possible overlapping and how these two projects could be effectively coordinated in order to avoid fragmentation in European contract law. This briefing note analyses the gap between the DCFR and the consumer rights directive and its implications and aims at demonstrating if there is any linkage between these two instruments.

In-Depth Analysis

Workshop on Consumer Protection in Financial Services - Presentations and Briefing Notes

Publication type: Study
Date: 16-02-2009
Keyword: consumer protection | financial institution | financial legislation | financial services

Summary: The focus of this workshop was on how far information and education should be the responsibility of financial institutions and secondly the measures available to consumers in case of malpractice.

Study

Source: © European Union, 2020 - EP
Study on Online Hotel Reservation Systems

Publication type: Study
Date: 04-02-2009
External author: Frank Alleweldt (Project director), Klaus Tonner (First lead author), Marc McDonald (Second lead author), Senda Kara, Sara Buccino and Ula Stenzel (Civic Consulting, Berlin, Germany)
Policy area: Consumer Protection | Tourism | EU Law: Legal System and Acts
Keyword: distance selling | consumer protection | EU law | contract | hotel industry
Summary: Executive summary
Online hotel reservation systems are increasing in importance and greatly facilitate cross-border consumer activity. The Internet has enabled hotels to contract directly with a huge number of potential customers. It has also revitalised the role of agents and lead to a new type of agent, the web agent or travel gate, selling a far wider range of accommodation on behalf of a far wider range of hotels. However, while online booking has increased the range of offers available, there are also some emerging worries due to examples of unfair commercial practices and lack of transparency related to such reservations. This study, conducted by Civic Consulting, looks at both pre-contractual and contractual matters concerning online hotel reservation systems, examines relevant Community rules, identifies gaps and, where needed, discusses possible policy options. [...] Study: EN

Workshop Report on Protecting Consumers in Respect of Video Games

Publication type: Study
Date: 15-01-2009
External author: Jeffrey Goldstein (University of Utrecht), Susanne Boe (Denmark's Media Council), Laurent Baup (Forum des Droits sur l'Internet), Patrice Chazerand (ISFE) and Alexander Scheuer (Institut für Europäisches Medienrecht)
Policy area: Culture | Social Policy | Consumer Protection
Keyword: automatic game | Internet | consumer protection | violence | child protection | young person
Summary: The aim of the workshop is to take stock of the social impacts of video games and analyse policy responses to prevent the possible adverse effects of violent video games. The rapid development of video- and internet gaming accentuates the need to find ways to better protect consumers, including solutions relating to age verification systems and the prevention of the spread of violent games under minors. The workshop discussed the effectiveness of different policy options ranging from voluntary schemes and guidelines versus EU legislation. Study: EN

Review of the Roaming Regulation

Publication type: Study
Date: 01-12-2008
External author: Dermot Glynn, Gian Carlo Scarsi and Adam Paul Levine (Europe Economics, London, United Kingdom)
Policy area: Internal Market and Customs Union | Consumer Protection | Industry
Keyword: single market | telephone charges | regulation of telecommunications | consumer protection | telecommunications policy | mobile phone | maximum price
Summary: The study provides an analysis of policy options relating to the extension of the duration and the scope of the Roaming Regulation. In particular, the report reviews the effects that could be foreseen if the Regulation is not extended beyond 30 June 2010 and provides proposals for future price caps. It also looks at whether the scope of the Regulation should be broadened to cover short message services (SMS), multimedia messaging services (MMS) and other data roaming. Study: EN

Hotel Safety

Publication type: Study
Date: 14-11-2008
External author: Janne Sylvest, Hanna-Maija Saarinen and Anders Olivarius (Ramboll Management, Copenhagen, Denmark)
Policy area: Consumer Protection | Tourism | Industry
Keyword: building regulations | consumer protection | building safety | occupational safety | hotel industry
Summary: Executive summary
As it is now, no common minimum standards exist that define the safety of hotels in Europe. The 1986 Council Recommendation on fire safety in existing hotels provides a basis for creating common minimum standards for fire safety in European hotels, but a number of stakeholders have raised concerns about its limited effect on hotel safety in Europe. Moreover, the Recommendation only deals with fire safety and leaves out for example such safety questions as pool safety, food safety (hygiene), and carbon monoxide safety. While the 1986 Council Recommendation has to some extent been implemented in all EU Member States, differences exist between Member States for instance as to whether the provisions apply to all hotels, or only to new or newly renovated establishments. On the EU level, the 1986 Council Recommendation was followed in 2003 by a Commission report on the safety of services, which concludes that there is a need for systematic data collection on service related injuries and accidents before further measures can be taken. [...] Study: EN
Direct to Consumer Genetic Testing

Publication type: Study  
Date: 14-11-2008  
External author: Leonhard Hennen (ITAS), Arnold Sauter (ITAS) and Els van den Cruyce (VIWTA)  
Policy area: Consumer Protection | Public Health  
Keyword: Internet | consumer protection | illness | market approval | DNA | bio-ethics  
Summary: The present report provides an overview of the current discussion on direct-to-consumer genetic testing (DCGT) among experts and public authorities and on the current status of DCGT offers on the internet. Guided by an analysis of the market development and the pros and cons of DCGT, the report discusses possible options and needs for political intervention.

Workshop on Food Labelling Brussels
5 November 2008
Consolidated Texts

Publication type: Study  
Date: 05-11-2008  
Policy area: Food Safety | Consumer Protection | Public Health  
Keyword: food safety | consumer protection | food consumption | foodstuffs legislation | labelling | harmonisation of standards | nutritional disease  
Summary: In January 2008, the European Commission adopted a proposal for a Regulation on the "Provision of food information to consumers" (COM(2008)40), thus combining several food labelling directives. In order to get a balanced picture of the variety of views seriously considered among professionals in this field, a workshop on Food Labelling has been organised on request of the Members of the Environment, Public health and Food Safety Committee. The workshop - hosted by Rapporteur Ms Sommer - will include presentations of 3 experts, followed by a question & answer session (Q&A). During the expert sessions and the Q&A, a sandwich lunch is available to the participants of the workshop.

Date: Wednesday 5 November 2008

Study: EN

Online Gambling - Focusing on Integrity and a Code of Conduct for Gambling

Publication type: Study  
Date: 03-11-2008  
Policy area: Area of Freedom, Security and Justice | Consumer Protection  
Keyword: Internet | money laundering | fight against crime | consumer protection | fraud | child protection | game of chance  
Summary: The study analyses policy options to ensure a reliable and transparent online gambling market. It assesses the effect of different ownership structures of gambling operators (state-owned, monopolised or liberalised) and the consequences of the prohibition of online gambling. The study looks in detail at how codes of conduct are able to ensure the integrity of online gambling operators. It also undertakes to identify the extent of consumer detriment with regards to fraud, money laundering, misleading advertising, problem gambling and under-age gambling.

Study: EN

Misleading practices of ‘directory companies’ in the context of current and future internal market legislation aimed at the protection of consumers and SMEs

Publication type: Study  
Date: 01-10-2008  
External author: Frank Alleweldt (project director), Jan Kabel, Susanne Augenhofer, Irmgard Griss, Aurea Suñol, José Massaguer, Leonie Kroon, Wendy van Poorten, Marzena Lipman, Senda Kara, Bilgin Ayata, Andrew McIlwraith (CIVIC CONSULTING, Berlin, Germany)  
Policy area: Transposition and Implementation of Law | Internal Market and Customs Union | Consumer Protection | Industry  
Keyword: consumer protection | information technology | fraud | advertising malpractice | application of EU law | financial loss | legal action | small and medium-sized enterprises  
Summary: This study provides an overview of the extent of problems of ‘directory companies’ reported to apply misleading practices. It describes judicial and non-judicial measures taken by affected enterprises and discusses initiatives by Member States aimed at tackling these practices. The study further presents an overview of the current EU legal framework and its national implementation. Finally, the study concludes with a discussion of options for EU-level action.

Study: EN
Workshop on Next (“Now”) Generation Access (NGA): How to adapt the electronic communications framework to foster investment and promote competition for the benefit of consumers? (Summary, briefing notes and presentations)

**Publication type** Study
**Date** 15-09-2008
**External author** Martin Cave (University of Warwick)

**Policy area** Consumer Protection | Industry

**Keyword** regulation (EU) | consumer protection | telecommunications | competition | market access

**Summary** On 15 July 2008 the European Parliament Committee on Industry, Research and Energy (ITRE) held a Workshop on next generation access networks with the title “Next (“Now”) Generation Access (NGA): How to Adapt the Electronic Communications Framework to Foster Investment and Promote Competition for the Benefit of Consumers?”. The purpose of the workshop was to stimulate discussion and analysis of the regulatory issues surrounding the transition towards an NGA environment and its implications for competition and investment. The workshop provided a unique opportunity for MEPs to exchange views and get independent advice from experts from academia, regulatory authorities and international organizations on how the telecom package could strike the right balance in order to foster investment in new high-capacity infrastructures and at the same time spur competition for the benefit of the consumer. The expert advice provided a better understanding for creating a forward-looking and enabling regulatory environment. In particular, the experts expressed their recommendations on the impact of ITRE’s substantive amendments voted on 7 July 2008 on the future development of NGA. Unofficial consolidated versions of the Framework, Access and Authorisation Directive were sent to the experts of the workshop on 8 July 2008.

Study EN

The values underlying the draft common frame of reference: what role for fairness and "social justice"?

**Publication type** Study
**Date** 15-09-2008
**External author** Martijn W. Hesselink (University of Amsterdam, Netherlands)

**Policy area** Public international law | Private international law and judicial cooperation in civil matters | Contract Law, Commercial Law and Company Law | Consumer Protection

**Keyword** consumer protection | harmonisation law | liability | European private law | contract

**Summary** This study provides an in-depth analysis of the provisions of the draft Common Frame of Reference (DCFR), in order to assess if the DCFR perceives contract law only as a tool for regulating private law relations between equally strong parties or if it contains elements of ‘social justice’ in favour of consumers, victims of discrimination, small and medium sized enterprises and other possibly weaker parties to contracts. After introducing the notion of social justice and its relationship to European contract law, this study explores the key social justice issues in the DCFR, their content and sources of inspiration. Finally, the last chapter draws some conclusions on the question if a balance has been struck among conflicting values and in particular between, on the one hand, individual private autonomy as expressed in the idea of freedom of contract, and on the other hand, principles of protection of weaker contracting parties responding to demands for social solidarity.

Study EN, FR

HOTEL SAFETY How safe is your hotel?

**Publication type** Study
**Date** 22-07-2008
**Author** Balazs MELLAR

**Policy area** Consumer Protection | Tourism | Industry

**Keyword** safety standard | consumer protection | fire | building safety | hotel industry

Study EN

Workshop on Solvency II - Group Supervision

**Publication type** Study
**Date** 16-06-2008
**External author** Klaas Knot, Nick Kitching, Lorenzo Esteban Jodar, Audrius Linartas, Maarten van Eden, Peter Hemeling, Paul Caprez, Henrik Rättzén and Adrian Savage

**Policy area** Financial and Banking Issues

**Keyword** insurance | pension scheme | consumer protection | financial solvency | bankruptcy

Study EN
Improving The Internal Market Scoreboard and the Consumer Markets Scoreboard

Publication type: Study
Date: 26-05-2008
External author: Prof. David O’Keeffe, Hammonds
Vassilis Akritis, Hammonds
Prof. Gareth Davies, VU University Amsterdam
Peter Dyberg, SCHJODT Brussels Sprl
Associated Prof. Zita Čeponytė, Lithuanian Consumer Institute
Prof. Dr. Hans Schulte-Nölke, University of Osnabrück
Martin Werneburg, University of Osnabrück
Policy area: Internal Market and Customs Union | Consumer Protection | EU Law: Legal System and Acts
Keyword: single market | application of the law | consumer survey | consumer protection | application of EU law | benchmarking | consumer policy
Study: EN

Workshop on Roaming - Cutting The Cost for Mobile Phone Users is the Roaming Regulation Working?

Publication type: Study
Date: 14-12-2007
Author: Balazs MELLAR
Policy area: Transposition and Implementation of Law | Consumer Protection | Industry
Keyword: telephone charges | regulation of telecommunications | consumer protection | application of EU law | mobile phone
Summary: The aim of the workshop was to take stock of the early experiences with the implementation of the Roaming Regulation. It looked at the introduction of the Eurotariff and alternative tariff plans, the implementation of the transparency requirements and the functioning of supervision and enforcement.
Study: EN

Impact Assessment on Nutrition and Health Claims Made on Foods Claims Referring to Children’s Development and Health Study

Publication type: In-Depth Analysis
Date: 22-11-2007
External author: Ms Janne Sylvest
Mrs Benita Kidmose Rytz
Ramboll Management
Nørregade 7A
DK – 1165 Copenhagen K
DENMARK
Policy area: Food Safety | Ex-ante Impact Assessment | Consumer Protection | Public Health
Keyword: consumer protection | food industry | child protection | foodstuffs legislation | labelling | health risk | nutritional disease
In-Depth Analysis: EN

Workshop on the Consumer Credit Directive

Publication type: Study
Date: 20-10-2007
Author: Balazs MELLAR
Policy area: Internal Market and Customs Union | Consumer Protection | EU Law: Legal System and Acts
Keyword: single market | consumer protection | consumer credit | approximation of laws
Study: EN

Smes in European Contract Law

Publication type: In-Depth Analysis
Date: 05-07-2007
External author: Prof.Dr. Martijn W Hesselink, Centre for the Study of European Contract Law, The University of Amsterdam
Policy area: Contract Law, Commercial Law and Company Law | Consumer Protection | Industry
Keyword: consumer protection | small and medium-sized enterprises | contract
In-Depth Analysis: EN
Background Note on the Review of the Consumer Acquis

Publication type: In-Depth Analysis
Date: 15-06-2007
External author: Hans Schulte-Nölke (University of Bielefeld, Germany) in collaboration with Christoph Busch (Centre for European Legal Practice, University of Bielefeld, Germany)
Policy area: Transposition and Implementation of Law | Internal Market and Customs Union | Contract Law, Commercial Law and Company Law | Consumer Protection
Keyword: contract terms | consumer protection | codification of EU law | harmonisation law | Community acquis | application of EU law | producer's liability

Summary: Executive summary
We have been asked to answer the following three questions:
1. What is the demarcation line between the CFR and the future horizontal instrument on the review of the consumer acquis?
2. Which provisions of the contract law should be specifically regulated in the consumer law? Should the lex specialis rule be applied (lex specialis derogat legi generali)?
3. Do national provisions of contract law constitute barriers to trade in the Internal Market?

In-Depth Analysis EN

Standardisation and Quality Labels for Eu Tourist Services

Publication type: In-Depth Analysis
Date: 06-05-2007
External author: Oliver BENNETT, Monique de GREEVE and Chrystel CANCEL. Emerging Markets Group (EMG) Ltd.
Policy area: Consumer Protection | Tourism
Keyword: quality standard | consumer protection | quality label | tourism policy | European standard | hotel industry

Summary: This note provides an overview of existing quality standards and labels within the EU, with an assessment of the potential for European wide schemes. The focus is on accommodation and on quality labels for hotels, but other elements of tourism are also discussed.

In-Depth Analysis EN

The Impact of the New Financial Services Framework (Part I: Main Report; Part II, III, IV: Country Reports)

Publication type: Study
Date: 05-03-2007
External author: Europe Economics (London, United Kingdom)
Policy area: Economics and Monetary Issues | Consumer Protection | Financial and Banking Issues
Keyword: insurance | consumer protection | banking | euro | securities | financial services

Summary: This study has considered the impact that the Financial Services Action Plan and the legislative measures of the Financial Services White Paper have already had and should be expected to have in the future. These impacts are considered for the European Union as a whole and for each of the twenty-five individual Member States. [...]
Roaming - An assessment of the Commission proposal on roaming

Publication type: Study
Date: 15-02-2007

External author: Christian Jervelund, Simen Karlsen and Henrik B.Olesen (Copenhagen Economics)

Policy area: Consumer Protection | Industry
Keyword: single market | telephone charges | regulation of telecommunications | consumer protection | mobile phone | maximum price | proposal (EU)

Summary: In July 2006, the European Commission presented its proposal to regulate international roaming (COM(2006)382 final of 12 July 2006) in order to bring down roaming prices. The motivation for the proposal was that roaming prices far exceeded actual costs of providing roaming services. The Committee on Internal Market and Consumer Protection (IMCO) has asked Copenhagen Economics to review the Commission’s proposal. We have identified a number of points where the proposal could be improved. Improving these points would lead to a regulation which is simpler than the proposal made by the Commission.

The Commission proposes two retail price caps for outgoing roaming calls: Based on the Commission’s approach, one retail price cap would be 30 eurocents per minute for calling locally within the visited country, and another retail price cap would be 45 eurocents for calling home/calling to a third country. The Commission proposes a retail price cap of 15 eurocents per minute for receiving a call. We find that a single retail price cap at 39 eurocents per minute for making roaming calls irrespective of the destination in the EU is appropriate; and we find that a retail price cap of 26 eurocents per minute for receiving calls is appropriate. We recommend that these caps should apply to the average of calls, not to each individual call. However, we suggest the average price caps are supplemented by ‘consumer protection tariffs’ set at the level of the individual call to avoid high prices for certain consumer groups. The ‘consumer protection tariffs’ could be set at 48 eurocents per minute for making calls and 33 eurocents per minute for receiving calls. Our suggestion of a single retail price cap of 39 eurocents per minute for making calls lies between the Commission’s proposal for two retail price caps at 30 eurocents and 45 eurocents. However, we arrive at 39 eurocents by way of a higher retail price cap and a lower wholesale price cap, because this reflects the

Study EN

Redress and Alternative Dispute Resolution in Cross-Border e-commerce Transactions

Publication type: In-Depth Analysis
Date: 15-01-2007

External author: Lilian Edwards (University of Southhampton, UK) and Caroline Wilson (University of Southampton, UK)

Policy area: Internal Market and Customs Union | Consumer Protection | EU Law: Legal System and Acts
Keyword: electronic commerce | consumer protection | enforcement of ruling | appeal | right of action | intra-EU trade | producer's liability | arbitration

Summary: Executive summary
Effective dispute settlement is regarded as one of the means of enhancing consumer confidence in cross-border purchases over the Internet. Yet a recent Eurobarometer survey shows that 41% of people who launched a formal complaint concerning cross-border purchases were not satisfied with the way their complaint was handled. Rather than going to the courts, or to each individual call. However, we suggest the average price caps are supplemented by ‘consumer protection tariffs’ set at the level of the individual call to avoid high prices for certain consumer groups. The ‘consumer protection tariffs’ could be set at 48 eurocents per minute for making calls and 33 eurocents per minute for receiving calls. Our suggestion of a single retail price cap of 39 eurocents per minute for making calls lies between the Commission’s proposal for two retail price caps at 30 eurocents and 45 eurocents. However, we arrive at 39 eurocents by way of a higher retail price cap and a lower wholesale price cap, because this reflects the

In-Depth Analysis EN

Refusal to Serve Consumers Because of their Nationality or Residence - Distortions in the Internal Market for e-commerce Transactions

Publication type: In-Depth Analysis
Date: 15-01-2007

External author: Natali Helberger (Faculty of Law, University of Amsterdam, The Netherlands)

Policy area: Area of Freedom, Security and Justice | Internal Market and Customs Union | Consumer Protection
Keyword: single market | electronic commerce | freedom to provide services | consumer protection | competition law | consumer policy

Summary: Executive summary
Technological progress and the internet bring the promise of an Internal Market for electronic services closer than ever before. Yet, while European and national policies are committed to removing government-made obstacles to the free movement of services, some e-commerce businesses use technology to actually reintroduce territorial barriers. These businesses either refuse residents or citizens from other member states access to their services, or subject them to dissimilar conditions or prices. The motives for so doing can be roughly distinguished in:
• Objective conditions of the market: e.g. local preferences, language, costs of transport, non-existing market for transborder services:
• Legal reasons: e.g. flowing from territorial licensing agreements or divergent national regulations;
• Strategic economic reasons: e.g. price discrimination, reducing competition, preventing free-riding. [...]

In-Depth Analysis EN

Policy area: Transport | Consumer Protection | Industry
Keyword: traceability | safety standard | consumer protection | road safety | motor vehicle industry | motor vehicle insurance | labelling | spare part | vehicle parts

Impact of Selected Topics related to the Proposed Directive on Pyrotechnic Articles

Policy area: Internal Market and Customs Union | Consumer Protection | EU Law: Legal System and Acts
Keyword: single market | fireworks | safety standard | consumer protection | trauma | labelling | market supervision

Impact assessment study on Parliament's amendments to a Commission proposal on nominal quantities for pre-packed products

Policy area: Ex-ante Impact Assessment | Consumer Protection
Keyword: consumer protection | marketing standard | weights and measures | packaged product | pre-packaging
Summary: The European Commission presented a proposal for a Directive laying down rules on nominal quantities for pre-packaged products (COM 2004/708), in which it proposes to abolish existing pack size ranges for most (liquid and non-liquid; food and non-food) pre-packaged products. Only for very few products, are ranges maintained for a transitional period, after which ranges are to be automatically abolished.

The European Parliament (EP), while in principle agreeing with the European Commission’s liberalisation approach, tends to believe that mandatory pack size ranges should continue to apply to certain “basic products”. The EP thinks that the European Commission’s impact assessments – which led the latter to favour the liberalisation scenario – did not sufficiently take into account the impacts of this policy option on consumers (in particular vulnerable consumers) and small and medium sized enterprises (SME).

The EP has therefore commissioned this impact assessment, the objective of which is to enable the Honourable Members to fully understand the positive and negative impacts (costs and benefits) – in economic, social and environmental terms – of their favoured policy option and of the amendments they have tabled in first reading (at the committee stage), and to gain insight into alternative policy choices (full liberalisation; no change scenario). The impact assessment model used in this study has been developed to enable a holistic, balanced view of the impacts on consumers and manufacturers under a full liberalisation scenario, following the request of the Honourable Members to provide them with a ‘synthetic picture’ and reflecting their specific needs by being short, concise and easily accessible but at the same time comprehensive.

Publication type: In-Depth Analysis
Date: 01-12-2001
External author: Olivier Delattre, Robert Schuman Scholar
Policy area: Transposition and Implementation of Law | Internal Market and Customs Union | Consumer Protection
Keyword: guarantee | consumer protection | application of EU law | consumer goods | directive (EU)

Summary: Directive 1999/44 on certain aspects of the sale of consumer goods and associated guarantees is without doubt well-founded in relation to the objectives and logic of the EC Treaty. Yet two questions arise in relation to its transposition into the national legal systems. The first concerns the actual capacity of most Member States to observe the deadline for transposition of 1 January 2002 laid down in the directive. The second concerns the costs European enterprises will incur in transposing the directive. National and Community studies have certainly contradicted some of the rather alarmist estimates of increased costs from those in the various trades and professions, but there is still some doubt as to the reliability of the forecasts from any source. It could, therefore, be useful to conduct a legal and economic follow-up as from 1 January 2002.

Electronic Commerce and Consumer Security

Publication type: In-Depth Analysis
Date: 01-09-2001
External author: Sandrine Prat-Passet, Robert Schuman Scholar
Policy area: Consumer Protection
Keyword: electronic commerce | consumer protection | civil procedure | intra-EU trade | data protection

Summary: This briefing contains a brief description of the quantitative aspects of electronic commerce and Community consumer protection legislation.

Legal Protection of Consumers in the EU

Publication type: Study
Date: 01-09-2001
External author: Sandrine Prat-Passet and Ulrike Im Sande, EP grantees
Policy area: Consumer Protection | EU Law: Legal System and Acts
Keyword: EU policy | consumer protection | government policy

Summary: Overview of Community legal affairs with implications for consumer protection.

The Impact of Private International Law on e-Commerce on the Internal Market and the Risk of Creating Barriers to Trade

Publication type: Study
Date: 01-03-2001
External author: G. Howells (University of Sheffield, UK)
Policy area: Public international law | Intellectual Property Law | Private international law and judicial cooperation in civil matters | Internal Market and Customs Union | Consumer Protection
Keyword: single market | electronic commerce | consumer protection | commercial law | enforcement of ruling | conflict of jurisdiction | civil procedure | private international law

Summary: This report focuses on areas that have been and remain contentious within the EU as regards the country of origin/country of destination regulatory models.
Consumer Protection Aspects of the UCITS Amending Directives of 17 July 1998

Publication type Study
Date 01-01-2001

External author Udo Reifner (Institut für Finanzdienstleistungen, Hamburg, Germany)

Policy area Consumer Protection | Financial and Banking Issues
Keyword consumer protection | banking | money market | securities | investment | financial services | capital market | financial requirements | investment company

Summary The so-called 'UCITS Directive' of 1998 went some way towards the creation a single market for unit trusts, based on the principle of home-country control. The Commission has recently made proposals to allow a wider choice of investments by funds and further open up the market; and these have given rise to considerable debate not least in the European Parliament on such issues as 'tracker' and 'master feeder' funds. Professor Udo Reifner outlines the main provisions of the proposed legislation, and analyses them from the perspective of investor protection, which he believes should not be ignored in the search for market liberalisation. The amendments voted by Parliament at first reading are appended in an Annex.

Study DE, EN, FR

New Technologies for the Marketing and Sale of Medicines on the Internet and Television Networks

Publication type Study
Date 01-01-2000

External author Ferran Sanz, Katrin Gaedt, Albert Alonso, Carlos Diaz

Policy area Public Health | EU Law: Legal System and Acts | Industry
Keyword electronic commerce | Internet | broadcasting | consumer protection | pharmaceutical product | public health | marketing

Summary This study aims to provide the European Parliament with sound information useful for the adoption of policies with respect to the marketing and sale of medicines on the Internet and other new information technologies. Medicinal products have important singularities affecting their launching, ways of distribution, information policies and their price. These singularities have been addressed in different European directives and member states' laws but none of them explicitly considers the case of new information technologies.

The possible extension of the Internet into the domain of the marketing and sale of medicinal products has arisen the concern of European health related organisations that call for the adoption of proper policies to protect consumers against its incorrect use. The adoption of such policies first has to recognise the cross-boundary nature of the Internet that requires, as far as possible, world-wide level approaches. Secondly, it must consider consumers' interests in terms of self-determination, economics, security and convenience. Finally, it has to take into account the economic interests of involved enterprises and authorities for what respects to public health expenditure.

Study EN

Sustainable Use of Pesticides

Publication type Study
Date 01-01-1999

External author Van Velsen (MTI Inst. Nijmegen, the Netherlands)

Policy area Environment | Agriculture and Rural Development | Consumer Protection
Keyword sustainable agriculture | pollution from agricultural sources | consumer protection | crop production | food contamination | pesticide residue

Study EN

The Rights of Airline Passengers

Publication type Study
Date 01-11-1998

Author Franco PIODI

Policy area Transport | Contract Law, Commercial Law and Company Law | Consumer Protection | Tourism
Keyword consumer protection | commercial law | civil aviation | carriage of passengers | airline | traveller

Summary This survey provides an opportunity, inter alia, to examine trends in air transport from the point of view of commercial management, trends which have important repercussions for the economic interests of passengers. After providing an overview of changes in the supply structure of air travel brought about by deregulation the concept of "yield management", which profoundly affects passengers interests, and computerised reservations systems (CRS) where Community legislation has been a genuine success. The authors of the survey have also described the legal aspects and their implications at various levels, namely the Warsaw Convention, the IATA rules and Community legislation.

Study DE, EN, FR, IT
The European Ban on Hormones in Beef Production

Publication type Study
Date 01-06-1995

External author Jason McLaren-Smith, Consultant

Policy area Agriculture and Rural Development | Consumer Protection | EU Law: Legal System and Acts
Keyword hormone | farm animal | consumer protection | beef | approximation of laws | veterinary drug | veterinary legislation | illicit trade | market approval | international trade

Summary Takes a critical look at the EC hormone ban. Is the consumer better protected since the ban was introduced?

Study DE, EN, FR